

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

Before: Khandikile Mvunga Sokoni, Hearing Examiner

Local Map Amendment Application No. H-154

HEARING EXAMINER'S REPORT AND RECOMMENDATION

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I. CASE SUMMARY

Applicant: Arcland Property Company, LLC.

LMA No. & Date of Filing: H-154, filed July 19, 2024.

Location: 11900 Parklawn Drive, Rockville, Md.



Current Zone: EOF-0.75, H-100' (Employment Office Zone).

Current Use: 48,810-square-foot, four-story office building with a surface parking lot.

Requested Zone: ILF-1.0, H-50' (Light Industrial Floating Zone).

Proposed Use: Construction of a new, 104,628-square-foot, three-story self-storage building with 34,118 square feet of additional cellar space (which is excluded from the calculation of FAR).

Consistency with Master Plan: Located within the White Flint 2 (2018) Sector Plan.

Neighborhood Response: None on record.

Planning Board Recommends: Approval

Technical Staff Recommends: Approval

Hearing Examiner Recommends: Approval

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

District Council Votes Needed to Approve: 6

II. STATEMENT OF THE CASE

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

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

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

III. FACTUAL BACKGROUND

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

A. Subject Property

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

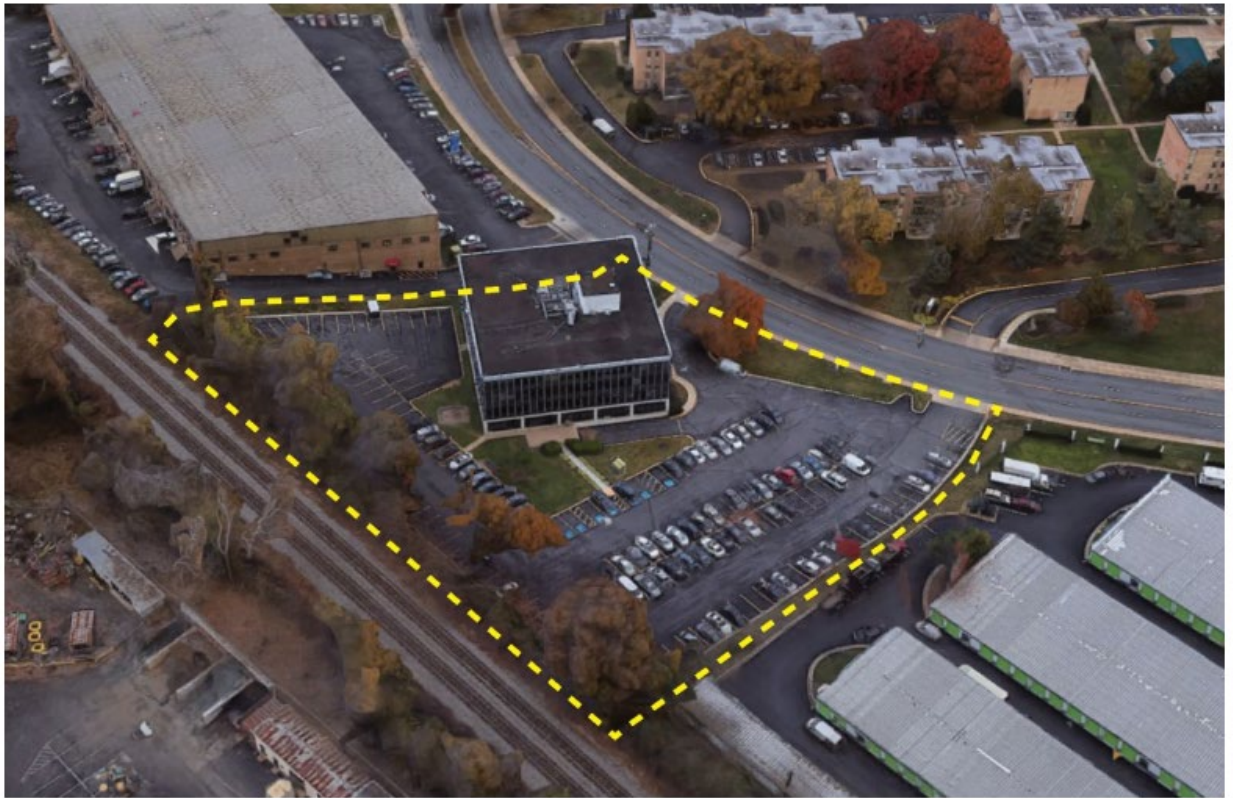


Figure 2: Subject Property

According to the Planning Staff technical report, the Subject Property is located in White Flint along Parklawn Drive and is currently improved with a 48,810-square-foot, four-story office building with a surface parking lot located to the west and south of the building. Exhibit 29 at page 3. The existing building was developed circa 1970, and currently exists in an area between Parklawn Drive and the CSX train tracks that is characterized by light industrial and commercial development. To the north of the Subject Property is a two-story, multi-tenant light industrial building with ground-floor loading bays facing Parklawn Drive. To the south is an existing self-

storage facility. Prior to the adoption of the White Flint 2 Sector Plan in 2018, the Subject Property was zoned IL-1.0, H-50'. The height of the existing building exceeded the 50-foot height limit of the Light Industrial zone, so as part of the Sector Plan the Subject Property was rezoned to EOF-0.75, H-100' to bring the existing building into zoning and building height compliance. According to the Sector Plan, the existing office building was "built under the prior I-1 Zone that permitted office buildings up to 10 stories or 120 feet. To make these buildings conforming, this Plan recommends the EOF-0.75, H-100' Zone for them". Exhibit 29 at p. 9.³ However, the Sector Plan aims to "promote the retention of light industrial properties in the area, and thus supports the rezoning of the Property back to a light industrial zone now that the existing office building is proposed to be redeveloped".⁴

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

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

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

⁴ Citing pages 20 of the Sector Plan.

B. Surrounding Area

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

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

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

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

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



Exhibit 29, p. 6
Figure1: Neighborhood Vicinity Map

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

C. The Applicant's Proposal

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

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

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

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

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

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

1. Binding Elements

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

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

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

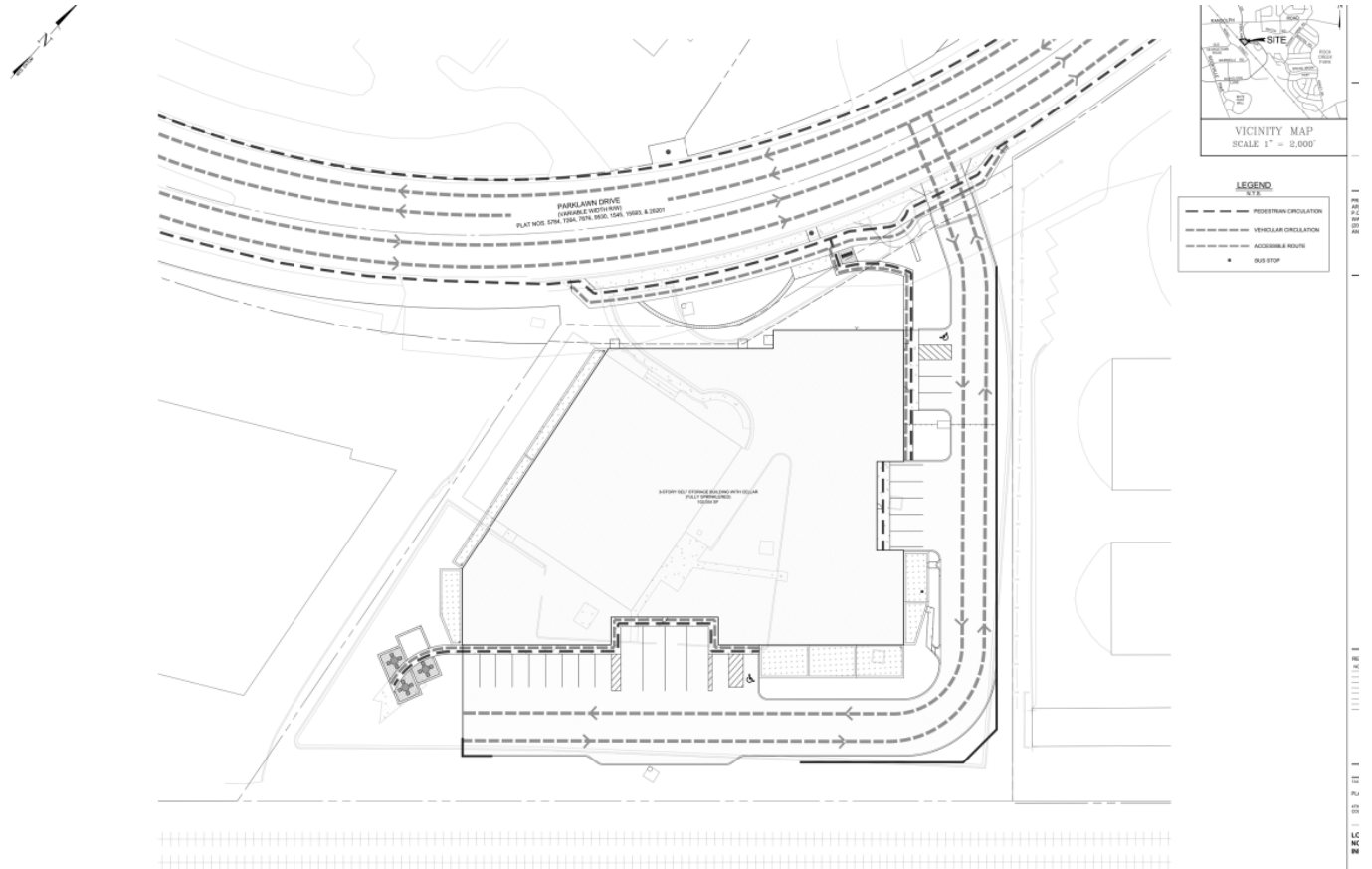
2. Access

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

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

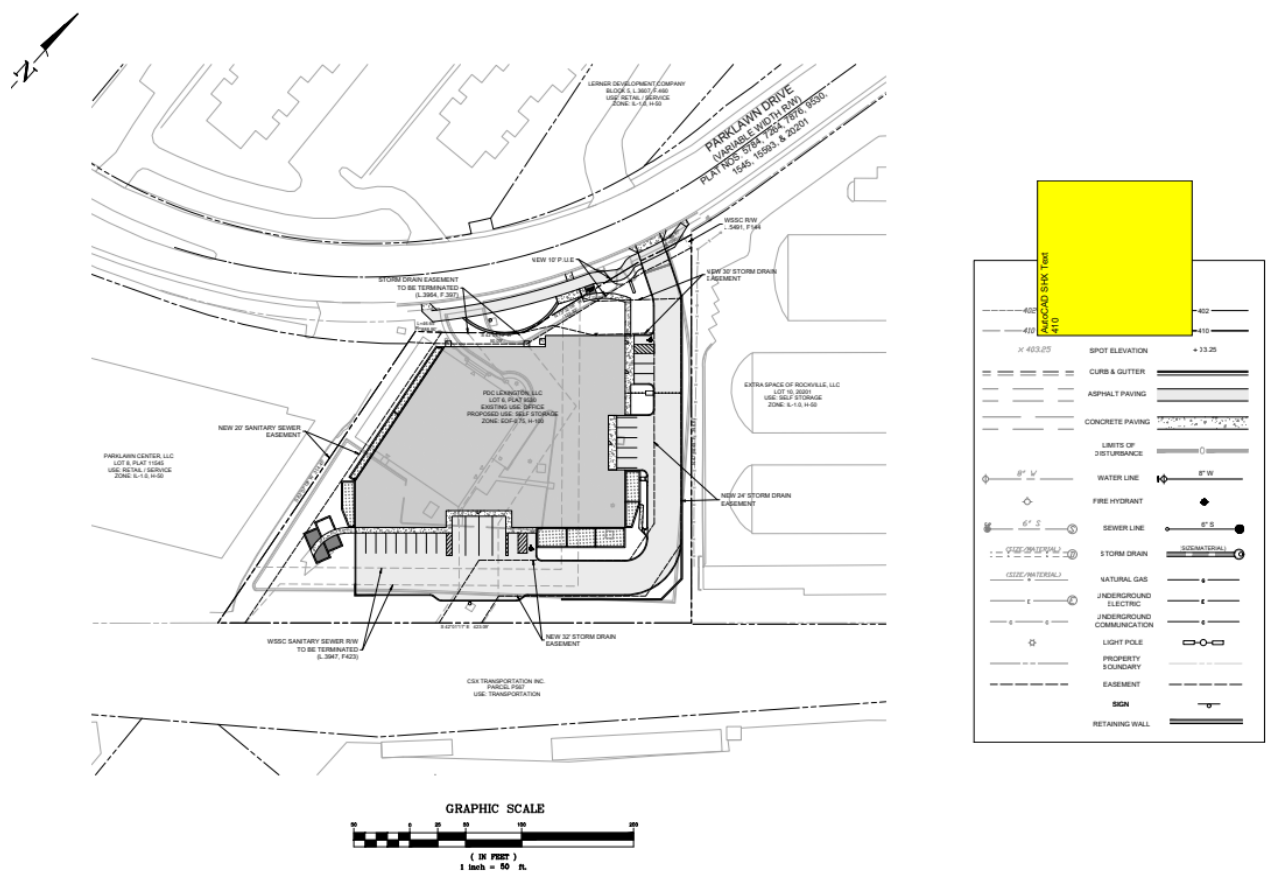
On the next page is the Amended Circulation Plan.

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



3. Floating Zone Plan

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



4. Environment

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

⁶ Exhibit 32 is the Floating Zone Plan (FZP) that replaced and supersedes earlier submissions (i.e. Exhibits 18 and 9).

⁷ Original map prepared and certified by Macris, Hendricks & Glascock, PA.

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

The Board further attached the following conditions: That the FFCP must include:

- a) Limits of Disturbance consistent with the Sediment and Erosion Control Permit.
- b) Variance tree mitigation plantings on the Subject Property with a minimum size of three (3) caliper inches totaling thirty (30) caliper inches. *Id.*

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

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

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

D. Community Concerns

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

IV. FINDINGS AND CONCLUSIONS

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

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

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

1. Substantial Conformance with the Master Plan

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

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

find that the floating zone plan will:

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

* * *

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

* * *

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

* * *

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

Staff concluded that the project substantially conforms to the *2018 White Flint 2 Sector Plan* (Sector Plan) because the Local Map Amendment's use is consistent with the surrounding area as well as the goals for this part of the Sector Plan. Exhibit 29 at p. 16. This conclusion was confirmed by Mr. La Vay who testified that he participated in preparation of Applicant's Land Use Report. T.24. Exhibit 17.

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

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

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

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

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

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

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

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

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

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

2. Compatibility⁸

Several sections of the Zoning Ordinance require the District Council to analyze the compatibility of the proposed FZP with adjacent uses and the surrounding area. The application must:

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

* * *

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

- 1. establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;***
- 2. providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and***
- 3. allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.***

* * *

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

Staff determined that the project would be compatible with adjacent and surrounding development. Applicant's experts testified that in order to proceed the project would have to undergo site plan approval as well which is where most of the development standards are set. T. 47.

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

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

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

3. Adequate Public Facilities/Public Interest

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

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

* * *

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

* * *

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

* * *

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

With regard to the public interest, Staff outlined that the Project will further the public interest and provide an important neighborhood service to the surrounding neighborhood. Self-

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

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

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

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

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

1. Intent of Floating Zones (Section 59.5.1.2)

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

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

A. Implement comprehensive planning objectives by...

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

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

B. Encourage the appropriate use of land by:

- 1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;*
- 2. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and*
- 3. ensuring that development satisfies basic sustainability requirements including:*
 - a. locational criteria,*
 - b. connections to circulation networks,*
 - c. density and use limitations,*
 - d. open space standards,*
 - e. environmental protection and mitigation;*

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

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

C. Applicability of a Floating Zone (§59.5.1.3)

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

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

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

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

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

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

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

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

3. Requirements of Article 59.6

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

V. CONCLUSION AND RECOMMENDATION

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

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

Issued: January 23, 2025.

Respectfully submitted,
Office of Zoning and Administrative Hearings



Khandikile Mvunga Sokoni
Hearing Examiner