

**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:

Paramount Self Storage, LLC

Applicant

Nana Baine

Patrick La Vay

Rebekah Brown

For the Application

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Local Map Amendment
Application No. H-157

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Elizabeth Rogers, Esq.

Attorney for the Applicant

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Before: Kathleen E. Byrne, Hearing Examiner

HEARING EXAMINER’S REPORT AND RECOMMENDATION

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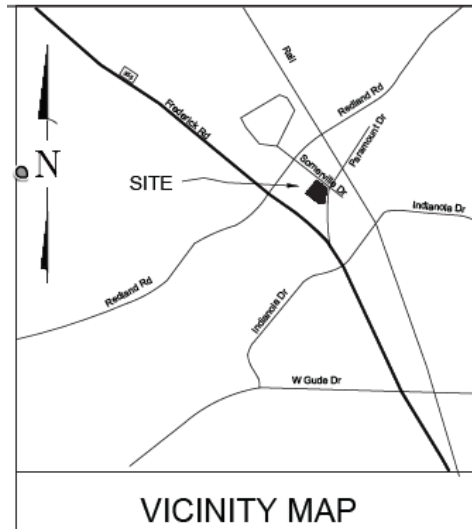
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I. CASE SUMMARY

Applicant: Paramount Self Storage, LLC

LMA No. & Date of Filing: H-157, filed August 16, 2024



Current Zone: CR-2.0, C-0.5, R-1.5, H-120' (Commercial/Residential Zone).

Current Use: Approx. 91,476 square-foot area containing a series of one-story storage buildings, outdoor vehicular storage and associated surface parking.

Requested Zone: CRTF-2.75, C-2.75, R-1.5, H-120' (Commercial Residential Town Floating Zone). The existing buildings are currently grandfathered. Self-storage is only permitted in the CRTF zone. To redevelop and modernize the existing facility, the property must be rezoned to CRTF.

Proposed Use: Continue self-storage use, redeveloping the site with four and six-story self-storage buildings comprised of up to 282,040 square feet of storage, with the potential for retail use on the ground floor.

Consistency with Master Plan: Located within the *2021 Shady Grove Sector Plan Minor Master Plan Amendment*. Consistent with the Master Plan.

Neighborhood Response:	No neighborhood support or opposition received.
Planning Board Recommends:	Approval
Technical Staff Recommends:	Approval
Hearing Examiner Recommends:	Approval
District Council Votes Needed to Approve:	6

II. STATEMENT OF THE CASE

Paramount Self-Storage, LLC (Applicant or Paramount) filed two applications on August 16, 2024. The first, LMA Application No. H-157, seeks to rezone approximately 2.1 acres of property from the CR-2.0, C-0.5, R-1.5, H-120' (Commercial Residential) to CRTF-2.75, C-2.75, R-1.5, H-120' (Commercial Residential Town Floating). Exhibit 1. The second seeks conditional use approval to operate a self-storage facility. See CU 25-01, Exhibit 1. The Hearing Examiner prepared a separate Report and Decision for the conditional use application. The subject property is located at 15750 Paramount Drive, Rockville, Maryland 20855, and is further identified as parcel H-2 in the "Derwood" subdivision (Tax Account No. 04-00776845). *Id.*

Notice of the public hearing was mailed and posted on OZAH's website on April 22, 2025. Exhibit 34. The notice established a hearing date of June 12, 2025. The public hearing proceeded as scheduled on June 12, 2025. The Applicant presented three witnesses, one representing the Applicant and two expert witnesses. No additional witnesses appeared in either support or opposition of the Application. As the hearing was conducted in a hybrid format, Mr. Al Carr observed the hearing neither in support nor opposition via Zoom. T. 11-12. The Hearing Examiner held the record open for ten days only to receive the transcript of the proceedings. Upon receipt of the transcript, the record closed on June 26, 2024.

III. FACTUAL BACKGROUND

A. Subject Property

The subject property contains approximately 91,479 square feet of land (2.10 acres) and fronts Somerville Drive to the north and Paramount Drive to the east. Exhibit 44, pp. 7-8. The parcel is an irregularly shaped corner lot abutting a vacant lot to the east, across Somerville

Drive is a junkyard, diagonally across to the north-east is a vacant lot. *Id.* An aerial photograph of the property is shown below. *Id.* at 8.



Staff Report – Exhibit 44, Figure 3

Today, the lot is developed with 11 separate one-story exterior access storage buildings, outdoor vehicular storage, and associated surface parking. *Id.* at 7. These structures contain approximately 38,097 square feet of above grade floor area. *Id.* These buildings were developed in 1974 with interior vehicular circulation and parking. Exhibit 23, p. 2. The property can be accessed either from Somerville Drive or Paramount Drive. The Somerville Drive side contains a 4-foot-wide sidewalk along the property frontage. *Id.* Staff confirmed the lot contains no forest, wetlands, streams or floodplains. Exhibit 44, p. 8.

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 Floating Zone Plan will be compatible with the character of the impacted area.

Staff defined the neighborhood boundary as being "Metro South", identifying the neighborhood to be the same area as described as "Metro South" in the *2021 Shady Grove Sector Plan Minor Master Plan Amendment* (Sector Plan). *Id.* at 5. Metro South is "bounded by CSX Railroad tracks to the north, Redland Road to the west, Paramount Drive to the east, and Frederick Road (MD 355) to the south. Rockville's city limit is the southern boundary to the Metro South neighborhood." *Id.* The surrounding area is delineated in a graphic from the Staff Report shown on the following page.



Staff Report - Exhibit 44, p. 6, Figure 1

Applicant's land use report describes the neighborhood as a mix of commercial, light industrial and auto-centric industrial uses. Exhibit 23, p. 3. Staff note Sector Plan describes Metro South as containing a variety of light industrial uses, such as automotive services, storage facilities and retail businesses. Exhibit 44, p. 5. The property abuts a vacant lot to the west, an automotive junkyard to the north, a car dealership to the east and to the south, fast food retailers, gas stations and miscellaneous auto oriented retail services. *Id.*

Based on the record, the Hearing Examiner agrees with Staff that the neighborhood is appropriately identified as matching the Metro South footprint per the Sector Plan and agrees with the Applicant's land use report that the neighborhood contains a variety of light industrial and auto-centric uses.

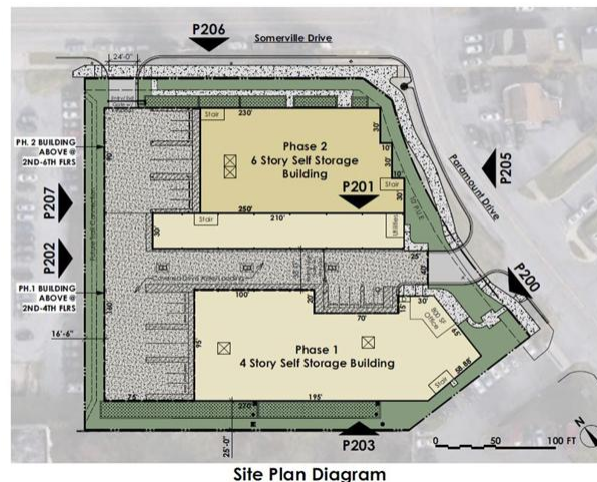
C. The Applicant's Proposal

Because self-storage is only allowed as a limited use in a CR zone, which requires storage to be in a basement or cellar of a building used for other purposes, the Applicant cannot update the existing self-storage site without a change from CR to the CRTF zone. Exhibit 44, p. 11. The Applicant plans to continue the self-storage use and proposes reinvesting and redeveloping the existing site with a modern self-storage facility with the "potential for ancillary neighborhood serving retail use on the ground floor." Exhibit 23, pg. 3. The renovation will take place in two phases with the old structures replaced by "four and six-story self-storage buildings featuring high-quality architectural elements, building materials and improved site design." *Id.* at 4. The new buildings will consist of up to 282,040 square feet of development, including a minimum of 17 vehicle parking spaces, and a minimum of four (4) loading spaces. Exhibit 44, p. 11. Staff described the construction phasing as follows:

The first phase of development will include a four-story self-storage building, totaling approximately 159,640 square feet of gross floor area ("Phase 1"). The Phase 1 building is situated on the southern portion of the Subject Property with frontage on Paramount Drive. The leasing office will be constructed on the ground floor of the Phase 1 building, with the entrance adjacent to the public open space that provides direct access for pedestrians from the street, to activate the pedestrian environment. Phase 1 will also provide an interim pervious surface parking lot that will be landscaped along the perimeter of the Property to limit views from the street. This parking lot is expected to be used for vehicle storage associated with self-storage use. Although vehicular parking is provided between the building and the street in the interim condition, the ultimate site layout places Building 2 along Somerville Drive which satisfies the zoning requirement of not placing parking between the building and the street.

The second phase proposes the construction of a six-story building of approximately 122,400 square feet ("Phase 2") in size. The Phase 2 building will be located on the northern portion of the Subject Property at the intersection of Somerville Drive and Paramount Drive. The ground floor of the Phase 2 building has been designed to provide flexible space that can be devoted to a ground-floor retail use in the future when the immediate vicinity can support such a use. Exhibit 44, p. 12.

The project's design places modern facilities that frame the street and significantly reduce surface parking and drive aisles. *Id.* The redevelopment will activate the streetscape through strategically siting the proposed buildings and implementing high-quality architectural elements along all facades and the building locations will define the pedestrian environment. *Id.* Additionally, the Applicant anticipates that the proposed building will achieve a net-zero energy designation. *Id.*



Staff Report - Exhibit 44, part of Figure 7,
Site Plan Diagram

1. 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 (FZP) 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 39¹.

Mr. Patrick La Vay testified on behalf of the Applicant and was admitted as an expert in land planning. T. 33. Mr. La Vay testified to the trapezoidal shape of the property and the goal of bringing the building up to the streets to the maximum extent possible with all the parking and loading operations internal to the site. T. 39. Additionally, Mr. La Vay explained the addition of flexible space facing Somerville will provide space for future retail should it be viable for the site. T. 40. The two curb cuts will remain, one located on each street with slight modifications, particularly on Paramount to more closely align the driveway with the one across the street. T. 40. The Applicant seeks "alternative compliance" to retain the two access points with upgrades to ensure safe vehicular and pedestrian access and circulation. T. 41. Mr. La Vay opined that the Planning Board would be the body required to approve the alternative compliance for two access points during the future site plan process. T. 42.



Exhibit 47, p. 17 - Phase 1 Rendering

¹ The Applicant resubmitted a new Floating Zone Plan, Exhibit 51 to correct a typo in the square footage requirement set forth in Binding Element 1. The maximum commercial density will not exceed 282,040 square feet.



Exhibit 47, p. 18 – Phase 2 Rendering

Binding Elements

The Staff Report includes three binding elements (Exhibit 44):

1. The proposed self-storage facility and ancillary ground floor retail will not exceed a maximum commercial density of 282,040² square feet.
2. Vehicular access to the Site will be limited to the two access points, as shown on the Floating Zone Plan.
3. The maximum building height on the Subject Property is limited to 80 feet.

2. Access

When asked if the two access points met all the standards for County DOT, Mr. La Vay testified that the two typical requirements would be spacing from the intersection and then site distance and both of those were deemed adequate as shown on Exhibit 31, and he further opined

² As previously noted above, the maximum commercial density in Binding Element 1 has been corrected to read 282,040 square feet NOT 284,040 square feet.

that the proposed site distance is adequate with proper signage. T. 43-44.

3. Environment

Staff determined there were no forests, wetlands, streams or floodplains on the property. Exhibit 44, pp. 8, 21. Additionally, Staff note the project seeks to be a net zero energy site, using on-site renewable energy via rooftop solar photovoltaic systems, introduce stormwater management where none currently exists and will provide additional greenspace and landscaping to promote sustainability and activate the pedestrian environment. *Id.* Mr. La Vay also testified to the net zero energy plan as well as the decrease in impervious area and expanded tree cover. T. 52.

Mr. La Vay also testified that the forest conservation plan was approved by the Montgomery County Planning Board May 29, 2025. *Id.* Mr. La Vay noted that because there is no existing forest at the site, nothing is being retained and afforestation is not feasible on the property. T. 47. The approved plan includes .36 acres of offsite mitigation. T. 47.

D. Community Concerns

Staff noted the Applicant held a meeting on Monday, May 5, 2025 with the Implementation Advisory Committee for Shady Grove (IAC). Exhibit 44, p. 23. Staff received the following questions and provided the following responses regarding the Application.

1. *Development Review Committee (DRC) comments state the Project is not in conformance with Sector Plan.* In summary, Staff explained that it is not uncommon for applications when first submitted to not meet all approval standards. But the Applicant responded to Staff's concerns and revised its submittal to align with the goals of the Sector Plan. *Id.*

2. *The building for Phase 2 is six stories high, which is taller than anything nearby. It*

would seem much more reasonable to have both structures be only 4 stories tall. This is an even bigger concern when you take into account that the overall structure of both buildings will basically take up the entire site. It will be a huge mass in that area. Staff responded that the current zoning permits a height of up to 120 feet which is consistent with surrounding zones and that the Phase 2 structure which is 6 stories in height will still be less than the 120 feet permitted in the current and proposed zone. Additionally, Staff noted that the higher structure will be constructed in the second phase allowing for a gradual increase in height. *Id.*

3. The IAC is worried that this development, while an improvement over the existing structures on the site, greatly decreases the likelihood of mixed-use residential development elsewhere in this block and on the other side of Somerville Drive and Paramount Drive. Staff responded to the concern regarding the potential impact on future mixed-use development explaining that the improved streetscape, sidewalks and open spaces will allow for future development to connect to this project and the zoning for the surrounding parcels remains unchanged. *Id.*

The Hearing Examiner received no letters either in support or opposition of the application from the public. On June 6, 2025, OZAH received a letter from Mr. Al Carr raising an issue for the Hearing Examiner as to whether the Applicant complied with the Maryland Annotated Code, General Provisions Article §5-842. Mr. Carr asserts in his letter that the Applicant failed to identify each of the holders of at least 5% interest of the business entity who has an interest in the subject property. In response to Mr. Carr's letter, Ms. Rogers, counsel for the Applicant, disagreed with Mr. Carr's assertion noting that a disclosure statement for Paramount Self Storage, LLC as the owner/Applicant was filed and that there are no individuals who have a direct ownership interest in Paramount Self Storage LLC. T. 18-19 and Exhibit 50.

Out of an abundance of caution, Ms. Rogers submitted 7 additional disclosures encompassing all entities and person with any indirect beneficial interest in Paramount Self Storage, LLC noting that there are no owners, members or other parties that have either a direct or indirect beneficial interest in the property that have made any contributions within the four-year election cycle preceding the submission of the application or during the pendency of the application. T. 19. Mr. Carr appeared at the hearing via Zoom only to observe and did not respond to Ms. Rogers argument or supplemental submission. No other community members appeared at the hearing nor did OZAH receive any additional correspondence regarding the application.

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.2.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.2.b: ...further the public interest...

* * *

Section 59.7.2.2.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 *2021 Shady Grove Sector Plan Minor Master Plan Amendment* (Sector Plan or Plan). Exhibit 44, pp. 15-19. Staff quoted directly from the “Vision” statement of the Plan that “envisions the future of the Shady Grove Metro Station area as a mixed-use and pedestrian-oriented environment with attractive streetscapes, distinctive architecture, and a sense of place that is complemented by public facilities and amenities, and new mobility options”. Exhibit 44, p. 15. Staff determined that the project satisfied the following referenced Sector Plan and Metro South neighborhood specific recommendations.

- Promotion of incremental infill redevelopment that breaks up large blocks, creates amenities for pedestrians, and connects to adjacent areas.
- Recommends street-oriented buildings connected by safe pedestrian access, but recognizes that implementation of that vision will be incremental, particularly at the Metro Neighborhoods where working with multiple ownerships will be a challenge
- Envisions this area as a mixed-use residential area.

- Encourage retail or other active uses at strategic locations.
- Include on-site renewable energy generation.
- Include building design features that keep roofs cool – either green roofs or cool roofs.

Id.

Staff determined that the redevelopment of the site provides significant streetscape improvements and sets aside an area for the future inter-parcel connection along the site's western edge as "called for" in the Sector plan at page 27. Additionally, Staff found that this area of "potential open space" and the 16-foot side setback will transform the pedestrian environment and begin to build out the area's pedestrian network." *Id.* at 15-16. Staff also found that redevelopment of the property will take an under-utilized property and bring it into conformance with the urban design goals of the Plan and begin the neighborhood's transformation to a more mixed use and walkable area. *Id.* The redesigned building placement providing continued self-storage and retail space will provide services for the future "mixed-use residential area." *Id.* The project also satisfies the Plan's sustainability goals specifically the inclusion of on-site renewable energy generation through the use of rooftop solar photovoltaic systems along with the cool roof design and planned net zero energy designation. *Id.*

The Applicant's land use report also identified the specific urban design recommendations from the Plan noting the project is an important first step toward implementing the infill redevelopment, providing specific streetscape improvements, facilitating pedestrian connectivity, and proposing high quality architecture. Exhibit 23, pp 10-11. The Applicant's expert Mr. La Vay also opined that the project is in substantial conformance with the Sector Plan. T. 50. Specifically, Mr. La Vay pointed out that in addition to the property-specific requirements, the reservation of 16-foot-set-back to provides for future open space connection, the redevelopment satisfies the "street oriented buildings" recommendation, reserving space

flexible space for possible future retail. T. 51-52. Mr. La Vay also opined that the sustainability goals of the Plan are also satisfied by the decrease in impervious surface, addition of on-site renewable energy, and expansion of the tree cover. T. 52.

Conclusion: Aside from the explicit requirement to “substantially conform” to the Master Plan, OZAH has interpreted the “public interest” requirement as conformance to adopted County plans and policies, including the relevant master plan. The Hearing Examiner agrees with both Staff's and Mr. La Vay's characterization of the goals and recommendations of the Sector Plan.

The Hearing Examiner agrees with Mr. La Vay's testimony the redevelopment will “provide a community serving use that is both beneficial and important to multi-family residential as well as some of the existing uses in the area.” T. 53. Given Mr. La Vay's testimony that this project represents the first redevelopment in the area since 2006, the Hearing Examiner finds this project to be a first step towards achieving incremental redevelopment of Metro South as anticipated by the Sector Plan.

Given the extensive testimony, details from the Applicant's Land Use Report and Staff's determinations and having no evidence to the contrary, the Hearing Examiner finds that the FZP furthers the Plan's urban design and sustainability goals for the reasons stated by Staff and incorporated above. The FZP is the first step towards achieving goals for the area as envisioned by the Sector Plan and furthers the public interest.

2. Compatibility²

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.2.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 5.3.2.C. (Purpose of Commercial/Residential Zones). The purpose of the Commercial/Residential Zones is to ... provide mixed-use development that is compatible with adjacent development.

Section 7.2.1.E.2.d. be compatible with existing and approved adjacent development...

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² Section 59.7.2.1.E.2.f 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 CR Zone is not a residential detached zone. *Zoning Ordinance*, §59.2.1.3.C.1. For this reason, the Hearing Examiner does not address this standard.

Staff determined that the project ensures compatibility with the existing future neighborhood “by setting limits on applicability, density, and uses” to “maintain the character and integrity of the surrounding areas while accommodating future growth.” Exhibit 44, p. 26. Additionally, Staff found that the project adheres to specific CRTF development standards and compatibility guidelines further protecting the character of adjacent neighborhoods. *Id.* Further Staff found that the project’s connection to the existing urban fabric allows for integration of the future buildouts of the adjacent properties. *Id.*

Additionally, Staff note that the phasing of redevelopment project incorporates design flexibility, mitigates any negative impacts by providing justification for the parking waiver and mitigation for the two access points approved by MCDOT. Further this phasing flexibility enables the Applicant to adapt their designs to the area over time and connect to the overall compatibility of the future surrounding developments. *Id.* at 27.

Mr. La Vay opined that the existing use is compatible with the surrounding neighborhood and the proposed changes will provide an opportunity for an improvement in the neighborhood. T. 59. Mr. La Vay reiterated that the underlying use is not changing and remains compatible with the industrial and commercial nature of the surrounding properties, including the tow lot across the street and further pointed out that it will also be compatible with what could come to the area in the future. T. 77. Ms. Brown, the Applicant’s architecture expert, opined that the building’s architectural design and location focusing on a building that activates the surrounding streetscapes to be compatible with the future mixed-use neighborhood as envisioned by the Sector Plan. T. 100. Specifically, Ms. Brown opined that the project was designed to “establish that urban framework” pulling the building to the street and not have any parking between what is “the street and the pedestrian realm zone.” T. 101. Ms. Brown and Mr. La Vay both testified that the proposed redevelopment is compatible and

complies with requirements of the CRTF zone and with the current codes. T. 56, 76.

Mr. La Vay discussed Section 59.5.3.2.C of the Zoning Ordinance encouraging “flexibility in uses for a site.” T. 59. He further opined that allowing the use in existence today to continue, through the rezoning process meets the flexibility intent. T. 59. In addition, Ms. Brown confirmed the design features for the redevelopment, including the maximum height of 80 feet less than the allowed 120 feet will be compatible with existing development. T. 79.

Conclusion: Based on this record, the Hearing Examiner agrees with Staff and the Applicant's experts that the project meets the purposes of the CRTF Zone and that the proposed Floating Zone will provide flexibility to allow the use to continue and improve the site. The Applicant has used the design flexibility of the CRTF Zone to ensure compatibility with adjacent and surrounding properties. The remove of the old storage structures with modern structures moved closer to the street will provide the urban design feel and block the parking/loading from the public view. This standard has been met.

3. Public Infrastructure/Public Interest

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

Section 7.2.1.E.2.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.2.b: further the public interest...

* * *

Section 7.2.1.E.2.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...”*

Staff advises that a transportation impact study is not required to satisfy the LATR test because the project generates less than 50 new peak hour person trips. Exhibit 44, p. 21. In addition, the Applicant submitted a Traffic Statement in accordance with the 2020-2024 Growth and Infrastructure Policy and the 2023 LATR Guidelines to demonstrate that the development will generate fewer than 50 new net per person trips in the morning and evening peak times. Exhibit 24; T. 77-78, 85.

Mr. La Vay testified that other public infrastructure elements were adequate. Specifically, Mr. La Vay opined that there is adequate water, sewer, electric, and gas to serve the property and police, fire and ambulatory services are well within operation of local operating distances and have available services. T. 85. Additionally, as this project has no residential component, school impact is not at issue. T. 85. Staff also agreed with Mr. La Vay's assessment of the public infrastructure status. Exhibit 44, p. 34.

Mr. La Vay also testified that today no stormwater management plan exists on site. T. 36. Mr. La Vay further testified that a stormwater management concept plan has been approved by the Department of Permitting Services (DPS). T. 49-50. On August 26, 2024, DPS found the stormwater management plan for the property to be acceptable. Exhibit 9.

Regarding the satisfying public interest, Staff determined as follows:

The Project will further the public interest and provide a new neighborhood service to the surrounding Metro South neighborhood. The Project will establish

streetscape improvements that will allow for future connections as the area develops. Additionally, it incorporates renewable energy systems and cool roof materials to achieve net-zero energy designation. The project will provide new stormwater management facilities where none currently exists and will provide additional green space.

Exhibit 44, p. 25.

Conclusion: Based upon the uncontroverted testimony and evidence in this record, the Hearing Examiner finds that public infrastructure will be adequate to serve the proposed use at this stage and will be finally determined at a later stage of the development process.

Additionally, the Hearing Examiner finds the proposal to be in the public interest in that it will add stormwater management, be sustainably developed, updates an existing use, and provides a potential new retail use for the surrounding Metro South neighborhood.

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 the 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 CRTF 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 CRTF 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 furthers the goals and recommendations of the Sector Plan”. Exhibit 44, p. 26. Further Staff determined that the “Project has been designed to complement the future envisioned uses of the community”, the property’s use will not change and the “redevelopment will elevate the exterior façade with attractive and modern finishes and establish a street presence.” *Id.*

Mr. La Vay also pointed out that the use will remain the same as it is today and remain compatible with the surrounding uses. T. 59. Mr. La Vay further opined that removal of “first generation” unsightly low-rise facilities to a more modern -street oriented, pedestrian-friendly building improves the site design. T. 57. Additionally, Mr. La Vay agreed with Staff that keeping the two entrances ensures safe vehicular and pedestrian access and circulation allowing for easy entrance and exit to and from the property. T. 42.

Conclusion: The Hearing Examiner agrees with Staff and the Applicant that the project has been designed to complement the surrounding uses in furtherance of the Sector Plan goals for Metro South. It is important to note the fact that the underlying use will not change and that today the use is compatible with the existing surrounding land uses. In addition, the removal of the “unsightly low-rise facilities” and replacing them with modern street forward designed structures will improve the not only the visual aesthetics but improve both pedestrian and vehicular circulation in and around the site.

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; and*

Regarding the appropriate use of land Staff determined

The proposed Floating Zone complies with the maximum floor area ratio prescribed in Section 59-5.3.5.A and will permit desired reinvestment in the existing self-storage facility and future retail. The Project will introduce stormwater management to the Property, where none currently exists, and will provide additional green space and landscaping to promote sustainability and activate the pedestrian environment. The Applicant also proposes a cool roof and solar panels on the self-storage buildings, furthering the sustainability goals of the County.

Exhibit 44, p. 26

Mr. La Vay opined that so much has changed since COVID with people working from home and how business operations have changed making self-storage an important part of any community “especially in the sort of urban environment that we live.” T. 58. In addition to the Applicant's expert testimony on the appropriate use of land the Applicant's land use report identified the following as satisfying the basis sustainability requirements:

[T]he Project will provide substantial environmental improvements that go beyond basic sustainability requirements. The Project includes the use of on-site renewable energy (*i.e.* rooftop solar photovoltaic system(s)) to offset the energy consumed on-site, to create an energy net zero facility (which can be verified through an energy model). The Project also introduces stormwater management, where none currently exists, and will provide additional green space and landscaping to promote sustainability and activate the pedestrian environment.

Exhibit 23, p. 15.

Conclusion: The Hearing Examiner agrees with Staff and the Applicant's experts that the project

meets the intent of the floating zones. This project will meet a community need for more storage space in response to today's changing live/work environment. The replacement of the first-generation limited space storage facility with a modern design and more accessible structure is an appropriate use of the land. The development satisfies the sustainability goals through creation of stormwater management and the net zero energy goal enhancing the environment for years to come.

2. Purpose of the Commercial Residential Floating Zones (Section 59.5.3.2)

In addition to meeting the intent of Floating Zones, the FZP must meet the purpose of the zone requested. The purposes of the CRTF Zone are in Section 59.5.3.2. The Hearing Examiner has already discussed Section

Section 5.3.2. Purpose

The purpose of the Commercial/Residential Town Floating zones is to:

A. allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;

B. allow flexibility in uses for a site; and

C. provide mixed-use development that is compatible with adjacent development.

The Applicant's land use report stated as follows:

Pursuant to Section 59.5.3.2, the CRTF Zone is an appropriate zoning classification for the Property. The intent of the CRTF Zone is to accommodate flexible mixed-use development that allows for a variety of uses. The CRTF Zone provides an opportunity to accommodate flexible neighborhood amenities in a range of densities and heights, which allows for flexibility to respond to various settings and ensure compatibility with adjacent development. The proposed self-storage facility is a neighborhood amenity that has been carefully designed to ensure the building heights and massing promote the County's goals, as expressed through the Sector Plan.

Exhibit 23, p. 16.

Conclusion: The Hearing Examiner already found that the FZP furthers the purpose of §59.5.3.2.C in Part IV.A.2 of this Report (relating to compatibility of the use with surrounding development). The remaining purposes listed here are redundant of the findings already made.

The FZP has been designed in response to the property's setting, maintains the existing use and not only will remain compatible with the community and surrounding properties, but improve the neighborhood consistent with the recommendations in the Sector Plan. This standard has been met.

C. Applicability of a Floating Zone (§59.5.1.3)

Section 59.5.1.3. of the Zoning Ordinance sets up a series of threshold tests to determine whether a Floating Zone may be applied to properties current in an Agricultural or Residential Zone. The Hearing Examiner agrees with the Applicant, that there are no prerequisites for property already within the CR Zone. Exhibit 23, p. 16.

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

1. Uses and Building Types Permitted (§§59.5.3.3 and 59.3.3.4)

Section 59.5.3.3 of the Zoning Ordinance limits the uses permitted in the CRTF Zone to "only" those uses permitted in the CRT Zone. Self-storage is allowed as a conditional use in the CRT zone. The use is permitted so long as it receives conditional use approval pursuant to the standards set forth in the Zoning Code. A conditional use plan was submitted concurrently with the LMA application and will be approved by the Hearing Examiner subject to certain conditions including approval of this LMA by the District Council.

2. Development Standards of the CRTF Zone

Section 5.3.5 Development Standards.

Staff found that the FZP meets the development standards of the CRTF (Zoning Ordinance, §59.5.3.5), as demonstrated in the table from the Staff Report (Exhibit 44, p. 28, shown on the next page). Staff note that the design of the development will be reviewed by the County Planning Board at the time of Site Plan review. Exhibit 44, p. 27.

Table 1: Development Standards for CRTF-2.75, C-2.75, R-1.5, H-120 Zone

	Required/Permitted	Proposed Phase 1	Proposed Phase 2
Tract Area	112,372 sf (2.56 ac)		
Previous ROW Dedications	20,893 sf (0.48 ac)		
Lot Area	91,479 sf (2.10 ac)		
Maximum Density (59-5.3. 5.A.2)			
Commercial	309,023 (sf)	C-1.42 (159,640 sf)	C-2.51 (282,040 sf)
Residential	168,558(sf)		
Total	309,023(sf)		
Open Space 59-5.3. 5.D.1.b / 59-4.5.4. B.1.a	5%	12.1% (11,100 sf)	
Building Height (max.)	120 ft	55 ft	80 ft

Staff Report, Exhibit 44, p. 28, Table 1

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. Staff generated a table identifying the required parking requirements for the requested zone which is shown on the following page. The Applicant has requested a waiver of the minimum parking requirements. The Hearing Examiner will approve the parking waiver in the concurrent conditional use application. Thus, the proposed parking will satisfy the development standard.

*Table 2: Parking Requirements for the CRTF-2.75, C-2.75, R-1.5, H-120 Zone**

	Required/Permitted	Proposed Phase 1	Proposed Phase 2
VEHICLE PARKING (min.) 59-6.2.4.B	15 spaces (Phase 1) 32 spaces (Phase 2)	11 spaces	17 spaces ²
ACCESSIBLE 59-6.2.3.B / COMAR 05.02.02	2 spaces	1 space	1 space
LOADING 59-6.2.8.B	2 spaces	2 spaces	4 spaces
Bicycle Parking Section 59.6.2.C			
Long term	1 space	0	1 space
Short Term	1 space	1 space	0

**Final parking counts to be determined at the time of Site Plan.*

² The Applicant is requesting an approval of a Parking Waiver to modify Zoning Ordinance Section 59.6.2.4.B, Vehicular Parking Spaces.

Staff Report, Exhibit 44, p. 28 – Table 2

V. RECOMMENDATION

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-157, requesting reclassification from the existing CR-2.0, C-0.5, R-1.5, H-120' (Commercial Residential) to CRTF-2.75, C-2.75, R-1.5, H-120' (Commercial Residential Town Floating) located at 15750 Paramount Drive, Rockville, Maryland 20855 (Tax Account No. 04-00776845), be **approved** in the amount requested and subject to the specifications and requirements of the Floating Zone Plan (Exhibit 51), provided that the

Applicant files a final executed Declaration of Covenants 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: August 8, 2025.

Respectfully submitted,



Kathleen E. Byrne
Hearing Examiner