

10 POST OFFICE ROAD, CONDITIONAL USE CU202206

Description

Request to allow an Animal Boarding and Care Facility, which is a conditional use allowed in the Neighborhood Retail (NR) zone.

No. CU202206

Completed: 1-31-22

MCPB

Item No.

2-10-2022

Montgomery County

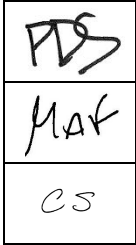
Planning Board

2425 Reedie Drive

Floor 14

Wheaton, MD 20902

Planning Staff



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LOCATION/ADDRESS

10 Post Office Road, located 200 feet west of the intersection of Forest Glen Road and Capitol View Avenue, Silver Spring.

MASTER PLAN

1982 *Capitol View and Vicinity Sector Plan*

ZONE

Neighborhood Retail (NR)-0.75 H-45'

PROPERTY SIZE

25,822 square feet

APPLICANT

Cozy Cats Veterinary, LLC

ACCEPTANCE DATE

November 8, 2021

REVIEW BASIS

Chapter 59



Summary:

- Request to convert approximately 4,000 square feet of existing commercial office space to an Animal Boarding and Care Facility (59.3.5.1.B), which is allowed as a conditional use (59.7.3.1) in the NR zone per Section 59.3.1.6 of the Zoning Code.
- The Application meets the requirements of Chapter 59, the Zoning Ordinance.
- There are no exterior changes proposed to the Subject Property as part of this Application.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

CONDITIONAL USE PLAN CU202206

Staff recommends approval of 10 Post Office Road, Conditional Use Plan No. CU202206, to convert 4,000 square feet of commercial office space into an Animal Boarding and Care Facility with Veterinary Office/Hospital, zoned NR, in the *1982 Capitol View & Vicinity Sector Plan* area.

1. Conditional Use approval is limited to a maximum of 4,000 square feet of Animal Boarding and Care Facility use with a maximum animal boarding capacity of 30 cats.
2. The Animal Boarding and Care Facility use is limited to cats.
3. Outdoor animal relief/play areas are prohibited.
4. The facility may only serve customers from Monday through Sunday from 7:00AM to 9:00PM.
5. The Animal Care and Boarding Facility will include a staff of 4 veterinarians, 8 technicians, 5 assistants, 2 receptionists, 1 pet groomer and 2 kennel assistants. A maximum of four staff on-site will be permitted. No staff person will sleep overnight in the facility unless there is a situation in which a boarded animal needs close monitoring and attention.

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property is located in a commercial area within the Forest Glen neighborhood. This commercial area includes a restaurant, gas station, railroad tracks, commercial buildings both across the railroad tracks to the west and to the northeast, as well as a pool company in a former residential building directly behind the Castle at 9710 Capitol View Avenue. There are some residences in the staff-defined neighborhood, including a few homes abutting the Subject Property along Capitol View Avenue. This location is an established commercial node, located between and serving the areas of Silver Spring, Montgomery Hills, Lyttonsville, Kensington, and Forest Glen.



Figure 1 – Vicinity Map with Subject Property highlighted in solid yellow and Staff-defined Neighborhood Boundary in yellow dash

The Staff-defined neighborhood contains one (1) approved/existing and operating conditional use: S-2137 for a Public Utility Building and Public Utility structure at 2900 Linden Lane. If approved, the proposed conditional use will not adversely impact the area. The immediate area has been

commercial in nature for decades while the surrounding neighborhood will remain predominantly residential.

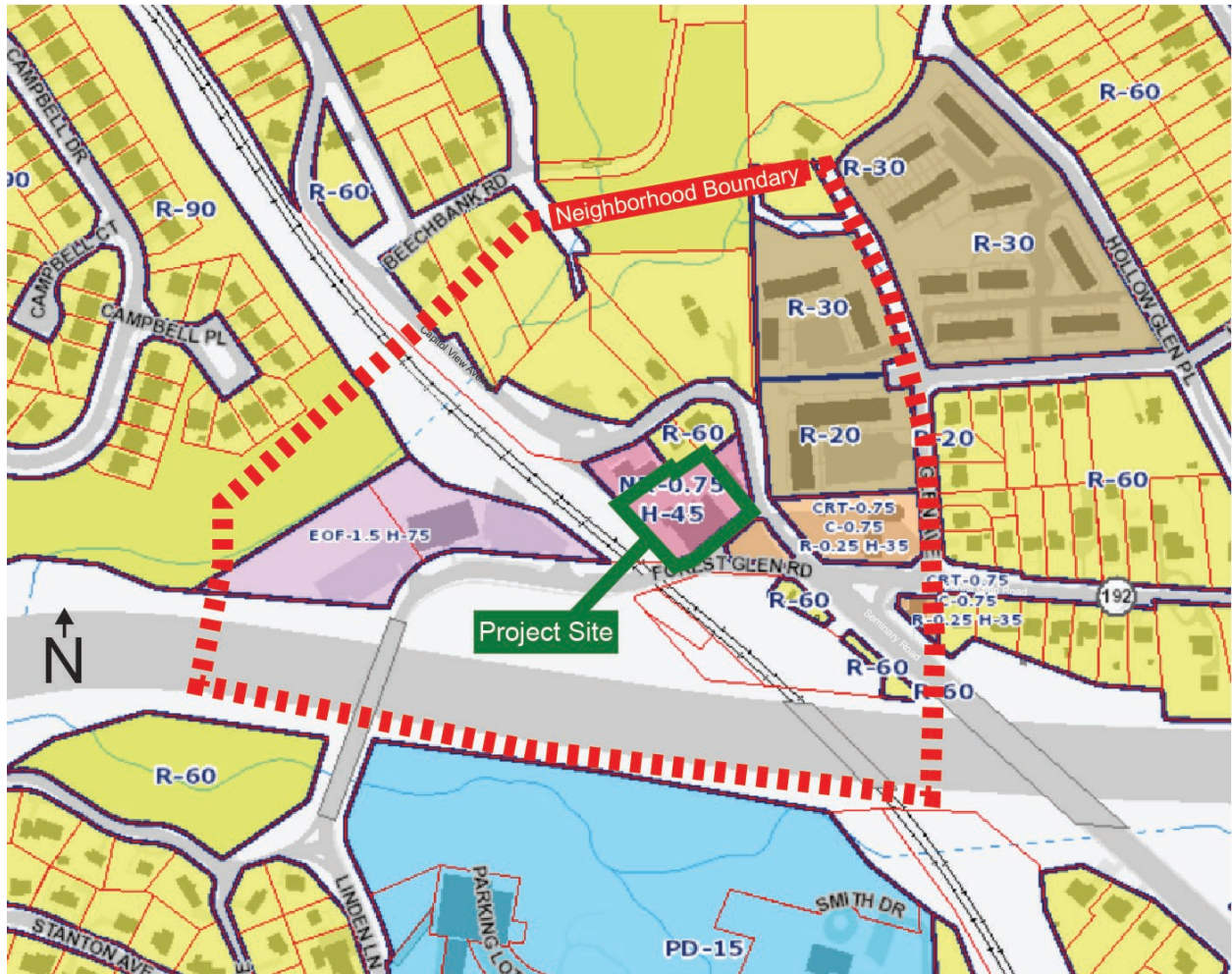


Figure 2- Zoning Map with Subject Property highlighted in green and Staff Defined Neighborhood Boundary in red dash

PROPERTY DESCRIPTION

The proposed Animal Boarding and Care Facility and Veterinary Office/Hospital will occupy about 4,000 square-feet of existing commercial space on the second floor of a landmark historic structure, known as “The Castle,” located at 10 Post Office Road. The Castle contains a total of approximately 12,100 square feet of total building area (Source: Maryland SDAT), as well as a surface parking lot with 48 spaces located to the rear and side of the building. The Subject Property is recorded as Lots 7 and 8 on Plat No. 22215, dated 2002.



Figure 3 – Subject Property, looking north from Forest Glen Road

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

PRELIMINARY PLAN NO. 120020100

On January 17, 2002, the Planning Board approved Preliminary Plan No. 120020100 to allow up to 19,425 square feet of general office space on Lot 7, the Subject Property, as well as 3,717 square feet of office/retail space on Lot 8, the lot immediately to the north of the Subject Property.

PROPOSAL

The Applicant requests approval of an Animal Boarding and Care Facility, which is allowed as a Conditional Use in the Subject Property's NR zone. The proposed facility, called "Cozy Cats", is unique in that it is limited to boarding and providing care to cats. The facility will not board or provide care to other domesticated animals, such as dogs, and will therefore also not require any outdoor relief or play areas. The proposed use will also qualify as a Veterinary Office/Hospital, which is allowed as a limited use in the NR zone. Sections 3.5.1.B.2.a.ii and 3.5.1.C.2.a.iii of the Zoning Ordinance, which apply to both the Animal Boarding and Care use and the Veterinary Office/Hospital use, may require site plan pursuant to Section 59.7.3.4. In this case, because the proposed use will not involve new construction or expansion of an existing structure, a site plan will not be required (see Section 59.7.3.4.B).

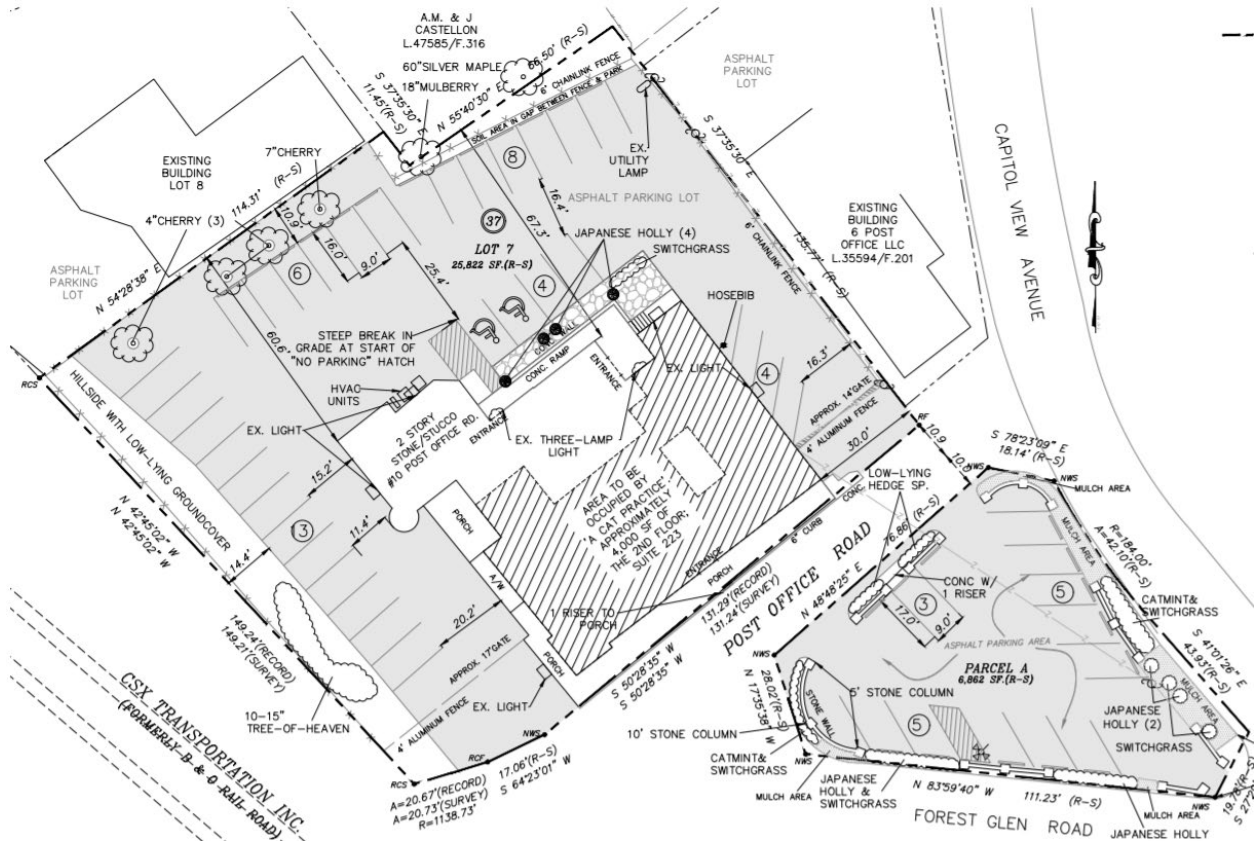


Figure 4 - Conditional Use Plan

The Zoning Ordinance requires Conditional Use approval of Animal Boarding and Care Facilities due to the anticipated negative impacts associated with outdoor relief and play areas. These negative impacts are not present in the Subject Application due to the “cats-only” nature of the practice. First, cats do not need an outdoor relief area, either for exercise or for waste disposal. Second, the soundproofing required for an all-cat boarding facility is very modest due to the general lack of sound generated by cats, at least in comparison to dogs.

The business will be open Monday through Friday from 8:00 AM to 6:00 PM and on Saturday from 8:00 AM to 3:00 PM, which will be when most cats for boarding will be delivered or picked up. Special arrangements may be made for drop-offs or pick-ups of cats on Sunday, or after hours during other workdays. But at no time will there be any drop-offs or pick-ups outside of 7:00 AM to 9:00 PM all days of the week.

For purposes of the Subject Application, cats will be boarded at the facility under three categories of care: same-day hospitalization following a surgical procedure or other major medical treatment; medical boarding for animals requiring monitoring and extra care and attention; and standard cat boarding for animals separated from their families or caretakers for some reason. Cats will be kept in kennels internal to the building.

The Animal Care and Boarding Facility and Veterinary Office/Hospital will include a staff of 4 veterinarians, 8 technicians, 5 assistants, 2 receptionists, 1 pet groomer and 2 kennel assistants. Although there will be some overlap in staffing, there will be no more than four (4) staff persons on-site at any given time whose primary responsibility will be caring for the boarded animals. Generally, staff will not be at the facility overnight, however, there may be instances when an animal needs close monitoring and attention.

BUILDING/ARCHITECTURE

There will be no physical changes to the exterior of the existing “Castle” building, so its unique and historic appearance will be retained. The Castle is considered a significant commercial building, which contributes to the Master Plan-designated Capitol View Park Historic District (Resource #31/007). Capitol View Park includes a small commercial district near the site of the railroad station. The building known as The Castle, 10 Post Office Road, began as a general store and post office in 1883. National Park Seminary’s headmaster John Cassedy enlarged the structure and his successor James Ament transformed the business into an early sort of shopping center. Several small stores, post office, and apartments were united in a castle theme created by granite crenellations and turrets.

Per Section 59.6.2.4.B and 59.6.2.4.C, the Applicant is required to provide 1 space per employee and 2.5 spaces per doctor. Per condition 5, the proposed use will never have more than four employees on site at any one time. Therefore, the use will require 4-10 spaces, as well as 4 spaces for guest parking. The remaining, existing office uses on the property provide 20 spaces. Existing on-site parking (48 spaces) will be adequate to meet the demand for Cozy Cats and for all other tenants in the building.

TRANSPORTATION

Master-Planned Roadways and Bikeways

The Subject Property has frontage along Post Office Road, Forest Glen Road, and Capitol View Avenue (MD 192). Of these three public roadways, only Capitol View Avenue is identified with planned improvements as part of the 2018 *Master Plan of Highways and Transitways*.

Along the Site frontage, Capitol View Avenue is classified as a Primary Residential roadway, P-5, with a master planned public right-of-way of 70 feet. This classification is consistent with the Neighborhood Connector standards established within the *Complete Streets Design Guide*. The roadway is currently improved with a 37-foot-wide public right-of-way. The 1982 *Capitol View and Vicinity Sector Plan* identifies a future realignment of Capitol View Avenue to reduce the number of embankments, horizontal curves, and acute-angled intersections. Additionally, the 2018 *Bicycle Master Plan* identifies a planned sidepath along the Property’s Capitol View Avenue frontage. There are no existing sidewalks along either frontage of the Property, which is consistent with properties in the immediate vicinity to the north and west along Capitol View Avenue and Forest Glen Road.

The segments of Forest Glen Road and Post Office Road along the Property frontage are classified as Business District Streets, with 23-foot-wide and 24-foot-wide public rights-of-way, respectively, which are shown on Plat 22215. Similar to the frontage requirements for Capitol View Avenue, the 2018 *Bicycle Master Plan* recommends a sidepath along the Applicant's frontage with Forest Glen Road. Sidewalks are currently present along the south side of Forest Glen Road. Neither frontage of Post Office Road nor Capitol View Avenue have sidewalks.

Given the proposed occupancy of the boarding and veterinary use within 4,000 square feet of an existing commercial structure, implementation and dedication of right-of-way for the planned frontage improvements would be overly onerous, given that there are no structural changes proposed as part of this application.

Transit Service

Existing bus stops within a ¼ mile of the Property are located to the north and south along Capitol View Avenue. Ride On Route 5 runs along Capitol View Avenue, providing service to the Pike District, Kensington, the Silver Spring CBD, and the Twinbrook, North Bethesda, and Silver Spring Metrorail stations.

Parking and Loading

The Property currently contains 48 parking spaces across the two parcels, which exceeds the minimum requirements set forth in Section 59.6.2.4.B of 35 parking spaces. Access to the parking area on the southern portion of the Property is limited to two driveways from Post Office Road, with access to the parking area around the existing building coming from a driveway from Post Office Road and a gated entry point, accessed from Forest Glen Road. No modifications to the existing parking areas or vehicular access are proposed with this Application. The Applicant reiterates that the drop-off and pick-up of cats will be largely limited to between 8:00 AM and 6:00 PM, barring emergency operations.

Local Area Transportation Review

A traffic statement was submitted with the subject Conditional Use application, detailing the proposed hours of operation, number of staff, and the maximum potential number of cats to be boarded in the facility. The Applicant identifies that the Animal Boarding and Care Facility and Veterinary Office/Hospital will have a maximum occupancy of 30 cat kennels, serviced by a staff of two to four individuals at any given time. The projected peak-hour morning and evening trips based on the Institute of Transportation Engineers' (ITE) trip generation rates for an animal hospital/veterinary clinic, and the Kensington/Wheaton Orange Policy Area mode split assumptions, are shown below:

Table 1 – Trip Generation

Period	ITE Vehicle Trips	Growth and Infrastructure Policy Projected Trips			
		Person Trips	Auto Driver Trips	Auto Passenger Trips	Pedestrian Trips*
Morning Peak Hour	14	20	14	5	1
Evening Peak Hour	12	17	12	4	1
ITE Land Use Category: 640 – Animal Hospital/Veterinary Clinic; pedestrian trips represent all walking, biking, and transit trips					

Table 2 – Trip Generation relative to Previously Approved Preliminary Plan

Vehicle Trip Generation	AM	PM
Site Generated Vehicle Trips (Driver) (ITE 11 th Edition – 4,000 SF Animal Hospital/Veterinary Clinic)	14	12
LATR Policy Area Adjustment (Retail)	69.8% of ITE Rate	
Site Generated Vehicle Trips (Driver) (ITE 11 th Edition – 15,425 SF General Office)	23	22
LATR Policy Area Adjustment (Office)	69.6% of ITE Rate	
Credited Existing Vehicle Trips (ITE 11 th Edition – 19,425 SF General Office)	-30	-28
Net New Vehicle Trips (Driver)	7	6
Net New Person Trips (Converted using total vehicle driver mode share)	10	9
Local Area Transportation Review Required? (Are AM or PM person trips ≥ 50?)	No	No

The Subject Application was submitted in November of 2021 and is therefore subject to the *2020-2024 Growth and Infrastructure Policy*, which took effect on January 1, 2021. Under the *2020-2024 Growth and Infrastructure Policy*, a traffic study is not required to satisfy the Local Area Transportation Review (LATR) test because the proposed Animal Boarding and Care Facility and Veterinary Office/Hospital generates fewer than 50 person-trips during each weekday AM and PM peak hour. Person trips include all travel modes - vehicular, transit, walking, and bicycle trips, and this total is 20 person-trips in the AM peak hour and 17 in the PM peak hour.

ENVIRONMENT

As per section 22A-4 this Project is for a conditional Use on a property less than 40,000 SF and Chapter 22A is not applicable.

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

SECTION 4: FINDINGS AND ANALYSIS

The proposed Animal Boarding and Care Facility is a Conditional Use in the Subject Property's NR zone. For the purposes of the subject conditional use application, the following standards apply¹:

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 Use, and the following standards:

ii. ***In the Employment zones, any part of a building used for animal boarding or care must be soundproofed.***

The cat practice will be soundproofed. The applicant has provided an acoustic study, which is included as an attachment to this report.

iii. ***In the zone, an outdoor exercise yard is allowed if:***

(1) it is fenced and set back a minimum of 50 feet from any Residential zone; and

(2) any animal is prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.

No outdoor exercise area is proposed as part of this application.

The proposed Veterinary Office/Hospital is a limited use in the Neighborhood Retail (NR) zone, subject to the following standards:

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:***

(1) it is fenced and set back a minimum of 50 feet from any Residential zone; and

(2) any animal is prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.

This application does not propose any form of outdoor exercise yard.

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

¹ The requirements of Section 3.5.1.B.2.b.i do not apply because the Subject Property is not in the AR, R, RC, RNC, RE-2, RE-2C, RE-1 or R-200 zones.

The cat practice will be soundproofed. The applicant has provided an acoustic study, which is included as an attachment to this report.

- 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 7.3.4.***

Staff has determined that it is not necessary for the Applicant submit a Site Plan in addition to the Conditional Use Plan, as the Applicant has demonstrated compliance with the other use standards (ZO 59.7.3.4.A.7) prior to submittal of the Conditional Use application.

The application must also meet the requirements of Section 59.7.3.1.E, which outline the necessary findings for Conditional Uses²:

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;***

Preliminary Plan 120020100 was approved on January 17, 2002, to allow up to 19,425 square feet of general office space on the Subject Property. The Subject Property currently contains 12,100 square feet of general office space, which is unaffected by this Conditional Use application.

- b) ***satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6;***

The existing building, “The Castle” meets all development standards and zoning requirements. There are no changes proposed to the existing building.

² The requirements of Section 59.7.3.1.E.3 through 59.7.3.1.E.6 do not apply to the Subject Property

Table 3 – Development Standards

Standard	Required	Proposed
Green Area (min) (old code)	10%	10%
Lot Area (min)	n/a	~25,822 sf
Lot Width at Front Building Line (min)	n/a	168 feet
Lot Width at Front Lot Line (min)	n/a	168 feet
Density (max)	.75 FAR	.47 FAR
Coverage (max)	n/a	~23.6%
Front Setback	0'	0 feet
Side Setback	0'	~35 feet
Rear Setback, abutting Residential Detached Zone	30'	~70 feet
Rear Setback, abutting all other zones	0'	~68 feet
Height	45'	26'

c) substantially conforms with the recommendations of the applicable master plan;

The Subject Property is located within the area subject to the 1982 *Capitol View & Vicinity Sector Plan* (“Sector Plan”). The Sector Plan noted that the vast majority of the developed land within the Plan area is used for Residential purposes (p. 15). It stated further that less than 1 percent, or 1.5 acres, of the total land is devoted to commercial uses. The commercial area includes the subject Property as the Sector Plan stated that the C-1 zone remain at the Forest Glen Road/Seminary Road/Linden Lane intersection (Plan, page 60). Today, the subject Property is zoned NR and continues to be used for commercial use via “The Castle” building and its associated land. The proposed Animal Boarding and Care Facility and Veterinary Office/Hospital use conforms to the Sector Plan and does not result in an overconcentration of conditional uses within this neighborhood. The primary use of the existing structure will remain a commercial one. The exterior of the established building on the Site is commercial in nature and is not proposed to change as a result of the Subject Application. The proposed use is modest in intensity and is compatible with surrounding commercial and residential uses.

d) is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;

The surrounding Forest Glen neighborhood is largely residential in character as noted in the 1982 Sector Plan and remains that way today. However, the Subject Property is in the commercial/retail area of the Sector Plan. It includes the neighboring restaurant, gas station, railroad line, commercial buildings both across the railroad tracks to the west and to the north east, as well as a pool company in a former residential building directly behind the Castle at 9710 Capitol View Avenue. There are some residences in the neighborhood, including a few to the rear of the Castle building located upon Capitol View Avenue. While the proposed Animal Boarding and Care Facility use is a business, it is in a long-

standing commercial/retail building and in an employment zone. No alterations are proposed to the exterior of the existing building or surrounding site. Consequently, the proposed Animal Boarding and Care Facility use, with Veterinary Office/Hospital, will not alter the character of the neighborhood in a manner inconsistent with the Sector Plan.

- 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 staff-defined neighborhood contains one (1) approved/existing and operating conditional use: S-2137 for a Public Utility Building(s) and Public Utility structure located at 2900 Linden Lane. If approved, the proposed Animal Boarding and Care Facility use will not impact the area adversely and the neighborhood will remain predominantly residential outside the established commercial area. The proposed Animal Boarding and Care Facility use, with Veterinary Office/Hospital, is limited to cats and therefore does not require outside relief or play areas (as required for a similar use catering to dogs) and generates limited sound impacts. The Animal Boarding and Care Facility use will not adversely affect the area or alter the established uses in the area. While the addition of this conditional use will add to the total number within the surrounding neighborhood, it does not increase the intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area outside the established commercial area.

- f) 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 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 test 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; or***

A Preliminary Plan of Subdivision and Record Plat is not required for approval of the requested conditional use because the use is within an existing building and on an existing lot (Lot 7).

Public services and facilities such as public sewer and water, natural gas and phone service are available to adequately serve the proposed conditional use. The property is currently served by public water and sewer and the Applicant asserts that the proposed use will not generate any increased

demand on those services. The Local Area Transportation Review (LATR) is not required because the proposed use generates fewer than 50 person-trips during the weekday morning and evening peak hours. School capacity is not a material consideration in this case, as the proposed conditional use does not generate schoolchildren. Fire service is provided from Silver Spring Volunteer Fire Station located 0.9 miles southeast on Seminary Road at 1945 Seminary Road, Silver Spring. Montgomery County Police Department's Glenmont station is less than 4 miles away directly north on Georgia Avenue.

- ii. ***if a preliminary subdivision plan is filed concurrently or required subsequently, 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; and***

Not applicable.

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 Animal Boarding and Care Facility use 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 above noted categories. The proposed use will not generate any noise or impacts outside of the unit in which they are housed (designated as Suite No. 223 within the existing building). The applicant has provided an acoustic study, which is included as an attachment to this report.

The inherent adverse effects are “the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations.” Non-inherent adverse effects are “physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site.”

Planning Staff have identified five inherent characteristics necessarily associated with an Animal Boarding facility. There are no non-inherent adverse effects associated with this use.

1. Vehicular trips to and from site
2. Noise and odor from animals
3. Deliveries of mail and small parcels

4. Specialty medical equipment needing servicing, mostly by technicians in regular vehicles
5. Drop-off and pick-up of pets in parking areas

The estimated trip generation by employees and patients during the morning and evening peak hours shows that the impact of vehicular traffic would be minimal. As shown on the Conditional Use plans, adequate parking is available on-site. The Animal Boarding Facility will be soundproofed, thus mitigating the effect of any noise created by the animals being boarded. There are no changes proposed to the exterior of the existing building on the Site and therefore, the proposed use will not change the character of the surrounding neighborhood. The proposed Animal Boarding and Care Facility use will not have any non-inherent effects at this location.

2. ***Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.***

Not applicable. The Subject Property is not in a Residential Detached zone and no structure is planned to be constructed, reconstructed, or altered as part of the Subject Application.

SECTION 5: COMMUNITY OUTREACH

As of date of this Staff Report, no correspondence has been received.

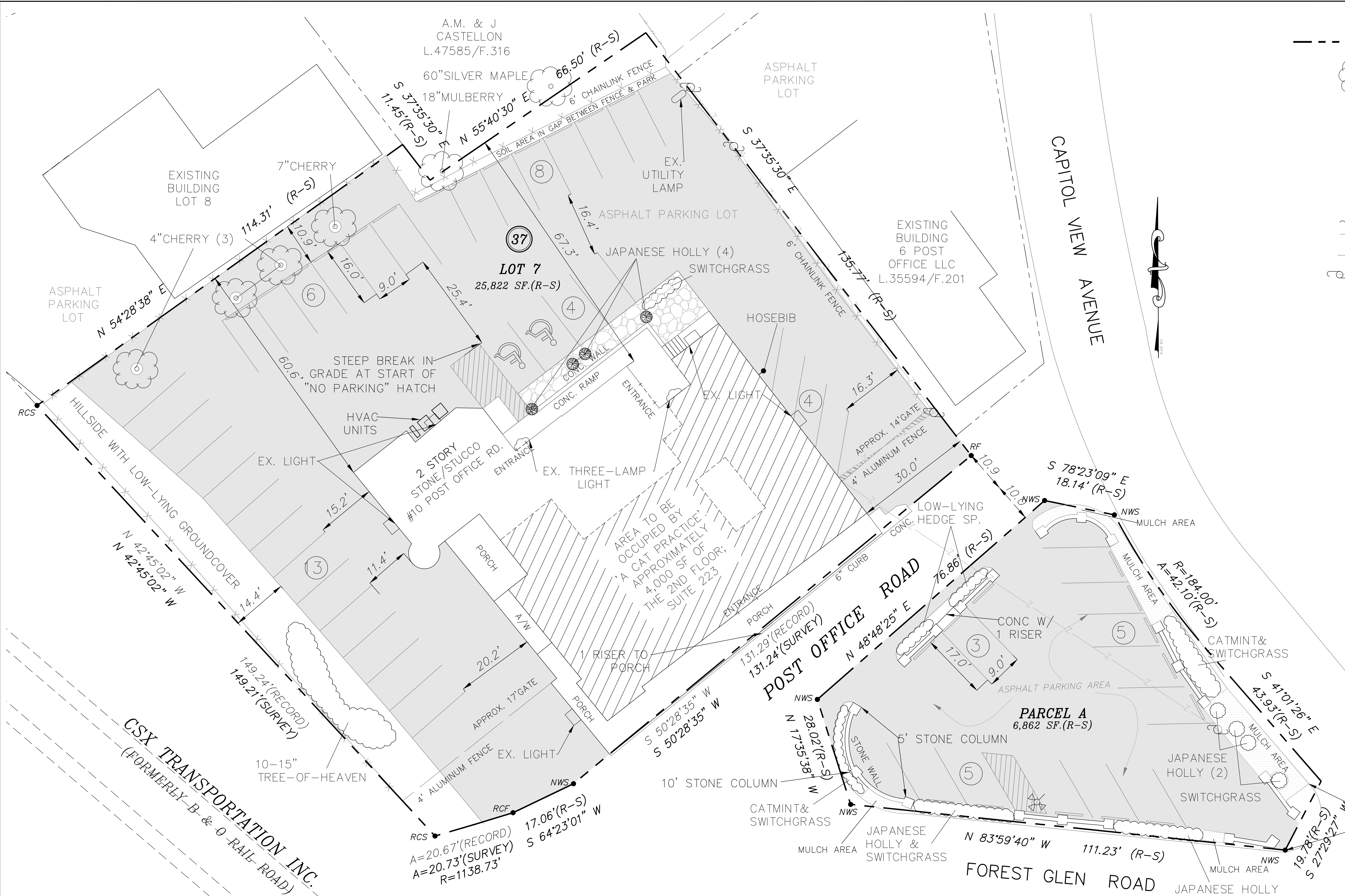
SECTION 6: CONCLUSION

The proposed Conditional Use complies with the general conditions and standards of an Animal Boarding and Care Facility, with Veterinary Office/Hospital, subject to the recommended conditions of approval. The proposed use is consistent with the goals and recommendations of the 1982 *Capitol View and Vicinity Sector 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 the conditions enumerated in this Staff Report.

ATTACHMENTS

Attachment A: Conditional Use Plan

Attachment B: Acoustic Study



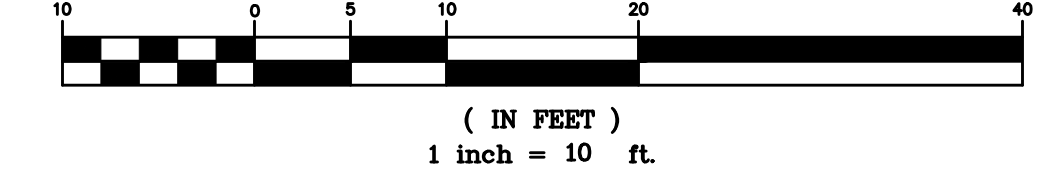
LEGEND

- PROPERTY BOUNDARY
- EXISTING TREE
- EXISTING ASPHALT ONSITE
- EXISTING GRAVEL LANDSCAPE AREA
- EXISTING MULCH AREA
- EXISTING SITE LIGHTING
- EXISTING LANDSCAPING OR TREE GROUPING
- EXISTING 6' CHAINLINK FENCE
- EXISTING 4' ALUMINUM FENCE
- EXISTING OVERHEAD ELECTRIC W/POWER POLE
- HOSEBIB
- AREA OF BUILDING TO BE OCCUPIED BY "A CAT PRACTICE"

GENERAL NOTES

- 1) ZONE: NR-0.75 (LOT 7); CRT-0.75 (PARCEL A)
- 2) WATER CATEGORY - W-1 SEWER CATEGORY - S-1
- 3) BOUNDARY INFORMATION BASED ON BOUNDARY SURVEY BY: ALIMO & ASSOCIATES LLC, GAITHERSBURG, MD NOVEMBER 2020
- 4) TOTAL TRACT AREA = 25,822SF/0.59AC (LOT 7); 6,862SF/0.16AC (PAR. A)
- 5) PROPERTY SHOWN ON TAX MAP HP562
- 6) PROPERTY SHOWN ON WSSC 200' SHEET 212N0W3
- 7) SITE IS NOT LOCATED IN A FLOOD ZONE: FEMA FLOOD MAP 24031C 0370D
- 8) SITE IS LOCATED IN THE ROCK CREEK WATERSHED USE I.
- 9) LOCAL UTILITIES INCLUDE:
SEWER - PUBLIC
WATER - PUBLIC
ELECTRIC - PEPCO
TELEPHONE - VERIZON
- 10) THERE IS NO WELL ONSITE.
- 11) THIS PROPERTY IS NOT WITHIN A PMA.
- 12) PROPERTY ADDRESS:
10 POST OFFICE ROAD
SILVER SPRING, MD 20910
- 13) TAX ACCOUNT NO. 03377504(LOT 7); 03377492(PARCEL A)
LIBER 61722 FOLIO 0093
0.75 ACRES (TOTAL)
- 14) "THE CASTLE" ITSELF IS A TWO-STORY STRUCTURE CONTAINING APPROXIMATELY 12,100 SQUARE FEET OF BUILDING AREA. "A CAT PRACTICE" HAS EXECUTED A LEASE TO OCCUPY APPROXIMATELY 4,000 SQUARE FEET OF THE SECOND FLOOR KNOWN AS SUITE 223. THE OVERALL CONDITIONAL USE PACKAGE PERTAINS STRICTLY TO SUITE 223. THE APPROXIMATE OFFICE SPACE IS DELINEATED ON THE BUILDING LAYOUT SHOWN ON THIS SHEET.

GRAPHIC SCALE

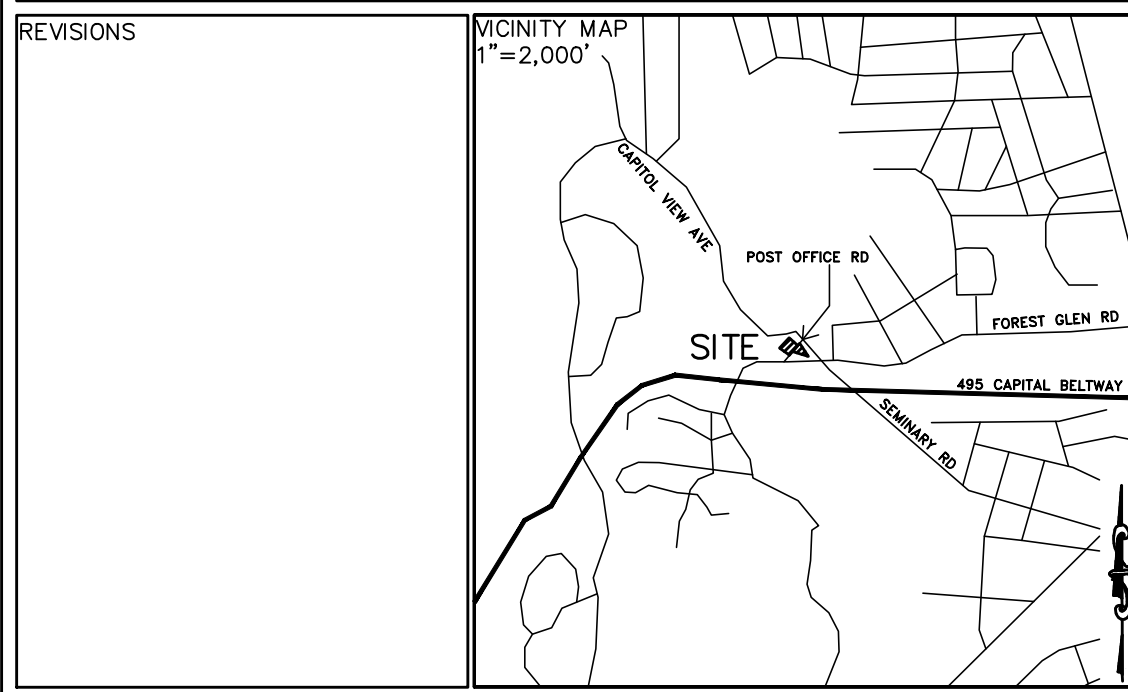


EXISTING CONDITIONS/
SITE PLAN

PROJECT
THE CASTLE
LOT 7 & PARCEL A
10 POST OFFICE ROAD,
SILVER SPRING, MD 20910

PREPARED FOR
A CAT PRACTICE
10 POST OFFICE ROAD #223
SILVER SPRING, MD 20910

NORTON LAND DESIGN
LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING
6140 DORSEY HALL DRIVE, 2ND FLOOR ELLICOTT CITY, MD 21042
P. 443.542.9199 WWW.NORTONLANDDESIGN.COM



WATER CLASS I	WATERSHED ROCK CREEK	FEMA FLOODPLAIN MAP PANEL # 24031C0370D
TAX MAP HP562	200 SHEET 212N0W3	ADC MAP PAGE: 58 GRID: G6
SCALE AS SHOWN	DATE JULY 2021	PROJ. NO. 21-045 SHEET NO. L-1.1

SECTION 59.4.6.3. NR ZONING STANDARDS

STANDARD	ZONING REQUIREMENT	EXISTING SITE	EXISTING BUILDING	PROPOSED BUILDING
LOT AREA (MIN.)	N/A	25,822	6,092	-
LOT WIDTH AT B.R.L. (MIN.)	N/A	-	-	-
LOT WIDTH AT R/W (MIN.)	N/A	168'	-	-
BUILDING HEIGHT (MAX.)	N/A*	-	-	-
LOT COVERAGE (MAX.)	N/A	-	-	-

*NO HEIGHT REQUIREMENT IN EXISTING ZONE WITH EXCEPTION TO THE PORTION OF THE PROPERTY ADJACENT TO RESIDENTIAL USE. BUILDING MUST NOT PROTRUDE BEYOND A 45 DEGREE ANGULAR PLANE, MEASURED FROM THE MAXIMUM HEIGHT ALLOWED FOR A HOME IN THE APPROPRIATE RESIDENTIAL ZONE.

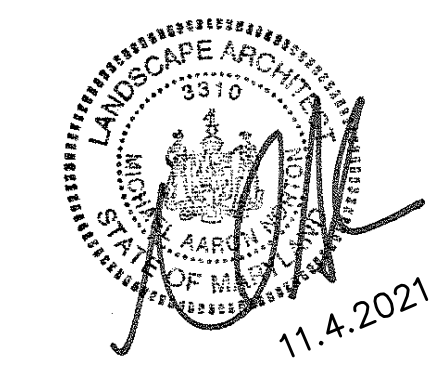
SECTION 59.6.2.4B & C PARKING STANDARDS

STANDARD	BASELINE MIN.	STAFF/CLIENT /OFFICE AREA	REQUIRED SPACES	SPACES PROVIDED IN EXCESS OR REQUIREMENT	TOTAL VEHICLE SPACES ONSITE
VETERINARY OFFICE/HOSPITAL - EMPLOYEE	1.0/ EMPLOYEE	6	6	4	10
VETERINARY OFFICE/HOSPITAL - DOCTOR	2.5/ DOCTOR	2	5	3	8
ANIMAL BOARDING/CARE (CATS ONLY)	1.0 PLUS 3	2	6	-	6
GUEST/CLIENT	N/A	N/A	N/A	4	4
OFFICE (MIN.) (NOT ASSOCIATED WITH CONDITIONAL USE)	2.80 / 1,000 GFA	6,265 SF	18	2	20
BICYCLE	N/A	N/A	N/A	N/A	-
TOTAL PARKING SPACES ONSITE					48

SECTION 59.3.5.1. ANIMAL SERVICES - CONDITIONAL USE

STANDARD	REQUIREMENT	EXISTING SITE	EXISTING PARKING	EXISTING BUILDING	PROPOSED BUILDING
VETERINARY OFFICE/HOSPITAL					
LOT AREA (MIN.)	N/A	0.59 ACRES	7,453 SF	6,092	-
BUILDING SETBACK (MIN.)	50'	-	-	72.4'	-
PARKING SETBACK (MIN.)	N/A	-	-	-	-
ANIMAL BOARDING & CARE (FOR CATS ONLY)					
LOT AREA (MIN.)	N/A	0.59 ACRES	7,453 SF	6,092	-
BUILDING SETBACK (MIN.)	N/A	-	-	-	-
PARKING SETBACK (MIN.)	N/A	-	-	-	-

*ONLY APPLIES TO AREA ADJACENT TO RESIDENTIAL USE



ATTACHMENT B
Law Offices Of
MILLER, MILLER & CANBY
MM&C
CLIENT FOCUSED. RESULTS DRIVEN.

200-B MONROE STREET, ROCK VILLE, MARYLAND 20850 P: 301.762.5212 F: 301.762.6044

JODY S. KLINE
JSKline@mmcanby.com

January 7, 2022

Mr. Parker Smith
Planner Coordinator
M-NCPPC
2425 Reedie Drive
Wheaton, MD 20902

Re: Conditional Use Application CU 22-06,
Application of Cozy Cats Veterinary, LLC

Dear Parker,

For your information, and for inclusion in the record of Case No. CU 22-06, enclosed is an acoustical analysis confirming that the use of certain construction measures in the “fitting out” of the Cozy Cats rented space at 10 Post Office Road will ensure that the unit is “soundproof” and that the modest noise generated by cats that will be boarded in the facility will not be bothersome or objectionable to any other tenants in the building or to anyone in the surrounding neighborhood.

Please advise me if you need any additional information regarding this matter in order to allow your Staff Report to be completed and presented to the Montgomery County Planning Board on February 10.

Mrs. Johnson, would you please incorporate the attached acoustical analysis in the record maintained in your office for Case No. CU 22-06.

Thank you all.

Sincerely yours,

MILLER, MILLER & CANBY



Jody S. Kline

JSK:sda

Enclosure

cc: Matthew Folden
Emily Tettelbaum
Nana Johnson
Nimrod Levy

Gary Ehrlich
Mike Norton
Sean P. Hughes, Esq.

January 5, 2022

Nimrod Levy
Cozy Cats Veterinary LLC
2816 Linden Lane
Silver Spring, MD 20910

Re: Conditional Use Application
Acoustical Analysis

Nimrod:

Hush Acoustics LLC has evaluated noise emissions for Cozy Cats Veterinary LLC for a Conditional Use Application in Montgomery County, MD. The facility will be at 10 Post Office Rd, Silver Spring, MD 20910 Suite 223.

1. Project Goals

a. Zoning

The zoning ordinance requirements effective October 30, 2014, per Sec. 3.5.1. Animal Services can be excerpted as follows to address only acoustically-related requirements:

B. Animal Boarding and Care,

2. Use Standards

a. Where Animal Boarding and Care is allowed as a limited use, it must satisfy the following standards:

i. Any part of a building used for animal boarding or care must be soundproofed.

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 Use, and the following standards

(f) The sound level at the nearest property line must satisfy Chapter 31B.

(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 sound level (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.

We are not aware of specific noise standards established for either interior or exterior noise levels.

We should point out that the noun "soundproofed" as used in a lay sense means the prevention of the passage of sound. But this noun does not have a specific engineering definition; rather, acoustical engineers use the words "soundproofing" or "to soundproof" as verbs to indicate steps taken toward

the reduction of sound passage. In other words, it is not possible to have complete prevention of the passage of sound; all you can do is quantify the *degree of reduction* that occurs.

a. Indoor Noise Limit

The key facts of this case are that the facility will serve clients and their cats, but not dogs, and will not have outdoor areas. Cats are very quiet animals. In fact, they are quieter than humans. For this reason, we propose defining “soundproofed” for this project to mean making normal human speech virtually inaudible.

A common way of assessing acoustical privacy in buildings is with the Sound Transmission Class (STC) rating. The STC rating was developed to be a single-number indicator of how easily speech could be heard through a partition or assembly.

One reference point is that the latest version of the International Building Code (IBC), applicable in Montgomery County, requires a rating of at least STC 50 (45 if field tested) between new adjacent dwelling units.

Another reference point is that the US Department of Defense (DOD) Office of the Director of National Intelligence (DNI) guidelines for a Sensitive Compartmented Information Facility (SCIF) are:

- Sound Group 3 – STC 45 or better. Loud speech from within the SCIF can be faintly heard but not understood outside the SCIF. Normal speech is unintelligible with the unaided human ear.
- Sound Group 4 – STC 50 or better. Very loud sounds within the SCIF, such as loud singing, brass music, or a radio at full volume are audible by the human ear faintly or not at all outside of the SCIF.

In other words, a rating of STC 50 is sufficient to separate adjacent apartments and also to use for discussing classified all materials, and STC 45 is acceptable for discussing classified materials in some contexts. Since these criteria were developed considering speech sounds, and we anticipate speech to be the loudest sound sources for this project, we propose using STC 50 as the goal for this project for walls and floors where animals are “kept.”

b. Outdoor Noise Limit

The zoning ordinance references the Chapter 31B noise ordinance requirements which are limits of 62 dBA at night and 67 dBA during the day. Since this facility may will open before 9 am on Saturdays, the stricter nighttime limit of 62 dBA might apply.

2. Analysis

a. Indoor Noise

The proposed Cozy Cats space is on the 2nd floor of a 2-story building. Adjacent to the suite are:

- The elevator lobby. This abuts the Cozy Cats mechanical closet, IT closet, laundry room, and a corridor, with 3 doors. Since animals are not kept in any of these rooms, the construction of the walls and doors here is not relevant.
- An adjacent tenant space. This abuts the Cozy Cats staff lounge with a wall. Since animals are not kept in the staff lounge, the construction of this tenant separation wall is not relevant.
- A public corridor. This abuts the Cozy Cats waiting area, and a staff lounge with a door and windows.

When a door and/or window is present in a wall assembly, virtually all of the noise will pass through the door and/or window and the STC rating of the wall itself is virtually irrelevant. For this reason, the exact construction of the walls at the waiting area is virtually irrelevant. The only relevant assemblies are:

1. The door and windows into the waiting area (if animals are kept here)
2. The floor-ceiling assembly separating animal rooms from the tenant spaces below

For doors and windows, it is not appropriate to aim for STC 50 as this would require extraordinarily expensive studio-quality steel doors. A more reasonable approach is to simply use acoustical seals for doors, and only sealed windows.

We understand the floor construction likely is vinyl plank flooring on ¾" plywood subfloor over 2x12 joists spaced 16" on center, likely without insulation, no gypsum board, approximately two feet space, and an acoustical tile ceiling typically (with perimeter gypsum board bulkheads). Through computer modeling we estimate this assembly has a rating of approximately STC 43 where acoustical tile is used below (and higher at gypsum board bulkheads). If at least 2" thick batt insulation is laid over the ceiling tiles the rating would increase to STC 52. [Increasing the rating to STC 50 would not be far more costly if work were solely performed from above such using many layers of plywood over the subfloor.]

b. Outdoor Noise

When a sound is generated indoors, the noise level outdoors close to a typical masonry building with relatively small areas of windows such as this one has will be approximately 25 to 30 dBA lower than noise levels indoors. Typical noise levels from speech indoors are expected to be approximately 50 to 65 dBA. This means the noise level outdoors close to the building will be of approximately 20 to 40 dBA when people are speaking indoors. At the property line farther from the building noise levels will be much lower. These noise levels are far below the noise ordinance limit of 62 dBA. Clearly, indoor activities will not exceed the noise ordinance limit. Noise ordinances are generally developed to limit outdoor activities.

3. Recommendations

To minimize sound transmission from the Waiting 01 room to the corridor as much as possible, we recommend using full perimeter acoustical seals for Door E10. This includes bulb-type neoprene seals at the head and jamb, and neoprene drag seals or automatic door bottom seals. The door leaf can be solid-core wood, steel, or glass, but not hollow-core wood. We also recommend using only inoperable

windows between Waiting and the corridor, and ensuring the glazing either has rubber gaskets or sealant at the entire perimeter.

To meet STC 50 at the floor of rooms where animals are kept, we recommend using at least 2" thick batt insulation above any acoustical tile ceiling areas of the first floor where there is not a gypsum board ceiling present.

Sincerely,



Gary Ehrlich, P.E.
Principal