4900 Nicholson Court, Site Plan No. 820180150

Description
Request for the approval of a Site Plan to construct a 134,922 square-foot self-storage facility, pedestrian and vehicular circulation improvements and landscaping, and the associated Final Forest Conservation Plan.

Location: 4900 Nicholson Court.
Zone: IL-1.0, H-50.
Property Size: 3.10 acres.
Applicant: 4900 MD LLC.
Acceptance Date: March 20, 2018.
Review Basis: Chapter 59, Site Plan.

Summary
- Staff recommends approval with conditions.
- As a condition of Site Plan approval, the applicant has agreed to record a covenant to provide an easement for an 18-foot-wide pedestrian and bicycle connection on Parcel P818 for the future implementation of the trail connection recommended between Nicholson Court and Wyaconda Road in the 2018 Bicycle Master Plan Planning Board Draft.
- A Final Forest Conservation Plan and Tree Variance are associated with this Site Plan.
# TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS................................................................. 3  
SECTION 2: SITE DESCRIPTION .......................................................................................... 6  
SECTION 3: PROJECT DESCRIPTION .................................................................................. 7  
SECTION 4: COMMUNITY OUTREACH .............................................................................. 13  
SECTION 5: SITE PLAN ANALYSIS AND FINDINGS .......................................................... 13  
SECTION 6: CONCLUSION ............................................................................................ 18
SECTION 1: RECOMMENDATIONS AND CONDITIONS

Staff recommends approval of Site Plan No. 820180150. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.¹

Density

1. **Maximum Density**
   The Site Plan is limited to 134,922 square feet of self-storage use allowed under the development standards of the zone.

Environment

2. **Forest Conservation**
   a. The Sediment and Erosion Control Plan and Storm Water Management Plan must be consistent with the limits of disturbance and associated tree/forest preservation measures of the Final Forest Conservation Plan (FFCP).
   b. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP Amendment. Additional tree save measures not specified on the FFCP Amendment may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

3. **Stormwater Management**
   The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated May 9, 2018 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval.

Open Space, Facilities and Amenities

4. **Amenity Open Space, Facilities and Amenities**
   a. The Applicant must provide a minimum of 13,288 square feet of amenity space (10% of the site area) on-site.
   b. Before the issuance of final Use and Occupancy Certificates for the industrial development, all amenity space areas on the Subject Property must be completed.

5. **Maintenance of Amenities**
   The Applicant is responsible for maintaining all amenities on the Subject Property, including, but not limited to private pedestrian pathways and landscaping.

Transportation and Circulation

6. **Pedestrian and Bicycle Circulation**

¹ For the purposes of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.
a. The Applicant must provide a five-foot-wide sidewalk between the existing sidewalk on Nicholson Court and the proposed building entrance.

b. Prior to release of Building Permit, the Applicant must record in the Land Records of Montgomery County a covenant, in a form approved by the M-NCPPC Office of General Counsel, to provide an easement on Parcel P818 for the creation of part of a future bicycle / pedestrian trail connecting Nicholson Court and Wyaconda Road via a crossing over the CSX railroad tracks (the “Trail”). At a minimum, the covenant must address the following:

   i. The easement must be provided upon the satisfaction of the following conditions:
      1. the pending Bicycle Master Plan is approved and adopted and recommends implementation of the Trail; and
      2. the Trail is included in a Montgomery County Capital Improvements Program, and the County has executed a contract for preliminary design of the Trail.

   ii. The easement must grant to the County or otherwise provide for:
      1. access for preliminary surveying and geotechnical analysis;
      2. the right for temporary grading, construction, and installation of the Trail improvements;
      3. County responsibility for operation, maintenance, repair and replacement of the Trail improvements;
      4. authorization for use of Parcel P818 by the public for ingress and egress on, over, and across the Trail; and
      5. County liability for the Trail.

   iii. This condition will become void if the approved and adopted Bicycle Master Plan: (a) does not recommend the Trail or (b) recommends that the Trail be built in a location that does not include Parcel P818.

c. Prior to issuance of the final Use and Occupancy Certificate, the applicant must resubmit a revised Certified Site Plan for recertification upon recordation of the covenant in the Land Records, to include the Liber and Folio reference on Parcel P818.

Site Plan

7. Site Design
   The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets P200-P204 of the submitted architectural drawings, as determined by Staff.

8. 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.

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 sidewalks, pedestrian pathways, seating and fencing must be installed.

   b. The applicant must install landscaping no later than the next growing season after completion of site work.
10. **Lighting**
   a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan 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.
   d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residually developed properties.

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, trash enclosures, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks.

12. **Development Program**
    The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

13. **Certified Site Plan**
    Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:
    a. Include the stormwater management concept approval letter, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
    b. Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
    c. Add a note stating that “Minor modifications to the limits of disturbance shown on the 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.”
    d. Modify data table to reflect development standards approved by the Planning Board.
    e. Ensure consistency of all details and layout between Site and Landscape plans.
    f. Revise the Site Plan to reference the covenant for the pedestrian and bicycle connection.
14. **Storm Drain Analysis**
   The applicant must submit a storm drain analysis to the Department of Permitting Services Right-of-Way Permitting Section at the time of Right-of-Way Permit to assess whether improvements are needed for the connection to the public storm drain system. Any required improvements are subject to review and approval by the Department of Permitting Services Right-of-Way Section and must be included in the Right-of-Way Permit or as otherwise required by the Department of Permitting Services.

**SECTION 2: SITE DESCRIPTION**

Site Vicinity

The 4900 Nicholson Court Property (Property or Subject Property – outlined in red in Figure 1 below) is located in an industrial park at the end of Nicholson Court. The 3.10-acre Property is within the 2010 White Flint Sector Plan and the 2018 White Flint 2 Sector Plan, and is bordered by industrial uses to the north and west, the CSX railroad tracks to the east and detached single-family residential houses to the south. An existing forest area, located in a Forest Conservation Easement, provides a buffer between the Property and the single-family residential community to the south.

![Figure 1: 4900 Nicholson Court (Property outlined in red)](image_url)
Site Description

The Property is located approximately 2,500 feet east of Rockville Pike at the end of Nicholson Court, with vehicular access from Nicholson Court. It includes two parcels of land (Parcel G N871 and Parcel P818) that total approximately 132,881 square feet (3.05 acres). The gross tract area, which includes prior right-of-way dedication for Nicholson Court is 134,922 square feet (3.10 acres). The Property is currently zoned IL-1.0, H-50 and is improved with two industrial buildings and a large surface parking lot used as an operation and maintenance facility for the Barwood Taxi Company.

The Property includes several significant easements, including a Washington Suburban Sanitary Commission right-of-way that extends along the length of the northern property boundary. A storm drain easement, approximately 35-feet in width, extends from the end of Nicholson Court along the western portion of the Property and a Category I Forest Conservation Easement, approximately 56-feet in width, extends along the southern property line. The forested area within the easement provides a buffer between the industrial use of the Property and the adjacent single-family residential community. The proposed self-storage building does not impact these easements.

Background

The Planning Board approved Preliminary Plan No. 1-94022 for the Property on February 3, 1994. The Preliminary Plan approval limited development of the site to an automotive (taxi) operation and maintenance facility and required the applicant to enter into a traffic mitigation agreement to reduce the number of vehicular trips to and from the site. The transportation mitigation program required by the agreement concluded in the fourth quarter of 2009, pursuant to the term limits established in the agreement. An amendment to the Preliminary Plan is not necessary, as the proposed Site Plan continues to meet the Preliminary Plan conditions of approval including the adequate public facilities test, and the proposed self-storage facility generates fewer trips than the automotive (taxi) operation.

SECTION 3: PROJECT DESCRIPTION

Proposal

The applicant, 4900 MD LLC, requests approval of a Site Plan to construct a 134,922 square-foot facility with 133,722 square-feet of self-storage uses, 1,200 square-feet of ancillary office, surface parking and amenity open space. The proposed building includes a maximum height of 50-feet, as measured from the average elevation of the finished ground surface along the front of the building, pursuant to Section 59.4.1.7.C of the County code.

Site Design

As shown in Figure 2, the proposed self-storage facility is positioned in the center of the site, with access from Nicholson Court. The facility is designed to provide one-way vehicular circulation for parking and loading. Pedestrian access is also provided by a sidewalk connection between Nicholson Court and the primary building entrance. The building, drive aisles and surface parking are positioned outside of the existing stormwater and forest conservation easements.
Building Design

The proposed building, generally positioned in an east-west orientation on the Property, includes approximately 134,922 square-feet within a maximum height of 50-feet. The building entrance, located at the northwest corner of the Property and visible from Nicholson Court, incorporates a modern design, with a combination of masonry walls, metal panels and storefront glass. The northern building façade, which faces the adjacent industrial uses, incorporates exterior masonry walls at the building base and metal insulated panels on the upper floors. Corrugated metal panels are interspersed along the length of the northern façade and create the appearance of bays, which reduces the perceived mass and scale of the overall building, as visible from the north.

The masonry walls at the ground floor and metal insulated panels at the upper floors are continued along the eastern façade, adjacent to the CSX railroad tracks. The upper floors of the eastern façade are
The southern façade, adjacent to the existing forest conservation easement, primarily consists of white metal insulated panels to provide a discrete background for the forested buffer and the adjacent single-family residential community.

The southern portion of the proposed building includes a covered drive aisle to screen loading activities. The upper floors of the building extend over the drive aisle and loading activities are screened by the proposed building on both the north and south.

**Open Space and Amenities**

Pursuant to Section 6.3.7 of the Zoning Ordinance, any development in the industrial zone must provide amenity open space for the use and enjoyment of employees and visitors. The Applicant proposes to provide approximately 13,893 square feet (10.5 percent) of amenity open space, located on the western portion of the Property. The applicant proposes landscaping, seating and pedestrian circulation in the amenity open space. The proposed amenity open space is approximately 90 percent permeable and includes approximately 4,448 square feet of tree canopy (32 percent).

**Circulation and Transportation**

**Vehicular Access Points**

The proposed self-storage facility maintains the existing vehicular access from Nicholson Court. Internally, the site features one-way (clockwise) vehicular circulation for parking and loading.

**On-Site Parking**

The site will provide 18 vehicular parking spaces, split between the front and the rear of the Property. Two parking spaces are for handicap individuals, and the Applicant will ensure that handicap parking spaces are compliant with the Americans with Disabilities Act (ADA).

**Available Public Transit Service**

The Property is located 0.7 miles from the White Flint Metro Station, which is served by Metrorail’s Red Line. The Red Line provides inbound service to NIH, Bethesda, downtown Washington, D.C., Union Station, and Silver Spring, and to Rockville and Shady Grove in the outbound direction.

The following Metrobus and Ride On bus routes operate along the site’s adjacent roadways:

1. **Metrobus C8:** Operates service from White Flint Metro Station to College Park-University of Maryland Metro Station, with a stop on Nicholson Lane.
2. **Ride On 38:** Operates service from Wheaton to White Flint, with a stop on Nicholson Lane.
3. **Ride On 42:** Operates service from White Flint to the Montgomery Mall Transit Center, with a route variation providing service to Boiling Brook Parkway, via Nicholson Lane. Nicholson Lane is only served on 3-4 weekday round trips and is not served on Saturday.

The 2010 *White Flint Sector Plan* recommended a MARC train station at Nicholson Court. While the approved and adopted 2018 *White Flint 2 Sector Plan* also recommends a MARC station, it does not recommend a specific location. Rather, the 2018 plan indicates that a new MARC station is desired for the plan area in the long-term and recommends that the Maryland Department of Transportation conduct a feasibility study for an infill station in the White Flint Sector Plan areas (2010 and 2018).
Pedestrian and Bicycle Facilities

Pedestrian access to the site is from Nicholson Court, and the applicant proposes to provide a five-foot-wide sidewalk connection from Nicholson Court to the proposed building entrance at the northwest corner of the site. A marked crosswalk should be installed where pedestrians cross the drive aisle to access the building entrance. The 2018 White Flint 2 Sector Plan supports a pedestrian – bicycle crossing of the CSX railroad tracks. The 2018 Bicycle Master Plan Planning Board Draft builds on this and recommends separated bike lanes and an off-street trail connection from Nebel Street to Schuylkill Road via Nicholson Court and Wyaconda Road, over the CSX railroad tracks. This connection is identified as a Tier 3 Bikeway, recommended for substantial completion within the next 20 years.

As the recommended connection is envisioned in the general location of this Property, Staff has requested that the applicant record a covenant to provide an easement on Parcel P818 for the creation of part of a trail connecting Nicholson Court and Wyaconda Road via a future bicycle / pedestrian crossing over the CSX railroad tracks. The easement must be provided when the pending Bicycle Master Plan is approved and adopted and recommends implementation of the trail, the trail is included in a Montgomery County Capital Improvements Program and the County has executed a contract for preliminary design of the trail.

Environment

Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for this site on August 19, 1993, in conjunction with the initial development of the site as an operating facility for Barwood Cabs. At the time of NRI/FSD approval, the site contained no streams or stream buffers, wetlands or wetland buffers, 100-year floodplains, hydraulically adjacent steep slopes, or known occurrences of rare, threatened or endangered species. Those conditions remain unchanged. The plan is therefore in conformance with the Montgomery County Planning Department’s Environmental Guidelines.
Stormwater Management
This project received approval of its stormwater management concept plan from the Montgomery County Department of Permitting Services on May 9, 2018. The development will meet its stormwater management requirements via five microbioretention facilities.

Forest Conservation
A Final Forest Conservation Plan (FFCP) was approved with the initial Preliminary Plan approval for this site (FFCP 119940220). The original FFCP approval allowed the clearing of 1.8 acres of forest, retained 0.28 acres of forest, and required the planting of 0.63 acres of forest. The original 0.28 acres of forest retention, plus an additional 7000 square feet of new forest planting on site, are protected in an existing recorded 0.44-acre Category I Forest Conservation Easement on the southern end of the Property. The balance of the planting requirement (27,500 square feet of planting) was purchased in an approved off-site forest bank as demonstrated by an approved Certificate of Compliance dated June 24, 1994. Minor changes required for the Site Plan do not require the removal of any additional forest or change the existing recorded Category I Forest Conservation Easement on the site; therefore, the existing approved FFCP continues to meet the mitigation requirements for the site.

The new Site Plan does result in minor modifications to the previously approved Limits of Disturbance, and the amended FFCP documents those changes. In addition, although work in the parking lot along the southeastern boundary of the site does not encroach on the existing easement, the Critical Root Zone (CRZ) of one specimen black walnut tree (Juglans nigra) extends beyond the easement into the construction zone. This will result in a new impact to 14.21 percent of the CRZ of the specimen tree. The Applicant has submitted a Forest Conservation Variance to permit this impact.

Forest Conservation Variance
Section 22A-12(b) (3) of County code identifies 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 code. The code requires no impact to trees that: measure 30 inches or greater, dbh; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request
The applicant submitted a variance request on March 8, 2018 because the plan would create an impact to the CRZ of one tree that is considered high priority for retention under Section 22A-12(b) of the County code. This tree is to be saved. A copy of the variance request letter, specifying the amount of critical root zone disturbance for the impacted tree, is appended to this letter (Attachment 4).

Justification
The site is currently developed with an existing building and parking lot. The Site Plan proposes to redevelop within the existing building envelope, which is constrained by the CSX railroad tracks to the east, existing development to the west, the Nicholson Court road right-of-way to the north, and the existing Category I forest conservation easement to the south. The new development must accommodate the proposed self-storage buildings, plus access lanes and stormwater management. The
black walnut tree in the existing easement was not a specimen tree at the time of the original Preliminary Plan approval in 1994, so variance approval was not needed for plan approval at that time.

The delineated CRZ of the tree extends under the existing parking lot, but, in reality, very little actual root growth is likely to be beneath the pavement, because roots grow where they have access to soil, nutrients, air, and water, and these resources are largely inaccessible under pavement. The Limits of Disturbance that theoretically impact the CRZ are therefore not actually likely to do significant damage to the root system of the tree. Not permitting impacts to the CRZ would require leaving the old pavement in place and would require reconfiguration of the lanes accessing the storage units, as well as a reconfiguration of the layout of the units themselves, possibly leading to fewer units constructed. This would be an unwarranted hardship given that the actual root system of the tree is unlikely to sustain significant damage, and the tree will be saved. This finding of unwarranted hardship must be met for the Planning Board to consider a variance.

Section 22A-21 of the County code 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. Staff has made the following determinations, as the Director’s designee, that granting the requested variance:

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

   The site is already developed, and redevelopment is being confined to the existing development envelope. The site constraints are numerous and substantial. Staff has determined that the impacts to the tree subject to the variance requirement cannot be avoided. Therefore, Staff finds that the granting of this variance is not a special privilege that would be denied to other applicants.

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

   The requested variance is not based on conditions or circumstances which are the result of actions by the applicant, but on engineering and site constraints.

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 not a result of land or building use on a neighboring property, and will not violate State water quality standards or cause measurable degradation in water quality.

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

   The impacted tree is being retained and will continue to perform its water quality functions as before; therefore, the project will not violate State water quality standards or cause a measurable degradation in water quality.

Staff recommends approval of the revised/Final Forest Conservation Plan, including the variance.
SECTION 4: COMMUNITY OUTREACH

On February 27, 2018, the applicant held a pre-submittal public meeting at the Tilden Middle School. The applicant has complied with all submittal and noticing requirements. Staff has not received any correspondence from community groups or citizens to date.

SECTION 5: SITE PLAN 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;

   All previous conditions of the Preliminary Plan have been met and the proposed Site Plan continues to meet the conditions of approval. As the proposed self-storage facility generates fewer trips than the automotive (taxi) operation, an amendment to the Preliminary Plan is not necessary.

   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.

   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 Property is approximately 3.10 acres and is zoned IL-1.0, H-50. The following data table demonstrates the Application’s conformance to the development standards of the IL zone.
<table>
<thead>
<tr>
<th>TABLE 1 - 4900 Nicholson Court Data Table</th>
<th>Required/Allowed</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gross Tract Area</strong></td>
<td></td>
<td>3.10 AC (134,922 SF)</td>
</tr>
<tr>
<td><strong>Previous Dedication</strong></td>
<td></td>
<td>0.05 AC (2,041 SF)</td>
</tr>
<tr>
<td><strong>Parcel P818</strong></td>
<td></td>
<td>0.08 AC (3,488 SF)</td>
</tr>
<tr>
<td><strong>Parcel G (N871)</strong></td>
<td></td>
<td>2.97 AC (129,393 SF)</td>
</tr>
<tr>
<td><strong>Zoning</strong></td>
<td></td>
<td>IL-1.0, H-50</td>
</tr>
<tr>
<td><strong>Density and Height (Section 4.8.2)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Density (max.)</td>
<td>1.0 FAR (134,922 SF)</td>
<td>1.0 FAR (134,922 SF)</td>
</tr>
<tr>
<td>Height (max.)</td>
<td>50 FT</td>
<td>50 FT</td>
</tr>
<tr>
<td><strong>Development Standards (Section 4.8.3)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amenity Open Space (% of Site Area)</td>
<td>10 percent (13,288.10 SF)</td>
<td>10.5 percent (13,893 SF)</td>
</tr>
<tr>
<td>Permeable Area (% of Open Space)</td>
<td>10 percent (1,329 SF)</td>
<td>90 percent (12,834 SF)</td>
</tr>
<tr>
<td>Tree Canopy (% of Open Space)</td>
<td>10 percent (1,329 SF)</td>
<td>32 percent (4,448 SF)</td>
</tr>
<tr>
<td><strong>Principal Building Setbacks</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10 FT</td>
<td>110 FT</td>
</tr>
<tr>
<td>Side (Abutting Residential)</td>
<td>30 FT</td>
<td>60 FT</td>
</tr>
<tr>
<td>Side (Abutting Industrial)</td>
<td>0</td>
<td>31 FT</td>
</tr>
<tr>
<td>Rear</td>
<td>0</td>
<td>69 FT</td>
</tr>
<tr>
<td><strong>Parking and Loading Spaces, Minimum (Section 6.2.3)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicular</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 space / 10,000 SF</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>3 spaces / 1,000 SF of office space gross floor area for units with driveway access</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>1 space / employee</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Bicycle</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
ii. Division 6.1. Site Access

The Applicant proposes to retain the existing vehicular entrance from Nicholson Court for vehicles to enter and exit the Property. The applicant also proposes a five-foot-wide sidewalk to provide a pedestrian connection between Nicholson Court and the primary entrance to the self-storage facility.

iii. Division 6.2 Parking, Queuing and Loading

The proposed Site Plan provides adequate parking, queuing and loading. The applicant proposes one-way vehicular circulation to access the parking and loading. The one-way drive aisle provides access to 18 parking spaces, consistent with the requirements of Section 6.2.4. This includes eight perpendicular parking spaces on the western portion of the site, adjacent to the site entrance, and ten parking spaces on the eastern portion of the site, including eight perpendicular and two parallel spaces. Two loading spaces, consistent with the requirements of Section 6.2.8, are proposed within a covered portion of the drive aisle. The loading spaces are concealed by the proposed building on both the north and the south.

Pursuant to section 59-6.2.4.B., parking for self-storage facilities is calculated based on the following metrics: 10,000 square feet of gross floor area for storage units without driveway access; 1,000 square feet of office space gross floor area for storage units with driveway access; and one space per employee. Approximately 15,500 square feet of the proposed self-storage facility has direct driveway access, while the remaining square footage of self-storage use (118,222 square feet) does not have direct driveway access. Therefore, the proposed Site Plan utilizes each of the above referenced metrics to calculate the required parking, as shown in Table 2.

<table>
<thead>
<tr>
<th>Table 2: Parking Tabulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metric</td>
</tr>
<tr>
<td>Self-Storage (No Driveway Access)</td>
</tr>
<tr>
<td>Self-Storage (with Driveway Access)</td>
</tr>
<tr>
<td>Employee</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

The proposed Site Plan also complies with section 59.6.2.9C: Parking Lot Requirements for 10 or More Spaces, which requires landscaped areas, tree canopy and perimeter screening for the surface parking area. The proposed surface parking area is approximately 11,332 square feet, and 567 square feet of landscaped area is required. The applicant proposes to provide 590 square feet of landscaped area within landscaped islands which are a minimum of 100 contiguous square feet. A minimum tree canopy of 25 percent (2,833 square feet) is also required and the applicant proposes 41 percent tree canopy (4,625 square feet).

Finally, the proposed Site Plan complies with the perimeter screening requirements to provide a buffer between the industrial use and the residential detached properties to the south. The existing forested area within the existing Forest Conservation Easement is approximately 56 feet in width and includes a robust tree canopy. The Applicant also proposes to install a 6-foot board
on board fence between the southern portion of the building and the Forest Conservation Easement.

iv. Division 6.3 Amenity Open Space

Amenity open space, calculated on the area of the site, is required for development in the industrial zone. As the Applicant proposes a general building type on a tract greater than 10,000 square feet, the applicant is required to provide 10 percent Amenity Open Space on site. The Site Plan proposal includes 10.5 percent open space, or 13,893 SF, located on the western portion of the site, adjacent to Nicholson Court. The applicant proposes to include landscaping, seating and sidewalks within the amenity open space for the enjoyment of patrons and employees.

v. Division 6.4 General Landscaping and Outdoor Lighting

The proposed landscaping and building mounted lighting, as shown on the Site Plan, comply with the standards of Division 6.4.

As shown in the Development Standards table, the Site Plan meets 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

This project received approval of its stormwater management concept plan from the Montgomery County Department of Permitting Services on May 9, 2018. The development will meet its stormwater management requirements via five microbioretention facilities.

   ii. Chapter 22A, Forest Conservation.

As stated in the Environment Section above in this report, this Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. As conditioned, the plan meets the requirements. There are minor modifications to the previously approved Limits of Disturbance, and the amended Final Forest Conservation Plan documents those changes. In addition, although work in the proposed parking lot along the southeastern boundary of the site does not encroach on the existing easement, the Critical Root Zone (CRZ) of one specimen black walnut tree (Juglans nigra) extends beyond the easement into the construction zone. This will result in a new impact to 14.21 percent of the CRZ of the specimen tree. The Applicant has submitted a Forest Conservation Variance to permit this impact. The findings for granting the variance request are addressed above in the Environment Section of the staff report.

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

The proposed Site Plan provides safe, well-integrated parking and circulation patterns, building massing, open space and site amenities. The proposed Site Plan includes one vehicular entrance with a one-way circulation pattern to access the parking and loading.
The building integrates variation in materials and colors to reduce the perceived mass and introduces a transition in height from north to south, with the southern portion of the building only one-story in height.

The Site Plan proposal includes 10.5 percent open space, or 13,893 SF, located on the western portion of the site, adjacent to Nicholson Court. The applicant proposes to include landscaping, seating and sidewalks within the amenity open space for the enjoyment of patrons and employees.

\[ g. \text{ substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable Plan;} \]

The proposed self-storage facility is located within the approved and adopted 2010 *White Flint Sector Plan* area and the approved and adopted 2018 *White Flint 2 Sector Plan* area. The Property is within the White Flint Mall District (Nicholson Court block) in the 2010 Sector Plan and within the Parklawn South area (Nicholson Court area) in the 2018 Sector Plan.

The 2010 Sector Plan confirmed the industrial zone, then the Low-Intensity, Light Industrial (I-4), for the Subject Property to permit the White Flint 2 Sector Plan to evaluate both sides of the CSX tracks.

The overall White Flint Mall District height and density map, in the 2010 Sector Plan, illustrates a buffer zone to the existing White Flint Park residential neighborhood for Nicholson Court properties. The 2010 Plan also recommended a MARC station at Nicholson Court and the 2018 Sector Plan supports a pedestrian-bike crossing of the CSX tracks.

The 2014 District Map Amendment changed the I-4 zone to the Light Industrial (I-1 1.0 H-50) zone and the 2018 *White Flint 2 Sector Plan* confirmed the Light Industrial (I-1 1.0 H-50) zone for the Property. The 2018 Sector Plan states that “industrial zoned properties provide several functions: basic needs for county residents and public agencies; opportunities for different forms of employment including vocational and entry-level jobs; and space for small businesses, entrepreneurs, and artisans” (p.46). The 2018 Sector Plan makes specific recommendations for industrial properties in the Parklawn South District. It recommends that property owners of retained industrial uses should “make industrial land uses more sustainable” through county environmental initiatives (p.67).

As proposed, the overall Site Plan is consistent with the recommendations in the 2010 *White Flint Sector Plan* and the 2018 *White Flint 2 Sector Plan*. The forest conservation easement area implements the buffer area recommended in both Sector Plans and contributes to preserving and enhancing natural resources, as well as making industrial uses more sustainable.

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

All previous conditions of the Preliminary Plan and the adequate public facilities test have been met and the proposed Site Plan continues to meet the conditions of approval. As the proposed self-storage facility generates fewer trips than the automotive (taxi) operation, an amendment to the Preliminary Plan and a new adequate public facilities test are not required.

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 proposed self-storage facility is compatible with the existing adjacent industrial development and a significant buffer is provided to achieve greater compatibility between the continued industrial use and the existing residential detached community. As the 2018 White Flint 2 Sector Plan confirms the industrial zoning for the Nicholson Court area, the use is compatible with the future development envisioned.

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.

This section is not applicable as 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.

This section is not applicable as the Subject Property is not zoned C-1 or C-2.

SECTION 6: CONCLUSION

The Site Plan complies with the general requirements and development standards of Section 4.8 and the general development requirements of Article 59-6 of the Zoning Ordinance. The Site Plan substantially conforms with the goals and recommendations of the 2010 White Flint Sector Plan and the 2018 White Flint 2 Sector Plan. Therefore, Staff recommends approval of Site Plan No. 820180150, with the conditions specified at the beginning of this report.

ATTACHMENTS
1. Site Plan
2. Stormwater Management Concept Approval Letter
3. Forest Conservation Plan
4. Forest Conservation Variance Request
May 9, 2018

Mr. Ryne McCoy
VIKA Maryland, LLC
20251 Century Blvd, Suite 400
Germantown, MD 20874

Re: COMBINED STORMWATER MANAGEMENT CONCEPT/SITE DEVELOPMENT STORMWATER MANAGEMENT PLAN for Nicholson Court Self Storage
Preliminary Plan #: 119940220
SM File #: 283709
Total Concept Area: 3.05 Ac
Parcel(s): G, White Flint Industrial Park
Watershed: Lower Rock Creek

Dear Mr. McCoy:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is acceptable. The stormwater management concept proposes to meet required stormwater management goals via five (5) microbioretention facilities.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

2. An engineered sediment control plan must be submitted for this development.

3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

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

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

DPS
Montgomery County | Permitting Services
255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices
If you have any questions regarding these actions, please feel free to contact Jean Kapusnick at jean.kapusnick@montgomerycountymd.gov or 240-777-6345.

Sincerely,

Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: jak
cc: N. Braunstein
SM File # 283709

ESD: Required/Provided 11,205 cf / 11,294 cf
PE: Target/Achieved: 2.06'/2.08''
STRUCTURAL: 0.00 cf
WAIVED: 0.00 ac.
GENERAL NOTES

1. THE SUBJECT PROPERTY COMPRISSES THE FOLLOWING:
   - PARCEL G (N871) - 2.97 ACRES
   - PARCEL P818 - 0.08 ACRES

2. THE SITE IS LOCATED ON WSSC MAP 209NW05.

3. THE SITE IS LOCATED ON TAX MAP HQ22.

4. THE SUBJECT PROPERTY COMPRISES THE FOLLOWING:
   - P818                  -         04-03246130       L. 16699, F. 566         -
   - PARCEL G  (N871)               -         04- 03058996                   -        19354

5. THE SUBJECT PROPERTY IS ZONED IL-1.0, H-50.

6. THE HORIZONTAL DATUM  IS BASED ON  NAD 83/91 MARYLAND COORDINATE SYSTEM.

7. BOUNDARY AND TOPOGRAPHY SURVEY WAS PERFORMED BY VIKA MARYLAND, LLC, SEPT 29, 2006.

8. FCP 1194022 FOR THE SUBJECT PROPERTY WAS APPROVED 04/05/1994.

9. THE SUBJECT PROPERTY DRAINS TO KENGAR TRIBUTARIES, WHICH DRAINS TO LOWER ROCK CREEK, WHICH FLOWS INTO ROCK CREEK, A USE CLASS I STREAM, AND EVENTUALLY INTO THE POTOMAC RIVER.

10. THIS SITE IS NOT WITHIN AN SPA OR PMA.

11. THERE ARE NO PERENNIAL OR INTERMITTENT STREAMS OR THEIR ASSOCIATED BUFFERS LOCATED ON, OR WITHIN 200' OF THE SUBJECT PROPERTY.

12. THERE ARE NO WETLANDS OR THEIR ASSOCIATED BUFFERS LOCATED ON THE SUBJECT PROPERTY.

13. THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (AREA OF 0.2% ANNUAL CHANCE OF FLOOD) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY SHEET INDEX "C".

14. THE SUBJECT PROPERTY IS LOCATED IN 4TH ELECTION DISTRICT.

15. SEE THE SIGNIFICANT AND SPECIMEN TREE TABLE AND PLAN FOR LOCATIONS AND INFORMATION ABOUT SIGNIFICANT AND SPECIMEN TREES ON THE SUBJECT PROPERTY.

16. THERE ARE NO CHAMPION TREES OR TREES 75% OF THE STATE CHAMPION ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.

17. ALL TREES <24" DBH WITHIN THE LOD ARE TO BE REMOVED.

AFFORESTATION/REFORESTATION CREDIT TABLE

SIGNIFICANT & SPECIMEN TREE TABLE (BASED ON FIELD VISIT - FEB. 2017)

SOILS TABLE

4900 NICHOLSON COURT

FINAL FOREST CONSERVATION PLAN

AMENDMENT # 119940220 FOR

SITE PLAN # 820180150

ATTACHMENT 3
1. CONSTRUCTION TREE PROTECTION FENCE DETAIL

2. SIGN DETAIL

3. TREE ROOT PRUNING DETAIL
March 8, 2018

Area 2 Division
Montgomery County Planning Department
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Forest Conservation Tree Variance Request
4900 Nicholson Court
Forest Conservation Plan Amendment #119940220 for Site Plan #820160150
VIKA # VM50247A

Dear Mr. Findley:

On behalf of our client, 4900 MD LLC, we are submitting this Tree Variance Request to comply with Natural Resources, Title 5, Section 5-1607 of the Maryland Code that requires the Applicant to file for a variance to remove or impact any tree greater than 30" in diameter-at-breast-height (dbh); any tree with a dbh equal to or greater than 75% of the current state champion; trees that are part of a historic site or associated with a historic structure; any tree designated as the county champion tree; and any tree, shrub, or plant identified on the rare, threatened or endangered list of the U.S. Fish and Wildlife Service of the Maryland Department of Natural Resources, if a project did not receive Preliminary Forest Conservation Plan Approval prior to October 1, 2009.

This Tree Variance Request is accompanying the submission of the Final Forest Conservation Plan Amendment #119940220 for Site Plan #820180150.

The 3.05-acre Property is in Kensington, Montgomery County, Maryland along Nicholson Court approximately 200 feet west of Nicholson Lane. It is currently developed with an industrial building and surface parking facilities. It is generally bounded by industrial and commercial to the north and west, railroad tracks to the east, and residential to the south of an existing forest conservation easement. The proposed project will consist of a proposed self-storage building.

Table 1 on the following page lists the specimen tree as it is identified on the Final Forest Conservation Plan Amendment, for which a variance is required, and provides its respective proposed impact.
### Table 1

<table>
<thead>
<tr>
<th>TREE NO.</th>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>D.B.H. (in.)*</th>
<th>CONDITION</th>
<th>CRZ (SF)</th>
<th>CRZ IMPACT (SF)</th>
<th>CRZ IMPACT %</th>
<th>DISPOSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>447</td>
<td>Juglans nigra</td>
<td>Black Walnut</td>
<td>31</td>
<td>Fair</td>
<td>6,793</td>
<td>965</td>
<td>14.21</td>
<td>Save</td>
</tr>
</tbody>
</table>

* Diameter at breast height in inches

The Assessment was performed by Doug Koeser, RLA, ISA in January 2018 as a visual, and at-grade-level inspection with no invasive, below grade, or aerial inspections performed at the time. Decay or weakness may be hidden out of sight for large trees.

1. **Tree # 447: 31" Black Walnut (Juglans nigra):** Tree 447 is in the forest at the southern portion of the property.
   - **Field Condition:** Fair
   - **Proposed CRZ Impact:** Minimal at 14.21%
   - **Disposition:** Tree #447 is specified to be saved.

### Justification Narrative for Tree Disturbance

We submit the following rationale in support of the request for a Forest Conservation Tree Variance:

The site is currently developed with an industrial building and associated parking as well as an existing Category 1 forest conservation easement.

Under Section 5-1611, variances may be granted

(a) ... where owing to special features of a site or other circumstances, implementation of this subtitle would result in unwarranted hardship to an Applicant.

(b) Variance procedures adopted under this section shall:
   (1) Be designed in a manner consistent with the spirit and intent of this subtitle; and
   (2) Assure that the granting of a variance will not adversely affect water quality.

Under State and Montgomery County requirements, four factors are considered when granting a variance; each of these is described in detail below.

1. **Describe the special conditions peculiar to the property which would cause the unwarranted hardship.**

   The requested tree variance is necessary for implementation of the storage facility building and associated parking project. The site is constrained with many existing utility easements that limit site layout options.
Not granting the requested variance is an unwarranted hardship because of the particular layout necessary to implement the storage facility building

2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas.

The requested variance is based on plans being developed under 1) the zoning approved through the County planning process. There is one (1) variance tree impacted or by the proposed storage facility.

There are no conditions relating to land or building use, either permitted or non-conforming, on a neighboring property that have played a role in the need for this variance. Tree #447 is being disturbed minimally with 14.21% of its critical root zone impacted.

3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance.

The existing site, approximately 69.2% impervious, contains two buildings along with a large associated surface lot and underground stormwater storage.

The proposed redevelopment of the site decreases the site's imperviousness to approximately 50.3%. The stormwater management for the site will be designed per the Environmental Site Design (ESD) to the maximum extent practicable (MEP). The proposed development includes five (5) micro bio-retentions. No structural facilities were proposed to supplement the ESD requirement because there is a large forest conservation easement on the site along with multiple WSSC easements and a storm drain easement.

4. Provide any other information appropriate to support the request.

The redevelopment of the site utilizing IL zoning is approved in the recently approved sector plan and the project is maintaining the existing forest conservation easement currently on the site.

Thank you for your consideration of this Tree Variance Request. We believe that the supporting information provided with this letter justifies the variance to impact one (1) specimen tree which we will be preserving. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,

VIKA Maryland, LLC

Chanda S. Beaufort, RLA
Project Manager