


Westbard Self Storage, Preliminary Plan No. 120170280 and Site Plan No. 820170110

 Elza Hisel-McCoy, Supervisor, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

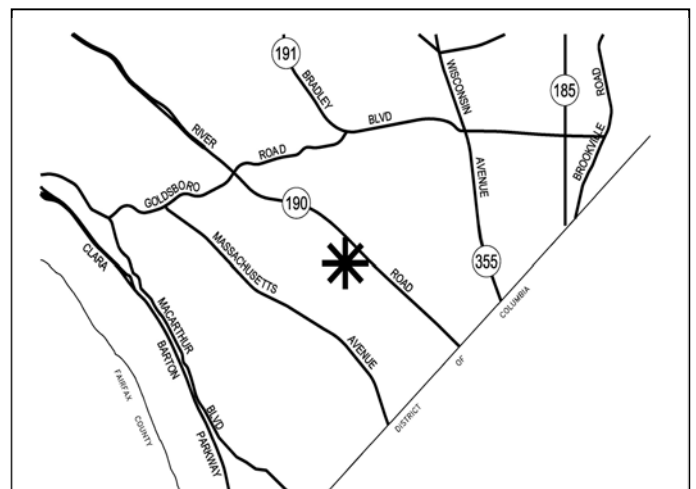
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Completed: 12.4.2017

Description

- Creation of one lot for a new self-storage building with a maximum total density of 195,527 square feet of self-storage uses, including 107,030 square feet of Gross Floor Area (GFA) derived from the tract area, and 88,497 square feet of “cellar” area excluded from the definition of GFA under Section 59.1.4.2., as well as one new dedication parcel for future implementation of the Willett Branch Greenway. The Applicant will convey Parcel 177 to M-NCPPC.
- Current use: Industrial
- Located at 5204 River Road, Bethesda, MD
- 1.37 gross acres
- Applicant: Bethesda Self Storage Partners, LLC
- Acceptance date: April 26, 2017



Summary

- As conditions of the Preliminary Plan approval recommendation, the Applicant has agreed to convey to M-NCPPC, at no charge, the ownership of Parcel 177, and dedicate to M-NCPPC, for future implementation of the Willett Branch Greenway, a new parcel to be created along the western edge of the site. Parcel 177 will be conveyed within its existing boundary, while the boundary of the new parcel will be finalized prior to certification of the Preliminary Plan and approval of the Record Plat.
- The project includes 88,497 square feet of “cellar” area that is excluded from the definition of GFA under Section 59.1.4.2.
- The building height measuring point is measured from the average elevation of finished ground surface along the front of the building, per Section 59.4.1.7.C.2.b.
- The project will implement the Outlet Road Sector-Planned Shared-Use path along the north edge of the site.
- Staff received correspondence from community groups and citizens. Copies of the correspondence are attached and discussed herein.
- In accordance with Section 59.7.3.4.C of the Zoning Ordinance, the Site Plan received a Planning Board extension to the public hearing date, the postponing the hearing date from November 2, 2017, to December 14, 2017.
- Staff recommends approval of the Preliminary and Site Plans, with conditions.

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EXECUTIVE SUMMARY

Site and Vicinity

Bethesda Self Storage, LLP (the Applicant), requests approval of Preliminary Plan and Site Plan Applications (collectively, the Applications) for the approximately 1.37 acres (gross tract area) of Property on the south side of River Road between Ridgefield Road and the Capital Crescent Trail. The Site contains no forest, and slopes about 12 feet down towards the adjacent Willett Branch, and a portion of the Site is within the stream valley buffer. The Property is in the *Westbard Sector Plan area* and is zoned IM-2.5 H-50 (the portion closer to the Capital Crescent Trail) and R-10 (Parcel 177). Access to the Site is provided from a County-maintained access road along the eastern frontage, parallel to the Capital Crescent Trail. The Property is currently improved by a one story industrial building that houses a car repair shop.



Figure 1 – Aerial Map

Preliminary Plan No. 120170280

The total tract area of the entire site is about 1.37 gross acres (59,786 square feet). This total includes areas covered by two different zones: IM and R-10. The IM-zoned portion of the tract is about 0.98 acres (42,812 square feet), while the R-10-zoned piece, referred to as Parcel 177, is about 0.39 acres (16,974 square feet).

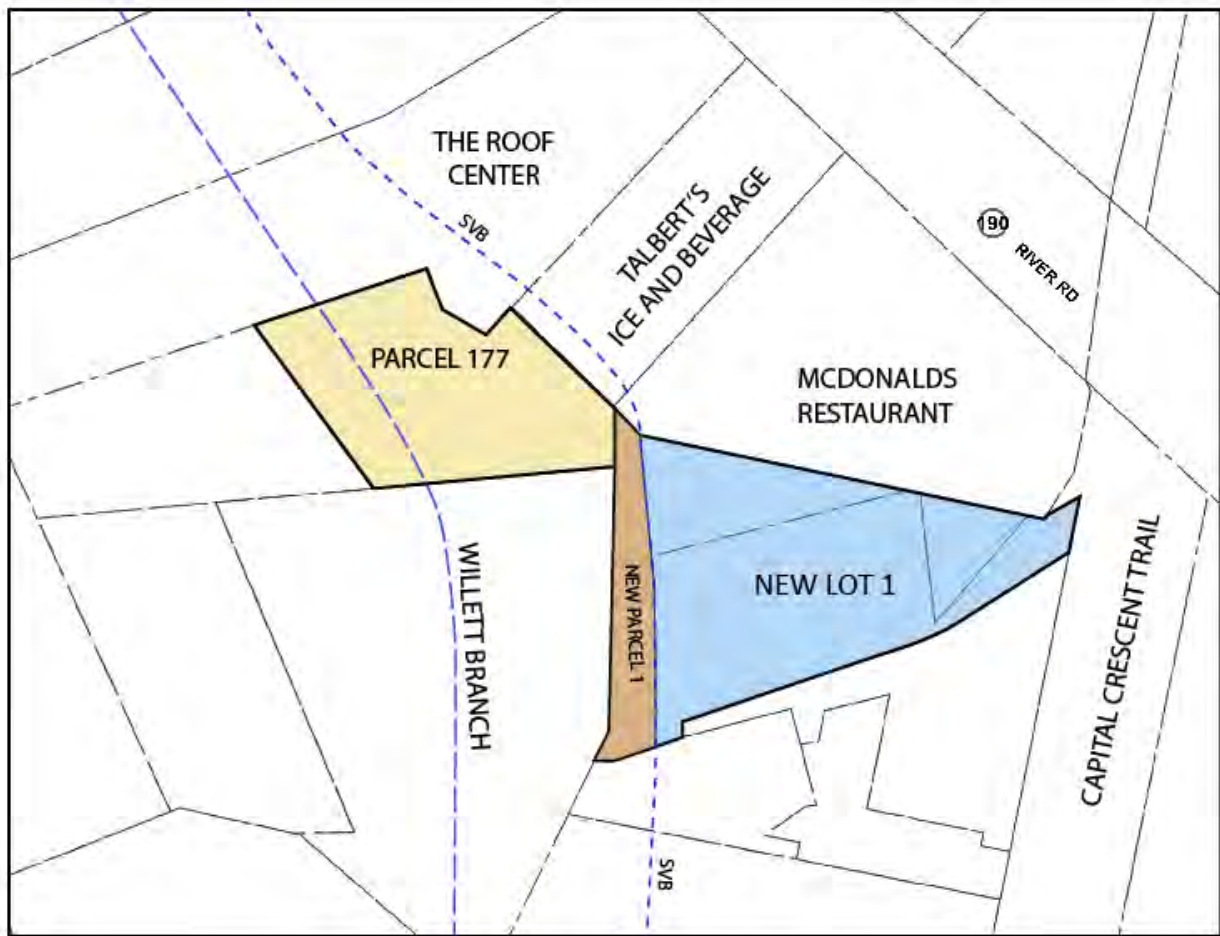


Figure 2 – Lotting Diagram

As conditions of the Preliminary Plan approval recommendation, the Applicant has agreed to convey to M-NCPPC, at no charge, the ownership of Parcel 177, and dedicate to M-NCPPC, for future implementation of the Willett Branch Greenway, a new parcel to be created along the western edge of the site. Parcel 177 will be conveyed within its existing boundary, while the boundary of the new parcel will be finalized prior to certification of the Preliminary Plan and approval of the Record Plat.

The application proposes creation of one lot for a maximum total density of 195,527 square feet of self-storage uses, including 107,030 square feet of Gross Floor Area (GFA) derived from the tract area, and 88,497 square feet of “cellar” area that is excluded from the definition of GFA under Section 59.1.4.2. (discussed below), as well as one new dedication parcel for future implementation of the Willett Branch Greenway. The Applicant will convey to M-NCPPC Parcel 177.

The Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. Having considered the technical review requirements of Section 50.4.3, the Application meets all applicable sections. The size, width, shape, and orientation of the lot is appropriate for the location of the subdivision taking into account the recommendations included in the Sector Plan, and for the type of development or use contemplated. The Application complies with the land use recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the Subject Property is sufficiently large to efficiently accommodate the mix of uses. Under Section 59.4.5.4 of the Zoning Ordinance, the dimensional standards for the lot will be determined with approval of the subsequent Site Plans.

Site Plan No. 820170110

The Site Plan proposes a new self-storage facility with a maximum total density of 195,527 square feet of self-storage uses, including 107,030 square feet of Gross Floor Area (GFA) derived from the tract area, and 88,497 square feet of “cellar” area that is excluded from the definition of GFA under Section 59.1.4.2., as discussed below. As conditioned, the Site Plan meets all the general requirements and development standards of Section 4.5 of the Zoning Ordinance and the general development requirements of Article 59-6 of the Zoning Ordinance. Staff recommends approval with conditions.



Figure 3 – Rendered Site Plan



Figure 4 – Front View from Access Road (image from Applicant; figures not to scale)



Figure 5 – View from Willett Branch (image from Applicant; figures not to scale)

Development Standard Notes

Given the shape, location, and topography of the site, there are two elements of the development standards which bear additional discussion as they apply to the project.

Cellar

The project includes a maximum total density of 195,527 square feet of self-storage uses. This includes 107,030 square feet of Gross Floor Area (GFA) derived from the tract area, and 88,497 square feet of “cellar” area that is excluded from the definition of GFA under Section 59.1.4.2. (emphasis added):

Gross Floor Area (GFA): The sum of the gross horizontal areas of all floors of all buildings on a tract, measured from exterior faces of exterior walls and from the center line of walls separating buildings.

Gross floor area includes:

1. basements;
2. elevator shafts and stairwells at each floor;
3. floor space used for mechanical equipment with structural headroom of 6 feet, 6 inches or more, except as exempted in the LSC and Industrial zones;
4. floor space in an attic with structural headroom of 6 feet, 6 inches or more (regardless of whether a floor has been installed); and
5. interior balconies and mezzanines.

Gross floor area does not include:

1. mechanical equipment on rooftops;
2. cellars;
3. unenclosed steps, balconies, and porches;
4. parking;
5. floor area for publicly owned or operated uses or arts and entertainment uses provided as a public benefit under the optional method of development;
6. interior balconies and mezzanines for common, non-leasable area in a regional shopping center;
7. in the LSC and Industrial zones, floor space used for mechanical equipment; and
8. any floor space exclusively used for mechanical equipment for any Medical/Scientific Manufacturing and Production use.

The same section of the zoning code defines the term:

Cellar: The portion of a building below the first floor joists of which at least half of the clear ceiling height is below the average elevation of the finished grade along the perimeter of the building.

During building permit review, the Montgomery County Department of Permitting Services (DPS) will evaluate the Applicant’s construction documents and ensure that the Applicant is permitted to build only the GFA and cellar area that meets the zoning code definition up to the maximum approved by the Planning Board.

Building Height

Section 59.4.1.7.C.2. explains how to measure building height in the IM zone, and provides two standards: one for buildings located within 35 feet of a street right-of-way, and another if a building is set back from the street line 35 feet or more. It is this latter standard (Section 59.4.1.7.C.2.b.) that applies to this project:

- b. If a building is set back from the street line 35 feet or more, then the building height is measured from the average elevation of finished ground surface along the front of the building.

During the course of the review, the Applicant coordinated with MCDPS to identify the “front of the building” for this site. The result, illustrated below, establishes the building height measuring point at an elevation of 239.59’ above sea level.

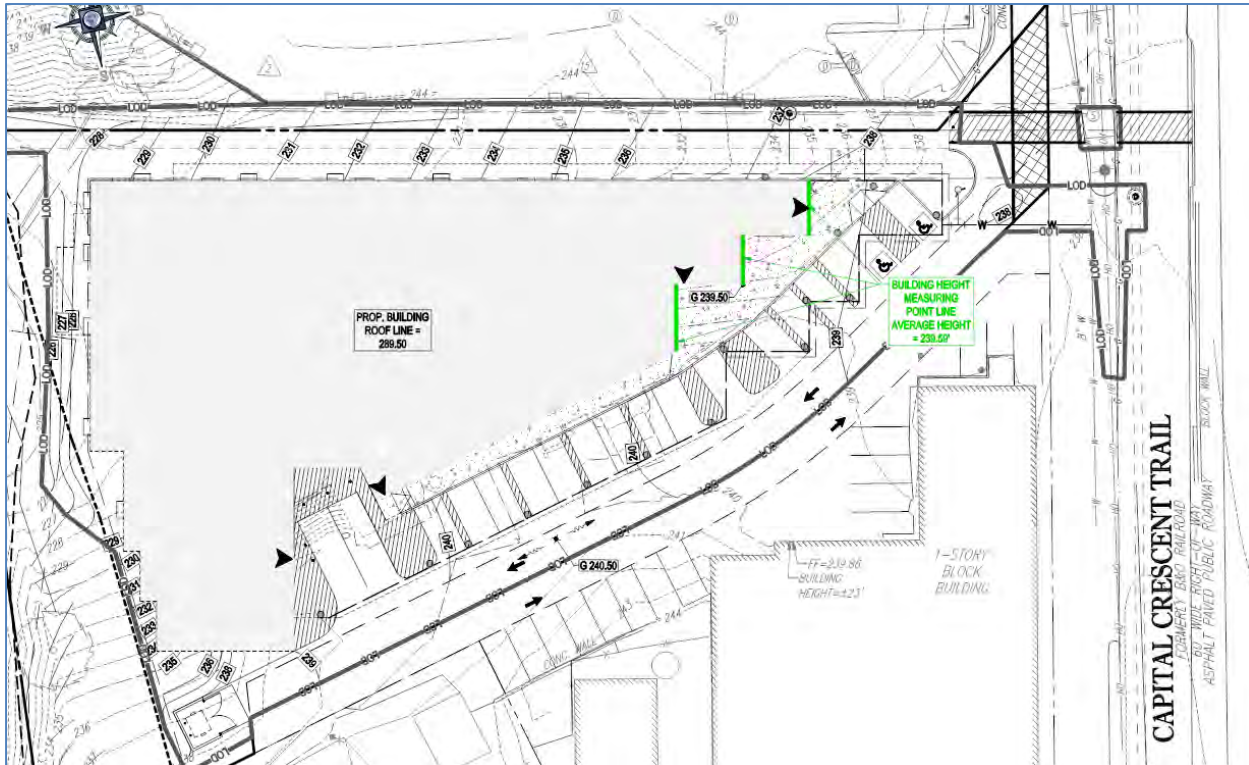


Figure 6 – Building Height Measuring Point Diagram

Community Outreach

On November 29, 2016, and March 9, 2017, the Applicant held pre-submittal public meetings at Westland Middle School. The Applicant has complied with all submittal and noticing requirements. Staff has received correspondence from community groups and citizens. The correspondence raises four main points.

The Stormwater management concept must include infiltration techniques.

The original submittal proposed a variety of treatment methods on the property including a significant amount of treatment for both the parking and building within the stream buffer. The designs were modified to site the building outside of the buffer and treat the stormwater accordingly.

The *Westbard Sector Plan* also has several recommendations regarding the use of green roofs, meeting Stormwater Management (SWM) onsite, and avoiding the use of SWM waivers. The Project readily meets the Sector Plan recommendation on green roofs/and SWM volume treatment. Condition #8 of the SWM concept requires revision of the plans to provide some treatment of the paving surfaces which will further enhance the SWM for the Project.

The building is too large for the site.

The building has gone through extensive re-design at the request of Staff to remove the footprint for the stream valley buffer. The density/FAR proposed meets the maximum density supported by the I-M zone, which was reconfirmed through the Sectional Map Amendment (SMA) for the Westbard Sector Plan. Self-storage facilities are a permitted use in the I-M zone similar to the auto-related uses currently on the site.

The self-storage building is proposing cellar space below grade, which does not count toward the overall FAR permitted in the zone (Chapter 59.1.4.2.G.Gross Floor Area). Cellar space for many buildings is “usable”, whether residential or commercial, and is not prohibited in the Zone or the Zoning Ordinance. As this space is below grade it is not visible and does not count toward the height. Staff requested a confirmation of the building height, which was provided by the Montgomery County Department of Permitting Services, primarily because of the irregular shape and frontage of the Property.

The access to the park is not welcoming.

The pedestrian access through the site maintains the approximate travel that currently exists through the site today, leading down to the Willett Branch bridge and up toward Westbard Avenue. Throughout the plan review process, we pushed to widen the space and create a more welcoming pathway. The Sector Plan recommended a pedestrian access path between Willett Branch and River Road. Staff conditioned approval of application on the fulfillment of this requirement and is requiring a minimum 20-foot clear space between the retaining wall on the McDonald’s property and this building. In addition, Staff recommends this pathway have adequate lighting to insure safety different times of the day and night.

This site is zoned light industrial and will have an industrial character that will be quite different than a residential or other type of office or commercial building. The building architecture responds to the front entry, the pedestrian access and the rear abutting the Willett Branch, each of which will have a different character and treatment.

Interface with park at rear of property is unattractive.

As noted responses above, the building has gone through many design changes to address the building façade along the Willett Branch. The façade has been articulated to break up the mass and bulk, such as decorative and artistic glazing. Parks will be negotiating with the Applicant for future treatment of the façade and opportunities for easements to address beautification once the Willett Branch is implemented.

The plans are consistent with the goals and recommendations of the Sector Plan for access and buildings and stormwater facilities associated with the stream buffer. We are committed to the ultimate visualization of the Willett Branch and the amenities and resources that accomplish the Sector Plan goals. Thank you again for your comments.

SECTION 1: RECOMMENDATION AND CONDITIONS

PRELIMINARY PLAN

Staff recommends approval of Preliminary Plan No. 120170280, for creation of one lot for a maximum total density of 195,527 square feet of self-storage uses, including 107,030 square feet of Gross Floor Area (GFA) derived from the tract area, and 88,497 square feet of “cellar” area that is excluded from the definition of GFA under Section 59.1.4.2., as well as one new dedication parcel for future implementation of the Willett Branch Greenway, and fee-simple conveyance to M-NCPPC of Parcel 177, subject to the following conditions:

Preliminary Plan Conditions

1. This Preliminary Plan is limited to one lot for a maximum total density of 195,527 square feet of self-storage uses, including 107,030 square feet of Gross Floor Area (GFA) derived from the tract area, and 88,497 square feet of “cellar” area that is excluded from the definition of GFA under Section 59.1.4.2., as well as one new dedication parcel for future implementation of the Willett Branch Greenway Park.
2. The Applicant must comply with the conditions of approval for the preliminary forest conservation Plan as modified by the Final Forest Conservation Plan.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated December 5, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) – Water Resources Section in its storm water management concept letter dated November 9, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Fire and Rescue (MCFRS) in its letter dated November 3, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCFRS, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
7. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
8. The record plat must show necessary easements.
9. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.

10. The certified Preliminary Plan must contain the following note:
Unless specifically noted on this Plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-Site parking, Site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
11. No recording of plats prior to Certified Site Plan approval. The Applicant may obtain permits for demolition, below-grade sheeting and shoring, and associated sediment control, prior to Certified Site Plan approval, but only after certification of the Final Forest Conservation Plan.
12. No release of any above grade building permit for new development on the Site will be permitted prior to recordation of plat(s) for the portion of the Property associated with the applicable building permit.
13. The Applicant must satisfy the provisions for access and improvements which are associated with each plat, as required by MCDOT.
14. The Applicant must provide and show on the applicable final record plat(s) the following right-of-way dedication consistent with the Westbard Sector Plan and Montgomery County Code Chapter 50 Subdivision Regulation requirements:
 - a. ten (10) feet from the existing pavement centerline along the Property frontage for New Connector Road (B-2) for an ultimate right-of-way width of 54-feet.
15. Not later than the final use and occupancy permit, the Applicant must provide the sector-planned minimum 12-foot-wide Outlet Road shared-use bicycle/pedestrian path, between Street B-2 and the northern Property line, with associated landscaping and lighting as illustrated on the Certified Site Plan.
16. For the Outlet Road shared-use path, the Applicant must record an easement to include the following:
 - a. Entitlement for open and unobstructed public use of the easement for all customary pedestrian, bicycle, general public, and emergency access. The easement granted to the public is a public access easement;
 - b. Obligation for the Applicant to design and construct the shared use path as shown on the Certified Site Plan at the Applicant's expense;
 - c. Obligation for the Applicant to maintain and repair the shared use path, as shown on the Certified Site Plan, at the Applicant's expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
 - d. Obligation for the Applicant to keep the shared use path free of snow, litter and other obstructions and hazards at all reasonable times, at its expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
 - e. Entitlement for the Applicant or its designee to close the shared use path for normal maintenance and repair at reasonable times and upon reasonable prior notice to the public.
 - f. This pathway corridor should be formally referred to as Outlet Road on all plans per the Westbard Sector Plan.
17. If the Applicant is unable, after good faith efforts, to obtain permission to conduct the work or record the necessary easements from the owner of the off-Site portion of the path specified in Condition 16, within a reasonable time period in advance of the final use and occupancy permit, the Applicant must provide only the on-Site portions of Conditions 16 and 17, as illustrated on the Certified Site Plan, and is deemed to have otherwise met conditions 16 and 17.

18. Prior to final use and occupancy permit, the Applicant must dedicate Parcel 1 to the Maryland-National Capital Park & Planning Commission (“M-NCPPC”) for use as public parkland. The final boundary of Parcel 1 must be determined by M-NCPPC Staff and the Applicant prior to Certified Preliminary Plan. The terms and form of the dedication must be approved by the Montgomery County Department of Parks and the M-NCPPC General Counsel’s Office prior to certification of the preliminary Plan, and it must be recorded in the Montgomery County Land Records. Prior to dedication, the Applicant must remove all existing infrastructure, pavement, debris, etc. from the parcel, as well as remove invasive species, and scarify and amend topsoil to provide a vegetated base with native seed mix.
19. Prior to final use and occupancy permit, the Applicant must grant an easement to the M-NCPPC from the eastern boundary of Parcel 1 to the building on Lot 1. The easement must grant the Montgomery County Department of Parks the right to plant, maintain, and program the easement area. The terms and form of the easement must be approved by the Montgomery County Department of Parks and the M-NCPPC General Counsel’s Office prior to certification of the preliminary Plan, and it must be recorded in the Montgomery County Land Records.
20. Parcel 177:
 - a. The Applicant must convey to M-NCPPC in fee-simple at no cost to M-NCPPC Parcel 177, to take place not later than the final use-and-occupancy permit.
 - b. Prior to release of the final use-and-occupancy permit for the Project, the Applicant must contribute \$45,000 to the Montgomery County Department of Parks for an archeological assessment, other testing as required, and associated stewardship of Parcel 177.
 - c. The Applicant must not perform any ground-disturbing work of any kind (e.g., clearing, grading etc.) on Parcel 177 prior to conveyance to the Maryland-National Capital Park and Planning Commission.
21. If human remains or funerary objects are encountered at any time on any properties subject to Preliminary Plan 120170280 (Parcels 242, 191, 217, and 177, on Tax Map #HM13, Bethesda, Maryland), then the Historic Preservation Section of the Montgomery County Planning Department must be notified immediately to allow documentation for the Montgomery County Planning Board Burial Sites Inventory. This Condition applies to owners, their successors, and owners’ agents of land retained, dedicated, or sold by the Applicant pursuant to Preliminary Plan #120170280, and to all entities that hold easements on these properties (Parcels 242, 191, 217, and 177, Tax Map #HM13, Bethesda, Maryland).

SITE PLAN 820170110

Staff recommends approval of Site Plan 820170110 for construction of a new self-storage facility with a maximum total density of 195,527 square feet of self-storage uses, including 107,030 square feet of Gross Floor Area (GFA) derived from the tract area, and 88,497 square feet of “cellar” area that is excluded from the definition of GFA under Section 59.1.4.2., subject to the following conditions:

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120170280.

Density

2. Maximum Density

This Site Plan is limited to 195,527 square feet of total development, including up to 107,030 square feet of Gross Floor Area (GFA) allowed under the development standards of the zone, and up to 88,497 square feet of cellar space excluded from the definition of GFA per Section 59.1.4.2.G.

Environment

3. Forest Conservation

The Applicant must obtain Staff certification of the approved Final Forest Conservation Plan (FFCP) from the Planning Department prior to clearing, grading or demolition. The Final Forest Conservation Plan must address the following:

- a. Clarify net tract on the FCP to reflect dedication of Willett Branch parcels. Revise tables, notes, and figures accordingly.
- b. Expand the LOD (on all applicable sheets) to address demolition of existing dilapidated pavement surfaces and dumped materials on the proposed Lot 1 (revisions subject to Staff approval).
- c. Prior to clearing, grading and demolition the forest conservation requirements must be addressed by a fee-in-lieu payment to satisfy the required credits as determined in the certified Forest Conservation Plan.
- d. Clarify interim treatment for the area below the existing retaining wall (which is currently paved) and in the Phase 1 LOD for grading and utility work.

Open Space, Facilities and Amenities

4. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities on the Subject Property including, but not limited to pedestrian pathways, landscaping, and hardscape areas.

Transportation & Circulation

5. Subdivision Staging Policy

Consistent with the Subdivision Staging Policy requirements, the Applicant must make good-faith efforts to secure permission from the abutting property to the north (McDonald’s) to provide an ADA-compliant pedestrian curb ramps on the Site frontage, between the proposed on-Site sidewalk and existing sidewalk along New Connector Road (B-2).

6. Bicycle Parking

The Applicant must provide 11 long-term bicycle parking spaces in a secured, well-lit area adjacent to the parking area. The specific location of the bicycle parking area must be identified on the Certified Site Plan.

Site Plan

7. Building Height

The building is limited to a maximum height of 50 feet as measured from the building height measurement point illustrated on the Certified Site Plan.

8. Architecture

- a. The Applicant must set the building back along the north façade a minimum of 20 feet, as measured from the base of the confronting off-Site retaining wall for the McDonalds restaurant.
- b. The Applicant must locate the building outside of the stream valley buffer identified on the approved NRI/FSD, as illustrated on the Certified Site Plan.
- c. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

9. Landscaping

- a. Prior to issuance of the final Use and Occupancy Certificate, all on-Site amenities shown on the Certified Site Plan including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, and recreation amenities must be installed.
- b. The Applicant must install landscaping no later than the next growing season after completion of Site work.
- c. The Applicant must revise and expand the plant list to specify more native canopy trees.
- d. The Applicant must provide more shade-tolerant species for the area between the existing retaining wall and north side of the proposed building.
- e. The Applicant must provide a rill or other similar aesthetically pleasing surface drainage method to convey the water flows which regularly emanate from the existing retaining wall near the north side of the Property, as illustrated on the Certified Site Plan. If the Applicant is unable, after good faith efforts, to obtain permission to conduct the work or record the necessary easements from the owner of the off-Site portion of the path, the Applicant must provide only the on-Site portion.

10. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting for this connection and for rest of the Site conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off fixtures.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.

11. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-Site lighting, indoor and outdoor recreational facilities, Site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights, and Phase 1 and Phase 2 of the Outlet Road shared-use path. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a Site Plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

12. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Add a note stating that "Minor modifications to the limits of disturbance shown on the Certified Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- b. Ensure consistency of all details and layout between Site and Landscape Plans.
- c. Applicant must revise Site Plan such that the western end of the Outlet Road corridor curves southwards, so that the north edge of the Outlet Road pathway corridor lines up with the existing row of bollards on Parcel P240.

SECTION 2: SITE DESCRIPTION

Site Vicinity and Analysis

The neighborhood surrounding the Property includes multi-family residential uses, commercial uses, retail uses, and industrial uses. To the west is the Willett Branch stream which currently is enclosed in a concrete channel.

The Property is located off of River Road in the southwest quadrant of the intersection of River Road and the Capital Crescent Trail and is bordered by a McDonald's restaurant on the north, the Capital Crescent Trail on the east, and the Willett Branch on the west, and industrial uses to the south. Access to the Site is provided from a County-maintained access road along the eastern frontage, parallel to the Capital Crescent Trail. The Property is currently improved by a one story industrial building that houses a car repair shop. The Site contains no forest, and slopes about 12 feet down towards the adjacent Willett Branch, and a portion of the Site is within the stream valley buffer

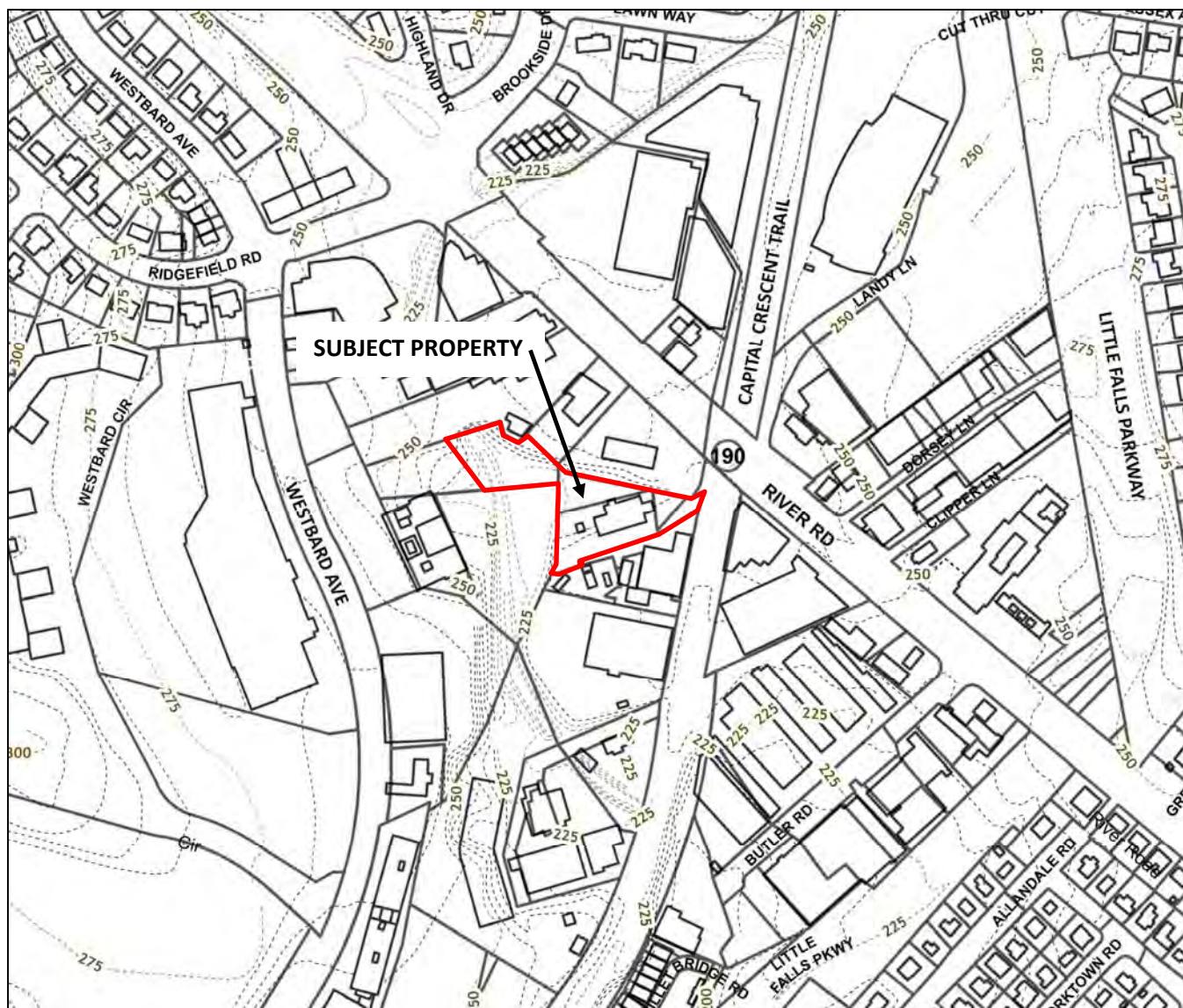


Figure 7 – Vicinity Map

Site

The total tract area of the entire Site is about 1.37 gross acres (59,786 square feet). This total includes areas covered by two different zones: IM and R-10. The IM-zoned portion of the tract is about 0.98 acres (42,812 square feet), while the R-10-zoned piece, referred to as Parcel 177, is about 0.39 acres (16,974 square feet).

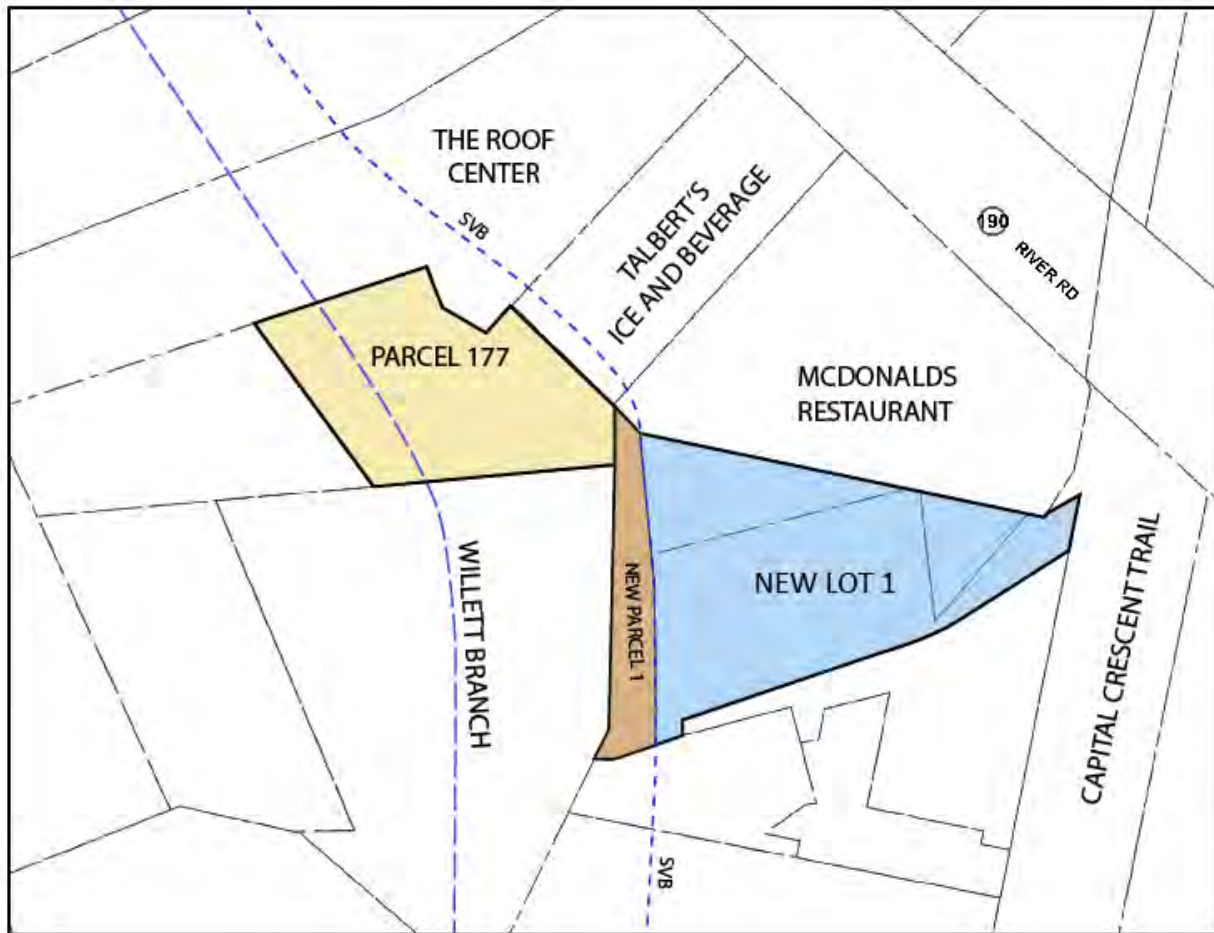


Figure 8 – Lotting Diagram

As conditions of the Preliminary Plan approval recommendation, the Applicant has agreed to convey to M-NCPPC, at no charge, the ownership of Parcel 177, and dedicate to M-NCPPC, for future implementation of the Willett Branch Greenway, a new parcel to be created along the western edge of the Site. Parcel 177 will be conveyed within its existing boundary, while the boundary of the new parcel will be finalized prior to certification of the Preliminary Plan and approval of the Record Plat.

As a result of these Preliminary Plan conditions, the Site Plan will be limited to new Lot 1 and new Parcel 1.

The Site contains no forest, but is adjacent to the Willett Branch stream, and Parcel 177, the R-10 portion of the Site, is within the stream valley buffer. There are no known rare, threatened, or endangered species on Site; there are no 100-year floodplains or wetlands on Site.

SECTION 3: PROJECT DESCRIPTION

Proposal

The Project will create one lot for a new self-storage building with a maximum total density of 195,527 square feet of self-storage uses, including 107,030 square feet of Gross Floor Area (GFA) derived from the tract area, and 88,497 square feet of “cellar” area excluded from the definition of GFA under Section 59.1.4.2., as well as create one new dedication parcel for future implementation of the Willett Branch Greenway. The Applicant will convey to M-NCPPC Parcel 177.

Cellar

As described above, the project includes 88,497 square feet of “cellar” area that is excluded from the definition of GFA under Section 59.1.4.2. (emphasis added):

Gross Floor Area (GFA): The sum of the gross horizontal areas of all floors of all buildings on a tract, measured from exterior faces of exterior walls and from the center line of walls separating buildings.

Gross floor area includes:

1. basements;
2. elevator shafts and stairwells at each floor;
3. floor space used for mechanical equipment with structural headroom of 6 feet, 6 inches or more, except as exempted in the LSC and Industrial zones;
4. floor space in an attic with structural headroom of 6 feet, 6 inches or more (regardless of whether a floor has been installed); and
5. interior balconies and mezzanines.

Gross floor area does not include:

1. mechanical equipment on rooftops;
2. cellars;
3. unenclosed steps, balconies, and porches;
4. parking;
5. floor area for publicly owned or operated uses or arts and entertainment uses provided as a public benefit under the optional method of development;
6. interior balconies and mezzanines for common, non-leasable area in a regional shopping center;
7. in the LSC and Industrial zones, floor space used for mechanical equipment; and
8. any floor space exclusively used for mechanical equipment for any Medical/Scientific Manufacturing and Production use.

The same section of the zoning code defines the term:

Cellar: The portion of a building below the first floor joists of which at least half of the clear ceiling height is below the average elevation of the finished grade along the perimeter of the building.

During building permit review, the Montgomery County Department of Permitting Services (DPS) will evaluate the Applicant’s construction documents and ensure that the Applicant is permitted to build only the GFA and cellar area that meets the zoning code definition up to the maximum approved by the Planning Board.

The building is situated on the Site to preserve the Stream Buffer and future Willett Branch Greenway to the west and the Outlet Road shared-use path to the north.



The self-storage building will front onto the County-owned service road that serves the adjacent light industrial and commercial uses and provides the Site with vehicular access. The main entry is located here with the upper three floors cantilevering over the ground level entry space. The building will show four to five stories above grade with three floors partially or fully below-grade.



Figure 10 – East Elevation (w/ Cellar levels dotted below)



Figure 11 – South Elevation (w/ Cellar levels dotted below)



Figure 12 – North Elevation (w/ Cellar levels dotted below)



Figure 13 – West Elevation (w/ Cellar levels dotted below)

Open Space and Amenities

As discussed above, as conditions of the Preliminary Plan approval recommendation, the Applicant has agreed to convey to M-NCPPC, at no charge, the ownership of Parcel 177, and dedicate to M-NCPPC, for future implementation of the Willett Branch Greenway, a new parcel to be created along the western edge of the Site. Parcel 177 will be conveyed within its existing boundary, while the boundary of the new parcel will be finalized prior to certification of the Preliminary Plan and approval of the Record Plat.

Outlet Road Shared-Use Path

In addition, the Applicant is providing the Sector-Planned Outlet Road shared-use path along the northern edge of the Site. The combined pathway area will be a minimum of 20' wide and will formalize a connection that is currently used by pedestrians and cyclists to travel between River Road Westbard Avenue. The Applicant has proposed benches, historical display boards located on the proposed building, and landscaping along the path. In addition, the Applicant will install lighting along the path for safe night time use. The Applicant has begun the process of coordinating with the owners of the McDonald's Site to enable them to implement the full Sector-Planned path. However, should the Applicant be unable within the necessary timeframe to secure approval from the abutting property owner to make improvements on their Site, the Applicant will make the improvements on their Site consistent with the intent of the Sector Plan.

The Plan detail below illustrates a potential design for the path elements between the existing retaining wall and the proposed building, including the 12'-minimum shared-use path, landscaping, and seating and display areas. It should be noted that about two-thirds along the length of Outlet Road the existing retaining wall banks away from the path, significantly opening up the space as it is experienced. The sections following illustrate the space at the beginning of the path to the east and the most restrictive condition to the west, before the wall angles away.

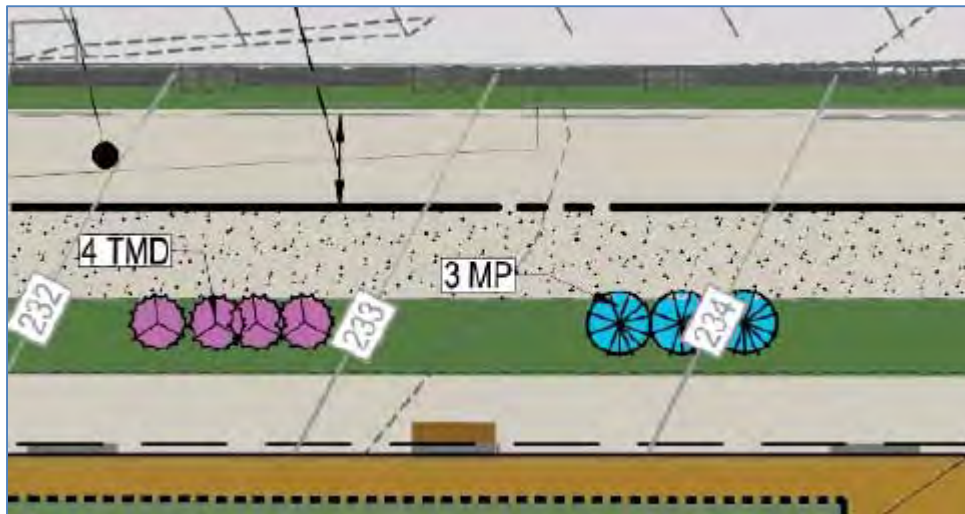
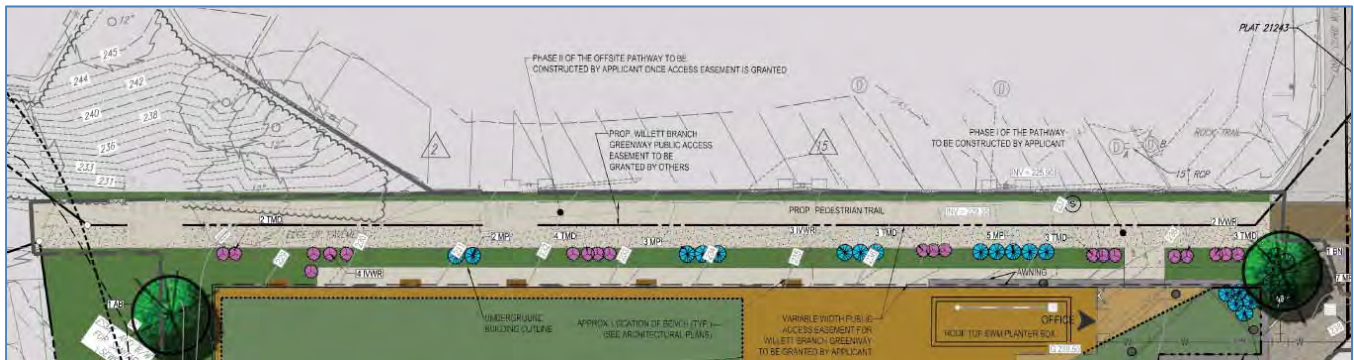


Figure 14 – Plan Details, Outlet Road Path



Figure 15 – Section at Eastern End of Outlet Road Path



Figure 16 – Section at Eastern End of Outlet Road Path

Circulation

Access, Parking, and Public Transportation

The Project is located on River Road, within the Westbard Sector Plan area, west of the Capital Crescent Trail bridge/ Landy Lane intersection, and is generally bounded to the north by River Road (MD 190), to the east by the proposed New Connector Road (B-2) and Capital Crescent Trail, and to the west by the proposed Willett Branch Stream Valley Park and trail network. At the Site access point, River Road is a four-lane major highway with a two-way-left turn median lane, a condition that is anticipated to remain throughout the implementation of this Project.

Site Loading is provided toward the southwest corner of the Property in a location that permits trucks to enter and leave the Site in a “head-in/head-out” configuration. Staff worked closely with the Applicant to ensure that the proposed loading concept maximized safety and efficiency on the Site for all users and kept all vehicular maneuvers within the Site limits/ adjoining access easement. The Application proposes 16 vehicular parking spaces and two loading spaces along the southern building façade. The Site shares an existing access easement along the southern Property line with the neighboring Property in order to provide a consolidated access point and efficient circulation for the irregularly shaped properties.

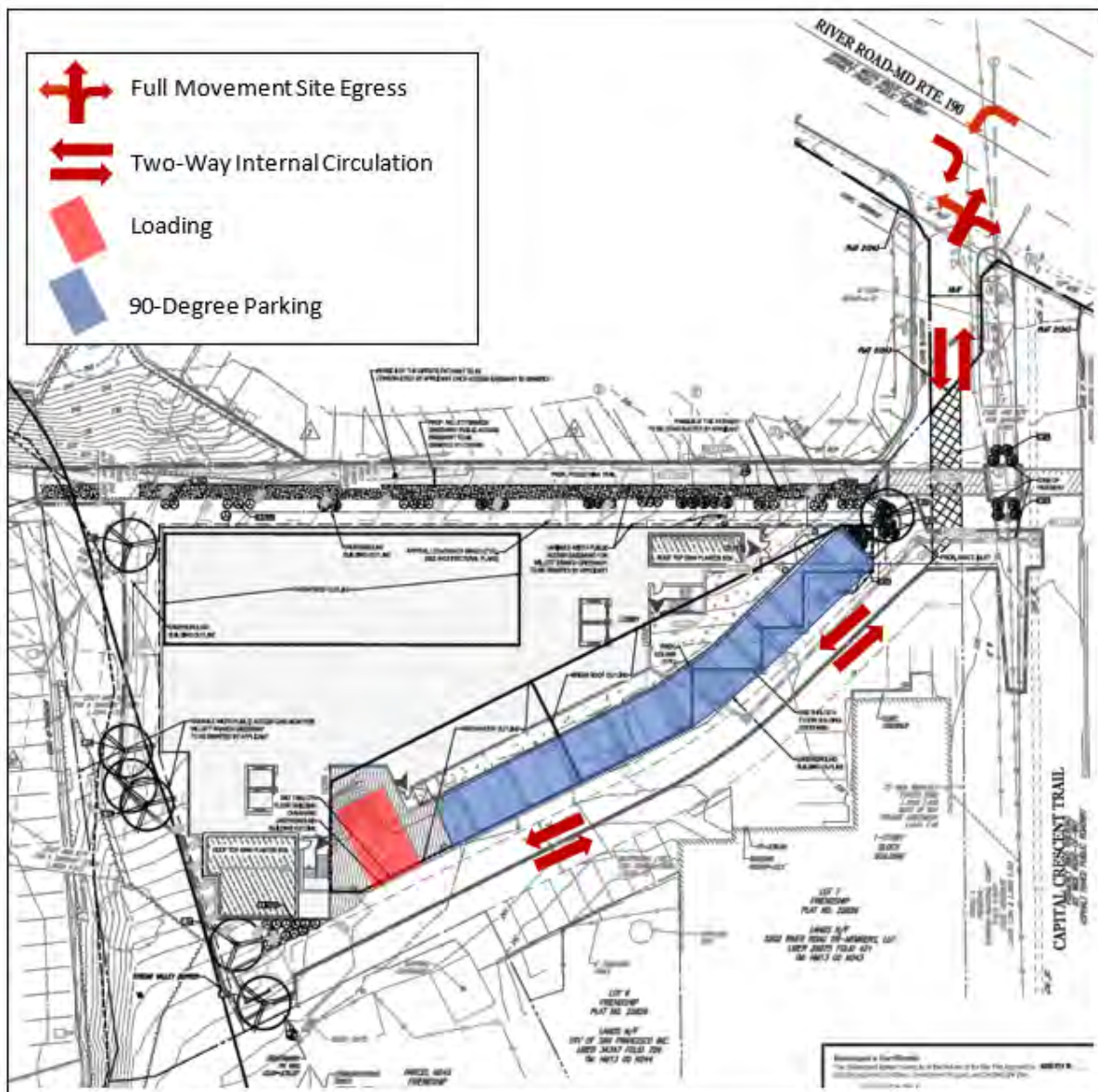


Figure 17 – Vehicular Circulation

Pedestrian and bicycle access to the Site will be provided through the provision of the Outlet Road minimum 12-foot-wide shared-use path to connect the existing Capital Crescent Trail and River Road sidewalk to the Site and Willett Branch Greenway.

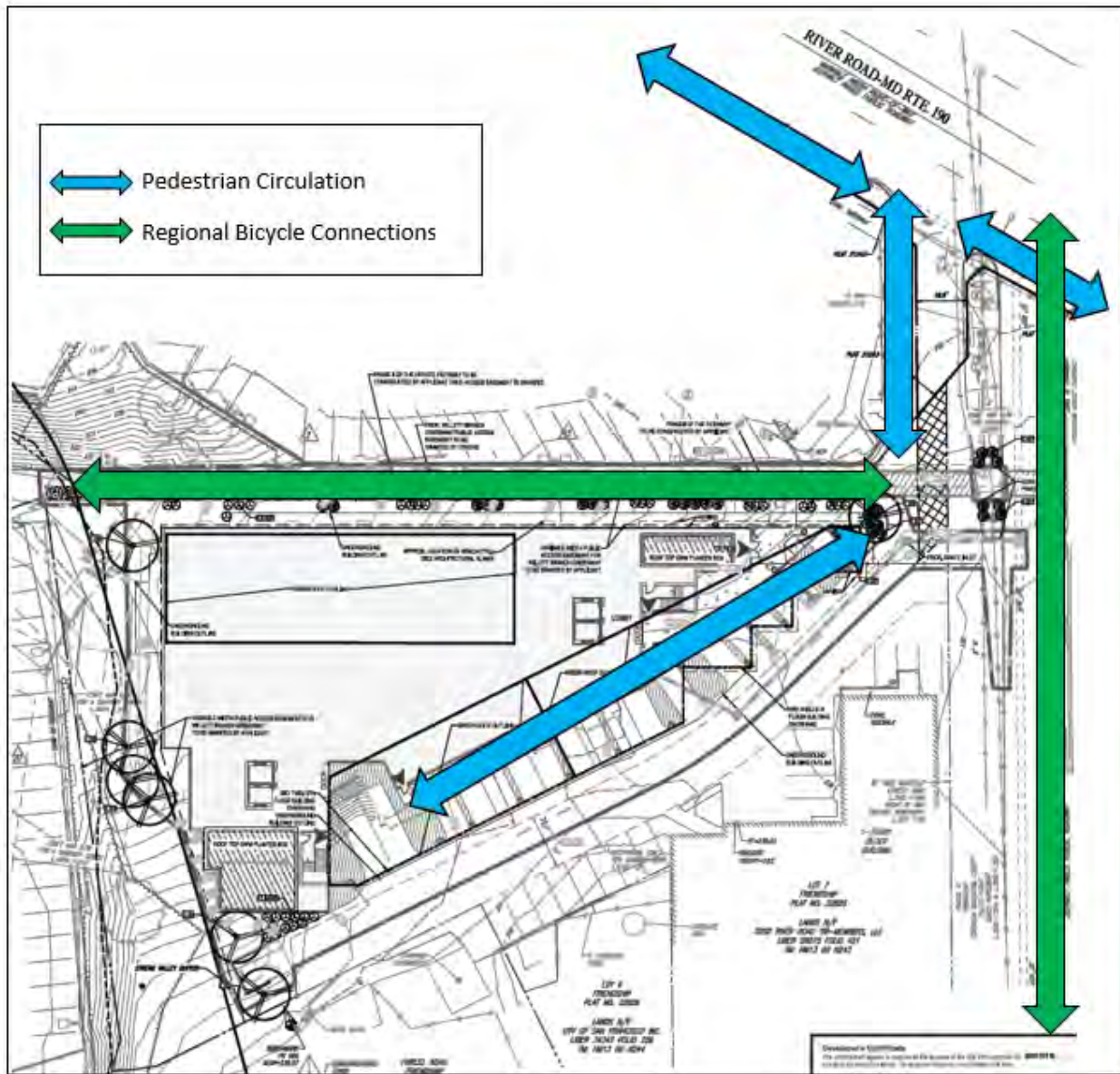


Figure 18 – Pedestrian and Bicycle Circulation

Transit within the immediate area includes the WMATA Metrobus T2 route on River Road (Rockville Metrorail Station to Friendship Heights Metrorail Station) and Montgomery County Ride On route 23 (Friendship Heights Metrorail Station to Sibley Hospital).

Master Plan Roadways and Pedestrian/Bikeway Facilities

The following summarizes recommendations included in the 2016 *Westbard Sector Plan*:

1. River Road (MD 190), along the northern Site frontage, as a Major Highway (M-2) with a minimum right-of-way width of 110 feet. The Sector Plan recommends the following for River Road:
 - a. Separated Bicycle Lanes (CT-5) from Little Falls Parkway to Westbard Avenue. CT-5 is recommended as an 11-foot wide two-way separated bike lanes along the north side of River Road.
 - b. Replacement of the existing two-way left-turn lane with a vegetated median and pocket turn lanes.
2. New Connector Road (B-2), along the eastern Site frontage, as a business district roadway with a minimum right-of-way of 54-feet.
3. Outlet Road, along the northern Site frontage, as a twelve-foot-wide shared use path that connects the proposed Willett Branch Greenway park with the existing Capital Crescent Trail.

Given the limited Site frontage on River Road, Staff is not recommending that the Applicant implement either the separated bicycle lanes or conversion of the two-way left-turn lane into a median.

Environment

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) # 420170640 for the Site was approved on March 21, 2017.

The Site contains numerous environmentally sensitive features such as steep slopes, a high priority forest, a stream and associated stream valley buffer, 100-year flood plain and associated building restriction line, and a few significant and specimen trees. There are no known occurrences of rare threatened or endangered species related to the Property.

The Site is located with the Willett Branch watershed which is a tributary to Little Fall Branch; a Use I watershed¹ (the Willett Branch stream itself flows through the subject Property). The stream enters the Property at the north edge of the R-10 portion of the Site, where it runs approximately 120 feet before passing under the bridge connecting to the HOC parking lot. There are existing buildings and infrastructure and also extensive pavement on the Site, some of which is in the stream valley buffer.

SECTION 4: COMMUNITY COMMENT

On November 29, 2016, and March 9, 2017, the Applicant held pre-submittal public meetings at Westland Middle School. The Applicant has complied with all submittal and noticing requirements. Staff has received correspondence from community groups and citizens. The correspondence raises four main points.

¹ Use I:

WATER CONTACT RECREATION, PROTECTION OF AQUATIC LIFE. 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; and industrial water supply.

The Stormwater management concept must include infiltration techniques.

The original submittal proposed a variety of treatment methods on the property including a significant amount of treatment for both the parking and building within the stream buffer. The designs were modified to site the building outside of the buffer and treat the stormwater accordingly.

The *Westbard Sector Plan* also has several recommendations regarding the use of green roofs, meeting Stormwater Management (SWM) onsite, and avoiding the use of SWM waivers. The Project readily meets the Sector Plan recommendation on green roofs/and SWM volume treatment. Condition #8 of the SWM concept requires revision of the plans to provide some treatment of the paving surfaces which will further enhance the SWM for the Project.

The building is too large for the site.

The building has gone through extensive re-design at the request of Staff to remove the footprint for the stream valley buffer. The density/FAR proposed meets the maximum density supported by the I-M zone, which was reconfirmed through the Sectional Map Amendment (SMA) for the Westbard Sector Plan. Self-storage facilities are a permitted use in the I-M zone similar to the auto-related uses currently on the site.

The self-storage building is proposing cellar space below grade, which does not count toward the overall FAR permitted in the zone (Chapter 59.1.4.2.G.Gross Floor Area). Cellar space for many buildings is “usable”, whether residential or commercial, and is not prohibited in the Zone or the Zoning Ordinance. As this space is below grade it is not visible and does not count toward the height. Staff requested a confirmation of the building height, which was provided by the Montgomery County Department of Permitting Services, primarily because of the irregular shape and frontage of the Property.

The access to the park is not welcoming.

The pedestrian access through the site maintains the approximate travel that currently exists through the site today, leading down to the Willett Branch bridge and up toward Westbard Avenue. Throughout the plan review process, we pushed to widen the space and create a more welcoming pathway. The Sector Plan recommended a pedestrian access path between Willett Branch and River Road. Staff conditioned approval of application on the fulfillment of this requirement and is requiring a minimum 20-foot clear space between the retaining wall on the McDonald’s property and this building. In addition, Staff recommends this pathway have adequate lighting to insure safety different times of the day and night.

This site is zoned light industrial and will have an industrial character that will be quite different than a residential or other type of office or commercial building. The building architecture responds to the front entry, the pedestrian access and the rear abutting the Willett Branch, each of which will have a different character and treatment.

Interface with park at rear of property is unattractive.

As noted responses above, the building has gone through many design changes to address the building façade along the Willett Branch. The façade has been articulated to break up the mass and bulk, such as decorative and artistic glazing. Parks will be negotiating with the Applicant for future treatment of the façade and opportunities for easements to address beautification once the Willett Branch is implemented.

The plans are consistent with the goals and recommendations of the Sector Plan for access and buildings and stormwater facilities associated with the stream buffer. We are committed to the ultimate visualization of the Willett Branch and the amenities and resources that accomplish the Sector Plan goals. Thank you again for your comments.

SECTION 5: PRELIMINARY PLAN AMENDMENT ANALYSIS AND FINDINGS

To approve a Preliminary Plan, the Board must find that:

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59;*

The Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. Having considered the technical review requirements of Section 50.4.3, the Application meets all applicable sections. The size, width, shape, and orientation of the lot is appropriate for the location of the subdivision taking into account the recommendations included in the Sector Plan, and for the type of development or use contemplated. The Application complies with the land use recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the Subject Property is sufficiently large to efficiently accommodate the mix of uses. Under Section 59.4.5.4 of the Zoning Ordinance, the dimensional standards for the lot will be determined with approval of the subsequent Site Plans.

2. *The Preliminary Plan substantially conforms to the master plan;*

The Property is within the boundaries of the 2016 *Westbard Sector Plan*. The general goals of the Plan are to provide land use, zoning and urban design recommendations that will incentivize property owners to make investments and improve the quality of life in Westbard. Among these goals is the retention of light industrial uses, the naturalization of the Willett Branch stream into a major amenity that will become a unifying feature of the community, and a shared use path between Westbard Avenue on the west and River Road and the Capital Crescent Trail on the east.

The project meets the goals. The project's self-storage use is permitted in the zone and the development will replace other industrial uses on the site. The project will contribute to the naturalization of the Willett Branch and realization of the Greenway Park in a number of ways: through conveyance of ownership of Parcel 177, over one third of an acre, to M-NCPPC; through a combination of dedication and easements to M-NCPPC along the Willett Branch side of the property, and through a financial contribution toward archeological assessment and stewardship of Parcel 177. Also the project will provide the recommended Outlet Road shared-use path connecting the Capital Crescent Trail to the Greenway along the northern edge of the site

The Sector Plan also has a several recommendations regarding the use of green roofs, meeting Stormwater Management (SWM) onsite, and avoiding the use of SWM waivers. The Project readily meets the Sector Plan recommendation on green roofs/and SWM volume treatment. Condition #8 of the SWM concept requires revision of the plans to provide some treatment of the paving surfaces which will further enhance the SWM for the Project.

3. *Public facilities will be adequate to support and service the area of the subdivision;*

Local Area Transportation Review

Based on the 2016-2020 *Subdivision Staging Policy* transportation impact criteria, the Project generates fewer than 50 net new peak-hour person trips, therefore, the Application is not subject to a Local Area Transportation Review analysis. As a result of the proposed pedestrian and bicycle improvements, internal circulation and Site access point, Staff finds the Project to be safe, adequate, and efficient.

Table 1: Summary of Site Trip Generation

	AM Peak Hour Vehicular Trips			PM Peak Hour Vehicular Trips		
	In	Out	Total	In	Out	Total
Proposed						
195,527 SF Self Storage	15	12	27	25	25	50
Existing (Credit)						
12,798 SF Auto Body Repair	(19)	(10)	(29)	(19)	(21)	(40)
Net New	(4)	2	(2)	6	4	10
	AM Peak Hour Person Trips			PM Peak Hour Person Trips		
	In	Out	Total	In	Out	Total
Auto Driver	(4)	2	(2)	5	3	8
Auto Passenger	(1)	1	(1)	1	1	2
Transit	(1)	0	0	1	1	2
Non-Motorized	0	0	0	1	0	1
Total Person Trips	(6)	3	(3)	8	5	13

Source: Lenhart Traffic Consulting, Inc. Traffic Statement, dated November 21, 2017.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the Subject Property. Electrical, telecommunications, and gas services are also available to serve the Subject Property.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied;*

The Site contains substantial areas of environmentally sensitive resources and high priority settings associated with stream valley buffers (SVB). This will result in an enhancement of these settings as the proposed building and associated infrastructure are designed to remain outside of the existing SVB. Additionally, the impervious areas on Lot 1 will be reduced and a considerable green roof area and storm water management features will be provided as part of the new building. Parcel 177, the R-10 portion of the Site (where the stream is located), will be conveyed fee-simple to the Maryland-National Capital Park and Planning Commission per the Sector Plan recommendations.

The afforestation/reforestation requirements triggered by the Project are approximately 0.20 acres. However, the submitted Forest Conservation Plan needs a few corrections such as revising the worksheet and associated notes and figures to address the eligible deductions tied to areas of land dedication. Additionally, there is a small area of forest (0.04 acres) near the southern tip of the Site which should be declared as cleared since it will not be placed under a conservation easement or other protective instrument. The afforestation/reforestation requirements will be met offsite by a fee-in-lieu payment.

FOREST CONSERVATION VARIANCE

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ), requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that measure 30 inches DBH or greater; are part of a locally designated historic Site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Project triggers the variance requirements because of proposed impact to a tree which measure 30 inches DBH or greater. The Applicant submitted a variance request to impact and retain one subject tree that is considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

Table 2: Variance Tree Proposed For Retention

TREE No.	TREE TYPE	DBH (inches)	Percent of CRZ Impacted by LOD	CONDITION/ STATUS
5	Sycamore	30.5"	5.5%	Good/ SAVE

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. In addition to the required findings outlined numerically below, the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship for the following reasons:

An existing gravel parking pad overlaps the CRZ of the subject tree. Any modification or careful demolition of the parking area (even for SVB enhancement purposes) would cause impact to the subject tree and trigger variance requirements.

Based on the existing circumstances and conditions on the Property, there is an unwarranted hardship.

Variance Findings

The following determination is based on the required findings that granting of the requested variance:

1. *Will not confer on the Applicant a special privilege that would be denied to other Applicants.*

The proposed trail connection (that results in impacts to the subject tree) is specifically recommended in the Westbard Sector Plan (page 52). Furthermore, the plans/variance request propose only minor impacts to the subject tree rather than removal. Applicants' are typically expected to comply with Sector Plan recommendations, therefore, the variance request for minor impacts would be granted to any Applicant in a similar situation.

2. *Is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is based on proposed implementation of a specific trail connection recommendation the Sector Plan. The variance can be granted under this condition if the impacts are avoided or minimized and that any necessary mitigation is provided.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring Property.*

The requested variance is a result of the Sector Plan recommendations for the subject Property and not as a result of land or building use on a neighboring Property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The Site currently has a high level of impervious surfaces and very little or no SWM. The overall plans will provide considerable SWM features and greenspace enhancements where none exist today. The Department of Permitting Services (DPS) Staff approved the stormwater management (SWM) concept for the Project on November 9, 2017. The SWM concept proposes to meet required stormwater management goals with the use of green roofs and micro-bio retention planter boxes. The full treatment is provided and no SWM waivers are associated with the Project. Furthermore, as conditioned, demolishing the dilapidated pavement and compacted gravel pad currently existing within the SVB and replacing with greenspace will significantly enhance the stream valley corridor, further improving the associated water quality. Therefore, the Project will *enhance* water quality, and not violate State water quality standards or cause measurable degradation in water quality.

COUNTY ARBORIST'S RECOMMENDATIONS

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The Applicants' request was forwarded to the County Arborist via E-mail on November 13, 2017. The County Arborist response to the variance request is anticipated to be available prior to the Planning Board hearing and will be presented at that time.

MITIGATION FOR TREES SUBJECT TO THE VARIANCE PROVISIONS

Staff typically does not recommend mitigation plantings for trees which are impacted but retained, particularly when impacts are minor. Therefore, no mitigation plantings are recommended in association with this variance request.

STAFF RECOMMENDATION ON VARIANCE

As a result of the above findings Staff recommends the Board Approve the Applicants' request to impact but retain one subject tree.

5. *All stormwater management, water quality Plan, and floodplain requirements of Chapter 19 are satisfied; and*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards. The MCDPS Stormwater Management Section approved the stormwater management concept on November 9, 2017. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental Site design to the maximum extent practicable through the use of green roofs.

6. *Any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.*

There are no other applicable provisions specific to the property and necessary for approval of the subdivision.

SECTION 6: SITE PLAN 820170140

ANALYSIS AND FINDINGS

1. *When reviewing an application, the approval findings apply only to the Site covered by the application.*
2. *To approve a Site Plan, the Planning Board must find that the proposed development:*
 - a. *satisfies any previous approval that applies to the Site;*

As conditioned, the Site Plan conforms to the concurrent Preliminary Plan 120170280.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development Plan or schematic development Plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development Plan or schematic development Plan in effect on October 29, 2014.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014, for a Property where the zoning classification on October 29, 2014, was the result of a Local Map Amendment;*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014, was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*
 - i. *Division 4.8. Light Industrial Zones*

Development Standards

The Subject Project for Site Plan is approximately 0.98 acres, zoned IM-2.5 H-50. The following data table shows the Application's conformance to the development standards of the zone.

The project includes a maximum total density of 195,527 square feet of self-storage uses. This includes 107,030 square feet of Gross Floor Area (GFA) derived from the tract area, and 88,497 square feet of "cellar" area that is excluded from the definition of GFA under Section 59.1.4.2. Cellar is also defined in that Section as "The portion of a building below the first floor joists of which at least half of the clear ceiling height is below the average elevation of the finished grade along the perimeter of the building." During building permit review, the Montgomery County Department of Permitting Services (DPS) will evaluate the Applicant's construction documents and ensure that the Applicant is permitted to build only the GFA and cellar area that meets the zoning code definition up to the maximum approved by the Planning Board.

Table 3 -- Site Plan Data Table			
Section 59.4	Development Standard	Permitted/ Required	Proposed
	Tract Area (Square Feet) Proposed ROW Dedication (min.) Site Area (max.)	n/a n/a n/a	42,812 (0.98 acres) 579 42,233 (0.969 acres)
4.8.2.A.1	Maximum Density (FAR/SF) IM-2.5 H-50 Cellar area exempt from Gross Floor Area per 59.1.4.2.G Total	2.5/107,030	2.5/107,030 88,497 <hr/> 195,527
4.8.2.A.1	Building Height (feet) IM-2.5 H-50	50 feet	50 feet
4.8.3.A.1	Amenity Open Space (minimum) Public Open Space (% of Site/sf.)	10/4,223	40.2/16,974
4.8.3.A.3	Minimum setbacks Front Rear North Side South Side	10 feet 10 feet 10 feet 0 feet	33 feet 19 feet 10 feet 11.5 feet
6.2.4.B	Parking spaces, minimum Vehicular Bicycle	12 11	18 11

ii. *Division 6.1. Site Access*

There will be one vehicular entrance into the Site from the county owned service road. The entry will be approximately 115 feet from River Road.

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

iii. *Division 6.2. Parking, Queuing, and Loading*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. Vehicular access ingress/egress to the Site will be from the county owned service road and will use an access aisle share with the Property to the south, utilizing a shared access easement with the Property. The Project will provide parking and loading bays off of this access aisle.

The main pedestrian entrances to the Project will be at the eastern corner of the Property where the main entrance to the building is located.

iv. *Division 6.3. Amenity Open Space*

The Applicant is required to provide 10% open space on-Site. The Project proposes 39.65% (16,974 square feet) on-Site public open space in the form of a pedestrian path between County owned service road and the future Willett Branch Greenway. This path will provide pedestrian access between the Greenway and River Road and the Capital Crescent Trail.

v. *Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other Site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for residents and visitors to the Project. Asphalt paving (pedestrian path), planting, and outdoor lighting will be installed and will be shown on the Certified Site Plan.

As shown in the Development Standards table, the Site Plan meets all of the general requirements and development standards of Section 4.8 of the Zoning Ordinance and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. *satisfies the applicable requirements of:*

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on November 9, 2017. The Plan proposes to meet stormwater management goals via ESD with the use of a green roof and micro-bioretenention planter boxes. Full SWM treatment is provided and no waivers are associated with the Project.

ii. *Chapter 22A, Forest Conservation.*

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. As conditioned the plans meet the requirements. There are minor impacts proposed to one tree which is subject to a Forest Conservation variance. The findings for granting the variance request are addressed in the Preliminary Plans section of the overall Staff report. The afforestation/reforestation requirements will be met offsite by a fee-in-lieu payment.

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

The Project provides adequate, safe, and efficient parking and circulation patterns, building massing, open spaces and Site amenities. The Application will upgrade the physical environment and pedestrian access to and from the future Willett Branch Greenway with a pedestrian path along the north Property line shared with the McDonalds restaurant to the north.

There will be one vehicular entrance into the Project. It is located at the eastern end of the Property at the county owned service road.

The Project proposes 39.95% of (16,974 square feet) on-Site public open space along at the pedestrian/bike trail between the county owned service road and the future Willett Branch Greenway.

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

The Property is within the boundaries of the 2016 *Westbard Sector Plan*. The general goals of the Plan are to provide land use, zoning and urban design recommendations that will incentivize property owners to make investments and improve the quality of life in Westbard. Among these goals is the retention of light industrial uses, the naturalization of the Willett Branch stream into a major amenity that will become a unifying feature of the community, and a shared use path between Westbard Avenue on the west and River Road and the Capital Crescent Trail on the east.

The project meets the goals. The project's self-storage use is permitted in the zone and the development will replace other industrial uses on the site. The project will contribute to the naturalization of the Willett Branch and realization of the Greenway Park in a number of ways: through conveyance of ownership of Parcel 177, over one third of an acre, to M-NCPPC; through a combination of dedication and easements to M-NCPPC along the Willett Branch side of the property, and through a financial contribution toward archeological assessment and stewardship of Parcel 177. Also the project will provide the recommended Outlet Road shared-use path connecting the Capital Crescent Trail to the Greenway along the northern edge of the site

The Sector Plan also has a several recommendations regarding the use of green roofs, meeting Stormwater Management (SWM) onsite, and avoiding the use of SWM waivers. The Project readily meets the Sector Plan recommendation on green roofs/and SWM volume treatment. Condition #8 of the SWM concept requires revision of the plans to provide some treatment of the paving surfaces which will further enhance the SWM for the Project.

- h. will be served by adequate public services and facilities including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the Preliminary Plan No. 120170280 findings, the proposed development in the Site Plan will be served by adequate public facilities, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. Water and sewer and other utilities are available to and currently serve the Property. Water and sewer and other utilities are located in River Road and the county owned service road that run adjacent to the Capital Crescent Trail. Glen Echo Volunteer Fire Station

located approximately 1.6 miles at 5920 Massachusetts Avenue. A 2nd District Police Station serving the Bethesda area is located at 7359 Wisconsin Ave, Bethesda, MD.

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

The Subject Property is not located in a Rural Residential or Residential zone.

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

The Site Plan is compatible with existing and proposed adjacent development. The Property is located within the South River District of the Sector Plan and redevelopment has not occurred on this block in many years. The proposed industrial use and the conveyance of land to the Maryland-National Capital Park and Planning Commission for the future Willett Branch Greenway is in conformance with the goals of Sector Plan. The Project will also provide part of a recommended safe and inviting pedestrian route across Willett Branch for people who want to walk from Westbard Avenue to River Road.

- 3. To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find 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.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

- 4. For a Property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

SECTION 7: CONCLUSION

The Preliminary Plan application satisfies the findings of the Subdivision Regulations and substantially conforms to the recommendations of the *Westbard Sector Plan* area. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Plan. Staff recommends approval of the Preliminary Plan No. 120170280 with the conditions specified at the beginning of this report.

The Site Plan complies with the general requirements and development standards of Section 4.5, the standard method public benefits provisions of Division 4.7, and the general development requirements of Article 59-6 of the Zoning Ordinance. The Project substantially conforms with the goals and recommendations of the *Westbard Sector Plan*. Therefore, Staff recommends approval of Site Plan No. 82017010 with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Agency Letters
- B. Forest Conservation Tree Variance Request
- C. Correspondence

TIMOTHY DUGAN ATTORNEY
t 301.230.5228 | tdugan@shulmanrogers.com

November 13, 2017

By Email

Mr. Marco Fuster
The Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Westbard Self Storage
Preliminary Plan Application No. 120170280
Site Plan Application No. 820170110
Forest Conservation Plan
Explanation of Grounds for Variance Approval To Impact One (1) Specimen Tree

Dear Mr. Fuster:

As part of the preliminary forest conservation plan application, we provide this variance justification. The submission of this letter is in part required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and Chapter 22A-21(b) of the Montgomery County Code.

The to be impacted specimen tree is described in the following chart:

No.	Common Name	Scientific Name	DBH) (inches)	Condition	Comment	CRZ Disturbance SF	CRZ % impacted
ST5	American sycamore	Platanus occidentalis	30.5	Good	vine cover (Existing tag #10)	366	5.5%

Most of the above information was obtained from the approved NRI/FSD, No. 420170640 dated March 15, 2017.

The tree must be impacted in order to implement the Westbard Sector Plan-recommended trail connection to the Willett Branch Greenway Park (the "Pathway").¹ The impact to the tree, however slight, will be addressed through stress reduction methods, namely through root pruning and signage that will alert the general public and any contractors working in the general vicinity of the specimen tree's presence, although no construction is to occur on the R-10 zoned land. There is every expectation that the tree will not be harmed by the activity. The Pathway is the only improvement arising from the Westbard Self Storage

¹ Please see page 52 of the Westbard Sector Plan where the trail is indicated.

project that will touch or concern the P 177 land, zoned R-10, which will be dedicated through the recordation of a subdivision record plat. The Applicant anticipates that the Montgomery County Parks Department will be the owner of the dedicated land, which land will include the above-referenced specimen tree.

- 1) Enforcement of the rules will deprive the landowner of rights commonly enjoyed by others in similar areas.

The Westbard Sector Plan refers to the establishment of a Pathway for the Community to access the Willett Branch Greenway Park (the "Park"). The Park is the subject of planning that is continuing. The Pathway is located where, historically, the Community has accessed the Park. Impacting a single specimen tree to the extent as shown above would be less than impacts permitted in other instances. If the variance request were denied, the Applicant would be unable to establish the Pathway as planned in the Westbard Sector Plan and to develop its self storage project.

As further support why denying the Applicant permission would deprive the Applicant of rights commonly enjoyed by others, please consider the following chart of property owners who have been granted permission to remove, not merely impact, specimen trees and on much smaller land areas.

MCPB Date (Approx.)	Project Name	Application #	Land Area	# Trees Approved for Removal Or Impact
10 04 12	Dennis Ave Health Ctr	MR2013001	6.96 acres	3 Removal 1 Impact
05 03 12	Glen Aldon	FCP and Variance 420102090 for LMA	5.29 acres	4 Removal 2 Impact
03 15 12	Brookeville Preserve	PP 12010070 SP820120030	12.77 acres	7 Removal 5 Impact
01 19 12	Alfred House	S-2815	2.48 acres	9 Remove 7 Impact
12 01 11	Westbrook Elementary	MR2012006	Less than 13 acres	14 Removal 11 Impact

The particular circumstances that warrant granting a variance are different in every case. Even still, the comparison chart indicates that the approval would be well within the parameters of those cases where variances have been granted. For the above reasons, denying

the Applicant's variance request would deprive the Applicant's members of rights commonly enjoyed by others.

- 2) State water quality standards will not be violated, and a measurable degradation in water quality will not occur, as a result of the granting of the variance;

A lawful and fully compliant Stormwater Management Concept/Site Development Stormwater Management Plan will be reviewed and approved for the proposed improvements. Approval of the forest conservation plan including the impact to the tree is conditioned upon obtaining the related stormwater management approvals. Thus, the approval of the forest conservation plan, by necessity, will meet the goals and objectives of the current state water quality standards. Such stormwater management approval and its implementation will ensure that the goals and objectives of the State's water quality standards will have been met for the proposed improvements.

- 3) Other information appropriate to support the request.

Pursuant to Section 22A-21(d) Minimum Criteria for Approval.

- a) (1) The Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available by any other applicants.

Please read the earlier discussion that addresses this condition.

- b) (2) The variance request is not based on conditions or circumstances which result from the actions of the applicant.

Please read the earlier discussion as well. The variance is based upon site conditions and development constraints that already exist on site.

- c) (3) The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.

The requested variance is a result of the proposed site design and layout on the Applicant Property and not a result of land or building on a neighboring property.

- d) (4) Will not violate State water standards or cause measurable degradation in water quality. Full ESD stormwater management will be provided as part of the proposed development.

The application will be in full compliance with applicable State water quality standards.

- 4) Conclusion

For the above reasons and as otherwise addressed in the other related submittals, we respectfully request that the variance to allow for the installation of the Pathway. Please contact either Mr. Brad Fox or Mr. Kenneth Wallis, in care of Bohler Engineering at

SHULMAN
ROGERS

GANDAL
PORDY
ECKER

Westbard Self Storage
Forest Conservation Plan
Variance Explanation
November 13, 2017

bfox@bohlereng.com; 301-809-4500, or me at the above email or phone number, should you have any comments or questions.

Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Dugan".

Timothy Dugan

cc:

Mr. Brad Fox
Mr. Kenneth Wallis
Mr. Robert Kyte

c:\nrportbl\worksite\tim\41291454_6.doc



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 03-Nov-17
TO: Bradford Fox - bfox@bohlereng.com
Bohler Engineering
FROM: Marie LaBaw
RE: Westbard Self Storage
120170280 820170110

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **03-Nov-17**. 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.