

MEMORANDUM

September 5, 2013

TO: Planning, Housing, and Economic Development Committee
FROM:  Jeff Zyontz, Legislative Attorney
SUBJECT: Zoning Text Amendment 13-02, Central Business District Zones – Self Storage

Zoning Text Amendment (ZTA) 13-02, sponsored by Councilmember Berliner, was introduced on April 30, 2013.

This ZTA would allow the construction of a self storage facility in the CBD-1 zone in a standard method of development building, under certain circumstances. Under ZTA 13-02, an allowable self storage facility must:

- 1) be in a basement or cellar of a building used for other purposes;
- 2) have on-site loading and unloading facilities;
- 3) have doors for individual storage units in the interior of the building; and
- 3) have limited signage.

The Council conducted a public hearing on June 18, 2013. The Planning Board recommended approval of ZTA 13-02 with an amendment to add the phrase “as an accessory use” in a new footnote to §59-C-6.22. In the Board’s opinion, allowing a self storage facility to locate in a basement or cellar could provide a valuable resource for residents of surrounding apartment buildings while complementing a number of the objectives of the central business district. Planning Staff recommended approval of ZTA 13-02 without amendment. In the opinion of Planning Staff, the circumstances under which self storage would be allowed would not impede street level development for other uses in the building.

A representative of the Pebblebrooke Hotel Trust spoke in favor of approval. There is no testimony in the record opposing ZTA 13-02.

Issue

Should self storage facilities be allowed in the CBD-1 zone under the conditions of ZTA 13-02?

As a general matter, self storage facilities do not provide a vibrant, intensive urban experience that is desirable in central business districts. They have the potential to create long expanses of blank walls that kill pedestrian interest. They are buildings with limited activity. In a cellar (more than 50 percent below grade), self storage can add value to an otherwise under-used space that has no negative effect on surface-level activity. A basement (not more than 50 percent below grade) may have surface-level exposure to the street. The market would determine if a self storage facility is the best economic use of the property.

Self storage facilities are a convenience to people who have more “stuff” than space to put their stuff.¹ Apartment residents have far less housing floor area than residents of one-family detached dwellings and are therefore likely users of self storage facilities. There are far more apartments in CBDs than in other areas.

Staff recommends approval of ZTA 13-02.

<u>This Packet Contains</u>	<u>© number</u>
ZTA 13-02	1 – 3
Planning Board Recommendation	4 – 8
Planning Staff Recommendation	9 – 11

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¹ “A house is just a place to keep your stuff while you go out and get more stuff.” George Carlin.

Zoning Text Amendment No.: 13-02
Concerning: Central Business District
Zones – Self Storage
Draft No. & Date: 1 – 4/30/13
Introduced: April 30, 2013
Public Hearing:
Adopted:
Effective:
Ordinance No.:

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

By: Councilmember Berliner

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow a self storage facility in certain CBD zones under certain circumstances

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-6. “CENTRAL BUSINESS DISTRICT ZONES.”
Section 59-C-6.22. “Land Uses.”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

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

1 **Sec. 1. DIVISION 59-C-6 is amended as follows:**
 2 DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.

3 * * *

4 **59-C-6.22. Land uses.**

5 No use is allowed except as indicated in the following table:

6 -Permitted Uses. The letter "P" in the appropriate column indicates the zones
 7 in which each use is permitted, subject to all applicable regulations under the
 8 standard or the optional method of development, indicated by the letters "S"
 9 and "O," respectively.

10 * * *

	CBD-0.5		CBD-R1		CBD-1		CBD-2		CBD-3		CBD-R2	
	S	O	S	O	S	O	S	O	S	O	S	O
(e) Services.												
* * *												
Respite care home.	P	P	P	P	P	P	P	P	P	P	P	P
Self storage.					<u>P*</u>	P ²⁶						
Shoe repair shops.	P	P		P	P	P	P	P	P	P	P	P
* * *												

11
 12 * * *

13 * Allowed only:

- 14 (a) in a basement or cellar of a building used for other purposes;
- 15 (b) with the provision of on-site loading and unloading facilities;
- 16 (c) with doors for individual storage units in the interior of the building;
- 17 and
- 18 (d) if signage is limited to a wall sign under §59-F-4.2(b)(2) and the
 19 maximum area of the sign is 40 square feet.

20 * * *

21 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
22 date of Council adoption.

23

24 This is a correct copy of Council action.

25

26

27 _____
Linda M. Lauer, Clerk of the Council



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MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

MONTGOMERY COUNTY PLANNING BOARD

The Maryland-National Capital Park and Planning Commission

June 17, 2013

TO: The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

FROM: Montgomery County Planning Board

SUBJECT: Zoning Text Amendment No. 13-02

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed Zoning Text Amendment No. 13-02 at our regular meeting on June 13, 2013. By a vote of 4:0, the Planning Board recommends approval of the text amendment, as modified by the Board to clarify that a self-storage facility may be permitted only as an accessory use in the basement or cellar of a building used for other purposes, and with only interior doors for individual storage units. The text amendment language as modified by the Board is included as an attachment to this memorandum, separate from the technical staff report.

ZTA No. 13-02 allows a self-storage facility under the standard method of development in the CBD-1 zone only:

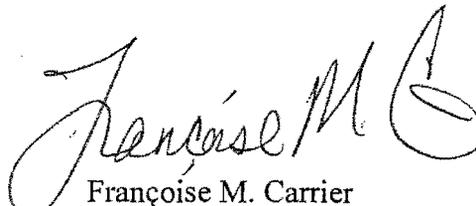
- (a) in a basement or cellar of a building used for other purposes;
- (b) with the provision of on-site loading and unloading facilities;
- (c) with doors for individual storage units in the interior of the building; and
- (d) if signage is limited to a wall sign under §59-F-4.2(b)(2) and the maximum area of the sign is 40 square feet.

Currently, self-storage is permitted as a principal use in the CBD-1 zone under the optional method of development; but only if located in an arts and entertainment district

facility is not allowed in any other CBD zone. The rationale for this limitation is to minimize the underutilization of valuable CBD-zoned property. ZTA 13-02 adheres to this objective by allowing a self-storage facility only under the standard method of development in the CBD-1 zone and located only in the basement or cellar of a building that includes another use at the street level and above. Allowing, in limited circumstances, a self-storage facility to locate in a basement or cellar could provide a valuable resource for residents of surrounding apartment buildings (and potentially other uses) while complementing a number of the objectives of the central business districts.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, at its regular meeting held in Silver Spring, Maryland, on Thursday, June 13, 2013.



Françoise M. Carrier
Chair

FC:GR

AS MODIFIED BY THE PLANNING BOARD ON JUNE 13, 2013

Zoning Text Amendment No.: 13-02
Concerning: Central Business District
Zones – Self Storage
Draft No. & Date: 1 – 4/30/13
Introduced: April 30, 2013
Public Hearing:
Adopted:
Effective:
Ordinance No.:

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

By: Councilmember Berliner

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow a self storage facility in certain CBD zones under certain circumstances

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DIVISION 59-C-6. “CENTRAL BUSINESS DISTRICT ZONES.”
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** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

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

1 **Sec. 1. DIVISION 59-C-6 is amended as follows:**
 2 DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.

3 * * *

4 **59-C-6.22. Land uses.**

5 No use is allowed except as indicated in the following table:

6 -Permitted Uses. The letter "P" in the appropriate column indicates the zones
 7 in which each use is permitted, subject to all applicable regulations under the
 8 standard or the optional method of development, indicated by the letters "S"
 9 and "O," respectively.

10 * * *

	CBD-0.5		CBD-R1		CBD-1		CBD-2		CBD-3		CBD-R2	
	S	O	S	O	S	O	S	O	S	O	S	O
(e) Services.												
* * *												
Respite care home.	P	P	P	P	P	P	P	P	P	P	P	P
Self storage.					P*	P ²⁶						
Shoe repair shops.	P	P		P	P	P	P	P	P	P	P	P
* * *												

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12 * * *

13 * Allowed only:

- 14 (a) as an accessory use in a basement or cellar of a building used for other
- 15 purposes;
- 16 (b) with the provision of on-site loading and unloading facilities;
- 17 (c) with doors for individual storage units in the interior of the building
- 18 only; and
- 19 (d) if signage is limited to a wall sign under §59-F-4.2(b)(2) and the
- 20 maximum area of the sign is 40 square feet.

21 * * *

22 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
23 date of Council adoption.

24

25 This is a correct copy of Council action.

26

27 _____

28 Linda M. Lauer, Clerk of the Council

Zoning Text Amendment (ZTA) No. 13-02, Self storage facility in CBD-1 zone

 Gregory Russ, Planner Coordinator, Functional Planning & Policy Division, gregory.russ@montgomeryplanning.org, 301-495-2174

 Mary Dolan, Chief, Functional Planning & Policy Division, mary.dolan@montgomeryplanning.org 301-495-4552

Completed: 06/6/13

Description

ZTA No. 13-02 allows a self-storage facility in certain CBD zones under certain circumstances. Specifically, self-storage would be allowed under the standard method of development in the CBD-1 zone only:

- (a) in a basement or cellar of a building used for other purposes;
- (b) with the provision of on-site loading and unloading facilities;
- (c) with doors for individual storage units in the interior of the building; and
- (d) if signage is limited to a wall sign under §59-F-4.2(b)(2) and the maximum area of the sign is 40 square feet.

Summary/Analysis

Staff recommends approval of ZTA No. 13-02 as introduced to allow a self-storage facility under the standard method of development in the CBD-1 zone when the use is located in the basement or cellar of a building used for other purposes.

Currently, self-storage is permitted as a principal use in the CBD-1 zone under the optional method of development; but only if located in an arts and entertainment district designated under State law, and the use was established before March 15, 2004. A self-storage facility is not allowed in any other CBD zone. The rationale for this limitation is to minimize the underutilization of valuable CBD-zoned property. ZTA 13-02 adheres to this objective by allowing a self-storage facility only under the standard method of development in the CBD-1 zone and located only in the basement or cellar of a building that includes another use at the street level and above. Allowing, in limited circumstances, a self-storage facility to locate in a basement or cellar could provide a valuable resource for residents of surrounding apartment buildings (and potentially other uses) while complementing a number of the objectives of the central business districts including:

- permitting a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts *to meet the needs and requirements of workers, shoppers and residents*;
- *encouraging designs which produce a desirable relationship* between the individual buildings in the central business district, between the buildings and the circulation system and *between the central business district and adjacent areas*;
- *fostering and promoting the orderly development of the fringes of the Central Business Districts* of the county so that these areas will provide land uses at a density and intensity which will

encourage small business enterprises and diverse living accommodations, *while complementing the uses in the interior portions of these districts*; and

- providing a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.

As stated above, allowing additional storage for residents of apartments within the vicinity provides a convenient resource without adversely affecting the goal of encouraging development of active streets and sidewalks. This is in contrast to street-level development of self-storage facilities where they typically create dead space along the street frontage.

The CBD-1 zone is located generally along the fringes of the Silver Spring, Bethesda and Friendship Heights central business districts. ZTA 13-02 adheres to the goal of *encouraging designs which produce a desirable relationship between the central business district and adjacent areas* by allowing a self-storage facility only in the basement or cellar of a building, by requiring all loading to occur on-site (not on the street) and by requiring access to all individual storage units from the interior of the building. The overall design (interior unit access) and location (basement/cellar) of the self-storage facility would not impede the street level development for other uses in the building and should not impact how the street level building complements other buildings in the district.

Location of CBD-1 Zones (Attachment 2)

The first chart in Attachment 2 depicts the land uses on and locations of the CBD-1 zones in the County. Overall, there are approximately 477 CBD-1 zoned properties located in the central business districts of Silver Spring, Bethesda and Friendship Heights. Approximately 66% (315) of the properties are categorized as either retail or office while the remaining properties are categorized as follows:

13% (62) as parking and transportation;
5% (23) as multi-family;
4.4% (21) as industrial and warehouse;
1.5% (7) as single-family residential; and the remaining properties as vacant, open space, parks and cultural and institutional uses.

The second chart in Attachment 2 depicts land uses that are adjacent to or confronting CBD-1 properties. There are approximately 350 properties that fit these criteria. Approximately 42% (147) of the properties are categorized as retail or office while the remaining properties are categorized as follows:

12.6% (44) as single-family;
12% (42) as multi-family;
10.2% (36) as parking and transportation;
5.1% (18) as industrial and warehouse;
4% (14) as parks, open space, and recreation; and the remaining properties as vacant, institutional, and community facility uses.

Conclusion

Approval of ZTA No. 13-02 would allow a self-storage facility under the standard method of development in the CBD-1 zone under certain circumstances that limit negative impacts typically associated with this use when located in the central business districts. Staff believes, with the

parameters established for allowing a self-storage facility in the CBD-1 zone, that this use could provide a valuable resource for residents of surrounding apartment buildings (and other uses) while complementing a number of the objectives of the central business district zones.

GR/MD/am

ATTACHMENTS

1. ZTA 13-02 as introduced
2. Chart of CBD-1 Zoned Properties/Uses Adjacent to or Confronting CBD-1 Zones