



DEPARTMENT OF PERMITTING SERVICES

Marc Ehrlich
County Executive

Rubiah Sabhkan
Director

December 3, 2023

Mr. Gerald Miller, Jr., PE
Terra Solutions Engineering, Inc
5216 Chairmans Court, Suite 105
Frederick, Maryland 21703

Re: **REVISED COMBINED PRELIMINARY AND FINAL WATER QUALITY PLAN** for Bennett Creek Animal Hospital
22416 Frederick Road
Preliminary Plan #: 120080130
SM File #: 217106
Tract Size/Zone: 87,251 sq ft/R-200
Total Concept Area: 27,925 sq ft.
Lots/Block: 7
Watershed and Class: Seneca Creek/IV
Clarksburg Special Protection Area
Redevelopment (Yes/No): No

Dear Mr. Miller:

Based on a review by the Department of Permitting Services Review Staff, the revision to the Final Water Quality Plan for the above-mentioned site is **acceptable**. The revision proposes to meet required stormwater management goals via the use of micro-bioremediation and a bio-swale. This review is for the elements of the water quality plan of which DPS has the lead agency and does not include limits on the imperviousness or buffer encroachments.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this project.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. This approval supersedes the previous approval dated November 14, 2007.
5. Side slopes greater than 3:1 are not permitted in the SPA.
6. Use of Super Silt Fence in lieu of Silt Fence is required in an SPA.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-00 is **not required**. SPA stream monitoring and BMP monitoring fees will be required per Special Protection Area Regulations.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The final water quality plan approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the final water quality plan. Any divergence from the information provided to this office, or additional information received during the development process, or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate water quality plan request shall be required.

If you have any questions regarding these actions, please feel free to contact Sherry Mitchell at 240-777-5208 or sherry.mitchell@montgomerycountymd.gov.

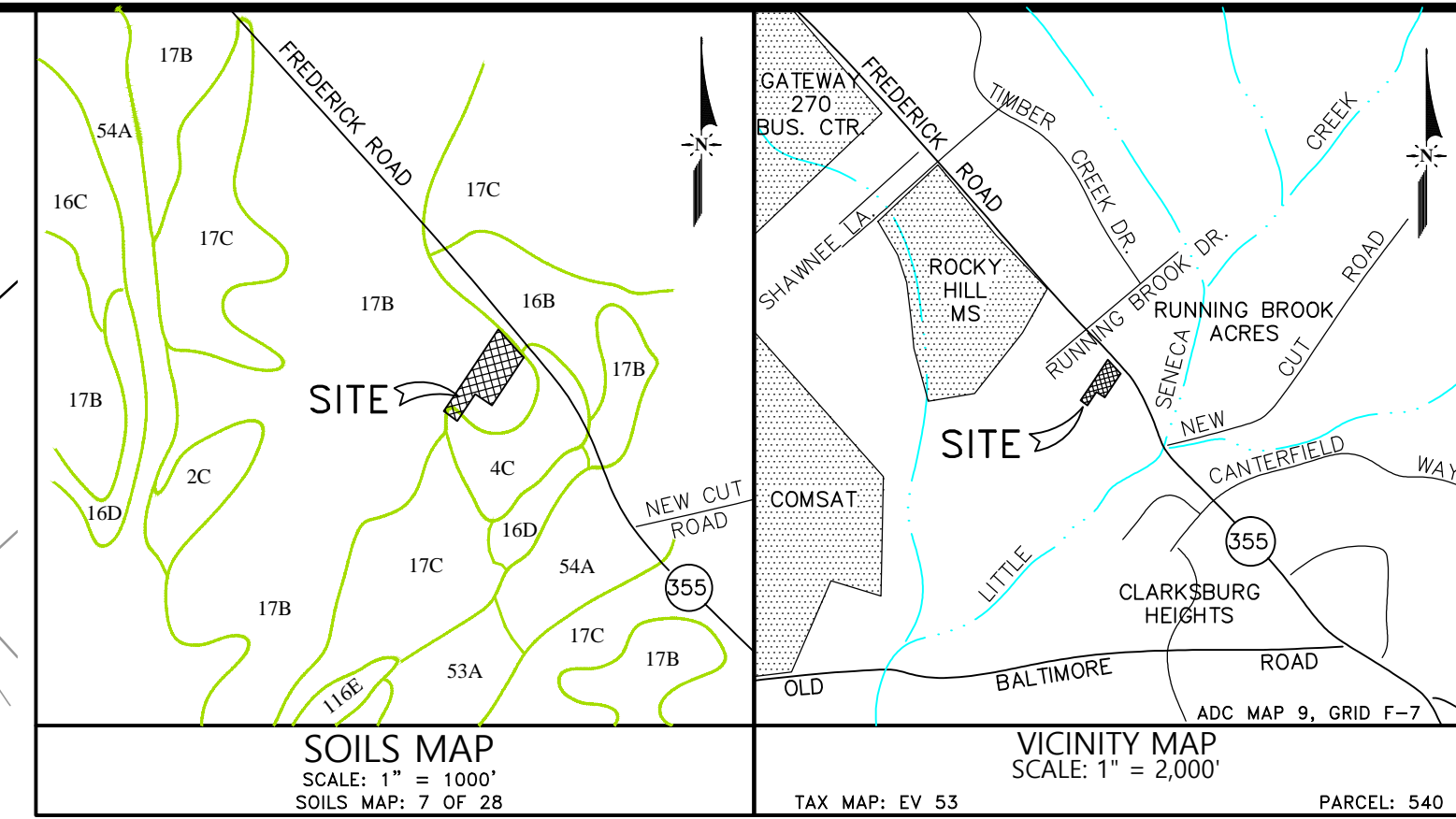
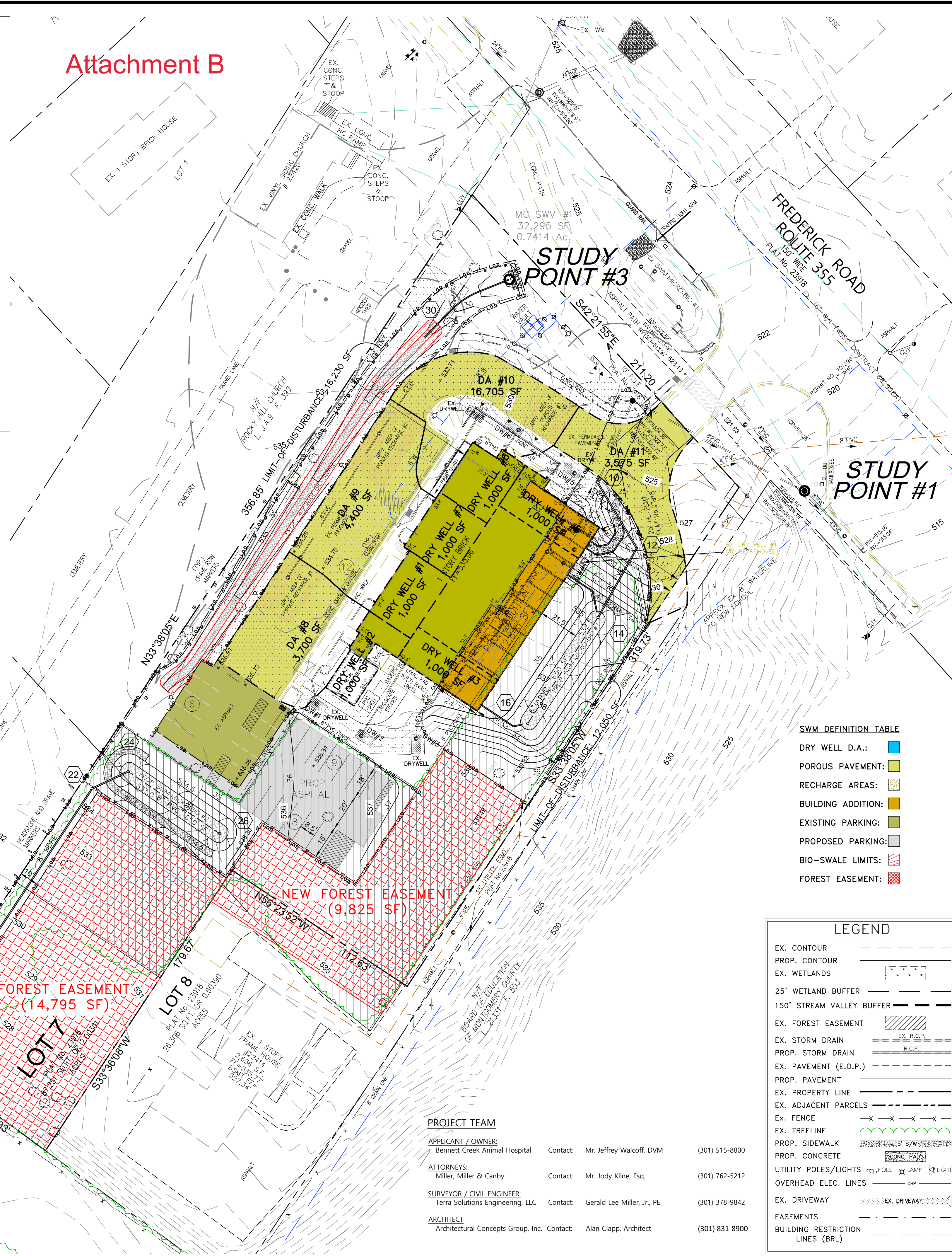
Sincerely,

Mark Ehrlich
Mark Ehrlich, Manager
Water Resources Section
Division of Land Development Services

cc: Neil Braunstein
SM File # 217106

ESD: Required/Provided 2,837 of 3,767 of
PE: Required/Provided 1,807 of 2,337
STRUCTURAL: N/A of
WAIVED: N/A of

Attachment B



GENERAL SITE NOTES:
1. The property is currently owned by Biscayne Veterinary Holdings, LLC with a deed reference of Liber 37035 at Folio 226. The property is also known as 'Lot 7 Clarksburg Heights', as recorded in Plat No. 23918. The property address is 22416 Frederick Road and the site area is 87,251 square feet (SF) or 2,003 acres.
2. Horizontal Datum is NAD 83 and the Vertical Datum is NAVD 83, and was surveyed by Unger Surveying & Construction in October 2022.
3. The site is currently zoned (Residential Detached) R-200 and lies within the Clarksburg Planning Area (PA-13). The site also lies within the 'Clarksburg Special Protection Area'.
4. Bulk Standards (R-200) Zoning Requirements:
Min. Lot Area: 20,000 SF
Min. Lot Width: 100-feet (single family detached dwelling)
Min. Setbacks:
Front Yard: 40-feet
Side Yard: 12-feet (sum of both sides: 25-feet); 16-foot min. parking setback
Rear Yard: 30-feet
Max. Bldg. Ht.: 50-feet
Special Exception Zoning Requirements:
Min. Setback for Veterinary Hospital: 75-feet
5. Soils Information: Take from Montgomery County Soils Survey, Map 7 of 28:
Soil types include:
4C (Eloak Silt Loam - 8% to 15% slopes), HSG - 'C', K-Value: 0.32
16B (Brimlow-Blocktown clayey silt loam - 3% to 8% slopes), HSG - 'C', K-Value: 0.24
17B (Ocoean Loam - 3% to 8% slopes), HSG - 'B', K-Value: 0.37.
6. Site Summary (Existing Condition):
Ex. Lot 7 Area: 87,251 SF 2,003 Ac. 100.0 %
Ex. Building: 6,465 SF 0.1484 Ac. 7.41 %
Ex. Pavement (w/ Previous): 12,120 SF 0.2782 Ac. 13.89 %
Ex. Asphalt (Add'l) Parking: 2,670 SF 0.0613 Ac. 3.06 %
Ex. Sidewalk & Deck Area: 2,795 SF 0.0642 Ac. 3.20 %
Ex. Concrete & Stone Area: 1,590 SF 0.0365 Ac. 1.82 %
Total Ex. Impervious Area: 25,640 SF 0.5868 Ac. 29.39 %
Remaining Green Space: 61,611 SF 1.4144 Ac. 70.61 %
7. Water & Sewer Classification: W-1 & S-1 (WSSC Base 231NW12)

SPECIAL EXCEPTION NOTES:
Purpose Statement:
1. Proposed Conditions:
Ex. Lot 7 Area: 87,251 SF
Ex. Building: 6,465 SF
Ex. Pavement (w/ Previous): 12,120 SF
Ex. Asphalt (Add'l) Parking: 2,670 SF
Ex. Sidewalk & Deck Area: 2,795 SF
Ex. Concrete & Stone Area: 1,590 SF
Prop. Building Addition: 2,845 SF
Prop. Parking Expansion: 4,330 SF
Prop. Sidewalk: 1,170 SF
Total Ex. Impervious Area: 32,985 SF 0.7572 Ac. 37.80 %
Remaining Green Space: 54,266 SF 1.2458 Ac. 62.20 %
2. Parking Requirements:
The required parking is per Zoning Section 59-G-2.02 (Animal Boarding Place): The board must specify a maximum number of off-street parking spaces equal to least to the number of employees on the maximum shift plus three. The required number of parking spaces must in no case be less than three (3). The proposed parking maximum shift shall consist of twenty-seven (27) employees; therefore, 27 parking spaces plus 3 equals a total of 30 spaces. Forty (40) spaces have been provided, including two (2) handicapped (H-C) space. Please note the parking requirement for Zoning Section 59-G2-2.32 (Hospital, Veterinary) have also been met.

SWM DEFINITION TABLE

DRY WELL D.A.:	[Symbol]
POROUS PAVEMENT:	[Symbol]
RECHARGE AREAS:	[Symbol]
BUILDING ADDITION:	[Symbol]
EXISTING PARKING:	[Symbol]
PROPOSED PARKING:	[Symbol]
BIO-SWALE LIMITS:	[Symbol]
FOREST EASEMENT:	[Symbol]

LEGEND

EX. CONTOUR	[Symbol]
PROP. CONTOUR	[Symbol]
EX. WETLANDS	[Symbol]
25' WETLAND BUFFER	[Symbol]
150' STREAM VALLEY BUFFER	[Symbol]
EX. FOREST EASEMENT	[Symbol]
EX. STORM DRAIN	[Symbol]
PROP. STORM DRAIN	[Symbol]
EX. PAVEMENT (E.O.P.)	[Symbol]
PROP. PAVEMENT	[Symbol]
EX. PROPERTY LINE	[Symbol]
EX. ADJACENT PARCELS	[Symbol]
EX. FENCE	[Symbol]
EX. TREELINE	[Symbol]
PROP. SIDEWALK	[Symbol]
PROP. CONCRETE	[Symbol]
UTILITY POLES/LIGHTS	[Symbol]
OVERHEAD ELEC. LINES	[Symbol]
EX. DRIVEWAY	[Symbol]
EASEMENTS	[Symbol]
BUILDING RESTRICTION LINES (BRL)	[Symbol]

PROJECT TEAM

APPLICANT / OWNER: Bennett Creek Animal Hospital	Contact: Mr. Jeffrey Walcott, DVM	(301) 515-8800
ATTORNEYS: Miller, Miller & Canby	Contact: Mr. Jody Kline, Esq.	(301) 762-5212
SURVEYOR / CIVIL ENGINEER: Terra Solutions Engineering, LLC	Contact: Gerald Lee Miller, Jr., PE	(301) 378-9842
ARCHITECT: Architectural Concepts Group, Inc.	Contact: Alan Clapp, Architect	(301) 831-8900

PROFESSIONAL ENGINEER'S CERTIFICATION
 SIGNED BY: *Gerald Lee Miller, Jr.* 1/10/24
 GERALD LEE MILLER, JR., PE DATE
 MD LICENSE No.: 21401, P.E. EXPIRATION DATE: 11-09-24
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

NO.	DATE	DESCRIPTION

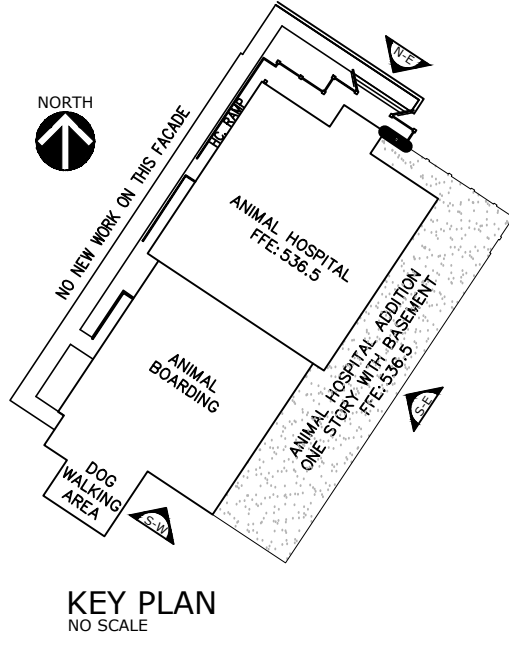
BENNETT CREEK ANIMAL HOSPITAL
 Situated at No. 22416 Frederick Road
 Liber 37035 Folio 226
 Clarksburg Election District No. 2
 Montgomery County, Maryland

AMENDED SPECIAL EXCEPTION SITE PLAN - OVERVIEW

Terra Solutions Engineering, LLC
 Commercial & Residential Land Planning and Engineering
 5216 Chairmans Court, Suite 105
 Frederick, MD 21703
 Phone: 301-578-9842

Owner/Developer
 Biscayne Veterinary Holdings, LLC
 607 Oak Knoll Terrace
 Rockville, MD 20871
 Attn: Mr. Jeff Walcott

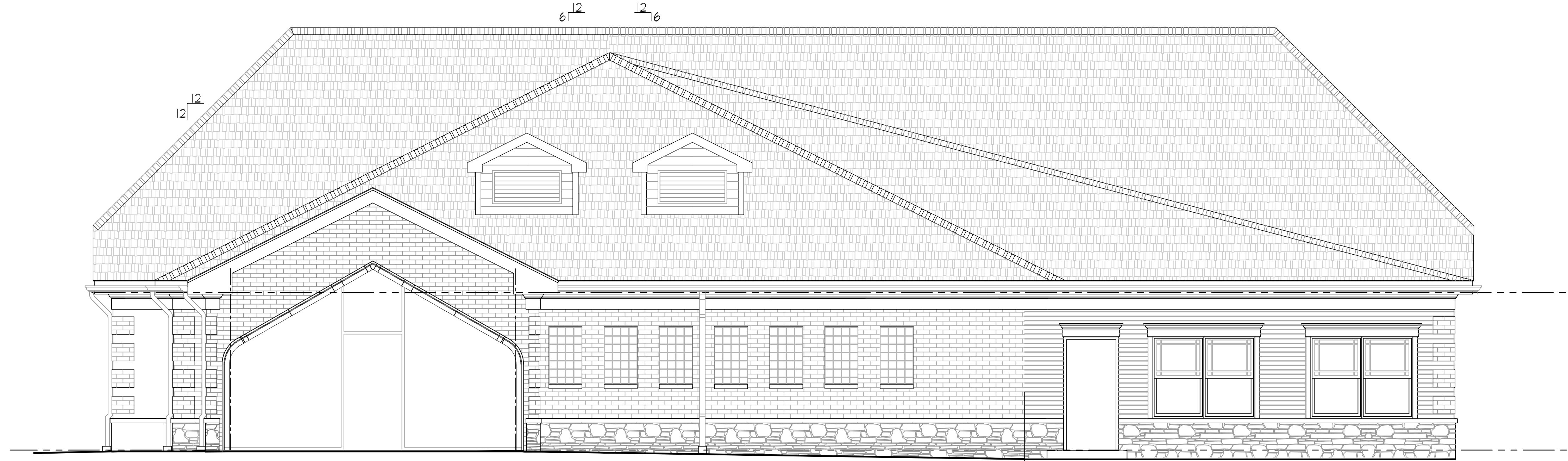
PROJECT No.: 302
DATE: JANUARY 2024
SCALE: 1" = 30'
SHEET No.: 1 of 1



AGENCY APPROVAL:

ENGINEER:

CERTIFICATION: I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME & THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LIC. #



ADDITION

BRICK HATCH PATTERN SCALE: 1:2.893500 TO MATCH SCALE OF PREVIOUS HATCH

SOUTHWEST, GREENHOUSE & EMPLOYEE ENTRANCE ELEVATION

SCALE: 1/4" = 1'-0"

ISSUED: 2-28-24: ISSUED FOR BUDGET PROPOSAL

DRAWING TITLE:
SOUTHWEST & NORTHEAST
ELEVATIONS
SCALE: 1/4" = 1'-0"



ARCHITECTURAL
CONCEPTS GROUP, INC.
424 WEST PATRICK STREET
FREDERICK, MARYLAND 21701
TELEPHONE: 301-831-8900
e-MAIL: archconcpt@gmail.com

ADDITION TO:
BENNETT CREEK
VETERINARY HOSPITAL
OFFICES, SURGICAL SUITE & EXAM ROOMS
22416 FREDERICK ROAD
CLARKSBURG, MONTGOMERY CO., MARYLAND

A-201

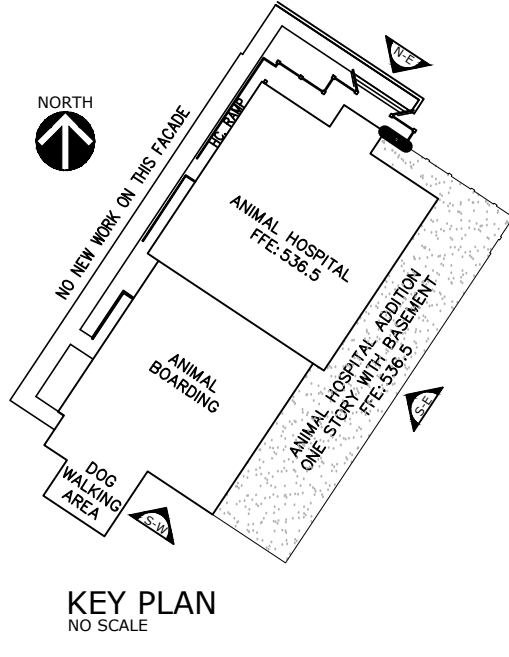
PROJ. NO. 22-008

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NORTHEAST, MAIN ENTRANCE ELEVATION

SCALE: 1/4" = 1'-0"



AGENCY APPROVAL:

ENGINEER:

CERTIFICATION: I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME & THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LIC. #

ISSUED:
2-28-24: ISSUED FOR BUDGET PROPOSAL

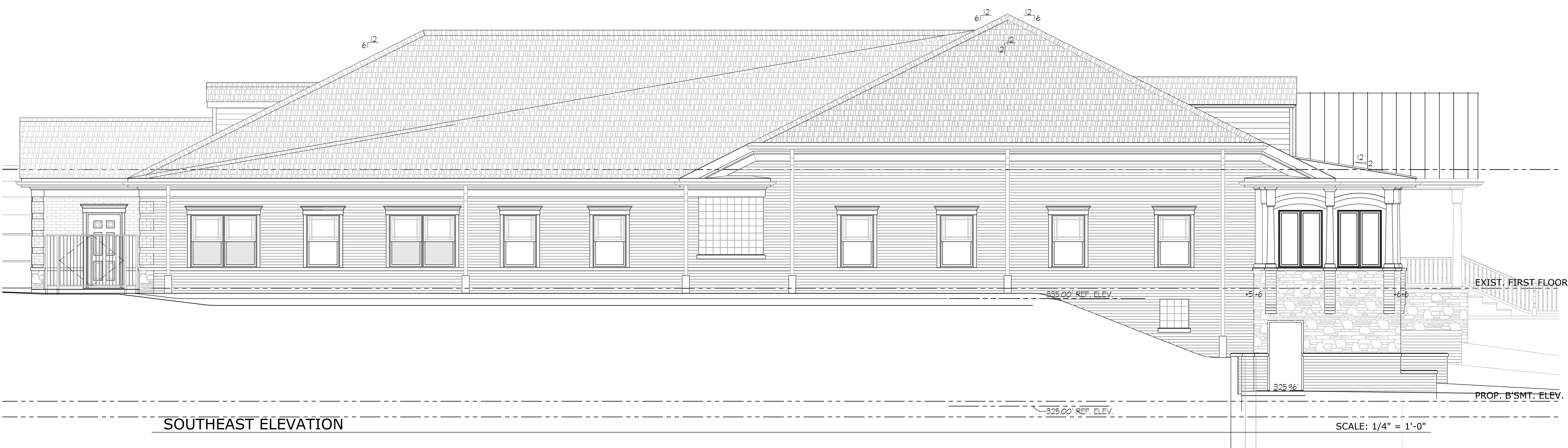
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SOUTHEAST ELEVATION
SCALE: 1/4" = 1'-0"



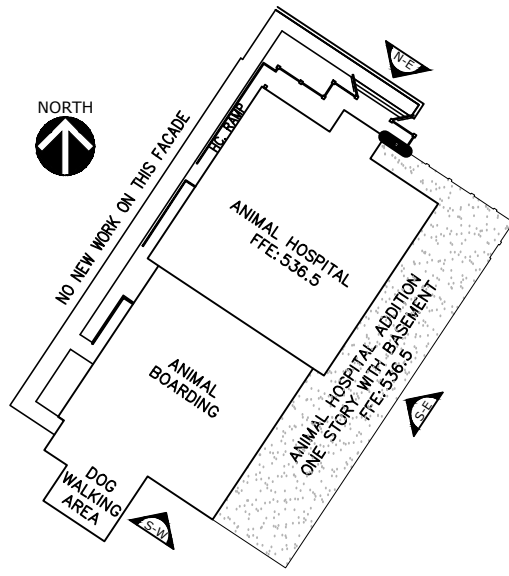
ARCHITECT:
ARCHITECTURAL CONCEPTS GROUP, INC.
424 WEST PATRICK STREET
FREDERICK, MARYLAND 21701
TELEPHONE: 301-831-8900
e-MAIL: archconcpt@gmail.com

ADDITION TO:
BENNETT CREEK VETERINARY HOSPITAL OFFICES, SURGICAL SUITE & EXAM ROOMS
22416 FREDERICK ROAD
CLARKSBURG, MONTGOMERY CO., MARYLAND

A-202
PROJ. NO. 22-008



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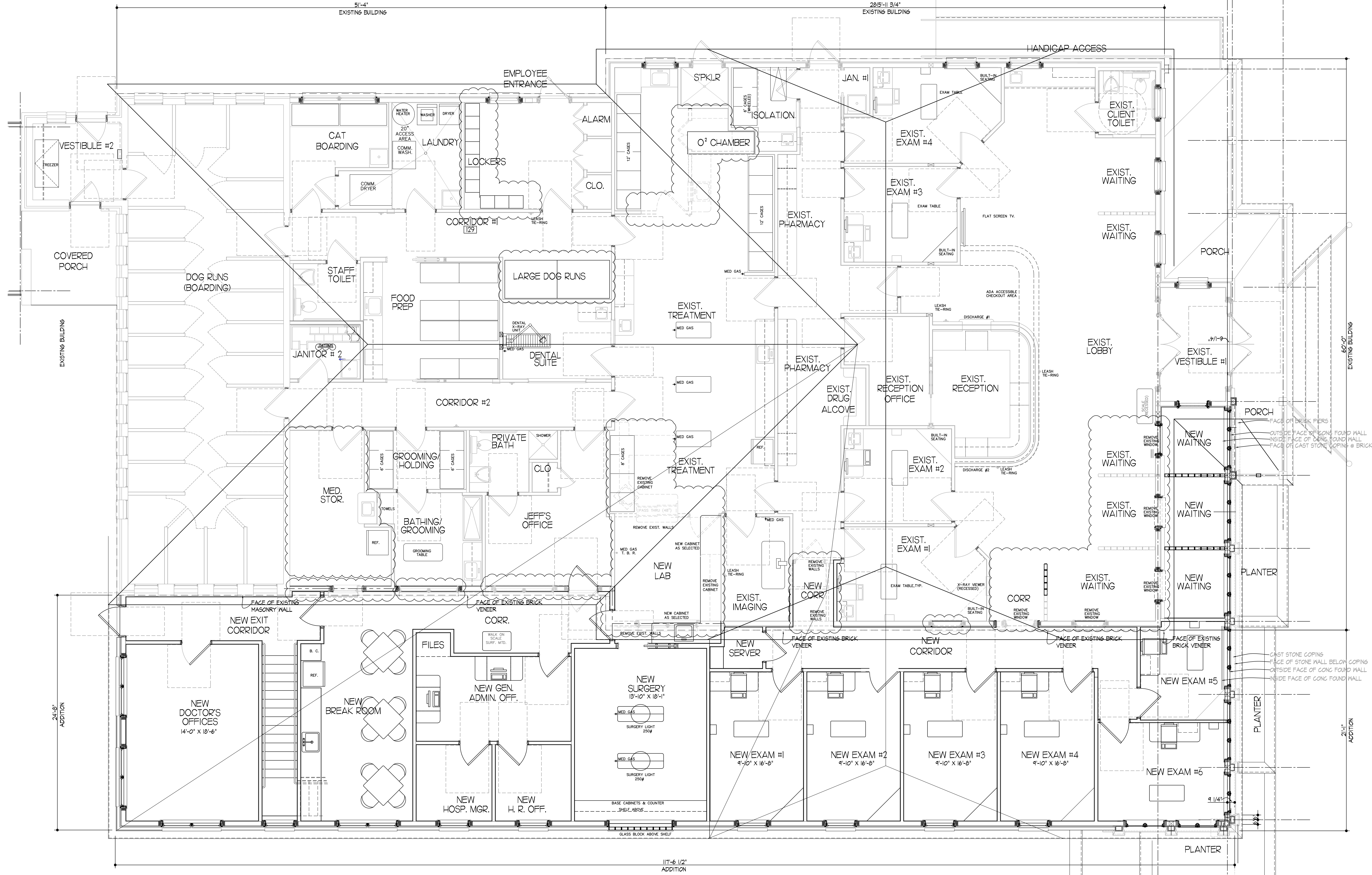


KEY PLAN
NO SCALE

AGENCY APPROVAL:

ENGINEER:

CERTIFICATION: I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME & THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. L.E.#



FIRST FLOOR ADDITION & MODIFICATIONS TO EXISTING FIRST FLOOR

SCALE: 1/4" = 1'-0"

ISSUED:
2-28-24: ISSUED FOR BUDGET PROPOSAL

DRAWING TITLE:
FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

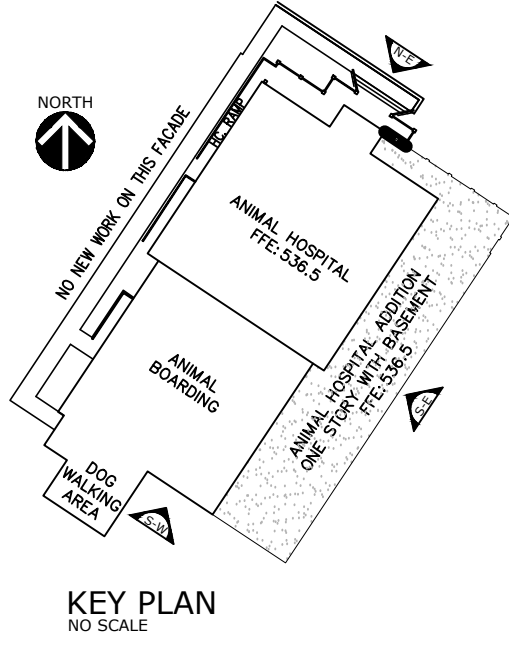


ARCHITECT:
ARCHITECTURAL CONCEPTS GROUP, INC.
424 WEST PATRICK STREET
FREDERICK, MARYLAND 21701
TELEPHONE: 301-831-8900
e-MAIL: archconcpt@gmail.com

ADDITION TO:
BENNETT CREEK VETERINARY HOSPITAL
OFFICES, SURGICAL SUITE & EXAM ROOMS
22416 FREDERICK ROAD
CLARKSBURG, MONTGOMERY CO., MARYLAND

A-102
PROJ. NO. 22-008

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AGENCY APPROVAL:

ENGINEER:

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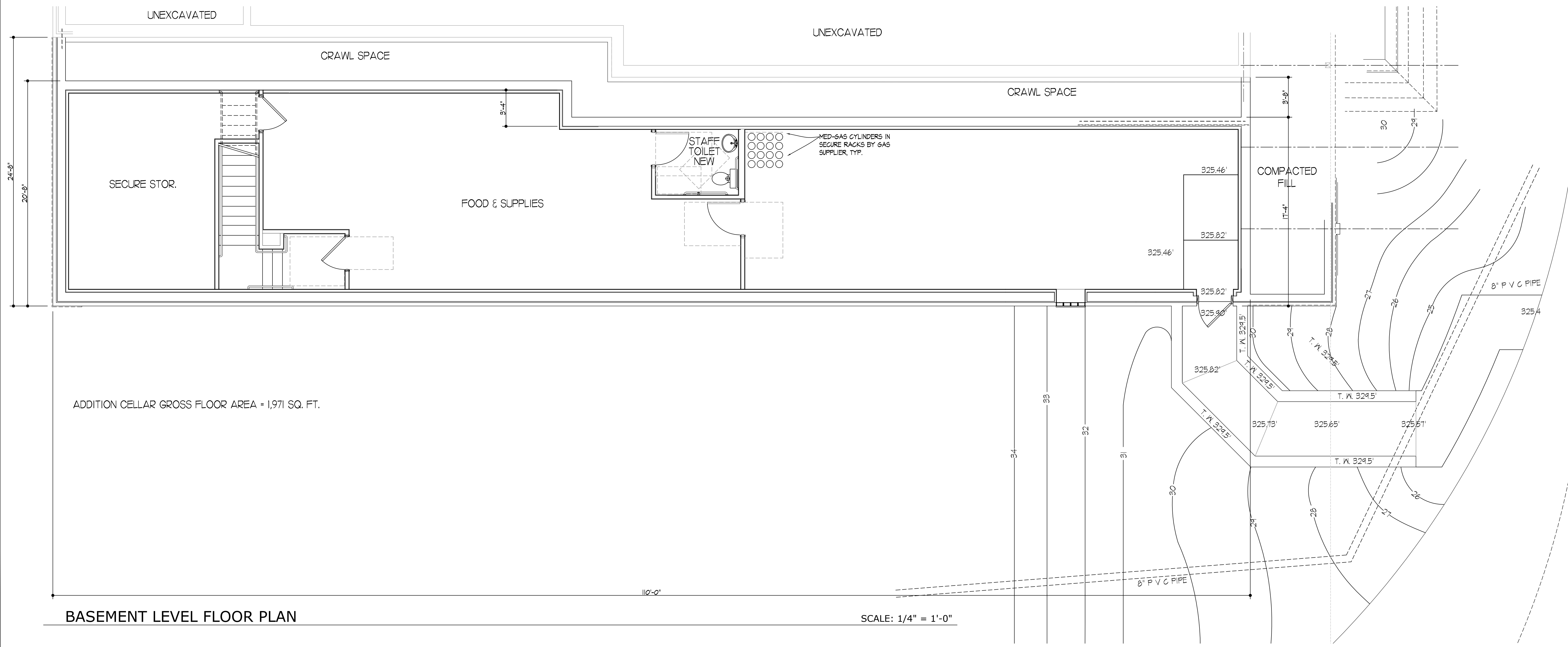
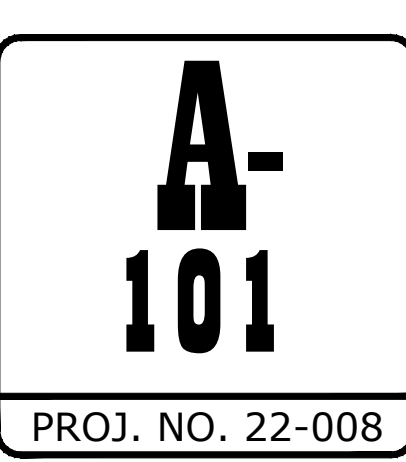
ISSUED:
2-28-24: ISSUED FOR BUDGET PROPOSAL

DRAWING TITLE:
BASEMENT PLAN
SCALE: 1/4" = 1'-0"



ARCHITECTURAL CONCEPTS GROUP, INC.
424 WEST PATRICK STREET
FREDERICK, MARYLAND 21701
TELEPHONE: 301-831-8900
e-MAIL: archconcpt@gmail.com

BENNETT CREEK VETERINARY HOSPITAL
OFFICES, SURGICAL SUITE & EXAM ROOMS
22416 FREDERICK ROAD
CLARKSBURG, MONTGOMERY CO., MARYLAND



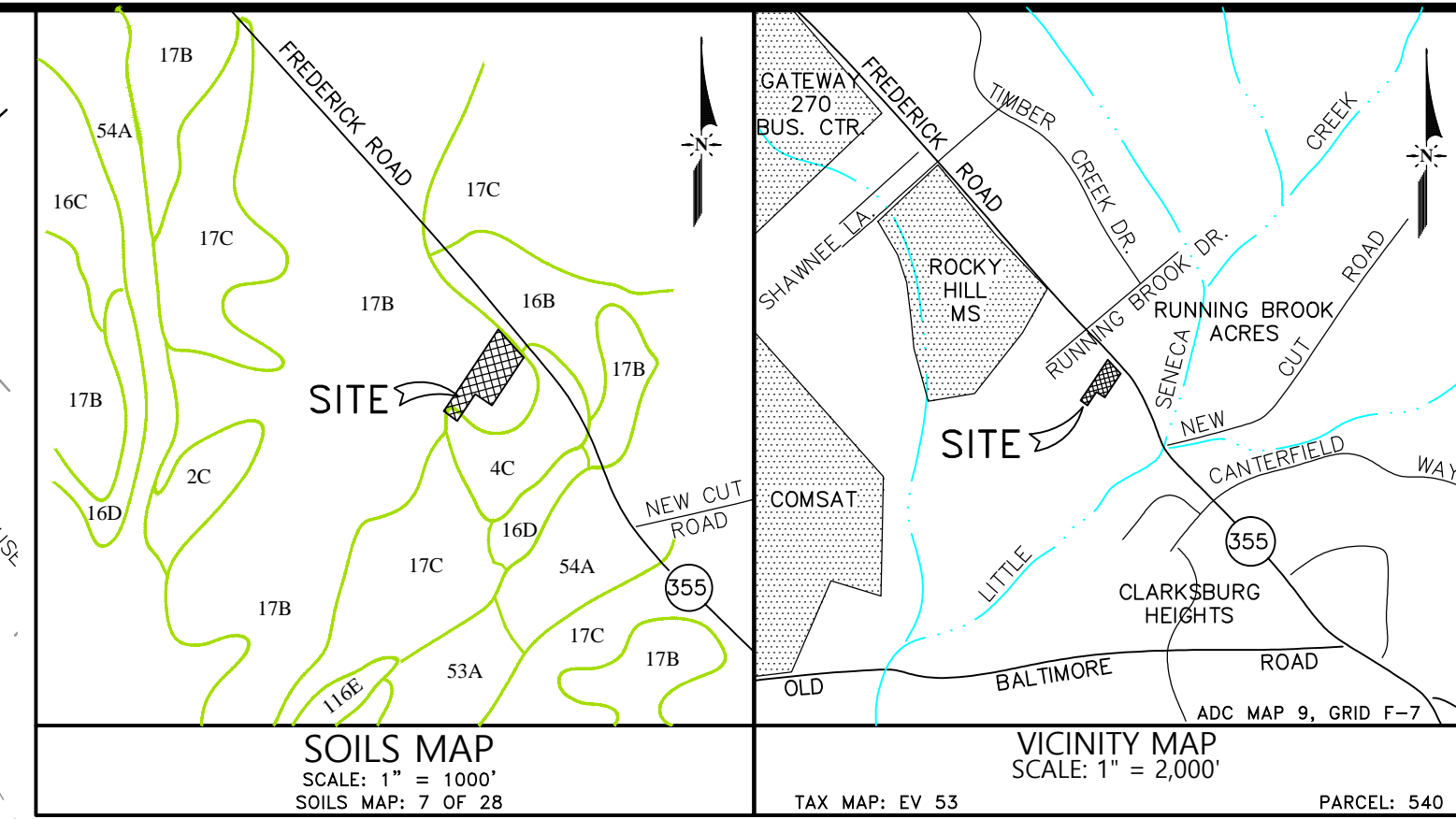
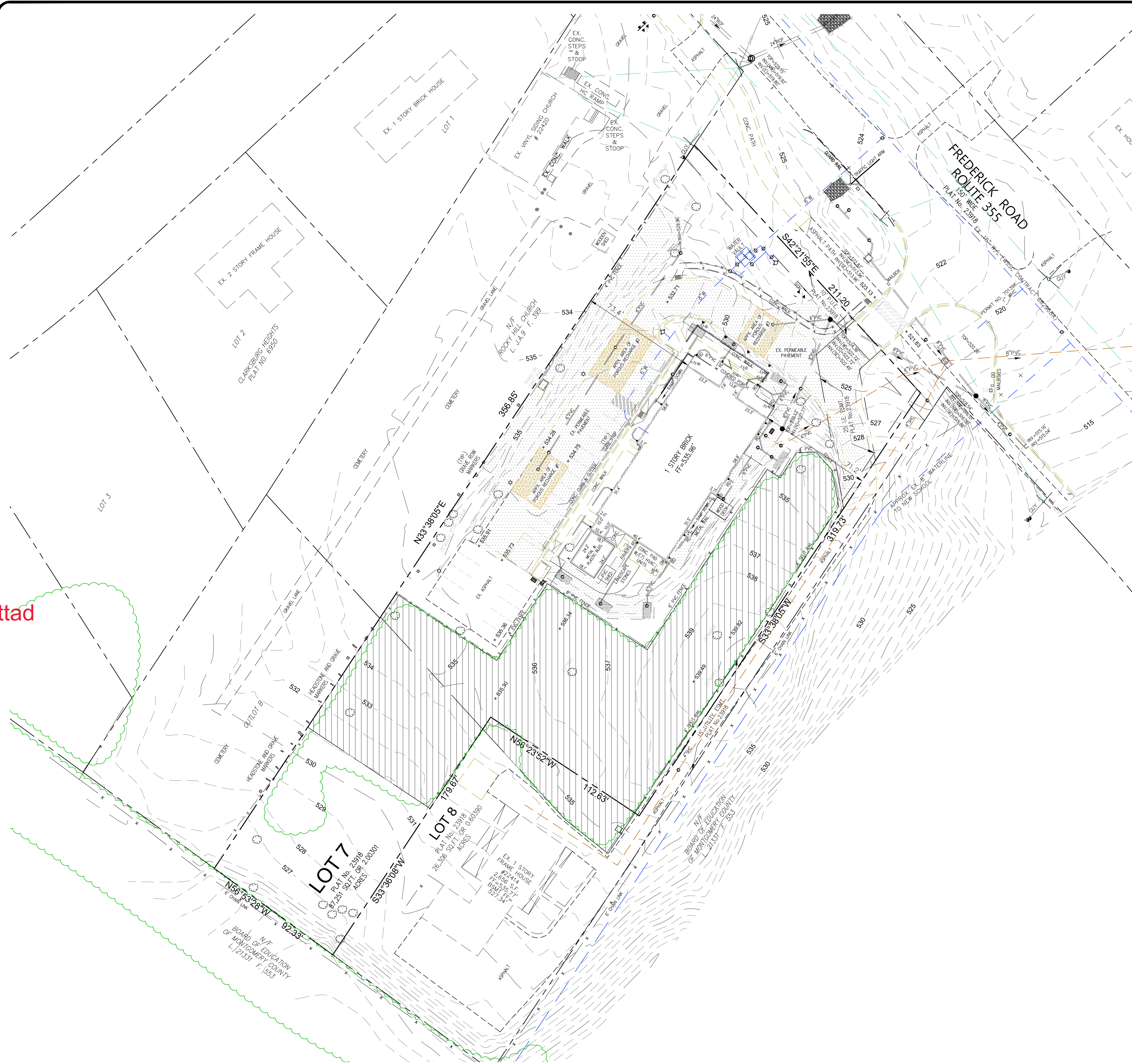
ADDITION CELLAR GROSS FLOOR AREA = 1,971 SQ. FT.

BASEMENT LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

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Attad



- GENERAL SITE NOTES:**
- The property is currently owned by Biscayne Veterinary Holdings, LLC with a deed reference of Liber 37035 at Folio 226. The property is also known as "Lot 7 Clarksburg Heights" as recorded in Plat No. 23918. The property address is 22416 Frederick Road and the site area is 87,251 square feet (SF) or 2,003 acres.
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16B (Brimlow-Blocktown channery silt loam - 3% to 8% slopes), HSG - C, K-Value: 0.24
17B (Ocoquan Loam - 3% to 8% slopes), HSG - B, K-Value: 0.37.
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 - Water & Sewer Classification: W-1 & S-1 (WSSC Base 231NW12)

NO.	DATE	DESCRIPTION

BENNETT CREEK ANIMAL HOSPITAL

Sited at No. 22416 Frederick Road
Liber 37035 Folio 226
Clarksburg Election District No. 2
Montgomery County, Maryland

CONDITIONAL USE SITE PLAN - EXISTING CONDITION PLAN

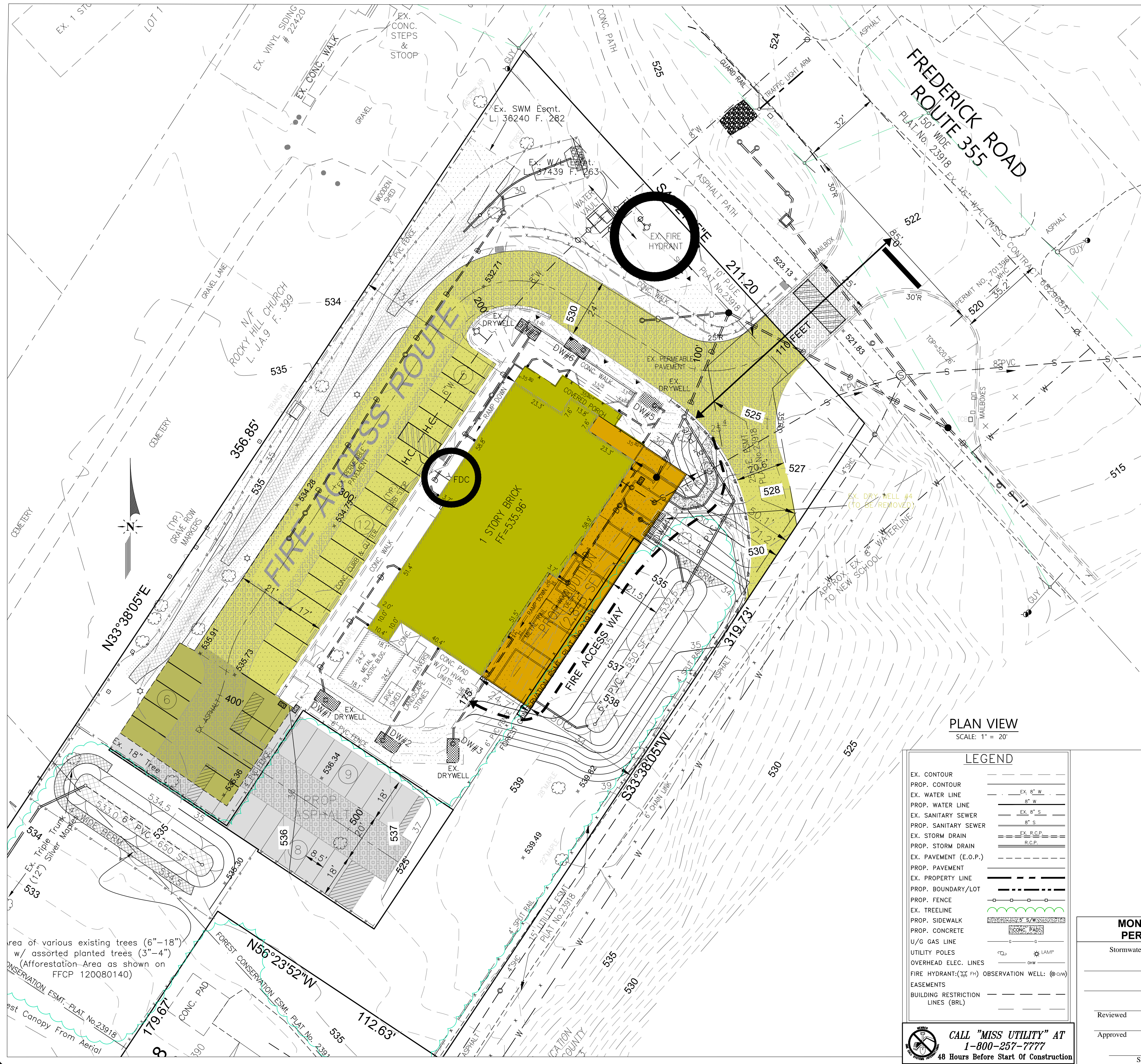
Terra Solutions Engineering, LLC
Commercial & Residential Land Planning and Engineering
5216 Charmaine Court, Suite 105
Frederick, MD 21705
Phone: 301-278-3642

Owner/Developer
Biscayne Veterinary Holdings, LLC
607 Oak Knoll Terrace
Rockville, MD 20871
Attn: Mr. Jeff Walcott

PROFESSIONAL ENGINEER'S CERTIFICATION

SIGNED BY: *Gerald Lee Miller, Jr.* DATE: 1/10/24
GERALD LEE MILLER, JR., PE
MD LICENSE No.: 21401, P.E. EXPIRATION DATE: 11-09-24
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

PROJECT No.: 302
DATE: JANUARY 2024
SCALE: 1" = 30'
SHEET No. 1 of 1



- FIRE ACCESS PLAN NOTES:**
1. THE EXISTING & PROPOSED BUILDING WILL BE FULLY SPRINKLERED
 2. POSTED SPEED LIMIT: 40 MPH (BOTH DIRECTIONS AT SITE)
 3. NEAREST FIRE HYDRANT: 70- FEET (IN THE FRONT YARD OF THE SITE)
 4. THE EXISTING FIRE DEPARTMENT CONNECTION (FDC) WILL REMAIN IN USE
 5. UTILITY CONNECTIONS (I.E., WATER, SEWER, ELECTRIC, ETC.) WILL BE INTERNAL FROM THE EXISTING STRUCTURE INTO THE NEW ADDITION.

PLAN VIEW
SCALE: 1" = 20'

LEGEND

EX. CONTOUR	---
PROP. CONTOUR	---
EX. WATER LINE	--- EX. 8" W ---
PROP. WATER LINE	--- 8" W ---
EX. SANITARY SEWER	--- EX. 8" S ---
PROP. SANITARY SEWER	--- 8" S ---
EX. STORM DRAIN	--- EX. R.C.P. ---
PROP. STORM DRAIN	--- R.C.P. ---
EX. PAVEMENT (E.O.P.)	---
PROP. PAVEMENT	---
EX. PROPERTY LINE	---
PROP. BOUNDARY/LOT	---
PROP. FENCE	---
EX. TREELINE	---
PROP. SIDEWALK	---
PROP. CONCRETE	---
U/G GAS LINE	---
UTILITY POLES	---
OVERHEAD ELEC. LINES	---
FIRE HYDRANT: (PH) OBSERVATION WELL: (O.O.W.)	---
EASEMENTS	---
BUILDING RESTRICTION LINES (BRL)	---

PROFESSIONAL ENGINEER'S CERTIFICATION

SIGNED BY: *Gerald Lee Miller, Jr.* 4/30/24
GERALD LEE MILLER, JR., P.E. DATE

MD LICENSE No.: 21401, P.E. EXPIRATION DATE: 11-09-24

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DAILY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES APPROVED FOR:		NOTE: MCDPS APPROVAL DOES NOT NEGATE THE NEED OF A MCDPS ACCESS PERMIT
Stormwater Management:	Sediment Control Technical Requirements:	Administrative Requirements:
Reviewed _____ Date _____	Reviewed _____ Date _____	Reviewed _____ Date _____
Approved _____ Date _____	Approved _____ Date _____	SEDIMENT CONTROL PERMIT NO. _____
SM File # _____		

CALL "MISS UTILITY" AT 1-800-257-7777 48 Hours Before Start Of Construction

BENNETT CREEK ANIMAL HOSPITAL
Sited at No. 22416 Frederick Road
Liber, 37035 Folio 226
Clarksburg Election District No. 2
Montgomery County, Maryland

FIRE ACCESS PLAN

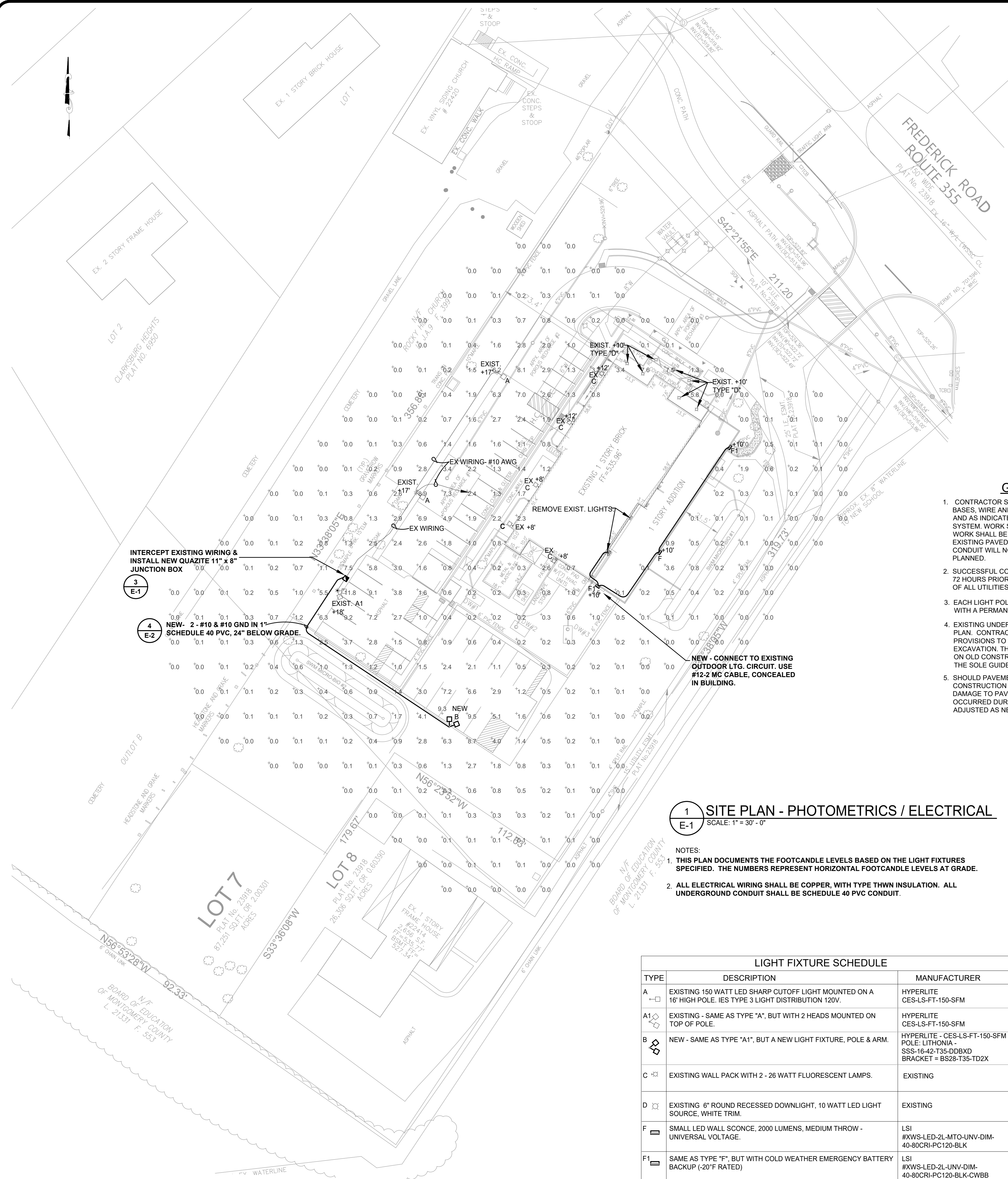
NO.	DATE	REVISION	DESCRIPTION
1			
2			
3			
4			
5			
6			
7			

Terra Solutions Engineering, LLC
Commercial & Residential Land Planning and Engineering
5216 Chairmans Court, Suite 105
Frederick, MD 21703
Phone: 301-378-9842
Email: terra.solutions.engineering@gmail.com

Owner/Developer
Biscayne Veterinary Holdings, LLC
607 Oak Knoll Terrace
Rockville, MD 20871
Attn: Dr. Jeff Walcott, DVM

PROFESSIONAL ENGINEER
Gerald Lee Miller, Jr.
Seal & Signature

PROJECT No.: 302
DATE: APRIL 2024
SCALE: 1" = 20'
SHEET No. 11 of 11



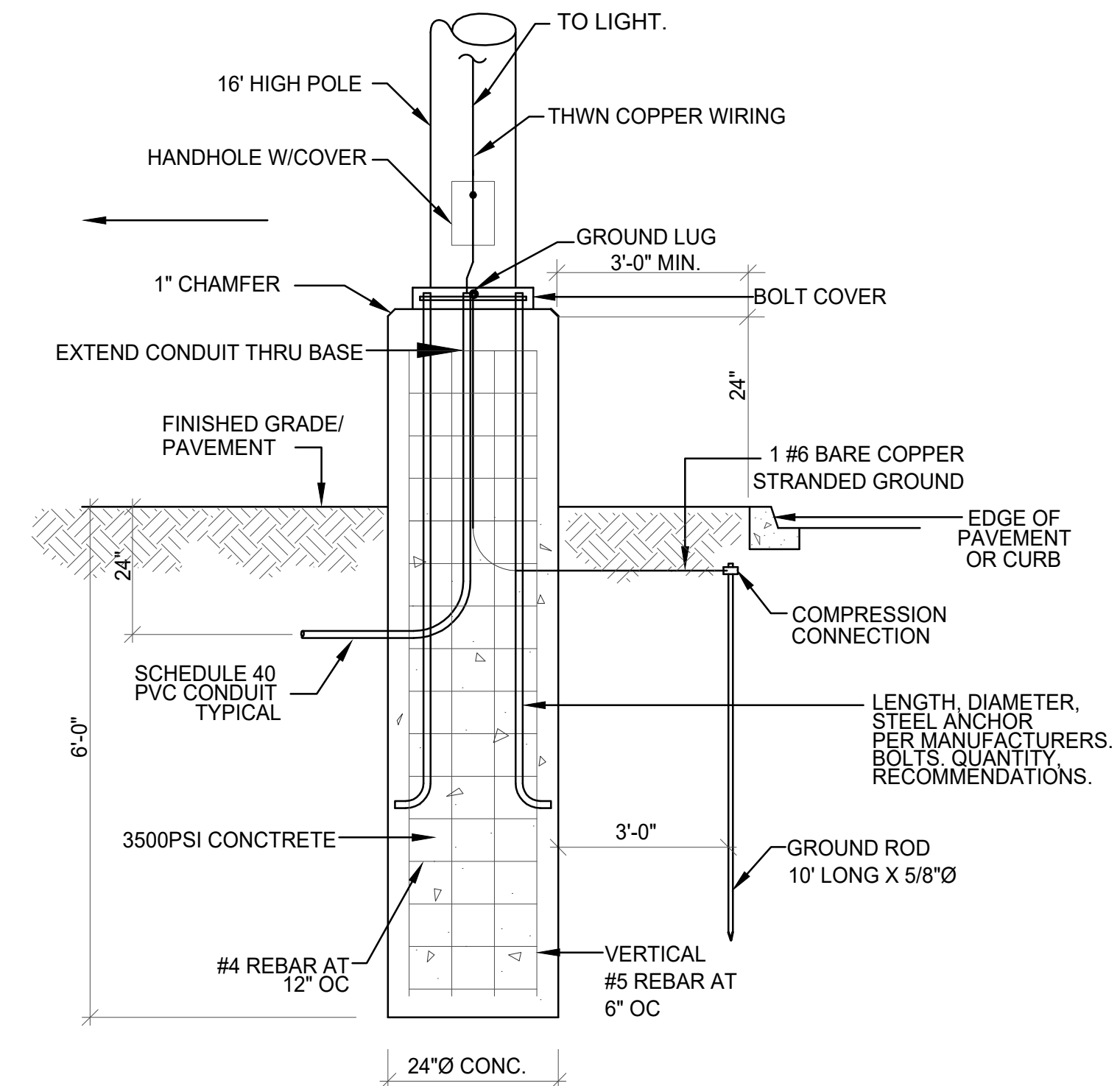
1 SITE PLAN - PHOTOMETRICS / ELECTRICAL
 E-1 SCALE: 1" = 30'-0"

- NOTES:
1. THIS PLAN DOCUMENTS THE FOOTCANDLE LEVELS BASED ON THE LIGHT FIXTURES SPECIFIED. THE NUMBERS REPRESENT HORIZONTAL FOOTCANDLE LEVELS AT GRADE.
 2. ALL ELECTRICAL WIRING SHALL BE COPPER, WITH TYPE THWN INSULATION. ALL UNDERGROUND CONDUIT SHALL BE SCHEDULE 40 PVC CONDUIT.

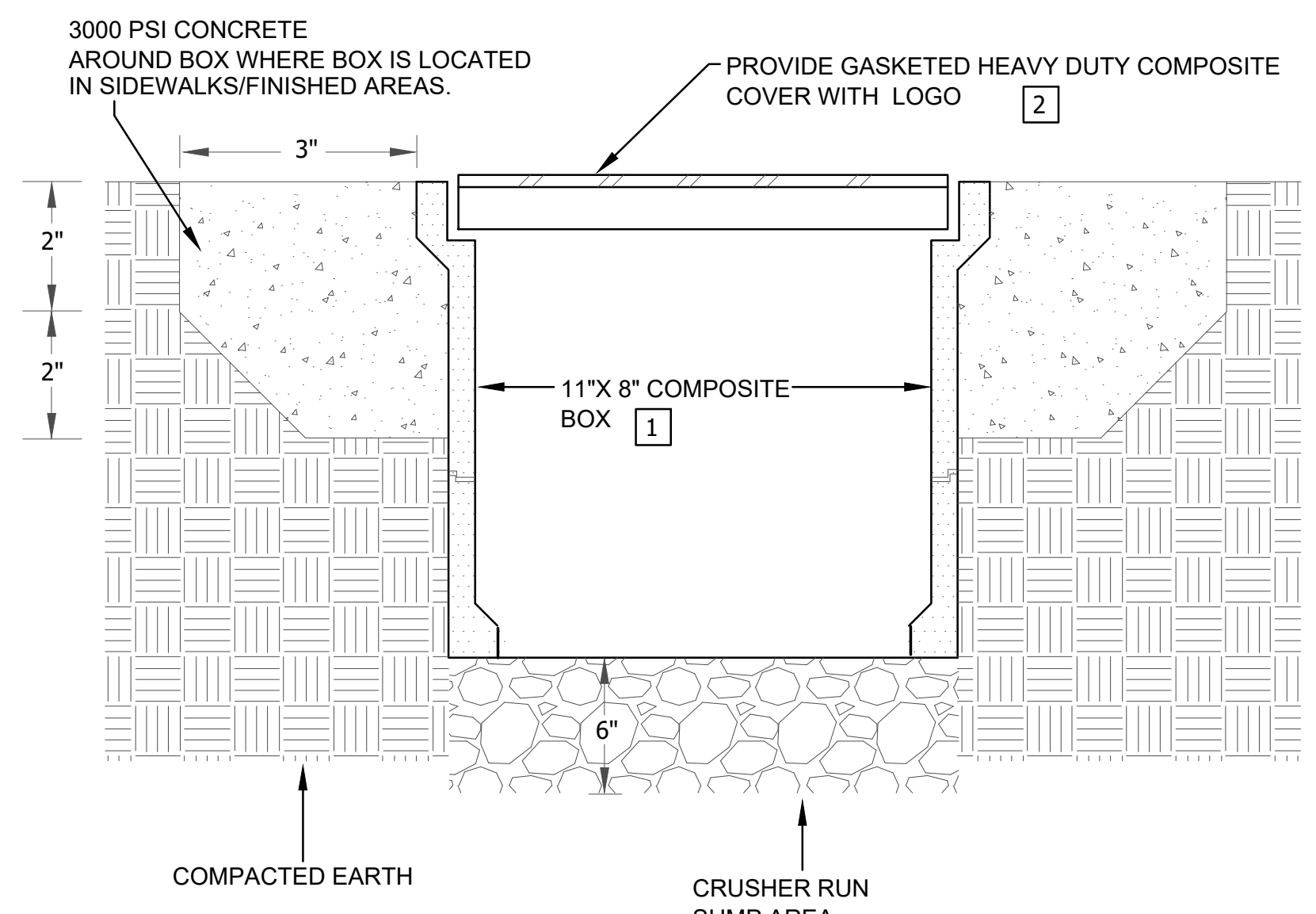
LIGHT FIXTURE SCHEDULE			
TYPE	DESCRIPTION	MANUFACTURER	WATTS
A	EXISTING 150 WATT LED SHARP CUTOFF LIGHT MOUNTED ON A 16' HIGH POLE. IES TYPE 3 LIGHT DISTRIBUTION 120V.	HYPERLITE CES-LS-FT-150-SFM	150
A1	EXISTING - SAME AS TYPE "A", BUT WITH 2 HEADS MOUNTED ON TOP OF POLE.	HYPERLITE CES-LS-FT-150-SFM	300
B	NEW - SAME AS TYPE "A1", BUT A NEW LIGHT FIXTURE, POLE & ARM.	HYPERLITE - CES-LS-FT-150-SFM POLE: LITHONIA - SSS-16-42-T35-0DBXD BRACKET = BS28-T35-TD2X	300
C	EXISTING WALL PACK WITH 2 - 26 WATT FLUORESCENT LAMPS.	EXISTING	52
D	EXISTING 6" ROUND RECESSED DOWNLIGHT, 10 WATT LED LIGHT SOURCE, WHITE TRIM.	EXISTING	10
F	SMALL LED WALL SCONCE, 2000 LUMENS, MEDIUM THROW - UNIVERSAL VOLTAGE.	LSI #XWS-LED-2L-MTO-UNV-DIM-40-80CRI-PC120-BLK	15
F1	SAME AS TYPE "F", BUT WITH COLD WEATHER EMERGENCY BATTERY BACKUP (20" F RATED)	LSI #XWS-LED-2L-UNV-DIM-40-80CRI-PC120-BLK-CWBB	15

GENERAL NOTES

1. CONTRACTOR SHALL PROVIDE ALL LIGHT FIXTURES, POLES, POLE BASES, WIRE AND CONDUIT, TRENCHING AND BACKFILL, ETC. PER NEC AND AS INDICATED ON THIS DRAWING TO PROVIDE A FULLY OPERABLE SYSTEM. WORK SHALL BE COORDINATED WITH NEW PAVING AND ALL WORK SHALL BE INSTALLED PRIOR TO FINAL COAT OF PAVING. EXISTING PAVED AREAS DAMAGED DURING TRENCHING FOR NEW CONDUIT WILL NOT NEED TO BE REPAIRED WHERE NEW PAVING IS PLANNED.
2. SUCCESSFUL CONTRACTOR SHALL CALL MISS UTILITY 72 HOURS PRIOR TO ANY EXCAVATION FOR LOCATION OF ALL UTILITIES.
3. EACH LIGHT POLE SHALL BE ON DESIGNATED CIRCUIT AND TAGGED WITH A PERMANENT LABEL LOCATED INSIDE HANDHOLE.
4. EXISTING UNDERGROUND UTILITIES ARE NOT LOCATED ON THIS PLAN. CONTRACTOR SHALL CONTACT MISS UTILITY AND MAKE PROVISIONS TO FIELD LOCATE EXISTING UTILITIES PRIOR TO EXCAVATION. THIS PLAN DOES HAVE SOME INFORMATION FOUND ON OLD CONSTRUCTION DRAWINGS, BUT SHALL NOT BE USED AS THE SOLE GUIDE TO LOCATE EXISTING UTILITIES.
5. SHOULD PAVEMENT OR SIDEWALKS BE DAMAGED DURING CONSTRUCTION CONTRACTOR IS RESPONSIBLE TO REPAIR ANY DAMAGE TO PAVED SURFACES OR EXISTING UTILITIES WHICH OCCURRED DURING EXCAVATION. THE ROUTING CONDUITS SHALL BE ADJUSTED AS NEEDED TO MISS EXISTING UTILITIES.

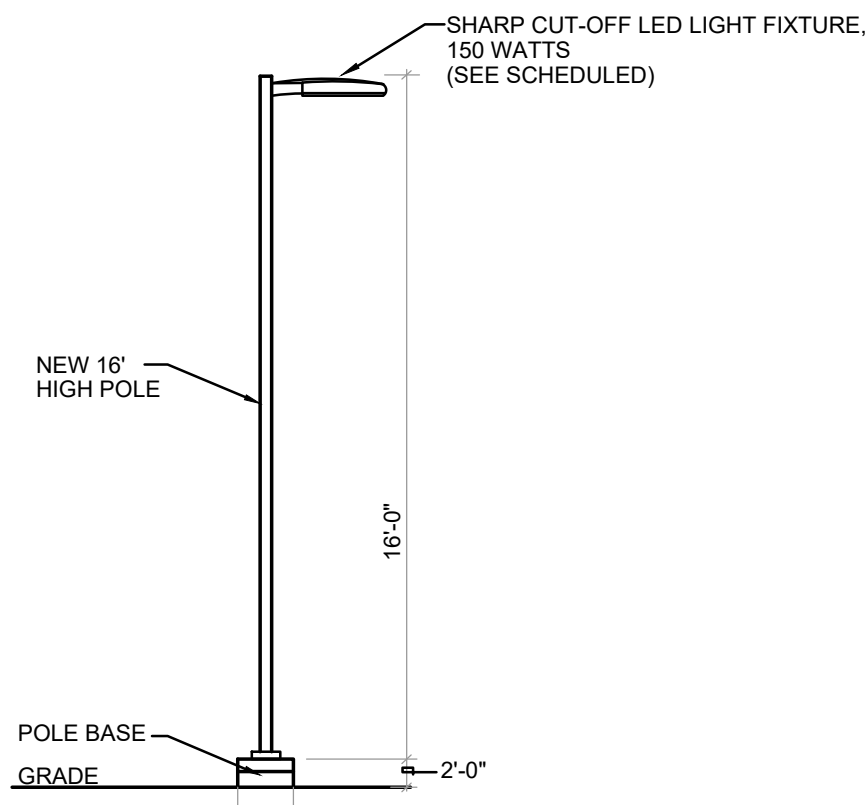


4 TYPE B LIGHT POLE FOUNDATION DETAIL (16' POLE)
 E-1 NO SCALE

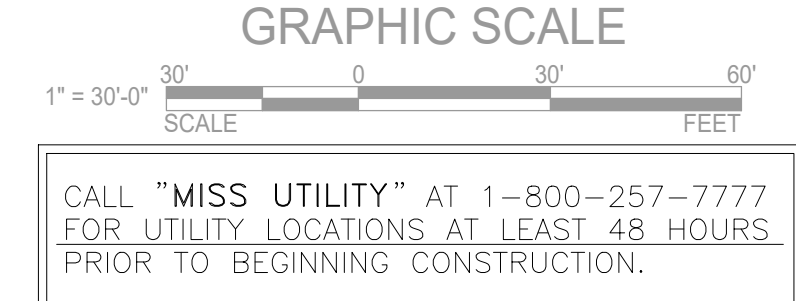


3 DIRECT BURIAL JUNCTION BOX DETAIL
 E-1 NO SCALE

- NOTES:
1. QUAZITE PC1108BA18 TRAFFIC RATED QUAZITE BOX.
 2. QUAZITE PC1108CG00"ELECTRIC" (POWER COVER)



2 TYPE "B"
 E-1 NO SCALE



Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland License 34596, Expiration Date: 10/23/2023

MG Thompson Engineering Inc.
 6112 Huckleberry Way
 New Market, MD 21774
 Phone: 240-668-2532
 Fax: 240-668-2534
 Email: mthompson@mgthompsonengineering.com
 Website: mgthompsonengineering.com

BENNETT CREEK ANIMAL HOSPITAL
 Situated at No. 22416 Frederick Road
 Liber 37035 Folio 226
 Clarksburg Election District No. 2
 Montgomery County, Maryland

Terra Solutions Engineering, LLC
 Commercial & Residential Land Planning and Engineering
 5216 Chairmans Court, Suite 105
 Frederick, MD 21703
 Phone: 301-578-9842 Email: terrasolutionsengineering@gmail.com

Owner/Developer
 Biscayne Veterinary Holdings, LLC
 607 Oak Knoll Terrace
 Rockville, MD 20871
 Attn: Mr. Jeff Walcott

Michael Thompson
 Professional Engineer
 05-03-23
 Seal & Signature

PROJECT No.: 302 - 23017
 DATE: MAY 2023
 SCALE: AS NOTED
 SHEET No. E-1 of 2

Catalog #: _____ Project: _____
 Prepared By: _____ Date: _____ Type: _____

Mirada Small Wall Sconce (XWS)

Outdoor LED Wall Light

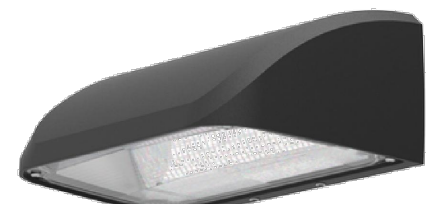
OVERVIEW	
Lumen Output Range	2,000 - 6,000
Wattage Range	15 - 52
Efficiency Range (LPW)	110 - 151
Luminaire Weight (lbs (kg))	8 (3.6)

QUICK LINKS

Ordering Guide	Performance	Photometrics	Dimensions
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FEATURES & SPECIFICATIONS

- Construction**
 - Rugged die-cast aluminum housing.
 - Fixtures are finished with LSi's DuraGrip® polyester powder coat finishing process.
 - The DuraGrip finish withstands extreme weather changes without cracking or peeling. Other standard LSi finishes available. Consult factory.
 - Extended housing available with 1/2" threaded hubs for surface conduit and rated wire.
 - Standard luminaire shipping weight: 10 lbs in carton.
 - Max luminaire shipping weight (with back housing): 20 lbs in carton.
- Optical System**
 - Choice of acrylic lens or high impact resistant polycarbonate lens
 - The lens is fully gasketed with a one-piece solid silicone gasket to keep out moisture and dust, providing an IP65 rating for the luminaire
 - Reflector system with recessed light engine reduces glare and brightness.
 - Forward Throw Wide and Medium distributions available.
 - Optional diffused lens for reduced LED pixilation over the lens and maximum visual comfort.
 - Zero uplight.
 - Available in 5000K, 4000K, 3500K, 3000K and 2700K color temperatures per ANSI C78.37.
 - Minimum CRI of 80
- Electrical**
 - High-performance driver features over-voltage under-voltage, short-circuit and over temperature protection.
 - 0-10V dimming (10% - 100%) standard.
 - Standard Universal Voltage (120-277 VAC) Input: 50/60 Hz or optional High Voltage (347-480 VAC).
 - L70 Calculated Life: >60k Hours
 - Total harmonic distortion: <20%
 - Operating temperature: -40°C to +50°C (-40°F to +122°F).
 - Power factor: > 90
 - Input power stays constant over life.
 - Optional 10kV surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2).
 - High-efficiency LEDs mounted to metal-core circuit board to maximize heat dissipation
 - Driver is fully encased in potting material for moisture resistance. Driver complies with FCC standards. Accessible driver and electrical components.
 - Optional Dual Drivers/Circuit/Power Feeds.
 - Optional battery backup provides 90-minutes of constant power to the LED system, ensuring code compliance. A test switch/indicator button is installed on the housing for ease of maintenance. Standard battery rated for 0° to 50° with cold weather battery rated for -20°C to +50°C 120-277V Only.
- Controls**
 - Optional Integral passive infrared Bluetooth™ motion and photocell sensor. Fixtures operate independently and can be commissioned via iOS or Android configuration app.
 - LSi's AirLink™ wireless control system options reduce energy and maintenance costs while optimizing light quality 24/7.



Mirada Small Wall Sconce (XWS)

Type: _____

ORDERING GUIDE

[Back to Quick Links](#)

TYPICAL ORDER EXAMPLE: XWS LED 6L FTW UNV DIM 40 70CRI ALBCS1 BLK EH										
Luminaire Profile	Light Source	Lumen Package	Distribution/Lens	Voltage	Driver	Color Temp	Color Rendering	Controls	Finish	Options
XWS - Mirada Small Wall Sconce	LED	6L - 6,000 lms	FTW - Forward Throw Wide Clear Acrylic Lens	UNV - Universal Voltage (120-277V)	DIM - 0-10v Dimming (0-10%)	80 - 8,000K	ICR1 - 80 CRI	ALBCS1 - AirLink Bluetooth™ Motion and Photocell Sensor 8" 24" MM 14"	BLK - Black	EH - Extended Housing

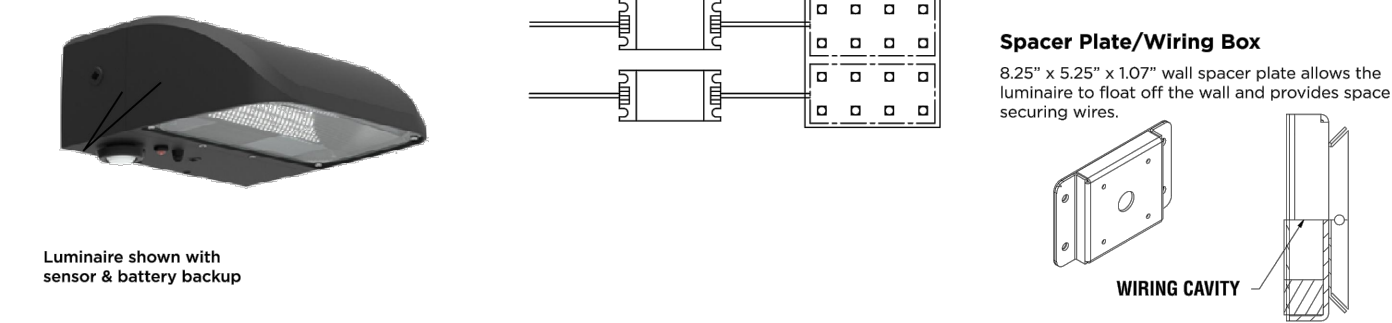
Controls	Finish	Options
(Blank) - None	BLK - Black BRZ - Dark Bronze DMG - Gun Metal Gray GPT - Granite MSV - Metallic Silver PLP - Platinum Plus PFG - Cast Finish Green WHT - White	(Blank) - None DLC - DLC coated SP - Dual Driver, Circuit & Power Feed ^{1,2} BB - Battery Backup (90min) ^{3,4} CWBB - Cold Weather Battery Backup (90min) ^{3,4} EH - Extended Housing ⁵ SP1 - 10kV Surge Protection Device TP - Tamper Proof ⁶

ACCESSORY ORDERING INFORMATION⁸

Accessory Name	Order Number
LED Lensing Accessories	
Emergency	758270
XWS Performance Lens (FTW)	
XWS Clear Acrylic Lens (MT)	758287
XWS Diffuse Acrylic Lens (MTD)	758288
XWS Polycarbonate Vandal Lens (MTP)	758271
XWS Extended Housing/Surface Conduit Wiring Box	758274CLR
XWS Spacer Plate/Wiring Box	780759CLR
XWS Tamper Resistant Hardware	780871
XWS Tamper Resistant Hardware Screw Driver	780875

Footnotes:

- Custom lumen and wattage packages available, consult factory. Values are within industry standard tolerances but not to scale.
- Not available in 2L lumen package.
- Option requires EPI extended housing.
- For applications with surface conduit, there is limited hub availability when ordering with controls, battery backup or dual driver options. Consult factory.
- IMBT is field configurable via the LSI app that can be downloaded from your smartphone's native app store.
- Not available with 2L and 3L lumen packages.
- Accessories are shipped separately and field installed.
- Temperature protection only (120-277V).
- Tamper-proof screwdriver must be ordered separately (see accessory ordering information).



2 TYPE "F" NO SCALE

LITHONIA LIGHTING

FEATURES & SPECIFICATIONS

INTENDED USE — These specifications are for US standards only. Square Straight Steel is a general purpose light pole for up to 38-foot mounting heights. This pole provides a robust yet cost-effective option for mounting area lights and floodlights.

Pole Shaft: The pole shaft is of uniform dimension and wall thickness and is made of available grade, hot rolled, commercial-quality steel tubing with a minimum yield of 55 KSI (1-gauge, 4.101"), or 50 KSI (2-gauge, 6.179"). Shaft is one-piece with a full-length longitudinal high-frequency electric resistance weld. Uniformly square in cross-section with flat sides, small corner radii and excellent torsional qualities. Available shaft widths are 4", 5" and 6".

Pole Top Options: Include 4" tenon top, drilled for side-mount fixture, base with drilling (includes extra hardware) and open top. Side drilled and open top poles include a removable top cap.

Hardware: A reinforced hardware is provided at 18" from the base on side A. Positioning the hardware lower may not be possible and requires engineering review. Consult Tech Support/Outdoor for further information. Every hardware includes a cover and cover attachment hardware. The hardware has a nominal dimension of 2.5" x 5".

Base Cover: Available in 85 plastic two-piece full base cover, finished to match the pole, is provided with each pole assembly. Additional base cover options are available upon request.

Anchor Base/Bolts: Anchor base is fabricated from steel that meets ASTM A36 standards and can be altered to match existing foundations. Consult factory for modifications. Anchor bolts are manufactured to ASTM F1554 Standards, grade 55, 5/8" diameter, yield strength and tensile strength of 75,900 KSI. Top threaded portion (nominal 1.7") is hot-dipped galvanized per ASTM A-153.

Hardware: All structural fasteners are high-strength galvanized carbon steel. All non-structural fasteners are galvanized or zinc-plated carbon steel or stainless steel.

FINISH — Extra durable painted finish is coated with TDC (Triglycidyl isocyanurate) Polyester powder that meets SA and SS classifications of ASTM D3359. Powder-coat finishes include Dark Bronze, White, Black, and Natural Aluminum colors. Architectural Colors and Special Finishes are available by quote and include, but are not limited to: Flat over Hot-dipped Galvanized, RAL Colors, Custom Colors and Extended Warranty Finishes.

BUY AMERICAN ACT — Product with the BAA option is assembled in the USA and meets the Buy American Act government procurement requirements under FAR, FAROS and DDF regulations. Please refer to www.aculib.com/buy-american for additional information.

INSTALLATION — Do not erect poles without having fixtures installed. Factory-applied templates must be used when setting anchor bolts. Lithonia Lighting will not accept claim for incorrect anchorage placement due to failure to use Lithonia Lighting factory templates. Poles are erected under all applicable engineering must be removed immediately upon delivery to prevent frost damage. Lithonia Lighting is not responsible for the foundation design.

WARRANTY — 1-year limited warranty. This is the only warranty provided and no other statements in this specification sheet create any warranty of any kind. All other express and implied warranties are disclaimed. Complete warranty terms listed at www.lithonia.com/customer-resources/terms_and_conditions

NOTE: Actual performance may differ as a result of end-user environment and application. Specifications subject to change without notice.

Series	Nominal Fixture Mounting Height	Nominal Shaft Base Size/Wall Thickness	Mounting ¹	Options	Finish ²				
SSS	10'-30'	4C 4" 11g (0.120") 4E 4" 7g (0.137") 4F 4" 5g (0.154") 4G 4" 3g (0.171")	Tenon mounting PT Open top (includes 4" tenon top)	ALBCS1 - Supposed drill DM28MT - 2.4" 100" DM28ST - 2.4" 100" DM28CT - 2.4" 100" DM28MT - 2.4" 100" DM28ST - 2.4" 100" DM28CT - 2.4" 100" DM28MT - 2.4" 100" DM28ST - 2.4" 100" DM28CT - 2.4" 100" DM28MT - 2.4" 100" DM28ST - 2.4" 100" DM28CT - 2.4" 100"	Shipped/detailed VD Vibration dampen ³ HKEY Horizontal arm bracket (1 fixture) ⁴ FKKEY Festoon outlet less electrical ⁵ CR123xy 1/2" coupling ⁶ CR123xy 3/4" coupling ⁶ CR123xy 1" coupling ⁶ NRL123xy 1/2" threaded nipple ⁶ NRL123xy 3/4" threaded nipple ⁶ ERHKEY Extra hardware ⁷	Super durable paint colors DORBD Dark bronze DLKBLK Black DMALAL Natural aluminum DMWHD White DSDSD Sandstone DSDGD Charcoal gray DSDGD Green DORBD Bright red DORBD Steel blue DORBD Textured dark bronze DLKBLK Textured black DMWHD Textured natural aluminum DMWHD Textured white			
							See technical information table for complete ordering information.	See technical information table for complete ordering information.	See technical information table for complete ordering information.
							DM28 2.4" 100" DM28 2.4" 100" with one side drilled ⁸ DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100"		

SSS Square Straight Steel Poles

Series	Nominal Fixture Mounting Height	Nominal Shaft Base Size/Wall Thickness	Mounting ¹	Options	Finish ²				
SSS	10'-30'	4C 4" 11g (0.120") 4E 4" 7g (0.137") 4F 4" 5g (0.154") 4G 4" 3g (0.171")	Tenon mounting PT Open top (includes 4" tenon top)	ALBCS1 - Supposed drill DM28MT - 2.4" 100" DM28ST - 2.4" 100" DM28CT - 2.4" 100" DM28MT - 2.4" 100" DM28ST - 2.4" 100" DM28CT - 2.4" 100" DM28MT - 2.4" 100" DM28ST - 2.4" 100" DM28CT - 2.4" 100" DM28MT - 2.4" 100" DM28ST - 2.4" 100" DM28CT - 2.4" 100"	Shipped/detailed VD Vibration dampen ³ HKEY Horizontal arm bracket (1 fixture) ⁴ FKKEY Festoon outlet less electrical ⁵ CR123xy 1/2" coupling ⁶ CR123xy 3/4" coupling ⁶ CR123xy 1" coupling ⁶ NRL123xy 1/2" threaded nipple ⁶ NRL123xy 3/4" threaded nipple ⁶ ERHKEY Extra hardware ⁷	Super durable paint colors DORBD Dark bronze DLKBLK Black DMALAL Natural aluminum DMWHD White DSDSD Sandstone DSDGD Charcoal gray DSDGD Green DORBD Bright red DORBD Steel blue DORBD Textured dark bronze DLKBLK Textured black DMWHD Textured natural aluminum DMWHD Textured white			
							See technical information table for complete ordering information.	See technical information table for complete ordering information.	See technical information table for complete ordering information.
							DM28 2.4" 100" DM28 2.4" 100" with one side drilled ⁸ DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100" DM29 2.4" 100"		

NOTES:

- Hardware covers (HWC), full base covers (FBC) and top caps (TC) shipped separately. No need to call out in nomenclature. For additional parts please refer to accessories.
- Wall thickness will be specified with a "C" (1" gauge) or a "D" (2" gauge) in nomenclature. "C" = 0.120" (1" = 0.137", "D" = 0.154", "E" = 0.171", "F" = 0.188", "G" = 0.205", "H" = 0.222", "I" = 0.239", "J" = 0.256", "K" = 0.273", "L" = 0.290", "M" = 0.307", "N" = 0.324", "O" = 0.341", "P" = 0.358", "Q" = 0.375", "R" = 0.392", "S" = 0.409", "T" = 0.426", "U" = 0.443", "V" = 0.460", "W" = 0.477", "X" = 0.494", "Y" = 0.511", "Z" = 0.528", "AA" = 0.545", "AB" = 0.562", "AC" = 0.579", "AD" = 0.596", "AE" = 0.613", "AF" = 0.630", "AG" = 0.647", "AH" = 0.664", "AI" = 0.681", "AJ" = 0.698", "AK" = 0.715", "AL" = 0.732", "AM" = 0.749", "AN" = 0.766", "AO" = 0.783", "AP" = 0.800", "AQ" = 0.817", "AR" = 0.834", "AS" = 0.851", "AT" = 0.868", "AU" = 0.885", "AV" = 0.902", "AW" = 0.919", "AX" = 0.936", "AY" = 0.953", "AZ" = 0.970", "BA" = 0.987", "BB" = 1.004", "BC" = 1.021", "BD" = 1.038", "BE" = 1.055", "BF" = 1.072", "BG" = 1.089", "BH" = 1.106", "BI" = 1.123", "BJ" = 1.140", "BK" = 1.157", "BL" = 1.174", "BM" = 1.191", "BN" = 1.208", "BO" = 1.225", "BP" = 1.242", "BQ" = 1.259", "BR" = 1.276", "BS" = 1.293", "BT" = 1.310", "BU" = 1.327", "BV" = 1.344", "BW" = 1.361", "BX" = 1.378", "BY" = 1.395", "BZ" = 1.412", "CA" = 1.429", "CB" = 1.446", "CC" = 1.463", "CD" = 1.480", "CE" = 1.497", "CF" = 1.514", "CG" = 1.531", "CH" = 1.548", "CI" = 1.565", "CJ" = 1.582", "CK" = 1.599", "CL" = 1.616", "CM" = 1.633", "CN" = 1.650", "CO" = 1.667", "CP" = 1.684", "CQ" = 1.701", "CR" = 1.718", "CS" = 1.735", "CT" = 1.752", "CU" = 1.769", "CV" = 1.786", "CW" = 1.803", "CX" = 1.820", "CY" = 1.837", "CZ" = 1.854", "DA" = 1.871", "DB" = 1.888", "DC" = 1.905", "DD" = 1.922", "DE" = 1.939", "DF" = 1.956", "DG" = 1.973", "DH" = 1.990", "DI" = 2.007", "DJ" = 2.024", "DK" = 2.041", "DL" = 2.058", "DM" = 2.075", "DN" = 2.092", "DO" = 2.109", "DP" = 2.126", "DQ" = 2.143", "DR" = 2.160", "DS" = 2.177", "DT" = 2.194", "DU" = 2.211", "DV" = 2.228", "DW" = 2.245", "DX" = 2.262", "DY" = 2.279", "DZ" = 2.296", "EA" = 2.313", "EB" = 2.330", "EC" = 2.347", "ED" = 2.364", "EE" = 2.381", "EF" = 2.398", "EG" = 2.415", "EH" = 2.432", "EI" = 2.449", "EJ" = 2.466", "EK" = 2.483", "EL" = 2.500", "EM" = 2.517", "EN" = 2.534", "EO" = 2.551", "EP" = 2.568", "EQ" = 2.585", "ER" = 2.602", "ES" = 2.619", "ET" = 2.636", "EU" = 2.653", "EV" = 2.670", "EW" = 2.687", "EX" = 2.704", "EY" = 2.721", "EZ" = 2.738", "FA" = 2.755", "FB" = 2.772", "FC" = 2.789", "FD" = 2.806", "FE" = 2.823", "FF" = 2.840", "FG" = 2.857", "FH" = 2.874", "FI" = 2.891", "FJ" = 2.908", "FK" = 2.925", "FL" = 2.942", "FM" = 2.959", "FN" = 2.976", "FO" = 2.993", "FP" = 3.010", "FQ" = 3.027", "FR" = 3.044", "FS" = 3.061", "FT" = 3.078", "FU" = 3.095", "FV" = 3.112", "FW" = 3.129", "FX" = 3.146", "FY" = 3.163", "FZ" = 3.180", "GA" = 3.197", "GB" = 3.214", "GC" = 3.231", "GD" = 3.248", "GE" = 3.265", "GF" = 3.282", "GG" = 3.299", "GH" = 3.316", "GI" = 3.333", "GJ" = 3.350", "GK" = 3.367", "GL" = 3.384", "GM" = 3.401", "GN" = 3.418", "GO" = 3.435", "GP" = 3.452", "GQ" = 3.469", "GR" = 3.486", "GS" = 3.503", "GT" = 3.520", "GU" = 3.537", "GV" = 3.554", "GW" = 3.571", "GX" = 3.588", "GY" = 3.605", "GZ" = 3.622", "HA" = 3.639", "HB" = 3.656", "HC" = 3.673", "HD" = 3.690", "HE" = 3.707", "HF" = 3.724", "HG" = 3.741", "HH" = 3.758", "HI" = 3.775", "HJ" = 3.792", "HK" = 3.809", "HL" = 3.826", "HM" = 3.843", "HN" = 3.860", "HO" = 3.877", "HP" = 3.894", "HQ" = 3.911", "HR" = 3.928", "HS" = 3.945", "HT" = 3.962", "HU" = 3.979", "HV" = 3.996", "HW" = 4.013", "HX" = 4.030", "HY" = 4.047", "HZ" = 4.064", "IA" = 4.081", "IB" = 4.098", "IC" = 4.115", "ID" = 4.132", "IE" = 4.149", "IF" = 4.166", "IG" = 4.183", "IH" = 4.200", "II" = 4.217", "IJ" = 4.234", "IK" = 4.251", "IL" = 4.268", "IM" = 4.285", "IN" = 4.302", "IO" = 4.319", "IP" = 4.336", "IQ" = 4.353", "IR" = 4.370", "IS" = 4.387", "IT" = 4.404", "IU" = 4.421", "IV" = 4.438", "IW" = 4.455", "IX" = 4.472", "IY" = 4.489", "IZ" = 4.506", "JA" = 4.523", "JB" = 4.540", "JC" = 4.557", "JD" = 4.574", "JE" = 4.591", "JF" = 4.608", "JG" = 4.625", "JH" = 4.642", "JI" = 4.659", 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5.799", "LY" = 5.816", "LZ" = 5.833", "MA" = 5.850", "MB" = 5.867", "MC" = 5.884", "MD" = 5.901", "ME" = 5.918", "MF" = 5.935", "MG" = 5.952", "MH" = 5.969", "MI" = 5.986", "MJ" = 6.003", "MK" = 6.020", "ML" = 6.037", "MM" = 6.054", "MN" = 6.071", "MO" = 6.088", "MP" = 6.105", "MQ" = 6.122", "MR" = 6.139", "MS" = 6.156", "MT" = 6.173", "MU" = 6.190", "MV" = 6.207", "MW" = 6.224", "MX" = 6.241", "MY" = 6.258", "MZ" = 6.275", "NA" = 6.292", "NB" = 6.309", "NC" = 6.326", "ND" = 6.343", "NE" = 6.360", "NF" = 6.377", "NG" = 6.394", "NH" = 6.411", "NI" = 6.428", "NJ" = 6.445", "NK" = 6.462", "NL" = 6.479", "NM" = 6.496", "NO" = 6.513", "NP" = 6.530", "NQ" = 6.547", "NR" = 6.564", "NS" = 6.581", "NT" = 6.598", "NU" = 6.615", "NV" = 6.632", "NW" = 6.649", "NX" = 6.666", "NY" = 6.683", "NZ" = 6.700", "OA" = 6.717", "OB" = 6.734", "OC" = 6.751", "OD" = 6.768", "OE" = 6.785", "OF" = 6.802", "OG" = 6.819", "OH" = 6.836", "OI" = 6.853", "OJ" = 6.870", "OK" = 6.887", "OL" = 6.904", "OM" = 6.921", "ON" = 6.938", "OO" = 6.955", "OP" = 6.972", "OQ" = 6.989", "OR" = 7.006", "OS" = 7.023", "OT" = 7.040", "OU" = 7.057", "OV" = 7.074", "OW" = 7.091", "OX" = 7.108", "OY" = 7.125", "OZ" = 7.142", "PA" = 7.159", "PB" = 7.176", "PC" = 7.193", "PD" = 7.210", "PE" = 7.227", "PF" = 7.244", "PG" = 7.261", "PH" = 7.278", "PI" = 7.295", "PJ" = 7.312", "PK" = 7.329", "PL" = 7.346", "PM" = 7.363", "PN" = 7.380", "PO" = 7.397", "PP" = 7.414", "PQ" = 7.431", "PR" = 7.448", "PS" = 7.465", "PT" = 7.482", "PU" = 7.499", "PV" = 7.516", "PW" = 7.533", "PX" = 7.550", "PY" = 7.567", "PZ" = 7.584", "QA" = 7.601", "QB" = 7.618", "QC" = 7.635", "QD" = 7.652", "QE" = 7.669", "QF" = 7.686", "QG" = 7.703", "QH" = 7.720", "QI" = 7.737", "QJ" = 7.754", "QK" = 7.771", "QL" = 7.788", "QM" = 7.805", "QN" = 7.822", "QO" = 7.839", "QP" = 7.856", "QQ" = 7.873", "QR" = 7.890", "QS" = 7.907", "QT" = 7.924", "QU" = 7.941", "QV" = 7.958", "QW" = 7.975", "QX" = 7.992", "QY" = 8.009", "QZ" = 8.026", "RA" = 8.043", "RB" = 8.060", "RC" = 8.077", "RD" = 8.094", "RE" = 8.111", "RF" = 8.128", "RG" = 8.145", "RH" = 8.162", "RI" = 8.179", "RJ" = 8.196", "RK" = 8.213", "RL" = 8.230", "RM" = 8.247", "RN" = 8.264", "RO" = 8.281", "RP" = 8.298", "RQ" = 8.315", "RR" = 8.332", "RS" = 8.349", "RT" = 8.366", "RU" = 8.383", "RV" = 8.400", "RW" = 8.417", "RX" = 8.434", "RY" = 8.451", "RZ" = 8.468", "SA" = 8.485", "SB" = 8.502", "SC" = 8.519", "SD" = 8.536", "SE" = 8.553", "SF" = 8.570", "SG" = 8.587", "SH" = 8.604", "SI" = 8.621", "SJ" = 8.638", "SK" = 8.655", "SL" = 8.672", "SM" = 8.689", "SN" = 8.706", "SO" = 8.723", "SP" = 8.740", "SQ" = 8.757", "SR" = 8.774", "SS" = 8.791", "ST" = 8.808", "SU" = 8.825", "SV" = 8.842", "SW" = 8.859", "SX" = 8.876", "SY" = 8.893", "SZ" = 8.910", "TA" = 8.927", "TB" = 8.944", "TC" = 8.961", "TD" = 8.978", "TE" = 8.995", "TF" = 9.012", "TG" = 9.029", "TH" = 9.046", "TI" = 9.063", "TJ" = 9.080", "TK" = 9.097", "TL" = 9.114", "TM" = 9.131", "TN" = 9.148", "TO" = 9.165", "TP" = 9.182", "TQ" = 9.199", "TR" = 9.216", "TS" = 9.233", "TU" = 9.250", "TV" = 9.267", "TW" = 9.284", "TX" = 9.301", "TY" = 9.318", "TZ" = 9.335", "UA" = 9.352", "UB" = 9.369", "UC" = 9.386", "UD" = 9.403", "UE" = 9.420", "UF" = 9.4

Attachment C



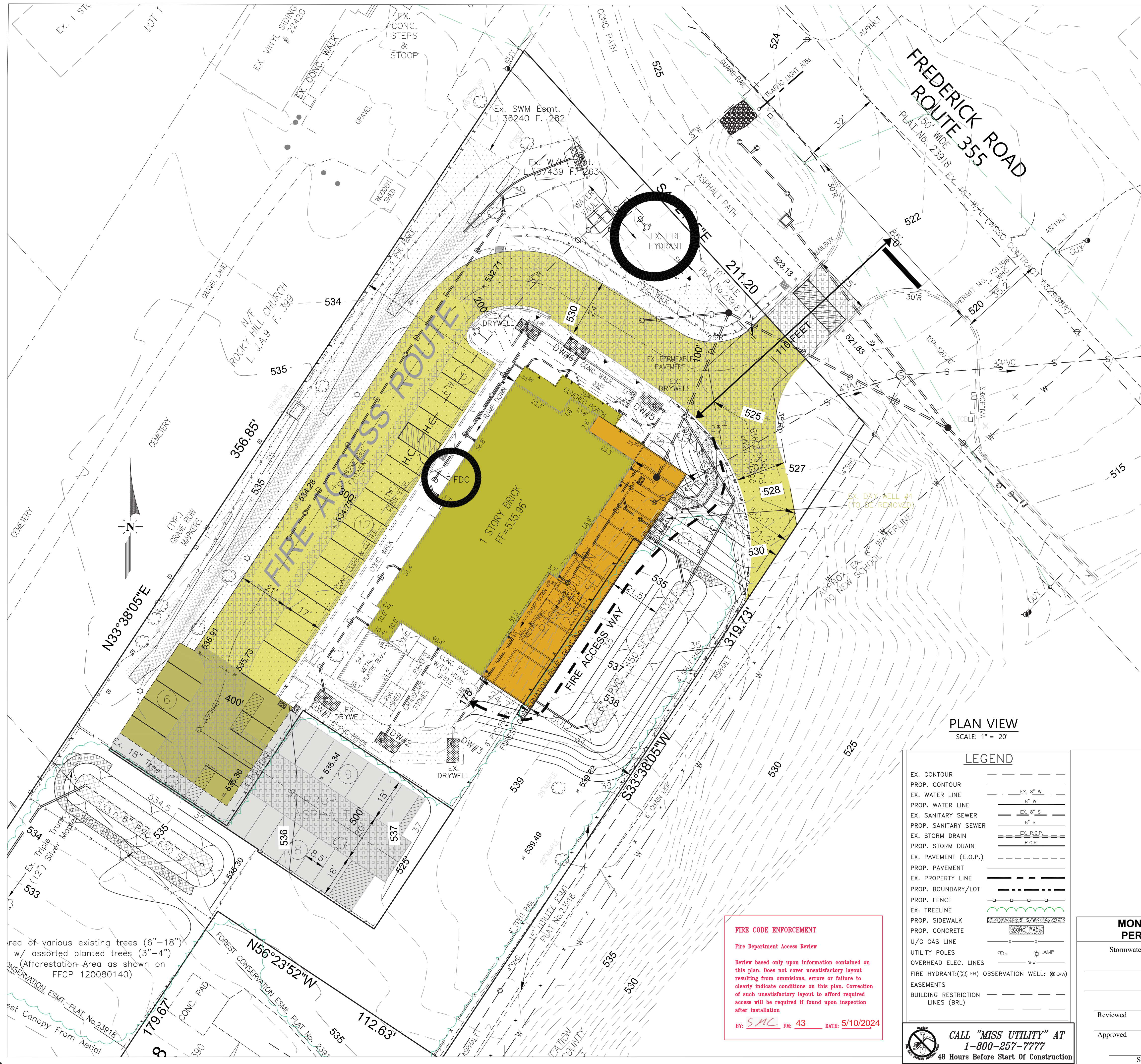
Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 14-Dec-07
TO: Gerald Miller - lee@terrasolutionseng.comcastbiz.n
Terra Solutions Engineering, LLC
FROM: Marie LaBaw
RE: Bennett Creek Animal Hospital
22416 Frederick Road

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **14-Dec-07** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** 05/10/2024 Building addition *****



- FIRE ACCESS PLAN NOTES:**
1. THE EXISTING & PROPOSED BUILDING WILL BE FULLY SPRINKLERED
 2. POSTED SPEED LIMIT: 40 MPH (BOTH DIRECTIONS AT SITE)
 3. NEAREST FIRE HYDRANT: 70- FEET (IN THE FRONT YARD OF THE SITE)
 4. THE EXISTING FIRE DEPARTMENT CONNECTION (FDC) WILL REMAIN IN USE
 5. UTILITY CONNECTIONS (I.E., WATER, SEWER, ELECTRIC, ETC.) WILL BE INTERNAL FROM THE EXISTING STRUCTURE INTO THE NEW ADDITION.

FIRE CODE ENFORCEMENT
 Fire Department Access Review
 Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
 BY: SMC PM: 43 DATE: 5/10/2024

LEGEND

EX. CONTOUR	---
PROP. CONTOUR	---
EX. WATER LINE	--- EX. 8" W ---
PROP. WATER LINE	--- 8" W ---
EX. SANITARY SEWER	--- EX. 8" S ---
PROP. SANITARY SEWER	--- 8" S ---
EX. STORM DRAIN	--- EX. R.C.P. ---
PROP. STORM DRAIN	--- R.C.P. ---
EX. PAVEMENT (E.O.P.)	---
PROP. PAVEMENT	---
EX. PROPERTY LINE	---
PROP. BOUNDARY/LOT	---
PROP. FENCE	---
EX. TREELINE	---
PROP. SIDEWALK	---
PROP. CONCRETE	---
U/G GAS LINE	---
UTILITY POLES	---
OVERHEAD ELEC. LINES	---
FIRE HYDRANT: (H) OBSERVATION WELL: (O.W.)	---
EASEMENTS	---
BUILDING RESTRICTION LINES (BRL)	---

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES APPROVED FOR:

Stormwater Management:	Sediment Control Technical Requirements:	Administrative Requirements:
Reviewed _____ Date _____	Reviewed _____ Date _____	Reviewed _____ Date _____
Approved _____ Date _____	Approved _____ Date _____	SEDIMENT CONTROL PERMIT NO. _____
SM File # _____		

PROFESSIONAL ENGINEER'S CERTIFICATION
 SIGNED BY: *Gerald Lee Miller, Jr.* 4/30/24
 GERALD LEE MILLER, JR., P.E. DATE
 MD LICENSE No.: 21401, P.E. EXPIRATION DATE: 11-09-24
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DAILY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

NOTICE: MCDPS APPROVAL DOES NOT NEGATE THE NEED OF A MCDPS ACCESS PERMIT

STATE OF MARYLAND
 GERALD LEE MILLER, JR.
 PROFESSIONAL ENGINEER
 Seal & Signature

PROJECT No.: 302
 DATE: APRIL 2024
 SCALE: 1" = 20"
 SHEET No. 11 of 11

Terra Solutions Engineering, LLC
 Commercial & Residential Land Planning and Engineering
 5216 Chairmans Court, Suite 105
 Frederick, MD 21703
 Phone: 301-378-9842
 Email: terrasolutionsengineering@gmail.com

Owner/Developer
 Biscayne Veterinary Holdings, LLC
 607 Oak Knoll Terrace
 Rockville, MD 20871
 Attn: Dr. Jeff Walcott, DVM

BENNETT CREEK ANIMAL HOSPITAL
 Situated at No. 22416 Frederick Road
 Liber 37035 Folio 226
 Clarksburg Election District No. 2
 Montgomery County, Maryland

FIRE ACCESS PLAN

NO.	DATE	REVISION	DESCRIPTION
1			
2			
3			
4			
5			
6			
7			

Attachment D



MILLER, BEAM & PAGANELLI, INC.
CONSULTANTS IN ACOUSTICS, VIBRATION & AUDIOVISUAL SYSTEM DESIGN

May 17, 2024

Jeff Walcoff, DVM,
Bennett Creek Animal Hospital,
2416 Frederick Road,
Clarksburg, MD 20871

RE: BENNETT CREEK ANIMAL HOSPITAL EXPANSION

Dear Dr. Walcoff:

An acoustical analysis was conducted of the proposed expansion facility for the Bennett Creek Animal Hospital in Clarksburg, MD. The primary purpose of this analysis was to evaluate potential adverse noise impact on the surrounding community specifically addressing the stringent County noise requirements. As a background, the original facility was evaluated and design recommendations developed to accommodate the above noted noise impact concerns and associated County requirements. This assessment has incorporated the basic design concepts/approaches utilized in the original assessment.

As noted in the original assessment, the potential for indoor levels can vary substantially depending on conditions and locations/uses of the various interior portions of the facility. For kennel locations, where the animals may be together as a group, on occasion, dogs can reach relatively high noise levels. These levels are not continuous, but only occur when the dogs are excited. Upgraded construction was incorporated in the kennel area to address these occasional high peak levels.

As previously noted for the original design, dogs do not normally continuously bark. They will typically bark only when excited such as feeding time with the barking typically limited to a modest period of time. When on a leash, in an individual containment such as an examination or surgery room and of course when sedated, dogs normally do not bark. Potentially, when recovering from surgery, some dogs may occasionally "whine" with resulting levels noticeably lower than barking and also a different (higher) frequency content which can more easily be contained utilizing standard construction. Although very infrequent, the potential occasional "whining" levels would be anticipated in the elevated conversational range of 70 dBA. As noted in the original design assessment, it is possible on rare occasions for a dog to bark briefly in the exam room space with a level of 80 dBA used as a design parameter for these type of spaces.

The special exception documents note that levels must not exceed 60 dBA during daytime hours, and 50 dBA during nighttime hours at the residential property line. The special exception also notes that exterior levels should not exceed 40 dBA from interior sources at 10' from the structure. This is an unusually low requirement and uniquely different from the above noted nighttime code requirement of 50 dBA at the property line.

Normally, the 50 dBA stricter nighttime property line requirement would be the governing element.

The proposed brick wall construction should provide a performance in the 50-55 STC (Sound Transmission Class) range. The proposed window construction performance will be dependent on the glazing selected. Standard 1" insulated glass provides a performance of slightly over 30 STC. The proposed roof construction should also provide a performance in the 45-50 STC range.

It is important to understand in evaluating the above performance that the STC system is based on the decibel scale which is logarithmic. A 3 dB change represents $\frac{1}{2}$ or twice the energy such as increasing a hi-fi amplifier from 5 W to 10 W. Subjectively, however, a 3 dB change is only slightly perceptible. A 10 dB change represents $\frac{1}{10}$ or 10 times the energy such as decreasing an amplifier from 50 W to 5W and subjectively will appear $\frac{1}{2}$ or twice as loud. Thus with a 10 STC improvement in building performance, the resulting noise penetration should appear approximately $\frac{1}{2}$ as loud.

Based on the above assessment, the windows will be the dominant noise path. It is also important to understand that the side windows represent only a small portion, or percentage of the total side building shell, and thus total noise penetration is dependent on not only the performance of each component, but also the percentage that each component represents of the total building face. The front, however, incorporates a higher percentage of glazing and thus a further upgrade of window performance may be necessary. Because, as noted above, this performance is logarithmic, calculating the building shell composite is complex.

Thus the side windows should be upgraded to incorporate 1 pane of $\frac{1}{4}$ " laminated glass in a standard 1" insulating glass assembly. This will improve the side window performance to a nominal 35 STC rating. For the front glazing, both panes should incorporate laminated glass which should improve the glazing system performance to slightly under 40 STC.

Utilizing the potential occasional 70-80 dBA levels, this upgraded construction should comfortably result in levels less than 50 dBA at the property lines, but may marginally exceed the significantly more stringent 40 dBA at 10'. As previously noted, 40 dBA is generally lower than the exterior ambient noise in this area. This approach is comparable to what was utilized in the original facility and thus resulting performance and associated resulting noise levels should also be similar.

Thus in summary, the proposed expansion facility should meet the County requirements under normal operating conditions with moderately upgraded glazing that provides a minimum 35 STC rating for the side glazing and 39 STC for the front glazing. It is important to understand that there is the rare possibility that a dog could bark in any of these exam/operating rooms that may slightly exceed the more stringent 40 dBA requirement at 10'.

If you have any questions, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Kevin C. Miller".

Kevin C. Miller
President

KCM/ik

LEGEND	
EX. CONTOUR	---
PROP. CONTOUR	---
EX. WATER LINE	EX 8" W
PROP. WATER LINE	8" W
EX. SANITARY SEWER	EX 8" S
PROP. SANITARY SEWER	8" S
EX. STORM DRAIN	EX R.C.P.
PROP. STORM DRAIN	R.C.P.
EX. PAVEMENT (E.O.P.)	---
PROP. PAVEMENT	---
EX. PROPERTY LINE	---
PROP. BOUNDARY/LOT	---
PROP. FENCE	---
EX. TREELINE	---
PROP. SIDEWALK	---
PROP. CONCRETE	---
U/G GAS LINE	---
UTILITY POLES	---
OVERHEAD ELEC. LINES	---
FIRE HYDRANT: (FH) OBSERVATION WELL: (OW)	---
EASEMENTS	---
BUILDING RESTRICTION LINES (BRL)	---
EX. DRY-WALL	---
SWM BIO-RETENTION POND	MICRO-BIO
SWM BIO-SWALE	---

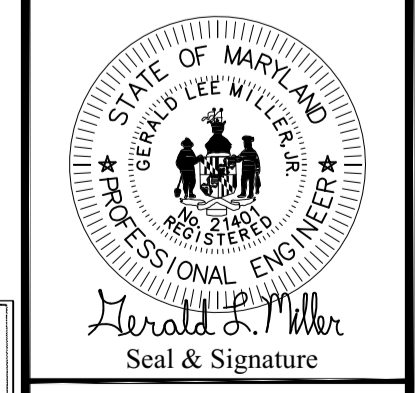


PLAN VIEW
 SCALE: 1" = 30'

BENNETT CREEK ANIMAL HOSPITAL
 Situated at No. 22416 Frederick Road
 Liber 37035 Folio 226
 Clarksburg Election District No. 2
 Montgomery County, Maryland

Terra Solutions Engineering, LLC
 Commercial & Residential Land Planning and Engineering
 5216 Chairmans Court, Suite 105
 Frederick, MD 21703
 Phone: 301-378-9842 Email: terra@terraengineering.com

Owner/Developer
 Biscayne Veterinary Holdings, LLC
 607 Oak Knoll Terrace
 Rockville, MD 20871
 Attn: Dr. Jeff Walcott, DVM



PROFESSIONAL ENGINEER'S CERTIFICATION
 SIGNED BY: *Gerald Lee Miller, Jr.* 11/14/23
 GERALD LEE MILLER, JR., PE DATE
 MD LICENSE No.: 21401, P.E. EXPIRATION DATE: 11-09-24
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

NO.	DATE	REVISION	DESCRIPTION
1			
2			
3			
4			
5			
6			
7			

LEGEND	
EX. CONTOUR	---
PROP. CONTOUR	---
EX. WATER LINE	EX 8" W
PROP. WATER LINE	8" W
EX. SANITARY SEWER	EX 8" S
PROP. SANITARY SEWER	8" S
EX. STORM DRAIN	EX R.C.P.
PROP. STORM DRAIN	R.C.P.
EX. PAVEMENT (E.O.P.)	---
PROP. PAVEMENT	---
EX. PROPERTY LINE	---
PROP. BOUNDARY/LOT	---
PROP. FENCE	---
EX. TREELINE	---
PROP. SIDEWALK	---
PROP. CONCRETE	---
U/G GAS LINE	---
UTILITY POLES	---
OVERHEAD ELEC. LINES	---
FIRE HYDRANT: (FH) OBSERVATION WELL: (OW)	---
EASEMENTS	---
BUILDING RESTRICTION LINES (BRL)	---
EX. DRY-WALL	---
SWM BIO-RETENTION POND	MICRO-BIO
SWM BIO-SWALE	---



STANDARDS and SPECIFICATIONS for TOPSOIL

Definition
 Placement of topsoil over a prepared subsoil prior to the establishment of permanent vegetation.

Purpose
 To provide a suitable soil medium for vegetative growth. Soils of concern have low moisture content, low nutrient levels, low pH, materials toxic to plants, and/or unacceptable soil gradation.

Conditions Where Practice Applies
 This practice is limited to areas having 2:1 or flatter slopes.

For the purpose of these Standards and Specifications, areas having slopes steeper than 2:1 require special consideration and design for adequate stabilization. Areas having slopes steeper than 2:1 shall have the appropriate stabilization shown on the plans.

Construction and Material Specifications
 Topsoil salvaged from the existing site may be used provided that it meets the standards as set forth in these specifications.

Topsoil Specifications - Soil to be used as topsoil must meet the following:

- Topsoil shall be a loam, sandy loam, clay loam, silt loam, sandy clay loam, loamy sand. Other soils may be used if recommended by and agronomist or soil scientist and approved by DPS. Regardless, topsoil shall not be a mixture of contrasting textured subsoils, and shall contain less than 5% by volume of cinders, stones, slag, coarse fragments, gravel, sticks, roots, trash, or other materials larger than 1-1/2" in diameter.
- The subsoil shall be tilled to a minimum depth of 6 inches before placement of topsoil.
- Where the subsoil is either highly acidic or composed of heavy clays, ground limestone shall be spread at the rate of 4-8 tons/acre (200-400 lbs. per 1000 sq ft.) prior to the placement of topsoil. Lime shall be distributed uniformly over designated areas and worked into the soil.
- Topsoil shall be tested and amended a per soil test recommendations.

Topsoil Application

- When topsoiling, maintain needed erosion and sediment control practices.
- Topsoil shall be uniformly distributed in a 4-8 inch layer and lightly compacted to a minimum thickness of 4 inches. Any irregularities in the surface resulting from topsoiling or other operations shall be corrected in order to prevent the formation of depressions or water pockets.
- Topsoil shall not be placed while the topsoil is in a frozen or muddy condition, when the subsoil is excessively wet or in a condition that may otherwise be detrimental to proper grading and seedbed preparation.

DRAINAGE AREA #	DRAINAGE AREA	PRIMARY W.Q. METHOD	REDUNDANT W.Q. METHOD	COMMENTS
1 MICRO-BIO #1	13,892 SF	MICRO-BIO POND	NONE	NEW W.Q. POND
2 MICRO-BIO #2	11,830 SF	MICRO-BIO POND	FOREST CON.	NEW W.Q. POND
3 BIO-SWALE #1	16,760 SF	BIO-SWALE	EX. BIO-POND	NEW W.Q. SWALE
4 FOREST ESM'T	25,290 SF	FOREST CONSERV.	NONE	EXPANDED FOREST CON.
1 EX. DRYWELL #1	1,000 SF			
2 EX. DRYWELL #2	1,000 SF			
3 EX. DRYWELL #3	1,000 SF			
4 EX. DRYWELL #4	* 1,000 SF			* #4 TO BE REMOVED!
5 EX. DRYWELL #5	1,000 SF			
6 EX. DRYWELL #6	1,000 SF			
7 PERY. PAVEMENT	12,120 SF			TO BE PAVED OVER!
8 RECHARGE #1	N/A			TO BE PAVED OVER!
9 RECHARGE #2	N/A			TO BE PAVED OVER!
10 RECHARGE #3	N/A			TO BE PAVED OVER!

SWM DEFINITION TABLE

- DRY WALL D.A.: [Blue Box]
- POROUS PAVEMENT: [Green Box]
- RECHARGE AREAS: [Yellow Box]
- BUILDING ADDITION: [Red Box]
- EXISTING PARKING: [Light Green Box]
- PROPOSED PARKING: [Light Blue Box]
- BIO-SWALE LIMITS: [Red/White Striped Box]
- FOREST EASEMENT: [Red/White Checkered Box]

PLAN VIEW
 SCALE: 1" = 30'

BENNETT CREEK ANIMAL HOSPITAL

Situated at No. 22416 Frederick Road
 Liber 37035 Folio 226
 Clarksburg Election District No. 2
 Montgomery County, Maryland

SWM - DRAINAGE AREA MAP

NO.	DATE	REVISION	DESCRIPTION
1			
2			
3			
4			
5			
6			
7			

Terra Solutions Engineering, LLC
 Commercial & Residential Land Planning and Engineering
 5216 Chairmans Court, Suite 105
 Frederick, MD 21703
 Phone: 301-378-9842 Email: terra@terraengineering.com

Owner/Developer
 Biscayne Veterinary Holdings, LLC
 607 Oak Knoll Terrace
 Rockville, MD 20871
 Attn: Dr. Jeff Walcott, DVM

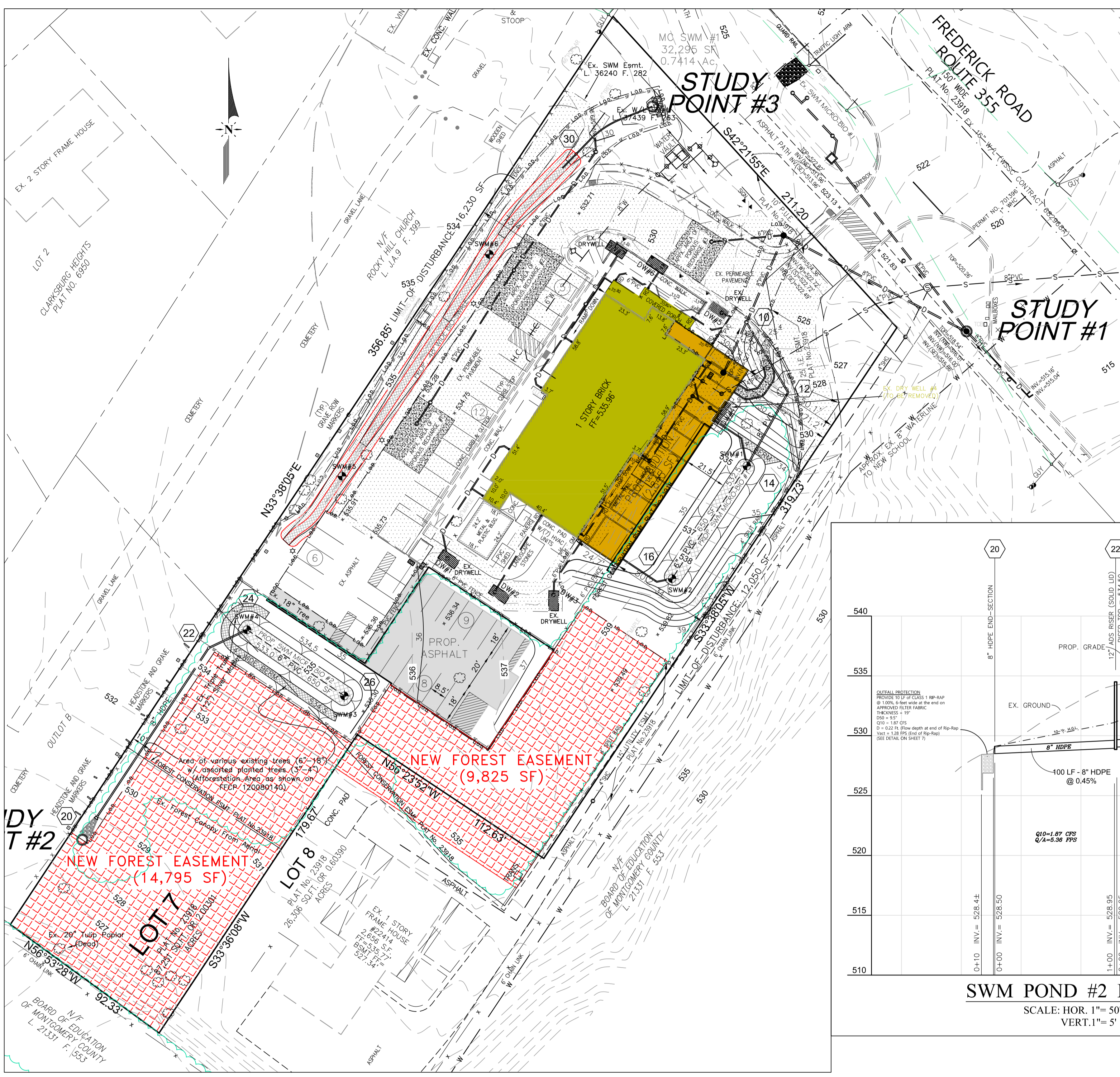
PROFESSIONAL ENGINEER'S CERTIFICATION

SIGNED BY: *Gerald Lee Miller, Jr.* 11/14/23
 GERALD LEE MILLER, JR., PE DATE

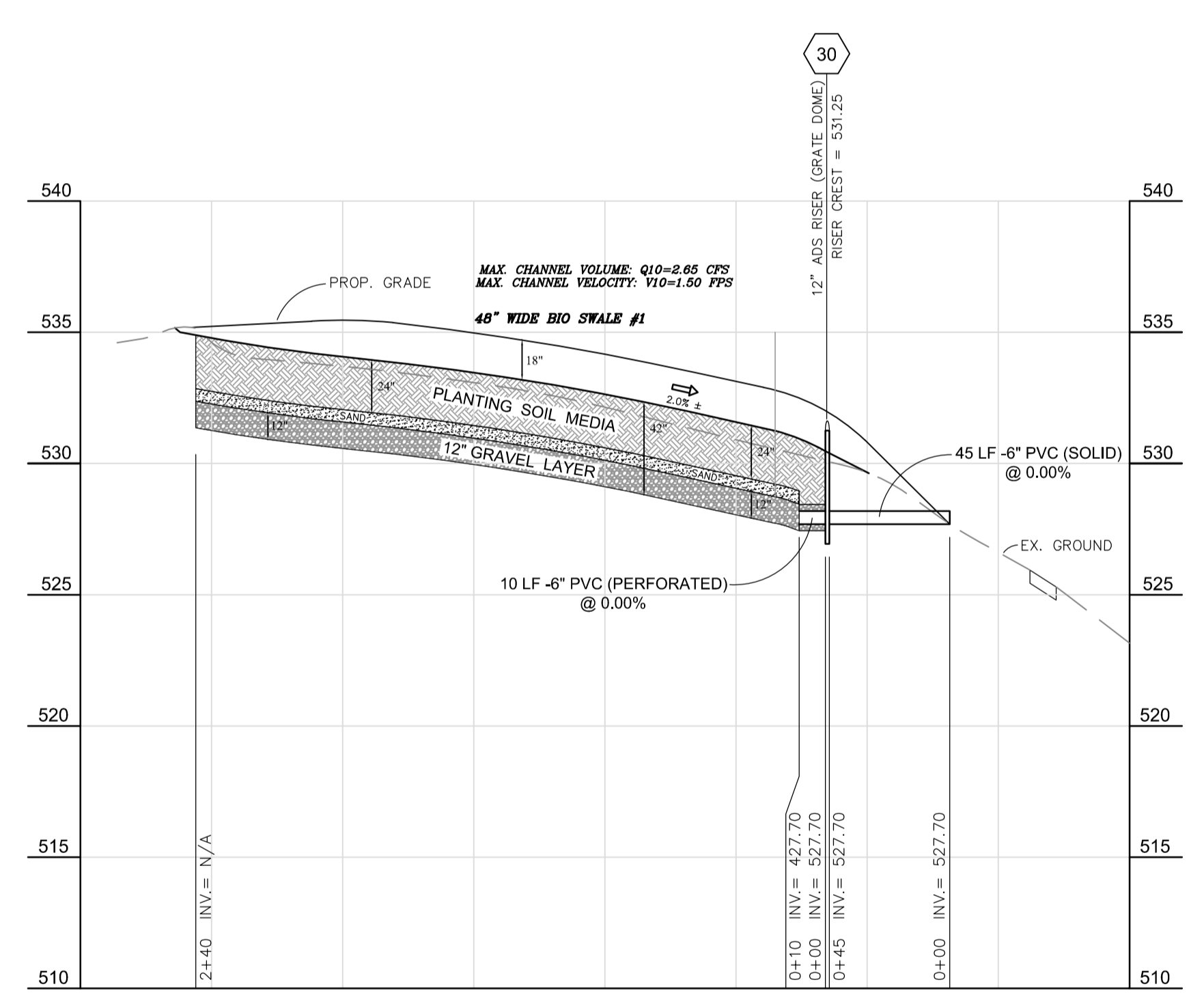
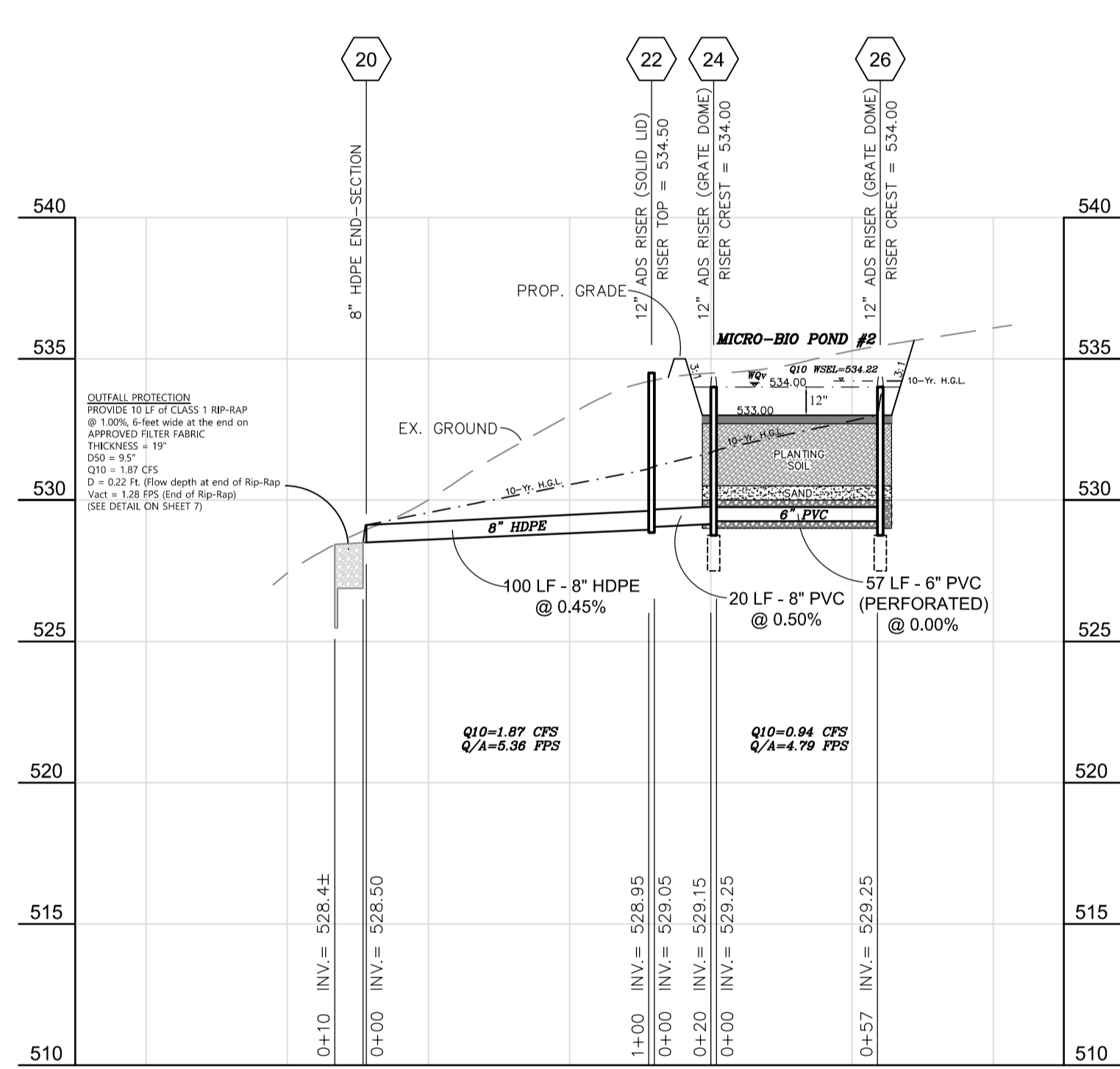
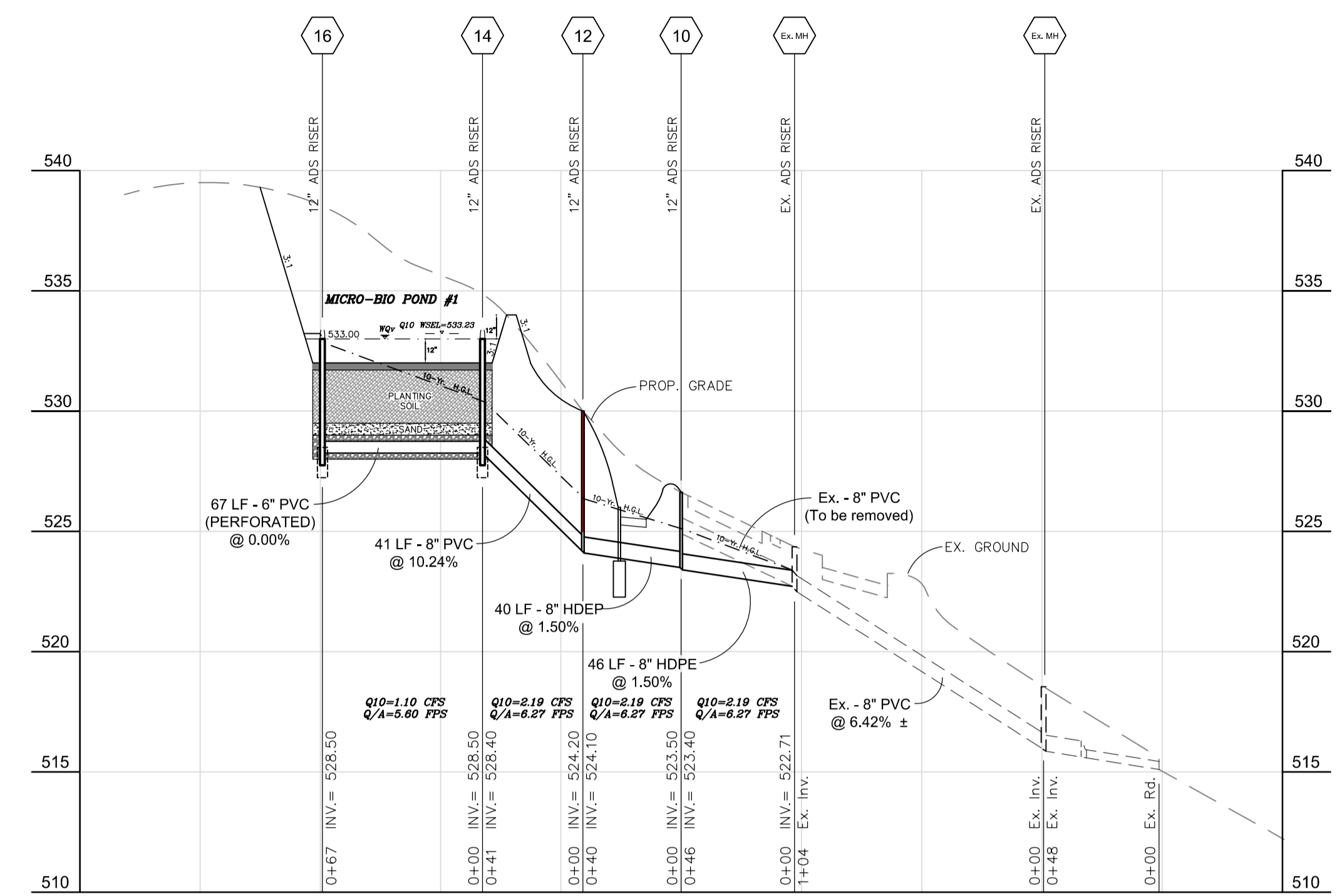
MD LICENSE No.: 21401, P.E. EXPIRATION DATE: 11-09-24

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

PROJECT No.: 302
 DATE: NOVEMBER 2023
 SCALE: 1" = 30'
 SHEET No. 3 of 6



SWM - PLAN VEVI
 SCALE: HOR. 1" = 30'



NO.	DATE	REVISION	DESCRIPTION
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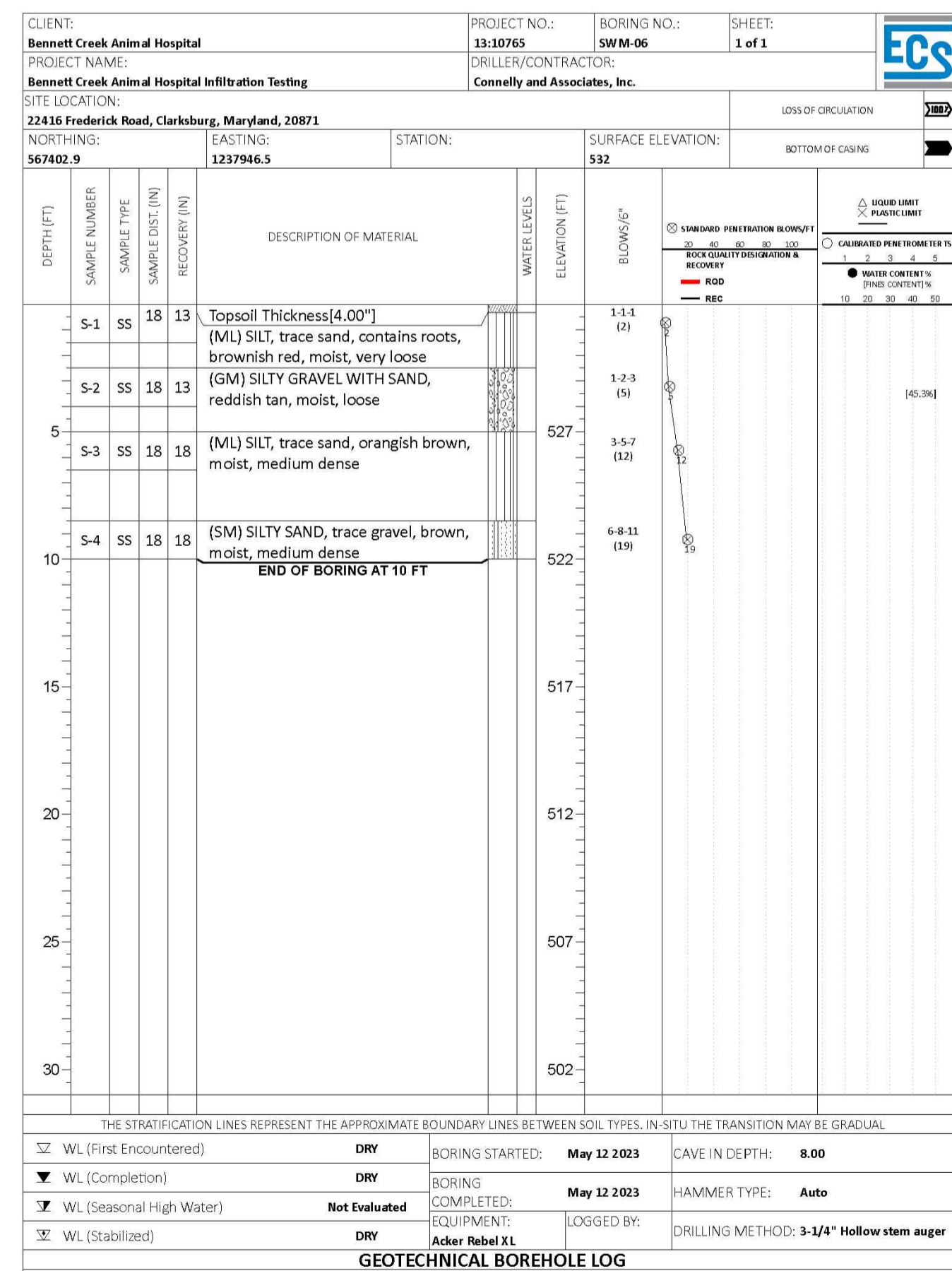
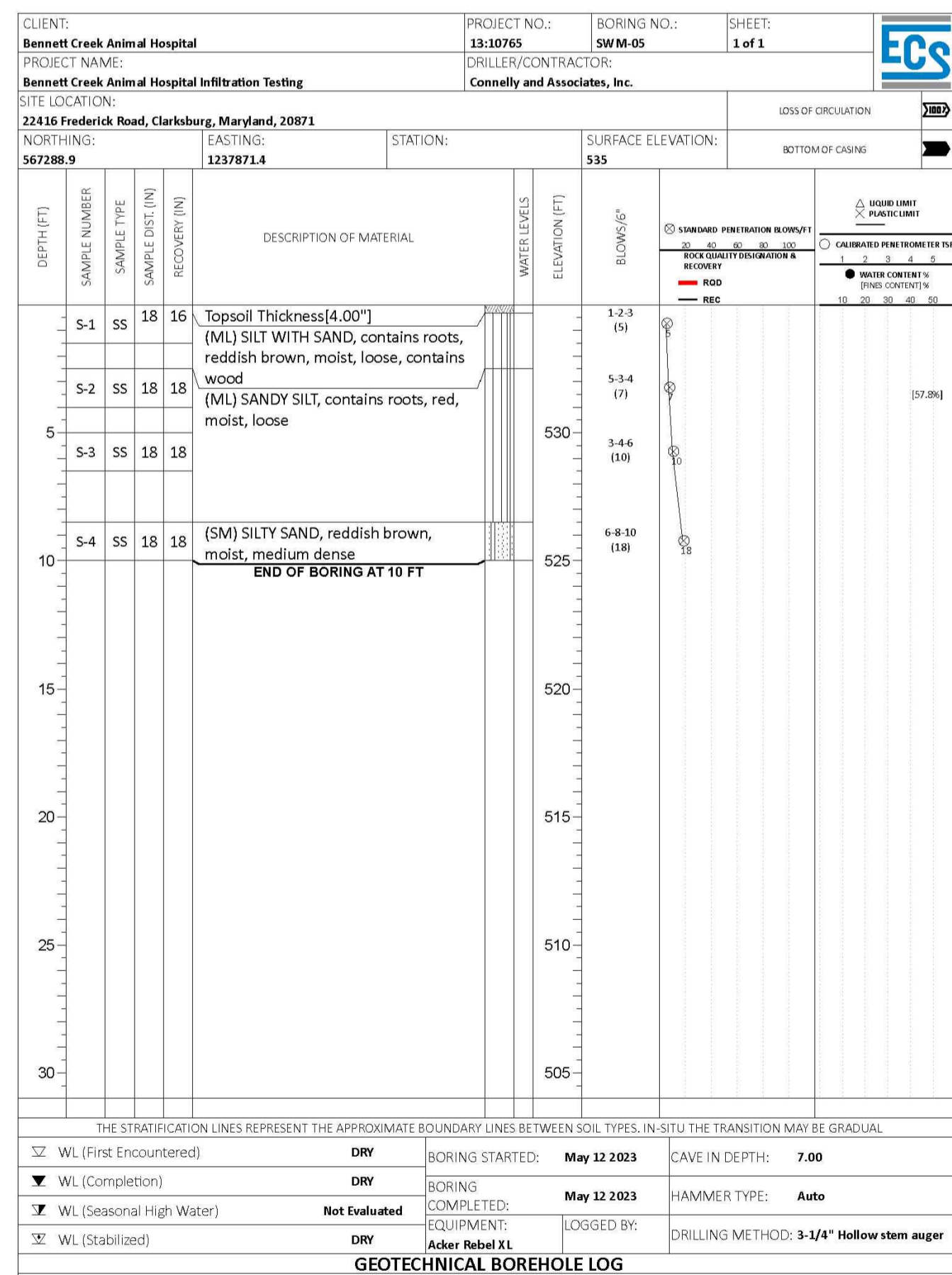
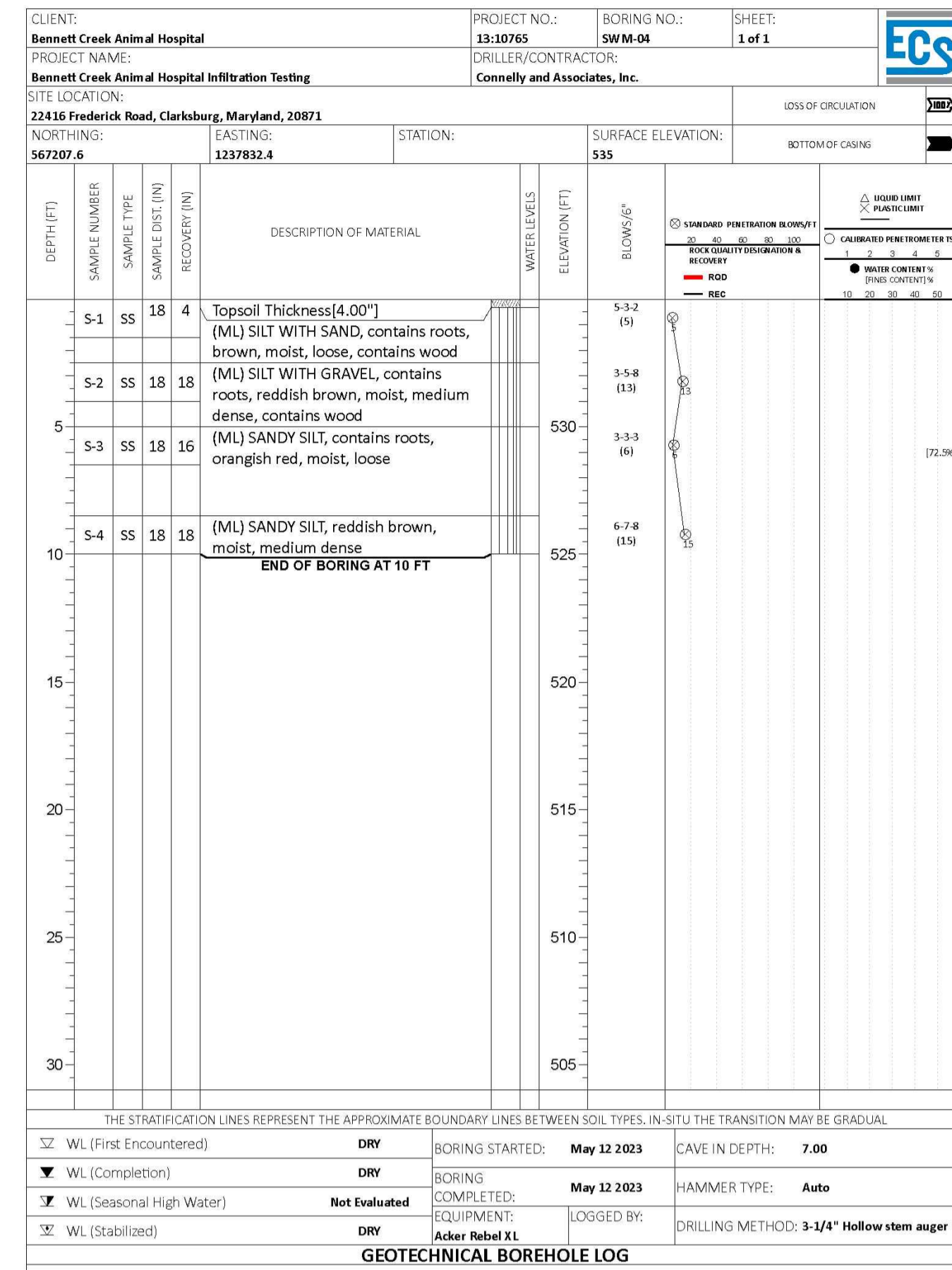
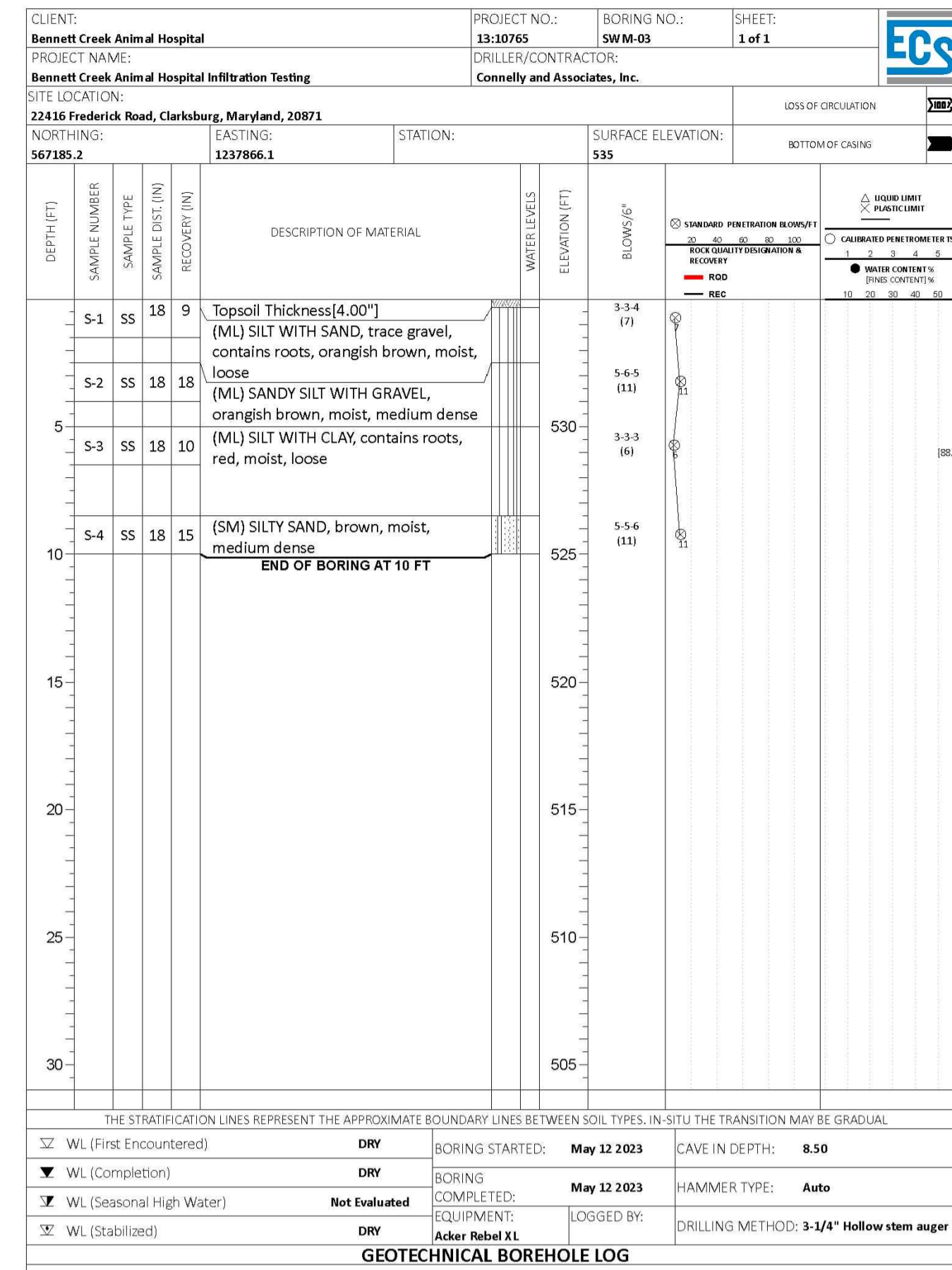
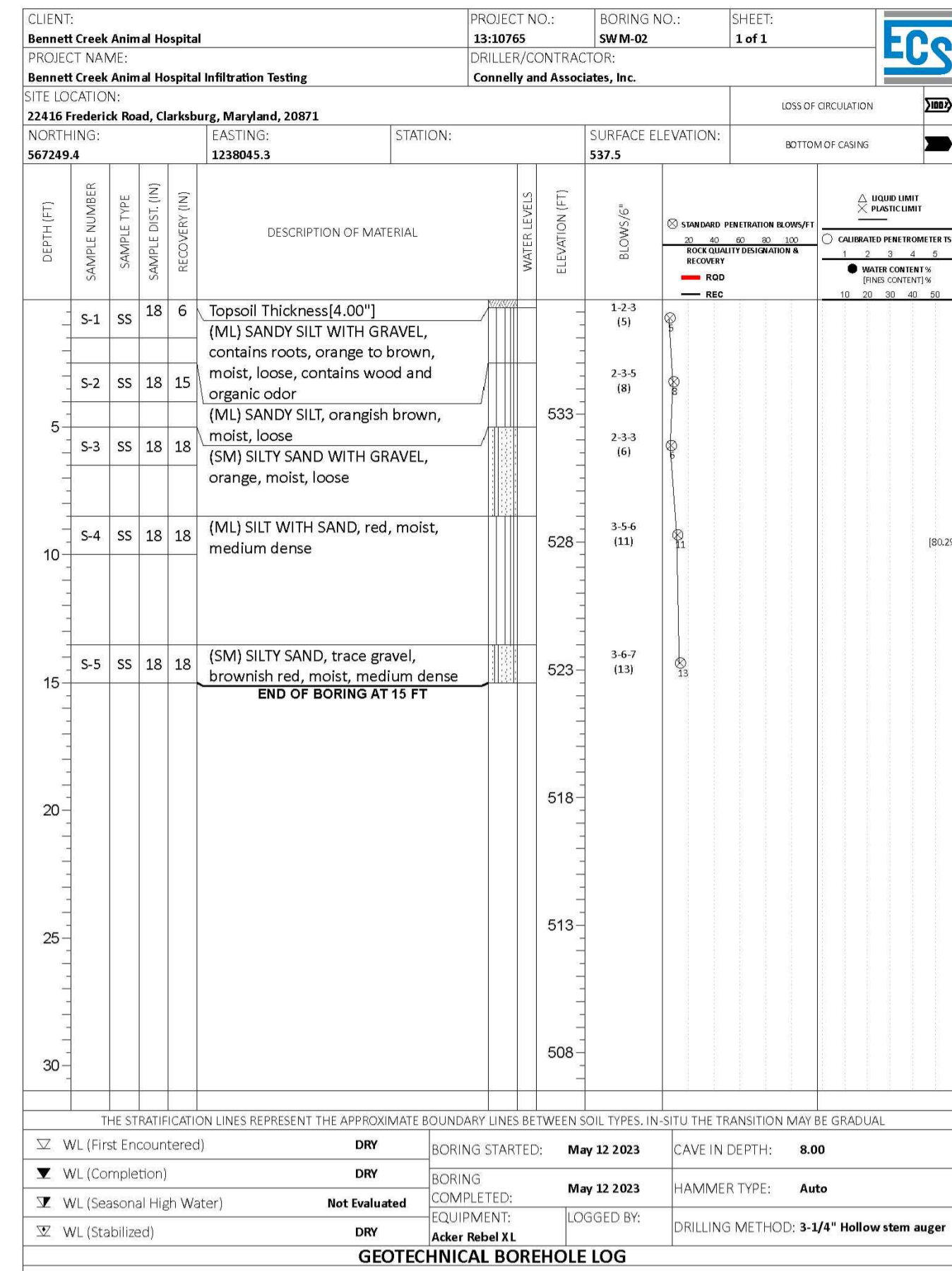
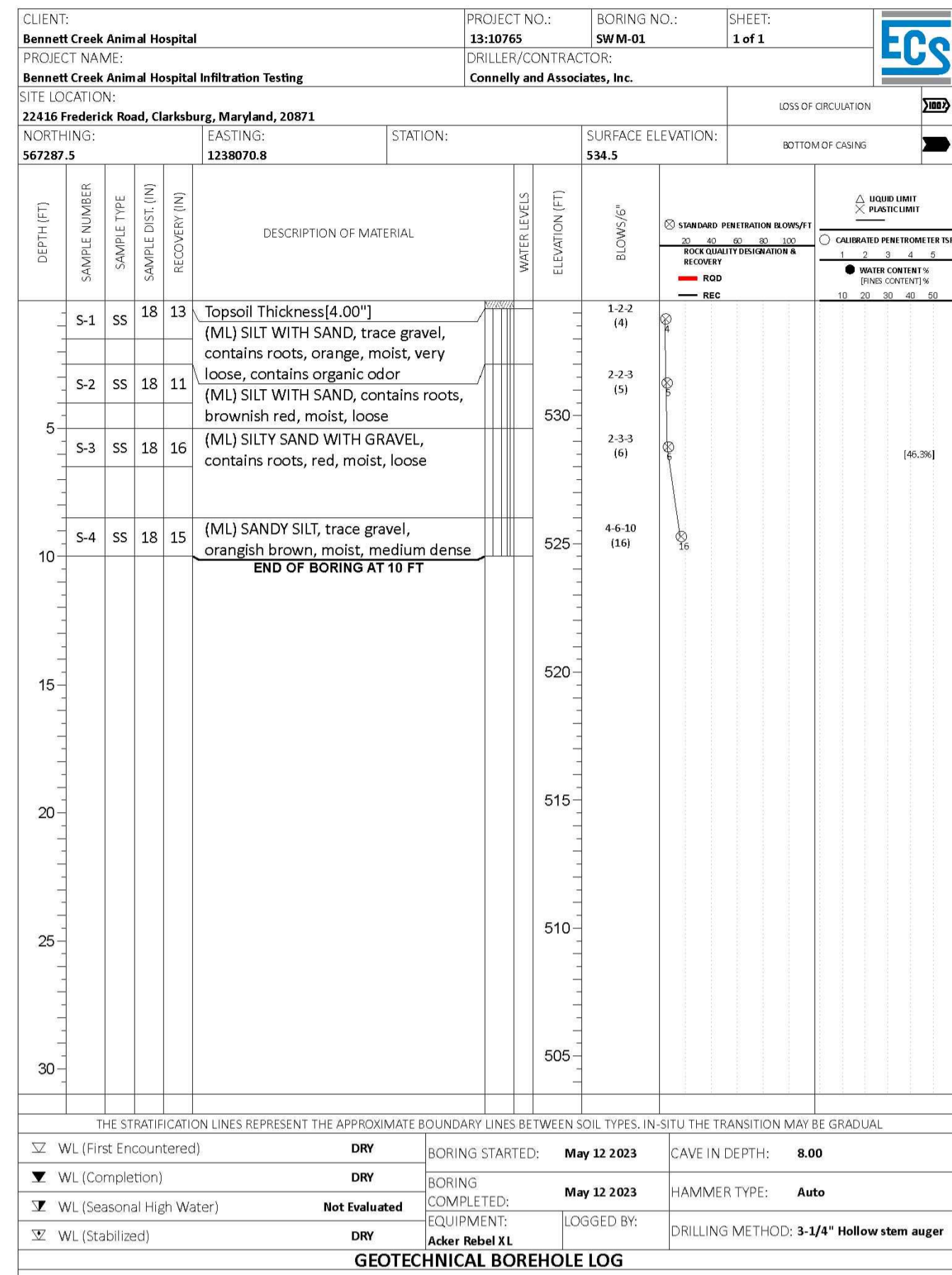
BENNETT CREEK ANIMAL HOSPITAL
 Situated at No. 22416 Frederick Road
 Liber 37035 Folio 226
 Clarksburg Election District No. 2
 Montgomery County, Maryland

Terra Solutions Engineering, LLC
 Commercial & Residential Land Planning and Engineering
 5216 Chairmans Court, Suite 105
 Frederick, MD 21703
 Phone: 301-378-0842
 Email: terra.solutions.engineering@gmail.com

Owner/Developer
 Biscayne Veterinary Holdings, LLC
 607 Oak Knoll Terrace
 Rockville, MD 20871
 Attn: Dr. Jeff Walcott, DVM

PROFESSIONAL ENGINEER'S CERTIFICATION
 SIGNED BY: *Gerald Lee Miller* 11/14/23
 GERALD LEE MILLER, JR., PE DATE
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PROJECT No.: 302
 DATE: NOVEMBER 2023
 SCALE: AS SHOWN
 SHEET No. 4 of 6



REFERENCE NOTES FOR BORING LOGS

MATERIALS

- ASPHALT
- CONCRETE
- GRAVEL
- TOPSOIL
- VOID
- BRICK
- AGGREGATE BASE COURSE
- GW WELL-GRADED GRAVEL
- GP POORLY-GRADED GRAVEL
- GM SILTY GRAVEL
- GC CLAYEY GRAVEL
- GV WELL-GRADED SAND
- SP POORLY-GRADED SAND
- SM SILTY SAND
- SC CLAYEY SAND
- ML SILT
- MH ELASTIC SILT
- CL LEAN CLAY
- CH FAT CLAY
- OL ORGANIC SILT or CLAY
- OH ORGANIC SILT or CLAY
- PT PEAT

DRILLING SAMPLING SYMBOLS & ABBREVIATIONS

PARTICLE SIZE IDENTIFICATION

COHESIVE SILTS & CLAYS

RELATIVE AMOUNT

GRAVELS, SANDS & NON-COHESIVE SILTS

FILL AND ROCK

Test Location	Test Depth (ft)	Approximate Test Elevation (EL)	Soil Encountered at Test Depth	Field Infiltration Rate (in/hr)	USDA Soil Classification
SWM-01	5.7	528.8	Loose Silty SAND with Gravel (SM)	6.33	Silt Loam
SWM-02	9.1	528.4	Medium Dense SILT with Sand (ML)	0.27	Silt Loam
SWM-03	5.7	529.3	Loose SILT with Clay (ML)	3.90	Silt Loam
SWM-04	4.9	530.1	Loose Sandy SILT (ML)	0.15	Silt Loam
SWM-05	4.0	531.0	Loose SANDY SILT (ML)	0.48	Silt Loam
SWM-06	4.1	527.9	Loose Silty GRAVEL with Sand (GM)	0.60	Silt Loam

INFILTRATION TESTING RESULTS

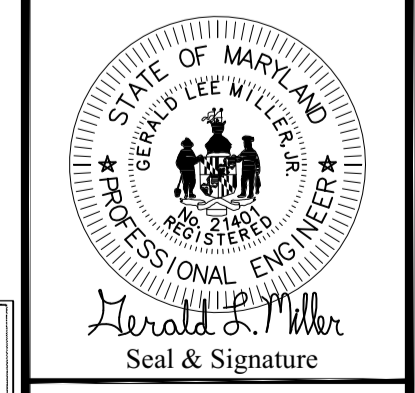
Test Location	Test Depth (ft)	Approximate Test Elevation (EL)	Soil Encountered at Test Depth	Field Infiltration Rate (in/hr)	USDA Soil Classification
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BENNETT CREEK ANIMAL HOSPITAL

Situated at No. 22416 Frederick Road
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Owner/Developer
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Attn: Dr. Jeff Walcott, DVM



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GERALD LEE MILLER, JR., PE

MD LICENSE No.: 21401, P.E. EXPIRATION DATE: 11-09-24

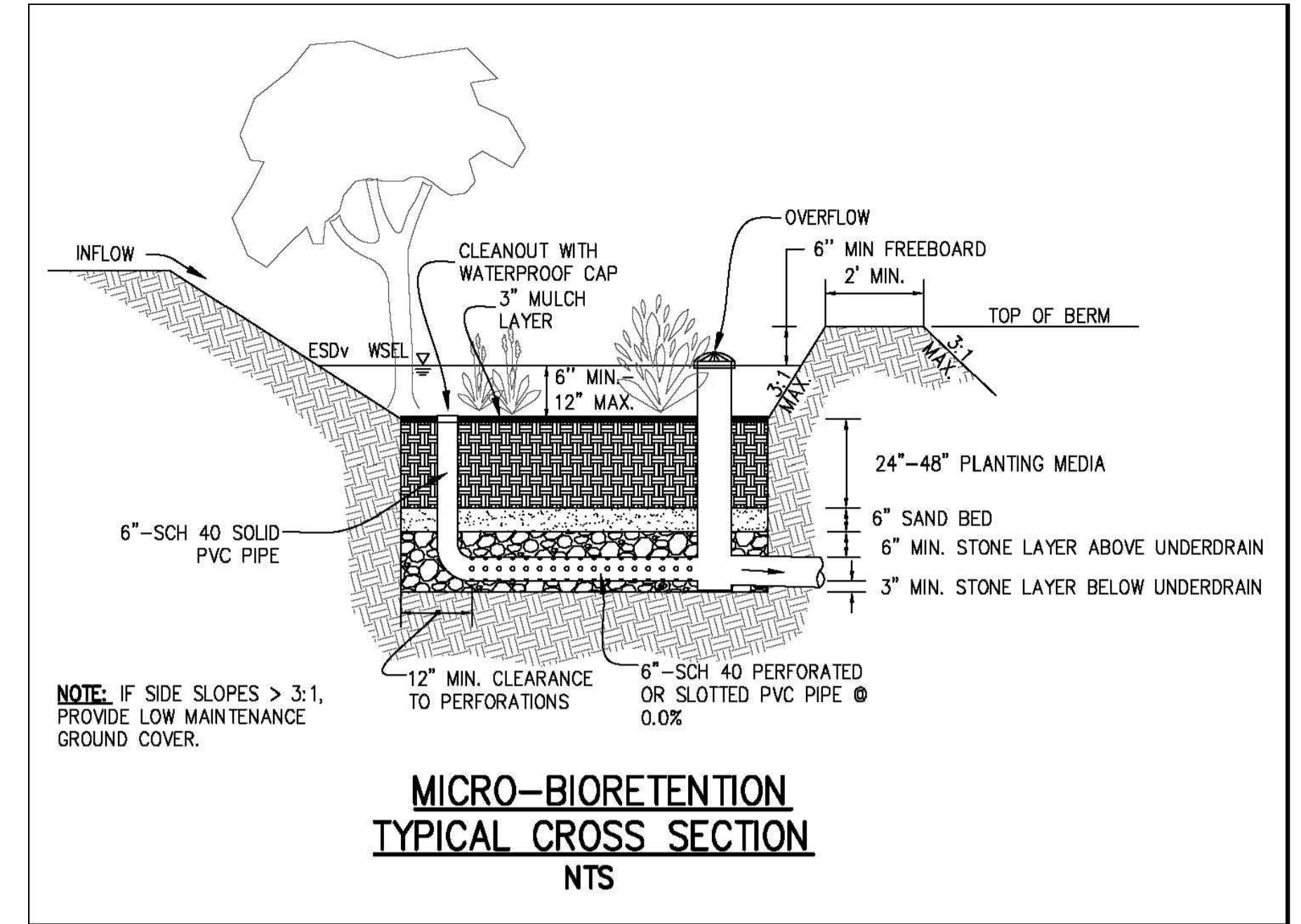
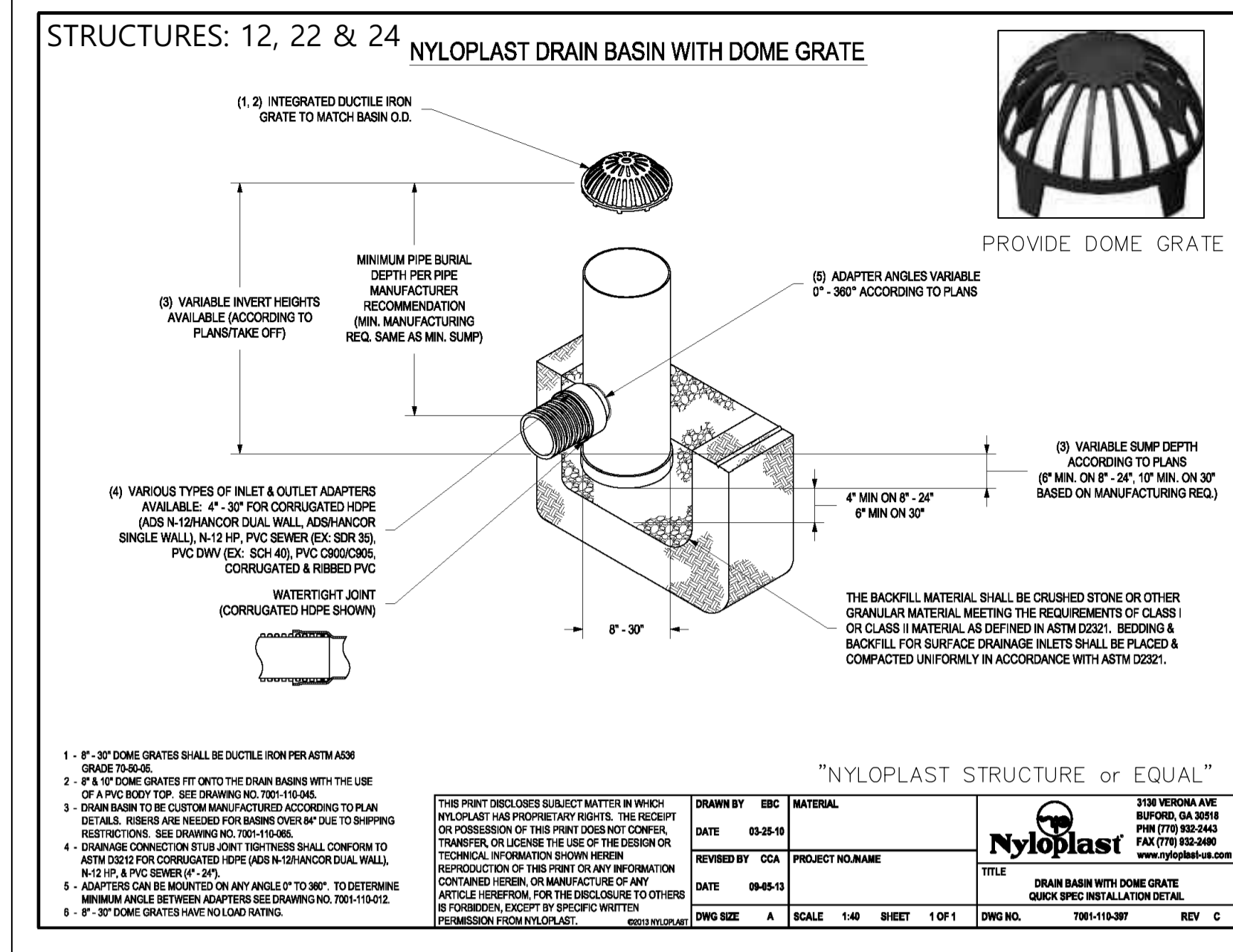
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PROJECT No.: 302
DATE: NOVEMBER 2023
SCALE: AS SHOWN
SHEET No. 5 of 6

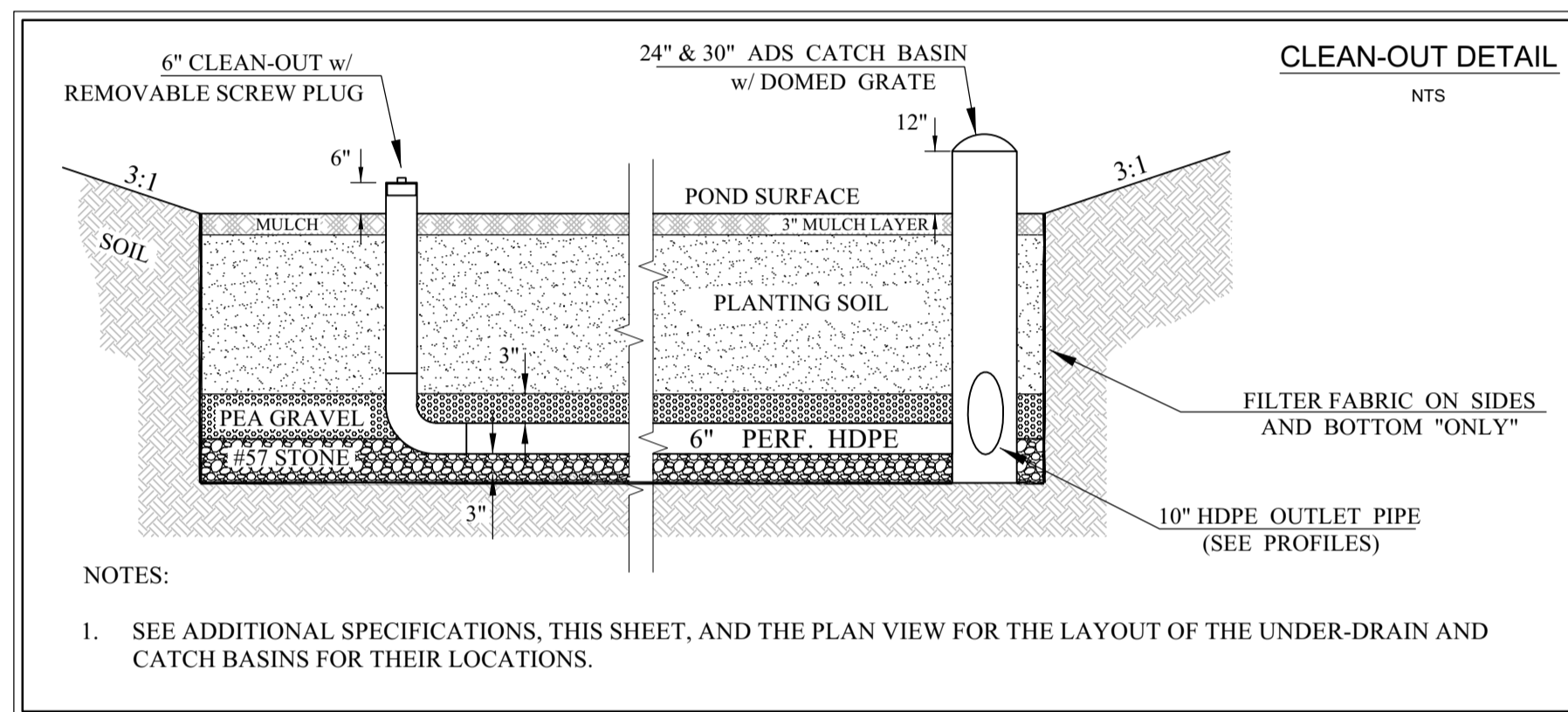
Table B.4.1 Material Specifications for Micro-Bioretenion, Infiltration Swales, & Rain Gardens

Material	Specification/Test Method	Size	Notes
Plantings	see Appendix A, Table A.4	n/a	plantings are site-specific
Planting Soil [15" deep]	loamy sand (60 - 65%) & compost (30 - 40%) or sandy loam (30%), coarse sand (30%) & compost (40%)	n/a	USDA soil types loamy sand or sandy loam; clay content < 5%
Organic content	shredded hardwood	n/a	n/a
geotextile fabric (if required)	ASTM-D-4833 (puncture strength - 125 lb.) or ASTM-D-4632 (tensile strength - 300 lb.)	0.02" thick equivalent opening size of #60 sieve	Must maintain 125 gpm per sq. ft. flow rate. Note: a 3" pea gravel layer may be substituted for geotextiles meant to "separate" sand filter layers.
Gravel (under-drains and infiltration berms)	AASHTO-M-43	No. 57 or No. 7 Aggregate (# to 1")	n/a
underdrain piping	F 758, Type PS 28 or AASHTO-M-278	4" - 6" rigid schedule 40 PVC or 3DR35	Slotted or perforated pipe; 3/8" perf. @ 6" on center, 4 holes per row; minimum of 3" gravel over & under pipes; stone depth underneath pipes can vary depending groundwater recharge volume requirements.
sand	clean AASHTO-M6 or ASTM-C-33 concrete sand	0.02" to 0.04"	Sand substitutions such as Diabase and Orystone #10 are not acceptable. No calcium carbonate or dolomitic sand substitutions are acceptable. No "rock dust" can be used for sand.
concrete (cast-in-place)	MSHA Standards and Specs., Section 902, Mix No. 3, (c=13,500 psi, normal weight, air-entrained, reinforcing to meet ASTM-615-60	n/a	on-site testing of poured-in-place concrete required: 28 day strength and slump test; all concrete design (cast-in-place or pre-cast) not using previously approved State or local standards requires design drawings sealed and approved by a professional structural engineer licensed in the state of Maryland.
concrete (pre-cast)	per pre-cast manufacturer	n/a	SEE ABOVE NOTE
rebar steel	ASTM A-36	n/a	structural steel to be hot-dipped galvanized ASTM-A-123

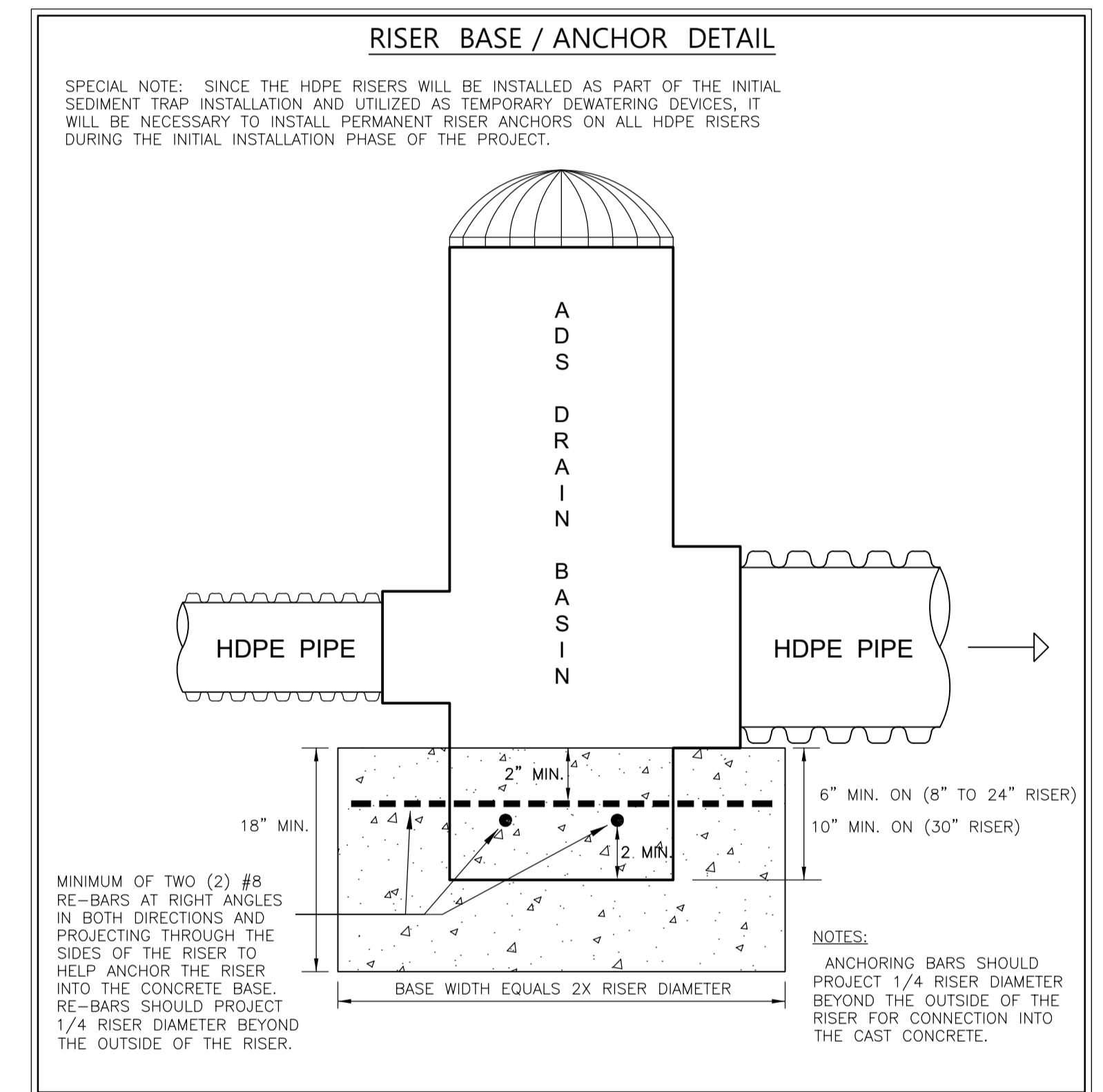
Whether new development or redevelopment, all materials must consist of MDE approved materials!



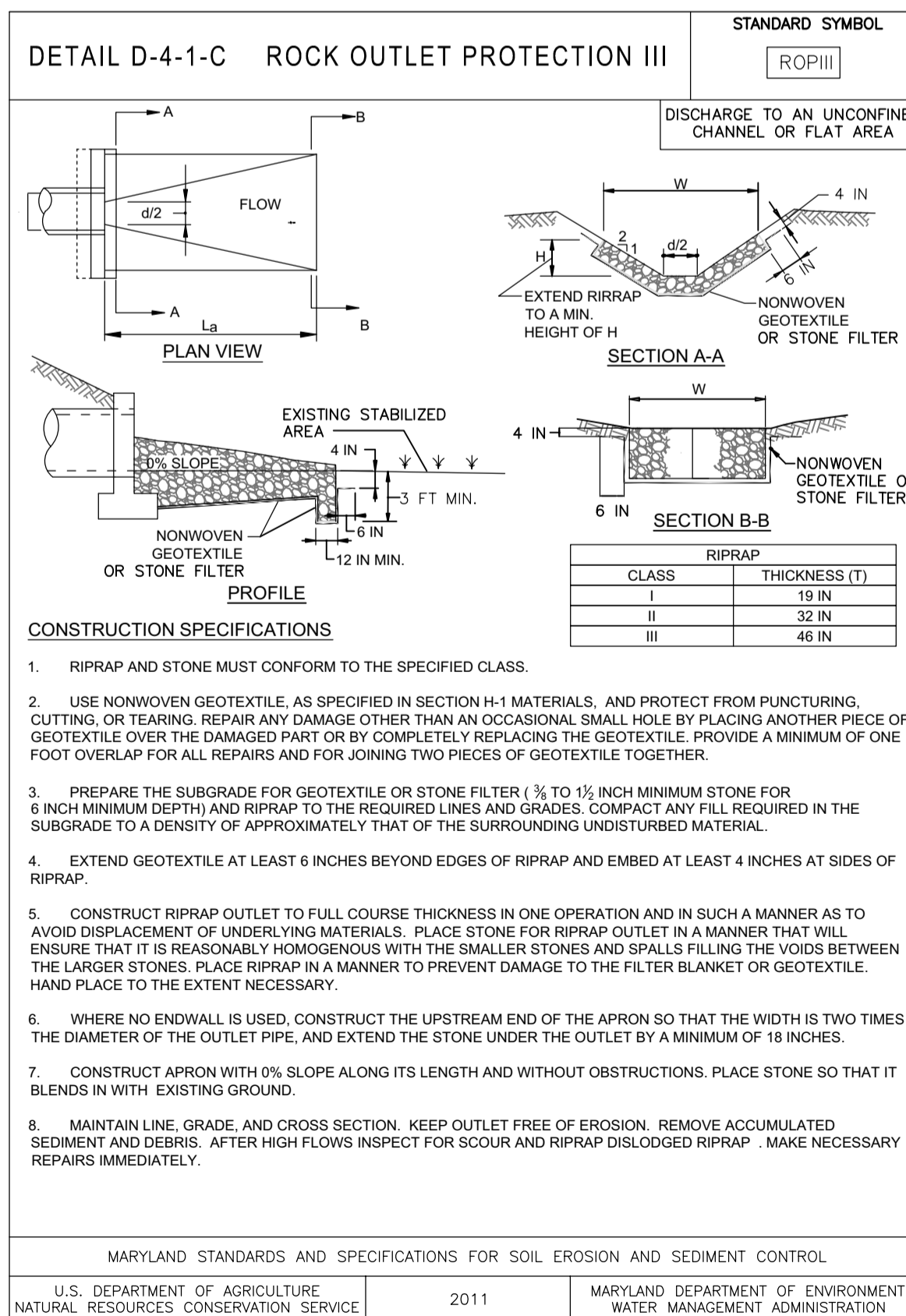
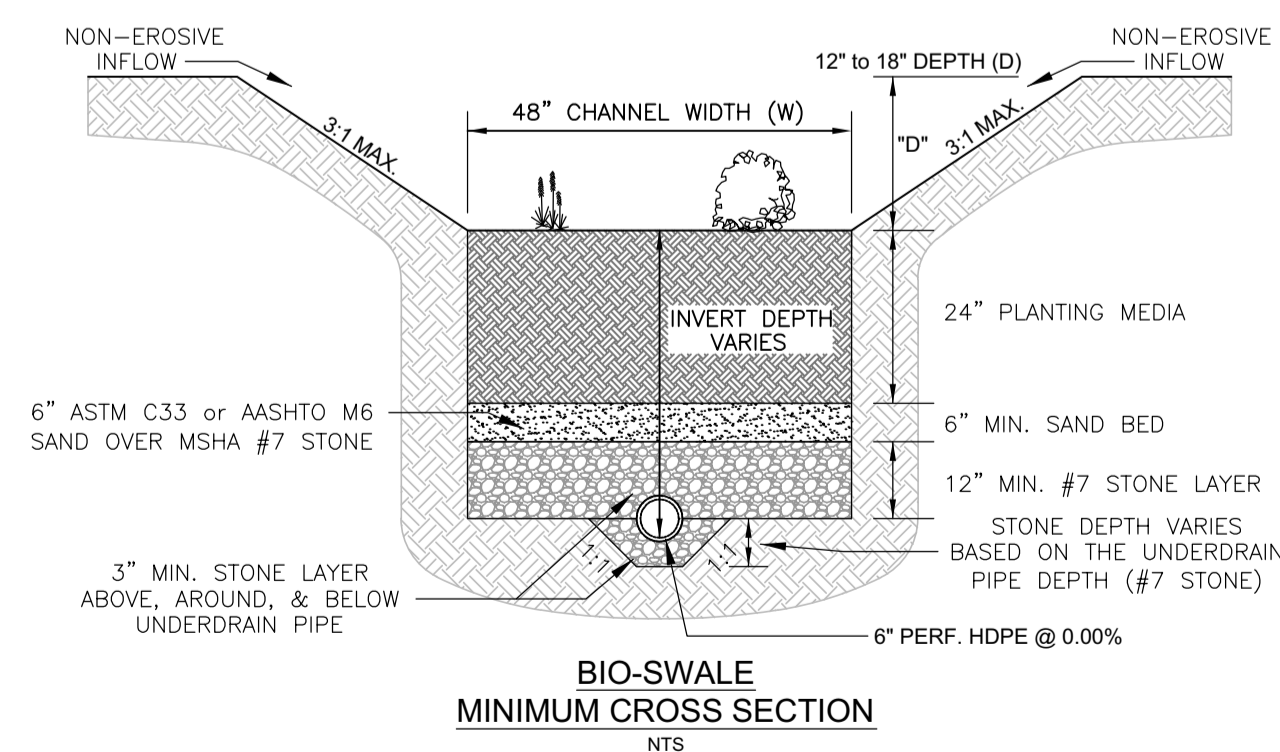
BIORETENTION FACILITY - MAIN CELL - TYPICAL DETAIL



CLEAN-OUT INSTALLATION DETAIL



Attachment D



NO.	DATE	REVISION	DESCRIPTION
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BENNETT CREEK ANIMAL HOSPITAL
 Situated at No. 22416 Frederick Road
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PROJECT No.: 302
 DATE: NOVEMBER 2023
 SCALE: AS SHOWN
 SHEET No. 6 of 6

Attachment E

IN THE MATTER OF THE APPLICATION)
 OF JEFFERY B. AND SHEILA)
 WALCOFF FOR AMENDMENT OF A)
 SPECIAL EXCEPTION)
)

Case No. S-2659

AMENDED

PETITIONER'S STATEMENT OF JUSTIFICATION

I. INTRODUCTION

Dr. Jeffery B. Walcoff, DVM, and Sheila Walcoff, hereby petition the Board of Appeals to amend Special Exception No. S-2659 originally granted to the Walcoffs by decision of the Board of Appeals on February 1, 2007 (attached), and modified twice since that date, to allow the construction and operation of a veterinary hospital (Case No. S-2659). Also attached is a copy of the Board of Appeals' amendment decision dated July 20, 2017, because that approval added an emergency veterinary care facility to the subject property the success of which has partially stimulated this amendment request.

This subject special exception was combined with a companion special exception petition – S-2660 – for an animal boarding facility both to be located in a single structure situated at 22416 Frederick Road, Clarksburg. No amendment of Case No. S-2660 is sought or needed in this case because the proposed amendment relates exclusively to the operations of the veterinary hospital and no operations of the animal boarding program are affected by this proposal.

The success of Bennett Creek Animal Hospital has been incredible. When Dr. Walcoff appeared before the Hearing Examiner on September 25, 2006, he explained that the Clarksburg region of Montgomery County was underrepresented by veterinary medical services and that, with the planned growth of the Clarksburg area, there was then a current and undoubtedly increasing need for veterinary medical services and for animal boarding facilities. Dr. Walcoff reiterated these observations when in 2017 the Board allowed Bennett Creek Animal Hospital to expand its hours of operations to provide emergency animal care since there were no such services between Frederick and Gaithersburg. (Opinion dated July 20, 2017, attached)

The increased demand for veterinary care in both daytime and emergency hours, has put significant pressure on the operations of the Bennett Creek Animal Hospital in terms of the numbers of patients; the space available to treat animals, particularly those needing emergency care; the number of veterinarians and staff to provide medical services; and, finally, the amount of parking to serve the increased number of customers and staff. This amended Special Exception Application is intended to allow Bennett Creek Animal Hospital to grow to provide superior veterinary care for animals and pets residing in upper Montgomery County.

This Special Exception Amendment is intended to expand the physical space of Bennett Creek Animal Hospital, add staff, and make changes to the site plan (e.g., parking, forest conservation) to accommodate the greater level of service expected to occur on the subject property.

II. SCOPE OF MODIFICATION

A. CHANGE TO BUILDING FOOTPRINT

Bennett Creek Animal Hospital today contains a total of 6,879 square feet of building area on one floor with four examination rooms and a modest surgical suite. This amendment proposal will add to the first-floor level six (6) examination rooms as well as a second, and larger, surgical suite. This addition will provide a valuable second surgical table, which will be particularly helpful in emergency situations but will also accommodate more sophisticated surgical support equipment allowing the veterinarians to provide “state of the art” veterinary care. Also, on the first-floor level will be 3 small administrative offices, a larger veterinarians’ office suite and a “break room” for staff. The total area of the first floor addition will be 2767 square feet.

A basement level of the proposed addition contains exclusively storage space that has become very important to providing prompt care and attention to the Hospital’s animal patients. The lower level of the addition is 2066 square feet of area encompassing a storage area for food and supplies, and a secure storage area for records, oxygen tanks, valuables and expensive equipment. (This basement area, because it will be used exclusively for storage, is not included in the calculation of trip generation for the expanded facility).

~~A basement level of the proposed addition includes storage space that has become very important to providing prompt care and attention to the Hospital’s animal patients. The lower-level storage space contains 2767 square feet of area encompassing a storage area for food and supplies, and a secure storage area for records, oxygen tanks, valuables, and expensive equipment. In total, the gross floor area of the New Bennett Creek Animal Hospital will be 11,712 square feet, 4833 square feet of which will be contained in the new addition.~~

The increase in the building footprint has been achieved by expanding the building to the south, towards the open areas of the site adjacent to the large Rocky Hill Middle School campus. The veterinary hospital building has been widened by 21 feet 7 inches in the front and 24 feet 10 inches in the rear to create space for the new facilities described above. The resulting building modification will place the structure 50+ feet north of the common property line with the adjacent public school (to satisfy Section 59-G-2.32(b)(4)) of the Zoning Ordinance but does not materially change the front elevation of the Hospital Building as is shown in the architectural plans (“Front Elevation,”) included with this amendment application because the roof line and fenestration pattern have been merely replicated.

B. CHANGE IN STAFFING

When Dr. Walcoff approached the Board in 2017 and secured approval for an emergency veterinary hospital outside of regular hours and on weekends, the Board saw fit to impose a condition on staffing to read as follows:

“8. Petitioner shall be limited to a maximum of ten (10) staff (including all veterinarians, support staff and interns) on site at any one time, provided that the number of veterinarians on site at any one time shall not exceed three (3).”

As stated previously, as the community of Clarksburg has grown the volume of families’ pets requiring care, maintenance and emergency treatment services has grown immensely. Dr.

Walcoff feels that he needs veterinary hospital and animal boarding staffing at the following levels. Total staff of Bennett Creek Animal Hospital, including Veterinarians and all support staff, needs to be in the range of fifty-five persons. However, there will be not more than twenty (20) staff in the Bennett Creek Animal Hospital at any given time with the following breakdown of specialty areas during peak hours of the day:

1. Monday-Fridays, 7:00AM to 5:00PM

- 5 Veterinarians
- 3 Receptionists
- 3 Office Staff and Administrators
- 6 Technicians
- 2 Kennel Staffers
- 1 Groomer

20 Total

2. Monday-Fridays, 5:00PM to Midnight

- 2 Veterinarians
- 2 Receptionists
- 6 Technicians
- 1 Kennel Staffer

11 Total

3. Saturday-Sunday, 7:00AM to Midnight

- 3 Veterinarians
- 3 Receptionists
- 9 Technicians
- 2 Kennel Staffers

17 Total

4. 7 nights a week, Midnight to 7:00 AM

- 1 Technician

With this staffing increase, Dr. Walcoff believes that he will have the professionals readily available at all times to provide immediate care and attention to all animals and pets presented to the Hospital.

C. CHANGE TO PARKING

The original site plan approved in 2006 contemplated seventeen (17) parking spaces on site. This Amendment proposal anticipates the use of forty (40) parking spaces on site spaces to be located a) at the rear of the Animal Hospital (17 spaces, primarily for staff), b) seventeen (17) spaces adjacent to the north facade of the building (primarily for customers/patients and deliveries, and c) six (6) spaces located along the northern side of the site (primarily for long term parking situations).

Under Section 59-G-2.32, parking for a veterinary hospital will be determined by the Board based on the number of employees on the maximum shift, the number of veterinarians practicing simultaneously, and the number of appointments and deliveries. Even with the companion animal boarding facility, Dr. Walcoff is confident that he will have adequate parking for customers and staff at any time of the day.

D. CHANGE TO FOREST CONSERVATION PLAN

The original special exception plan for the Bennett Creek facility showed a forest conservation easement located on the southeast side of the facility adjacent to the Middle School property to the south. The forest conservation easement then extended to the southwest and partially wrapped around the detached residence at Lot 8, "CLARKSBURG HEIGHTS" created upon the platting of the Bennett Creek Animal Hospital property. The specific location of the Category I forest conservation easement is shown on Plat 23918 included with this amendment application. The Plat notes that the area of the Category I forest conservation easement is 30,174 square feet.

The expansion of the Veterinary Hospital building extended into the existing forest conservation easement area, making the space between the enlarged building and the southern property line not wide enough to qualify for the easement status. Therefore, the Petitioners have shrunk the easement area along the southeast side of the new building and have increased the easement area to include part of the rear of Petitioners' Lot 7, in its southwest corner, which was not originally subject to a category I forest conservation designation. The area of the new redefined Category I easement area is calculated to be 25,116 square feet. Details of the forest conservation issue are shown in the attached Forest Conservation sheets included with this application.

E. CHANGES TO STORMWATER MANAGEMENT PLAN

Because the Subject Property is located within the Clarksburg Special Protection Area, a Water Quality Plan must be submitted with a major modification application for an existing special exception. Included within this application are copies of a Preliminary/Final Water Quality Plan submitted, reviewed by and approved by the Water Resources Section of the Montgomery County Department of Permitting Services ("MCDPS"). MCDPS' approval letter of the Water Quality Plan dated December 3, 2023, is also enclosed.

F. NO CHANGES TO ANIMAL EXERCISE OR RELIEF AREA

The changes described above do not necessitate revised or additional animal exercise or animal relief area(s). Since the opening of Bennett Creek Animal Hospital, the Petitioner has provided these areas in an interior enclosed area for dog runs and animal relief so no such activity occurs outdoors.

III. PROPOSAL

A. Property Description

The Subject Property remains a platted lot (i.e., Lot 7, Clarksburg Heights subdivision per plat No. 23198 recorded November 25, 2008) located at 22416 Frederick Road, Clarksburg. Lot 7 contains 82,251 square feet (2.00301 acres) of land area and is zoned in the R-200 (single family detached residential zone). The property is improved with the herein described Bennett Creek Animal Hospital which has been constructed and operated in accordance with the prior approvals of the Board of Appeals since its opening in 2010.

B. Area Description

The vicinity surrounding the Subject Property is primarily institutional in character with some single-family detached residences confronting the Property (on the east side of Maryland Route 355) and one abutting residence to the west. As shown on the attached excerpt from the Hearing Examiner's December 28, 2006, Report and Recommendation on Case Nos. S-2659 and S-2660, the subject site is abutted on the south by the Rocky Hill Middle School and is adjoined on the north by the John Wesley United Methodist Church. In addition, further to the north is Clarksburg High School. This exhibit shows the single-family residences located on the northeast side of Frederick Road as well as the existing single-family home located in the "Notch" in the southeast corner of the Subject Property.

The Zoning Vicinity Map included with this Petition indicates that the surrounding properties are almost all located in the R-200 zone except for the adjacent Middle School property which is zoned in R-200/TDR-4.0.

C. Zoning Neighborhood

For the purposes of this special exception amendment application, the Petitioners adopt the "zoning neighborhood" reflected in the Hearing Examiner's Report and Recommendation identifying the "Neighborhood Area" on which the Hearing Examiner would rely in analyzing the zoning aspects of the paired applications. In the opinion of the Petitioners, there has been no change or redevelopment in the surrounding area that would warrant repositioning of the "Neighborhood Area" boundary line.

IV. ZONING ANALYSIS

A. Conformance with Requirements of Section 59-G-1.21 ("General Conditions")

The pre-October 2014 Montgomery County Zoning Ordinance prescribes that a special exception area can be amended upon a demonstration that from the preponderance of the evidence of record that the following standards set forth in italics hereafter have been satisfied:

(1) Is a permissible special exception in the zone

Pursuant to Section 59-C-1.31 (“Land Uses”) of the County Zoning Ordinance, a “Hospital, Veterinary” is allowed by special exception in the R-200 zone.

Pursuant to Section 59-C-1.31, an “Animal boarding place” is allowed by special exception in the R-200 zone.

Since Special Exception Case Nos. S-2659 (Hospital, Veterinary) and S-2660 (Animal boarding place) were previously approved by the County Board of Appeals in February 2007, the Petitioners are permitted to file applications to amend the respective special exceptions.

(2) Complies with the standards and requirements set forth for the use in Division 59-G-2.

Section 59-G-2 of the County Zoning Ordinance (“Special Exceptions – Standards and Requirements”) draws the reader’s attention to Section 59-G-2.32 (“Hospital, Veterinary”). That section contains a number of standards and requirements related to the operation of a veterinary clinic and its potential impact on surrounding properties. In most cases, these restrictions apply to the a) care of animals, b) the treatment of animals and when they can be outside of the hospital building and c) the sound containment measures that will be employed to minimize animal noise that may be bothersome to surrounding properties. Dr. Walcoff will continue to abide by all of the restrictions regarding animals outside of the hospital itself and binds himself to comply with all of the operational controls listed in Section 59-G-2.32(b)(1) through (15).

At the original hearing on cases S-2659 and S-2660 in February 2006, Dr. Walcoff presented testimony from an expert acoustical engineer describing the measures that would be implemented to address the County noise standards and the criteria for this proposed use. In particular, Mr. Kevin Miller recommended upgrades to the original design that would achieve the standard of 40dBA measured at the outside of the structure at a distance of 10 feet from the building. Dr. Walcoff’s architect, who was the same architect for the original building, has incorporated the acoustical expert’s 2006 recommendations into the design and construction of the expanded facility which should assure compliance with the noise limitations set forth in Section 59-G-2.32(b) of the Zoning Ordinance.

(3) Will be consistent with the general plan for the physical development of the district, including any Master Plan adopted by the Commission.

The Subject Property is located within the area covered by the Clarksburg Master Plan approved and adopted in June 1994. While there have been amendments to the Clarksburg Master Plan since that date (e.g., July 2011 Limited Amendment to the Retail Staging Provisions; Ten Mile Creek Area Limited Amendment), none of these Amendments have changed the zoning and land use recommendation for the Subject Property and its surrounding area.

As a general planning goal, the Clarksburg Master Plan encouraged retention of the residential character of the properties fronting on Frederick Road. However, the Subject Property is sandwiched between institutional uses including a public Middle School to the south and a church to the north with an even larger public high school just further north. Therefore, it is hard to say that this special exception use allowed in the R-200 zone is out of character with the

surrounding area. Indeed, the “Transit Corridor District Land Use Plan”, found on page 55 of the 1994 Clarksburg Master Plan, depicts the Subject Property as being adjacent to areas planned for institutional and public park areas. And, in accordance with Section 59-C-1.23(g) (“Building compatibility in residential zones”), the Bennett Creek Animal Hospital has been designed, and previously accepted by the reviewers of Case Nos. S-2659 and S-2660, as having a residential appearance in form.

(4) Will be in harmony with the general character of the neighborhood, considering population density, design, scale, and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses.

As described in the previous paragraph, the design and appearance of the Bennett Creek Animal Hospital has previously been deemed to have a residential appearance and is compatible with the character of the surrounding neighborhood. Furthermore, the use is intended to act as a “local” service to the residents of the Clarksburg area and their pets. While the use itself may be “non-residential” in zoning classification, it is appropriately located in a residential neighborhood with easy accessibility for its customers and their animals needing medical attention and care, often on an emergency basis.

A review of the tests for harmony and compatibility includes the following analyses:

Height

The height of the proposed modified structure (23 feet) will remain which will keep it consistent with the height of surrounding residences and lower than the abutting Middle School and Church.

Width and Depth of Structure

The building is no longer than was originally approved but it has become wider by 22+ feet. This was accomplished by extending the building to the south by an extra “bay.” That is, the existing design was replicated using the same fenestration pattern, detailing and materials so that the new addition is unidentifiable. The result is that although the building has been widened the addition is assimilated into the original design so that the building does not look like it has changed.

Visibility

Because the building sits back 132 feet from the drive lanes of Route 355, any changes to the façade of the Hospital will not be detected.

Additionally, although parking will be added to the site, a large amount of the parking (17 spaces) will be behind the Hospital building and will not be visible from Route 355. And because parking spaces along the north side of the building, and adjacent to the northern property line, will be parallel to the flow of traffic on MD 355 and are at a much higher elevation, the car or cars parked closest to the highway will screen the other cars further to the west. (See Application exhibit 5b).

For the reasons set forth above, the proposed use will be in harmony with its surroundings.

(5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

Bennett Creek Animal Hospital has been an active, growing and successful veterinary hospital in its present setting since 2010. In light of the fact that there are no known complaints or enforcement actions by Montgomery County, Bennett Creek has proven itself to be a non-residential use that does not have an adverse impact on other uses surrounding the Hospital regardless of whether those uses are detached residential units or institutional facilities. There is no evidence that the operation of the Veterinary Hospital has been objectionable or bothersome to any surrounding properties or has had any adverse impact on any such properties. There is nothing in this application that introduces any new operations at Bennett Creek Animal Hospital; it merely proposes to do more of what it has been doing compatibly for the past 13 years.

(6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

A combined veterinary hospital/animal boarding facility certainly has the potential of causing bothersome noise, fumes, or odors. But the Bennett Creek Animal Hospital addition will install the same noise control measures that are present in the existing structure. Moreover, Dr. Walcoff will continue to manage the animals visiting the Hospital and the waste generated by animal care and boarding so that there will be no odors or site contamination.

(7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area.

Based on a review of the records of the County Board of Appeals and the Office of Zoning and Administrative (“OZAH”), there have been no new special exceptions or conditional uses approved since Bennett Creek Animal Hospital was approved in 2007 when the zoning analysis reported that there were no other special exceptions or conditional uses in the general area surrounding the Subject Property. Therefore, there is no saturation of special exceptions or conditional uses in the vicinity that would alter the character of the area.

(8) Will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

Bennett Creek Animal Hospital has conclusively demonstrated that its operations have had no adverse impact on the health, safety, security, well-being or general welfare of visitors, workers or residents in the surrounding area. The addition to the Hospital will not alter the operation of the facility nor will its expansion create any condition that will have an adverse effect on the surrounding properties.

(9) 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.

The Subject Property is classified in the respective W-1 and S-1 water and sewer service categories and there have been no transmission or treatment problems with these two public services. The proposed addition can be served by the existing utility lines which are adequate in size to accommodate the increased demand for service.

Police and fire protection remain adequate to serve the proposed addition.

The Petitioners have or will be submitting a traffic impact study to be reviewed in conjunction with this special exception amendment application. The Statement confirms that the increase in building size, client patronage and staff growth will generate an amount of vehicle traffic that can be accommodated by the transportation network surrounding the Subject Property. The Study confirms that the Bennett Creek Animal Hospital will operate in accordance with the County's Adequate Public Facilities Ordinance.

B. CONFORMANCE WITH THE GENERAL DEVELOPMENT STANDARDS OF SECTION 59-G-1.23

A special exception amendment application must also conform to the following standards of Section 59-G-1.23 of the pre-October 2014 Zoning Ordinance:

(a) Development Standards. *Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.23 or in Section G-2.*

Development Standard – R-200/Uses	Required Development Standards	Development Standards
Maximum Building Height:	50 feet	23 Feet
Minimum Lot Area:	87,120 sq. ft.	87,138
Minimum Width at Front Building Line:	100 feet	211 feet
Minimum Width at Proposed Street Line:	25 feet	211 feet
Minimum Front Yard Setback:	40 feet	71.9 feet
Minimum Side Yard Setback:	One Side 12 feet Sum of both sides 25 feet	Minimum Side Yard is 50 feet
Minimum Rear Yard Setback:	30 feet	135 feet and 6 inches
Maximum Building Coverage:	25%	11.0%
Minimum Building Setback for Boarding Use	75 feet	77 feet and 1 inch
Minimum Building Setback for Animal Hospital Use	50 feet	50 feet

(b) Parking requirements. *Special exceptions are subject to all relevant requirements of Article 59-E.*

The parking requirements set forth in Section 59-G-2.32(b)(9) states that parking for a veterinary hospital will be set by the Board of Appeals but will not be less than five (5) spaces. Even with the companion animal boarding facility parking requirement (not less than three (3) parking spaces), Dr. Walcoff is comfortable that the 40 parking spaces to be provided on the Bennett Creek Animal Hospital property will be more than adequate to handle his staff, patients and deliveries.

(c) ***Minimum Frontage***

Not applicable

(d) ***Forest conservation***

This major Special Exception amendment application includes an amended forest conservation plan.

(e) ***Water Quality Plan***

This major Special Exception amendment application includes a Water Quality Plan reviewed and approved by the Montgomery County Department of Permitting Services.

(f) ***Signs***

The Petitioner proposes no change to the existed posted sign with permits from Montgomery County Department of Permitting Services.

(g) ***Building Compatibility***

The Bennett Creek Animal Hospital building was found in 2006 by the technical staff of Maryland National Capital Park and Planning Commission, the Montgomery County Planning Board and the Hearing Examiner all concluded that the original building was compatible with the neighborhood in which it is located taking into account its size, siting, scale, bulk, height, materials and textures and had a “residential appearance.”

This application merely extends and repeats the building patterns established in the existing building but has not increased the mass of the structure to be inappropriate for its setting.

(h) ***Lighting***

This major Special Exception amendment application contains information about new lighting that will be installed in conjunction with the building additional along with a photometric plan confirming that listing levels along the side and rear lot lines do not exceed 0.1 foot candles.

(i) ***Landscaping***

The Petitioner is proposing installation of no new landscaping and all of the landscaping planted along with the original construction, to create a decorative front to the Hospital and to provide screening along the northwest property, will remain and will continue to be maintained in healthy condition.

C. CONFORMANCE WITH THE SPECIFIC DEVELOPMENT STANDARDS OF SECTION 59-G-2.32 (“HOSPITAL, VETERINARY”)

The expansion of the Bennett Creek Animal Hospital conforms with the “Standards and Requirements” for individual special exceptions in the following manner:

Sec. 59-G-2.32. Hospital, veterinary.

(a) In any commercial, central business district or transit station zone where permitted by special exception, a veterinary hospital must comply with the following conditions and requirements:

(1) There must be no runs, exercise yards, or other facilities for the keeping of animals in any exterior space.

(2) All areas for the keeping of animals must be soundproofed.

Not applicable.

As conditioned in the February 7, 2007 Opinion of the Board of Appeals, the "...proposed facilities must be designed and constructed in a manner that will insure noise levels within County standards, not to exceed 40dBA within 10 feet of the Facility." The Petitioner's architect was mindful of this admonition in his design of the animal hospital building itself, and use of materials in order to comply with that standard. Within its sixteen years of operation, the Petitioner is aware of no incidents when sound from the animal hospital building exceeded the specified limits nor has Dr. Walcoff ever received any complaints about animal noise from his facility.

The Petitioner's architect for the proposed addition is the same architect who worked on the original building in 2007. Mr. Clapp will incorporate the same design techniques, and will use even more efficient noise absorbing materials in the proposed addition to the hospital building.

(b) In any residential or rural zone where permitted by special exception, a veterinary hospital must comply with the following conditions and requirements:

*(1) * * **

(2) Exterior areas used to exercise, walk, or keep animals must be set back from any property line 200 feet and screened from adjacent residential properties. All exterior exercise areas and runs must be fenced for the safe confinement of animals.

Bennett Creek Animal Hospital does not have any outdoors exercise area. A generously sized enclosed "dog run" is employed to give the dogs room to move about and socialize with other animals. The proposed addition will not propose, nor will it necessitate the installation of any exterior exercise areas that would need to meet the standards of Section 59-G-2.32(b)(2).

(3) For all buildings in which animals will be present, maximum expected interior sound levels must be reduced to 40dBA (A-weighted decibels) outside, measured at ten feet from the structure.

The project architect will use construction techniques and building materials for the addition that will achieve the noise levels prescribed above.

(4) All buildings and accessory structures must be set back from any property line a minimum of 50 feet.

The addition will extend into the southern side yard but the perimeter wall will be set to be at least 50 feet from the southern boundary line in order to satisfy the requirement quoted above and to qualify the open space between the building and the southern property line as wide enough to qualify for forest conservation purposes.

(5) No animal may be outdoors between 6 p.m. and 8 a.m.

This requirement is presently adhered to and will be followed notwithstanding the operation of the proposed addition.

(6) On weekdays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 8 a.m. to 6:00 p.m. and 50 dBA between the hours of 6:00 p.m. to 8 a.m. On Saturdays, Sundays, and federal holidays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 9 a.m. to 6:00 p.m. and 50 dBA between 6:00 p.m. and 9:00 a.m. Terms are defined in accordance with the Montgomery County Noise Ordinance (Chapter 31B of the Montgomery County Code). In any event, the predicted maximum receiving property line sound levels must not exceed the characteristic ambient sound levels by more than 3 dBA at any time.

As noted in paragraphs 2 and 3 above, the existing Bennett Creek Animal Hospital has been constructed, and is operated, to meet the Noise Standards quoted above. The proposed addition will provide space for: a) 6 examination rooms; b) a second surgery room; c) offices (doctors, manager, HR staff) and d) a lounge/"break room" for staff. The new space will contain few animals (in the examination and surgery rooms only) and only when the animals will be under close attention and control, noise control included.

Dr. Walcoff and his architect point out the following features of the activities to be conducted in the new addition that relate to noise issues. Animals, in the surgery area are usually sedated and do not bark. The exam rooms are only occupied for 10 to 15 minutes per animal, on a rotating basis, usually accompanied by their owners, and are therefore less likely to bark. Accordingly, because of the rather benign use of the new space, and the construction of the new space, the Petitioner is confident that the County's Noise Standards stated above can be satisfied.

(7) Dogs must not be walked or exercised in outdoor areas that are off-site.

Noted. The primary adjacent properties are a public school and a church and are never used for outdoor exercise for animals since the Animal Hospital has an adequate interior enclosed exercise area within the existing building.

(8) In addition to the submittal requirements in Sec. 59-A-4.22, the applicant must submit the following information. Applications submitted without this information are incomplete and will not be accepted or assigned a case number.

(i) acoustical engineering studies that demonstrate that the proposed use meets the standards in Sec. 59-G-2.02(b)(3) and (6) above. The studies must show the worst scenario sound level. The statement of operations must be sufficiently detailed to allow determination of how often the worst scenario sound level occurs.

(ii) detailed floor plans that show all the interior areas and their use designations,

(iii) site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.

The Special Exception Amendment application contains detailed floor plans (Sheets A-102 and A-101).

As explained above, Bennett Creek Animal Hospital has no outdoor exercise areas.

With regard to an acoustical engineering study, the project's architect has demonstrated that he has the knowledge and experience to design an animal hospital that can be operated in accordance with the County Noise law as evidenced by over fifteen years of operations at Bennett Creek Animal Hospital. Mr. Clapp is committed to design the hospital addition, and to use materials in the construction of the addition, that will achieve compliance with the County Noise law. Furthermore, as explained above, the addition will be "lightly used" in terms of animal occupancy and will be facing a public school property. Indeed, the public school is located almost 400 feet distant from the closest point of the new addition. The closest feature of the public school are six tennis courts within the range of 100 to 350 feet from the Animal Hospital.

(9) The Board must specify a minimum number of off-street parking spaces, taking into consideration the number of employees on the maximum shift, the number of doctors practicing simultaneously, and the number of appointments and deliveries. This number must in no case be less than 5.

The number of parking spaces on the site is proposed to be increased to forty (40) parking spaces which Dr. Walcoff is confident will be adequate to accommodate the parking needs for customers and staff at all times of the day.

(10) The Board may regulate the number of animals that may be boarded, exercised, walked, or kept in runs or similar areas, and the manner in which animals are boarded, exercised, walked, or kept.

Noted. Most animals receiving treatment will be released on the day of treatment. There is, however, adequate space for animals that need to remain under care and attention after surgery or special treatment.

(11) The Board may regulate the office hours and the number of appointments. Animals may be seen by appointment only. Emergency patients and visits to pick up prescriptions and pet-related items may also occur, within office hours only and without prior scheduling: abuse of this exemption may lead to revocation of the special exception. A written

log of all appointments and drop-in and emergency client activities must be kept, to be available for inspection by County authorities.

While most animals receiving treatment at Bennett Creek Animal Hospital arrive in accordance with a scheduled appointment, Bennett Creek does have an emergency care treatment capability approved by the Board of Appeals in 2017. Obviously, animals arriving for emergency care are not – prescheduled and such visits occur spontaneously due to events outside of the control of the pet owner.

(12) Any accessory operation, such as grooming or the sale of pet food and supplies, must be set forth in the statement of operations and must be limited as an accessory activity to a percentage of sales not to exceed 20%.

Nothing about the proposed addition will alter the Petitioner's current compliance with this requirement.

(13) All litter and animal waste must be contained and controlled on the site.

Any litter and/or or animal waste generated in the addition area will be incorporated into the Petitioner's current sophisticated method of control for these features already in place.

(14) Animals may be kept overnight at the hospital only for medical purposes. If animals are kept for non-medical purposes, a separate application for an animal boarding place must be approved.

Noted. The Petitioner already holds a separate companion special exception approval (S-2660) for an animal boarding at the Bennett Creek facility approved on February 1, 2007. That use is not affected by this application.

(15) If the proposed use is located in an area that uses well water and septic facilities, the applicant must prove that the use will not have any negative effect.

The proposed addition will be served by public water and public sewer. There is no history of inadequate transmission or treatment related to these public services. The existing utility system has been reviewed and is deemed adequate to handle any volume increases attributable to the proposed addition.

V. CONCLUSION

In summary, this application to modify Special Exception No. S-2659 complies with the general and special development standards for veterinary hospitals in this area of Montgomery County and is worthy of approval to continue the delivery of high-quality pet and animal veterinary care in Upper Montgomery County.

Respectfully submitted,

MILLER, MILLER & CANBY

Jody S. Kline

BEFORE THE MONTGOMERY COUNTY BOARD OF APPEALS

IN THE MATTER OF THE APPLICATION)
OF JEFFERY B. AND SHEILA) **Case No. S-2659**
WALCOFF FOR AMENDMENT OF A)
SPECIAL EXCEPTION)
)

PETITIONER'S STATEMENT OF JUSTIFICATION

I. INTRODUCTION

Dr. Jeffery B. Walcoff, DVM, and Sheila Walcoff, hereby petition the Board of Appeals to amend Special Exception No. S-2659 originally granted to the Walcoffs by decision of the Board of Appeals on February 1, 2007 (attached), and modified twice since that date, to allow the construction and operation of a veterinary hospital (Case No. S-2659). Also attached is a copy of the Board of Appeals' amendment decision dated July 20, 2017, because that approval added an emergency veterinary care facility to the subject property the success of which has partially stimulated this amendment request.

This subject special exception was combined with a companion special exception petition – S-2660 – for an animal boarding facility both to be located in a single structure situated at 22416 Frederick Road, Clarksburg. No amendment of Case No. S-2660 is sought or needed in this case because the proposed amendment relates exclusively to the operations of the veterinary hospital and no operations of the animal boarding program are affected by this proposal.

The success of Bennett Creek Animal Hospital has been incredible. When Dr. Walcoff appeared before the Hearing Examiner on September 25, 2006, he explained that the Clarksburg region of Montgomery County was underrepresented by veterinary medical services and that, with the planned growth of the Clarksburg area, there was then a current and undoubtedly increasing need for veterinary medical services and for animal boarding facilities. Dr. Walcoff reiterated these observations when in 2017 the Board allowed Bennett Creek Animal Hospital to expand its hours of operations to provide emergency animal care since there were no such services between Frederick and Gaithersburg. (Opinion dated July 20, 2017, attached)

The increased demand for veterinary care in both daytime and emergency hours, has put significant pressure on the operations of the Bennett Creek Animal Hospital in terms of the numbers of patients; the space available to treat animals, particularly those needing emergency care; the number of veterinarians and staff to provide medical services; and, finally, the amount of parking to serve the increased number of customers and staff. This amended Special Exception Application is intended to allow Bennett Creek Animal Hospital to grow to provide superior veterinary care for animals and pets residing in upper Montgomery County.

This Special Exception Amendment is intended to expand the physical space of Bennett Creek Animal Hospital, add staff, and make changes to the site plan (e.g., parking, forest conservation) to accommodate the greater level of service expected to occur on the subject property.

II. SCOPE OF MODIFICATION

A. CHANGE TO BUILDING FOOTPRINT

Bennett Creek Animal Hospital today contains a total of 6,879 square feet of building area on one floor with four examination rooms and a modest surgical suite. This amendment proposal will add to the first-floor level six (6) examination rooms as well as a second, and larger, surgical suite. This addition will provide a valuable second surgical table, which will be particularly helpful in emergency situations but will also accommodate more sophisticated surgical support equipment allowing the veterinarians to provide “state of the art” veterinary care. Also, on the first-floor level will be 3 small administrative offices, a larger veterinarians’ office suite and a “break room” for staff.

A basement level of the proposed addition includes storage space that has become very important to providing prompt care and attention to the Hospital’s animal patients. The lower-level storage space contains 2767 square feet of area encompassing a storage area for food and supplies, and a secure storage area for records, oxygen tanks, valuables, and expensive equipment. In total, the gross floor area of the New Bennett Creek Animal Hospital will be 11,712 square feet, 4833 square feet of which will be contained in the new addition.

The increase in the building footprint has been achieved by expanding the building to the south, towards the open areas of the site adjacent to the large Rocky Hill Middle School campus. The veterinary hospital building has been widened by 21 feet 7 inches in the front and 24 feet 10 inches in the rear to create space for the new facilities described above. The resulting building modification will place the structure 50+ feet north of the common property line with the adjacent public school (to satisfy Section 59-G-2.32(b)(4)) of the Zoning Ordinance but does not materially change the front elevation of the Hospital Building as is shown in the architectural plans (“Front Elevation,”) included with this amendment application because the roof line and fenestration pattern have been merely replicated.

B. CHANGE IN STAFFING

When Dr. Walcoff approached the Board in 2017 and secured approval for an emergency veterinary hospital outside of regular hours and on weekends, the Board saw fit to impose a condition on staffing to read as follows:

“8. Petitioner shall be limited to a maximum of ten (10) staff (including all veterinarians, support staff and interns) on site at any one time, provided that the number of veterinarians on site at any one time shall not exceed three (3).”

As stated previously, as the community of Clarksburg has grown the volume of families’ pets requiring care, maintenance and emergency treatment services has grown immensely. Dr. Walcoff feels that he needs veterinary hospital and animal boarding staffing at the following levels. Total staff of Bennett Creek Animal Hospital, including Veterinarians and all support staff, needs to be in the range of fifty-five persons. However, there will be not more than twenty (20) staff in the Bennett Creek Animal Hospital at any given time with the following breakdown of specialty areas during peak hours of the day:

1. Monday-Fridays, 7:00AM to 5:00PM

5 Veterinarians

3 Receptionists
3 Office Staff and Administrators
6 Technicians
2 Kennel Staffers
1 Groomer

20 Total

2. Monday-Fridays, 5:00PM to Midnight

2 Veterinarians
2 Receptionists
6 Technicians
1 Kennel Staffer

11 Total

3. Saturday-Sunday, 7:00AM to Midnight

3 Veterinarians
3 Receptionists
9 Technicians
2 Kennel Staffers

17 Total

4. 7 nights a week, Midnight to 7:00 AM

1 Technician

With this staffing increase, Dr. Walcoff believes that he will have the professionals readily available at all times to provide immediate care and attention to all animals and pets presented to the Hospital.

C. CHANGE TO PARKING

The original site plan approved in 2006 contemplated seventeen (17) parking spaces on site. This Amendment proposal anticipates the use of forty (40) parking spaces on site spaces to be located a) at the rear of the Animal Hospital (17 spaces, primarily for staff), b) seventeen (17)

spaces adjacent to the north facade of the building (primarily for customers/patients and deliveries, and c) six (6) spaces located along the northern side of the site (primarily for long term parking situations).

Under Section 59-G-2.32, parking for a veterinary hospital will be determined by the Board based on the number of employees on the maximum shift, the number of veterinarians practicing simultaneously, and the number of appointments and deliveries. Even with the companion animal boarding facility, Dr. Walcoff is confident that he will have adequate parking for customers and staff at any time of the day.

D. CHANGE TO FOREST CONSERVATION PLAN

The original special exception plan for the Bennett Creek facility showed a forest conservation easement located on the southeast side of the facility adjacent to the Middle School property to the south. The forest conservation easement then extended to the southwest and partially wrapped around the detached residence at Lot 8, "CLARKSBURG HEIGHTS" created upon the platting of the Bennett Creek Animal Hospital property. The specific location of the Category I forest conservation easement is shown on Plat 23918 included with this amendment application. The Plat notes that the area of the Category I forest conservation easement is 30,174 square feet.

The expansion of the Veterinary Hospital building extended into the existing forest conservation easement area, making the space between the enlarged building and the southern property line not wide enough to qualify for the easement status. Therefore, the Petitioners have shrunk the easement area along the southeast side of the new building and have increased the easement area to include part of the rear of Petitioners' Lot 7, in its southwest corner, which was not originally subject to a category I forest conservation designation. The area of the new redefined Category I easement area is calculated to be 25,116 square feet. Details of the forest conservation issue are shown in the attached Forest Conservation sheets included with this application.

E. CHANGES TO STORMWATER MANAGEMENT PLAN

Because the Subject Property is located within the Clarksburg Special Protection Area, a Water Quality Plan must be submitted with a major modification application for an existing special exception. Included within this application are copies of a Preliminary/Final Water Quality Plan submitted, reviewed by and approved by the Water Resources Section of the Montgomery County Department of Permitting Services ("MCDPS"). MCDPS' approval letter of the Water Quality Plan dated December 3, 2023, is also enclosed.

III. PROPOSAL

A. Property Description

The Subject Property remains a platted lot (i.e., Lot 7, Clarksburg Heights subdivision per plat No. 23198 recorded November 25, 2008) located at 22416 Frederick Road, Clarksburg. Lot 7 contains 82,251 square feet (2.00301 acres) of land area and is zoned in the R-200 (single family detached residential zone). The property is improved with the herein described Bennett Creek Animal Hospital which has been constructed and operated in accordance with the prior approvals of the Board of Appeals since its opening in 2010.

B. Area Description

The vicinity surrounding the Subject Property is primarily institutional in character with some single-family detached residences confronting the Property (on the east side of Maryland Route 355) and one abutting residence to the west. As shown on the attached excerpt from the Hearing Examiner's December 28, 2006, Report and Recommendation on Case Nos. S-2659 and S-2660, the subject site is abutted on the south by the Rocky Hill Middle School and is adjoined on the north by the John Wesley United Methodist Church. In addition, further to the north is Clarksburg High School. This exhibit shows the single-family residences located on the northeast side of Frederick Road as well as the existing single-family home located in the "Notch" in the southeast corner of the Subject Property.

The Zoning Vicinity Map included with this Petition indicates that the surrounding properties are almost all located in the R-200 zone except for the adjacent Middle School property which is zoned in R-200/TDR-4.0.

C. Zoning Neighborhood

For the purposes of this special exception amendment application, the Petitioners adopt the "zoning neighborhood" reflected in the Hearing Examiner's Report and Recommendation identifying the "Neighborhood Area" on which the Hearing Examiner would rely in analyzing the zoning aspects of the paired applications. In the opinion of the Petitioners, there has been no change or redevelopment in the surrounding area that would warrant repositioning of the "Neighborhood Area" boundary line.

IV. ZONING ANALYSIS

A. Conformance with Requirements of Section 59-G-1.21 ("General Conditions")

The pre-October 2014 Montgomery County Zoning Ordinance prescribes that a special exception area can be amended upon a demonstration that from the preponderance of the evidence of record that the following standards set forth in italics hereafter have been satisfied:

(1) Is a permissible special exception in the zone

Pursuant to Section 59-C-1.31 ("Land Uses") of the County Zoning Ordinance, a "Hospital, Veterinary" is allowed by special exception in the R-200 zone.

Pursuant to Section 59-C-1.31, an "Animal boarding place" is allowed by special exception in the R-200 zone.

Since Special Exception Case Nos. S-2659 (Hospital, Veterinary) and S-2660 (Animal boarding place) were previously approved by the County Board of Appeals in February 2007, the Petitioners are permitted to file applications to amend the respective special exceptions.

(2) Complies with the standards and requirements set forth for the use in Division 59-G-2.

Section 59-G-2 of the County Zoning Ordinance ("Special Exceptions – Standards and Requirements") draws the reader's attention to Section 59-G-2.32 ("Hospital, Veterinary"). That section contains a number of standards and requirements related to the operation of a veterinary clinic and its potential impact on surrounding properties. In most cases, these restrictions apply

to the a) care of animals, b) the treatment of animals and when they can be outside of the hospital building and c) the sound containment measures that will be employed to minimize animal noise that may be bothersome to surrounding properties. Dr. Walcoff will continue to abide by all of the restrictions regarding animals outside of the hospital itself and binds himself to comply with all of the operational controls listed in Section 59-G-2.32(b)(1) through (15).

At the original hearing on cases S-2659 and S-2660 in February 2006, Dr. Walcoff presented testimony from an expert acoustical engineer describing the measures that would be implemented to address the County noise standards and the criteria for this proposed use. In particular, Mr. Kevin Miller recommended upgrades to the original design that would achieve the standard of 40dBA measured at the outside of the structure at a distance of 10 feet from the building. Dr. Walcoff's architect, who was the same architect for the original building, has incorporated the acoustical expert's 2006 recommendations into the design and construction of the expanded facility which should assure compliance with the noise limitations set forth in Section 59-G-2.32(b) of the Zoning Ordinance.

(3) Will be consistent with the general plan for the physical development of the district, including any Master Plan adopted by the Commission.

The Subject Property is located within the area covered by the Clarksburg Master Plan approved and adopted in June 1994. While there have been amendments to the Clarksburg Master Plan since that date (e.g., July 2011 Limited Amendment to the Retail Staging Provisions; Ten Mile Creek Area Limited Amendment), none of these Amendments have changed the zoning and land use recommendation for the Subject Property and its surrounding area.

As a general planning goal, the Clarksburg Master Plan encouraged retention of the residential character of the properties fronting on Frederick Road. However, the Subject Property is sandwiched between institutional uses including a public Middle School to the south and a church to the north with an even larger public high school just further north. Therefore, it is hard to say that this special exception use allowed in the R-200 zone is out of character with the surrounding area. Indeed, the "Transit Corridor District Land Use Plan", found on page 55 of the 1994 Clarksburg Master Plan, depicts the Subject Property as being adjacent to areas planned for institutional and public park areas. And, in accordance with Section 59-C-1.23(g) ("Building compatibility in residential zones"), the Bennett Creek Animal Hospital has been designed, and previously accepted by the reviewers of Case Nos. S-2659 and S-2660, as having a residential appearance in form.

(4) Will be in harmony with the general character of the neighborhood, considering population density, design, scale, and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses.

As described in the previous paragraph, the design and appearance of the Bennett Creek Animal Hospital has previously been deemed to have a residential appearance and is compatible with the character of the surrounding neighborhood. Furthermore, the use is intended to act as a "local" service to the residents of the Clarksburg area and their pets. While the use itself may be "non-residential" in zoning classification, it is appropriately located in a residential neighborhood with easy accessibility for its customers and their animals needing medical attention and care, often on an emergency basis.

A review of the tests for harmony and compatibility includes the following analyses:

Height

The height of the proposed modified structure (23 feet) will remain which will keep it consistent with the height of surrounding residences and lower than the abutting Middle School and Church.

Width and Depth of Structure

The building is no longer than was originally approved but it has become wider by 22+ feet. This was accomplished by extending the building to the south by an extra "bay." That is, the existing design was replicated using the same fenestration pattern, detailing and materials so that the new addition is unidentifiable. The result is that although the building has been widened the addition is assimilated into the original design so that the building does not look like it has changed.

Visibility

Because the building sits back 132 feet from the drive lanes of Route 355, any changes to the façade of the Hospital will not be detected.

Additionally, although parking will be added to the site, a large amount of the parking (17 spaces) will be behind the Hospital building and will not be visible from Route 355. And because parking spaces along the north side of the building, and adjacent to the northern property line, will be parallel to the flow of traffic on MD 355 and are at a much higher elevation, the cars or cars parked closest to the highway will screen the other cars further to the west. (See Application exhibit 5b).

For the reasons set forth above, the proposed use will be in harmony with its surroundings.

(5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

Bennett Creek Animal Hospital has been an active, growing and successful veterinary hospital in its present setting since 2010. In light of the fact that there are no known complaints or enforcement actions by Montgomery County, Bennett Creek has proven itself to be a non-residential use that does not have an adverse impact on other uses surrounding the Hospital regardless of whether those uses are detached residential units or institutional facilities. There is no evidence that the operation of the Veterinary Hospital has been objectionable or bothersome to any surrounding properties or has had any adverse impact on any such properties. There is nothing in this application that introduces any new operations at Bennett Creek Animal Hospital; it merely proposes to do more of what it has been doing compatibly for the past 13 years.

(6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

A combined veterinary hospital/animal boarding facility certainly has the potential of causing bothersome noise, fumes, or odors. But the Bennett Creek Animal Hospital addition will

install the same noise control measures that are present in the existing structure. Moreover, Dr. Walcoff will continue to manage the animals visiting the Hospital and the waste generated by animal care and boarding so that there will be no odors or site contamination.

(7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area.

Based on a review of the records of the County Board of Appeals and the Office of Zoning and Administrative (“OZAH”), there have been no new special exceptions or conditional uses approved since Bennett Creek Animal Hospital was approved in 2007 when the zoning analysis reported that there were no other special exceptions or conditional uses in the general area surrounding the Subject Property. Therefore, there is no saturation of special exceptions or conditional uses in the vicinity that would alter the character of the area.

(8) Will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

Bennett Creek Animal Hospital has conclusively demonstrated that its operations have had no adverse impact on the health, safety, security, well-being or general welfare of visitors, workers or residents in the surrounding area. The addition to the Hospital will not alter the operation of the facility nor will its expansion create any condition that will have an adverse effect on the surrounding properties.

(9) 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.

The Subject Property is classified in the respective W-1 and S-1 water and sewer service categories and there have been no transmission or treatment problems with these two public services. The proposed addition can be served by the existing utility lines which are adequate in size to accommodate the increased demand for service.

Police and fire protection remain adequate to serve the proposed addition.

The Petitioners have or will be submitting a traffic impact study to be reviewed in conjunction with this special exception amendment application. The Statement confirms that the increase in building size, client patronage and staff growth will generate an amount of vehicle traffic that can be accommodated by the transportation network surrounding the Subject Property. The Study confirms that the Bennett Creek Animal Hospital will operate in accordance with the County’s Adequate Public Facilities Ordinance.

B. CONFORMANCE WITH THE GENERAL DEVELOPMENT STANDARDS OF SECTION 59-G-1.23

A special exception amendment application must also conform to the following standards of Section 59-G-1.23 of the pre-October 2014 Zoning Ordinance:

(a) Development Standards. *Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.23 or in Section G-2.*

Development Standard – R-200/Uses	Required Development Standards	Development Standards
Maximum Building Height:	50 feet	23 Feet
Minimum Lot Area:	87,120 sq. ft.	87,138
Minimum Width at Front Building Line:	100 feet	211 feet
Minimum Width at Proposed Street Line:	25 feet	211 feet
Minimum Front Yard Setback:	40 feet	71.9 feet
Minimum Side Yard Setback:	One Side 12 feet Sum of both sides 25 feet	Minimum Side Yard is 50 feet
Minimum Rear Yard Setback:	30 feet	135 feet and 6 inches
Maximum Building Coverage:	25%	11.0%
Minimum Building Setback for Boarding Use	75 feet	77 feet and 1 inch
Minimum Building Setback for Animal Hospital Use	50 feet	50 feet

(b) Parking requirements. *Special exceptions are subject to all relevant requirements of Article 59-E.*

The parking requirements set forth in Section 59-G-2.32(b)(9) states that parking for a veterinary hospital will be set by the Board of Appeals but will not be less than five (5) spaces. Even with the companion animal boarding facility parking requirement (not less than three (3) parking spaces), Dr. Walcoff is comfortable that the 40 parking spaces to be provided on the Bennett Creek Animal Hospital property will be more than adequate to handle his staff, patients and deliveries.

(c) **Minimum Frontage**

Not applicable

(d) **Forest conservation**

This major Special Exception amendment application includes an amended forest conservation plan.

(e) **Water Quality Plan**

This major Special Exception amendment application includes a Water Quality Plan reviewed and approved by the Montgomery County Department of Permitting Services.

(f) **Signs**

The Petitioner proposes no change to the existed posted sign with permits from Montgomery County Department of Permitting Services.

(g) **Building Compatibility**

The Bennett Creek Animal Hospital building was found in 2006 by the technical staff of Maryland National Capital Park and Planning Commission, the Montgomery County Planning Board and the Hearing Examiner all concluded that the original building was compatible with the neighborhood in which it is located taking into account its size, siting, scale, bulk, height, materials and textures and had a “residential appearance.”

This application merely extends and repeats the building patterns established in the existing building but has not increased the mass of the structure to be inappropriate for its setting.

(h) ***Lighting***

This major Special Exception amendment application contains information about new lighting that will be installed in conjunction with the building additional along with a photometric plan confirming that listing levels along the side and rear lot lines do not exceed 0.1 foot candles.

(i) ***Landscaping***

The Petitioner is proposing installation of no new landscaping and all of the landscaping planted along with the original construction, to create a decorative front to the Hospital and to provide screening along the northwest property, will remain and will continue to be maintained in healthy condition.

C. CONFORMANCE WITH THE SPECIFIC DEVELOPMENT STANDARDS OF SECTION 59-G-2.32 (“HOSPITAL, VETERINARY”)

The expansion of the Bennett Creek Animal Hospital conforms with the “Standards and Requirements” for individual special exceptions in the following manner:

Sec. 59-G-2.32. Hospital, veterinary.

(a) In any commercial, central business district or transit station zone where permitted by special exception, a veterinary hospital must comply with the following conditions and requirements:

(1) There must be no runs, exercise yards, or other facilities for the keeping of animals in any exterior space.

(2) All areas for the keeping of animals must be soundproofed.

Not applicable.

As conditioned in the February 7, 2007 Opinion of the Board of Appeals, the “...proposed facilities must be designed and constructed in a manner that will insure noise levels within County standards, not to exceed 40dBA within 10 feet of the Facility.” The Petitioner’s architect was mindful of this admonition in his design of the animal hospital building itself, and use of materials in order to comply with that standard. Within its sixteen years of operation, the Petitioner is aware of no incidents when sound from the animal hospital building exceeded the

specified limits nor has Dr. Walcoff ever received any complaints about animal noise from his facility.

The Petitioner's architect for the proposed addition is the same architect who worked on the original building in 2007. Mr. Clapp will incorporate the same design techniques, and will use even more efficient noise absorbing materials in the proposed addition to the hospital building.

(b) *In any residential or rural zone where permitted by special exception, a veterinary hospital must comply with the following conditions and requirements:*

(1) * * *

(2) *Exterior areas used to exercise, walk, or keep animals must be set back from any property line 200 feet and screened from adjacent residential properties. All exterior exercise areas and runs must be fenced for the safe confinement of animals.*

Bennett Creek Animal Hospital does not have any outdoors exercise area. A generously sized enclosed "dog run" is employed to give the dogs room to move about and socialize with other animals. The proposed addition will not propose, nor will it necessitate the installation of any exterior exercise areas that would need to meet the standards of Section 59-G-2.32(b)(2).

(3) *For all buildings in which animals will be present, maximum expected interior sound levels must be reduced to 40dBA (A-weighted decibels) outside, measured at ten feet from the structure.*

The project architect will use construction techniques and building materials for the addition that will achieve the noise levels prescribed above.

(4) *All buildings and accessory structures must be set back from any property line a minimum of 50 feet.*

The addition will extend into the southern side yard but the perimeter wall will be set to be at least 50 feet from the southern boundary line in order to satisfy the requirement quoted above and to qualify the open space between the building and the southern property line as wide enough to qualify for forest conservation purposes.

(5) *No animal may be outdoors between 6 p.m. and 8 a.m.*

This requirement is presently adhered to and will be followed notwithstanding the operation of the proposed addition.

(6) *On weekdays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 8 a.m. to 6:00 p.m. and 50 dBA between the hours of 6:00 p.m. to 8 a.m. On Saturdays, Sundays, and federal holidays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 9 a.m. to 6:00 p.m. and 50 dBA between 6:00*

p.m. and 9:00 a.m. Terms are defined in accordance with the Montgomery County Noise Ordinance (Chapter 31B of the Montgomery County Code). In any event, the predicted maximum receiving property line sound levels must not exceed the characteristic ambient sound levels by more than 3 dBA at any time.

As noted in paragraphs 2 and 3 above, the existing Bennett Creek Animal Hospital has been constructed, and is operated, to meet the Noise Standards quoted above. The proposed addition will provide space for: a) 6 examination rooms; b) a second surgery room; c) offices (doctors, manager, HR staff) and d) a lounge/"break room" for staff. The new space will contain few animals (in the examination and surgery rooms only) and only when the animals will be under close attention and control, noise control included.

Dr. Walcoff and his architect point out the following features of the activities to be conducted in the new addition that relate to noise issues. Animals, in the surgery area are usually sedated and do not bark. The exam rooms are only occupied for 10 to 15 minutes per animal, on a rotating basis, usually accompanied by their owners, and are therefore less likely to bark. Accordingly, because of the rather benign use of the new space, and the construction of the new space, the Petitioner is confident that the County's Noise Standards stated above can be satisfied.

(7) Dogs must not be walked or exercised in outdoor areas that are off-site.

Noted. The primary adjacent properties are a public school and a church and are never used for outdoor exercise for animals since the Animal Hospital has an adequate interior enclosed exercise area within the existing building.

(8) In addition to the submittal requirements in Sec. 59-A-4.22, the applicant must submit the following information. Applications submitted without this information are incomplete and will not be accepted or assigned a case number.

(i) acoustical engineering studies that demonstrate that the proposed use meets the standards in Sec. 59-G-2.02(b)(3) and (6) above. The studies must show the worst scenario sound level. The statement of operations must be sufficiently detailed to allow determination of how often the worst scenario sound level occurs.

(ii) detailed floor plans that show all the interior areas and their use designations,

(iii) site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.

The Special Exception Amendment application contains detailed floor plans (Sheets A-102 and A-101).

As explained above, Bennett Creek Animal Hospital has no outdoor exercise areas.

With regard to an acoustical engineering study, the project's architect has demonstrated that he has the knowledge and experience to design an animal hospital that can be operated in

accordance with the County Noise law as evidenced by over fifteen years of operations at Bennett Creek Animal Hospital. Mr. Clapp is committed to design the hospital addition, and to use materials in the construction of the addition, that will achieve compliance with the County Noise law. Furthermore, as explained above, the addition will be “lightly used” in terms of animal occupancy and will be facing a public school property. Indeed, the public school is located almost 400 feet distant from the closest point of the new addition. The closest feature of the public school are six tennis courts within the range of 100 to 350 feet from the Animal Hospital.

(9) The Board must specify a minimum number of off-street parking spaces, taking into consideration the number of employees on the maximum shift, the number of doctors practicing simultaneously, and the number of appointments and deliveries. This number must in no case be less than 5.

The number of parking spaces on the site is proposed to be increased to forty (40) parking spaces which Dr. Walcoff is confident will be adequate to accommodate the parking needs for customers and staff at all times of the day.

(10) The Board may regulate the number of animals that may be boarded, exercised, walked, or kept in runs or similar areas, and the manner in which animals are boarded, exercised, walked, or kept.

Noted. Most animals receiving treatment will be released on the day of treatment. There is, however, adequate space for animals that need to remain under care and attention after surgery or special treatment.

(11) The Board may regulate the office hours and the number of appointments. Animals may be seen by appointment only. Emergency patients and visits to pick up prescriptions and pet-related items may also occur, within office hours only and without prior scheduling: abuse of this exemption may lead to revocation of the special exception. A written log of all appointments and drop-in and emergency client activities must be kept, to be available for inspection by County authorities.

While most animals receiving treatment at Bennett Creek Animal Hospital arrive in accordance with a scheduled appointment, Bennett Creek does have an emergency care treatment capability approved by the Board of Appeals in 2017. Obviously, animals arriving for emergency care are not – prescheduled and such visits occur spontaneously due to events outside of the control of the pet owner.

(12) Any accessory operation, such as grooming or the sale of pet food and supplies, must be set forth in the statement of operations and must be limited as an accessory activity to a percentage of sales not to exceed 20%.

Nothing about the proposed addition will alter the Petitioner’s current compliance with this requirement.

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

Any litter and/or or animal waste generated in the addition area will be incorporated into the Petitioner's current sophisticated method of control for these features already in place.

(14) *Animals may be kept overnight at the hospital only for medical purposes. If animals are kept for non-medical purposes, a separate application for an animal boarding place must be approved.*

Noted. The Petitioner already holds a separate companion special exception approval (S-2660) for an animal boarding at the Bennett Creek facility approved on February 1, 2007. That use is not affected by this application.

(15) *If the proposed use is located in an area that uses well water and septic facilities, the applicant must prove that the use will not have any negative effect.*

The proposed addition will be served by public water and public sewer. There is no history of inadequate transmission or treatment related to these public services. The existing utility system has been reviewed and is deemed adequate to handle any volume increases attributable to the proposed addition.

V. CONCLUSION

In summary, this application to modify Special Exception No. S-2659 complies with the general and special development standards for veterinary hospitals in this area of Montgomery County and is worthy of approval to continue the delivery of high-quality pet and animal veterinary care in Upper Montgomery County.

Respectfully submitted,

MILLER, MILLER & CANBY



Jody S. Kline

Attachment F

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

www.montgomerycountymd.gov/content/council/boa/board.asp

Case Nos.: S-2659 and S-2660

**PETITION OF JEFFREY B. WALCOFF, D.V.M. AND
SHEILA DEARYBURY WALCOFF**

OPINION OF THE BOARD

(Opinion Adopted January 10, 2007 and January 17, 2007)
(Effective Date of Opinion: February 1, 2007)

Case Nos. S-2659 and S-2660 are applications for special exceptions for a Veterinary Hospital and Animal Boarding Place, pursuant to Sections 59-G-2.32 and 59-G-2.02 of the Zoning Ordinance. The Hearing Examiner for Montgomery County held a hearing on the applications on September 25, 2006, closed the record on December 26, 2006, and on December 28, 2006, issued a Report and Recommendation for approval of the special exceptions.

The subject property is located at, 22414 and 22416 Frederick Road, Clarksburg, Maryland, 20871, in the R-200 Zone.

Decision of the Board: **Special Exceptions Granted Subject
To Conditions Enumerated Below.**

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on January 10, 2007. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation, and grants the special exception. On January 17, 2007, the Board re-opened the record to amend the conditions of approval to include Condition No. 18, which establishes a Community Liaison Council. Therefore, on motions by Wendell M. Holloway, seconded by Caryn L. Hines, with Catherine G. Titus and Allison Ishihara Fultz, Chair in agreement and Donna L. Barron necessarily absent; and by Caryn L. Hines, seconded by Donna L. Barron, with Wendell M. Holloway, Catherine G. Titus and Allison Ishihara Fultz, Chair in agreement:

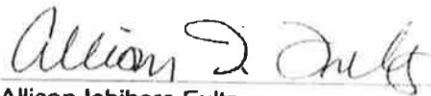
BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that Case Nos. S-2659 and S-2660, Petitions of Jeffrey B. Walcoff and Sheila Dearybury Walcoff are **granted**, subject to the following conditions:

1. The Petitioners shall be bound by all of their testimony and exhibits of record, and by the testimony of their witnesses and representations of counsel identified in the Hearing Examiner's Report and Recommendation and in the Opinion of the Board.
2. The hours when the facility is open to the public for drop-off and pick up of animals will be limited to 7:00 a.m. to 8 p.m., Monday through Friday, and 7:00 a.m. to 1:00 p.m. on Saturday. Animals may be seen at the veterinary hospital by appointment only, except in emergency situations. This facility is not an after-hours emergency facility, and after-hour calls (except those relating to an animal already in the care of this facility), shall be referred to an emergency clinic. The facility will be staffed after office hours solely to accommodate emergency situations for animals already in care of the facility and to provide care for the animals who must remain overnight for medical purposes and for those being boarded. Scheduled appointment hours may not begin until 9:00 a.m., Monday through Saturday. Monday through Friday, appointments may continue until 7:00 p.m., and the facility will close at 8:00 p.m. On Saturdays, appointments may continue till 12:00 noon, and the facility will close at 1:00 p.m. A written or computer log of all appointments, drop-in and emergency client activities must be kept, and be available for inspection by County authorities. Petitioners must also submit a yearly activities report to the Board of Appeals.
3. The animal boarding facility is limited to forty-nine (49) animals on site at any one time, and the total of dogs 35 lbs. and over will be limited to twenty-three (23) at any one time. The actual number of kenneled animals is expected to be well below 49, except on holidays.
4. No outdoor exercising of animals is permitted on or off site, nor may animals be walked outdoors to relieve themselves. Animals may be walked on a leash within the enclosed area labeled "Dog Walking Area" on the revised site and landscape plan (Exhibit 52(a)), and that should be restricted to daylight hours except in emergencies or when humanitarian considerations require it.
5. The proposed facilities must be designed and constructed in a manner that will insure noise levels within County standards, not to exceed 40 dBA within 10 feet of the facility. On weekdays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 8 a.m. to 6 p.m. and 50 dBA between the hours of 6 p.m. to 8 a.m. On Saturdays, Sundays, and federal holidays, the sound at the nearest receiving property line must not

exceed 60 dBA between the hours of 9 a.m. to 6 p.m. and 50 dBA between 6 p.m. and 9 a.m. Terms are defined in accordance with the Montgomery County Noise Ordinance (Chapter 31B of the Montgomery County Code). In any event, the predicted maximum receiving property line sound levels must not exceed the characteristic ambient sound levels by more than 3 dBA at any time.

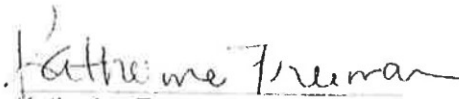
6. All litter and animal waste must be contained and controlled on the site.
7. Any accessory operation, such as grooming or the sale of pet food must be limited as an accessory activity to a percentage of sales not to exceed 20%. Goods for sale at this facility will be limited to prescription medicine and prescription pet food.
8. Petitioner shall be limited to a maximum of ten (10) staff (including all veterinarians, support staff and interns) on site at any one time, provided that the number of veterinarians on site at any one time shall not exceed three (3). Kennel staff are expected to come in three times a day on Sundays to walk the animals, as well as to feed, clean, and give them medicine, if needed. The number of staff for the boarding facility will be determined by the number of kenneled animals, generally one for every 10 animals, but at no time shall kennel staff, combined with all other staff on site, exceed the 10 staff limit.
9. Petitioner must provide 17 parking spaces (including one that is van accessible), as shown on the revised site and landscape plan.
10. The parking lot screening fence shown on the revised site and landscape plan (Exhibit 52(a)), shall be constructed out of wood, not brick or plastic, in accordance with the wishes of the neighbors living across Maryland Route 355. It should be a board-on-board fence with vegetation in front of it, as shown on Exhibit 52(a).
11. Lighting on site must be arranged such that there is no light exceeding 0.1 foot candles at the side and rear property lines, as shown on Exhibit 38(h). The pole-mounted lights in the parking lot must be turned off when the facility is not open, except as required for safety.
12. Petitioners may erect a sign in front of their facility, but must first obtain a permit for such sign from the Department of Permitting Services (and if necessary, a sign variance), and copies of that sign permit and any sign variance must be filed with the Board of Appeals.
13. Petitioner must comply with all applicable Federal, State and local regulations regarding safe storage and use of any x-ray equipment on the site.

14. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.
15. Petitioners shall comply with the terms of approved forest conservation, water quality and stormwater management plans, and shall establish and maintain a forest conservation easement in the area shown on the revised site and landscape plan (Exhibit 52(a)).
16. The adequacy of public facilities must be determined by the Planning Board at the time of subdivision review in this case. Therefore, subdivision approval is a condition of these special exceptions.
17. Petitioners shall coordinate with the adjacent John Wesley United Methodist Church (Rocky Hill Church) to allow the latter access to the Petitioners' property for maintenance of cemetery markers and grounds immediately surrounding the markers. Petitioners shall take no action that would be detrimental to the condition of the cemetery markers or the area immediately surrounding the markers.
18. The special exception holder must establish a Community Liaison Council whose membership shall include adjacent and confronting property owners and representatives from local citizens' associations. The People's Counsel shall be an ex officio member of the Committee. The Committee shall meet twice a year and meetings shall be arranged and noticed by the Petitioner.



Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 1st day of February, 2007.



Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.

**BOARD OF APPEALS
for**

MONTGOMERY COUNTY

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(240) 777-6600

**Case No Nos. S-2659 and S-2660
PETITION OF JEFFREY B. WALCOFF, D.V.M. AND
SHEILA DEARYBURY WALCOFF**

**RESOLUTION TO DISMISS PUBLIC HEARING, REINSTATE MODIFICATION,
AND GRANT ADDITIONAL MODIFICATION
(Resolution Adopted November 8, 2017)
(Effective Date of Resolution: November 16, 2017)**

Case Nos. S-2659 and S-2660 were granted to Jeffrey B. Walcoff and Sheila Dearybury Walcoff, on February 1, 2007, pursuant to Sections 59-G-2.32 and 59-G-2.02 of the Zoning Ordinance (2004), to permit a veterinary hospital and an animal boarding place. Effective February 27, 2009, the Board granted a modification to these special exceptions to permit certain site, landscaping and architectural changes. Effective July 20, 2017, the Board granted an administrative modification to allow to changes to the hospital's hours of operation, staffing, and level of animal care so that it could operate as an emergency veterinary clinic outside of regular hours and on weekends. After receiving a timely request for a public hearing regarding its July 20, 2017, Resolution from Ms. Cecile Foreman, Trustees Chairperson, Community of Faith United Methodist Church, and Rev. Dr. Samuel Holdbrook-Smith, Pastor-Teacher, Community of Faith United Methodist Church, the Board suspended its July 20, 2017, modification in a Resolution dated September 22, 2017, and scheduled a public hearing for November 8, 2017.

The subject property is located at 22414 and 22416 Frederick Road, Clarksburg, Maryland, 20871, in the R-200 Zone.

The Board of Appeals has received subsequent correspondence from Ms. Foreman, dated October 31, 2017, indicating that in a meeting with Dr. Walcoff, he had agreed to accept the Church's request that he install a fence between the Church's property and the parking lot which serves the veterinary hospital, and that in light of this, the Church wishes to withdraw the request for a public hearing. The Board has also received subsequent correspondence dated November 2, 2017, from Jody L. Kline, Esquire, on behalf of the special exception holders, indicating that Dr. Walcoff had met with representatives of the Church subsequent

Exhibit No. 111

to receiving notice of their request for a public hearing, that the Church would feel more comfortable with the modification if a fence were installed between the properties, and that Dr. Walcoff has agreed to install a 153-foot run of three-rail, white vinyl fence between the Church's property and the parking lot servicing the veterinary hospital. Mr. Kline's letter further indicates that the Church has agreed that the installation and continued maintenance of this fence would address their concerns. Mr. Kline requests that the installation of the proposed fence, in the location shown on the aerial photograph attached to his November 2, 2017, letter, be included as part of Dr. Walcoff's administrative modification request.

The Board of Appeals considered the correspondence from Ms. Foreman and Mr. Kline at its Worksession on November 8, 2017. The Board finds that the withdrawal of the request for a public hearing ends that proceeding. With respect to the request that the underlying special exception be amended to allow fencing between the Church property and the special exception parking lot, the Board notes that because Case Nos. S-2659 and S-2660 were approved prior to October 30, 2014, under Section 59-7.7.1.B of the current Zoning Ordinance, this request must be reviewed under the standards and procedures in effect on October 29, 2014 unless the Petitioner elects to proceed under the current Zoning Ordinance. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance (2014) provides, pertaining to modification of special exceptions:

If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the Board, without convening a public hearing to consider the proposed change, may modify the term or condition.


The Board finds that the installation of the fence requested by the Church and described above, in the location between the Church property and the special exception parking lot that is indicated on the aerial photograph submitted with Mr. Kline's letter, will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood. Therefore, on a motion by Stanley B. Boyd, seconded by Edwin S. Rosado, Vice Chair, with John H. Pentecost, Chair, and Katherine Freeman in agreement, and with Bruce Goldensohn necessarily absent:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case Nos. S-2659 and S-2660, Petition of Jeffrey B. Walcoff D.V.M. and Sheila Dearybury Walcoff, is re-opened to receive the October 31, 2017, correspondence from Ms. Foreman, and the November 2, 2017, correspondence from Mr. Kline, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exceptions to allow the installation of the proposed fence, as described above, is granted; and

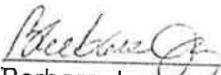
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the administrative modification of Case Nos. S-2659 and S-2660, dated July 20, 2017, is **reinstated**; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect.



John H. Pentecost, Chair
Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 16th day of November, 2017.



Barbara Jay
Executive Director

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision and conduct a public hearing to consider the action taken.

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book. Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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**Case Nos. S-2659 and S-2660
PETITION OF JEFFREY B. WALCOFF, D.V.M. AND
SHEILA DEARYBURY WALCOFF**

NOTICE OF HEARING ON ADMINISTRATIVE MODIFICATION

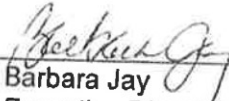
The Board of Appeals has received a timely request from Mrs. Cecile Foreman and Rev. Dr. Samuel Holdbrook-Smith for a public hearing on the administrative modification granted in the above-captioned case on July 20, 2017. The Board has suspended the modification.

Please take notice that the Board of Appeals for Montgomery County, Maryland, will hold a public hearing, in the Stella B. Werner Council Office Building Second Floor Davidson Memorial Hearing Room, at 100 Maryland Avenue, Rockville, Maryland, **on Wednesday, the 8th day of November, 2017, at 9:30 a.m.**, to determine whether the administrative modification that the Board granted in Case Nos. S-2659 and S-2660, effective July 20, 2017, substantially changes the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood.

Notices forwarded this 22nd day of September, 2017 to:

Jeffrey B. Walcoff, D.V.M., and Sherry Dearybury Walcoff
Jody L. Kline, Esquire
Cecile Foreman
Rev. Dr. Samuel Holdbrook-Smith
Charles Frederick, Esquire, Associate County Attorney
Washington Suburban Sanitary Commission
State Highway Administration
County Board of Education
Contiguous and confronting property owners
Local Citizens Associations

County Board of Appeals

by 
Barbara Jay
Executive Director

All parties who make submissions, after an initial filing, in Special Exception, Variance and Administrative Appeals cases, must furnish copies of the submission to all other parties in the case. For the purpose of this requirement, a party includes: (1) Counsel of record who have formally entered their appearance; (2) Any person to whom the Board of Appeals has granted Intervener status; and (3) The Applicant, Petitioner or Appellant in the case.

Submissions must be accompanied by a written statement certifying that copies have been sent to all parties. Effective September 6, 2002, failure to supply such written certification will result in refusal of the submission.

Case files are available for public review at the office of the Board of Appeals, Monday through Friday, 8:30 a.m. – 4:00 p.m.

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
<http://www.montgomerycountymd.gov/boa/>
(240) 777-6600

**Case No Nos. S-2659 and S-2660
PETITION OF JEFFREY B. WALCOFF, D.V.M. AND
SHEILA DEARYBURY WALCOFF**

**RESOLUTION TO SUSPEND ADMINISTRATIVE MODIFICATION
AND HOLD HEARING**

(Resolution Adopted September 6, 2017)
(Effective Date of Resolution: September 22, 2017)

Case Nos. S-2659 and S-2660 were granted to Jeffrey B. Walcoff and Sheila Dearybury Walcoff, on February 1, 2007, pursuant to Sections 59-G-2.32 and 59-G-2.02 of the Zoning Ordinance (2004), to permit a veterinary hospital and an animal boarding place. Effective February 27, 2009, the Board granted a modification to these special exceptions to permit certain site, landscaping and architectural changes. Effective July 20, 2017, the Board granted an administrative modification to allow to changes to the hospital's hours of operation, staffing, and level of animal care so that it could operate as an emergency veterinary clinic outside of regular hours and on weekends.

The subject property is located at 22414 and 22416 Frederick Road, Clarksburg, Maryland, 20871, in the R-200 Zone.

The Board has received a timely request for a public hearing regarding its July 20, 2017, Resolution in Case Nos. S-2659 and S-2660 from Mrs. Cecile Foreman, Trustees Chairperson, Community of Faith United Methodist Church, and Rev. Dr. Samuel Holdbrook-Smith, Pastor-Teacher, Community of Faith United Methodist Church.

The Board of Appeals considered the correspondence from Mrs. Foreman and Rev. Dr. Holdbrook-Smith at its Worksession on September 6, 2017. Jody L. Kline, Esquire, appeared at the Worksession on behalf of special exception holders Jeffrey B. Walcoff and Sheila Dearybury Walcoff.

Because Case Nos. S-2659 and S-2660 were approved prior to October 30, 2014, under Section 59-7.7.1.B of the current Zoning Ordinance, this request must be reviewed under the standards and procedures in effect on October 29, 2014 unless the Petitioner elects to proceed under the current Zoning Ordinance. Section 59-G-1.3(c)(1) of the

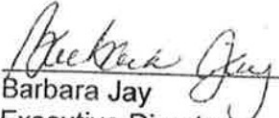
Montgomery County Zoning Ordinance (2004) provides that when the Board of Appeals grants an administrative modification, "any party may request a public hearing on the Board's action," and that "If a request for a hearing is received, the Board must suspend its decision and conduct a public hearing to consider the action taken."

The Board finds that the request for a public hearing on this administrative modification is timely, and a public hearing must be held. Therefore, on a motion by Stanley B. Boyd, seconded by Bruce Goldensohn, with Carolyn J. Shawaker, Chair, John H. Pentecost, Vice Chair, and Edwin S. Rosado in agreement, the Board suspends the administrative modification granted July 20, 2017. The Board will hold a public hearing to determine whether the modification substantially changes the nature, character or intensity of the special exception use, or its effect on traffic or on the immediate neighborhood.

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.


Carolyn J. Shawaker, Chair
Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 22nd day of September, 2017.


Barbara Jay
Executive Director

NOTE:

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
<http://www.montgomerycountymd.gov/boa/>

(240) 777-6600

Case No Nos. S-2659 and S-2660

**PETITION OF JEFFREY B. WALCOFF, D.V.M. AND
SHEILA DEARYBURY WALCOFF**

RESOLUTION TO MODIFY SPECIAL EXCEPTIONS

(Resolution Adopted July 12, 2017)
(Effective Date of Resolution: July 20, 2017)

The Board of Appeals granted Case Nos. S-2659 and S-2660 to Jeffrey B. Walcoff and Sheila Dearybury Walcoff, on February 1, 2007, pursuant to Sections 59-G-2.32 and 59-G-2.02 of the Zoning Ordinance, to permit a veterinary hospital and an animal boarding place. Effective February 27, 2009, the Board granted a modification to these special exceptions to permit certain site, landscaping and architectural changes.

The subject property is located at 22414 and 22416 Frederick Road, Clarksburg, Maryland, 20871, in the R-200 Zone.

The Board of Appeals has received a letter with attachments, dated June 13, 2017, from Jody S. Kline, Esquire, on behalf of Jeffrey B. Walcoff, D.V.M. and Sheila Dearybury Walcoff (the Petitioners), who own and operate Bennett Creek Animal Hospital, located at 22416 Frederick Road. See Exhibit 104. On behalf of the Petitioners, Mr. Kline requests an administrative modification of the special exceptions to amend the Hospital's hours of operation and level of animal care. Specifically, Mr. Kline requests that the Hospital be permitted to operate as an emergency veterinary clinic outside of regular hours and on weekends, as follows:

Dr. Walcoff proposes to implement this program so that emergency care can be provided at Bennett Creek Animal Hospital outside of regular hours and on weekends. That is, "walk in" emergency visits could occur all day long. The day time veterinary practice would continue as originally approved by the Board in 2007 with hours of Monday – Friday, 7:00 a.m. – 8:00 p.m., and Saturday, 7:00 a.m. – 1:00 p.m. With the new hours, Dr.

Walcoff will also provide emergency animal care treatment after scheduled hours and on the weekends.

This proposed change in operations does not require any physical change to the existing Hospital building. Dr. Walcoff already had in place all of the space and equipment needed to provide emergency care for small animals.

In this setting, Dr. Walcoff estimates that an emergency veterinary practice would typically see one to ten cases per evening. Accordingly, staffing can be relatively light. Dr. Walcoff anticipates having a staff of up to four (4) persons for an eleven hour shift (8:00 p.m. – 7:00 a.m.) each day comprised of one (1) veterinarian and up to three (3) technicians, one of whom would also function as a receptionist, to handle emergency calls. In addition, the practice would be open for emergency visits beginning on Saturday at 1:00 p.m. and extending until Monday at 7:00 a.m.

Mr. Kline's letter goes on to explain that "the volume of emergency visits – likely less than one per hour – is well below the activity experienced during the daytime." His letter describes the area surrounding the Hospital as having one single family residence abutting the Hospital property, to the south and rear of the veterinary clinic building, with a forest conservation easement between the two properties. His letter further indicates that the subject property "is surrounded on three sides by institutional uses: to the north, John Wesley Church (not occupied in the evenings); to the south and west, Rocky Hill Middle School (not generally occupied in the evening); and to the east, the tennis courts for the Middle School." Finally, Mr. Kline notes in his letter that "[t]he only place where single family residences are located, where nighttime activity at the veterinary hospital could be observed, are four (4) houses on the east side of Frederick Road (Route 355) some 275 feet away from the front of the Hospital building," that nighttime operations will not entail any lights that are not already used for security purposes, and that the additional nighttime visits to the Hospital "will be indistinguishable from the traffic already existing on Maryland Route 355, a major highway." See Exhibit 104.

The Board of Appeals considered Mr. Kline's correspondence at its Worksession on July 12, 2017. Because Case Nos. S-2659 and 2660 were approved prior to October 30, 2014, under Section 59-7.7.1.B of the current Zoning Ordinance, this modification request must be reviewed under the standards and procedures in effect on October 29, 2014, unless the applicant elects otherwise. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance (2014) provides, pertaining to modification of special exceptions:

If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing

the effect on traffic or on the immediate neighborhood, the Board, without convening a public hearing to consider the proposed change, may modify the term or condition.

The Board finds, in light of the projected usage level of one (1) to ten (10) emergency visits per night, that the outward impact of the proposed expansion of hours, with attendant staff, to accommodate emergency veterinary care is minimal and will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood. Therefore, on a motion by Bruce Goldensohn, seconded by Edwin S. Rosado, with John H. Pentecost, Vice Chair, and Stanley B. Boyd in agreement, and with Carolyn J. Shawaker, Chair, necessarily absent:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case Nos. S-2659 and S-2660, Petition of Jeffrey B. Walcoff D.V.M. and Sheila Dearybury Walcoff, is re-opened to receive Jody Kline's correspondence, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exceptions, as described above and in Exhibit 104, is granted; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that Condition No. 2 of the Board's February 1, 2007, Opinion granting these special exceptions is amended to read as follows:

2. a. The hours when the facility is open to the public for drop-off and pick up of animals will be limited to 7:00 a.m. to 8:00 p.m., Monday through Friday, and 7:00 a.m. to 1:00 p.m. on Saturday. Animals may be seen at the veterinary hospital by appointment only, except in emergency situations. Scheduled appointment hours may not begin until 9:00 a.m., Monday through Saturday. Monday through Friday, appointments may continue until 7:00 p.m., and the facility will close, except for emergencies, at 8:00 p.m. On Saturdays, appointments may continue until 12:00 noon, and the facility will close, except for emergencies, at 1:00 p.m.

b. This facility may operate at all other times of the day as an emergency veterinary facility (i.e. between the hours of 8:00 p.m. and 7:00 a.m., Monday evenings through Saturday mornings, and between the hours of 1:00 p.m. Saturday afternoons until 7:00 a.m. Monday mornings).

c. A written or computer log of all appointments, drop-in, and emergency client activities must be kept, and be available for inspection by County authorities. Petitioners must also submit a yearly activities report to the Board of Appeals.


and;

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that Condition No. 8 of the Board's February 1, 2007, Opinion granting this special exception is amended to read as follows:

8. Petitioner shall be limited to a maximum of ten (10) staff (including all veterinarians, support staff and interns) on site at any one time, provided that the number of veterinarians on site at any one time shall not exceed three (3). During the hours when this facility is serving as an emergency veterinary facility, it may be staffed by up to four persons (exclusive of kennel staff), at least one of whom shall be a veterinarian. Kennel staff are expected to come in three times a day on Sundays to walk the animals, as well as to feed, clean, and give them medicine, if needed. The number of staff for the boarding facility will be determined by the number of kenneled animals, generally one for every 10 animals, but at no time shall kennel staff, combined with all other staff on site, exceed the 10 staff limit.

and;

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect.



John H. Pentecost, Vice Chair
Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 20th day of July, 2017.



Barbara Jay
Executive Director

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such

request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision and conduct a public hearing to consider the action taken.

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book. Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.