

**IN THE MATTER OF:**  
**PARAMOUNT SELF STORAGE, LLC**  
Applicant

Rebekah Brown

## For the Applicant

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Attorney for the Applicant

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Before: Kathleen Byrne, Hearing Examiner

OZAH Case No. CU 25-01

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## I. 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). *See* LMA H-157 Exhibit 1. The second seeks conditional use approval to operate a self-storage facility. Exhibit 1. The Hearing Examiner issued a separate Report and Recommendation recommending approval of the rezoning application. *See LMA H-157 Hearing Examiner Report and Recommendation dated August 8, 2025.* 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 33. 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 via Zoom, Mr. Al Carr observed the hearing neither in support nor opposition. 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.

Staff of the Montgomery County Planning Department (Planning Staff or Staff) issued a report recommending approval of the conditional use application on May 12, 2025, subject to the following conditions of approval (Exhibit 42, p. 3):

1. The Applicant must receive approval for Local Map Amendment H-157 from the District Council prior to approval of the conditional use for a self-storage facility on the Subject Property.
2. The self-storage facility and ancillary ground floor retail is limited to a total of up to 282,040<sup>1</sup> square feet.
3. The Applicant must provide a minimum of 17 vehicle parking spaces, 4 loading spaces, 1 short term bicycle space in Phase 1 and 1 long term bicycle space in Phase 2.
4. The Applicant can provide no more than 2 (two) site access points, per justification for Alternative Compliance, per Section 59-6.8.1 for Site Access.
5. Design all access points and alleys to be at-grade with the sidewalk, dropping down to the street level between the sidewalk and roadway.
6. Before the issuance of any building permit, the Applicant must obtain approval of a Project- based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).
7. The Applicant must provide a Public Access Easement (PAE) on the western boundary for future adjacent open space improvements, the details and timing for which will be coordinated in connection with the Site Plan Application.
8. The Applicant must provide a Public Improvement Easement (PIE) for the portion of the sidewalk along Paramount Drive that falls on private property, which will be coordinated with the Site Plan Application.

At its meeting on May 22, 2025, the Planning Board agreed with Staff’s recommendations and voted unanimously to recommend approval of the conditional use with the conditions as proposed by Staff. Exhibit 43.

## **II. FACTUAL BACKGROUND**

### **A. Subject Property**

The subject property contains approximately 91,479 square feet of land (2.10 acres) and fronts Sommerville Drive to the north and Paramount Drive to the east. Exhibit 43, pp. 7-8. The parcel is an irregularly shaped corner lot abutting a vacant lot to the east, across Somerville Drive is a junkyard, and diagonally across to the north-east is a vacant lot. *Id.* An aerial photograph of the property is shown on the following page. *Id.* at 8.

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<sup>1</sup> The text from the Staff Report has been corrected to read 282,040 square feet not 284,040 square feet.



Staff Report – Exhibit 43, 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 22, 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 43, p. 8.



Staff Report - Exhibit 43; Figure 4, Existing Condition  
– View from Paramount Drive



Staff Report, Exhibit 43, Figure 5, Existing Conditions  
– View Intersection of Somerville and Paramount

## B. Surrounding Area

The “surrounding area” of a proposed conditional use is the area that will experience the direct impacts of the use. It is delineated and characterized in a conditional use case to determine whether the proposed use will be compatible with the properties that will be impacted. Once delineated, the Hearing Examiner must assess the character of the area to determine whether the impacts of the proposed conditional use will adversely affect that character.

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 below.



Exhibit 43,  
Staff Report,  
p. 6, Figure 1,



[illegible]

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. Proposed Use

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 22, 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 43, 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.

*Id.* at 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.*

### *1. Site Plan & Access*

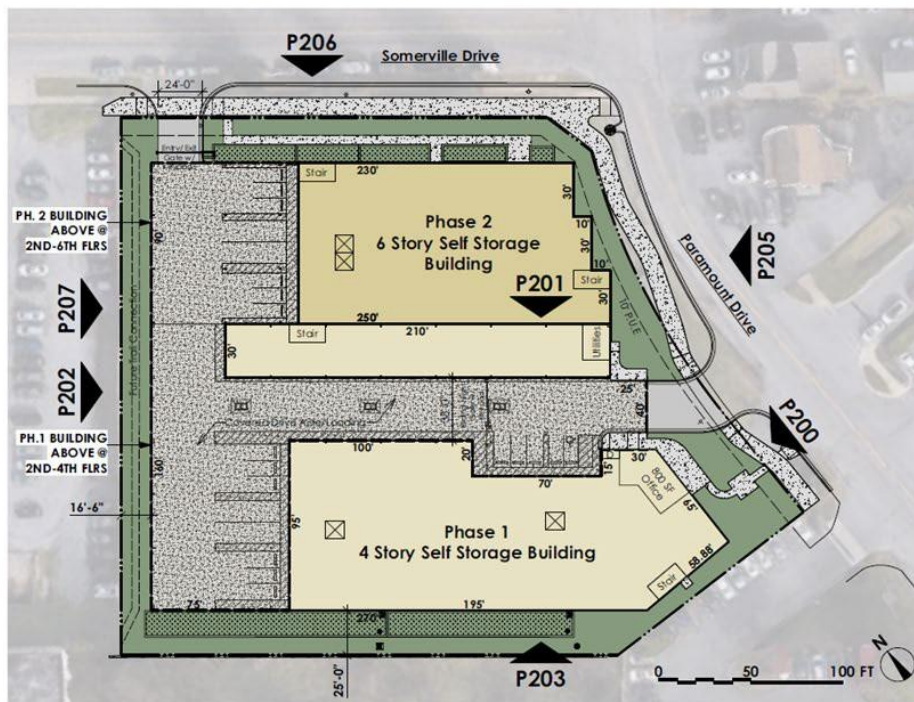
Mr. Patrick La Vay testified on behalf of the Applicant and was admitted as an expert in land planning. T. 33. Mr. La Vay testified to the trapezoidal shape of the property and the goal of bringing the building up to the streets to the maximum extent possible with all the parking and loading operations 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. 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 that the proposed site distance is adequate with proper signage. T. 43-44.

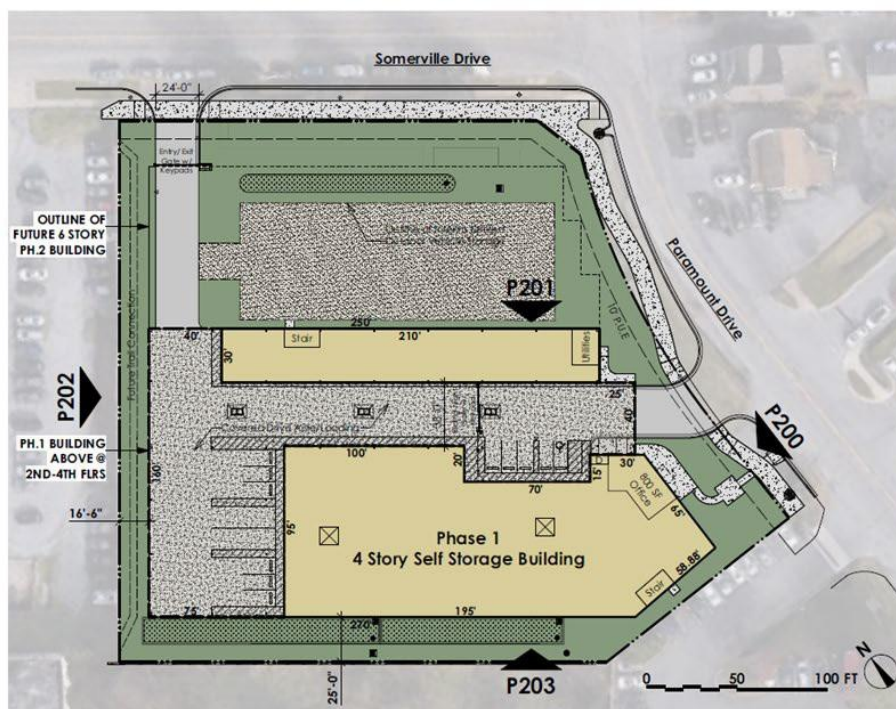
The Planning Board approved the forest conservation plan. T. 47. The Department of Permitting services approved the stormwater management concept plans. T. 50. The Applicant

provided detailed architectural plans identifying the location of and access to both buildings.  
Exhibit 28.

Ms. Brown the Applicant's architecture expert described the design process and the site design explaining that the buildings were pulled toward the street with no parking between the street and the "pedestrian realm zone." T. 101. She further opined that the building design and placement combined with the streetscape improvements will help facilitate the connection to the Metro south and the reduction in the size of the large blocks will promote pedestrian activity. T. 106. When asked about the ground floor retail space, Ms. Brown explained that if the retail space does not develop it would become self-storage from the inside, but the outside would still retain the same look with visual art behind the glass. T. 108. See site plan and future building image details on the following pages.



Site Plan Diagram



Site Plan Diagram

Staff Report –  
Exhibit 43, p. 13





Exhibit 44 p. 17 – Phase 1 Rendering



Exhibit 44, p. 18 – Phase 2 Rendering

## 2. Landscaping, Lighting, Parking and Signage

### a. Landscaping

Mr. La Vay opined how the proposed landscaping complies with the requirements of the zoning ordinance. T. 70-71. Specifically, he stated in Phase 1 because of the surface parking along Somerville perimeter planting and planting to accommodate shading of paved areas is shown on the landscape plan with several trees in the area north of the Phase 1 building. T. 70. Further in Phase 2 because that area becomes consumed by a building, almost no surface parking remains with a few trees, along the drive-out coming into the site. T. 70. Along the western edge of the property is the open and the area that abuts the parking lot next door and does not require screening on that side. T. 71.

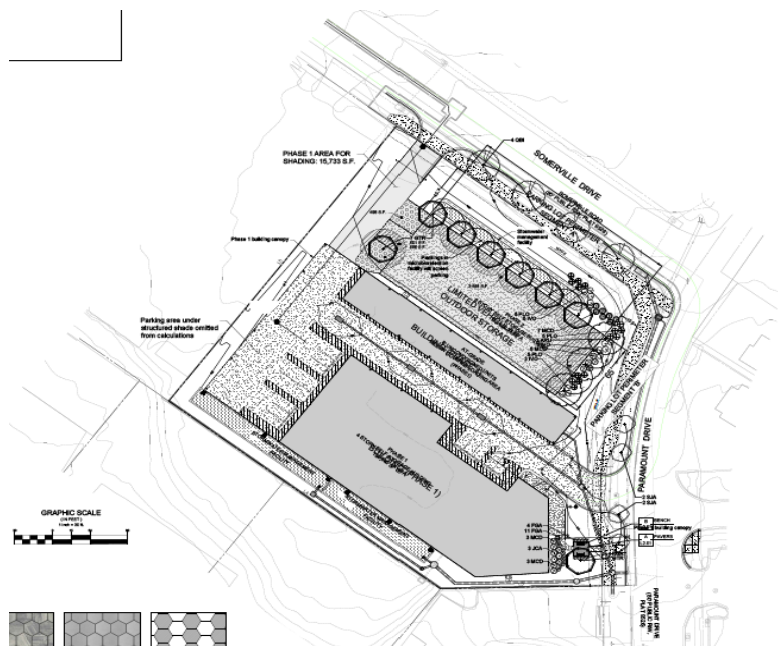
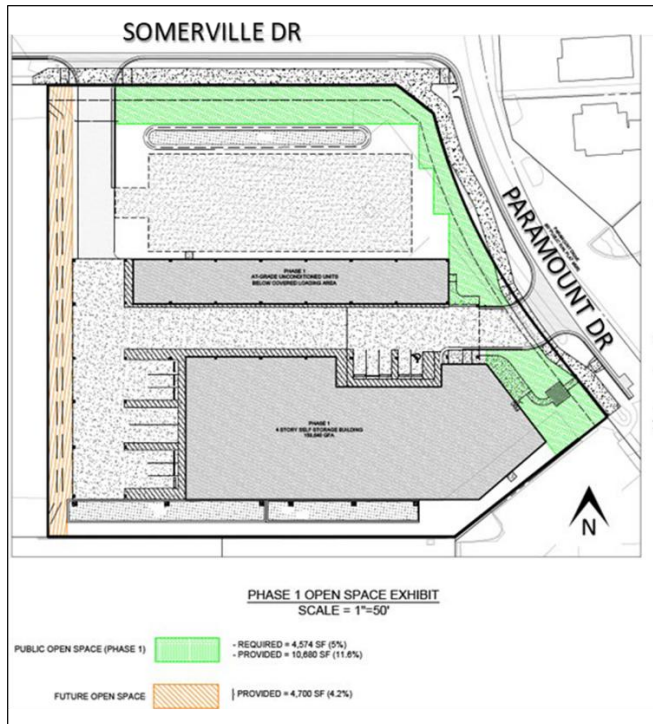


Exhibit 18 – Landscape Plan



Staff Report, Exhibit 43, p. 17,  
Open Space

*b. Lighting*

Ms. Brown, the Applicant’s architectural expert, testified that the site would be lit primarily from “building mounted full-cutoff wall packs”. T. 111. Ms. Brown opined that the proposed lighting will not adversely impact the surrounding neighborhood for the uses that exist now, nor will it impact any future uses. T. 112. Further, she opined that light plan conforms to the half-foot candle measurement at the property line. T. 112.

*c. Parking*

The Applicant seeks a parking waiver for 15 spaces pursuant to Section 59.6.2.4.B of the Zoning Code. Exhibit 43, p. 21, 32. The Zoning Ordinance requires 32 parking spaces. *Id.* The Applicant is proposing 17 parking spaces including one ADA space and four loading spaces for a total of 21 spaces. *Id.* Because the loading spaces are oversized to meet loading design standards, it reduces the total number pf spaces on site. *Id.* Staff note that the retail space



proposed occurs with the Phase 2 design and that no additional parking is planned for this retail space. *Id.* Staff additionally note there is an ample right-of-way allowing for on-street parking to serve the site and “Applicant is confident the proposed parking will be sufficient to meet demand and ensure the facility’s success.” *Id.* Mr. La Vay opined that self-storage uses, the terms “parking and loading” are used interchangeably meaning there are really 21 spaces available for parking and on any given day one space will be taken by the employee and maybe two more occupied by visitors. T. 63. He explained that most parking on site will be used for “quick trips”. T. 63.

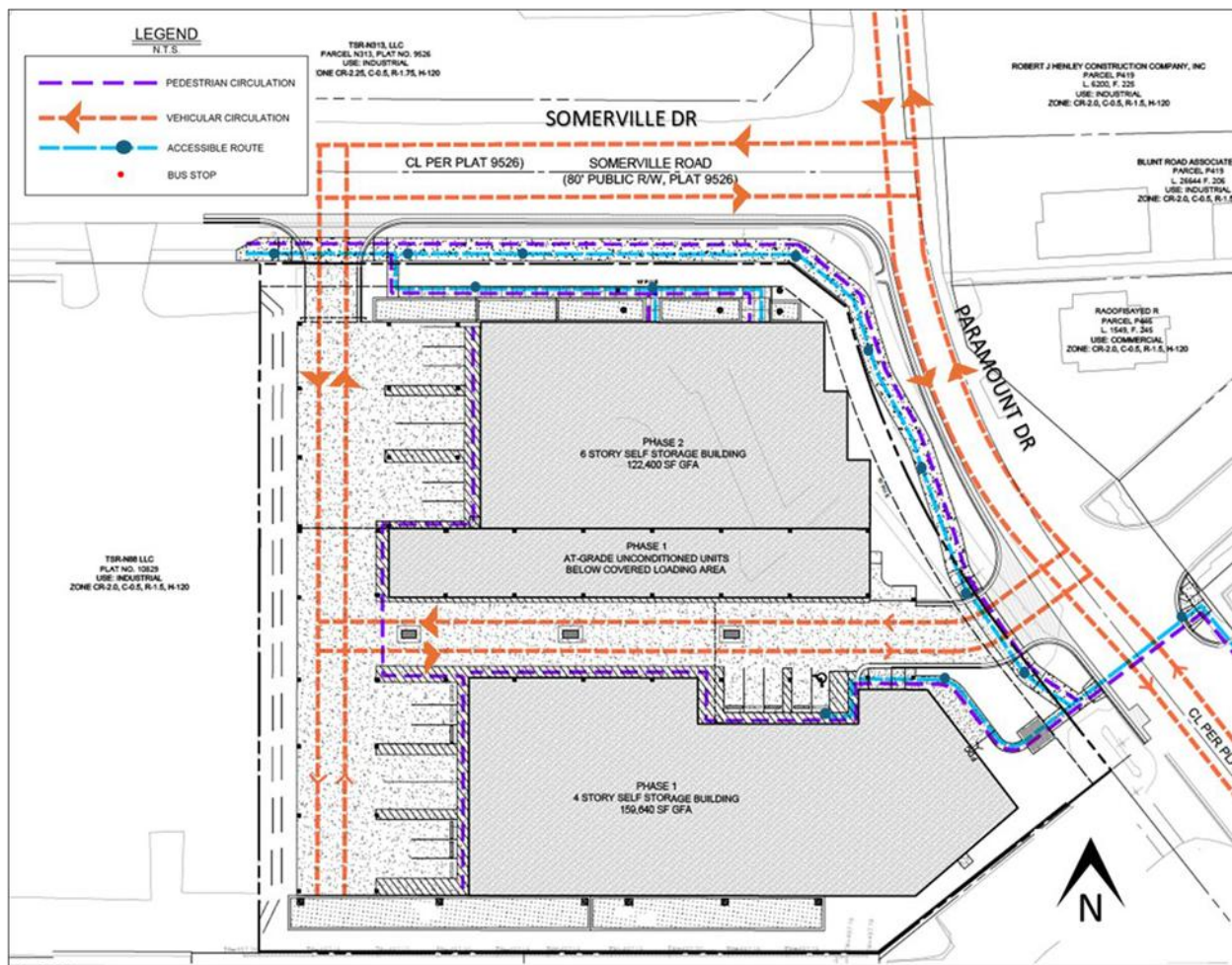


Exhibit 43, p. 20, Circulation Plan



*d. Signage*

The project does not contain a freestanding sign element to the proposed construction but rather signage is placed on the structure. See Phase 1 rendering above. Per the Applicant's land use report, "signage placement has also been an intentional design consideration." Exhibit 22, p. 20.

*3. Operations*

*a. Staffing & Operations*

The Applicant's land use report explained staffing and operations as follows:

The Applicant's affiliated management company, Self Storage Plus, will manage the self-storage facility under a management agreement with the Applicant. Self Storage Plus is a locally owned and operated Company. For over thirty years, Self Storage Plus has operated with a singular focus: providing best in class self-storage management. The facility will be staffed with knowledgeable professionals to oversee operations and deliver clean, secure self-storage space for the customers.

The facility's business office is anticipated to be staffed Monday through Friday 9:30AM-6PM, Saturday 9AM-5PM and Sunday 10AM-4PM. The Project will feature controlled access through key pad protected automatic doors and security gates. Access to existing customers with a valid access code is provided 365 days per year between the hours of 6AM-10PM. The Project also features a comprehensive security camera system that can be monitored remotely by Self Storage Plus staff. The facility is designed to be well lit and features perimeter security in the form of fencing, gates and exterior building walls to secure its operation.

Exhibit 22, p. 9.

*b. Trash Disposal*

Mr. La Vay testified that trash will be handled internally on site and no dumpster is located permanently on site. T. 68. Further he stated that in the event a dumpster is needed it will be brought in. T. 68. Mr. La Vay further opined that very little trash is generated by self-storage uses and customers must take their trash with them when they leave. T. 68-69.

#### **D. Environmental Issues**

Staff found that the site contains no forests, streams, wetlands, or their associated buffers. Exhibit 43, p. 21. Further Staff note the project includes the use of on-site renewable energy in the form of rooftop solar and seeks to become a net-zero energy facility. *Id.* Additionally, the project will introduce stormwater management where none exists, provide additional green space, landscaping and “activate the pedestrian environment.” *Id.*

#### **E. Community Response**

No community members appeared at the hearing either in support or opposition of the application. As referenced in the Hearing Examiner’s Report and Recommendation for LMA H-157, Mr. Al Carr appeared via Zoom to observe. Prior to the hearing, Mr. Carr raised issues solely related to the disclosure requirements in the LMA Application, which the Applicant addressed at the start of the hearing. *See* LMA H-157 Report and Recommendation p. 15. The Applicant held a public meeting on May 5, 2025 with the Implementation Advisory Committee for Shady Grove (IAC). Exhibit 43, p. 23. Staff addressed three questions it received from the IAC related to features of the LMA. Staff identified no questions or comments received regarding this conditional use.

### **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

A conditional use is a zoning device that authorizes certain uses provided that pre-set legislative standards are met. Pre-set standards are both specific (to a particular use) and general (applicable to all conditional uses). The specific standards applied for a Self-Storage Facility are in Section 59.3.6.8.D.2.b of the Zoning Ordinance. The general standards (termed “Necessary Findings” in the Zoning Ordinance) for all conditional uses are found in Section 59.7.3.1.E. An

applicant must prove that the use proposed meets all specific and general standards by a preponderance of the evidence. The Hearing Examiner concludes that Applicant has done so in this case, with the conditions of approval included in Part IV of this Report.

**A. Necessary Findings (General Standards, Section 59.7.3.1.E)**

The relevant standards and the Hearing Examiner's findings for each standard are discussed below.<sup>2</sup> For discussion purposes, the general standards may be grouped into four main areas:

1. Substantial Conformance with the Master Plan;
2. Adequate Public Services and Facilities;
3. No Undue Harm from Non-Inherent Adverse Effects; and
4. Compatibility with the Neighborhood

***E. Necessary Findings***

***1. To approve a conditional use application, the Hearing Examiner must find that the proposed development:***

***a. satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;***

Conclusion: The property is not subject to any previous approvals and will comply with the requirements of the Floating Zone Plan submitted simultaneously with the Conditional Use Application (Exhibit 43, p. 30). This provision is inapplicable.

***b. satisfies the requirements of the zone, use standards under Article 59.3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59.6;***

Conclusion: This subsection requires review of the development standards of the CRTF Zone contained in Article 59.5; the use standards for a Self-Storage Facility contained in Article 59.3; and the applicable development standards contained in Article 59.6. Each of these Articles is

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<sup>2</sup> Although §59.7.3.1.E. contains six subsections (E.1. through E.6.), only subsections 59.7.3.1.E.1., E.2. and E.3. contain provisions that apply to this application. Section 59.7.3.1.E.1. contains seven subparts, a. through g.

discussed below in Parts III.B, C, and D, of this Report, respectively. For the reasons explained there, the Hearing Examiner finds that the application satisfies these requirements.

### **1. Substantial Conformance with the Master Plan**

#### ***c. substantially conforms with the recommendations of the applicable 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 43, 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 43, 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 using rooftop solar photovoltaic systems along with the cool roof design and planned net zero energy designation. *Id.*

Conclusion: Based on the record, the Hearing Examiner agrees that the self-storage facility will substantially conform to the recommendations of the Sector Plan. The project provides significant streetscape improvements and will be redeveloped in conformance with the urban design goals of the Plan. Additionally, the project accomplishes the Plan's environmental goals including on-site renewable energy, stormwater management and open space. The Hearing Examiner agrees with Mr. La Vay that 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.

***e. will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;***

Staff identified the property as being located within the Metro South neighborhood and is surrounded by existing commercial and industrial properties. Exhibit 43, p. 33. Further Staff determined that the proposed conditional use, which will allow for the continuation of an existing self-storage use, will not affect the surrounding area adversely or alter the nature of the

surrounding area, which is commercial and industrial. *Id.* Mr. La Vay testified that there are no residential detached zones surrounding or near the property and further opined that the area is entirely commercial/industrial in nature. T. 83-84.

Conclusion: The Hearing Examiner agrees the proposed conditional use will not increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely. It is undisputed that no new use is being proposed at this location and that the existing self-storage use will continue. She has already found that the project conforms to the Master Plan. For reasons stated in Part III.A.4 of this Report below, she agrees with Staff that the site's relationship with the neighborhood will be the first improvement in the area in some time and the project will remain compatible with the surrounding area.

## **2. Adequate Public Services and Facilities**

*f. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:*

*i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or*

*ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; and*

Staff determined the conditional use will be served by adequate public facilities including police and fire protection, water, sanitary sewer, public roads and storm drain. Exhibit 43, p. 34. Mr. La Vay opined that WSSC and other utilities are adequate to serve the property and that police, fire, and ambulatory services are well within the operation of local operating distances and that this use does not have any school impact. T. 85. Further Mr. La Vay testified that the Applicant has met with DPS regarding fire access which is been determined to be adequate. T. 69.

Staff found the project meets the requirements for master planned roadways and bikeways and that the project meets the 2020-2024 GIP requirement because the project is not estimated to generate 50 or more net new peak hour person trips. Exhibit 43, p. 34. Mr. La Vay opined that the project is exempt from the LATR because it will result in less than 50 peak hour person trips to the site. T. 85. In addition, the Applicant submitted a Traffic Statement that the number of trips generated during peak hours would be less than 50. Exhibit 23.

Conclusion: The Hearing Examiner agrees with the findings in the Staff Report and finds the evidence provided and testimony of the Applicant's expert persuasive regarding adequate public facilities. Based on the information in the record, adequate public facilities do exist for the project, including police, fire, schools, healthcare, stormwater, sewer, water, and public roads.

### **3. No Undue Harm from Non-Inherent Adverse Effects**

***g. will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:***

- i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;***
- ii. traffic, noise, odors, dust, illumination, or a lack of parking; or***

***iii. the health, safety, or welfare of neighboring residents, visitors, or employees.***

This standard requires consideration of the inherent and non-inherent adverse effects of the proposed use on the surrounding area. Inherent adverse effects are “adverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations.” *Zoning Ordinance*, §1.4.2. Inherent adverse effects, alone, do not justify the denial of a conditional use. Non-inherent adverse effects are “adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site.” *Id.* Non-inherent adverse effects may be a basis to deny a conditional use, alone or in combination with inherent effects, if they cause “undue” harm to properties in the surrounding area.

Staff concluded that the “building and structures”, “parking”, and “site generated traffic” to be the physical and operational characteristics that are inherent to a self-storage facility. Exhibit 43, p. 35. Staff also determined that non-inherent adverse effects exist associated with the parking waiver and alternative compliance request for the two access points. *Id.* Staff determined that the proposed conditional use will not cause undue harm to the surrounding neighborhood and will not interfere with the use and enjoyment of the surrounding properties. *Id.*

Mr. La Vay opined that he found no non-inherent adverse effects and further opined that the conditional use will not cause any harm to the surrounding neighborhood as a result of non-inherent adverse effects. T. 85-86. Further Mr. La Vay opined that the use would benefit and improve the community by modernizing the site and furthering the goals of the Sector Plan. T. 86.



Conclusion: The Hearing Examiner agrees with Mr. La Vay and finds no non-inherent adverse effects by the proposed use. The Hearing Examiner finds that neither the parking waiver request nor the alternate compliance request create non-inherent adverse effects. The reduced parking is consistent with self-storage use, i.e. projected the number of cars to be parked on any given day, and seeking two entrances for the site creates a safer ingress/egress and to simply captures the flow using those two entrances that function today on site. As stated above non-inherent adverse effects may result from the “physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site”. The Hearing Examiner agrees with Staff’s list of inherent adverse effects from the proposed development and concludes that use and proposed development will not cause undue harm to the surrounding neighborhood from either non-inherent adverse effects or a combination of inherent or non-inherent adverse effects.

#### **4. Compatibility with the Neighborhood**

Several sections of the Zoning Ordinance require a proposed conditional use be compatible with the character of the surrounding neighborhood.

Section 59.7.3.1.E.1 includes the standards of approval below:

*d. is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the [master] plan.<sup>3</sup>*

Staff found that the project was compatible with the neighborhood (Section 59.7.3.1.E.1.2) because:

The Project will continue to operate as a Self-Storage facility and the expanded use and accompanying improvements will remain compatible with the neighborhood's surrounding commercial and industrial uses. Importantly, the redevelopment will

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<sup>3</sup> Section 59.7.3.2.E.2 requires that “any structure to be constructed ... under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.” This conditional use is in a CRT zone, not a residential detached zone making this provision not applicable.

bring the Subject Property into conformance with the County's goals, as expressed through the Sector Plan. Through the proposed reinvestment, the Applicant seeks to enhance and modernize the existing use and allow for the opportunity of active use at the street level in the future.

Exhibit 43, p. 33.

The Applicant's architectural expert, Ms. Brown, "designed the project to establish the urban framework as envisioned by the sector plan to implement that design will be compatibility with future mixed use and development." T. 101. Further Ms. Brown opined that the project will also be compatible with future development. T. 112-113. Mr. La Vay opined that the project will have no negative impact on the harmony of the community and it should be a benefit and hopefully a catalyst for further redevelopment in the area. T. 65. Ms. Brown opined the use is in harmony with and will not alter the general character of the neighborhood. T. 113.

Conclusion: Section 59.7.3.1.E.2.d examines whether the Master Plan goals are achieved in a manner compatible with the area. The Hearing Examiner has adopted Staff's characterization of the existing neighborhood. She already found that the use fulfills the goals of the Master Plan and further finds that it does so in a manner that is compatible with the surrounding area. Key to this finding are several factors, including (1) the use itself will remain the same, meaning the use's relationship with the surrounding neighborhood will also remain the same, (2) the reinvestment follows the "urban" design as set forth in the Sector Plan, and (3) this is first development in the area many years and may serve as a catalyst for redevelopment in Metro South in accordance with the Sector Plan goals. For these reasons, the Hearing Examiner finds that the use is compatible with the surrounding neighborhood in a manner consistent with the Master Plan and will not adversely affect the character of the surrounding area.

***Section 59.7.3.1.E.3. The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require conditional use approval.***

Conclusion: The application satisfies all specific requirements for the conditional use, and with the conditions imposed, meets the standards required for approval.

### **B. Development Standards of the Zone (Article 59.6)**

To approve a conditional use, the Hearing Examiner must find that the application meets the development standards of the Floating Zone Plan, submitted simultaneously with this Conditional Use application. Staff included a table (Exhibit 43, p. 28, shown below) in its report comparing the permitted development standards with those proposed in this application.

	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)		
<b>Maximum Density</b> (59-5.3.5.A.2) Commercial Residential Total	309,023 (sf) 168,558(sf) 309,023(sf)	C-1.42 (159,640 sf)	C-2.51 (282,040 sf)
<b>Open Space</b> 59-5.3.5.D.1.b / 59-4.5.4.B.1.a	5%	<u>12.1% (11,100 sf)</u>	
<b>Building Height (max.)</b>	120 ft	55 ft	80 ft

Staff Report – Exhibit 43, p. 28  
Table 1 - Development Standards

Conclusion: The Hearing Examiner notes that the design of the development will be finalized and reviewed by the Montgomery County Planning Board at the time of site plan review. Nothing contradicts Staff’s assessment of compliance with the development standards of the Zone. The Hearing Examiner finds that the proposed facility complies with the standards of the CRTF Zone

**C. Use Standards for a Self-Storage Facility  
(Section 59.3.6.8.D)**

The specific use standards for approval of a Self-Storage Facility are set out in Section 59.3.3.2.C.2.b. of the Zoning Ordinance.

**Zoning Ordinance §59.3.6.8.D.**

***C. Self-Storage***

***1. Defined***

*A structure providing separate storage areas for personal or business use designed to allow private access by the tenant.*

Conclusion: The term self-storage is somewhat self-explanatory. Ms. Bain testified to her significant experience in developing and managing self-storage facilities. T. 31. In reviewing the site, the Applicant chose to redevelop and reinvest rather than make basic capital repairs to existing buildings and have the site function as it has for years. T. 30. She explained the upgrades will allow the site to meet the current and future demand for self-storage. T. 30. The Applicant further described “operations” in its Land Use Report. Exhibit 22, p. 9. The use proposed meets this definition.

***2. Use Standards***

***b. Where a Self-Storage is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional use.***

Conclusion: The only criteria specified for a self-storage facility in the Zoning Ordinance §59.3.6.8.D.2.b. is that it may be permitted by the Hearing Examiner under the general conditional use provisions Zoning Ordinance §59.7.3.1. As discussed in Part III.A. of this

Report and Decision, the Hearing Examiner finds that the application meets the findings required by the Zoning Ordinance §59.7.3.1 as conditioned below.

#### **D. General Development Standards (Article 59.6)**

Article 59.6 sets the general requirements for site access, parking, screening, landscaping, lighting, and signs. These requirements need be satisfied only “to the extent the Hearing Examiner finds necessary to ensure compatibility.” *Zoning Ordinance*, §59.7.3.1.E.1.b. The applicable requirements, and whether the use meets these requirements, are discussed below. The proposed use and Zone do not require the review of Division 6.1 for Site Access, Division 6.3 for Open Space and Recreation, or Division 6.6 for Outdoor Storage.

##### **1. Parking and Loading**

Parking and loading standards are governed by Division 6.2 of the Zoning Ordinance.<sup>4</sup> A Self-Storage Facility requires the number of vehicle parking spaces based on a minimum of 1 space per 10,000 sq. ft. of GFA plus 1 space per employee and a maximum of 3 spaces per 10,000 sq. ft. of GFA, plus 1 per employee. *Zoning Ordinance* §59.6.2.4.B. The minimum required parking spaces for this self-storage use with Phase 2 complete would be 32.<sup>5</sup> A minimum of two loading spaces must be provided.<sup>6</sup>

The Applicant proposes providing 17 parking spaces, one of which will be ADA accessible and four loading spaces for a total of 21 spaces. Exhibit 43, pg. 28. Because the 17 spaces proposed is less than the Code requirement, the Applicant seeks a parking waiver as provided in §59.6.2.10 of the Zoning Code. The Hearing Examiner may waive the requested 15 space vehicle parking requirement under §59.6.2.4 if the alternative design satisfies §59.6.2.1,

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<sup>4</sup> Queuing requirements apply only to uses with a drive-thru and therefore do not apply to this use. *Zoning Ordinance*, §59.6.2.7.A.

<sup>5</sup> See *Zoning Ordinance*, §59.6.2.3.A.1 and §59.6.2.3.I.7.a.

<sup>6</sup> See *Zoning Ordinance*, §59.6.2.8.B.3

“Intent”. The Hearing Examiner must “ensure[s] that adequate parking is provided in a safe and efficient manner.” Mr. La Vay opined that given the nature of a self-storage operation, parking and loading can be viewed as the same, and the Applicant is providing 21 of the 32 required total spaces. T. 62-63. Mr. La Vay further opined that the total 32 space requirement also includes a fully leased retail space, and this fact “inflates” the parking space number. T. 62. Further he opined that those using the retail space in the future would more than likely be walking from new residential and not necessarily driving. T. 62. Further he referenced Ms. Bain’s experience with self-storage and her confidence that the parking spaces allotted are more than sufficient for self-storage use. T. 63. Staff also supported the parking waiver request. Exhibit 43, p. 32.

Conclusion: Based on the record summarized above, the Hearing Examiner finds that the combined total of 21 parking and loading spaces proposed by the Applicant meets the intent §59.6.2.1. The spaces provided satisfy the functional operation of self-storage and are designed in such a way as to provide adequate parking in a safe and efficient manner. The Hearing Officer grants a waiver of 15 parking spaces.

## **2. Site Landscaping and Screening**

Conclusion: Section 59-6.2.9.C sets forth landscape requirements for conditional use parking lots with 10 or more spaces. The Hearing Examiner accepts the Applicant’s Land Use Report’s conclusion regarding compliance with the CRTF zone requirements (Exhibit 23, pg. 17) and the undisputed statements of the Applicant’s experts and finds that the Landscape Plan (Exhibit 18) meets the technical requirements of Article 59-6. Also see discussion above in Section II.B.1.a. The Hearing Examiner has already concluded that the landscaping shown is compatible with the surrounding uses; compliance with the technical requirements is necessary only to the extent needed to ensure compatibility.



Section 59.6.5.2.B.A.2 requires only standard method development projects to provide screening, and this project being developed under the “optional method of development.” As this is not a standard development project, screening is not required under this Code section.

Per §59.5.3.5.D.2.b and §59.4.5.4.B.1.a based on the property's track area and number of existing/proposed right-of-way frontages, the project requires 5% of the net lot area be provided as open public space. Exhibit 23, p. 6, T. 61-62. Staff note the Applicant has provided 11.6% of open space well above the 5% requirement. See Exhibit 43, p. 17. Based on Staff's findings, documentation in the Applicant's Land Use Report and the undisputed testimony of the Applicant's expert, The Hearing Examiner finds the open space requirement to be satisfied.

### **3. Outdoor Lighting**

Conclusion: The outdoor lighting proposed for the conditional use was discussed in Part II.C.2. of this Report and Decision. As indicated there, permissible lighting levels for a conditional use are specified in Zoning Ordinance §59.6.4.4.E., which provides,

*Outdoor lighting for a conditional use must be directed, shielded, or screened to ensure that the illumination is 0.1 footcandles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or Employment zone.*

It is undisputed that the subject property does not abut a lot with a detached house building type. Ms. Brown opined that the new lights would meet the foot-candle requirement and there would be no adverse effects from either exterior or interior lighting. T. 111.

Conclusion: Based on the undisputed evidence described above, the Hearing Examiner finds that the outdoor lighting proposed conforms to the requirements of the Zoning Ordinance.

#### IV. CONCLUSION AND DECISION

As set forth above, the application meets all the standards for approval in Articles 59.3, 59.4, 59.5, 59.6 and 59.7 of the Zoning Ordinance.

Based on the foregoing findings and conclusions and a thorough review of the entire record, the application of Paramount Self Storage, LLC (CU 25-01) for a conditional use under Section 59.3.6.8.D. of the Zoning Ordinance to renovate, build and operate a Self-Storage Facility on property described as 15750 Paramount Drive, Rockville, Maryland 20855 (Tax Account No. 04-00776845), is hereby **GRANTED**, subject to the following conditions:

1. The Applicant must receive approval for Local Map Amendment H-157 from the District Council prior to approval of the conditional use for a self-storage facility on the Subject Property.
2. The self-storage facility and ancillary ground floor retail is limited to a total of up to 282,040 square feet.
3. The Applicant must provide a minimum of 17 vehicle parking spaces, 4 loading spaces, 1 short term bicycle space in Phase 1 and 1 long term bicycle space in Phase 2.
4. The Applicant can provide no more than 2 (two) site access points, per justification for Alternative Compliance, per Section 59-6.8.1 for Site Access.
5. Design all access points and alleys to be at-grade with the sidewalk, dropping down to the street level between the sidewalk and roadway.
6. Before the issuance of any building permit, the Applicant must obtain approval of a Project- based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).
7. The Applicant must provide a Public Access Easement (PAE) on the western boundary for future adjacent open space improvements, the details and timing for which will be coordinated in connection with the Site Plan Application.
8. The Applicant must provide a Public Improvement Easement (PIE) for the portion of the sidewalk along Paramount Drive that falls on private property, which will be coordinated with the Site Plan Application.

Issued this 15<sup>th</sup> day of August 2025.



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Kathleen E. Byrne  
Hearing Examiner

### NOTICE OF RIGHT TO APPEAL

Any party of record may file a written request to appeal the Hearing Examiner's Decision by requesting oral argument before the Board of Appeals, within 10 days issuance of the Hearing Examiner's Report and Decision. Any party of record may, no later than 5 days after a request for oral argument is filed, file a written opposition to it or request to participate in oral argument. If the Board of Appeals grants a request for oral argument, the argument must be limited to matters contained in the record compiled by the Hearing Examiner. A person requesting an appeal, or opposing it, must send a copy of that request or opposition to the Hearing Examiner, the Board of Appeals, and all parties of record before the Hearing Examiner.

Additional procedures are specified in Zoning Ordinance §59.7.3.1.f.1. Contact information for the Board of Appeals is:

Montgomery County Board of Appeals  
100 Maryland Avenue, Room 217  
Rockville, MD 20850  
(240) 777-6600  
<http://www.montgomerycountymd.gov/boa/>

### **PLEASE NOTE THE FOLLOWING BOARD OF APPEALS FILING REQUIREMENTS:**

**The Board of Appeals website sets forth these procedures for filing documents:**

**Because remote operations may not always allow us to promptly date-stamp incoming U.S. Mail, until further notice, all time-sensitive filings (administrative appeals, appeals of conditional use decisions/requests for oral argument, requests for public hearings on administrative modifications, requests for reconsideration, etc.) should be sent via email to [BOA@montgomerycountymd.gov](mailto:BOA@montgomerycountymd.gov), and will be considered to have been filed on the date and time shown on your email. In addition, you also need to send a hard copy of your request, with any required filing fee, via U.S. Mail, to the Board's 100 Maryland Avenue address (above). Board staff will acknowledge receipt of your request and will contact you regarding scheduling.**

If you have questions about how to file a request for oral argument, please contact Staff of the Board of Appeals.

The Board of Appeals will consider your request for oral argument at a work session. Agendas for the Board's work sessions can be found on the Board's website and in the Board's office. You can also call the Board's office to see when the Board will consider your request. If your request for oral argument is granted, you will be notified by the Board of Appeals regarding the time and place for oral argument. Because decisions made by the Board are confined to the evidence of record before the Hearing Examiner, no new or additional evidence or witnesses will be considered. If your request for oral argument is denied, your case will likely be decided by the Board that same day, at the work session. Parties requesting or opposing an appeal must not attempt to discuss this case with individual Board members because such *ex parte* communications are prohibited by law. If you have any questions regarding this procedure, please contact the Board of Appeals by calling 240-777-6600 or visiting its website: <http://www.montgomerycountymd.gov/boa/>.

NOTIFICATION OF DECISION TO BE SENT TO:

Elizabeth Rogers, Esquire  
Attorney for the Applicant  
Barbara Jay, Executive Director, Montgomery County Board of Appeals  
Robert Kronenberg, Deputy Director, Planning Department  
Troy Leftwich, Planning Department  
Greg Nichols, Manager, Department of Permitting Services  
Victor Salazar, Department of Permitting Services  
Michael Coveyou, Director, Finance Department  
Charles Frederick, Esquire, Associate County Attorney