Attachment B

Resolution No.:	20-733
Introduced:	March 4, 2025
Adopted:	March 11, 2025

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: District Council

SUBJECT: <u>APPLICATION NO. H-154 FOR AMENDMENT TO THE ZONING</u> ORDINANCE MAP, Elizabeth C. Rogers, Esq., Attorney for the Applicant, <u>Arcland Property Company, LLC; OPINION AND RESOLUTION ON</u> APPLICATION; Tax Account No. 04-00056433

Opinion

Arcland Property Company, LLC (Arcland or Applicant) submitted Local Map Amendment (LMA) Application No. H-154 (Application) on July 19, 2024, which the Office of Zoning and Administrative Hearings (OZAH) accepted for filing on July 25, 2024. The Application seeks to rezone the subject Property from Employment Office Zone (EOF-0.75, H-100') to Light Industrial Floating Zone (ILF-1.0, H-55')¹ for the purpose of constructing a new, 104,628-square-foot, three-story self-storage building with 34,118 square feet of additional cellar space (which is excluded from the calculation of FAR). (Exhibit 1 and Exhibit 1a).

The 2.15-acre property that is the subject of the Application is located at 11900 Parklawn Drive, Rockville, Maryland, further identified as Lot 6 in the North Bethesda Industrial Center subdivision as recorded at Plat No. 9530 (Tax Account No. 04-00056433). *Id*.

Staff of the Montgomery County Planning Department (Planning Staff or Staff) recommended approval of the application on October 28, 2024. Exhibit 29. The Planning Board recommended approval of the LMA Application on November 7, 2025 (Exhibit 30) and approved a Preliminary Forest Conservation Plan (PFCP) for the proposed development on November 7,

¹ Applicant's original application contained a non-substantive typographical error which listed the requested zone as IL-1.0, H-50' instead of ILF-1.0, H-55' (listing the height as 50' instead of 55'). The Planning Staff's technical report, the Planning Board's recommendation, Applicant's testimony and the rest of the record were based on the correct zone. By Order dated February 7, 2025, the Hearing Examiner granted the motion filed by Attorney Rogers on February 6, 2025, re-opened the record permitting the Applicant to submit a corrected application form into the Record (Exhibit 1a) and ordered the Applicant to make the correction on any signs posted at the property no later than February 10, 2025.

2025. Exhibit 36. OZAH's public hearing proceeded as noticed on November 21, 2024. The Hearing Examiner issued her report recommending approval on January 23, 2025.

To avoid unnecessary detail in this Opinion, the Hearing Examiner's Report is incorporated herein by reference. Based on its review of the entire record, the District Council finds that the application meets the standards required for approval of the requested rezoning for the reasons set forth by the Hearing Examiner.

Subject Property

The subject property is about 2.15 acres, and is located at 11900 Parklawn Drive, Rockville, MD, further identified as Lot 6 in the North Bethesda Industrial Center subdivision as recorded at Plat No. 9530. (Exhibit 7, and Exhibit 29, p. 7).

The record demonstrates that the property is located in White Flint along Parklawn Drive and is currently improved with a 48,810-square-foot, four-story office building with a surface parking lot located to the west and south of the building. (Exhibit 29, p.3). The existing building was developed circa 1970 and currently exists in an area between Parklawn Drive and the CSX train tracks that is characterized by light industrial and commercial development. (*Id*).

Surrounding Area

The "surrounding area" is identified and characterized in a Floating Zone application to assess whether the development proposed by the Floating Zone Plan (FZP) will be compatible with the properties directly impacted by the use. Those properties that are directly impacted form the boundaries of the surrounding area. Once delineated, the surrounding area is "characterized" to compare the compatibility of the development proposed by the Floating Zone with the character of the area.

The Hearing Examiner agreed with the Staff-defined surrounding areas, which was also accepted by the Applicant's expert, that the neighborhood is bounded by CSX train tracks to the west and southwest, and Randolph Road to the north. To the east the neighborhood is bounded by Hunters Lane, Macon Road, Rocking Horse Road, Boiling Brook Parkway, and Schuylkill Road. Together, these roads form a boundary between more dense and mixed-use areas within the staff-defined neighborhood to the west, and predominantly single-family neighborhoods to the east. The portion of the neighborhood west of Parklawn Drive is characterized by largely commercial and light industrial uses. East of Parklawn Drive within the neighborhood are more mixed uses, including garden apartment buildings directly across Parklawn Drive from the Subject Property, the Charles E. Smith Jewish Day School, and the Rocking Horse Road Center. Along the south side of Randolph Road is the Loehmann's Plaza commercial center, which has received Sketch Plan approval for the development of 710,000 square feet of residential uses and up to 40,000 square feet of commercial uses, and the North Quarter townhome community. At the south of the staff-defined neighborhood are lighter industrial and commercial uses served by surface parking in the Randolph Hills Shopping Center. (Exhibit 29 p. 6-7).

Proposed Development

The Applicant is proposing to redevelop the existing office building and surface parking lot with a new three-story self-storage facility containing up to 104,628 square feet of gross floor area (plus 34,118 square feet of cellar space, excluded from the calculation of FAR).

The Project aims to activate and enhance the street frontage through building design and streetscape improvements. Parking has been strategically located to the side and rear of the proposed building, behind the front building line, to be largely screened from the street. The proposed redevelopment also proposes to provide significant environmental benefits by decreasing the amount of impervious area that exists on-site today (approximately 63% proposed, as compared to 76% existing imperviousness) and providing stormwater management, where none currently exists. (Exhibit 29, p.9).

The Floating Zone Plan (FZP) includes the following binding elements:

The FZP includes four binding elements (Exhibit 34a):

- 1. The use of the property will be limited to self-storage.
- 2. The vehicular access to the site will be limited to a single, consolidated access point from Parklawn Drive.
- 3. Any building on the property must have a minimum of 70% of the front building façade located within 35 feet of the property boundary.
- 4. Parking located between the building and the street is prohibited.

Criteria for Approval

To approve an LMA, the District Council must find that the proposal will meet the standards required by the Zoning Ordinance and that it will be consistent with the coordinated and systematic development of the Regional District. See, *Md. Land Use Art.*, §21-101(a) and (b). While many of the site-specific requirements for development are addressed by later approvals, the Zoning Ordinance contains various standards, or "Necessary Findings," that the Council must make to approve the application. *See, Zoning Ordinance*, §59.7.2.1.E. These standards incorporate the requirements of other sections of the Zoning Ordinance, and most fall within three main categories: (1) conformance with the Master Plan, (2) compatibility with the surrounding area and adjacent properties, and (3) whether the project is supported by adequate public facilities.

Conformance with the Master Plan²

The Staff Technical Report explains that the Subject Property is within the boundary of the 2018 White Flint 2 Sector Plan (Sector Plan). (Exhibit 29, p.15). The Sector Plan's primary goal is to recommend opportunities for infill and transitional development at key locations, especially along Rockville Pike, which will be transformed into mixed-use urban places with targeted infill opportunities (Plan p. 2). Another key recommendation for the Sector Plan area is to "Promote the retention of light industrial properties along with the introduction of residential uses" (Plan p. 2). *Id.* The Property is located within the Parklawn South District of the Sector Plan area, which contains approximately 90 acres of industrial zoned properties. There are a variety of industrial uses in this district, including automotive repair and services, self-storage, and catering services. Additional uses in this district are coffee roasters, home improvement contractors, decorating services and recreational uses (Plan p. 46).

The Sector Plan emphasizes the importance of these industrial uses to provide basic needs for County residents and public agencies, as well as opportunities for different forms of employment including vocational and entry-level jobs, space for small businesses, entrepreneurs, and artisans (*Id.*). According to Planning Staff, the Sector Plan speaks specifically to the Subject Property (11900 Parklawn Drive). (Plan p. 48): "Two office buildings at 11900 Parklawn Drive and 11820 Parklawn Drive, both built in the 1970s, are taller than the 50-foot height limit in the existing I-L Zone. These buildings were built under the prior I-1 Zone that permitted office buildings up to 10 stories or 120 feet. To make these buildings conforming, this Plan recommends the EOF 0.75 H-100 Zone for them.". *Id.* According to Staff, although the Sector Plan prompted the rezoning to EOF 0.75 H-100, the above excerpt demonstrates that action was taken solely to make the existing suburban office building conform to the updated Zoning Code.

The reason this property was carved out of the rezoning recommended in the Sector Plan was due to its height. The proposed Local Map Amendment's use is consistent with the surrounding area as well as the goals for this part of the Sector Plan. Thus, the Project substantially conforms to the 2018 White Flint 2 Sector Plan, as described.

Lastly, the Staff Technical Report further outlined how the Project conforms to the goals of the Thrive Montgomery 2050 general plan. Thrive 2050 includes the goals of advancing the county's economic competitiveness as well as environmental health and resilience. The Subject project will provide stormwater management where there previously was none and decrease the amount of impervious surface on site. This will improve the environmental health and resilience of the Subject Property through the provision of enhanced stormwater management. The project advances Thrive 2050's goal of economic competitiveness by providing a use that is in high demand and that supports the development of residential uses elsewhere. Increases in the number of people working from home has put additional demands on one's personal residence. As a result,

² Section 59-7.2.1.E.2.a. of the Zoning Ordinance requires the District Council to find that the FZP "substantially conforms with the recommendations of the applicable master plan, general plan, and other applicable County plans." Section 59-7.2.1.E.2.b requires the FZP to be "in the public interest," which includes a review of conformity with County plans and policies and whether the development will be consistent with the coordinated and systematic development in the Regional District under State law. Section 59-7.2.1.E.2.c requires the application to satisfy the intent of Floating Zones. The intent of Floating Zones incorporates compliance with the applicable master plan. *Zoning Ordinance*, §59-5.1.2.A.1.

there is a high demand for self-storage facilities that can serve and support those who need storage space beyond what their dwelling unit can provide. Convenient and accessible self-storage facilities provide nearby residents with options and flexibility in how they live and work in their existing residences.

The District Council agrees and finds that the proposed development conforms to the Thrive Montgomery 2050 General Plan, the Sector Plan and the 2018 Bicycle Master Plan as did the Hearing Examiner.

Compability

Several sections of the Zoning Ordinance require the District Council to decide whether the FZP is compatible with adjacent uses and the surrounding area.³ The Hearing Examiner found that the FZP would be compatible with both adjacent properties and the surrounding area because Based on this record, the District Council finds that the proposed development is compatible with the surrounding area.

The proposed LMA provides the flexibility to accommodate changes in market conditions. The proposed Floating Zone complies with the maximum floor area ratio ("FAR") prescribed in Section 59.5.5.A and aligns with the zoning of the other industrial properties along Parklawn Drive to the north and south of the Subject Property. The redevelopment will provide several environmental benefits by decreasing the overall impervious area on-site and introducing stormwater management to the Property, where none currently exists. The Applicant is required to provide 10% of the Subject Property area as amenity open space. This space is being provided at the north of the property, in an area that will include landscaping and benches for users of the self-storage facility.

The proposed redevelopment prioritizes activation of the streetscape through strategic siting of the proposed building and implementation of architectural elements along public-facing facades. The building will also serve as a buffer to the CSX tracks, minimizing noise impacts on the residential community across the street. The Project will also improve the pedestrian experience along Parklawn Drive by removing one of two existing curb cuts, adding landscaping along the Property frontage, and improving the streetscape with a 6-foot sidewalk and 7-foot landscape buffer. (Exhibit 29, p. 21).

Applicant's experts testified that in order to proceed the project would have to undergo site plan approval as well which is where most of the development standards are set.

³ The application must satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter. *Zoning Ordinance*, §59.7.2.1.E.1.c. The intent of the Floating Zones requires the applicant to "ensure protection of established neighborhoods" by "establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses" and "providing development standards and general compatibility standards to protect the character of adjacent neighborhoods." *Id.*, Section 59.5.1.2.C.1 and 2.

Adequacy of Public Facilities/Public Interest

The District Council must also find that public facilities will be adequate to serve the FZP.⁴

The FZP must comply with the Planning Board's Local Area Transportation Review (LATR) Guidelines. *Zoning Ordinance*, 59.7.2.1.E.1.c. Evidence in this record demonstrates that the proposed Project will result in a reduction of overall site generated traffic and will therefore fall below the threshold of 50 net new peak hour person trips necessary for a traffic study. (Exhibit 22).

The District Council agrees with the Hearing Examiner's finding that the Project is expected to result in a reduction of overall site generated traffic and will therefore fall below the threshold of 50 net new peak hour person trips necessary for a traffic study.

The District Council further agrees with the Hearing Examiner's finding the Project brings the Property back into alignment with the County's vision for this light-industrial district. The proposed use will support other nearby mixed-use developments, as envisioned by the Sector Plan, and will serve as a buffer from the noise inherently associated with the CSX tracks to promote a compatible transition to confronting residential developments. The Project also includes improvements to the streetscape and landscaping along its Parklawn Drive frontage. The new building will be closer to the street than the existing office building and will provide a much smaller surface parking area than the one that surrounds the Property now. This will contribute to a less auto-oriented site design than what currently exists and improve the pedestrian experience along this portion of Parklawn Drive. The Project will also decrease the amount of impervious area on site and will introduce stormwater management on site where there currently is none. (Exhibit 29, p.18).

The Intent of Floating Zones (§59.5.1.2)

The District Council must determine whether the FZP fulfills the intent of the Floating Zones. Several of these have already been addressed.⁵ The balance of those (from Section 59-5.1.2) are:

Section 59-5.1.2.A.3. Implement comprehensive planning objectives by:

⁴Section 59.7.2.1.E.2.e requires that an Applicant demonstrate that traffic generated from the proposed development "does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts . . ." The adequacy of other facilities is part of the Council's determination that an application will be "in the public interest..." and that it be "it will be consistent with a coordinated and systematic development of the Regional District" under State law. Zoning Ordinance, §59-7.2.1.E.1.b; *Md. Land Use Art.*, §21-101(a) and (b). The intent of the Floating Zones is to "implement comprehensive planning objectives by...ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure..." Zoning Ordinance, §59-7.2.1.E.1.b; 59-5.1.2.A.2.

⁵ The intent of Floating Zones contained in Sections 59-5.1.2.A.1 and 2 and 59-5.1.2.C of the Zoning Ordinance has already been addressed in the Council's findings relating to the compatibility of the FZP with surrounding uses and the adequacy of public facilities. The balance of the Floating Zone intent clauses are discussed here.

3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property...

The District Council agrees that the Project furthers the goals and recommendations of the Sector Plan. This LMA seeks to rezone the Property back to an industrial zone, consistent with the recommendations of the Sector Plan to retain the light industrial character and uses in this district. As discussed above, the public facilities will be adequate to accommodate the proposed development. (Exhibit 29, p.19). The Project has been designed to complement and fit into the surrounding uses. The Project will also contribute positively to the development of this area of North Bethesda, by improving the streetscape, creating a less auto-oriented property, and providing self-storage as a use where there is both demand for it and where it fits in with the surrounding neighborhood character. *Id.* The District Council agrees and finds that the application meets this intent of the Floating Zones.

Section 5.1.2.B. Encourage the appropriate use of land by:

1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;

2. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population;

3. ensuring that development satisfies basic sustainability requirements, including open space standards and environmental protection and mitigation; and

The District Council finds that the development proposed meets this intent. The record demonstrates that the Sector Plan emphasizes the importance of this type of industrial use to provide basic needs for County residents and public agencies, as well as opportunities for different forms of employment including vocational and entry-level jobs, space for small businesses, entrepreneurs, and artisans.

Purposes and Applicability of the ILF Light Industrial Floating Zones (§59.5.1.3.)

Section 5.1.3 of the Zoning Ordinance sets forth specific requirements for local map amendment applications that propose the ILF Zone. The Subject Property has a base zone of EOF-0.75, H-100, and there is no floating zone recommended by the Sector Plan. Per Section 5.1.3.C.3, "When requesting a Floating zone for a property with a non-Residential base zone there are no prerequisites for an application". As a property with a non-Residential base zone, there are no prerequisites for the Subject Application. This standard is inapplicable.

Uses and Building Types Permitted (Section 59.5.5.1 and 59.5.5.5)

There are two categories of Industrial Floating zones: 1. Industrial Light – Floating and 2. Industrial Moderate – Floating. The purpose of the Industrial Floating zones is to allow development of industrial sites with primarily light manufacturing, warehouse, and related uses at a range of densities and heights flexible enough to respond to various settings. An applicant may voluntarily prohibit building types or establish binding elements that restrict specific building types to support the necessary findings of approval under Section 7.2.1.

As noted above the Applicant has offered binding elements that the use of the property will be limited to self-storage; the vehicular access to the site will be limited to a single, consolidated access point from Parklawn Drive; any building on the property must have a minimum of 70% of the front building façade located within 35 feet of the property boundary; and parking located between the building and the street is prohibited.

Development Standards of the Zone (Section 7.2.1.E and 5.5.5.A)

Staff found that the proposed development will be compatible with existing and approved development in the surrounding area. The Property is located within an existing industrial district on the southwest side of Parklawn Drive. The Applicant seeks to rezone the property to Light Industrial, to match the adjacent properties' Light Industrial Zone. The Project will also be compatible with the confronting residential development.

Planning Staff and the Hearing Examiner found that the proposed Local Map Amendment provides flexibility to accommodate changes in market conditions. The proposed Floating Zone complies with the maximum floor area ratio ("FAR") prescribed in Section 59.5.5.A and aligns with the zoning of the other industrial properties along Parklawn Drive to the north and south of the Subject Property. The redevelopment will provide several environmental benefits by decreasing the overall impervious area on-site and introducing stormwater management to the Property, where none currently exists. The Applicant is required to provide 10% of the Subject Property, in an area that will include landscaping and benches for users of the self-storage facility.

As outlined above, Applicant's experts testified that to proceed the project would have to undergo site plan approval as well which is where most of the development standards are set.

Article 59.6 of the Zoning Ordinance contains general development standards for most developments. Because this project is not residential some of those standards do not apply. However, the ones that do apply to the LMA Application require that any development must:

1. allow a vehicle, pedestrian, or bicycle to enter and exit the property to and from a street or an abutting site safely;

2. limit vehicle access across a primary pedestrian, bicycle, or transit route wherever feasible;

3. allow a vehicle to enter and exit any on-site parking area in a forward motion; and

4. allow a vehicle to access any pad site from within the site. Based on the undisputed evidence at this stage, including the FZP with binding elements, and the Applicant's Circulation Plan (Exhibits 20 and 32) the Applicant's proposal will be able to meet these standards, subject to review and modification of the particulars during site plan review.

Conclusion

Based on the foregoing analysis and after a thorough review of the entire record, including the Hearing Examiner's Report issued January 23, 2025, the District Council concludes that the proposed reclassification and development will meet the standards set forth in the Zoning Ordinance, and that it will be consistent with the coordinated and systematic development of the Regional District under State law.

<u>Action</u>

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland, approves the following resolution:

Local Map Amendment Application No. H-154, requesting reclassification from the existing Employment Office Zone (EOF-0.75, H-100') to Light Industrial Floating Zone (ILF-1.0, H-55') for the parcel known as Lot 6 in the "North Bethesda Industrial Center" subdivision recorded at Plat No. 9530 (Tax Account No. 04-00056433) located at 11900 Parklawn Drive, Rockville, Maryland, is hereby **approved** as requested and subject to the specifications and requirements of the Floating Zone Plan (Exhibit 32), provided that the Applicant files an executed Declaration of Covenants (Exhibit 34a) reflecting the binding elements in the land records and submits to the Hearing Examiner for certification a true copy of the Floating Zone Plan approved by the District Council within 10 days of approval, in accordance with §§59.7.2.1.H.1.a. and b. of the Zoning Ordinance.

This is a correct copy of Council action.

Sara R. Tenenbaum Clerk of the Council

BEFORE THE COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN MONTGOMERY COUNTY, MARYLAND

Office of Zoning and Administrative Hearings Stella B. Werner Council Office Building 100 Maryland Avenue, Room 200 Rockville, Maryland 20850 (240) 777-6660

IN THE MATTER OF:	:	*	
	:	*	
Arcland Property Company, LLC	:	*	
Applicant	:	*	
11	:	*	
	:	*	
	:	*	Local Map Amendment
	:		Application No. H-154
For the Application	:	*	11
11	:	*	
Elizabeth Rogers, Esquire and	:	*	
Steven Robins, Esquire	:	*	
	:	*	
Lerch, Early & Brewer, Chtd	:	*	
Attorneys for the Applicant	:	*	
· 11	:	*	
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Before: Khandikile Mvunga Sokoni, Hearing Examiner

HEARING EXAMINER'S REPORT AND RECOMMENDATION

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I. CASE SUMMARY

Applicant:

LMA No. & Date of Filing:

Location:

Arcland Property Company, LLC.

H-154, filed July 19, 2024.

11900 Parklawn Drive, Rockville, Md.



¹ Depiction taken from Exhibit 32 prepared by Applicant's Engineers, Macris, Hendricks & Glascock, PA.

District Council Votes Needed to Approve: 6

II. STATEMENT OF THE CASE

Arcland Property Company, LLC (Applicant or Arcland) submitted Local Map Amendment LMA Application No. H-154 on July 19, 2024 which the Office of Zoning and Administrative Hearings (OZAH) accepted for filing on July 25, 2024. Applicant is the contract purchaser of this property. T. 20². The owner of the property is PDC Lexington, LLC. (Exhibit 1). The Applicant seeks to rezone the subject Property from Employment Office (EOF-0.75, H-100') to Light Industrial (ILF-1.0, H-50') for the purpose of allowing the development of up to 104,628 square feet of self-storage use in a three-story building on the Subject Property. *Id*. The subject property is located at 11900 Parklawn Drive, Rockville, MD, further identified as Lot 6 in the North Bethesda Industrial Center subdivision as recorded at Plat No. 9530 (Tax Account No. 04-00056433). *Id*.

The Applicant submitted revisions to its Floating Zone Plan (FZP) and other application documents on September 3, 2024. Exhibits 17, 18, 19, 20, 21 and 22.

Notice of the public hearing was mailed and posted on OZAH's website on October 7, 2024, setting a hearing date for November 21, 2024. Exhibit 27. The public hearing proceeded as scheduled on November 21, 2024. The Applicant presented three witnesses: Mr. Steve Cratin, Arcland's Vice President of Development and Construction; and two expert witnesses: Mr. Patrick La Vay, the Project's Civil Engineer, and Ms. Rebekah Brown with BWD Architects. T.15. The Hearing Examiner held the record open until December 10, 2024, to receive the Planning Board Resolution approving the Forest Conservation Plan and the transcript of these proceedings. These were received and the record closed on December 10. Exhibit 36.

III. FACTUAL BACKGROUND

² References to the Transcript of the hearing are denoted with T. (page number)

A. Subject Property

The size of the subject property is about 2.15 acres, and is located at 11900 Parklawn Drive, Rockville, MD, further identified as Lot 6 in the North Bethesda Industrial Center subdivision as recorded at Plat No. 9530. Below is an aerial photograph of the property (Exhibit 29 at p. 7).



Figure 2: Subject Property

According to the Planning Staff technical report, the Subject Property is located in White Flint along Parklawn Drive and is currently improved with a 48,810-square-foot, four-story office building with a surface parking lot located to the west and south of the building. Exhibit 29 at page 3. The existing building was developed circa 1970, and currently exists in an area between Parklawn Drive and the CSX train tracks that is characterized by light industrial and commercial development. To the north of the Subject Property is a two-story, multi-tenant light industrial building with ground-floor loading bays facing Parklawn Drive. To the south is an existing selfstorage facility. Prior to the adoption of the White Flint 2 Sector Plan in 2018, the Subject Property was zoned IL-1.0, H-50'. The height of the existing building exceeded the 50-foot height limit of the Light Industrial zone, so as part of the Sector Plan the Subject Property was rezoned to EOF-0.75, H-100' to bring the existing building into zoning and building height compliance. According to the Sector Plan, the existing office building was "built under the prior I-1 Zone that permitted office buildings up to 10 stories or 120 feet. To make these buildings conforming, this Plan recommends the EOF-0.75, H-100' Zone for them". Exhibit 29 at p. 9.³ However, the Sector Plan aims to "promote the retention of light industrial properties in the area, and thus supports the rezoning of the Property back to a light industrial zone now that the existing office building is proposed to be redeveloped".⁴

The Staff Report explains that the Property is located along Parklawn Drive, approximately 900 feet south of its intersection with Randolph Road. The Property is an irregularly shaped lot that has an angled boundary along the northern property line, abutting Parklawn Drive. The Property is more particularly known as Lot 6 in the "North Bethesda Industrial Center" subdivision, as recorded among the Montgomery County Land Records at Plat No. 9530 and is comprised of approximately 93,660 square feet (2.15 acres) of land area. Including prior right-of-dedications, the Property has a gross tract area of 104,628 square feet (2.4 acres). Id at p. 7.

At a hearing held on November 21, 2024, Applicant's expert witness testified that the subject property is about 2.15 acres, located on Parklawn Drive, approximately 900 feet south of Randolph Road and is improved with a four-story office building surrounded on three sides by surface parking. T.26.

³ Citing page 48 of the White Flint 2 (2018) Sector Plan.

⁴ Citing pages 20 of the Sector Plan.

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B. Surrounding Area

The surrounding area is typically identified and characterized in a Floating Zone case. The boundaries are defined by those properties that will experience the direct impacts of the use. This area is then characterized to determine whether the FZP will be compatible with the impacted area.

Staff defined the boundaries of the neighborhood as being bounded by CSX train tracks to the west and southwest, and Randolph Road to the north. To the east the neighborhood is bounded by Hunters Lane, Macon Road, Rocking Horse Road, Boiling Brook Parkway, and Schuylkill Road. Together, these roads form a boundary between more dense and mixed-use areas within the staffdefined neighborhood to the west, and predominantly single-family neighborhoods to the east. The portion of the neighborhood west of Parklawn Drive is characterized by largely commercial and light industrial uses. East of Parklawn Drive within the neighborhood are more mixed uses, including garden apartment buildings directly across Parklawn Drive from the Subject Property, the Charles E. Smith Jewish Day School, and the Rocking Horse Road Center. Along the south side of Randolph Road is the Loehmann's Plaza commercial center, which has received Sketch Plan approval for the development of 710,000 square feet of residential uses and up to 40,000 square feet of commercial uses, and the North Quarter townhome community. At the south of the staffdefined neighborhood are more light industrial and commercial uses served by surface parking in the Randolph Hills Shopping Center. (Exhibit 29 p. 6-7).

Although the Applicant's expert witness indicated that he would have preferred to see the Staff-delineated boundary fall before the single-family zoning on the eastern side (i.e. on the western side of the Montgomery County Head Start Center and Rocking Horse Road Center and the Charles E. Smith Jewish Day School), he did nonetheless agree with the staff delineation because neighborhood boundaries are primarily driven by such landmarks as substantial roadways, transit ways, changes in zoning and environmental factors. T. 28.

The Property is bounded to the west by CSX train tracks and to the east by Parklawn Drive. To the north and south exist properties that are zoned IL-1.0 H-50'. To the north is a strip of light industrial and commercial uses including a furniture store, a computer store, a dance studio, and a sporting goods store, all served by a surface parking lot that surrounds the building. To the south is an existing self-storage facility. The Subject Property is currently zoned EOF-0.75, H-100', and the Applicant is requesting to change the zone of the Subject Property to ILF-1.0, H-55'. (Exhibit 29 at pp 7-8).

Below is a diagram showing the Staff-defined neighborhood boundary.



Exhibit 29, p. 6 *Figure1: Neighborhood Vicinity Map*

Based on this record, the Hearing Examiner agrees with Staff that the existing area is surrounded to the north by a strip of light industrial and commercial uses including a furniture store, a computer store, a dance studio, and a sporting goods store, all served by a surface parking lot that surrounds the building. To the south is an existing self-storage facility. The Subject Property is currently zoned EOF-0.75, H-100'.

C. The Applicant's Proposal

The Applicant is proposing to rezone the Property from the EOF-0.75, H-100' zone to the ILF 1.0, H-55' zone, to accommodate the redevelopment of the existing suburban office building with a new self-storage facility. The Subject Property was zoned IL (Industrial Light) prior to the rezoning that occurred as part of the White Flint 2 Sector Plan. (Exhibit 29 at p. 9; T. 30). The Applicant is proposing to redevelop the existing office building and surface parking lot with a new three-story self-storage facility containing up to 104,628 square feet of gross floor area (plus 34,118 square feet of cellar space, excluded from the calculation of FAR). *Id.*⁵

The Project aims to activate and enhance the street frontage through building design and streetscape improvements. Parking has been strategically located to the side and rear of the proposed building, behind the front building line, so as to be largely screened from the street. The proposed redevelopment also proposes to provide significant environmental benefits by decreasing the amount of impervious area that exists on-site today (approximately 63% proposed, as compared to 76% existing imperviousness) and providing stormwater management, where none currently exists. *Id.*

In addition to complying with a requirement to provide 10% of the site as open amenity space, Applicant proposed to replace the existing 150-space parking lot with a much smaller parking

⁵ Mr. La Vay clarified that the actual square footage of the proposed building is 104,626. T.32

lot of just 20 parking spaces which will be located to the south and west of the building instead of the front of the building. *Id.* at page 10. This configuration will allow placement of the self-storage building closer to the street and elimination of one of two curb cuts onto Parklawn Drive. (*Id.*; T. 31-32).

Mr. Steve Cratin, who holds a Bachelor of Science Degree in Civil and Environmental Engineering and testified that he has spent the last 20 years in commercial construction and real estate development and has worked for the Arcland for three years on Arcland's development and construction efforts, explained the Applicant's background in the self-storage business. Mr. Cratin testified that Arcland was founded in 2007, and specializes in the self-storage business. (T. 19). Mr. Cratin testified that Arcland works up and down the East Coast with a primary geographic focus on the DC Metro area. Arcland owns 50 facilities, and manages an additional 25 facilities. Applicant believes this project is driven by supply and demand with this trade area having a lower-than-average availability of self-storage facilities. Mr. Cratin testified at the hearing that on the demand side this trade area continues to see strong residential development driving the need for additional storage space. Meanwhile, on the supply side there is a very low average square footage per person, at 4.4 square feet per person compared to the industry standard of about eight square feet per person. (T. 20).

1. Binding Elements

The FZP includes four binding elements (Exhibit 34a):

- 1. The use of the property will be limited to self-storage.
- 2. The vehicular access to the site will be limited to a single, consolidated access point from Parklawn Drive.
- 3. Any building on the property must have a minimum of 70% of the front building façade located within 35 feet of the property boundary.

4. Parking located between the building and the street is prohibited.

2. Access

Mr. La Vay testified on Applicant's behalf that there are currently two curb cuts on the property: the one on the north side of the property is being eliminated, and the one on the south side is being reduced in size in coordination with the functional goals of the County and pedestrian safety. T.31. He further explained that the south side where there will be a single curb cut that will remain will serve as the entry and exit point for all vehicular traffic to the site as well as for exiting the site back onto Parklawn. *Id.* Mr. La Vay testified that his office conducted a site distance analysis to ensure adequate sight lines are provided for vehicles leaving the property. T.34.

According to the Planning Staff Technical Report, Parklawn Drive is classified as a Town Center Boulevard with an existing 80-foot-wide right-ofway (ROW). No additional ROW dedication is anticipated since the existing ROW meets the Sector Plan and Master Plan of Highways and Transitways planned ROW width. Exhibit 29 at p. 12.

On the next page is the Amended Circulation Plan.

Per section 59-7.2.1.E.e. of the County Zoning Code, for a Floating zone application, the District Council must find that the floating zone plan will generate traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines. *Id.* at page 13. The application contains a Traffic Exemption Statement which outlines that in accordance with the 2020-2024 Growth and Infrastructure Policy and the 2023 Local Area Traffic Review (LATR) Guidelines the trip generation study conducted on Applicant's behalf concluded that this development is projected to result in a reduction of 82 AM peak hour and 66 PM peak hour trips. Exhibit 22.



3. Floating Zone Plan

Under Zoning Ordinance §59.7.2.1.B.2.g., every application for rezoning to a Floating Zone must be accompanied by a Floating Zone Plan that contains required information and often a list of "binding elements" that restrict future development of the property. The Applicants have submitted the required plan. Exhibit 32⁶. An excerpt of the FZP showing the proposed building layout, drive aisles, road reservations, and forest conservation areas is reproduced below: ⁷



4. Environment

Planning Staff outlined in the Technical Report (Exhibit 29 at p. 14)) that environmental

 ⁶ Exhibit 32 is the Floating Zone Plan (FZP) that replaced and supersedes earlier submissions (i.e. Exhibits 18 and 9).
⁷ Original map prepared and certified by Macris, Hendricks & Glascock, PA.

review for this Project was conducted through Preliminary Forest Conservation Plan (PFCP) No. F20241040. WITNESS X testified that the Planning Board reviewed and approved the PFCP on November 7, 2024. T. 35; Exhibit 36. In its approval of the PFCP, the Planning Board required Applicant to submit a Final Forest Conservation Plan ("FFCP") for review and approval at time of site plan and before obtaining a Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the subject property. The Planning Board decided that no demolition, clearing, or grading is permitted on the Subject Property prior to the approval of the FFCP which must be consistent with the approved Preliminary Forest Conservation Plan. The Board further attached the following conditions: That the FFCP must include:

a) Limits of Disturbance consistent with the Sediment and Erosion Control Permit.

b) Variance tree mitigation plantings on the Subject Property with a minimum size

of three (3) caliper inches totaling thirty (30) caliper inches. Id.

The Planning Board also concurrently approved a variance requested by the Applicant to remove 3 trees in connection with developing the project at this site. Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as a high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise, such resources must be left in an undisturbed condition. *Id.* at p. 3.

Applicant's expert witness testified that as part of the Natural Resource Inventory, they determine that there are no area categorized as forest on the property, no significant environmental features such as streams, flood plains, wetlands. There are no known or observed rare or endangered species on the property. There are, as hatched on the west and southeast sides of the property, some

steeper slopes that are noted on the Natural Resource Inventory. And there were three specimen trees noted on the property. T. 27.

D. Community Concerns

There were no appearances at the public hearing from anyone expressing concern about this application. The Planning Staff's Technical Report stated that no correspondence was received from the public in connection with this application, and that the Applicant had met all signage and notice requirements. Exhibit 29 at p. 26.

IV. FINDINGS AND CONCLUSIONS

A floating zone is a flexible device that allows a legislative body to establish development standards and uses for a particular district before "attaching" to individual properties. The zone may be applied to individual properties with the approval of a Local Map Amendment.

For approval, the District Council must find that the proposal will meet the standards required by the Zoning Ordinance and that it will be consistent with a coordinated and systematic development of the Regional District. *See, Md. Land Use Art.*, §21-101(a) and (b). While many of the site-specific requirements for development are addressed by later approvals, the Zoning Ordinance contains various standards, or "Necessary Findings" that the Council must make. These standards incorporate the requirements of other sections of the Zoning Ordinance, as set forth below.

A. The "Necessary Findings" Required by Zoning Ordinance §59.7.2.1.E.2.

1. Substantial Conformance with the Master Plan

Several sections of the Zoning Ordinance require an applicant to demonstrate that the proposed rezoning conforms to the applicable Master Plan:

Section 7.2.1.E.1.a. For a Floating zone application the District Council must

find that the floating zone plan will:

a. substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;

* * *

Section 59.7.2.1.E.1.b: ...further the public interest...

* * *

Section 59.7.2.1.c: ...satisfy the intent and standards of the proposed zone...

* * *

Section 59.5.1.2.A.1. (Intent of Floating Zones): Implement comprehensive planning policies by... furthering the goals of the general plan, applicable master plan, and functional master plan...

Staff concluded that the project substantially conforms to the 2018 White Flint 2 Sector Plan

(Sector Plan) because the Local Map Amendment's use is consistent with the surrounding area as well as the goals for this part of the Sector Plan. Exhibit 29 at p. 16. This conclusion was confirmed by Mr. La Vay who testified that he participated in preparation of Applicant's Land Use Report. T.24. Exhibit 17.

The Staff Technical Report explains that the Subject Property is within the boundary of the 2018 White Flint 2 Sector Plan (Sector Plan). The Sector Plan's primary goal is to recommend opportunities for infill and transitional development at key locations, especially along Rockville Pike, which will be transformed into mixed-use urban places with targeted infill opportunities

(page 2). Another key recommendation for the Sector Plan area is to "Promote the retention of light industrial properties along with the introduction of residential uses" (page 2). *Id*. The Property is located within the Parklawn South District of the Sector Plan area, which contains approximately 90 acres of industrial zoned properties. There are a variety of industrial uses in this district, including automotive repair and services, self-storage, and catering services. Additional uses in this

district are coffee roasters, home improvement contractors, decorating services and recreational uses (page 46).

The Sector Plan emphasizes the importance of these industrial uses to provide basic needs for County residents and public agencies, as well as opportunities for different forms of employment including vocational and entry-level jobs, space for small businesses, entrepreneurs, and artisans (page 46).

According to Planning Staff, the Sector Plan speaks specifically to the Subject Property (11900 Parklawn Drive) on page 48 of the Sector Plan:

"Two office buildings at 11900 Parklawn Drive and 11820 Parklawn Drive, both built in the 1970s, are taller than the 50-foot height limit in the existing I-L Zone. These buildings were built under the prior I-1 Zone that permitted office buildings up to 10 stories or 120 feet. To make these buildings conforming, this Plan recommends the EOF 0.75 H-100 Zone for them.". *Id*.

According to Staff, although the Sector Plan prompted the rezoning to EOF 0.75 H-100, the above excerpt demonstrates that action was taken solely to make the existing suburban office building conform to the updated Zoning Code.

Further, to highlight the importance of the industrial uses, the Sector Plan created an overlay zone to ensure the light industrial uses in the area were retained (page 49). This overlay does not include the Subject Property but is located within the Staff-defined neighborhood boundary. The Subject Property is bordered to the southeast by a self-storage facility. The proposed Local Map Amendment's use is consistent with the surrounding area as well as the goals for this part of the Sector Plan. Thus, the Project substantially conforms to the 2018 White Flint 2 Sector Plan, as described.

The Project also conforms to the 2018 Bicycle Master Plan, which prescribes a two-way separated bikeway along the frontage opposite the Subject Property on Parklawn Drive. The Subject Application will not preclude the future bikeway from being implemented. *Id.*

Lastly, the Staff Technical Report further outlines how the Project conforms to the goals of the Thrive Montgomery 2050 general plan. Thrive 2050 includes the goals of advancing the county's economic competitiveness as well as environmental health and resilience. The Subject Application will provide stormwater management where there previously was none and decrease the amount of impervious surface on site. This will improve the environmental health and resilience of the Subject Property through the provision of enhanced stormwater management.

The project advances Thrive 2050's goal of economic competitiveness by providing a use that is in high demand and that supports the development of residential uses elsewhere. Increases in the number of people working from home has put additional demands on one's personal residence. As a result, there is a high demand for self-storage facilities that can serve and support those who need storage space beyond what their dwelling unit can provide. Convenient and accessible self-storage facilities provide nearby residents with options and flexibility in how they live and work in their existing residences. The provision of a self-storage use in this location is optimal for this purpose. The Subject Property lends itself to an industrial use, due to its adjacency to train tracks and its location within an existing and master-planned industrial district, yet its proximity to a variety of existing and proposed high-density residential developments ensures that the facility will be able to conveniently serve those with the need for additional storage space. *Id.* at page 17.

2. Compatibility⁸

Several sections of the Zoning Ordinance require the District Council to analyze the

compatibility of the proposed FZP with adjacent uses and the surrounding area. The application

must:

Section 7.2.1.E.1.c.: satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;

* * *

Section 5.1.2.C. (Intent of Floating Zones). Ensure protection of established neighborhoods by:

1. establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;

2. providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and

3. allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.

* * *

Section 7.2.1.E.1.d. be compatible with existing and approved adjacent development...

Staff determined that the project would be compatible with adjacent and surrounding

development. Applicant's experts testified that in order to proceed the project would have to

undergo site plan approval as well which is where most of the development standards are set. T.

47.

Conclusion: Based on this record, the Hearing Examiner agrees with Staff that The Project is in

⁸ Section 59.7.2.1.E.1.d also addresses compatibility, but only when the existing zone is a Residential Detached Zone: "...when applying a non-Residential Floating zone to a property previously under a Residential Detached zone, not adversely affect the character of the surrounding neighborhood." The IL Zone is not a residential detached zone. *Zoning Ordinance*, §59.2.1.3.C.1. For this reason, the Hearing Examiner need not address this standard.

conformance with the goals of the Sector Plan, which seeks to retain this industrial district. The proposed self-storage facility will complement the surrounding industrial uses and will also support nearby commercial and residential development. Furthermore, the Project will be compatible with the surrounding neighborhoods. The building will provide a buffer to the noise associated with the CSX tracks for the confronting residential uses and has been designed to activate and engage the street. This standard has been met.

3. Adequate Public Facilities/Public Interest

Several sections of the Zoning Ordinance require an applicant for a Floating Zone to demonstrate that public facilities will be adequate to serve the property. The Council must find that the application meets the following standards:

Section 7.2.1.E.1.e: generate traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and...

* * * Section 7.2.1.E.1.b: further the public interest...

* * *

Section 7.2.1.E.1.c.: satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;

* * *

Section 5.1.2.A.2: (Intent of the Floating Zones). "...implement comprehensive planning objectives by...ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure..."

With regard to the public interest, Staff outlined that the Project will further the public

interest and provide an important neighborhood service to the surrounding neighborhood. Self-

storage provides support for small businesses and also helps to support residential development. With the increase in remote work opportunities in recent years, additional pressures are placed on one's personal residence. This has resulted in an increased demand for self-storage facilities. The Project addresses these needs through additional self-storage capacity. Exhibit 29 at page 18.

The Project brings the Property back into alignment with the County's vision for this lightindustrial district. The proposed use will support other nearby mixed-use developments, as envisioned by the Sector Plan, and will serve as a buffer from the noise inherently associated with the CSX tracks to promote a compatible transition to the confronting residential developments. The Project also includes improvements to the streetscape and landscaping along its Parklawn Drive frontage. The new building will be closer to the street than the existing office building and will provide a much smaller surface parking area than the one that surrounds the Property now. This will contribute to a less auto-oriented site design than what currently exists and improve the pedestrian experience along this portion of Parklawn Drive. The Project will also decrease the amount of impervious area on site and will introduce stormwater management on site where there currently is none. *Id.* This analysis was confirmed at the hearing by the Applicant's expert witness. T. 43.

Applicant's expert witness testified that they submitted a hydraulic planning analysis to the Washington Suburban Sanitary Commission, who found that there is adequate water and sewer service for the property. That approval also did include a preliminary review and approval of the relocation of the sewer maintenance on the property. T. 34. He further testified that there is adequate utility infrastructure for electric, gas, if needed, and telecommunication services available in the Parklawn Drive infrastructure, as well adequate fire access on the property. He explained that there is a local fire department and police departments within the available region. T. 34.

B. The Intent and Standards of the Zone (Section 59.7.2.1.E.2.c)

As already stated, Section 59.7.2.1.E.2.c of the Zoning Ordinance requires the District Council to find that the FZP "satisfy the intent and standards of the proposed zone." The Zoning Ordinance includes an "intent" clause for all Floating Zones and a "purpose" clause" for any particular zone requested. Several of these have already been analyzed in Part IV.A of this Report. The balance of the intent findings for Floating Zones and the purposes of the ILF Zone are discussed below.

1. Intent of Floating Zones (Section 59.5.1.2)

The intent of Floating Zones is in Section 59.5.1.2 of the Zoning Ordinance. The Hearing Examiner has already discussed whether the application has met the intent Sections 59.5.1.2.A.1 and 2. This section discusses whether the FZP meets the remaining intents of the CRF Zone.

Section 59.5.1.2.A.3 ... The intent of the Floating zones is to:

A. Implement comprehensive planning objectives by...

3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property...

Staff found that the FZP meets this standard because the Project "...is in conformance with the goals of the Sector Plan, which seeks to retain this industrial district. The proposed self-storage facility will complement the surrounding industrial uses and will also support nearby commercial and residential development. Furthermore, the Project will be compatible with the surrounding neighborhoods. The building will provide a buffer to the noise associated with the CSX tracks for the confronting residential uses and has been designed to activate and engage the street." *Id.* at page 20.

B. Encourage the appropriate use of land by:

1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;

2. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and

3. ensuring that development satisfies basic sustainability requirements including:

- a. locational criteria,
- b. connections to circulation networks,
- c. density and use limitations,
- d. open space standards,
- e. environmental protection and mitigation;

Applicant's expert witness testified that the property is being requested to be rezoned back to light industrial simply as a matter of addressing what was done in the 2018 plan as a cleanup matter. T. 43. He explained that the challenges that face the suburban office market are very well-known, and having the office building and the industrial rezone really is not an appropriate use. The application does comply with the Floating Zone standards of the zoning code in terms of FAR and height and the project will provide several environmental benefits through the use of reduction of impervious area, reduction of urban heat island, a very energy-efficient building. And this building will also have very minimal impacts on public facilities, given the nature of the use. *Id*.

<u>Conclusion</u>: The Hearing Examiner agrees with Staff and finds that this rezoning reverts the property to the zone that was sought by the Sector Plan but for the height of the building at the time of the rezoning and advances the intent of the floating zones. This standard has been met.

C. Applicability of a Floating Zone (§59.5.1.3)

D. Development Standards and Uses Permitted in the ILF Zone (Div. 59.5.3)

Section 59.5.1.3 of the Zoning Ordinance provides states that if a Floating Zone is recommended in a master plan, there are no prerequisites for an application.

Attachement to Resolution No.: 20-733

1. Uses and Building Types Permitted (§§59.5.1.3)

Section 59.5.1.3 of the Zoning Ordinance Section 5.1.3 of the Zoning Ordinance sets forth specific requirements for local map amendment applications that propose the ILF Zone. The Subject Property has a base zone of EOF-0.75, H-100, and there is no floating zone recommended by the Sector Plan. Per Section 5.1.3.C.3, "When requesting a Floating zone for a property with a non-Residential base zone there are no prerequisites for an application". As a property with a non-Residential base zone, there are no prerequisites for the Subject Application. Exhibit 29 at p.18.

2. Development Standards for IL Zone Applicable to ILF Zone (Section 5.3.5)

Staff found that the proposed development will be compatible with existing and approved development in the surrounding area. The Property is located within an existing industrial district on the southwest side of Parklawn Drive. The Applicant seeks to rezone the property to Light Industrial, to match the adjacent properties' Light Industrial Zone. The Project will also be compatible with the confronting residential development. The Project will improve the existing conditions on the Property by redeveloping the existing office building and surface parking lot with a self-storage facility that will improve the Property. The proposed redevelopment prioritizes activation of the streetscape through strategic siting of the proposed building and implementation of architectural elements along public-facing facades. The building will also serve as a buffer to the CSX tracks, minimizing noise impacts on the residential community across the street. The Project will also improve the pedestrian experience along Parklawn Drive by removing one of two existing curb cuts, adding landscaping along the Property frontage, and improving the streetscape with a 6-foot sidewalk and 7-foot landscape buffer.

H-154 Development Standards Table	Required/Permitted	Proposed	
Maximum Total Density	1.0 FAR	1.0 FAR (104,628 square feet)	
Maximum Height	55 ft	55 ft	
Minimum Setbacks - Front	10 ft	12 ft	
Minimum Setbacks - Rear	10 ft	85 ft	
Minimum Setbacks – Side, abutting			
Industrial zone	0 ft	29 ft	
Minimum Lot Size	N/A	93,660 square feet	
Minimum Amenity Open Space	10%	10% (9,366 square feet)	
Parking Requirements			
Vehicle Spaces	13 spaces (min)	20 spaces	
Accessible Spaces	1 space (min)	2 spaces	
Loading Spaces	2 spaces (min)	4 spaces	

Table 2 – Development Standards for IL Zone (applicable to ILF)

3. Requirements of Article 59.6

Article 59.6 of the Zoning Ordinance contains general development standards for most developments. These standards regulate the number and design of parking spaces, drive aisles, landscaping, lighting, and public and private open space. Based on the undisputed evidence at this stage, the Applicant's proposal will be able to meet these standards, subject to review and modification of the particulars during site plan review.

V. CONCLUSION AND RECOMMENDATION

Based on a review of the totality of the evidence in the Record on this application, the Hearing Examiner concludes that all the necessary findings required the Zoning Ordinance including §59.7.2.1.E.2 have been made. For the foregoing reasons, the Hearing Examiner concludes that the proposed reclassification and Floating Zone Plan will meet the standards set forth in the Zoning Ordinance and that it will be consistent with a coordinated and systematic development of the Regional District, under State law. Therefore, I recommend that Local Map

Amendment Application No. H-154, requesting reclassification from the existing EOF-0.75, H-100'to the IL-1.0, H-50 of the parcel known as Lot 6 in the "North Bethesda Industrial Center" subdivision recorded at Plat No. 9530 (Tax Account No. 04-00056433) located at 11900 Parklawn Drive, Rockville, Maryland, be **approved** as requested and subject to the specifications and requirements of the Floating Zone Plan (Exhibit 32), provided that the Applicant files an executed Declaration of Covenants (Exhibit 34a) reflecting the binding elements in the land records and submits to the Hearing Examiner for certification a true copy of the Floating Zone Plan approved by the District Council within 10 days of approval, in accordance with §§59.7.2.1.H.1.a. and b. of the Zoning Ordinance.

Issued: January 23, 2025.

Respectfully submitted, Office of Zoning and Administrative Hearings

Moke

Khandikile Mvunga Sokoni Hearing Examiner

Montgomery Planning

PARKLAWN SELF STORAGE

LOCAL MAP AMENDMENT H-154

FOREST CONSERVATION PLAN NO. F20241040



Description

Request to rezone the subject property from EOF-0.75, H-100 to ILF-1.0, H-55' to allow for the development of up to 104,628 square feet of self-storage use on the site.



Montgomeryplanning.org

Exhibit 29 H-154
Planning Staff



Parker Smith, Planner II, Midcounty Planning, Parker.Smith@montgomeryplanning.org, 301-495-1327 Matthew Folden, Supervisor, Midcounty Planning, Matthew.Folden@montgomeryplanning.org, 301-495-4539 Carrie Sanders, Chief, Midcounty Planning, Carrie.Sanders@montgomeryplanning.org, 301-495-4653

LOCATION

11900 Parklawn Drive, Rockville, MD, 900 feet south of the intersection of Parklawn Drive and Randolph Road.

MASTER PLAN

2018 White Flint 2 Sector Plan

ZONE

Existing zone: EOF-0.75, H-100'

Proposed zone: ILF-1.0, H-55'

PROPERTY SIZE

104,628 square feet

APPLICANT

Arcland Property Company, LLC

ACCEPTANCE DATE

July 19, 2024

REVIEW BASIS

Chapter 59 and Chapter 22A

Summary:

- Staff recommends: (1) approval of Local Map Amendment No. H-154 and Floating Zone Plan, with binding elements and transmittal of comments to the Hearing Examiner for a public hearing; and (2) approval with conditions of the Preliminary Forest Conservation Plan (FCP) No. F20241040.
- The proposed rezoning will convert the Property from the EOF-0.75, H-100' zone to the ILF-1.0, H-55' zone.
- The proposed rezoning will allow for the development of up to 104,628 square feet of self-storage use.
- A subsequent Site Plan application is required if the Local Map Amendment is approved per Chapter 59.7.2.1.G.2.
- The Subject Application includes a Preliminary Forest Conservation Plan in compliance with Chapter 22A and the Montgomery County Environmental Guidelines, which is recommended for approval.
- Staff has not received any correspondence regarding this Application.

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SECTION 1: EXECUTIVE SUMMARY

The Subject Application consists of a Local Map Amendment, H-154, with Floating Zone Plan, and a Forest Conservation Plan, F20241040. The Local Map Amendment proposes to change the zoning of the Subject Property from employment office (EOF-0.75, H-100') to light industrial (ILF-1.0, H-55') for the purpose of allowing the development of up to 104,628 square feet of self-storage use in a three-story building on the Subject Property.

The Subject Property is located in White Flint along Parklawn Drive and is currently improved with a 48,810-square-foot, four-story office building with a surface parking lot located to the west and south of the building. The existing building was developed circa 1970, and currently exists in an area between Parklawn Drive and the CSX train tracks that is characterized by light industrial and commercial development. To the north of the Subject Property is a two-story, multi-tenant light industrial building with ground-floor loading bays facing Parklawn Drive. To the south is an existing self-storage facility. Prior to the adoption of the White Flint 2 Sector Plan in 2018, the Subject Property was zoned IL-1.0, H-50'. The height of the existing building exceeded the 50-foot height limit of the Light Industrial zone, so as part of the Sector Plan the Subject Property was rezoned to EOF-0.75, H-100' to bring the existing building into zoning and building height compliance. According to the Sector Plan, the existing office building was "built under the prior I-1 Zone that permitted office buildings up to 10 stories or 120 feet. To make these buildings conforming, this Plan recommends the EOF-0.75, H-100' Zone for them" (page 48). However, the Sector Plan aims to "promote the retention of light industrial properties" (page 20) in the area, and thus supports the rezoning of the Property back to a light industrial zone now that the existing office building is proposed to be redeveloped.

The Subject Application proposes to construct a new, 104,628-square-foot, three-story self-storage building with 34,118 square feet of additional cellar space (which is excluded from the calculation of FAR). The proposed development will improve the site's relationship to the street by locating the building closer to Parklawn Drive than the office building that exists today. The applicant proposes the removal of one curb-cut which will increase pedestrian safety along the project frontage. The proposed building form will activate and define the street frontage and the project includes landscape improvements to the property's sidewalk area along Parklawn Drive. The project will also introduce stormwater management to the property where there currently is none and will result in a development with less impervious surface than what exists today. Amenity open space for users of the self-storage facility will be provided at the north of the property is consistent with the goals and recommendations of the 2018 White Flint 2 Sector Plan, which envisions this area of White Flint as a hub of industrial uses.

Following the Subject Application, the Project will need approval of a site plan. A preliminary plan is not needed because the Subject Property is a recorded lot on Plat 9530.

SECTION 2: RECOMMENDATIONS AND CONDITIONS

LOCAL MAP AMENDMENT LMA H-154

Staff recommends approval of Local Map Amendment LMA H-154, Parklawn Self-Storage, with Floating Zone Plan, to rezone the Property to ILF-1.0, H-55' to allow construction of a new self-storage building, subject to the following binding elements.¹

- 1. The use of the property will be limited to self-storage.
- 2. Vehicular access to the Site will be limited to a single, consolidated access point.
- 3. Any building on the property must have a minimum of 70% of the front building façade located within 35 feet of the property boundary.
- 4. Parking located between the building and the street is prohibited.

At the time of Site Plan approval, the Applicant must address the following:

1. The design of the landscaped area along Parklawn Drive.

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.

PRELIMINARY FOREST CONSERVATION PLAN

Staff recommends approval of Preliminary Forest Conservation Plan (FCP) No. F20241040 with the following conditions:

- 1. The Applicant must submit a Final Forest Conservation Plan ("FFCP") for review and approval at time of site plan and before obtaining a Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property. No demolition, clearing, or grading is permitted on the Subject Property prior to the approval of the FFCP.
- 2. The FFCP must be consistent with the approved Preliminary Forest Conservation Plan.
- 3. The FFCP must include:
 - a) Limits of Disturbance consistent with the Sediment and Erosion Control Permit.
 - b) Variance tree mitigation plantings on the Subject Property with a minimum size of three (3) caliper inches totaling thirty (30) caliper inches.

SECTION 3: SITE DESCRIPTION

VICINITY

The Subject Property (the "Property" or the "Site") is located at 11900 Parklawn Drive, Rockville, MD, 900 feet south of the intersection of Parklawn Drive and Randolph Road.



Figure 1: Neighborhood Vicinity Map

The staff-defined neighborhood is bounded by CSX train tracks to the west and southwest, and Randolph Road to the north. To the east the neighborhood is bounded by Hunters Lane, Macon Road, Rocking Horse Road, Boiling Brook Parkway, and Schuylkill Road. Together, these roads form a boundary between more dense and mixed-use areas within the staff-defined neighborhood to the west, and predominantly single-family neighborhoods to the east. The portion of the neighborhood west of Parklawn Drive is characterized by largely commercial and light industrial uses. East of Parklawn Drive within the neighborhood are more mixed uses, including garden apartment buildings directly across Parklawn Drive from the Subject Property, the Charles E. Smith Jewish Day School, and the Rocking Horse Road Center. Along the south side of Randolph Road is the Loehmann's Plaza commercial center, which has received Sketch Plan approval for the development of 710,000 square feet of residential uses and up to 40,000 square feet of commercial uses, and the North Quarter townhome community. At the south of the staff-defined neighborhood are more light industrial and commercial uses served by surface parking in the Randolph Hills Shopping Center.

PROPERTY DESCRIPTION

The Property is located along Parklawn Drive, approximately 900 feet south of its intersection with Randolph Road. The Property is an irregularly shaped lot that has an angled boundary along the northern property line, abutting Parklawn Drive. The Property is more particularly known as Lot 6 in the "North Bethesda Industrial Center" subdivision, as recorded among the Montgomery County Land Records at Plat No. 9530 and is comprised of approximately 93,660 square feet (2.15 acres) of land area. Including prior right-of-dedications, the Property has a gross tract area of 104,628 square feet (2.4 acres).



Figure 2: Subject Property

The Property is bounded to the west by CSX train tracks and to the east by Parklawn Drive. To the north and south exist properties that are zoned IL-1.0 H-50'. To the north is a strip of light industrial

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and commercial uses including a furniture store, a computer store, a dance studio, and a sporting goods store, all served by a surface parking lot that surrounds the building. To the south is an existing self-storage facility. The Subject Property is currently zoned EOF-0.75, H-100', and the Applicant is requesting to change the zone of the Subject Property to ILF-1.0, H-55'.



Figure 3: Zoning Map

The Property is currently improved with a four-story office building and associated surfacing parking. According to the Maryland State Department of Assessments and Taxation ("SDAT") records, the existing building was developed circa 1970 and has approximately 48,810 square feet of above grade floor area. The existing building is angled away from the roadway and setback from the street. The site is served by a surface parking lot to the west and south of the existing office building, containing approximately 150 parking spaces. The Subject Property's current vehicular access is provided via two curb cuts from Parklawn Drive. To improve vehicular access, the Applicant is proposing to consolidate the two existing curb cuts into one and will maintain the southern access point, in the same approximate location.

SECTION 4: PROJECT DESCRIPTION

PROJECT HISTORY

The Property was rezoned from I-L 1.0, H-50' to EOF 0.75, H-100' by Sectional Map Amendment No. H-128 as the result of the 2018 *White Flint 2 Sector Plan*. The rezoning was recommended by the Sector Plan because the existing office building, built in the 1970's, was taller than the 50-foot height limit of the prior I-L Zone. According to the *White Flint 2 Sector Plan*, these two buildings "were built under the prior I-1 Zone that permitted office buildings up to 10 stories or 120 feet. To make these buildings conforming, this Plan recommends the EOF-0.75, H-100' Zone for them" (page 48).

PROPOSAL – LOCAL MAP AMENDMENT H-154

The Applicant is proposing to rezone the Property from the EOF-0.75, H-100' zone to the ILF 1.0, H-55' zone, to accommodate the redevelopment of the existing suburban office building with a new self-storage facility. The Subject Property was zoned IL (Industrial Light) prior to the rezoning that occurred as part of the White Flint 2 Sector Plan. The Sector Plan sought to retain the industrial area that includes the Subject Property, and only recommended rezoning the Property to the EOF zone to address the non-conforming height of the existing office building. The Applicant now seeks to return the Property to its former industrial zone, in conformance with the County's goals and recommendations, as expressed throughout the Sector Plan.

The Applicant is proposing to redevelop the existing office building and surface parking lot with a new three-story self-storage facility containing up to 104,628 square feet of gross floor area (plus 34,118 square feet of cellar space, excluded from the calculation of FAR). The Project will activate and enhance the street frontage through building design and streetscape improvements. Parking has been strategically located to the side and rear of the proposed building, behind the front building line, so as to be largely screened from the street. The proposed redevelopment will also provide significant environmental benefits by decreasing the amount of impervious area that exists on-site today (approximately 63% proposed, as compared to 76% existing imperviousness) and providing stormwater management, where none currently exists.



Figure 4: Annotated LMA Plan

As part of the proposed self-storage facility, the Applicant is required to provide 10% of the site area as amenity open space. The Applicant proposes to provide this area at the north of the Property, where there will be landscaping, trees, and picnic tables. The design of the amenity open space will be further refined at the time of Site Plan.

The Applicant proposes to replace the existing parking lot with a much smaller parking area to the south and west of the building. The existing parking lot has approximately 150 spaces, and the proposed self-storage facility will be served by 20 parking spaces (including two ADA spaces), and four loading spaces.

The Subject Property's frontage will be improved by bringing the proposed building closer to the street, by eliminating one of two curb cuts that currently exist from Parklawn Drive, and by improving the landscaping of the frontage itself. The Applicant is proposing improved landscaping and lawn spaces along Parklawn Drive to create a better street presence and more usable areas in the common

realm. Planning Staff has provided suggestions to further improve this area, and the design of the street frontage will be further refined at the time of site plan.

The self-storage facility's business office is anticipated to be staffed Monday through Friday, 9:30 AM to 6:00 PM, Saturday 9:00 AM to 5:00 PM and Sunday 10:00 AM to 4:00 PM. The Project will have controlled access through keypad-protected automatic doors and security gates. Access for existing customers with a valid access code is provided 365 days a year between the hours of 6:00 AM and 10:00 PM. The Project also features additional security measures in the form of perimeter fencing and security cameras.

MASTER PLAN

The Subject Property is within the boundary of the 2018 *White Flint 2 Sector Plan* (Sector Plan). Further discussion of how the Subject Application meets the goals of the Sector Plan can be found in Finding 2.a below.

DESIGN

The development is replacing an existing office building and associated surface parking lot. As part of the proposed redevelopment, the project will consolidate two curb cuts at Parklawn Drive into a single point of access. The new development will face directly onto the street and will screen the parking, which will be located to the rear and side of the new facility.



Figure 5: Architectural Elevation (view from Parklawn Drive looking west)

The building has articulated façades and fenestration, which will break down the perceived building mass and foster visual interest along the street-facing façades. The building architecture seeks to retain a more industrial character while still implementing other County design objectives regarding the activation and engagement of the street. Specifically, the building architecture has been designed to break down the building's overall massing and create pleasing proportions. Substantial offsets in the building footprint provide for material, roofline, and overall volume variation, particularly along the façade facing Parklawn Drive.

The Project has strategically located the leasing office along Parklawn Drive, with direct pedestrian access from the street and ample transparency, to provide both visual porosity and physical activity along Parklawn Drive. The building's ground floor level has a taller floor height that has incorporated canopies across the Parklawn Drive façade to better relate to the pedestrian scale along with window fenestration and a proposed mural area that provides visual interest and activity along this promenade street frontage façade.

A cohesive color palate and placement of materials in contrasting colors and textures have been incorporated throughout all sides of the building design, thus leaving no façade blank or expressionless. Masonry and profiled metals of contrasting colors are proposed in field and decorative locations. Height changes in the roofline have kept the building form clean and simple while providing variation to the vertical expression of the building's massing. Locations with critical sightlines have expressed architectural features with increased glazing, internal illumination, and façade projections. As mentioned in other sections of this Statement, loading activities are being screened from public realm views by intentional recesses in the building form. Building entry points are easily distinguished by contrasting color surrounds and the use of canopies to guide patrons once onsite.

The design and location of the open space will be finalized at the time of the Site Plan. However, it is currently anticipated to be located along the northern Property boundary. The space may include seating, shading elements, and landscaping consisting of native plantings and trees that will meet or exceed the minimum tree canopy coverage.

TRANSPORTATION

The Subject Property's proposed vehicular access is located along Parklawn Drive via a single curb cut driveway. The existing northern curb cut access will be closed and only the southern access will remain. Parklawn Drive is classified as a Town Center Boulevard with an existing 80-foot-wide right-of-way (ROW). No additional ROW dedication is anticipated since the existing ROW meets the Sector Plan and *Master Plan of Highways and Transitways* planned ROW width.

Within the Site, a two-way drive aisle provides circulation along the southern and western Property boundaries, providing access to parking and loading areas.

Pedestrian and bicycle access will also be provided from Parklawn Drive via an improved frontage envisioned to include a 10-foot-wide sidepath and 7-foot-wide landscaped street buffer. Final design of the frontage improvements will be determined at the time of Site Plan.

The Property is well served by transit. There is an existing bus stop located on the Property frontage that is served by Metrobus Route C8, which provides service between the North Bethesda Metrorail Station and the College Park-University of Maryland Metrorail Station. The bus stop will continue to be accommodated in front of the Site by providing a concrete bus pad as part of the frontage improvements.



Figure 6: Multimodal Circulation

LOCAL AREA TRANSPORTATION REVIEW (LATR)

Per section 59-7.2.1.E.e. of the County Code, for a Floating zone application, the District Council must find that the floating zone plan will generate traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines.

The 2020-2024 Growth and Infrastructure Policy requires evaluation of all transportation modes, including: auto-drive, transit, walking and biking. Mode-specific adequacy tests are required for any project estimated to generate 50 or more net new peak hour person trips.

The proposed development replaces an existing 48,810-square foot office building with a 138,746square foot self-storage building. The Project is estimated to reduce morning peak hour person trips by 103 trips and reduce evening peak hour person trips by 94 trips. As a result of the estimated transportation impact, the Project does not trigger an LATR Transportation Study.

Table 1 – Parklawn Self-Storage Estimated Person Trip Generation
--

Land Use	Morning Peak Hour	Evening Peak Hour
Existing (credit)		
General Office	119	122
48,810 Square Feet		
Proposed		
Mini-warehouse	16	28
138,746 Square Feet		
Net New Person Trips	-103	-94

Source: Transportation Study Exemption Statement by MHG dated September 3, 2024, amended by staff

ENVIRONMENTAL

Environmental review for the Project is being conducted through Preliminary Forest Conservation Plan (FCP) No. F20241040. Further details of the FCP's Chapter 22A compliance can be found below in the Forest Conservation Plan Findings section.

SECTION 5: FINDINGS AND ANALYSIS - LOCAL MAP AMENDMENT

The Subject Application complies with the general requirements and development standards of Chapter 59, the Zoning Ordinance, Chapter 22A, the Forest Conservation Law, and substantially conforms with the goals and recommendations of the 2018 *White Flint 2 Sector Plan*.

Section 59.7.2.1.E, *Necessary Findings*, states that:

- 1. A Floating zone application that satisfies Article 59-5 may not be sufficient to require approval of the application.
- 2. For a Floating zone application, the District Council must find that the floating zone plan will:
 - a) Substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;

The Subject Property is within the boundary of the 2018 *White Flint 2 Sector Plan* (Sector Plan). The Sector Plan's primary goal is to recommend opportunities for infill and transitional development at key locations, especially along Rockville Pike, which will be transformed into mixed-use urban places with targeted infill opportunities (page 2). Another key recommendation for the Sector Plan area is to "Promote the retention of light industrial properties along with the introduction of residential uses" (page 2).

The Property is located within the Parklawn South District of the Sector Plan area, which contains approximately 90 acres of industrial zoned properties. There are a variety of industrial uses in this district, including automotive repair and services, self-storage, and catering services. Additional uses in this district are coffee roasters, home improvement contractors, decorating services and recreational uses (page 46).

The Sector Plan emphasizes the importance of these industrial uses to provide basic needs for County residents and public agencies, as well as opportunities for different forms of employment including vocational and entry-level jobs, space for small businesses, entrepreneurs, and artisans (page 46).

The Sector Plan speaks specifically to the Subject Property (11900 Parklawn Drive) on page 48:

"Two office buildings at 11900 Parklawn Drive and 11820 Parklawn Drive, both built in the 1970s, are taller than the 50-foot height limit in the existing I-L Zone. These buildings were built under the prior I-1 Zone that permitted office buildings up to 10 stories or 120 feet. To make these buildings conforming, this Plan recommends the EOF 0.75 H-100 Zone for them." Although the Sector Plan prompted the rezoning to EOF 0.75 H-100, the above excerpt demonstrates that action was taken solely to make the existing suburban office building conform to the updated Zoning Code. To highlight the importance of the industrial uses, the Sector Plan created an overlay zone to ensure the light industrial uses in the area were retained (page 49). This overlay does not include the Subject Property but is located within the Staff-defined neighborhood boundary. The Subject Property is bordered to the southeast by a self-storage facility. The proposed Local Map Amendment's use is consistent with the surrounding area as well as the goals for this part of the Sector Plan. Thus, the Project substantially conforms to the 2018 *White Flint 2 Sector Plan*, as described.

The Project also conforms to the 2018 *Bicycle Master Plan*, which prescribes a two-way separated bikeway along the frontage opposite the Subject Property on Parklawn Drive. The Subject Application will not preclude the future bikeway from being implemented.

Lastly, the Project conforms to the goals of the *Thrive Montgomery 2050* general plan. Thrive 2050 includes the goals of advancing the county's economic competitiveness as well as environmental health and resilience. The Subject Application will provide stormwater management where there previously was none and decrease the amount of impervious surface on site. This will improve the environmental health and resilience of the Subject Property through the provision of enhanced stormwater management.

The project advances Thrive 2050's goal of economic competitiveness by providing a use that is in high demand and that supports the development of residential uses elsewhere. Increases in the number of people working from home has put additional demands on one's personal residence. As a result, there is a high demand for self-storage facilities that can serve and support those who need storage space beyond what their dwelling unit can provide. Convenient and accessible self-storage facilities provide nearby residents with options and flexibility in how they live and work in their existing residences. The provision of a self-storage use in this location is optimal for this purpose. The Subject Property lends itself to an industrial use, due to its adjacency to train tracks and its location within an existing and master-planned industrial district, yet its proximity to a variety of existing and proposed high-density residential developments ensures that the facility will be able to conveniently serve those with the need for additional storage space.

Another goal of Thrive 2050 is to increase the supply of housing in the county, and to encourage a mix of uses to support complete communities. During the review of the application, Planning Staff commented that the Applicant should investigate opportunities to provide a mix of uses, including residential, commercial, or light industrial uses on site. The Applicant was not amenable to providing a mix of uses because their primary business model is single-use self-storage buildings.

b) Further the public interest;

The Project will further the public interest and provide an important neighborhood service to the surrounding neighborhood. Self-storage provides support for small businesses and also helps to support residential development. With the increase in remote work opportunities in recent years, additional pressures are placed on one's personal residence. This has resulted in an increased demand for self-storage facilities. The Project addresses these needs through additional self-storage capacity. The Project brings the Property back into alignment with the County's vision for this light-industrial district. The proposed use will support other nearby mixed-use developments, as envisioned by the Sector Plan, and will serve as a buffer from the noise inherently associated with the CSX tracks to promote a compatible transition to the confronting residential developments. The Project also includes improvements to the streetscape and landscaping along its Parklawn Drive frontage. The new building will be closer to the street than the existing office building and will provide a much smaller surface parking area than the one that surrounds the Property now. This will contribute to a less auto-oriented site design than what currently exists and improve the pedestrian experience along this portion of Parklawn Drive. The Project will also decrease the amount of impervious area on site and will introduce stormwater management on site where there currently is none.

c) Satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;

Applicability

Section 5.1.3 of the Zoning Ordinance sets forth specific requirements for local map amendment applications that propose the ILF Zone. The Subject Property has a base zone of EOF-0.75, H-100, and there is no floating zone recommended by the Sector Plan. Per Section 5.1.3.C.3, "When requesting a Floating zone for a property with a non-Residential base zone there are no prerequisites for an application". As a property with a non-Residential base zone, there are no prerequisites for the Subject Application.

Intent of Floating Zones

Per Section 59.5.1.2. of the Zoning Ordinance, the intent of the Floating zones is to:

A. Implement comprehensive planning objectives by:

- 1. Furthering the goals of the general plan, applicable master plan, and functional master plans;
- 2. Ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements; and
- 3. Allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and

As discussed above in finding 59.7.2.1.E.2.a, the Project furthers the goals and recommendations of the Sector Plan. This Local Map Amendment seeks to rezone the Property back to an industrial zone, consistent with the recommendations of the Sector Plan to retain the light industrial character and uses in this district. As discussed above, the public facilities will be adequate to accommodate the proposed development. The Project has been designed to complement and fit into the surrounding uses. The Project will also contribute positively to the development of this area of North Bethesda, by improving the streetscape, creating a less auto-oriented property, and providing self-storage as a use where there is both demand for it and where it fits in with the surrounding neighborhood character.

B. Encourage the appropriate use of land by:

- a) Providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;
- b) Allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and

c) Ensuring that development satisfies basic sustainability requirements, including open space standards and environmental protection and mitigation; and

The Sector Plan rezoned the Property to the EOF Zone to resolve the nonconforming height of the existing office building. However, the challenges facing the suburban office market have been well-documented in recent years. As such, the redevelopment of this underperforming, aging, suburban office building presents an opportunity to rezone the Property to light industrial, consistent with the Sector Plan's recommendation to maintain the light industrial character of this area. The proposed Local Map Amendment provides the flexibility to accommodate this change in market conditions. The proposed Floating Zone complies with the maximum floor area ratio ("FAR") prescribed in Section 59.5.5.A and aligns with the zoning of the other industrial properties along Parklawn Drive to the north and south of the Subject Property. The redevelopment will provide several environmental benefits by decreasing the overall impervious area on-site and introducing stormwater management to the Property, where none currently exists. The Applicant is required to provide 10% of the Subject Property area as amenity open space. This space is being provided at the north of the property, in an area that will include landscaping and benches for users of the self-storage facility.

C. Ensure protection of established neighborhoods by:

- a) Establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;
- b) Providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and
- c) Allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.

The Project is in conformance with the goals of the Sector Plan, which seeks to retain this industrial district. The proposed self-storage facility will complement the surrounding industrial uses and will also support nearby commercial and residential development. Furthermore, the Project will be compatible with the surrounding neighborhoods. The building will provide a buffer to the noise associated with the CSX tracks for the confronting residential uses and has been designed to activate and engage the street.

H-154 Development Standards Table	Required/Permitted	Proposed
Maximum Total Density	1.0 FAR	1.0 FAR (104,628 square feet)
Maximum Height	55 ft	55 ft
Minimum Setbacks - Front	10 ft	12 ft
Minimum Setbacks - Rear	10 ft	85 ft
Minimum Setbacks – Side, abutting		
Industrial zone	0 ft	29 ft
Minimum Lot Size	N/A	93,660 square feet
Minimum Amenity Open Space	10%	10% (9,366 square feet)
Parking Requirements		
Vehicle Spaces	13 spaces (min)	20 spaces
Accessible Spaces	1 space (min)	2 spaces
Loading Spaces	2 spaces (min)	4 spaces

Table 2 – Development Standards for IL Zone (applicable to ILF)

d) Be compatible with existing and approved adjacent development;

The proposed development will be compatible with existing and approved development in the surrounding area. The Property is located within an existing industrial district on the southwest side of Parklawn Drive. The Applicant seeks to rezone the property to ILF, to match the adjacent properties' IL zone. The Project will also be compatible with the confronting residential development. The Project will improve the existing conditions on the Property by redeveloping the existing office building and surface parking lot with a self-storage facility that will improve the Property. The proposed redevelopment prioritizes activation of the streetscape through strategic siting of the proposed building and implementation of architectural elements along public-facing facades. The building will also serve as a buffer to the CSX tracks, minimizing noise impacts on the residential community across the street. The Project will also improve the pedestrian experience along Parklawn Drive by removing one of two existing curb cuts, adding landscaping along the Property frontage, and improving the streetscape with a 6-foot sidewalk and 7-foot landscape buffer.

e) Generate traffic that does not exceed the critical lane volume or volume/ capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and

The public facilities will be adequate to accommodate the proposed development. As demonstrated by the Traffic Statement submitted with this

Application, the Project will result in a reduction of overall site generated traffic and will therefore fall below the threshold of 50 net new peak hour person trips necessary for a traffic study.

f) When applying a non-Residential Floating zone to a property previously under a Residential Detached zone, not adversely affect the character of the surrounding neighborhood.

The Subject Property was not previously zoned Residential Detached, therefore this subsection is not applicable.

SECTION 6: FINDINGS AND ANALYSIS – PRELIMINARY FOREST CONSERVATION PLAN

The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Board's Environmental Guidelines.

Natural Resource Inventory/Forest Stand Delineation

Natural Resources Inventory/Forest Stand Delineation No. 420241920 was approved on April 25, 2024. The Property includes no streams, stream buffers, wetlands, forests, or other environmental features. The Property is in the Rock Creek Watershed, a Use Class I stream. The NRI/FSD identifies areas of steep slopes 25% and greater located primarily on the northern, western, and southern boundaries. The Property also contains several specimen trees. There are no known occurrences of rare, threatened, or endangered species on the Property.

Environmental Guidelines

The Application is in conformance with the Environmental Guidelines as there is no disturbance proposed within any environmental features. The Subject Property is currently developed and contains no forest, streams, stream buffer, or other environmental features.

Forest Conservation Plan

A Preliminary Forest Conservation Plan has been submitted with Local Map Amendment Application H-154, Parklawn Self Storage. The Subject Property has no forest, streams, stream buffer or other environmental features on site. The Subject Property is requested to be zoned ILF and is classified as Commercial and Industrial Use Areas as defined in Section 22A-3 of Chapter 22A of the Montgomery County Forest Conservation Law (FCL) and specified in the Trees Technical Manual. This results in an afforestation requirement of 15% of the net tract area and a conservation threshold of 15%. The Net Tract Area is 2.15 acres. There is no forest on the site; therefore, the forest mitigation requirement is for 0.35 acres of afforestation.

The Applicant proposes to fulfill their forest conservation mitigation via forest banking if available. Otherwise, the requirement will be met via fee-in-lieu.

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 ("Protected Trees"). Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone ("CRZ") requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise, such resources must be left in an undisturbed condition. 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 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 in a letter dated June 15, 2024 (Attachment C). This request is to remove three (3) trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Removal of these trees removes a total of 120 inches.

Tree #	Species	Species	D.B.H.	Impact (%)	Tree	Status
	(Scientific Name)	(Common Name)	(inches)		Condition	
2	Tulip Poplar	Tulipifera	31	100%	Poor/Hazard	Remove
		liriodendron				
3	Tulip Poplar	Tulipifera	42	100%	Fair-Poor	Remove
		liriodendron				
4	Tulip Poplar	Tulipifera	47	100%	Fair	Remove
		liriodendron				

Table 3 - Tree Table



Figure 7: Tree Exhibit

Unwarranted Hardship for Variance Tree Impacts

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state will result in unwarranted hardship. The requested variance is necessary due to the need to accommodate construction, utilities, stormwater, and removal of existing infrastructure. The trees are located on steep slopes directly adjacent to existing parking lot and will be impacted by demolition. The proposed development includes new stormwater facilities and other construction significantly impacting the Critical Root Zones of these trees. In accordance with Section 22A-21(a), the Applicant requested a Variance (Attachment C). Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use for the redevelopment of the Subject Property in accordance with the recommendations of the Sector Plan and Zoning Ordinance without the Variance.

Variance Findings

The following determinations are based on the required findings for granting of the requested variance:

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

Granting the variance will not confer a special privilege on the Applicant as the disturbance is unavoidable to develop the Property to meet the needs of redevelopment and current stormwater management regulations.

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

All three trees to be removed (#2, #3, and #4) are just behind the rear curb of the parking lot in the tree cover bordering the railroad. In order to remove the parking lot and build the new development, a significant portion of the roots will be impacted. To remove the parking lot, the structural roots of all three trees will be severely impacted. In addition, the storm drain connects in this area and needs to be upgraded and crosses the roots of all three trees.

c. Is not based on a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

The requested variance is a result of the location of trees and the proposed construction and not a result of land or building use on a neighboring property.

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

Currently there is no stormwater treatment on-site, therefore the redevelopment offers

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an improvement in water quality leaving the site. The required Environmental Site Design (ESD) volume treatment is proposed to be met confirming that the goals and objectives of the current state water quality standards are being met. A Stormwater Management Concept will be submitted for the proposed improvements. Stormwater treatment is provided by multiple micro-bioretention facilities. As noted below, variance mitigation trees will be planted to replace the lost water quality functions of the trees being removed.

Mitigation for Trees Subject to the Variance Provisions

The trees proposed for removal will be mitigated at a rate that approximates the form and function of trees being removed. The trees will be replaced at a ratio of approximately 1-inch caliper for every 4 inches removed using trees that are a minimum of 3-inch caliper in size. This results in a mitigation of thirty (30) inches, with a minimum installation of ten (10) 3-inch caliper trees.

Recommendation on the Variance

Staff recommends approval of the variance for the removal of the variance trees associated with FCP No. F20241040.

SECTION 7: COMMUNITY OUTREACH

The Applicant has met signage and noticing requirements for the submitted Application. Staff has not received correspondence about the Subject Application. Per Section 59.7.5.1, the Applicant is not required to hold a pre-application community meeting for a Local Map Amendment application.

SECTION 8: CONCLUSION

The Subject Application meets all of the requirements established in the Zoning Ordinance and Chapter 22A Forest Conservation Law and conforms to the recommendations of the 2018 *White Flint 2 Sector Plan*. Therefore, Staff recommends approval of the Local Map Amendment Floating Zone Plan and Preliminary Forest Conservation Plan Applications, with the binding elements and conditions specified at the beginning of the Staff Report.

ATTACHMENTS

Attachment A: Floating Zone Plan Attachment B: Preliminary Forest Conservation Plan Attachment C: Variance Request Attachment D: Applicant Transportation Statement Page 63

DEVELOPMENT PROGRAM

• THE PROJECT WILL BE DEVELOPED IN ONE PHASE

GENERAL NOTES

- 1. THE TOPOGRAPHY SHOWN IS A COMPILATION OF FIELD RUN SURVEY PERFORMED BY MACRIS, HENDRICKS AND GLASCOCK, P.A. IN JANUARY AND FEBRUARY OF 2024.
- 2. THE PROPERTY BOUNDARY & EASEMENTS SHOWN ARE PER AN ALTA SURVEY PREPARED BY MACRIS, HENDRICKS
- AND GLASCOCK IN JANUARY OF 2024.
- 3. THE PROPERTY TAX ACCOUNT NUMBER IS 04-00056433. 4. THE PROPERTY IS WITHIN THE WHITE FLINT SECTOR PLAN PHASE 2 MASTER PLAN AREA.
- 5. THE PROPERTY IS WITHIN THE LOWER ROCK CREEK WATERSHED (USE CLASS I).
- 6. THE SITE IS SUBJECT TO APPROVED NATURAL RESOURCES INVENTORY / FOREST STAND DELINEATION #420241920.
- 7. THERE ARE NO 100-YEAR FLOODPLAINS, WETLANDS OR CHAMPION TREES ON THE PROPERTY.
- 8. THE PROPERTY IS NOT IDENTIFIED IN THE LOCATION ATLAS AND INDEX OF HISTORICAL SITES, NOR IS IT IDENTIFIED IN THE MASTER PLAN FOR HISTORIC PRESERVATION.
- 9. THE PROPERTY IS NOT WITHIN A SPECIAL PROTECTION AREA.
- 10. THE EXISTING WATER SERVICE CATEGORY IS W-1.
- 11. THE EXISTING SEWER SERVICE CATEGORY IS S-1.
- 12. THE PROPERTY IS LOCATED IN FLOOD HAZARD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM MAP FOR MONTGOMERY COUNTY, MARYLAND, COMMUNITY PANEL NUMBER 24031C0361D 13. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS AS PER
- AVAILABLE RECORDS. THE EXACT LOCATIONS OF ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED BY "MISS UTILITY" PRIOR TO EXCAVATION. MACRIS, HENDRICKS AND GLASCOCK, P.A. DOES NOT EXPRESS OR IMPLY AN GUARANTEE OR WARRANTY AS TO THE LOCATION OR EXISTENCE OF ANY UNDERGROUND UTILITY.
- 14. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS SITE.

OFFICE OF ZONING AND	ADMINISTRATIVE HEARINGS C	ERTIFICATION
	THE FLOATING ZONE PLAN AI (X, XXXX, IN APPLICATION NUM	

DATE

HEARING EXAMINER

HEARING EXAMINER NAME PRINTED

PARKLAWN SELF STORAGE NORTH BETHESDA INDUSTRIAL CENTER, LOT 6 LOCAL MAP AMENDMENT NO. H154





	LEGEND	
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LOT 10, 20201

ZONE: IL-1.0, H-50

FLOATING ZONE COVER LOCAL MAP AMENDMENT H154

PROJ. MGR	DCM
DRAWN BY	DCM
SCALE	1"= 50'
DATE	05.28.2024

LOT 6 NORTH BETHESDA INDUSTRIAL CENTER

4TH ELECTION DISTRICT MONTGOMERY COUNTY MARYLAND

PLAT 9530

TAX MAP HQ122 WSSC 215NW05

REVISIONS			
NO.	DESCRIPTION	DATE	

REV	ISIONS	
NO.	DESCRIPTION	DATE

REV	ISIONS	
NO.	DESCRIPTION	DATE



Professional Certification I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland. Lic. No. 35186 Exp. Date. 01.05.2026

PREPARED FOR: ARCLAND P.O. BOX 25523 WASHINGTON D.C. 20027 (202)818-9265 ANTHONY@ARC.LAND

Attachement to Resolution No.: 20-733

MHG

CIVIL ENGINEERING LAND SURVEYING LANDSCAPE ARCHITECTURE LAND PLANNING

9220 Wightman Road, Suite 120

Phone: 301.670.0840

Montgomery Village, MD 20886

www.mhgpa.com

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FLOATING ZONE

OVERALL PLAN LOCAL MAP AMENDMENT H154

PROJ. MGR	DCM
DRAWN BY	DCM
SCALE	1"= 50'
DATE	05.28.2024

LOT 6 NORTH BETHESDA INDUSTRIAL CENTER

4TH ELECTION DISTRICT MONTGOMERY COUNTY MARYLAND

PLAT 9530

TAX MAP HQ122 WSSC 215NW05

NO.	DESCRIPTION	DATE

REVISIONS

4 SPACES

Professional Certification I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland. Lic. No. 35186 Exp. Date. 01.05.2026

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LANDSCAPE ARCHITECTURE

LAND PLANNING

9220 Wightman Road, Suite 120

Montgomery Village, MD 20886 Phone: 301.670.0840

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ROCK

CREEK PARK



OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION
THIS IS A TRUE COPY OF THE FLOATING ZONE PLAN APPROVED BY THE DISTRICT COUNCIL ON XX, XXXX, IN APPLICATION NUMBER X-XXX.

CIVIL ENGINEERING LAND SURVEYING LANDSCAPE ARCHITECTURE LAND PLANNING

9220 Wightman Road, Suite 120 Montgomery Village, MD 20886 Phone: 301.670.0840 www.mhgpa.com

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PREPARED FOR: ARCLAND P.O. BOX 25523 WASHINGTON D.C. 20027 (202)818-9265 ANTHONY@ARC.LAND

REV	ISIONS	
NO.	DESCRIPTION	DATE

TAX MAP HQ122 PLAT 9530

COUNTY MARYLAND

NORTH BETHESDA

LOT 6

PROJ. MGR

DRAWN BY

SCALE

DATE

H154

PROJECT NO.

SHEET NO.

4TH ELECTION DISTRICT MONTGOMERY

WSSC 215NW05

DCM _____

DCM

AS SHOWN

05.28.2024

23.193.21

3 OF 3

NORTH BETHESDA INDUSTRIAL CENTER LEXINGTON BUILDING

SHEET INDEX

L9.01 COVERSHEET L9.02 APPROVAL MEMO L9.03 PLAN VIEW L9.04 NOTES & DETAILS



F20241040



FOREST CONSERVATION WORKSHEET Within Same Priority Watershed, SPA, or PMA

NET TRACT AREA: A. Total tract area B. Additions to tract are C. Land dedication acress D. Land dedication for re E. Area to remain in com F. Other deductions (spe G. Net Tract Area LAND USE CATEGORY: (f Input the num	(parks, co pads or uti mercial ag ecify) rom Chapt ber "1" ur	unty facili lities (cons gricultural er 22A-3. [ty, etc.) struction n production Definitions	ot require n/use =			2.15 0.17 0.00 0.00 0.00 0.00 2.32	
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BREAK EVEN POINT: L. Forest retention abov M. Clearing permitted w							0.00 0.00	
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V. Total reforestation ar		ation requ	iired	=			0.00 0.35	
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not exceed 20% of "S") . V. Total reforestation a	=	,	uired			, ттому	0.00 0.35 4/3/2023	

FOREST CONSERVATION REQUIREMENT OF 0.35 ACRES TO BE MET VIA FOREST BANK IF AVAILABLE OTHERWISE TO BE MET VIA FEE-IN-LIEU.

worksheet date

4/3/2023

DEVELOPER'S CERTIFICATE The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. F20241040 , including financial bonding, forest planting, maintenance and all other applicable agreements. Developer's Name: Arcland Company

Address: PO Box 25523 Washington, DC 20027

Phone: 202-818-9265 Email: Anthony@Arc.Land

Signature:

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OWNER: PDC LEXI POLINGEI REBECCA	R DEVE	LOP	MENT	- CO/
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Anthony Picitelli Contact Person Page 67

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Signature:

MHG
CIVIL ENGINEERING LAND SURVEYING
LANDSCAPE ARCHITECTURE LAND PLANNING
9220 Wightman Road, Suite 120 Montgomery Village, MD 20886 Phone: 301.670.0840 www.mhgpa.com
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Twee Jlam
FRANK C. JOHNSON 06/13/2024
DATE RECOGNIZED AS QUALIFIED PROFESSIONAL BY MD DEPT. OF NATURAL RESOURCES COMAR 08.19.06.01
Qualified Professional Certification I hereby certify that the information shown hereon is correct and that this plan has been prepared in accordance with the requirements of the existing state and county forest conservation legislation.
OWNER: PDC LEXINGTON LLC c/o POLINGER DEVELOPMENT CO/ REBECCA STALLONE
5530 WISCONSIN AVE SUITE 100 CHEVY CHAS, MD 20815 301.968.9159
RSTALLOE@POLINGERCO.COM
NO. DESCRIPTION DATE
TAX MAP HQ122 WSSC 215NW05
PLAT 9530
4TH ELECTION DISTRICT MONTGOMERY COUNTY MARYLAND
LOT 6 NORTH BETHESDA
INDUSTRIAL CENTER - LEXINGTON BLDG
PROJ. MGR DM
DRAWN BY FCJ SCALE NTS
DATE 05.27.2024
PRELIMINARY FOREST CONSERVATION PLAN
APPROVAL SHEET F20241040
L9.02
PROJECT NO. 23.193.11 SHEET NO. 2 OF 4

Contact Person





PLAN NOTES

- 1. TOTAL SITE AREA = 2.15 ACRES (93,641 S.F.) AND CONSISTS OF LOT 6 OF NORTH BETHESDA INDUSTRIAL CENTER-LEXINGTON BUILDING. PROPERTY ADDRESS IS 11900 PARKLAWN DRIVE WITH TAX ID#04-00056433. PROPERTY IS ZONED EOF-0.75 H-100.
- 2. ON-SITE TOPOGRAPHY FROM SURVEY BY MACRIS, HENDRICKS, & GLASCOCK P.A. OFF-SITE TOPOGRAPHY FROM 215NW05.
- 3. BOUNDARY INFORMATION FROM DEEDS OF RECORD.
- 4. SOILS ON-SITE ARE MAPPED ACCORDING TO SOIL SURVEY STAFF, NATURAL RESOURCES CONSERVATION SERVICE, 1995 SOIL SURVEY OF MONTGOMERY COUNTY, MARYLAND, PREPARED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE. WEB SOIL SURVEY. AVAILABLE ONLINE AT https://websoilsurvey.sc.egov.usda.gov/. ACCESSED [02/27/2024].
- 5. SLOPES GREATER THAN 25% EXIST ON-SITE. NO SLOPES 15-25% ON HIGHLY ERODIBLE SOILS EXIST ON-SITE.
- THE SITE DRAINS TO ROCK CREEK. THIS PORTION OF THE LOWER ROCK 6 CREEK WATERSHED IS DESIGNATED AS USE CLASS I WATERS BY THE STATE OF MARYLAND.
- 7. PROPERTY IS NOT LOCATED WITHIN A SPECIAL PROTECTION AREA (SPA) OR A PRIMARY MANAGEMENT AREA (PMA). PER SITE VISIT NO WETLANDS, STREAMS, SEEPS, OR SPRINGS WERE FOUND TO EXIST ON SITE. NO STREAM VALLEY BUFFERS EXIST ON SITE. NO WETLANDS PER MCATLAS.ORG. NO FLOODPLAIN EXISTS PER FEMA PANEL #24031C0361D.
- 8. UTILITIES (I.E. WATER, SEWER, STORM DRAIN, CULVERTS, ELECTRIC, PHONE) ARE SHOWN IN SURVEYED LOCATIONS.
- 9. THERE IS NO FOREST AREA ON-SITE.
- 10. THE PROPERTY IS NOT LISTED AS A HISTORIC SITE ON MCATLAS.ORG NO STRUCTURE OR EVIDENCE SUGGESTING HISTORICAL OR ARCHAEOLOGICAL SIGNIFICANCE WAS OBSERVED DURING SITE INVESTIGATIONS.
- 11. INDIVIDUAL TREE LOCATIONS ARE IN SURVEYED LOCATIONS EXCEPT FOR OFF-SITE TREES 9 AND 10. TREE DBH WAS MEASURED USING A DIAMETER TAPE.
- 12. FIELDWORK FOR THIS INVENTORY WAS CONDUCTED ON 02/29/2024 BY FRANK JOHNSON.
- 13. NO RARE, THREATENED OR ENDANGERED SPECIES WERE OBSERVED ON-SITE.
- 14. THERE ARE NO NATIONAL STATE OR COUNTY CHAMPION TREES ON-SITE. NO TREES ON-SITE ARE 75% OR GREATER OF THE CURRENT STATE CHAMPION.
- 15. THIS INVENTORY IN NO WAY CONSTITUTES A HAZARD TREE SURVEY. TREE CONDITIONS ARE GENERALLY ACCURATE BASED ON VISUAL OBSERVATION PER USUAL AND CUSTOMARY PRACTICE IN ACCORD WITH STATE AND COUNTY FOREST CONSERVATION LEGISLATION. THE EXAMINATION DETAIL REQUIRED TO PROVIDE A COMPREHENSIVE ANALYSIS OF BIOLOGICAL AND STRUCTURAL HEALTH IS BEYOND THE SCOPE OF THIS INVESTIGATION. CONDITION RATINGS ARE THE OPINION OF THE UNDERSIGNED PREPARER AND NOT THE APPROVING AGENCY. MHG ASSUMES NO LIABILITY FOR INJURY OR PROPERTY DAMAGE THAT MAY OCCUR AS A RESULT OF TREE FAILURE ON THIS PROPERTY.

		SOILS TABLE	E			
MAP UNIT	MAP UNIT NAME	HYDROLOGIC SOIL GROUP	HYDRIC	HIGHLY ERODIBLE	PRIME FARMLAND	SERPEI
2B	Glenelg silt loam; 3 to 8% slopes	В	NO	NO	YES	N
400	Urban Land	D	NO	NO	NO	N

DESCRIPTION			SIZE
Property Area			2.15 Acres
Off-site Disturbance			0.17 Acres
Total Tract Area			2.32 Acres
Tract remaining in Ag use			0.00 Acres
Road & Utility ROW (Unin	nproved)		0.00 Acres
Existing Forest			0.00 Acres
Total Forest Retention			0.00 Acres
Total Forest Cleared			0.00 Acres
Land Use Category			CIA
Afforestation Thres	hold		15%
Reforestation Three	shold		15%
Stream(s) Length: NA		Average Buffer Width:	NA
Acres of Forest in:	Retained	Cleared	Planted
Wetlands	0.00	0.00	0.00
100yr Floodplain	0.00	0.00	0.00
Stream Buffers	0.00	0.00	0.00
Other Priority Areas	0.00	0.00	0.00

TABLE	
SIZE (DIAMETER)	CONDITION
29"	GOOD - VINES
31"	POOR/HAZARD - DEADWOOD, CAVITY BASE TO 30FT, LEANS, VINES
42"	FAIR/POOR - VINES, DEADWOOD, BROKEN LIMBS & PARTIALLY TOPPED
47"	FAIR - VINES, BROKEN LIMBS, DEADWOOD
24"-12'	POOR - TWO TRUNKS FUSED, SMALLER TRUNK ROTTED, EPICORMIC GROWTH, DEADWOOD, VINES
24"	FAIR - CURVED TRUNK, VINES, DEADWOOD, SMALL CRACK NEAR BASE, LIGHTNING SCAR
26"	FAIR - DEADWOOD, VINES, EPICORMIC GROWTH
24"	FAIR - SMALL CAVITIES, DEADWOOD, HEAVY PRUNING
25"	GOOD
48"	GOOD - DEADWOOD

/ARIANCE -	TREE REMOVAL	TABLE	
	Condition	Impact	Mitigation
	Poor/Hazard	100%	31
	Fair/Poor	100%	42
	Fair	100%	47

	MHG
KLAWN DR	CIVIL ENGINEERING LAND SURVEYING
KLAWN RRACE	LANDSCAPE ARCHITECTURE LAND PLANNING
	9220 Wightman Road, Suite 120 Montgomery Village, MD 20886 Phone: 301.670.0840 www.mhgpa.com
8	Copyright @ 2024 by Macris, Hendricks & Glascock, P.A. All Rights Reserved
·	
	FRANK C. JOHNSON 09/03/2024
P	DATE RECOGNIZED AS QUALIFIED PROFESSIONAL BY MD DEPT. OF NATURAL RESOURCES COMAR 08.19.06.01
E	Qualified Professional Certification I hereby certify that the information shown hereon is correct and that this plan has been prepared in correct and that the requirements of the priori patterne
	accordance with the requirements of the existing state and county forest conservation legislation.
	PDC LEXINGTON LLC c/o POLINGER DEVELOPMENT CO/ REBECCA STALLONE
	5530 WISCONSIN AVE SUITE 100 CHEVY CHAS, MD 20815 301.968.9159
	RSTALLOE@POLINGERCO.COM
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	REVISIONS NO. DESCRIPTION
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	TAX MAP HQ122 WSSC 215NW05
	PLAT 9530
	4TH ELECTION DISTRICT MONTGOMERY COUNTY MARYLAND
	LOT 6 NORTH BETHESDA
	INDUSTRIAL CENTER - LEXINGTON BLDG
	PROJ. MGR DM
	DRAWN BY FCJ
	SCALE 1"= 30' DATE 05.27.2024
	PRELIMINARY FOREST CONSERVATION PLAN F20241040
	L9.03 PROJECT NO. 23.193.11
	SHEET NO. 3 OF 4

Attachement to Resolution No.: 20-733

Sequence of Events for Properties Required To Comply With Forest Conservation Plans, Exemptions from Submitting Forest Conservation Plans, and Tree Save Plans

The property owner is responsible for ensuring all tree protection measures are performed in accordance with the approved final forest conservation plan or tree save plan, and as modified in the field by a Planning Department Forest Conservation Inspector. The measures must meet or exceed the most recent standards published by the American National Standards Institute (ANSI A300).

Pre-Construction

- 1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged and before any land disturbance.
- 2. The property owner must arrange for the meeting and the following people must participate at the preconstruction meeting: the property owner or their representative, construction superintendent, International Society of Arboriculture (ISA) certified arborist/MD Licensed Tree Expert (representing owner) that will implement the tree protection measures, The Planning Department Forest Conservation Inspector, and Montgomery County Department of Permitting Services (DPS) Sediment Control Inspector. The purpose of this meeting is verify the limits of disturbance and discuss specific tree protection and tree care measures shown on the approved plan. No land disturbance shall begin before tree protection and stress-reduction measures have been implemented and approved by the Planning Department's Forest Conservation Inspector. a. Typical tree protection devices include:
- i. Chain link fence (four feet high) ii. Super silt fence with wire strung between the support poles (minimum 4 feet high)
- with high visibility flagging. iii. 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
- b. Typical stress reduction measures may include, but are not limited to: i. Root pruning with a root cutter or vibratory plow designed for that purpose. Trenchers
- are not allowed, unless approved by the Forest Conservation Inspector
- ii. Crown Reduction or pruning
- iii. Watering iv. Fertilizing
- v. Vertical mulching
- vi. Root aeration systems

Measures not specified on the Forest Conservation Plan may be required as determined by the Forest Conservation Inspector in coordination with the property owner's arborist.

3. A Maryland Licensed Tree expert must perform, or directly supervise, the implementation of all stress reduction mesasures. Documentation of the process (including photograhs)

may be required by the Forest Conservation Inspector, and will be determined at the preconstruction meeting.

4. Temporary protection devices must be installed per the approved Forest Conservation Plan, Exemption Plan, or Tree Save Plan and prior to any land disturbance. The Forest Conservation Inspector, in coordination with the DPS Sediment Control Inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan.

5. Tree protection fencing must be installed and maintained by the property owner for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. All construction activity within protected tree and forest areas is prohibited. This includes the following activities:

- a. Parking or driving equipment, machinery, or vehicles of any type.
- b. Storage of any construction materials, equipment, stockpiling, fill, debris, etc. c. Dumping or any chemicals (i.e., paint thinner), mortar or concrete remainder, trash, garbage, or debris of any kind.
- d. Felling of trees into a protected area.
- e. Trenching or grading for utilities, irrigation, drainage, etc.
- 6. Forest and tree protection signs must be installed as required by the Forest Conservation Inspector. The signs must be waterproof and wording provided in both English and Spanish.

During Construction

7. Periodic inspections will be made by the Forest Conservation Inspector. Corrections and repairs to all tree protection devices must be completed within the timeframe given by the Inspector.

8. The property owner must immediately notify the Forest Conservation Inspector of any damage to trees, forests, understory, ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions, and the relative timeframes to restore these areas, will be determined by the Forest Conservation Inspector.

Post-Construction

- 9. After construction is completed, but before tree protection devices have been removed, the property owner must request a final inspection with the Forest Conservation Inspector. At the final inspection, the Forest Conservation Inspector may require
- additional corrective measures, which may include: a. Removal, and possible replacement, of dead, dying, or hazardous trees
- b. Pruning of dead or declining limbs
- c. Soil aeration d. Fertilization
- e. Watering
- f. Wound repair
- g. Clean up of retention areas, including trash removal

10. After the final inspection and completion of all corrective measures the Forest Conservation Inspector will request all temporary tree and forest protection devices be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both DPS and the Forest Conservation Inspector and cannot be removed without permission of the Forest Conservation Inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

11. Long-term protection measures, including permanent signage, must be installed per the approved plan. Installation will occur at the appropriate time during the construction project. Refer to the approved plan drawing for the long-term protection measures to be installed.

INSPECTIONS

All field inspections must be requested by the applicant. Field Inspections must be conducted as follows:

Plans without Planting Requirements

- 1. After the limits of disturbance have been staked and flagged, but before any clearing or grading begins. 2. After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begin and before release of the
- building permit. 3. After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation.
- Additional Requirements for Plans with Planting Requirements 4. Before the start of any required reforestation and afforestation planting.
- that the planting is acceptable and prior to the start the maintenance period. 6. 2 years after reforestation and afforestation have been completed, to determine survival
- maintenance and management period. 7. At the end of the maintenance period to determine the level of compliance with the
- provisions of the planting plan, and if appropriate, release of the performance bond.







5. After the required reforestation and afforestation planting has been completed to verify and assess necessary maintenance activities for the remaining duration of the





NOTE: Tree Protection Fence shall be installed on top of the Limits of Disturbance. For purposes of legibility only, the Tree Protection Fence is graphically represented adjacent to the LOD.







DEVELOPER'S CERTIFICATE The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. F20241040 , including financial bonding, forest planting, maintenance and all other applicable agreements. Anthony Picitelli Developer's Name: Arcland Contact Person Company Address: PO Box 25523 Washington, DC 20027 Phone: 202-818-9265 Email: Anthony@Arc.Land

Signature:

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LANDSCAPE ARCH LAND PLAN	
9220 Wightman Roa Montgomery Village Phone: 301.67	, MD 20886
www.mhgpa Copyright @ 2024 by Mac Glascock, P.A. All Righ	ris, Hendricks &
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FRANK C. JOHNSON 06/13/2024 DATE	
RECOGNIZED AS QUALIFIED F MD DEPT. OF NATURAL RESO COMAR 08.19.06.01	
Qualified Professional I hereby certify that the informat correct and that this plan has accordance with the requirement and county forest conserva-	tion shown hereon been prepared in ts of the existing st
OWNER: PDC LEXINGTON LLC POLINGER DEVELOP	
REBECCA STALLONE 5530 WISCONSIN AVE	E SUITE 100
CHEVY CHAS, MD 208 301.968.9159 RSTALLOE@POLING	
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June 15, 2024

Maryland National Capital Park & Planning Commission 2425 Reedie Drive Wheaton, MD 20902

> Re: North Bethesda Industrial Center MHG Project No. 23.193.21

To Whom It May Concern:

On behalf of the applicant of the above referenced Forest Conservation Plan, we hereby request a variance from Section 22A-12.b(3)(C) of the Montgomery County Code, Chapter 22A for the removal of three specimen trees, as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with Chapter 22A-21(b) of the Montgomery County Code. The proposed removal of three trees thirty inches satisfies the variance application requirements.

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

The total property area subject to the associated forest conservation plan includes 2.15 acres which is developed with an office building and parking. The property backs to a tree covered slope that borders a railroad line. The property is proposed to be completely redeveloped with a self storage building and new parking. All three trees to be removed (#2, #3, and #4) are just behind the rear curb of the parking lot in the tree cover bordering the railroad. In order to remove the parking lot and build the new development a significant portion of the roots will be impacted. In order to remove the parking lot the structural roots of all three trees will be severely impacted. In addition the storm drain connects in this area and needs to be upgraded and crosses the roots of all three trees. For all of the above reasons, not allowing the proposed removals and impacts would be a hardship that is not warranted.

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

The landowner's rights to develop their property as is done by others in similar areas would be deprived by not allowing the removal to the subject trees. As detailed above, the removals are unavoidable in order to develop the property to meet the needs of the redevelopment. The inability to remove the subject trees would limit the development of the property. This creates a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process.

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;

A Stormwater Management Concept will be submitted for the proposed improvements. Stormwater treatment is provided by multiple micro-bioretention facilities. Currently there is no stormwater treatment on-site therefore the redevelopment offers an improvement in water quality leaving the site. The required ESD volume treatment is proposed to be met confirming that the goals and objectives of the current state water quality standards are being met.

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

Mitigation will be provided for all specimen trees to be removed. A copy of the Forest Conservation Plan and a variance tree spreadsheet has been provided as part of this variance request. Please let us know if any other information is necessary to support this request.

Please contact me via email, at <u>fjohnson@mhgpa.com</u>, or by phone, at (301) 670-0840 should you have any additional comments or concerns.

Thank you,

Frank Johnson

Frank Johnson

VARIANCE TREE REMOVAL TABLE						
Tree ID#	DBH Species		Condition	Impact	Mitigation	
2	31	Tulip Poplar	Poor/Hazard	100%	31	
3	42	Tulip Poplar	Fair/Poor	100%	42	
4	47	Tulip Poplar	Fair	100%	47	

120" removed/4 = 30" to be met via 10 trees at 3"dbh



September 3, 2024

Mid-County Planning Transportation Planning 2425 Reedie Drive, 14th Floor Wheaton, MD 20910

> RE: Parklawn Self Storage Local Map Amendment Case No. H154 LATR Exemption Statement MHG Project No. 2023.193.21

Mr. Matthew Folden,

Please accept this memo as a Traffic Study Exemption Statement for the subject development, in accordance with the 2020-2024 Growth and infrastructure Policy and the 2023 Local Area Transportation Review (LATR) Guidelines. The site is located at 11900 Parklawn Drive in Rockville, Maryland and is currently developed with an approximately 48,810 square foot, 4-story office building. The site is in the North Bethesda Policy Area. The applicant is proposing to raze the existing structure and improve the property with a new, modern self-storage facility.

The Project will include a 3-story self-storage building with a cellar, totaling 102,054 square feet of gross floor area (136,172 square feet including the cellar space). The building is sited on the northeastern portion of the Property with a frontage on Parklawn Drive. Vehicular access to the property is currently provided via two curb cuts along Parklawn Drive. The applicant is proposing to remove the existing curb cut on the north side of the property and provide access to the site at the same location as the existing curb cut on the east side of the property. The existing curb cut will be improved to meet current standards.

Our office conducted a trip generation study using the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition) in conjunction with Appendix Tables 1a and 1b of the 2023 LATR Guidelines. As shown in the attached Exhibits, the replacement building will result in a reduction of 82 AM peak hour and 66 PM peak hour person trips.

The LATR guidelines stipulate those projects generating less than 50 new peak hour person, transit or nonmotorized trips are exempt from LATR requirements. Since each of these values are less than 50, the site is exempt from providing quantitative auto, transit, bicycle, or pedestrian analyses.

Sincerely,

Dylan Macro, CDT



Montgomery Village, MD 20886 Phone: (301) 670-0840 Fax: (301) 948-0693

Trip Generation Data Parklawn Self Storage 3-Story Self Storage with Cellar

ITE Trip Generation Data					
ITE Trip Generation Manual, 11th Edition					
Industrial Mini-Warehouse (ITE-151, 1000 SF GFA)					
1,000 SF GFA	136.17				
Morning Peak Rate	0.09				
Morning Distribution (In)	59%				
Morning Distribution (Out)	41%				
Afternoon Peak Rate	0.15				
Afternoon Distribution (In)	47%				
Afternoon Distribution (Out)	53%				

LATR Data					
North Bethesda					
Adjustment Factor	82%				
Mode Split					
Auto Driver	62.4%				
Auto Passenger	19.5%				
Transit	9.4%				
Non-Motorized	8.7%				

	Mo	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total	
ITE Trips	7	5	12	10	11	20	
Adjusted Trips	6	4	10	8	9	17	
Person Trips			17			27	
Transit Trips			2			3	
Non-Motorized Trips			2			3	

Non-Motorized Trips



9220 Wightman Road, Suite 120 Montgomery Village, MD 20886 Phone: (301) 670-0840 Fax: (301) 948-0693

	Park	Generation	orage			
		Existing Offic	ce			
ITE Trip Generation Data						
ITE Trip Generation Manual, 11t						
General Office (ITE-710, 1000 SF	•					
1,000 SF GFA	48.81					
Morning Peak Rate	1.52					
Morning Distribution (In)	88%					
Morning Distribution (Out)	12%					
Afternoon Peak Rate	1.44					
Afternoon Distribution (In)	17%					
Afternoon Distribution (Out)	83%					
LATR Data						
North Bethesda						
Adjustment Factor	87%					
Mode Split						
Auto Driver	65.8%					
Auto Passenger	18.4%					
Transit	8.6%					
Non-Motorized	7.3%					
	Мо	Morning Peak Hour		Evening Peak Hour		Hour
	In	Out	Total	In	Out	Total
ITE Trips	65	9	74	12	58	70
Adjusted Trips	57	8	65	10	51	61
Person Trips			99			93
Transit Trips			9			8

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November 8, 2024

Ms. Khandikile Mvunga Sokoni, Hearing Examiner

Montgomery County Office of Zoning and Administrative Hearings Stella B. Werner Council Office Building 100 Maryland Avenue, Room 200 Rockville, Maryland 20850

SUBJECT: Local Map Amendment Application H-154 Parklawn Self Storage

Dear Ms. Sokoni:

At its meeting on November 7, 2024, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission reviewed Local Map Amendment Application H-154, a request to rezone the 2.4-acre property located at 11900 Parklawn Drive, Rockville from the EOF-0.75, H-100 Zone to the ILF-1.0, H-55 Zone. The Planning Board also reviewed a Preliminary Forest Conservation Plan, application number F20241040, associated with the Local Map Amendment. During the hearing, the Planning Board received a presentation from its staff.

Staff concluded that the proposed ILF-1.0, H-55 Zone and the associated Floating Zone Plan are consistent with the 2018 *White Flint 2 Sector Plan;* satisfy all applicable requirements and findings for approval of a Local Map Amendment as specified in the Montgomery County Zoning Ordinance; and that the applicant has met the burden of proof by showing that the proposed zone is in the public interest and will not alter the character of the surrounding neighborhood.

On a motion by Commissioner Hedrick, seconded by Commissioner Linden, with Chair Harris and Commissioners Pedoeem and Bartley voting in favor, the Board recommended (5-0) that Local Map Amendment H-154 be approved. The Board also approved Preliminary Forest Conservation Plan F20241040. We hope the Planning Board's recommendations and the staff report will be helpful to your proceedings.

Sincerely,

Artie L. Harris

Chair

Enclosure

Exhibit 30 H-154