

BRADLEY HILLS ANIMAL HOSPITAL CONDITIONAL USE NO. CU202411

Request for Conditional Use approval for the continuation of an existing veterinary office/hospital use in the R-200 Zone.

No. CU202411

Completed: March 8, 2024




MCPB

Item No. 6
March 21, 2024

2425 Reedie Drive
Floor 14
Wheaton, MD 20902

Exhibit 16
OZAH Case No: CU 24-11

Planning Staff

	Adam Bossi, Planner III, Downcounty Planning, Adam.Bossi@montgomeryplanning.org , 301-495-4529
	Stephanie Dickel, Supervisor, Downcounty Planning, Stephanie.Dickel@montgomeryplanning.org , 301-495-4527
	Elza Hisel-McCoy, Chief, Downcounty Planning, Elza.Hisel-McCoy@montgomeryplanning.org , 301-495-2115

LOCATION/ADDRESS

7210 Bradley Boulevard, on the southside of Bradley Boulevard, approximately 230 feet southeast of its intersection with Redwood Avenue, Bethesda

MASTER PLAN

1990 *Bethesda-Chevy Chase Master Plan*

ZONE

R-200

PROPERTY SIZE

1.03 acres

APPLICANT

Bradley Hills Animal Hospital

ACCEPTANCE DATE

December 5, 2023

REVIEW BASIS

Chapter 59

HEARING EXAMINER PUBLIC HEARING

April 1, 2024

Summary:

- Staff recommends approval of the Conditional Use for a veterinary office/hospital with conditions and transmittal of comments to the Hearing Examiner.
- Bradley Hills Animal Hospital is a long-standing veterinary office/hospital use lawfully operating under the Zoning Ordinance in effect prior to October 30, 2014. This Application is submitted to confirm continuation of the use under the current conditional use standards of the Zoning Ordinance.
- There are no changes proposed to the Site or its existing features. There are no operational changes proposed for the established veterinary office/hospital use.
- This Application is subject to the Forest Conservation Law and qualifies for an exemption as it does not propose any clearing or grading on the conditional use site.
- Staff has not received any public correspondence as of the date of this Staff Report.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS	3
CONDITIONAL USE No. CU202411	3
SECTION 2: NEIGHBORHOOD & SITE DESCRIPTION	4
VICINITY/NEIGHBORHOOD	4
PROPERTY DESCRIPTION.....	5
SECTION 3: PROJECT DESCRIPTION.....	9
PROPOSAL	9
SECTION 4: COMMUNITY CORRESPONDENCE	10
SECTION 5: ANALYSIS AND FINDINGS.....	10
CONDITIONAL USE No. CU2024211	10
SECTION 6: CONCLUSION	26
ATTACHMENTS	27

SECTION 1: RECOMMENDATIONS AND CONDITIONS

CONDITIONAL USE NO. CU202411

Staff recommends approval of Bradley Hills Animal Hospital, Conditional Use No. CU202411 for the continuation of an existing veterinary office/hospital use subject to the following conditions:

1. The veterinary office/hospital use is limited to the following operations program:
 - a) Hours of Operation:
7:30am to 6:00pm, Monday through Saturday, by appointment only, with an average of 25 patient appointments per day (up to 150 appointments per week, not including unscheduled visits to the Animal Hospital for pet related emergencies, prescription and item pick-ups and sample drop-offs. A written log of all appointments and drop-in and emergency client activities must be kept, to be available for inspection by DPS.
 - b) Staffing:
There are a maximum of six employees on-site at any given time, inclusive of the veterinarian, who lives in the on-site residence.
 - c) Waste/Recycling:
Trash and recycling bins are to be stored behind the clinic and moved curbside for pickup in accordance with the County's waste management collection schedule.
 - d) Grounds Maintenance:
Year-round landscaping and snow removal services are to be provided to ensure the Property continues to be maintained.
 - e) Limited Sale of Items:
A limited offering of prescription pet food and supplies can be made available to customers. For sale items shall remain below 20 percent of business revenue.
 - f) Overnight Care:
No boarding is permitted. Overnight stays for post-surgical care and observation by the live-in veterinarian/property owner are permitted.
2. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated January 18, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of approval.
3. The Applicant must adjust the Conditional Use Site Plan development standards table to match the development standards table in the staff report.

SECTION 2: NEIGHBORHOOD & SITE DESCRIPTION

VICINITY/NEIGHBORHOOD

The Property is located on the south side of Bradley Boulevard, approximately 230 feet southeast of its intersection with Redwood Avenue in Bethesda. As shown in Figure 1, the Applicant-defined neighborhood surrounding the Bradley Hills Animal Hospital property is generally bound by Alma Road to the north, Burning Tree Road to the east, the Burning Tree Club/Arrowood Road to the south, and the Capital Beltway (I-495) to the west. Staff accepts the Applicant's defined neighborhood. This area is primarily developed with single-family detached residential dwellings. Properties abutting and confronting the Subject Property are single-family residences. The neighborhood is entirely within the R-200 zone and in the 1990 *Bethesda-Chevy Chase Master Plan* area. This report includes analysis regarding the compatibility of the existing veterinary office/hospital use within this context. In addition to this Proposal, staff identified the following three existing, approved conditional use/special exceptions within the neighborhood:

1. Special Exception S 231 – for a utility substation
2. Special Exception CBA 1619 – for a lodge
3. Special Exceptions S 2345, S 2345A, and S 2345B – for a private educational institution

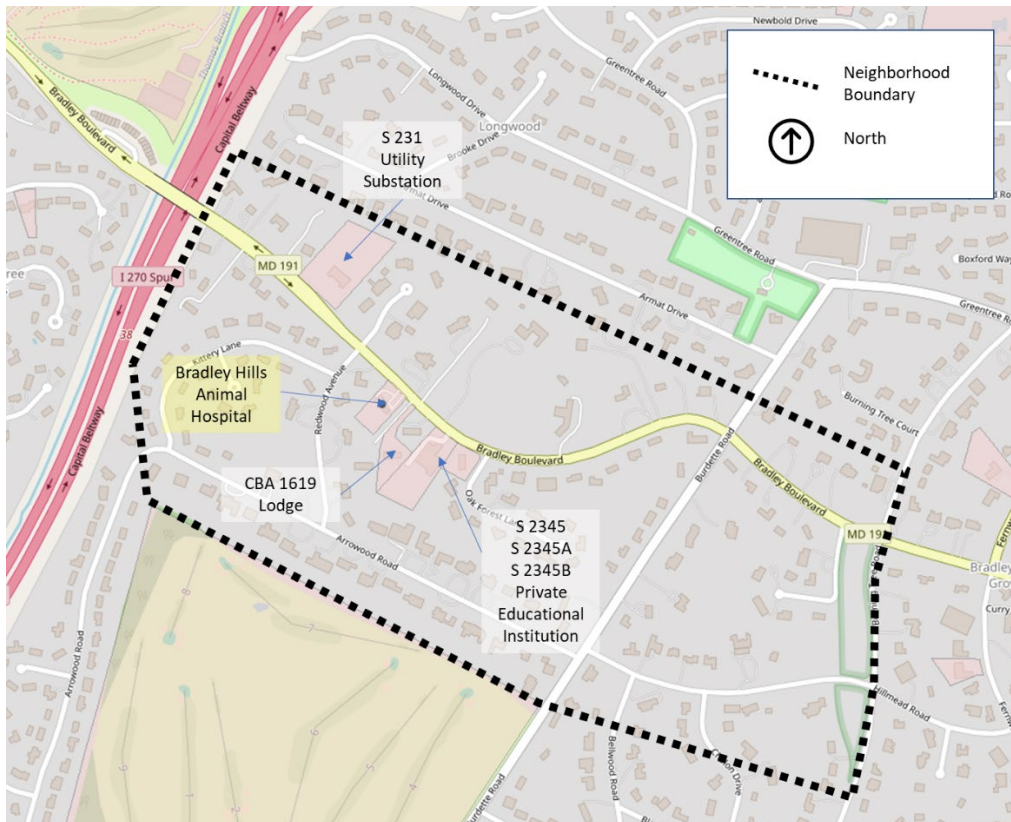


Figure 1: Vicinity Map with Applicant-Defined Neighborhood

PROPERTY DESCRIPTION

The Property consists of a single lot, identified as “Part of Lot 1, Block 3” as recorded on Plat 3973, dated January 1955. It has a street address of 7210 Bradley Boulevard, Bethesda and is in the R-200 zone. The Property has an area of 45,000 square feet (1.03 acres) and is generally rectangular in shape. It is developed with a single-family dwelling constructed in 1951. A portion of the dwelling area was converted to a veterinary office/hospital (known as Bradley Hills Animal Hospital) and parking area added to the Property in the 1970s. The dwelling is the residence for the veterinarian-owner/operator of the on-site veterinary office/hospital use. Attachment A and Figure 2 illustrate the existing conditions of the Property. Figure 3 illustrates the internal layout of the existing veterinary office/hospital building.

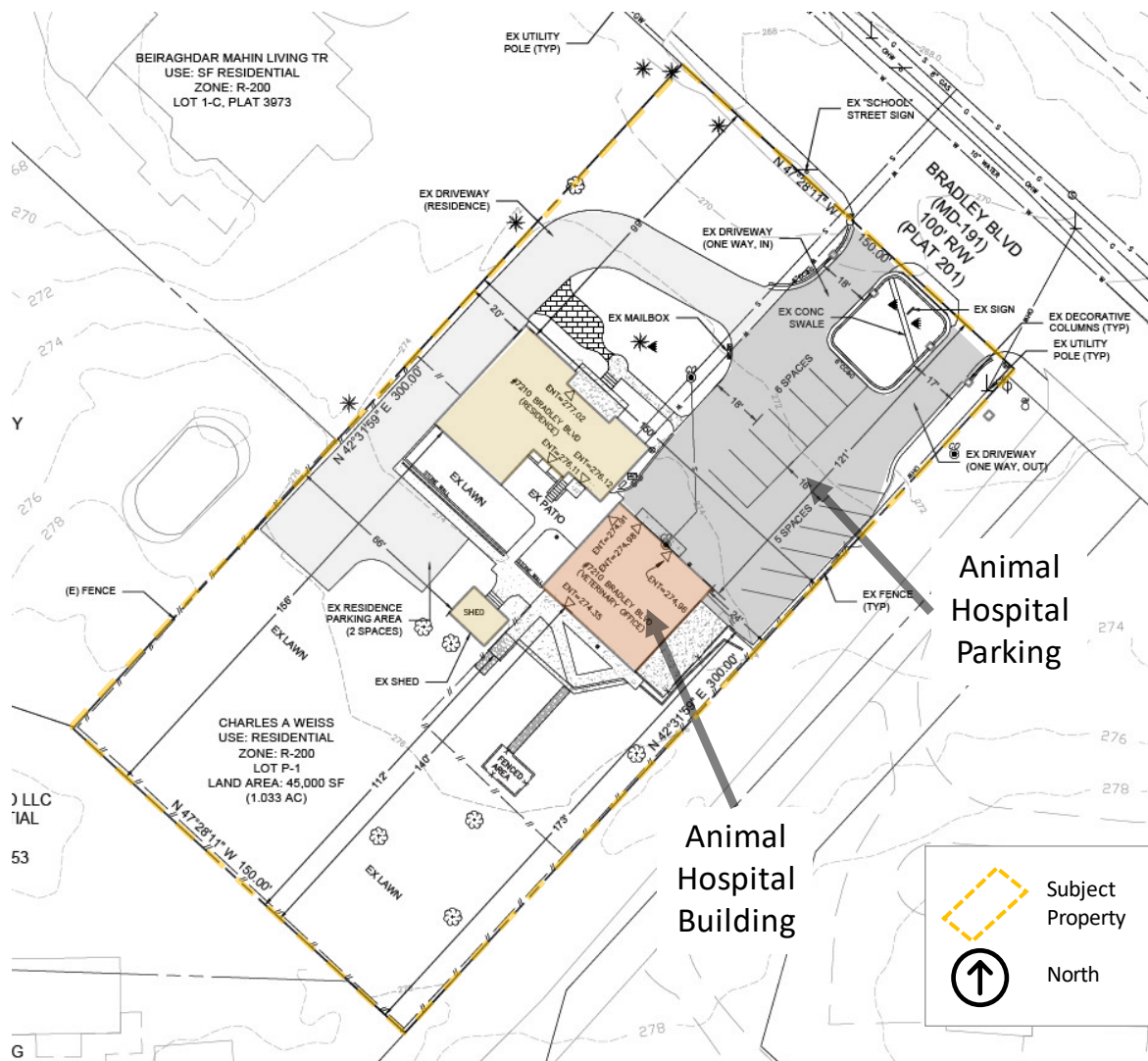


Figure 2: Conditional Use Site Plan / Existing Conditions

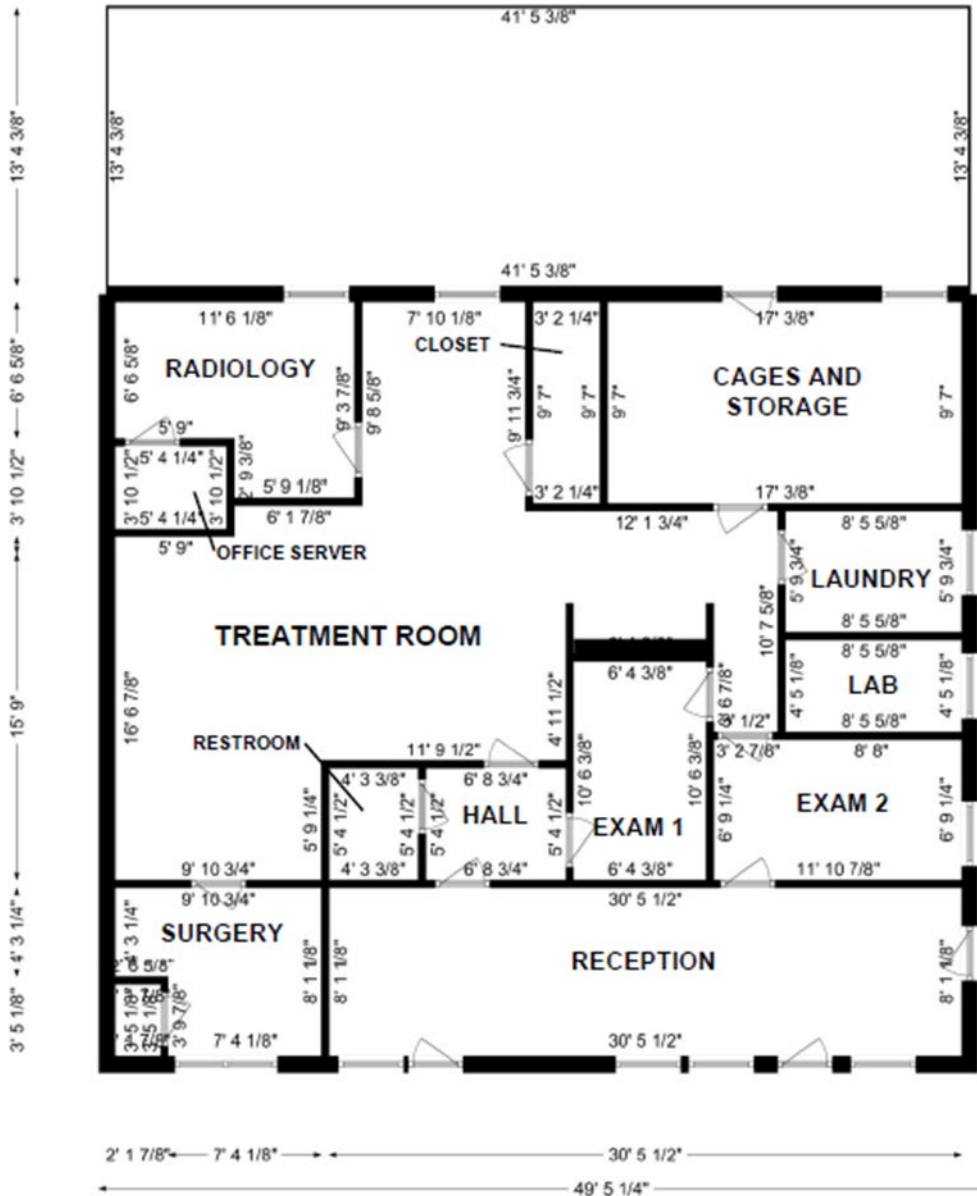


Figure 3 – Bradley Hills Animal Hospital Floor Plan

The Property has frontage on Bradley Boulevard only. Two, one-way driveways provide ingress and egress to a parking area located in between the building and street with 11 spaces for Bradley Hills Animal Hospital. A secondary driveway extends from this parking area along the northwestern property line to the rear of the dwelling, where there are two parking spaces to serve the residence. There are a total of 13 parking spaces on-site. The rear yard of the Property is enclosed with a wooden privacy fence. This fence extends along the eastern property line to screen views of a portion of the parking area. A secondary, smaller fenced area for a pet relief is located directly to the rear of the veterinary office. A wooden shed for the residence is located to the rear of the dwelling. There are mature trees and shrubs and lawn area throughout the Property, which is generally consistent with

the suburban landscape character found along this section of Bradley Boulevard. Figure 4 is a street view image of the Property. In addition to the existing privacy fencing, as shown in the aerial image of the Property (Figure 5), the Property and neighbors benefit from additional screening provided by well-established tree and hedgerows that flank the northwest and southwest lot lines.



Figure 4– Annotated Streetview of the Subject Property

The Property is not within a Special Protection Area and does not contain any sensitive environmental features such as wetlands, floodplain, streams, steep slopes, or Rare, Threatened and Endangered species. The Property is within the Cabin John Creek watershed which is a State Use Class I-P¹ stream.

¹ Use I-P:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and use as a public water supply.

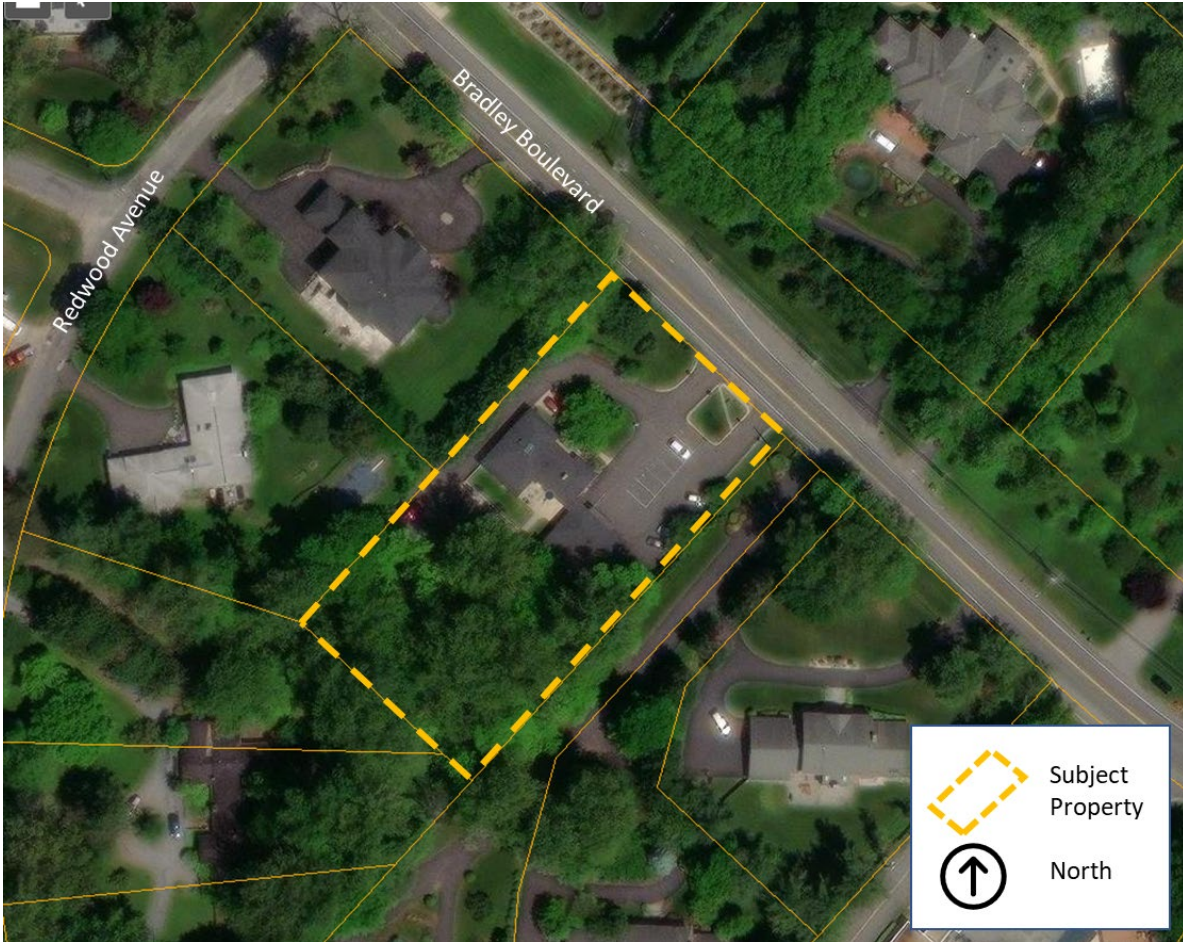


Figure 5 – Aerial Image – Subject Property

The existing buildings, parking lot, and all other existing site design features of this Property were in existence prior to October 30, 2014 and benefit from the Exemption provisions of Section 59.7.7.1.A of the Zoning Ordinance. This Section of the Ordinance allows for the continuation, repair and renovation of buildings and site design elements legally existing on or prior to October 30, 2014 that do not meet current zoning requirements after this date. Similarly, the existing veterinary office/hospital use was established prior to October 30, 2014 and has lawfully operated under the Zoning Ordinance under home occupation certifications. Bradley Hills Animal Hospital current Home Occupation Certification No. 203414 was issued by the Department of Permitting Services in March 2000, with no expiration date.

The applicability of Section 59.7.7.1.A of the Zoning Ordinance has been confirmed by the Department of Permitting Services, through a letter dated August 25, 2023. This letter is appended to the Applicant’s Statement of Justification (Attachment B).

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

This Proposal is limited in scope to requesting validation of the existing veterinary office/hospital use on the Property under current applicable conditional use requirements of the Zoning Ordinance.

The veterinary office/hospital use has existed on the property since the 1970s. It has operated in accordance with home occupation certificates issued by the Department of Permitting Services. The current Home Occupation Certification No. 203414 was issued by the Department of Permitting Services in March 2000 with no expiration date. The Bradley Hills Animal Hospital continues to operate in accordance with this Home Occupation Certification.

Since 2000, veterinary office/hospital uses in residential zones were reclassified to conditional uses rather than be continued as permissive under home occupation certifications. As a proactive measure, this Proposal seeks to harmonize this long-standing use on the Property with current, conditional use requirements of the Zoning Ordinance. The current home occupation certification allows the Applicant to continue the current operation of the veterinary office/hospital, but it cannot be transferred to a new owner. The Applicant desires conditional use approval so that the Bradley Hills Animal Hospital can be sold in the future and the conditional use approval can be transferred to the new owner to allow continued operation of the business.

This Application proposes no physical or functional changes to the Property's existing residential use, nor to the existing veterinary office/hospital use and its associated business operations. No new development is proposed. All existing conditions are proposed to remain.

An outline of Bradley Hills Animal Hospital operations is as follows and is proposed to be continued with no changes:

Hours of Operation: 7:30am to 6:00pm, Monday through Saturday, by appointment only, with an average of 25 patient appointments per day (150 appointments per week). In addition to patient appointments, there are additional visits to the Animal Hospital for pet related emergencies, prescription and item pick-ups and sample drop-offs.

Staffing: There are a maximum of six employees on-site at any given time, inclusive of the veterinarian, who lives in the on-site residence.

Deliveries: On average there are two to three deliveries of medical, pet care and business items. These types of regular, reoccurring deliveries are generally scheduled for mornings. Other deliveries through USPS, FedEx, UPS, or similar vendors occur on their standard routes.

Waste/Recycling: Trash and recycling bins are stored behind the clinic and moved curbside for pickup in accordance with the County’s waste management collection schedule. Medical waste is managed within the clinic and disposed of in accordance with health code standards.

Grounds Maintenance: Year-round landscaping and snow removal services are provided by a single vendor, who has serviced the Property since 2001.

Limited Sale of Items: A limited offering of prescription pet food and supplies are made available to customers. For sale items account for approximately one percent of business revenue and will remain below 20 percent of revenue.

Overnight Care: The majority of animals seen do not stay on the Property overnight. On occasion overnight stays may be required for post-surgical observation and care by the live-in veterinarian/property owner.

Signage: One free-standing sign for the Animal Hospital is located adjacent to Bradley Boulevard. No alteration of the existing sign is proposed.

FOREST CONSERVATION

The Property size is 1.03 acres, and the associated Conditional Use is subject to the Forest Conservation Law under Sec. 22A-4(b) which applies to a person required by law to obtain approval of a special exception, conditional use, or a sediment control permit on a tract of land 40,000 square feet or larger. Forest Conservation Exemption number 42023189E (Attachment D) was confirmed for this project on April 10, 2023. The Application qualifies for a Forest Conservation Exemption under 22A-5(q)(1) as a conditional use for an existing structure and the proposed use will not result in clearing of existing forest or trees.

SECTION 4: COMMUNITY CORRESPONDENCE

As of the date of this Staff Report, Staff has not received correspondence from the community about this Application.

SECTION 5: ANALYSIS AND FINDINGS

CONDITIONAL USE NO. CU2024211

- 1. Per Section 59.7.3.1.E., to approve a conditional use application, the Hearing Examiner must find that the proposed development:**
 - a) satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended.**

The existing veterinary office/hospital use on the Property has operated in accordance with the Zoning Ordinance for multiple decades under home occupation certifications issued by the Department of Permitting Services. The Bradley Hills Animal Hospital presently operates in accordance with Home Occupation Certification No. 203414, issued in March 2000.

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

i. **Use Standards for Veterinary Office/Hospital – Section 59.3.5.1.C.2.b**

Where a Veterinary Office/Hospital is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

(1) Exterior areas used to exercise, walk, or keep animals must be set back a minimum of 75 feet from any lot line and screened under Division 6.5.

Animals are generally not exercised, walked, or kept outdoors on the Property. The Application specifically notes that this veterinary office/hospital does not provide an exterior area used to exercise, walk, or keep animals. However, there is a fenced-in area (approximately 140 square feet in area) at the rear exterior of the veterinary office/hospital space used for brief pet relief breaks during appointments when necessary. This exterior space area is located approximately 25 feet from the nearest (southeastern) property line. It is screened from neighboring properties by an existing fence and landscaping proximate to the property line. Given the limited duration of most appointments, the outdoor pet relief area is not heavily utilized. This exterior area is an existing site feature established prior to October 30, 2014 and is considered conforming in accordance with Section 59.7.7.1.A.1 of the Zoning Ordinance.

(2) All exterior exercise areas and runs must be fenced.

Bradley Hills Animal Hospital does not include an exterior exercise or run area for animals. Animals are not exercised, walked, boarded or otherwise kept outdoors on the Property. The exterior space utilized for pet relief when needed is fenced, as discussed in Finding 1.b.i.1 above.

(3) Animals are prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.

Animals are not kept on the Property overnight, with the exception of those requiring post-surgical overnight stays for recovery purposes. Even under such circumstances, no animals are or will be outside between 9:00 p.m. and 7:00 a.m.

(4) *Animals must only be walked or exercised in on-site outdoor areas.*

Beyond conveyance for entry and exiting to Bradley Hills Animal Hospital, animals are not walked or exercised on the Property.

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

The noise analysis submitted with this Application (Attachment C) concluded that the existing veterinary office/hospital use sound level at the nearest property line satisfies Chapter 31B. The analysis noted the most noticeable noise in the study area was from vehicles traveling on Bradley Boulevard.

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

The setbacks for existing structures were established prior to October 30, 2014 and are considered conforming in accordance with Section 59.7.7.1.A.1, as confirmed by Department of Permitting Services in Appendix C of the Applicant's Statement of Justification. The Statement of Justification is Attachment B to this report. The residence is set back approximately 20 feet from the northeast property line and the veterinary office space is set back approximately 24 feet from the southwest property line.

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

All litter and animal waste will be contained and controlled on-site.

(8) *Any accessory operation, such as the sale of pet food and supplies, must be in the statement of operations and must be limited as an accessory activity to a maximum of 20% of sales.*

The sale of prescription pet food and supplies is offered for the convenience of patients and customers. This accessory activity in the statement of operations included with this Application, which further notes such sales account for approximately one percent of the business sales; further stipulating it will continue to be limited to less than 20 percent of sales.

- (9) The Hearing Examiner may regulate hours of operation. The Hearing Examiner may also regulate the number of animals that may be boarded, exercised, walked or kept in runs or similar areas, and how the animals are boarded, exercised, walked or kept.**

The Bradley Hills Animal Hospital sees patients by appointment only between the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday. These are the long-standing hours of operation of the business and are not proposed to be changed through this Application. With the exception of limited overnight on-site post-surgical stays, animals are not otherwise kept on-site overnight. Animals are not exercised, walked, or kept in runs or similar areas on-site.

- (10) The Hearing Examiner may regulate 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 a scheduled appointment; abuse of this exemption may lead to revocation of the conditional use. A written log of all appointments and drop-in and emergency client activities must be kept, to be available for inspection by DPS.**

Appointments are scheduled between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday. There are an average of 25 appointments per day, or approximately 150 patients seen per week.

- (11) 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 adversely effect groundwater or septic systems.**

The Property is served by existing public Category W-1 water and Category S-1 sewer services.

- (12) The applicant must submit the following:**

- (a) Acoustical engineering studies that demonstrate that the proposed use will meet required noise levels. The studies must show the worst case scenario sound level (for example, full occupancy). The statement of operations must be sufficiently detailed to allow determination of how often the worst case scenario sound level occurs.**

The Proposal is required to meet applicable noise levels prescribed by Chapter 31B, in accordance with Section 59.3.5.1.C.2.b.v. A noise

analysis included with this Application (Attachment C) concluded that the existing veterinary office/hospital use sound level satisfies Chapter 31B.

(b) Detailed floor plans that show all the interior areas, including runs and kennels.

A detailed interior floor plan of Bradley Hills Animal Hospital was included with this Application and is shown as Figure 3 in this Report.

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

Site plans included with the Application show the layout of exterior areas of the Property. The veterinary office/hospital does not include exterior areas used to exercise, walk, or keep animals.

ii. **Development Standards**

Table 1: Development and Parking Standards

Development Standards	Permitted/ Required	Proposed Existing to Remain²
R-200 Zone Standard Method Development (Section 59.4.4.7.B.)		
Minimum Lot Area	20,000 sf	45,000 sf
Minimum Lot Width at Front Building Line	100 ft	150 ft
Minimum Lot Width at Front Lot Line	25 ft	150 ft
Maximum Density (units per acre)	2.18	1.03
Maximum Lot Coverage	25%	8%
Principal Building Standards		
Minimum Front Setback	40 ft	99 ft – residence 121 ft – veterinary office
Minimum Side Setback	12 feet	20 ft – residence 24 ft – veterinary office
Minimum Sum of Side Setbacks	25 ft	44 ft
Minimum Rear Setback	30 ft	156 ft – residence

² Existing site design features were established prior to October 30, 2014, and where they do not meet current development and use standards, are considered conforming and may be continued in accordance with Section 59.7.7.1.A.1 and Section 59.7.7.1.A.2 of the Zoning Ordinance and confirmed by Department of Permitting Services in Appendix C of the Applicant’s Statement of Justification. This Application proposes no alternations to any existing Site condition.

Development Standards	Permitted/ Required	Proposed Existing to Remain²
		140 ft – veterinary office
Maximum Height	50 ft	35 ft
Accessory Building Standards		
Minimum Front Setback	65 ft	175 ft
Minimum Side Setback	12 ft	66 ft
Minimum Rear Setback	7 ft	112 ft
Maximum Height	35 ft	15 ft
Vehicle Parking Requirements (Section 59.6.2.4.B)		
Minimum Parking Spaces	11	13
Veterinary Office/Hospital Use 1 space / employee (6 employees) 3.5 spaces / doctor (1 doctor)	9	11
Single-Unit Living 2 spaces / unit (1 unit)	2	2
Bicycle Parking Spaces (Section 59.6.2.4.C)		
	N/A	0 spaces
Vehicle Parking Design Standards (Section 59.6.2.5.)		
Size of Parking Spaces (Section 59.6.2.5.E)		
Perpendicular spaces	8.5 x 18 ft	9.5 x 18 ft
Spaces angled 45 to 59 degrees	12 x 26.5 ft	9.5 x 18 ft
Drive Aisles Minimum Width (Section 59.6.2.5.G.)		
Perpendicular – one way	20 ft	18 ft
Angled drive aisle 45 to 59 degrees – one way	16 ft	16 ft
Facilities for Conditional Uses in Residential Detached Zones (Section 59.6.2.5.K.)		

Development Standards	Permitted/ Required	Proposed Existing to Remain²
Rear parking setback	30 ft	173 ft
Side parking setback	24 ft	2 ft
Parking Lot Requirements for 10 or More Spaces (Section 59.6.2.9.)		
Landscaped Area (8,369 sq ft parking area)	5% (418 sf)	13.7% (1,147 sf)
Tree Canopy	25% coverage	0
Perimeter Planting	Min. 10 ft width	Variable 0-2 ft width
	Include fence, hedge or wall 6 ft high	6 ft fence
	Include Canopy trees 30 ft on center	0 canopy trees
	Min. 2 understory trees per canopy tree	0 understory trees
Lighting	Outdoor lighting for a conditional use must be directed, shielded, or screened to ensure that the illumination is 0.1 footcandles or less at any lot line that abuts a lot with a detached house building type	4 fixtures on 4' stone pillars @ Bradley Blvd.
Loading Design Standards (Section 59.6.2.8.)		
Up to 25,000 square ft GFA	0 spaces	0 spaces

ii. **General Requirements –**

(1) Access

Existing vehicular access to the Property is provided by two driveway curb cuts to Bradley Boulevard; with one driveway for ingress only and second for egress only. This Application does not propose to change this existing configuration.

Section 59.6.1.4.D. of the Zoning Ordinance provides that a maximum of two driveways may be permitted for every 300 feet of site frontage along any street. The Subject Property has 150 feet of frontage along Bradley Boulevard with two existing driveways, which does not conform with this requirement. While this two-driveway access configuration was established prior to October 30, 2014 and can be considered conforming in accordance with Section 59.7.7.1.A.1, the Application includes a request for Alternative Compliance in accordance with Section 59.6.8.1, from Section 59.6.1.4.D, to allow for retention and continued use of the existing two driveways serving the Site.

Alternative Compliance – Access

The applicable deciding body may approve an alternative method of compliance with any requirement of Division 6.1 and Division 6.3 through Division 6.6 if it determines that there is a unique site, a use characteristic, or a development constraint, such as grade, visibility, an existing building or structure, an easement, or a utility line. The applicable deciding body must also determine that the unique site, use characteristic, or development constraint precludes safe or efficient development under the requirements of the applicable Division, and the alternative design will:

A. satisfy the intent of the applicable Division;

The intent of Division 6.1 is to “ensure safe and convenient vehicular, bicycle, and pedestrian circulation within and between lots on the same block face and to reduce traffic congestion.” The proposed alternative method of compliance preserves the existing, long-standing two-driveway access arrangement (one driveway for ingress only and second driveway for egress only). This configuration creates a one-way circulation pattern in Bradley Hills Animal Hospital’s parking lot, which has shown to be safe and convenient for the existing veterinary office/hospital use.

B. modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;

The alternative method of compliance proposed is the preservation of an existing driveway condition that creates one-way circulation for the Bradley Hills Animal Hospital parking lot that has and continues to be functional, safe, and efficient for this use at this location.

C. *provide necessary mitigation alleviating any adverse impacts; and*

These driveways have been in place for over 45 years and allow for safe and functional circulation on-site. Retention of the existing two-driveway access points for this Property will not cause any adverse impacts and no mitigation is necessary to preserve this existing condition.

D. *be in the public interest.*

The veterinary office/hospital use has been serving the pet care needs of the surrounding community for at least the past 45 years. Approval of this alternative method of compliance will allow for continued, unchanged use of the established access and circulation pattern for Bradley Hills Animal Hospital.

(2) *Parking, Queuing and Loading*

As demonstrated in Table 1, there is sufficient parking existing on-site to serve the existing conditional use and residence. In accordance with the applicable Parking Requirements of Section 59.6.2.4., this veterinary office/hospital use requires a minimum of 9 parking spaces and the existing residential use requires two parking spaces; for a total of 11 parking spaces required on-site. There are 13 existing parking spaces on-site, with 11 provided in a parking lot in-between the building and Bradley Boulevard to serve the veterinary office/hospital use, and two spaces located to the rear of the dwelling for the residence. The number and configuration of existing parking areas is proposed to remain unchanged by this Application.

Table 1 also addresses applicable Vehicle Parking Design Standards of Section 59.6.2.5, and Parking Lot Landscaping and Outdoor Lighting standards of Section 59.6.2.9. All parking features were established prior to October 30, 2014, and where they do not meet current development standards, are considered conforming and may be continued in accordance with Section 59.7.7.1.A.1 of the Zoning Ordinance.

(3) *Lighting*

No new light fixtures are proposed. There are four existing pillar-mounted lights at the Property's driveway adjacent to the Bradley Boulevard. As with other existing site features, the existing lighting was established prior to October 30, 2014, and are considered conforming and may be continued in accordance with Section 59.7.7.1.A.1 of the Zoning Ordinance.

(4) Signage

There is one existing free-standing sign for the Bradley Hills Animal Hospital located on the Property's Bradley Boulevard frontage. This Application proposes no changes to the existing sign. As with other existing site features, the existing sign was established prior to October 30, 2014, and is considered conforming and may be continued in accordance with Section 59.7.7.1.A.1 of the Zoning Ordinance.

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

The Site is located within the 1990 *Bethesda-Chevy Chase Master Plan* area. The Master Plan reaffirmed the residential zoning for the Property and surrounding area and included no Site-specific recommendations for the Property. However, beginning on page 31, the Master Plan includes five general recommendations for special exceptions (now conditional uses) that apply to this Application:

- i. ***Avoid excessive concentration of special exception and other nonresidential land uses along major highway corridors. Because sites along these corridors have better visibility for business uses, they are more vulnerable to over-concentration. Of particular concern are office uses, which should be discouraged and are better located in areas with commercial zoning, such as the Bethesda CBD. It is also important to minimize uses that might degrade the safety and capacity of the highway by creating too many access points and conflicting turning movements.***

The existing veterinary office/hospital use and its access points to Bradley Boulevard were established and have been in continuous operation on the Property beginning many years prior to the adoption of the 1990 *Bethesda Chevy-Chase Master Plan*. This Application proposes to continue the veterinary office/hospital use on the Property with no changes to operations or to the established access points at Bradley Boulevard.

- ii. ***Avoid over-concentration of commercial service or office type special exception uses in residential communities. These include funeral parlors, horticultural nurseries, veterinary clinics, medical or dental clinics, medical or professional offices, and philanthropic organizations. The Plan does not discourage home occupations that meet Zoning Ordinance criteria. Areas which may be most vulnerable are near employment centers and along major highways.***

The Bradley Hills Animal Hospital has lawfully operated under the Zoning Ordinance in this location under home occupation certification issued by the Department of Permitting Services for multiple decades. It currently operates under Home

Occupation Certification No. 203414, issued in March 2000. Since the issuance of this Certification, the nature of the business and character of this Property has remained the same, but the requirements of the Zoning Ordinance for the veterinary office/hospital use and for home occupation certifications changed, with this use now being classified as a conditional use in the respective zone (R-200). This Application proposes to validate the existing veterinary office/hospital use in respect to the current applicable requirements of the Zoning Ordinance.

As illustrated in Figure 1, the Vicinity Map with Applicant-Defined Neighborhood, exclusive of the subject veterinary office/hospital use, there are three existing special exceptions/conditional uses located in the general area of the Bradley Hills Animal Hospital. The other approved special exceptions/conditional uses are for a utility substation, a private lodge, and a private educational institution. Bradley Hills Animal Hospital is the only office-type use associated with a special exception/conditional use in the neighborhood and the only veterinary office/hospital use in the area. As such, perpetuation of this existing use does not create an over-concentration of commercial service or office type special exceptions/condition uses in the surrounding residential community.

- iii. ***Protect major highway corridors and residential communities from incompatible design of special exception uses. In the design and review of special exceptions, the following guidelines should be followed, in addition to those stated for special exception uses in the Zoning Ordinance:***
 - a. ***Any modification or addition to an existing building to accommodate a special exception use should be compatible with the architecture of the adjoining neighborhood and should not be significantly larger than nearby structures.***
 - b. ***Front yard parking should be avoided because of its commercial appearance; however, in situations where side or rear yard parking is not available, front yard parking should only be allowed if it can be landscaped and screened adequately.***

The Application proposes no modifications to the buildings, parking area, or other existing site design features. Existing development on the Property is well-established and generally residential in nature, which is compatible with the character of the surrounding residential neighborhood. The buildings, parking area and other existing site design features were established prior to October 30, 2014, and are considered conforming and may be continued in accordance with Section 59.7.7.1.A.1 of the Zoning Ordinance.

- iv. ***Support special exception uses that contribute to the housing objectives of the Master Plan. In general, the Plan endorses meeting special population needs through provision of elderly housing and group homes that are compatible with nearby land uses. The Plan also endorses expanding choices of housing types by provision of accessory apartments.***

This requirement is not applicable to this Application. However, the existing Property includes a residence in addition to the veterinary office/hospital use. The residence has and continues to serve as the home of the owner/veterinarian operating Bradley Hills Animal Hospital.

- v. ***Support special exception uses that contribute to the service and health objectives of the Master Plan. The needs and objectives related to child day care and the elderly are discussed in Section 6.2. In general, the Plan endorses provision of child day care, group homes, elder, day care, and nursing homes. It is important to meet health needs through hospital services and hospice centers that are appropriately sized to be compatible with surrounding neighborhoods.***

The Application proposes the continuation of a long-standing veterinary office/hospital use that has been serving the needs of the community for multiple decades.

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

The Proposal allows for the continuation of a veterinary office/hospital use that has harmoniously existed in the neighborhood for many years. It currently operates under a valid home occupation certificate, and if this Application is approved, it would operate under a conditional use approval. As there are no physical changes to the Property or operational changes to the business proposed, it will continue to be harmony with the character of the surrounding neighborhood.

- e) will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;***

The veterinary office/hospital use has operated on-site for multiple decades under home occupation certifications. This Proposal does not add a new use to the neighborhood, but requests to validate the existing long-standing use under current conditional use requirements of the Zoning Ordinance. This will not adversely impact or alter the

predominantly residential nature of the neighborhood.

- f) ***will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:***

A Preliminary Plan of Subdivision is not required, and Staff has determined that there are adequate public services and facilities to serve the proposed use as described below.

(1) *Transportation*

Master-Planned Roadways and Bikeways

The Site fronts on Bradley Boulevard, which is classified as a Boulevard, per the 2021 *Complete Streets Design Guide*. A sidepath is master planned on the north side of the road, opposite the Site. Additionally, one-way on-street striped bike lanes are also recommended on either side of the Street.

This Application is unique in that it proposes no new development, no physical alterations to any existing Site conditions, and proposes no operational changes to the long-standing veterinary office/hospital use. Traditionally, requirements for the provision or contribution toward the realization of master-planned frontage improvements is linked to the scope and scale of changes in use or site conditions of a proposal. That nexus does not exist with this Application; therefore, Staff recommends the requirement to provide these frontage improvements is not triggered in this unique instance.

Pedestrian Facilities

In accordance with the 2021 *Complete Streets Design Guide*, Bradley Boulevard is envisioned to be improved with a 6-foot buffer and a six-foot sidewalk. This improvement could be required of an applicant seeking approval of a development application.

This Application is unique in that it proposes no new development, no physical alterations to any existing Site conditions, and proposes no operational changes to the long-standing veterinary office/hospital use on the Property. Traditionally, requirements for a proposal to provide or contribute toward the realization of master-planned frontage improvements are linked to a requested change in use or site conditions. That nexus does not exist with this Application;

therefore, Staff recommends the requirement to provide these frontage improvements is not triggered in this unique instance.

Transit Service

RideOn Bus Route 36, providing service between Potomac and the Bethesda Metrorail Station operates along Bradley Boulevard on a regular schedule, Monday through Friday. The closest stops to Bradley Hills Animal Hospital are located one block north and one block south of the Site.

Local Area Transportation Review

The veterinary office/hospital use on the Site has been in operation for decades. The use was last evaluated in March of 2000, and the operations have remained unchanged.

As there are no development proposed, nor any changes to established operations, the estimated number of additional trips generated in either the morning or evening peak hour is zero. In accordance with the 2020-2024 *Growth and Infrastructure Policy*, no further analysis of transportation impacts is required.

This Application was also reviewed by the Montgomery County Department of Transportation and Montgomery County Department of Permitting Services Right-of-Way Plan Review Division, both of which had no comments (Attachment E), and Maryland Department of Transportation State Highway Administration, who recommended approval with no conditions (Attachment F).

(2) Schools

This Application has no impact on school capacity.

(3) Other Public Facilities

The Property is located within water and sewer categories W-1 and S-1 and is serviced by existing water and sewer. Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy in effect at the time that the Application was submitted.

g) will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:

- ii. ***the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;***
- iii. ***traffic, noise, odors, dust, illumination, or a lack of parking; or***
- iv. ***the health, safety, or welfare of neighboring residents, residents, visitors, or employees.***

This finding requires consideration of the inherent and non-inherent adverse effects of the proposed use on nearby properties and the general neighborhood. Section 1.4.2 of the Zoning Ordinance defines inherent adverse effects as “adverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations.” Inherent adverse effects, alone, are not a sufficient basis for denial of a conditional use.

Non-inherent adverse effects are defined as “adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site.” Non-inherent adverse effects are a sufficient basis to deny a conditional use, alone or in combination with inherent effects, if the adverse effect causes “undue” harm to the surrounding neighborhood. When analyzing whether impacts are inherent or non-inherent, Staff examines the size, scale, scope, light, noise, traffic, and environmental effects of the Proposal.

Staff identified four inherent adverse effects necessarily associated with a veterinary office/hospital and no non-inherent adverse effects. The inherent effects are:

- Vehicular trips to and from the Site;
- Drop-off and pick-up of pets in the parking lot;
- Commercial deliveries;
- Noise from animals.

The existing veterinary office/hospital use has existed and operated in accordance with the outline of operations described in Section 3 of this Report for many years with no adverse impact to the surrounding neighborhood. Vehicular trips to and from the site are staggered by appointment only, with an average of 25

appointments per day scheduled. This equates to an average of one patient arriving while another one departs at 42-minute intervals. The use is a low generator of vehicle trips. Commercial deliveries are received two to three times per week on average, with other deliveries arriving by USPS or other carrier on their standard routes. The parking facility is set over 100 feet away from the closest neighboring residence (to the southeast). Existing screening between the parking lot and neighbors is provided in the form of a six-foot tall, wooden privacy fence and well-established landscaping. These buffers limit the visual impact of the parking lot and dampen noise from it. The acoustical analysis completed for this Application measured noise levels at the Property over a 24-hour period during the work week, and concluded road noise associated with Bradley Boulevard was the primary sound generator at the Bradley Hills Animal Hospital.

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

No changes to existing structures are proposed. The existing buildings were constructed as a single-family residence circa 1951 and remain in-character with the surrounding residential neighborhood.

- 3. The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and is not sufficient to require conditional use approval.***

The long-established veterinary office/hospital use at this Property is in harmony with its neighborhood, and this Application proposes no material changes to that would alter its compatibility with the nearby properties. This Proposal is unique in that it requests to validate the existing veterinary office/hospital use under the current applicable conditional use requirements of the Zoning Ordinance; with no physical alterations to the Property or changes in long-established operations. This use was last validated in 2000 by the Department of Permitting Services under the applicable home occupation standards for the use under the Zoning Ordinance active at that time through the issuance of Home Occupation Certification No. 203414 in March 2000. While this approval remains valid, the use can continue to operate under its terms, and in accordance with Section 59.7.7.1.A. of the Zoning Ordinance.

- 4. In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.***

The subject of this Application is a commercial, veterinary office/hospital conditional use in the R-200, residential zone. This finding is not applicable to this Application.

- 5. *The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:***

- a) *Filling Station;***
- b) *Light Vehicle Sales and Rental (Outdoor);***
- c) *Swimming Pool (Community); and***
- d) *the following Recreation and Entertainment Facility use: swimming pool, commercial.***

The subject of this Application is a veterinary office/hospital conditional use. This finding is not applicable to this Application.

- 6. *The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood:***

- a) *Funeral Home; Undertaker;***
- b) *Hotel, Motel;***
- c) *Shooting Range (Outdoor);***
- d) *Drive-Thru***
- e) *Landfill, Incinerator, or Transfer Station; and***
- f) *a Public Use Helipad, Heliport or a Public Use Helistop.***

The subject of this Application is a veterinary office/hospital conditional use. This finding is not applicable to this Application.

SECTION 6: CONCLUSION

The proposed conditional use complies with the findings require for approval of a veterinary office/hospital use in the R-200 zone, subject to the recommended conditions of approval. The proposed use is consistent with the goals and recommendations of the 1990 *Bethesda-Chevy Chase Master Plan*, will not alter the residential character of the surrounding neighborhood, and will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval of the Conditional Use with conditions and transmittal of comments to the Hearing Examiner.

ATTACHMENTS

Attachment A: Conditional Use / Existing Conditions Plan

Attachment B: Applicant's Statement of Justification

Attachment C: Noise Analysis Report

Attachment D: Forest Conservation Exemption

Attachment E: No Comment Emails – MCDOT, DPS ROW, and DPS Water Resources

Attachment F: SHA Approval Letter

Attachment G: DPS Fire Access Approval Letter