



Committee: Directly to Council
Committee Review: N/A
Staff: Livhu Ndou, Legislative Attorney
Purpose: Final action – vote expected
Keywords: #LMAH147 #SelfStorage #FloatingZone

AGENDA ITEM #2A
March 21, 2023
Worksession/Action

SUBJECT

Hearing Examiner's report and recommendation on Local Map Amendment (LMA) Application No. H-147

EXPECTED ATTENDEES

Kathleen E. Byrne, Hearing Examiner, Office of Zoning and Administrative Hearings (OZAH)

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Approve, disapprove, or remand the application.
- Local map amendments require a roll call vote.
- This packet includes the resolution provided by the Hearing Examiner, and reviewed by Council Staff, that is consistent with the Hearing Examiner's Report and Recommendation. But any Councilmember may make a motion to disapprove or remand the LMA application. If that motion passes, Council will take a straw vote, and action on the LMA will be scheduled for a subsequent date to allow adequate time to prepare a new resolution.

DESCRIPTION/ISSUE

The Hearing Examiner recommends approval of Local Map Amendment (LMA) Application No. H-147 for property located at 11105 New Hampshire Avenue, Silver Spring, MD 20904, further identified as part of Lot E in the "White Oak" subdivision recorded as Plat No. 8280, requesting rezoning from CR-2.5, C-1.5, R-1.5, H-200 (Commercial Residential) to CRTF 2.25, C-2.25, R-1.5, H-200' (Commercial Residential Town Floating).

SUMMARY OF KEY DISCUSSION POINTS

- White Oak Self Storage seeks to rezone approximately 2.62 acres of property from the CR-2.5, C-1.5, R-1.5, H-200' (Commercial Residential) to CRTF 2.25, C-2.25, R-1.5, H-200' (Commercial Residential Town Floating).¹
- The applicant proposes to use the property to continue a self-storage use, expand the existing structure by 3,600 square feet, and build a new freestanding 116,000 square foot self-storage building.
- The Hearing Examiner recommends approval in the amount requested and subject to the specifications and requirements of the Floating Zone Plan, with 4 binding elements:
 1. The use of the property will be limited to self-storage.

¹ The applicant also filed a conditional use application for Self-Storage. The conditional use was granted on February 23, 2023, with conditions.

2. The proposed self-storage facility will not exceed 234,800 square feet of commercial density.
 3. Vehicular access to the Site will be limited to the existing access point.
 4. The maximum building height on the Subject Property is limited to 55 feet.
- The District Council must find that the proposal will meet the standards required by the Zoning Ordinance and that the local rezoning will be consistent with the coordinated and systematic development of the regional district. Specifically, the Council must find that the floating zone plan will:
 1. substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;
 2. further the public interest;
 3. 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;
 4. be compatible with existing and approved adjacent development; and
 5. 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 demonstrates an ability to mitigate such adverse impacts.

This report contains:

Hearing Examiner's Transmittal	© 1
Hearing Examiner's Report and Recommendation	© 2
Hearing Examiner's Proposed Resolution	© 29
Applicants' Financial Disclosure Statements	© 38
Planning Board Recommendation	© 41
Planning Staff Report	© 43
Conditional Use Decision	© 99

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MONTGOMERY COUNTY, MARYLAND

MEMORANDUM

February 23, 2023

TO: Livhu Ndou, Legislative Attorney for the Montgomery County Council
County Council

FROM: Kathleen E. Byrne, Hearing Examiner
Office of Zoning and Administrative Hearings

A handwritten signature in blue ink, appearing to read "K Byrne".

SUBJECT: Tentative Agenda for LMA Application

CASES TO BE
SCHEDULED
FOR COUNCIL
ACTION:

10 DAY
ORAL
ARGUMENT
DEADLINE:

COUNCIL ACTION
REQUIRED BY:

SCHEDULED
BEFORE COUNCIL
ON:

LMA H-147

March 6, 2023

April 25, 2023

--No Opposition

DISTRICT COUNCIL SESSION

Action - Hearing Examiner's report and recommendation on OZAH Case No. H-147 for amendment to the zoning ordinance map. Elizabeth Rogers, Esquire, Attorney for the Applicant, White Oak Storage Owner LLC, requests reclassification from the CR-2.5, C-1.5, R-1.5, H-200 Zone to the CRTF-2.5, C-2.25, R-1.5, H-200 (Commercial Residential Town - Floating) of 11105 New Hampshire Avenue, as part of Lot E in the "White Oak" subdivision recorded as Plat No. 8280 (Tax Account No. 05-00276584), in Silver Spring.

-- No Opposition

*Opposition

**Substantial Opposition

***Recommendations and analyses are inconsistent and may involve
some Council discussion

cc: Judy Rupp, Clerk
Stephen Mathany

Office of Zoning and Administrative Hearings

100 Maryland Avenue • Rockville, Maryland 20850 • 240-777-6660

**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:

White Oak Storage Owner, LLC

Applicant

Anthony Piscitelli

Steve Cratin

Patrick La Vay

Rebekah Brown

Brian Donnelly

For the Application

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Elizabeth Rogers, Esq.

Attorney for the Applicant

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Before: Kathleen E. Byrne, Hearing Examiner *

Local Map Amendment
Application No. H-147

HEARING EXAMINER'S REPORT AND RECOMMENDATION

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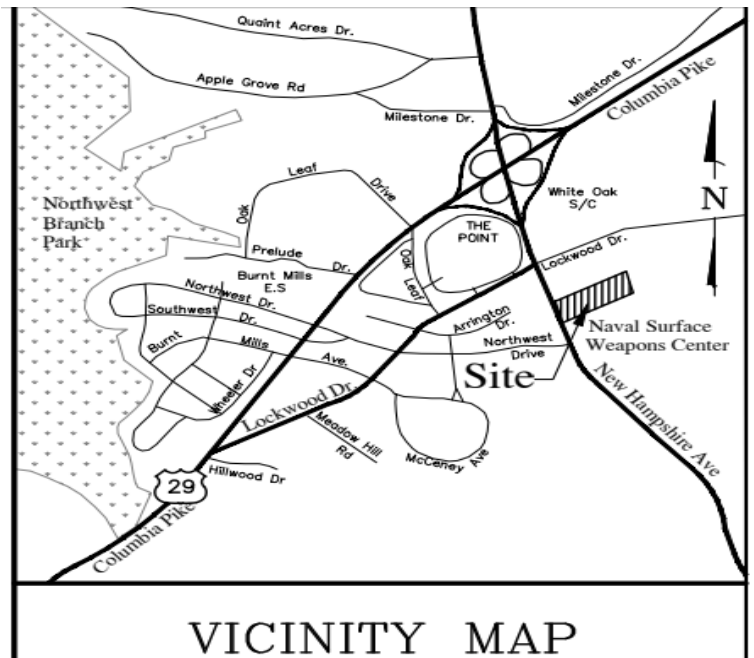
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I. CASE SUMMARY

Applicant: White Oak Storage, LLC

LMA No. & Date of Filing: H-147, filed May 19, 2021



Current Zone: CR-2.5, C-1.5, R-1.5, H-200 (Commercial/Residential Zone).

Current Use: 115,200 square-foot self-storage building and associated surface parking.

Requested Zone: CRTF-2.5, C-2.25, R-1.25, H-200 (Commercial Residential Town Floating Zone). Under prior zone self-storage is a limited use confined to a basement or cellar of a building used for other purposes. Self-storage without these restrictions under CRTF is allowed only as a conditional use.

Proposed Use: Continue self-storage use, expand existing structure by 3,600 square feet and building a new freestanding 116,000 square foot self-storage building.

Consistency with Master Plan: Located within the *2014 White Oak Science Gateway Master Plan*. 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

White Oak Self Storage (Applicant or White Oak) filed two applications on September 15, 2022. The first, LMA Application No. H-147, seeks to rezone approximately 2.62 acres of property from the CR-2.5, C-1.5, R-1.5, H-200 (Commercial Residential) to CRTF 2.25, C-2.25, R-1.5, H-200' (Commercial Residential Town Floating). Exhibit 1. The second seeks conditional use approval to operate a self-storage facility. *Id.* The Hearing Examiner issued a separate Report and Decision approving the conditional use application subject to approval of this rezoning. *See* CU 23-02, *Hearing Examiner Report and Decision* dated February 23, 2023. The subject property is located at 11105 New Hampshire Avenue, Silver Spring, MD 20904, and is further identified as part of Lot E in the "White Oak" subdivision recorded as Plat No. 8280 (Tax Account No. 05-00276584). *Id.*

Notice of the public hearing was mailed and posted on OZAH's website on December 13, 2022. Exhibit 24. The notice established a hearing date of January 13, 2023. The Applicant submitted an amended application on December 5, 2022 and revised plans on November 1, 2022. Exhibits 18-23.

The public hearing proceeded as scheduled on December 13, 2023. The Applicant presented three witnesses, one representing a principal of the Applicant and two expert witnesses. No additional witnesses appeared in either support or opposition of the Application. 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 January 24, 2023.

III. FACTUAL BACKGROUND

A. Subject Property

The subject property contains approximately 114,234 square feet of land and is bounded by New Hampshire Avenue to the west, existing commercial and self-storage uses to the north, the FDA campus to the south, and garden apartments to the east. The Property is long and narrow. Exhibit 30, pgs. 7-8. An aerial photograph of the property is shown below. *Id.* at 8.



Staff Report – Exhibit 30. Figure 1

Today, the lot is developed with a 115,200 square foot self-storage building with associated surface parking. Exhibit 30, pg. 10. A driveway from New Hampshire Avenue provides access to the site and an additional parking area in the rear of the lot that as vehicle storage.

White Oak's expert in civil engineering, Mr. Patrick La Vay, testified that the property is approximately 400 feet south of Lockwood Drive fronting New Hampshire Avenue and is 1,000 feet from east to west and 100 feet from north to south. There are no natural resources of significance. T. 26-27. Staff confirmed the lot contains no forest, wetlands, streams or floodplains. Exhibit 30, pgs. 10-11.

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 boundaries as follows, "Columbia Pike to the north and Oak Leaf Drive to the west [and] [t]o the south, the neighborhood terminates where the commercial uses on either side of New Hampshire Avenue terminate, and to the east the neighborhood terminates east of the White Oak Shopping Center and where the commercial uses south of Lockwood Drive transition to multi-family residential." *Id.* at 8. The surrounding area is delineated (in yellow) in a graphic from the Staff Report shown on the following page.

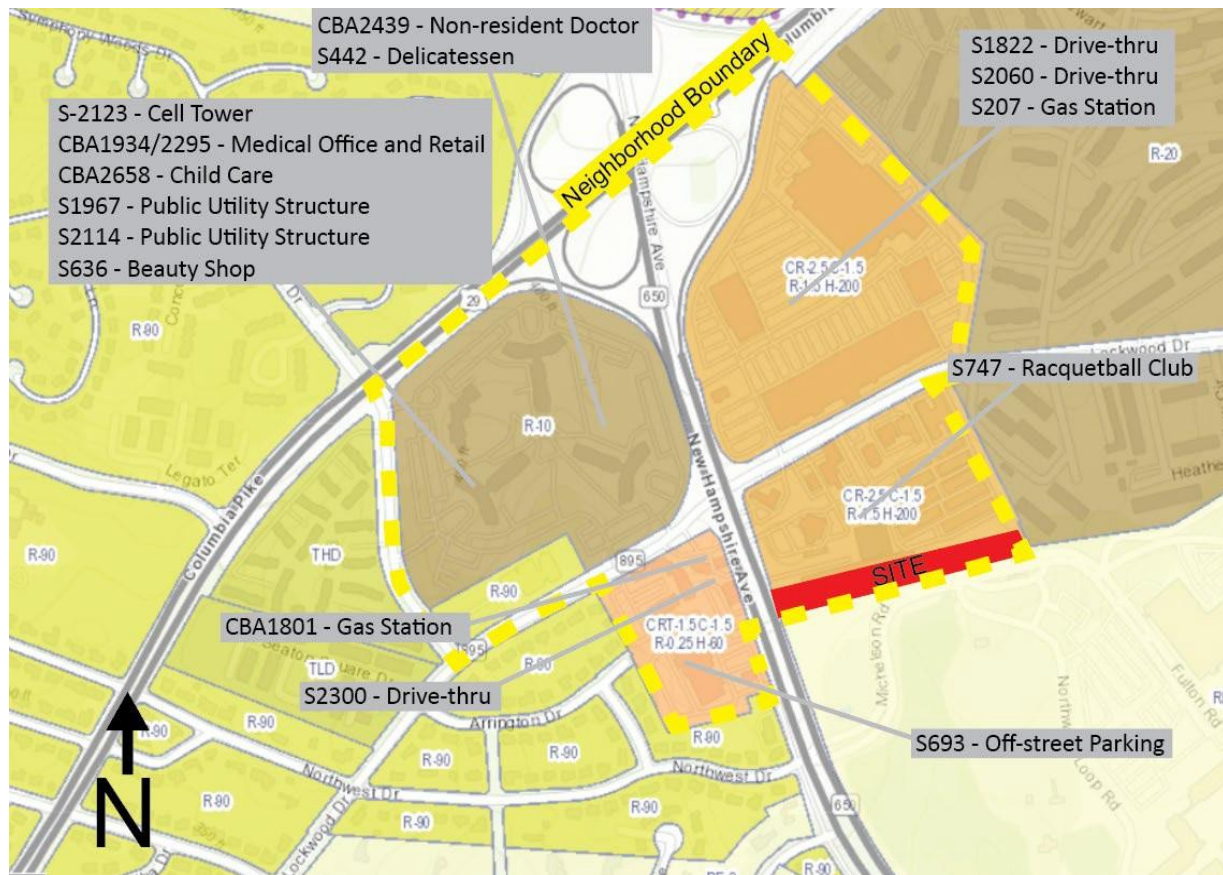


Exhibit 30, pg. 8, Figure 2
Neighborhood CUs and Special

Staff described the character of the area as a “commercial node” *Id.* at 7. The defined neighborhood contains a number of existing approved conditional uses, some in residential properties including medical practices, childcare, telecommunications towers on an apartment building, and others in commercial properties such as drive-thru restaurants. *Id.* The property abuts commercial and self-storage uses to the north, FDA campus to the south and garden apartments to the east. *Id.* pg. 9.

Based on the record, the Hearing Examiner agrees with Staff that the neighborhood is a “commercial node” located near a bustling intersection. In addition, it is undisputed that the property abuts existing commercial uses of similar type and intensity, including the current self-

storage facility.

C. The Applicant's Proposal

The Applicant plans to continue the self-storage use and proposes reinvesting in the existing building through substantial façade improvements with a third-floor cantilevered building addition that will bring the building up to the street and visually conceal the parking. Exhibit 18(b), pg. 4. The building will be re-skinned to have a more modern aesthetic that will improve the building's presence as viewed from the street. *Id.* In addition, the Applicant proposes to construct a new five-story building plus a partial cellar at the rear of the Property, where a large surface parking lot exists today. *Id.*

Mr. Steve Craitin testified on behalf of the owner, Arcland. T. 12. Based in Washington, D.C., Arcland develops, acquires and manages self-storage facilities in the Metro area. T. 13. Arcland acquired this property in 2021 as part of an 8-store acquisition in a joint venture with ASB, a large investment management firm. *Id.* Prior to purchase and since 2018, Arcland has served as the property manager. *Id.* Since 2009, Arcland specialized in self-storage facilities in the DC area and owns 40 facilities and is the 3rd party management for an additional 25 facilities. *Id.* Mr. Craitin testified that during the COVID pandemic the industry in general saw a surge in demand and based on their research he believes there is a shortage of self-storage supply in this area. T. 14.

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 20. An excerpt of the FZP showing the proposed building layouts, front building addition, new construction in rear, future trail easement, dumpster

location, parking and loading spaces is reproduced on page 11.

Mr. Patrick La Vay testified on behalf of the Applicant and was admitted as an expert in civil engineering. T. 21. Mr. La Vay explained there will be significant architectural upgrades to the existing building, landscaping, streetscape improvements and the new construction in the rear will also enhance the lot. T. 32. Access to the property will remain the same, a right in and right out from New Hampshire Ave. T. 35. New landscaping and buffering along New Hampshire Avenue will be installed. T. 34. A substantial façade improvement will be made to the existing building by adding a third-floor cantilevered addition that will provide a covered loading area and improve the street view. *Id.* Additional parking and loading will be placed at the rear of the existing building and the large open parking storage area in the rear will be replaced by a new 5 story storage facility with a partial cellar. *Id.*

Binding Elements

The Staff Report includes four binding elements (Exhibit 30):

1. The use of the property will be limited to self-storage.
2. The proposed self-storage facility will not exceed 234,800 square feet of commercial density.
3. Vehicular access to the Site will be limited to the existing access point.
4. The maximum building height on the Subject Property is limited to 55 feet (as measured per Section 4.1.7.C).

2. Access

Mr. La Vay testified that the FZP shows the only access point to the property, that being a right turn in and right turn out only from New Hampshire Avenue. T. 35. The proposed access meets all standards for the Maryland State Highway Administration. T. 36.

3. Environment

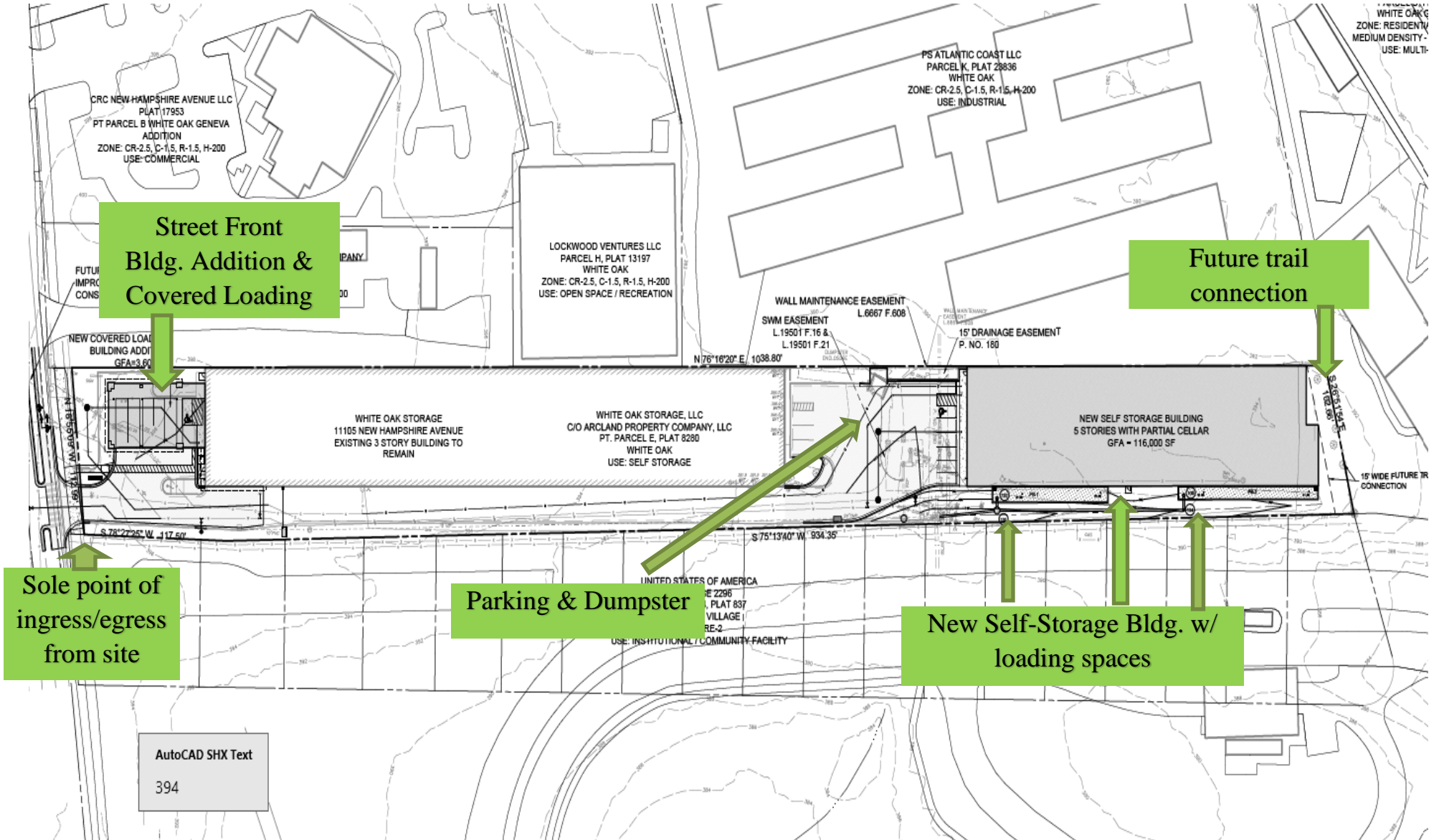
Staff determined there were no forests, wetlands, streams or floodplains on the property. Exhibit 30, pg. 12. Mr. La Vay testified that a bioswale was installed previously on the south surface parking lot as an ESD facility and that area will now contain two new structural micro bioretention areas, which will manage runoff from the new building. T. 36-37. In addition, an underground hydrodynamic device will remain. *Id.* The Site is designed to minimize vehicle impervious area and per Mr. La Vay, the plan is to improve the overall stormwater environment on the Site and manage it to today's standards. *Id.* Montgomery County Department of Permitting Services approved a stormwater management concept for the Site on December 9th of 2022. *Id.*

Mr. La Vay also testified that the forest conservation plan was approved by the Montgomery County Planning Board January 5, 2023. *Id.* The conditions of approval for the Preliminary Forest Conservation Plan requires the Applicant to submit a Final Forest Conservation Plan at the time of site plan. Exhibit 30, pg. 5.

Mr. La Vay testified that new landscaping, buffering will be installed along New Hampshire Avenue which will serve as both a benefit to the public and the environment. T. 34. Additional landscaping will be provided on site to screen the property to the north and also installed at the rear of the lot abutting the future 10-foot-wide trail connection. T. 53; Exhibit 23.

D. Community Concerns

The Hearing Examiner received no letters either in support or opposition of the application from the public. No community members appeared at the hearing.



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 *2014 White Oak Science Gateway Master Plan* (Master Plan or Plan). Exhibit 30, pg. 27. According to Staff, the Master Plan's primary goal is to ensure the local community's longevity by "reimagining existing centers – and provided a framework for reinvestment." *Id.* at 17 (quoting Master Plan, pg. 11). While the Master Plan envisioned White Oak's Major centers evolving into vibrant, mixed-use transit-served nodes, the Master Plan also envisioned redevelopment that was carefully integrated with existing residential neighborhoods and adjacent major institutional uses. *Id.*

According to Staff, given the existing mix of uses and ownership, significant property assembly will be needed to achieve the Master Plan's vision for White Oak. Staff believes, however, that an improved storage facility would not preclude the transition envisioned Master Plan. *Id.* Those improvements proposed to the existing use could provide an adequate buffer to the "utilitarian/vehicular uses projected near this area" and that redevelopment would be consistent with the Master Plan's goal of carefully integrating redevelopment with adjacent uses. *Id.* In addition, Staff noted the application also provides for a segment of a future trail connection at the rear of the property as envisioned by the Master Plan. *Id.* at 28. See Exhibit 30, pg. 19 on the next page.

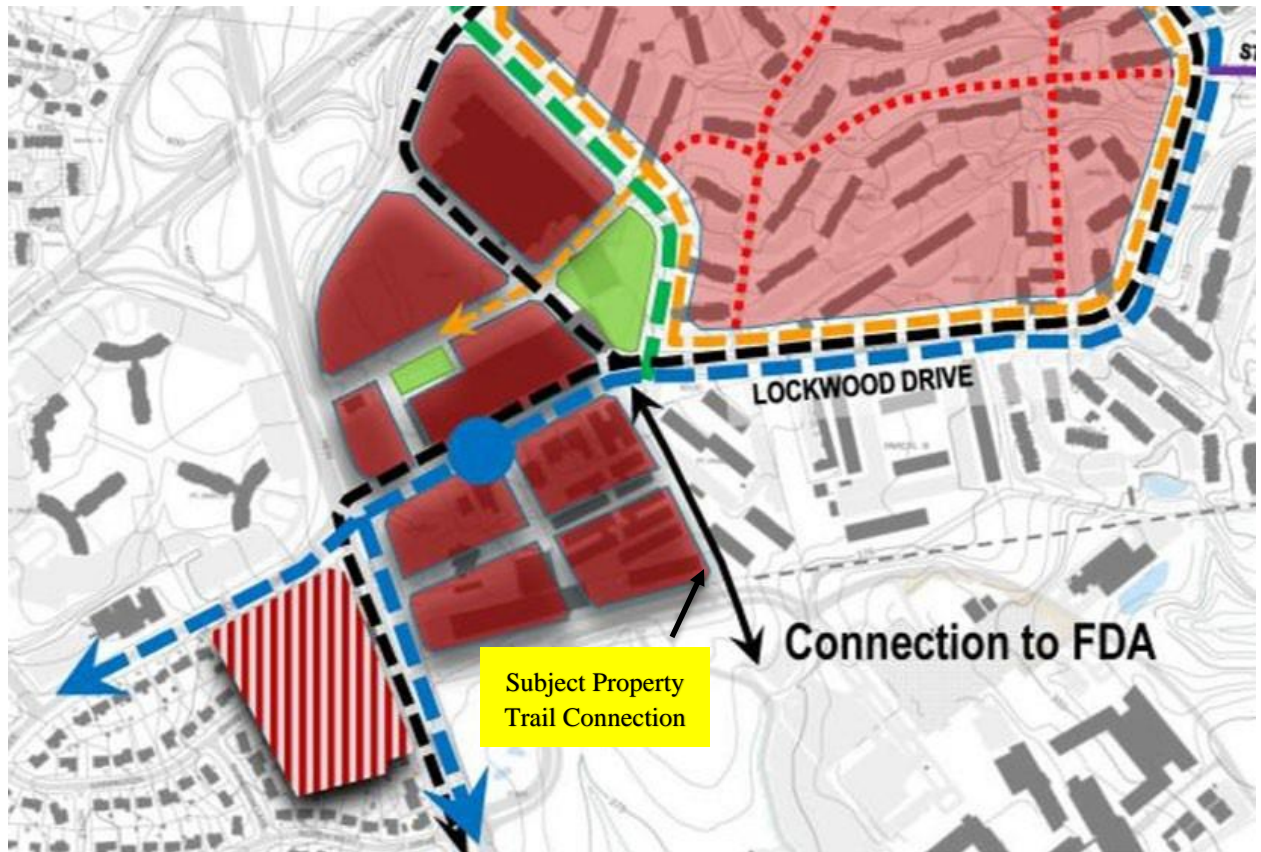


Exhibit 30, pg. 19, FDA-Lockwood Drive
Connection as shown in Master Plan

Mr. La Vay opined that the use conformed to the Master Plan because it acknowledges a reaffirmation of existing centers to provide the framework for reinvestment that's vital to the community's longevity. T. 38. In addition, he stated that the master plan envisioned a redevelopment that enhances the area's quality of life, its appearance, walkability, quality of life, appearance and sense of place. *Id.* at 19. Mr. La Vay believes the project meets the Master Plan's goals because the proposal invests in an existing property in a manner that improves the properties appearance and enhances the pedestrian streetscape. *Id.*

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 Master Plan, which states (Plan, p. 11):

Reimagining existing centers – and providing a framework for reinvestment – is vital to this community's longevity. This Plan seeks to leverage White Oak's assets and establish the foundation upon which the area can evolve into a community that offers more opportunities to live-work-play locally.

In addition, the Master Plan states that increasing opportunities for new economic development and reinvestment in existing centers to be critical elements to enhancing this area and improving its quality of life. *Id.* at pg. 23. The Master Plan provides, "the best approach for this area is land use and zoning that is inclusive allowing for a wide variety of possibilities that can respond to the market." *Id.* at pg. 24.

The Hearing Examiner agrees with Mr. La Vay's testimony that the proposed continuation of the self-storage facility and the proposed improvements furthers the goals of the Master Plan for "reinvestment in existing centers ... improving quality of life" and the community's longevity. The project will upgrade the existing site's appearance, create a more pedestrian friendly environment and provide for the increased demand for self-storage due to post COVID-19 changes in how and where people work. The Hearing Officer also agrees with Mr. Cratin's testimony that this community's self-storage needs are underserved, many remote workers need to create dedicated office spaces in their homes and that this proposal will provide an important community service. Having no evidence to the contrary, the Hearing Examiner finds that the FZP furthers the Plan's environmental goals and transportation goals for the reasons stated by Staff. The FZP does not limit a future mixed-use transition as envisioned the Master Plan in the remaining part of this quadrant, is consistent with the 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...

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 proposed development is compatible because there is no change to the underlying use. It also concluded that the building will be designed to be compatible with adjacent and surrounding development by elevating the existing exterior façade with attractive and modern finishes to work in concert with new development and reinvestment in the White Oak neighborhood. Exhibit 30, pg. 28. In addition, the construction of the new 5story facility at the rear of the property, not readily visible form New Hampshire Avenue, was designed to blend with the updated existing structure at the front of the property. *Id.* at 23. Staff concluded that the building design elements and landscaping create a compatible transition to the surrounding properties. *Id.*

Mr. La Vay testified that the existing use is compatible with the surrounding neighborhood and the proposed changes will only further increase that compatibility. T. 32. The rear of the building is setback to accommodate a future trail and an additional 45-110 feet from the garden-style apartments. There are large mature trees along the property line that buffer the use from the apartments. T. 43. Ms. Brown, the Applicant's architectural expert, stated the new building on the rear of the site is more compatible with the surrounding uses because the structure will take the place of the existing outdoor vehicular storage. T. 79. Ms. Brown and Mr. La Vay testified that the proposed building at the rear and the front addition not only comply with the height and setback requirements of the CRTF zone but brings the site "more in alignment with the current codes." T. 76.

Mr. La Vay discussed Section 59.5.3.2.C of the Zoning Ordinance encouraging "flexibility in uses for a site." T. 44. He pointed out the unique shape of the site made it unsuitable for other types of uses and development. T. 44. He further asserted that continuing to use the space as self-storage is a "good thing." Continuing the use at this location frees up other

locations to be used for more suitable purposes. T. 42. In addition, Ms. Brown confirmed the design features for the renovation of the existing building and the new construction will be compatible with existing development. T. 79.

Conclusion: Based on this record, the Hearing Examiner agrees with Staff that the project meets the purposes of the CRTF Zone and that the proposed Floating Zone will provide flexibility due to the property's unique setting. The Applicant has used the design flexibility of the CRTF Zone to ensure compatibility with adjacent and surrounding properties. The redesign of the existing structure at the front of the property provides screening of the parking and loading activities, while the new construction at the rear of the property developed with the same materials will provide a seamless transition so the new building will not be readily visible from the street front. The building at the rear will be more compatible with the adjacent residential use to the east because it will eliminate the vehicular parking. 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.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 projects within the White Oak Policy Area are exempt from the LATR. The proposed development is, however, subject to the Local Area Transportation Improvement Program (LATIP). Exhibit 30, pg. 25. This requires the Applicant to pay a fee based the project's assumed trip generation impact, as determined by the Montgomery County Department of Transportation (MCDOT). *Id.* In addition, the Applicant submitted a Traffic Statement to demonstrate that the development will generate fewer than 50 new net per person trips in the morning and evening peak times. Exhibit 37; T. 56, 60.

Mr. La Vay testified that other public facilities were adequate. As this is not a residential project, public school adequacy review is not required. T. 60. Mr. La Vay stated “there is adequate water, sewer, electric, and gas services to serve the property. And there have been no noted deficiencies in police, fire, accidents, healthcare facilities to serve the property as well.” T. 64.

Mr. La Vay also testified that a stormwater management concept plan has been approved by the Department of Permitting Services (DPS). T. 36-37. On December 9, 2022, DPS found the stormwater management plan for the property to be acceptable. Exhibit 25. In addition, Mr. La Vay stated the project must provide stormwater in accordance with current regulations and the proposed development will improve the stormwater management on the site. T. 36-37.

Conclusion: Based upon the uncontroverted testimony and evidence in this record, the

Hearing Examiner finds that public facilities will be adequate to serve the proposed use and will be finally determined at a later stage of the development process.

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 has been designed to complement the surrounding uses and revitalize community.” Exhibit 30, pg. 27. Staff also found that the proposed modifications will elevate the existing front façade creating an improved street presence and reinvestment in the White Oak neighborhood. *Id.* Mr. La Vay pointed out that the use will remain the same as it is today and remain compatible with the surrounding uses, but bring the property into conformance with current land use policies and urban design objectives. T. 42-43. He also stated that the building addition in the rear is setback to

accommodate the 15-foot-wide future trail connection and further back an additional 45 to 100 feet from the garden style apartments. *Id.*

Conclusion: The Hearing Examiner agrees with Staff and the Applicant that the project has been designed to complement the surrounding uses and revitalize the community. 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 project design elevating and changing the materials to the front of the existing façade creates a more urban street scape while the rear addition takes the place of the existing vehicle storage lessening the impact of the existing use to the multi-family use at the rear of the property.

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***

Both Staff and the Applicant acknowledge that the Master Plan published prior to the COVID-19 pandemic did not consider new challenges presented to families as a result the changes in working and living conditions. Exhibit 30, pg. 28; T. 14, 42. Staff determined that expansion of the self-storage facility will meet some of these challenges and provide much needed storage opportunities for the community. *Id.* at pg. 28. Mr. La Vay opined that maintaining and

expanding the facility on such a long narrow lot is a “good thing” given other uses would find development on this site difficult. T. 42.

Staff found the project satisfies basic sustainability requirements for the following reasons: 1) introduction of stormwater management on a site where none currently exists; 2) provides additional green space and landscaping which promote sustainably and activate a pedestrian environment; 3) use of cool roof and solar panels on the buildings and 4) providing a segment of the property for future trail connection as envisioned by the Master Plan.

Conclusion: The Hearing Examiner agrees with Staff 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 record clearly demonstrates the need exists and this area suffers from a lack of self-storage sufficient to satisfy community need. The redevelopment of such a long narrow site to continue the existing use is indeed a “good thing” and is an appropriate use of the land. The development satisfies the sustainability goals through creation of stormwater management, landscaping, pedestrian friendly environment and use of cool roofs and solar panels in construction will enhance 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 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.***

Staff concluded as follows:

The Project meets the purposes of the CRTF zone. The Project's proposed Floating Zone will provide flexibility in response to the Property's unique setting within the White Oak area. The existing and proposed self-storage facility is a neighborhood amenity that has been carefully designed to ensure that building heights, massing, and the proposed use will remain as a compatible use for the community. As part of the Subject Application, the pedestrian realm, and the Property's relationship to its street frontage will be improved and made more compatible with surrounding development.

Exhibit 30, pg. 29.

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 properties unique setting, maintains the existing use and will remain compatible with the community and surrounding properties. 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. Staff advises, and the Hearing Examiner agrees, that there are no prerequisites for property already within the CR Zone. Exhibit 30, pg. 29.

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 as set forth in the Zoning Code. A conditional use plan was submitted

concurrently with the LMA application and has been approved by the Hearing Examiner.

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 30, p. 31, shown on the next page).

The Applicant will need to provide public benefits that conform to the Master Plan recommendations during approval of a sketch and site plan. Staff advises that the Applicant identified a list of public benefit categories including minimum parking, quality building design, solar panels and cool roofs. Exhibit 30, pg. 3.

Development Standards Table - White Oak Self-Storage	Permitted	Proposed
Maximum Total Density (FAR)	2.5	2.06
Maximum Commercial Density (FAR)	2.25	2.06
Maximum Residential Density (FAR)	1.5	0
Maximum Height	200 ft	60 ft
Minimum Setback - Front Site Boundary	TBD at Site Plan	25 ft
Minimum Setback - Rear Site Boundary	TBD at Site Plan	15 ft
Minimum Setback - Side Site Boundary	TBD at Site Plan	0 ft
Minimum Lot Size	n/a	2.62 acres
Minimum Open Space	0%	n/a
Minimum Public Benefits (to be finalized at sketch plan)	50 points (3 categories)	52 points (3 categories)
Parking Lot Landscaping - Landscaped Area	5% (549 sf)	569 sf
Parking Lot Landscaping - Tree Canopy	25% (2,747 sf)	2,858 sf
Parking Lot Landscaping - Perimeter Planting Width	6 ft	8 ft 6 in
Parking Lot Landscaping - Perimeter Planting Height	3 ft	>3 ft

**Development Standards of Zone
Permitted and Proposed FZP Ex.
30, pg. 31**

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. The proposed development conforms to these standards, except for parking. A table from the Applicant's Revised Land Use Plan (Exhibit 18b, p. 14), shown on the following page) compares the requirements of Article 6 to the proposed development. The Applicant has requested a waiver of the minimum parking requirements. The Hearing Examiner has approved the parking waiver in the concurrent conditional use application. Thus, the proposed parking will satisfy the development standard.

	Standard	Permitted/Required	Provided Per Plan
Section 59.6.1	Driveway Access		1
Section 59.6.2	Parking Requirements		
	Vehicle Parking Spaces	25 spaces (min)	12 Spaces (<i>see</i> waiver request below)
	Bicycle Parking Spaces	None Required	N/A
Section 59.6.2.5	Vehicle Parking Design Standards		
Section 59.6.2.9	Parking Lot Landscaping and Outdoor Lighting (for more than 10 spaces)		
	Landscaped Area	5% of the total area of the surface parking lot	Complies, See Landscape Plans.
	Tree Canopy	25% at 20 years of growth	Complies. See Landscape Plans.
	Perimeter Planting Width	6 Feet	Complies. See Landscape Plans.
	Perimeter Planting Height	3 Feet	Complies. See Landscape Plans.

Revised Land Use Plan
Exhibit 18(b), pg. 14

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- 147, requesting reclassification from the existing CR-2.5, C-1.5, R-1.5, H-200 (Commercial Residential) to CRTF 2.25, C-2.25, R-1.5, H-200' (Commercial Residential Town Floating) located at 11105 New Hampshire Avenue, Silver Spring, MD 20904 as part of Lot E in the "White Oak" subdivision recorded as Plat No. 8280 (Tax Account No. 05-00276584), be **approved** in the amount requested and subject to the specifications and requirements of the Floating Zone Plan (Exhibit 20), 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: February 23, 2023.

Respectfully submitted,



Kathleen E. Byrne
Hearing Examiner

Resolution No.: _____
Introduced: _____
Adopted: _____

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

By: District Council

SUBJECT: APPLICATION NO. H-147 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Elizabeth Rogers, Esquire, Attorney for the Applicant, White Oak Storage, LLC; OPINION AND RESOLUTION ON APPLICATION; Tax Account No. 05-00276584.

OPINION

White Oak Self Storage (Applicant or White Oak) filed two applications on September 15, 2022. The first, LMA Application No. H-147, seeks to rezone approximately 2.62 acres of property from the CR-2.5, C-1.5, R-1.5, H-200 (Commercial Residential) to CRTF 2.25, C-2.25, R-1.5, H-200' (Commercial Residential Town Floating). The second seeks Conditional Use Approval for a self-storage use. Exhibit 1. On February 23, 2023, the Hearing Examiner granted the Conditional Use for self-storage subject to certain conditions. The subject property is located at 11105 New Hampshire Avenue, Silver Spring, MD 20904, and is further identified as part of Lot E in the "White Oak" subdivision recorded as Plat No. 8280.

Staff of the Montgomery County Planning Department recommended approval of the application, as did the Planning Board. Exhibits 30, 29. The Planning Board approved a Preliminary Forest Conservation Plan (PFCP) at a meeting on January 5, 2023. Exhibit 29. The Hearing Examiner held a public hearing on January 13, 2023. No one appeared in opposition to the application. The Hearing Examiner left the record open for completion of the hearing transcript. The record closed on January 24, 2023.

The Hearing Examiner issued her report on February 23, 2023. She recommended approval of the application because it meets the standards for rezoning in the Zoning Ordinance and will be consistent with the coordinated and systematic development of the Regional District under State law. *Md. Land Use Art.*, §21-101(a) and (b). To avoid unnecessary detail in this Opinion, the Hearing Examiner's Report and Recommendation is incorporated herein by reference. Based on its review of the entire record, the District Council finds that the application meets the standards required for approval of the requested rezoning for the reasons set forth by the Hearing Examiner.

Subject Property

The subject property contains 114,234 square feet of land and is improved with a 115,200 square foot self-storage building. In addition to the existing building, the property hosts a surface parking area used for short term parking and long-term vehicle storage. The property is bounded by New Hampshire Avenue to the west, existing commercial and self-storage uses to the north, the FDA campus to the south, and garden apartments to the east. The property contains no forests, wetlands, streams or floodplains.

Surrounding Area

The “surrounding area” is identified and characterized in a Floating Zone application to measure whether the FZP will be compatible with those properties directly impacted. Once delineated, the surrounding area is “characterized” to compare the Floating Zone with the character of the area.

The Hearing Examiner agreed with Planning Staff and the Applicant that the surrounding area is bounded by Columbia Pike to the north, Oak Leaf Drive to the west and south, where the commercial uses terminate on either side of New Hampshire Avenue, White Oak Shopping Center to the east and where the commercial uses south of Lockwood Drive transition to multifamily. Staff characterized the area as a “commercial node,” containing several existing approved conditional uses, various commercial uses including other self-storage facilities, the FDA campus and garden apartments.

The Hearing Examiner agreed that the area is “commercial node” located near a bustling intersection. The property abuts existing commercial uses of similar type and intensity. The District Council agrees with the Hearing Examiner’s characterization and so finds.

Proposed Development

The Applicant plans to continue the self-storage use and proposes substantial façade improvements to the existing building including a third-floor cantilevered building addition that will bring the building up to the street and visually conceal the parking. Exhibit 18(b), pg. 4. In addition, the Applicant proposes to construct a new five-story building plus a partial cellar at the rear of the Property. *Id.* The new building will sit on the land at the rear of the lot, eliminating the current long-term vehicle storage use. *Id.*

Criteria for Approval

Every application for rezoning to a Floating Zone must be accompanied by a Floating Zone Plan (FZP) that meets certain requirements. *Zoning Ordinance*, §59-7.2.1.B.2.g. The Applicant has filed an FZP (Exhibit 20(a)) and related documents.

As stated, a Floating Zone application must meet the standards required by the Zoning Ordinance and State law. Generally, these standards fall into five categories: (1) conformity to the applicable Master Plan, (2) compatibility with adjacent uses and the surrounding area, (3) the adequacy of public services to support the proposed development, (4) technical requirements regarding whether the property is eligible to apply for a Floating Zone, and (5) whether the FZP meets the development standards of the zone requested.

Substantial Conformance with the Master Plan¹

The 2014 White Oak Science Gateway Master Plan (Master Plan or Plan) guides development of this property. The Plan's primary goal is to ensure the local community's longevity by "reimagining existing centers – and providing a framework for reinvestment." *Plan*, p.11. The Plan also envisioned White Oak's major centers evolving into vibrant mixed-use trans-served nodes that are carefully integrated with existing residential neighborhoods and adjacent major institutional uses. *Id.*

Planning Staff determined that the existing mix of uses and ownerships would require significant property assembly to achieve the Master Plan's vision for White Oak. Exhibit 30, pg. 17. However, Planning Staff concluded that this FZP meets the goals of the Master Plan because an improved storage facility would not preclude the planned transition and that the proposed improvements could provide an adequate buffer to the "utilitarian/vehicular uses projected near this area." In addition, the project would be consistent with the Master Plan's goal of carefully integrating redevelopment with adjacent uses. *Id.*

The Applicant's expert in land development and civil engineering testified that the Master Plan calls for redevelopment that continues to provide a significant amount of neighborhood services and that this project provides a self-storage service much needed in the area especially due to recent trends of people working from home. T. 32, 39. The expert opined that this redevelopment would create a more "urban form" in keeping with the Master Plan vision by significantly enhancing the frontage of the existing building along New Hampshire Avenue. T. 39. He further stated this creates not only an improvement in appearance but enhances the pedestrian streetscape providing walkability and overall enhancing the quality of life for residents. T. 38. In addition, Applicant's expert identified the recommendation in the Master Plan for a connection from the FDA property up through Lockwood Drive. The proposal provides for that the future trail connection with a dedication at the rear of the lot. T. 39.

The Applicant's expert also opined that certain features of the project satisfy the environmental recommendations in the Master Plan. Specifically, providing stormwater management on the interior of the site rather than the perimeter, minimizing imperviousness

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

through compact development, reduction in vehicular impervious area, and the incorporation of solar panels on the roof and the use of cool roofs. T. 40.

The District Council finds that the FZP conforms to the Master Plan, as did the Hearing Examiner. The proposed improvements provide reinvestment in an existing center in line with “reimaging of an existing center” Master Plan goal. The service provided to the community also is in furtherance of the Master Plan’s goals. The improvement to the street front and existing building meets the Master Plan’s goals creating a more “urban form” and walkability leading to quality-of-life improvements for residents. In addition, the proposed environmental improvements to the site also align with the Master Plan goals.

Compatibility with Adjacent Uses and the Surrounding Area

Multiple standards for approval require the District Council to find that the FZP be compatible with adjacent uses and the surrounding area.² The existing indoor self-storage use will not change but will expand. Exhibit 30, pg. 33. Planning Staff found that the FZP would be compatible with development adjacent and the surrounding commercial area because of the proposed design including new landscaping and changes to building materials along with changes to horizontal and vertical elements of the buildings. Exhibit 30, pgs. 23, 33. The Applicant’s expert opined that the use itself will not change and will remain compatible with the surrounding uses. T. 22, 43. In addition, the expert opined that the building addition in the rear is set back from the property line to accommodate the future trail connection and is further setback from the garden style apartments to east. T. 43, 96-97. Further, the renovation of the existing building and new building is designed specifically to be compatible with the surrounding properties through enhancements the existing building and the limited visibility of the new building at the rear from the street. T. 55-56. The Hearing Examiner agreed with this analysis.

The District Council finds that the proposed development will be compatible with adjacent properties and the surrounding area in terms of scale, density, and design for the reasons stated by the Hearing Examiner. The project design complements the surrounding uses and revitalizes the site. The change in elevation and materials creates an urban streetscape feel and the elimination of the existing outdoor storage will lessen the impact of the use to the multi-family property to the east. In addition, the underlying use will remain the same and continue to be compatible with the surrounding commercial uses.

Adequacy of Public Facilities/Public Interest

² The FZP must further the intent of Floating Zones in general and the CRTF Zone in particular. *Zoning Ordinance*, §§59-7.2.1.E.2.c; 59-5.1.2.C; 59-5.3.2. Floating zones are intended to (1) establish compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses, (2) provide development standards and general compatibility standards to protect the character of adjacent neighborhoods; and (3) allow design flexibility to mitigate any negative impacts found to be caused by the new use. *Id.*, §59-5.1.2.C. One purpose of the CRTF Zone is to provide “provide mixed-use development that is compatible with adjacent development.” *Id.*, §59-5.3.2.C. Similarly, Section 59-7.2.1.E.2.d of the Zoning Ordinance requires the Council to find that the FZP is “compatible with existing and approved adjacent development.”

To approve a Floating Zone, the District Council must find that public facilities will be adequate to serve the FZP.³ The Applicant submitted an Exemption Statement for the development pursuant to 2020-2024 Growth and Infrastructure Policy and the LATR Guidelines. *Zoning Ordinance*, §59.7.2.1.E.2.e; Exhibit 12. The Applicant conducted a trip generation study and determined that pursuant to LATR guidelines the project generates less than 50 new peak hour trips making the site exempt from providing quantitative auto, transit, bicycle, or pedestrian analysis. Exhibit 12, Exhibit 30, pg. 25, T. 64. Having no evidence to the contrary, the District Council determines that there is adequate traffic and transit capacity to serve the proposed development, as did the Hearing Examiner.

Uncontroverted evidence establishes that most other public facilities are adequate as well. The Applicant's expert in civil engineering testified that gas, electric, water and sewer utilities are located at the property. He also testified that fire and police stations are within an acceptable distance from the site. T. 64. The District Council finds that these public facilities are adequate to support the proposed development.

Stormwater Management/Environmental Issues

Stormwater management and environmental issues factor into the rezoning review for several reasons: (1) stormwater management is a public facility that must be adequate to serve the use, (2) an intent of Floating Zones is to ensure that development meets basic sustainability requirements such as "environmental protection and mitigation," and (3) the County Code requires approval of a Preliminary Forest Conservation Plan before the Council may act on a rezoning application. See, *Zoning Ordinance*, §§59-5.1.2.B.3.e, 59.7.2.1.E.2.b; *Montgomery County Code*, §22A-11(a)(1).

Currently, no stormwater management exists on the Property. Exhibit 30, pg. 28. The Applicant received approval of their stormwater management concept plan from the Department of Permitting Services, Water Resources on December 9, 2022. *Id.* at 35. The concept meets required stormwater management goals using a combination of environmental site designs. *Id.* The Applicant's expert opined that the proposed development improves the stormwater management on the site by the introduction of new stormwater management structures and removal of vehicular impervious area. T. 36-37.

The Applicant will provide additional green space and landscaping to promote sustainability and activate the pedestrian environment. Exhibit 30, pp. 28. In addition, the Applicant proposes a cool roof and solar panels on the self-storage buildings, furthering the

³Section 59.7.2.1.E.2.e requires that an Applicant demonstrate traffic generated from the proposed development "does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts . . ." The adequacy of other facilities is part of the Council's determination that an application will be "in the public interest..." and that it be "it will be consistent with a coordinated and systematic development of the Regional District" under State law. *Zoning Ordinance*, §59-7.2.1.E.2.b; *Md. Land Use Art.*, §21-101(a) and (b). The intent of the Floating Zones is to "implement comprehensive planning objectives by...ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure..." *Zoning Ordinance*, §59-7.2.1.E.1.b; 59-5.1.2.A.2.

sustainability goals of the County. *Id.* A segment of a future trail connection is reserved at the rear of the property. *Id.*

No forests, wetlands, streams, floodplains or large specimen trees exist on the property. Exhibit 30, pp. 12. Planning Staff determined the proposed forest conservation plan conforms with environmental guidelines. *Id.* pp. 37. The Planning Board approved the Preliminary Forest Conservation Plan on January 5, 2023. Exhibit 29.

The Hearing Examiner concluded that the application met the intent of the Floating Zone to maximize sustainable development. Hearing Examiner found that this purpose of the Commercial/Residential Town Floating Zones has been sufficiently met at the rezoning stage.

The Intent and Standards of the Zone as set forth in Section 59.5.1.2.⁴

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

Section 59-5.1.2.A.3. 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; and

Staff concluded that the FZP meets this goal because the “project has been designed to complement the surrounding uses and revitalize community.” Exhibit 30, pg. 27. Expert testimony established that the FZP uses the flexibility of the floating zones to allow the continuation of the existing use on a uniquely shaped site, not suitable for other uses and development. T. 44. The District Council finds that the FZP meets this intent of the Floating Zones for these reasons, as did the Hearing Examiner.

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

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

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

⁴ The intent of Floating Zones contained in Sections 59-5.1.2.A.1 and 2 and 59-5.1.2.C of the Zoning Ordinance has already been addressed in the Council’s findings relating to the compatibility of the FZP with surrounding uses, the adequacy of public facilities, and creation of a sustainable development. The balance of the Floating Zone intent clauses is discussed here.

Planning Staff and the Applicant point out that the Master Plan was published prior to the ongoing Covid-19 Pandemic and does not consider new challenges presented to families because of changes to work and living environments. Exhibit 30, pp. 28, T. 42. Staff concluded that the FZP met this intent through expansion of the self-storage facility providing much needed storage opportunities for the community. Exhibit 30 pp. 28. Staff and the Applicant's expert testimony identified the site's long and narrow geometry is well suited for this particular use. *Id.* The District Council finds that the FZP meets this intent of the Floating Zone, as did the Hearing Examiner.

The Applicability of the Zone (Section 59.5.1.3.)

Section 59.5.1.3. of the Zoning Ordinance sets up a series of threshold tests to determine whether a site may apply for a Floating Zone. No prerequisites are required, however, if the floating zone is recommended by the Master Plan. Prerequisites are not required for a property with a non-Residential base zone. *Zoning Ordinance*, §5.1.3.B.

Planning Staff determined that the Master Plan does not recommend CRTF Floating Zone for this property and the base zone for the subject property is CR, non-residential, and therefore, this section is inapplicable. Exhibit 30, pg. 29. The District Council agrees with the Hearing Examiner that there are no prerequisites required for this FZP.

The Purpose of Commercial/Residential Floating Zones (Purpose, Permitted Uses, and Permitted Building Types, Sections 59.5.3.2 through 59.5.3.4)

Zoning Ordinance Division 59-5.3 lists the Commercial Residential Floating Zones, specifies their purpose, lists the allowed uses and building types and sets forth the applicable development standards. Section 59.5.3.1. establishes the Commercial/Residential Town Floating Zone.

Purpose. The District Council has already found that the FZP is compatible with adjacent development, one of the purposes of the Commercial/Residential Zones. *Zoning Ordinance*, §5.3.2.C. The remaining purposes are:

Section 5.3.2. Purpose

The purpose of the Commercial/Residential 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 comparable with adjacent development.*

The Hearing Examiner found that the FZP was designed in response to the property's unique settings, maintains the existing use and will remain compatible with the community and surrounding properties. The FZP fulfills this purpose.

Uses and Building Types Permitted (Section 59.5.3.3 and 59.5.3.4): The CRTF Zone permits only the uses allowed in the CRT (Commercial/Residential Town Zone) and permits any building type. *Zoning Ordinance*, §§5.3.3.3, 59.5.3.4. The binding elements of the FZP limit the

use of the property to self-storage, which is permitted as a conditional use in the CRTF Zone and any building type is permitted. *Zoning Ordinance*, §59.3.1.6. The FZP meets this standard.

Development Standards of the Zone (Section 5.3.5)

Density. Where a floating zone is not recommended in a Master Plan, density limits set forth in §59.5.3.5.A.2. apply. The proposed density is 2.06, within the limits of the permitted density.

Height and Setbacks. Where a floating zone is not recommended in a Master Plan, setbacks are established by the site plan approval process and height must satisfy the compatibility standards for the applicable building type under Section 4.1.8.B. *Zoning Ordinance*, §59.5.3.5.B. The Applicant presented expert testimony that the buildings comply with height and setback requirements of CRTF Zone and bring the site more in alignment with current codes, and goals as expressed in the Master Plan. T. 76. The Hearing Examiner included a maximum building height on the subject property be limited to 55 feet as measured per Section 4.1.7.C as a binding element. The Hearing Examiner found the standards for height and setback to be met. The District Council does as well.

Lot size, parking, recreation and open space. Lot sizes are not part of the District Council's review at the rezoning stage. *Id.*, §59.5.3.5. C. This site has a tract area of less than 3 acres and only one right of way frontage. T. 46. No open space or recreation is required for this application. *Id.*, See §59.5.3.5.D. Article 59.6 of the Zoning Ordinance contains standards that regulate the number and design of parking spaces among other elements. The Hearing Examiner found the proposed development conformed the required standards in all areas except for parking. The Hearing Examiner granted a waiver to the parking requirement concurrent with Conditional Use application approval. See *Hearing Examiner's Report and Recommendation*, pg. 26. With the grant of the parking waiver, the District Council finds the FZP shows adequate parking.

Conclusion

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

ACTION

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

Local Map Amendment Application No. H-147, requesting reclassification from the existing CR-2.5, C-1.5, R-1.5, H-200 (Commercial/Residential Zone) to the CRTF-2.5, C-2.25, R-1.25, H-200 (Commercial Residential Town Floating Zone), of property described as 11105 New

Hampshire Avenue, Silver Spring, MD 20904, and is further identified as part of Lot E in the “White Oak” subdivision recorded as Plat No. 8280, (Tax Account No. 05-00276584) is hereby **approved** in the amount requested and subject to the specifications and requirements of the Floating Zone Plan, Exhibit 20(a), provided that the Applicant files an 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.

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
MONTGOMERY COUNTY, MARYLAND
100 Maryland Avenue, Room 200
Rockville, Maryland, 20850
(240) 777-6660
{Form Revised 2-7-19}

OZAH LMA No. H-_____
Date Certified by Planning _____
Date OZAH Accepts for Filing _____
Scheduled Hearing Date _____

**Application for Local Map Amendment to the Zoning Ordinance
Montgomery County, Maryland**

White Oak Storage Owner, LLC

Name of Applicant(s)

hereby makes application with the County Council for Montgomery County, Maryland, sitting as a District Council for that portion of the Maryland-Washington Regional District within Montgomery County, for the reclassification of property located in the 5th Election District of Montgomery County and known as

Part of Lot E in the "White Oak" subdivision as recorded at Plat No. 8280

Lot, Block and Subdivision if boundaries conform to lot boundaries a subdivision for which a plat is recorded among the land records, or a description by metes, bounds, courses and distances, and plat references.

located at 11105 New Hampshire Avenue, Silver Spring, MD 20904

City, town, village or community and street number, or if none, the location with respect to nearby public roads in common use.

consisting of 2.62 acres

Area in square feet if less than 1 acre, or in acres if one or more

from the CR-2.5, C-1.5, R-1.5, H-200' Zone to the CRTF-2.25, C-2.25, R-1.5, H-200' Zone
Present classification Requested classification

Tax account number(s) 05-00276584

Name and address of owner(s), if other than applicant

List all persons having at least a 5% interest in property, including those holding mortgages, liens, etc., and all contract purchasers, optional purchasers and persons holding mortgages, etc.

Arcland/ASB Storage I, LLC

Listed below are the Application numbers, dates of filing and actions taken on all applications filed within 3 years prior to this date on any land lying anywhere within the same larger lot, parcel or tract of land in which the above-described land is located.

Application Number	Date	Action Taken

Please note that if previous Local Map Amendment applications were filed for the subject property, filing of subsequent Local Map Amendment applications are limited as specified in Zoning Ordinance §59.7.2.1.G.

I have read the REVISED NOTICE REGARDING LOCAL MAP AMENDMENT APPLICATIONS FILED AFTER MAY 1, 2014 and the CHECKLIST FOR LOCAL MAP AMENDMENT (LMA) APPLICATIONS accompanying this form on OZAH's website, and I am filing herewith all of the required accompanying information. I hereby affirm that all of the statements and information contained in or filed with this Application are true and correct.



Elizabeth C. Rogers

Signature of Attorney - *(Please print next to signature)*

Lerch, Early & Brewer, Chtd., 7600 Wisconsin Avenue, Suite 700, Bethesda, MD 20814

Address of Attorney

301-841-3845

Telephone Number

ecrogers@lercheearly.com

Email Address



Noah Mehrkam

Signature of Applicant(s) - *(Please print next to signature)*

1055 Thomas Jefferson Street NW, Ste 250

Washington, DC 20007

Address of Applicant(s)

202-626-3079

Telephone Number

noah@arc.land

Email Address

Subscribed and sworn before me by the Applicant(s), this 7th day of July, 20 22.

Emily Powers Yassine
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7952351
My Commission Expires 11/3/2025



Notary Public

Payment of appropriate filing fee must accompany this application. See Fee Schedule. Twenty-five percent of the specified fee must be paid directly to the Planning Department when this application is submitted for review of completeness. The remaining 75 per cent of the specified fee and all sign fees must be paid directly to OZAH when the application is filed with OZAH after it has been certified by the Planning Department.. No part of such fee shall be refunded unless such refund and amount thereof is allowed under Zoning Ordinance Section 59.7.6.5.B.

Applicant is required to post the property covered by this application within 5 days from acceptance of filing, in accordance with Zoning Ordinance Section 59.7.5.2.C., with a sign or signs to be furnished by the Office of Zoning and Administrative Hearings. An affidavit of posting, as required by the Zoning Ordinance, must be presented at the hearing on the application.

Under Zoning Ordinance §59.7.2.1.B.7, new public notice must be provided for any modification to an application requesting an increase in the area proposed to be reclassified or requesting a change to the zoning classification.

**LOCAL MAP AMENDMENT APPLICATION
DISCLOSURE STATEMENT**
(Revised February 7, 2019)

State law requires that each and any Applicant for a local zoning map amendment, or Party of Record, who has made a contribution to a candidate for County Executive or County Council of \$500.00 or more, calculated cumulatively for the four-year election cycle either before the filing of the application or during the four-year cycle within which the application is pendent, must disclose the name of the candidate to whose treasurer, political committee, or slate the contribution was made, the amount and the date of the contribution.

A Disclosure Statement must be filed when the application is filed or within two weeks after entering the proceeding by a Party of Record and be updated within 5 business days of any contribution made after the filing of the initial disclosure and before final disposition of the application by the District Council. If more than one contribution is made, please specify in the space provided below each contribution and to whom it was made. **If more than one applicant is involved in a single application, each applicant must file this statement.**

Subject to the penalties of perjury, I, White Oak Storage Owner, LLC
(NAME OF APPLICANT FOR LOCAL MAP AMENDMENT
OR PARTY OF RECORD)

HEREBY AFFIRM that the contents of this statement are true to the best of my

knowledge, information and belief, and that: (SELECT EITHER 1 OR 2 BELOW AND CHECK
APPROPRIATE STATEMENT)

1. ☐ I HAVE made a contribution of _____
(FILL IN AMOUNT OF CONTRIBUTION IF \$500
OR MORE, OR STATE N/A IF NOT APPLICABLE)

on _____
(FILL IN DATE (MONTH, DAY AND YEAR) OF CONTRIBUTIONS),

to the following candidate's treasurer, political committee, or slate:

(FILL IN NAME OR NAMES OF CANDIDATE, OR STATE N/A IF INAPPLICABLE)
(If more space is required, use the back of this form.)


2. ☒ I HAVE NOT made a contribution requiring disclosure.



SIGNATURE OF DECLARANT

This Statement is filed in compliance with the public ethics requirements of Md. Code Ann, General Provisions, §§5-842 through 5-845; 2014 Md. Laws Ch. 94. A person who knowingly and willfully violates this part is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 1,000.

For convenience, several definitions in State law are contained on the next page.

Subscribed and sworn to me, a Notary Public for Fairfax County, Virginia, this
7th day of July, 2022


NOTARY PUBLIC
My Commission Expires: 11/31/2025

Emily Powers Yassine
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7952351
My Commission Expires 11/31/25

Exhibit 3
H-147 and CU 23-02



January 6, 2023

Mrs. Lynn Robeson Hannan, Director

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

SUBJECT: Local Map Amendment No. H-147
White Oak Self-Storage

Dear Mrs. Robeson Hannan:

On January 5, 2023, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission reviewed Local Map Amendment No. H-147, a request to rezone 2.61 acres from the CR-2.5, C-1.5, R-1.5, H-200 Zone to the CRTF-2.5, C-2.25, R-1.5, H-200 Zone for the development of a new 116,000-square foot self-storage facility at the rear of the property and the addition of 3,600 square feet to the existing self-storage facility at the front of the property, located at 11105 New Hampshire Avenue, Silver Spring. The Planning Board received a presentation from Planning Staff, and the Applicant was present to answer questions.

The Planning Board did not receive any written testimony ahead of the hearing. The Planning Board endorses the Local Map Amendment and approves the Preliminary Forest Conservation Plan.

The Planning Board discussed the compatibility of the proposed new self-storage building at the rear of the Subject Property with the R-20-zoned apartments that exist to the east of the Subject Property. Following its discussion, the Planning Board added Condition No. 5 to the Local Map Amendment conditions enumerated in the published Staff Report.

1. The use of the property will be limited to self-storage.
2. The proposed self-storage facility will not exceed 234,800 square feet of commercial density.
3. Vehicular access to the Site will be limited to the existing access point.
4. The maximum building height on the Subject Property is limited to 55 feet (as measured per Section 4.1.7.C).
5. The building massing comprising the eastern building façade must be articulated to further compatibility with the abutting R-20 zone, as shown on the Certified Site Plan.

Exhibit 29
H-147

Ms. Lynn Robeson Hannan, Director

January 6, 2023

Page Two

The current submission of the proposed Local Map Amendment, dated November 1, 2022, complies with the general conditions and standards of self-storage uses, subject to the recommended conditions of approval.

The Subject Application is governed by the current Zoning Ordinance. As conditioned, the proposed uses meet the findings set forth in Section 59-7.2.1.E.2 of the Zoning Ordinance; is consistent with the goals and recommendations of the 2014 *White Oak Science Gateway Master Plan*; and the Applicant has met the burden of proof by showing that the proposed self-storage facility will not create a detriment to the neighborhood and will not adversely affect the public interest.

On a motion by Commissioner Branson, seconded by Commissioner Hill, with Chair Zyontz and Commissioners Presley and Piñero voting in favor, the Board recommends (5-0) that Local Map Amendment No. H-147, White Oak Self-Storage, be approved with the conditions enumerated in the Staff Report.

We hope the Planning Board's recommendations and the staff report will be helpful to your proceedings. Please contact Mr. Parker Smith, Planner II, with any questions. Mr. Smith can be reached by phone at 301-495-1327 or via email at Parker.Smith@montgomeryplanning.org.

Sincerely,


Jeff Zyontz
Chair

JZ:ps:ha

Enclosure:

1. Staff Report for Local Map Amendment and Preliminary Forest Conservation Plan H-147 with Attachments

WHITE OAK SELF STORAGE

LOCAL MAP AMENDMENT AND PRELIMINARY FOREST CONSERVATION PLAN H-147 AND CONDITIONAL USE CU202302

Description

Request to rezone the subject property from CR-2.5, C-1.5, R-1.5, H-200 to CRTF-2.5, C-2.25, R-1.5, H-200 and allow self-storage as a Conditional Use to expand the existing self-storage use on site with a new self-storage building at the rear of the property.

LMA No. H-147 and CU202302
Completed: 12-2-2022

Montgomery County
Planning Department
2425 Reedie Drive
Floor 14
Wheaton, MD 20902

Planning Staff



Parker Smith, Planner II, Midcounty Planning, Parker.Smith@montgomeryplanning.org, 301-495-1327

Matthew Folden, Supervisor, Midcounty Planning, Matthew.Folden@montgomeryplanning.org, 301-495-4539

Carrie Sanders, Chief, Midcounty Planning, Carrie.Sanders@montgomeryplanning.org, 301-495-4653

LOCATION

11105 New Hampshire Avenue, Silver Spring, MD, 1,800 feet southeast of the intersection of Columbia Pike and New Hampshire Avenue.

MASTER PLAN

2014 *White Oak Science Gateway Master Plan*

ZONE

Existing zone: CR-2.5, C-1.5, R-1.5, H-200

Proposed zone: CRTF-2.5, C-2.25, R-1.5, H-200

PROPERTY SIZE

113,650 square feet

APPLICANT

White Oak Storage Owner LLC

ACCEPTANCE DATE

May 18, 2022

REVIEW BASIS

Chapter 59 and Chapter 22A



Summary:

- Staff recommends approval of Local Map Amendment (LMA) H-147 to rezone the Property from CR-2.5, C-1.5, R-1.5, H-200 zone to the CRTF-2.5, C-2.25, R-1.5, H-200 zone.
- Pursuant to Section 3.1.6 (Use Table) of the Montgomery County Zoning Ordinance self-storage is allowed as a conditional use in the CRTF zone. Staff recommends approval of the Conditional Use, CU202302, to allow for the expansion of the existing self-storage facility with a 3,600 square-foot addition to the existing building and a new, 116,000 square-foot self-storage building.
- As part of the Subject Application, the Applicant is seeking a parking waiver from the requirements of 59.6.2.4.B.
- Subsequent Sketch and Site Plan applications are required if the Local Map Amendment and Conditional Use are approved.
- The Subject Application includes a Preliminary Forest Conservation Plan in compliance with the Montgomery County Environmental Guidelines, which is recommended for approval.
- Staff has not received any correspondence regarding this application.

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SECTION 1: EXECUTIVE SUMMARY

The Subject Application consists of a Local Map Amendment, H-147, and a Conditional Use, CU202302. The Local Map Amendment proposes to change the zoning of the Subject Property from CR to CRTF. The purpose of this Local Map Amendment is to change the zoning of the property to a zone in which Self-Storage is allowed only as a conditional use. Based on the Use Table in the Montgomery County Zoning Code (59.3.1.6) under the Subject Property's existing CR zone, Self-Storage is allowed only as a Limited Use. A limited use may be allowed by-right and without Planning Board approval, but only if the Limited Use standards are met. In the case of a Self-Storage limited use, Section 59.3.6.8.D.2.a.ii outlines that Self-Storage is allowed only under the standard method of development, and that the Self-Storage use must be in a basement or cellar of a building used for other purposes. The Applicant wishes to construct a second Self-Storage building on their property which is already improved with an existing Self-Storage facility. The Applicant's proposal does not meet the requirements of the Limited Use standards, and thus proposes to rezone the Property from CR to CRT.

Under the CRT zone, Self-Storage is allowed only as a Conditional Use. As a Conditional Use, the proposal is not subject to the Self-Storage Limited Use standards, allowing the Applicant to move forward with their desire to construct a second Self-Storage facility on site. Despite not having to meet the specifics of the Self-Storage Limited Use standards, the Conditional Use process allows for a more thorough review of the project and requires a recommendation from the Montgomery Planning Board and an approval of the Conditional Use by the Montgomery County Hearing Examiner. The Conditional Use must meet the requirements and findings of Section 59.7.3.1, and therefore provides a more robust framework for ensuring that the Applicant's proposal furthers the public interest and is compatible with its surrounding neighborhood.

The Subject Property is currently improved with a 115,200-square-foot, three-story Self-Storage facility at the west of the property with a surface parking lot between the building and the property's New Hampshire Avenue frontage to the west. The existing self-storage facility was developed in 2002 under the Property's previous C-2 zone, which allowed for the development of a self-storage facility by-right. The Subject Application proposes to construct a new, 116,000-square-foot, five-story building at the rear/east of the property, in a location where a gated surface parking lot associated with the Self-Storage use currently exists. The Application also proposes a 3,600-square-foot addition to the front of the upper stories of the existing self-storage building, which will serve as shelter for a newly covered and reconfigured parking area at the front of the Site. Also included in the Application is improved landscaping along New Hampshire Avenue and a segment of a future trail connection at the rear of the property.

Following the Subject Application, the Project will need approval of a sketch plan and a site plan. At the time of sketch plan, the Applicant will need to provide at least 50 public benefit points. The merit of the public benefit points proposed will be evaluated at the time of sketch plan, but the Applicant has included an anticipated list of public benefit categories, including minimum parking, quality

building design, solar panels and cool roofs. A Preliminary Plan is not needed since the Subject Property is recorded in Plat 8280.

SECTION 2: RECOMMENDATIONS AND CONDITIONS

LOCAL MAP AMENDMENT LMA H-147

Staff recommends approval of Local Map Amendment LMA H-147, White Oak Self-Storage, to construct a new Self-Storage building, subject to the following binding elements.¹

1. The use of the property will be limited to self-storage.
2. The proposed self-storage facility will not exceed 234,800 square feet of commercial density.
3. Vehicular access to the Site will be limited to the existing access point.
4. The maximum building height on the Subject Property is limited to 55 feet (as measured per Section 4.1.7.C).

CONDITIONAL USE CU202302

Staff recommends approval of Conditional Use No. CU202302 subject to the following conditions:

1. Applicant must receive approval for their Local Map Amendment H-147 from County Council prior to approval of the conditional use for a self-storage facility on the property.
2. This self-storage facility is limited to a total of 234,800 square feet of self-storage development, contained in one self-storage building of 118,800 square feet at the west of the Site and one self-storage building of 116,000 square feet at the east of the Site.
3. The Applicant must pay a fee-in-lieu for the construction of the bicycle facilities along the Property's New Hampshire Avenue frontage, which may be a part of the Project's payment into the White Oak Local Area Transportation Improvement Program (LATIP).
4. At time of sketch and site plan, the Applicant must provide a cross section of the proposed bicycle and pedestrian facilities along New Hampshire Avenue.
5. Applicant must provide a minimum of 12 parking spaces and 5 loading spaces on site.

PRELIMINARY FOREST CONSERVATION PLAN

1. A Final Forest Conservation Plan must be submitted and approved concurrently with Site Plan approval.
2. The Final Forest Conservation Plan must be consistent with the Preliminary Forest Conservation Plan.

¹ For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

3. The Final Forest Conservation Plan must include all areas of off-site disturbance in worksheet calculations.
4. No demolition, clearing, or grading is permitted prior to Final Forest Conservation plan approval and satisfaction of forest conservation requirements.

SECTION 3: SITE DESCRIPTION

VICINITY

The Subject Property is located at 11105 New Hampshire Avenue in White Oak (the “Property” or the “Site”), in a mixed-use neighborhood around the intersection of Columbia Pike and New Hampshire Avenue. To the southeast of the Site is the FDA campus, to the north are commercial uses located in the White Oak Shopping Center, to the northwest are multi-family apartments, and to the south and southwest is the existing residential neighborhood of Hillandale.

The staff-defined neighborhood is bounded by Columbia Pike to the north and Oak Leaf Drive to the west. To the south, the neighborhood terminates where the commercial uses on either side of New Hampshire Avenue terminate, and to the east the neighborhood terminates east of the White Oak Shopping Center and where the commercial uses south of Lockwood Drive transition to multi-family residential.



Figure 1: Neighborhood Vicinity Map

Given the neighborhood’s status as a commercial node and its location surrounding the bustling intersection of New Hampshire Avenue and Columbia Pike, the staff-defined neighborhood includes a number of existing, approved conditional uses (previously called Special Exceptions). For the most part, these conditional uses have allowed a number of commercial uses within residential properties,

[illegible]

PROPERTY DESCRIPTION

WHITE OAK SELF-STORAGE, LOCAL MAP AMENDMENT H-147 AND CONDITIONAL USE PLAN CU202302



Figure 3: Subject Property

The Subject Property's only vehicular access is from New Hampshire Avenue and is shown highlighted in red on Figures 1 and outlined in yellow on Figures 2 and 3. The existing lot is long and skinny, as it is only 102 feet wide (north-south) and 1,050 feet long (east-west). The Subject Property is bounded by New Hampshire Avenue to the west, existing commercial and self-storage uses to the north, the FDA campus to the south, and garden apartments to the east. This Property is currently zoned CR-2.5, C-1.5, R-1.5, H-200, but the Applicant is requesting to change the zone of the Subject Property from CR to CRTF. There is an existing self-storage facility on the western side of the Site with associated parking and loading spaces along the New Hampshire Avenue frontage, and an existing parking lot at the east of the Site. The existing building is three (3) stories and 35 feet 6 inches tall and contains 115,200 square feet of self-storage use.



Figure 4: Existing Building Frontage, as viewed looking East from New Hampshire Avenue

The front of the Property is currently improved with a large surface parking lot, containing nine (9) parking spaces including two (2) ADA parking spaces. There is currently minimal landscaping along the property's frontage, and this area at the front of the property is auto-oriented.



Figure 5: Parking Area at the Rear/East of the Site looking East

At the rear of the Property is a gated parking lot that serves as vehicle storage for the existing self-storage facility. This parking lot will be replaced with the new self-storage building proposed in this Application, and the self-storage facility will no longer offer vehicle storage. Natural Resources Inventory 420221930, approved on May 10, 2022, determined that there was no forest, wetlands, streams, or floodplains on the property.

SECTION 4: PROJECT DESCRIPTION

PROJECT HISTORY

The Subject Property was previously zoned C-2 under the 2004 Zoning Code, in effect prior to October 29, 2014. Under the C-2 zone, self-storage was a permitted use, and therefore the existing self-storage facility was constructed by-right. As part of the Zoning Code rewrite in 2014, the Subject Property's zoning was changed from C-2 to CRT-2.25. As part of the 2014 *White Oak Science Gateway Master Plan*, the Property's zoning was changed from CRT-2.25 to its current zone of CR-2.5, C-1.5, R-1.5, H-200. A Natural Resources Inventory, 420221930, was approved for the property on May 10, 2022.

PROPOSAL – LOCAL MAP AMENDMENT H-147

The Applicant seeks approval to rezone the Property from CR-2.5, C-1.5, R-1.5, H-200 to CRTF-2.5, C-2.25, R-1.5, H-200 for the future construction of a second, five-story, 116,000-square-foot self-storage facility at the rear of the property. In the proposed CRTF zone, self-storage is a conditional use, and the Applicant is applying for the self-storage conditional use concurrent with the Local Map Amendment application.

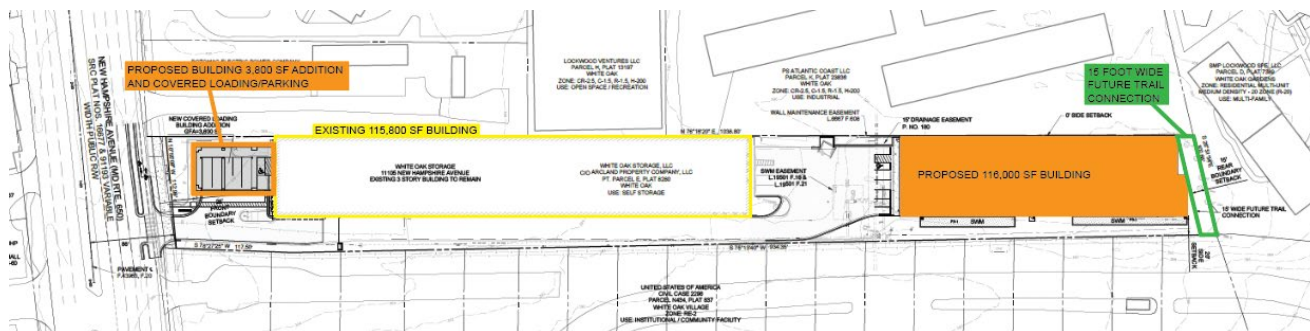


Figure 6: Site Plan



Figure 7: Existing Self-Storage Facility looking East from New Hampshire Avenue



Figure 8: Proposed Self-Storage Facility looking East from New Hampshire Avenue

The Applicant is seeking the proposed zoning change to allow for a second self-storage building to be added to the property. Self-storage is allowed as a limited use under the property's existing CR zone. However, Section 59.3.6.8.D.2.a.ii.a requires self-storage in the CR zone to be in a basement or cellar of a building used for other purposes. The Applicant is unable to accommodate this requirement, and is therefore proposing to change the zone of the property from CR to the CRTF zone. The CRTF zone only allows self-storage under the more stringent requirements of a Conditional Use, without requiring the self-storage to be located within the basement of a multi-use building. The change in zone will allow the applicant to move forward with expanding and improving the existing self-storage use. The rezoning proposed also allows Planning Staff to thoroughly evaluate the Project for master plan compliance, enhanced streetscape and pedestrian environment, and improved design as part of the Conditional Use process, which is in contrast with the process for a Limited Use that does not require any input from Planning Staff or the Planning Board.

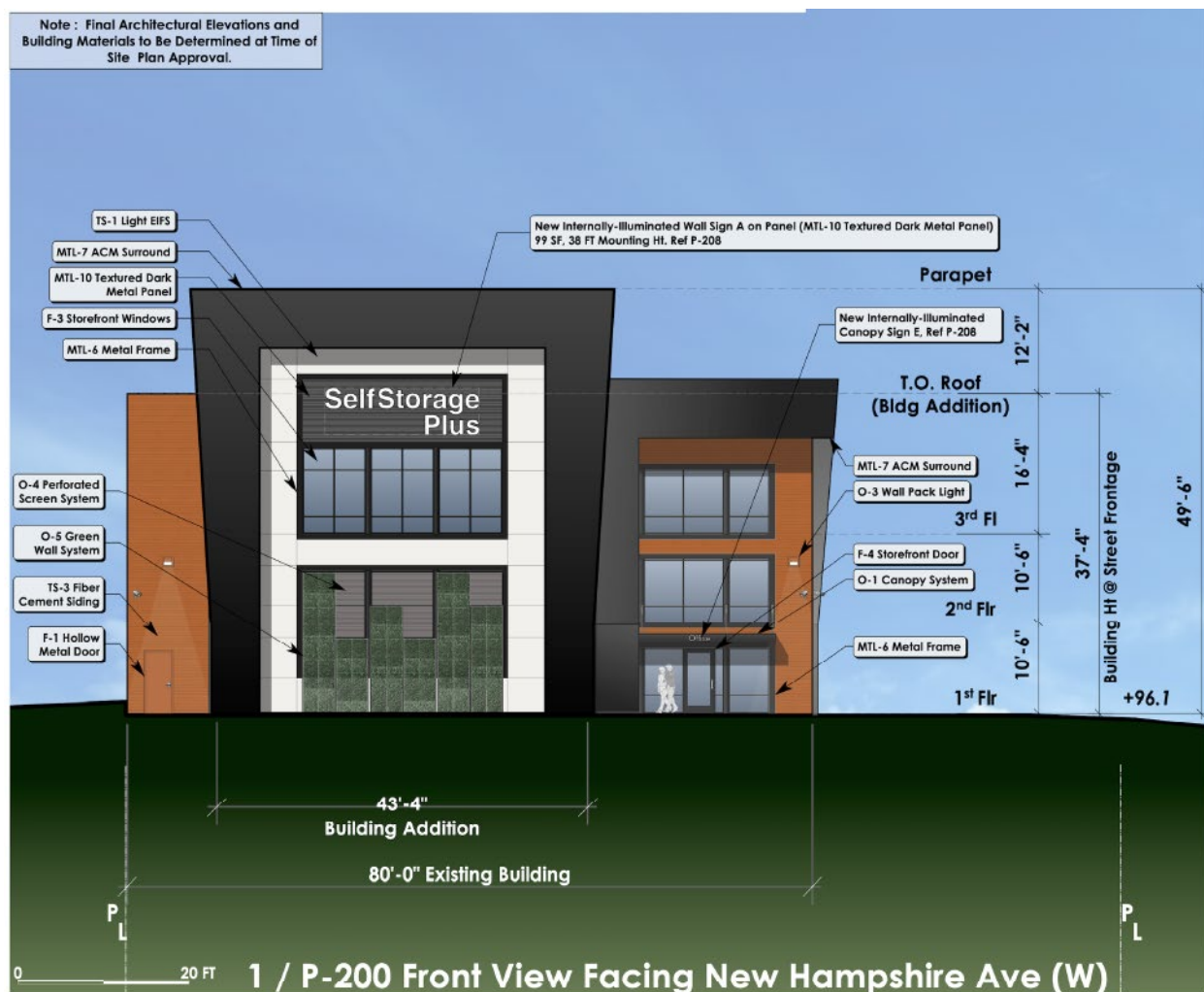


Figure 9: View of Building Front looking East from New Hampshire Avenue

PROPOSAL – CONDITIONAL USE CU202302

The Applicant seeks approval of a conditional use on the Subject Property to allow for the construction of a second self-storage building on the Site. The Subject Property is currently improved with an existing self-storage facility at the front/west of the property. This existing facility will include a 3,600-square-foot expansion to the third story of the building, creating a cantilevered structure that shelters the parking lot at the front of the property. This addition will add about two feet of height to the existing self-storage facility, increasing the height from 35 feet 6 inches to 37 feet 4 inches, and will increase the square footage of the existing facility from 115,200 square feet to 118,800 square feet. At the rear/east of the property, the Applicant is proposing to construct a new self-storage building that will be five stories and 55 feet tall and contain 116,000 square feet of self-storage use. In total, the proposed square footage of commercial self-storage development on the property between the two buildings is 234,800 square feet.

As part of this Application, the Applicant will construct an addition to the front of the west building, creating an overhang space that will serve as additional storage units and also enhance the design and street presence of the property, as discussed in the design portion of this report. The Applicant is also providing improved landscaping and a reconfigured parking area at the front of the Property which will allow for efficient vehicle circulation and enhance pedestrian safety. The Applicant proposes to add one (1), freestanding, 11-foot-1-inch sign at the front of the Site. Also proposed is the introduction of a rain garden along New Hampshire Avenue, provision of stormwater management on-site (where there currently is none), and solar panels and cool roofs on top of the two (2) self-storage buildings.

The Applicant is also providing a paved path at the rear of the property, along the Subject Property's eastern edge. The path was envisioned in the *White Oak Master Plan* as a through-block connection, and the path will be connected to surrounding properties to fully realize this connection should those properties redevelop.

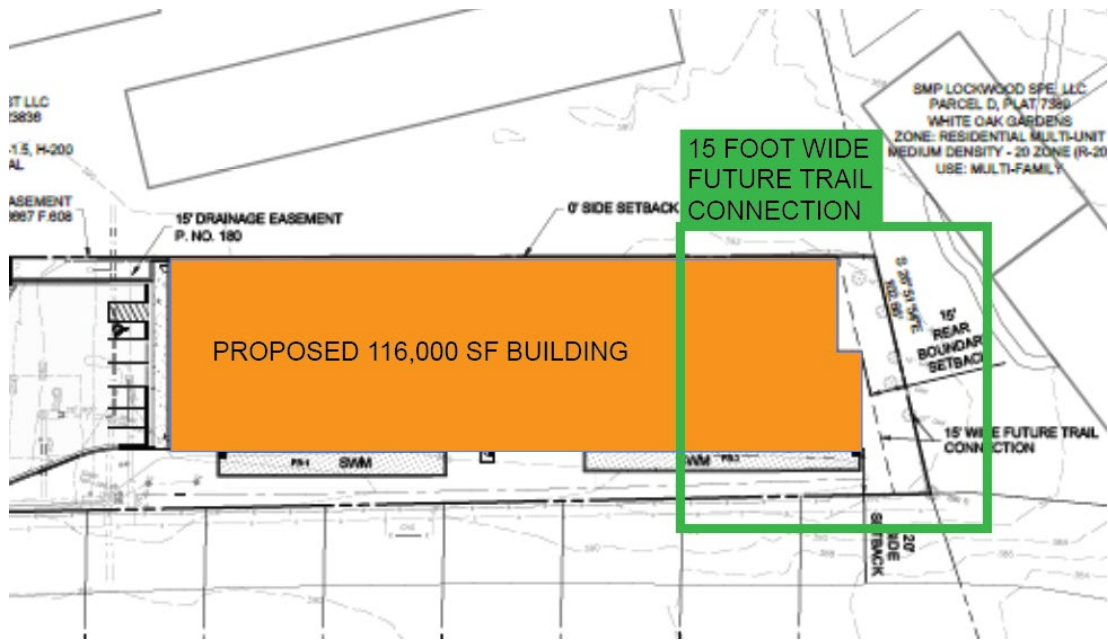


Figure 10: Future Trail Connection at West of the Property

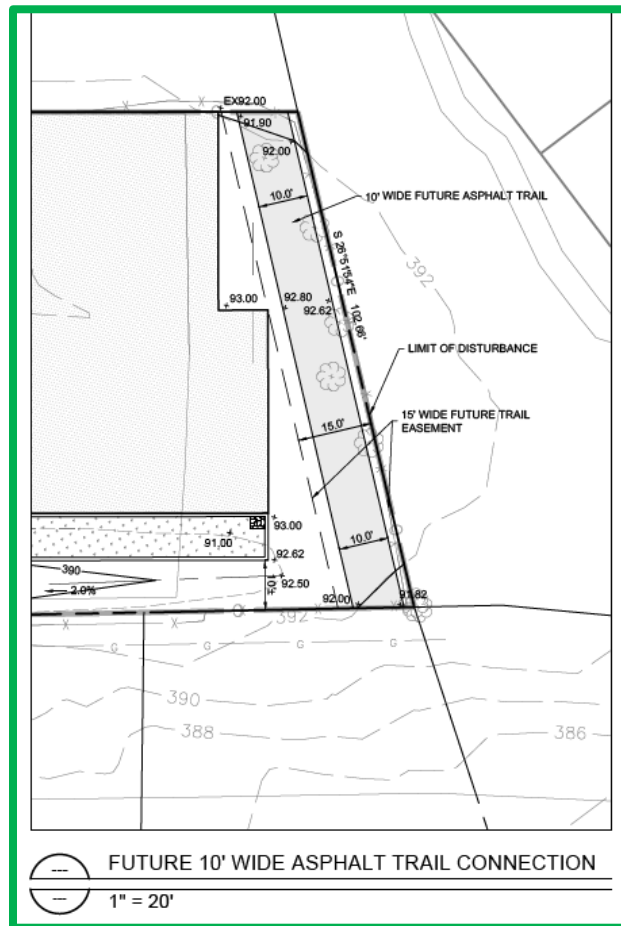


Figure 11: Future Trail Connection Detail

The self-storage facility's business office is anticipated to be staffed Monday through Friday, 9:30 AM to 6:00 PM, Saturday 9 AM to 5:00 PM and Sunday 10:00 AM to 4:00 PM. The Project will have controlled access through keypad-protected automatic doors and security gates. Access for existing customers with a valid access code is provided 365 days a year between the hours of 6:00 AM and 10:00 PM. The Project also features additional security measures in the form of perimeter fencing and security cameras. The self-storage use will have a maximum of four (4) employees on site at any one time, with one (1) office employee and one resident manager for each of the two (2) self-storage buildings.

MASTER PLAN

The Subject Property is within the boundary of the 2014 *White Oak Science Gateway Master Plan* (Master Plan). The Master Plan's primary goal is to ensure the local community's longevity by "reimagining existing centers – and providing a framework for reinvestment" (p. 11). The Master Plan envisioned "White Oak's major centers – Hillandale, White Oak, and Life Sciences/FDA Village evolving from conventional, auto-dependent suburban shopping centers, business parks, and light industrial areas into vibrant, mixed-use, transit-served nodes." The Master Plan also envisioned redevelopment that was carefully integrated with existing residential neighborhoods and adjacent major institutional uses.

Map 8 White Oak Center: Existing Uses

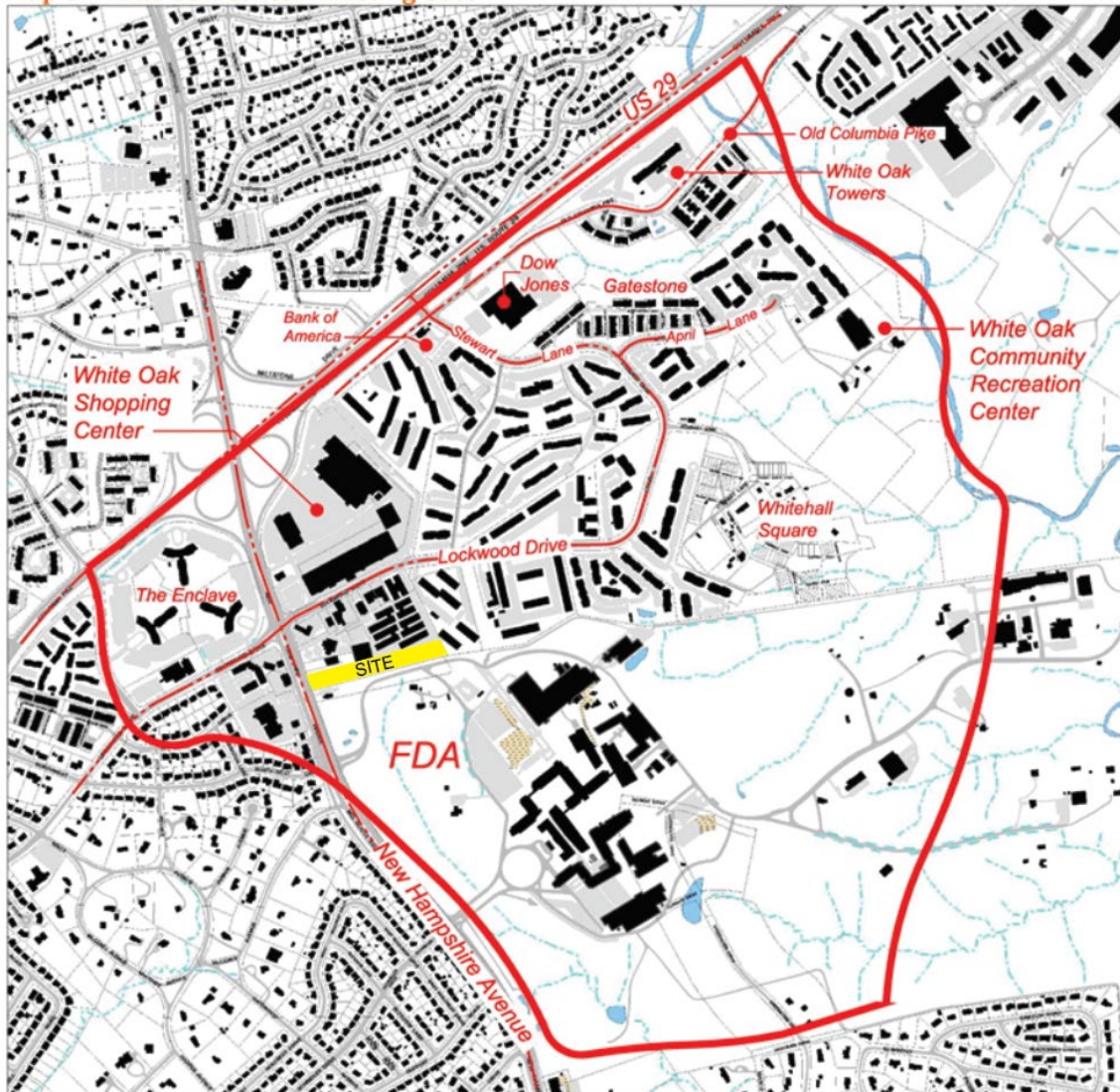


Figure 12: White Oak Center, as defined in the 2014 White Oak Science Gateway Master Plan

The Property is located within the White Oak Center, an area identified by the Master Plan as prominent and highly visible. Zoning recommendations support the establishment of a vertical, high intensity scale along with a pedestrian-friendly environment for this center to support the future bus rapid transit (BRT) stations recommended at the U.S. Food and Drug Administration campus's main entrance, just south of the Site. Redevelopment should also focus on both sides of Lockwood Drive to transform this street into a walkable focal point for the area. A connection to link the adjacent FDA campus with a redeveloped White Oak node along Lockwood Drive is also recommended. A segment of this connection is being provided at the east of the Property in the form of a 15-foot trail easement and 10-foot-wide paved trail.

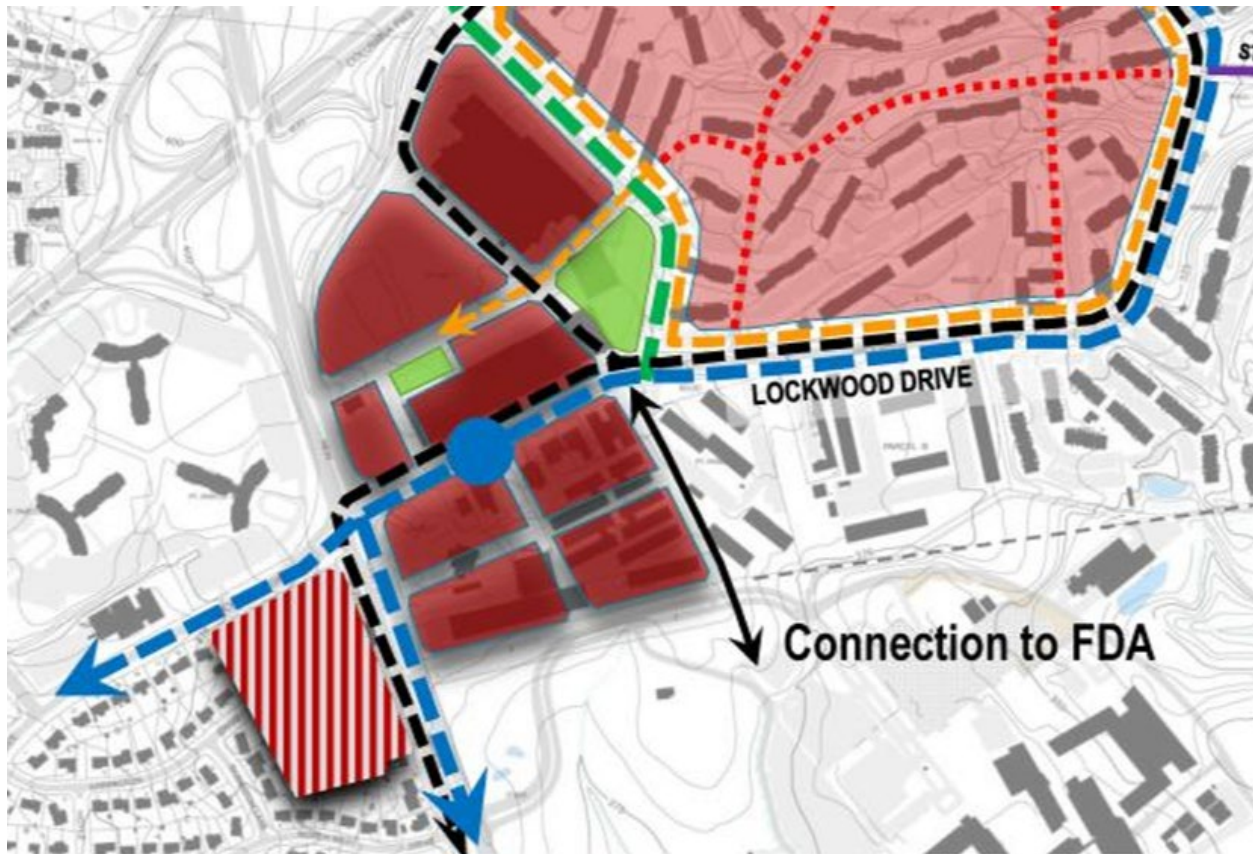


Figure 13: FDA-Lockwood Drive Connection as shown in the Master Plan

While the Master Plan supports the transition to mixed uses in this area, it recognizes the existing mix of uses and ownership and acknowledges that significant property assembly will be needed to achieve the Master Plan’s vision for mixed-use development within the White Oak Center. In the interim, an improved storage facility would not preclude the transition to envisioned mixed-use in the remaining part of this quadrant, should property assembly occur. Improvements to this existing use could provide an adequate buffer to the utilitarian/vehicular uses projected near this area in the FDA campus. This would be consistent with the Master Plan goal of carefully integrating redevelopment with adjacent uses.

DESIGN

The Project provides a significant opportunity to refresh and modernize the existing self-storage building, particularly as the building relates to the street along the New Hampshire Avenue façade.

The front portion of the existing building facing New Hampshire Avenue will be re-skinned to provide a more modern aesthetic in the White Oak Center. The proposed addition to the front of the existing building will bring the facility closer to the street frontage and create an urban edge along this prominent roadway.



Figure 14: Rendering of Project looking Northeast from New Hampshire Avenue

A porte-cochere style addition has been incorporated in the front of the existing building to conceal the front-loading spaces and help bring the building mass closer to the street. The semi-enclosed loading addition will incorporate the same materials being applied to the main building massing. The new addition will provide screening from the street of loading activities while providing enhanced design of the overall façade.

The existing building has minimal expression, with muted exterior colors that appear to the naked eye as a big concrete block, with bright-colored, opaque metal roll-up doors at the base of this prominent frontage. This industrial-looking architecture fails to activate the street or contribute toward the goals of the Master Plan, which, in part, seeks to revitalize the commercial properties within the White Oak Center. However, with the proposed expansion, the existing building will be transformed by redesigning the existing façade with new materials and building forms to provide a more engaging and warm expression.



Figure 15: Rendering of Project looking Southeast from New Hampshire Avenue

The revised building architecture features a modern, new corner element to emphasize the main visitor entrance. This element utilizes unique geometry to add interest and depth to the existing façade. The front façade incorporates fiber cement siding with a natural wood appearance to provide warmth, designed to contrast with the dark charcoal elements expressed through the aluminum surrounds.

Furthermore, the existing brightly colored, opaque roll-up doors on the ground floor will be replaced with glass sliding doors and storefront windows to create a more urban and inviting expression with ample ground-floor transparency.

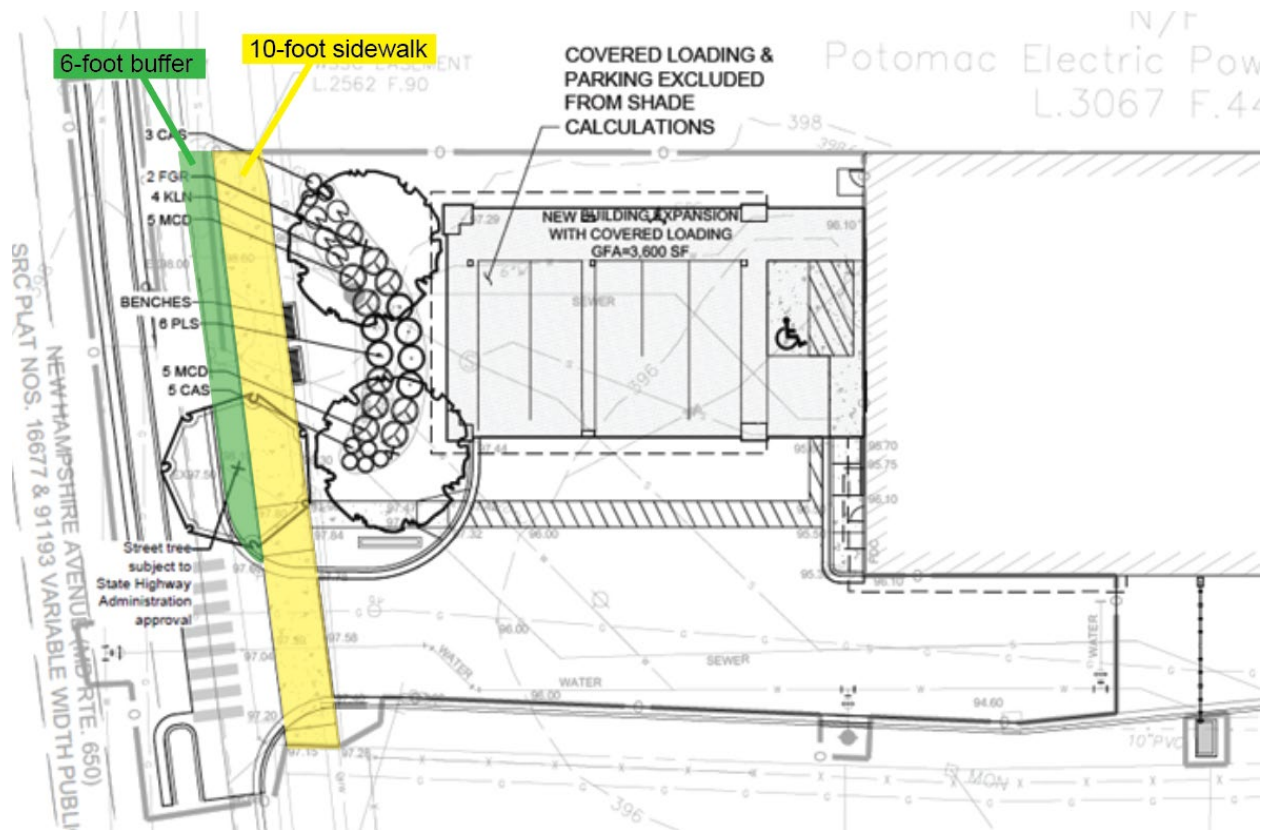


Figure 16: Streetscape Landscape Plan

The Project also provides streetscape improvements, which along with the transformed building architecture, will further activate the public realm and engage the pedestrian environment. Benches, landscaping elements, and an 11-foot-tall pedestrian-level ground-mounted sign for the building are some of the streetscape improvements that will be delivered along New Hampshire Avenue. Also located along New Hampshire Avenue is a future two-way separated bikeway. The Applicant make a payment-in-lieu of construction for this segment of master-planned bicycle facilities, and the bikeway will be constructed as either a Capital Improvement Project or as part of adjacent redevelopment. The Subject Application does not preclude the future bicycle facilities from being implemented.

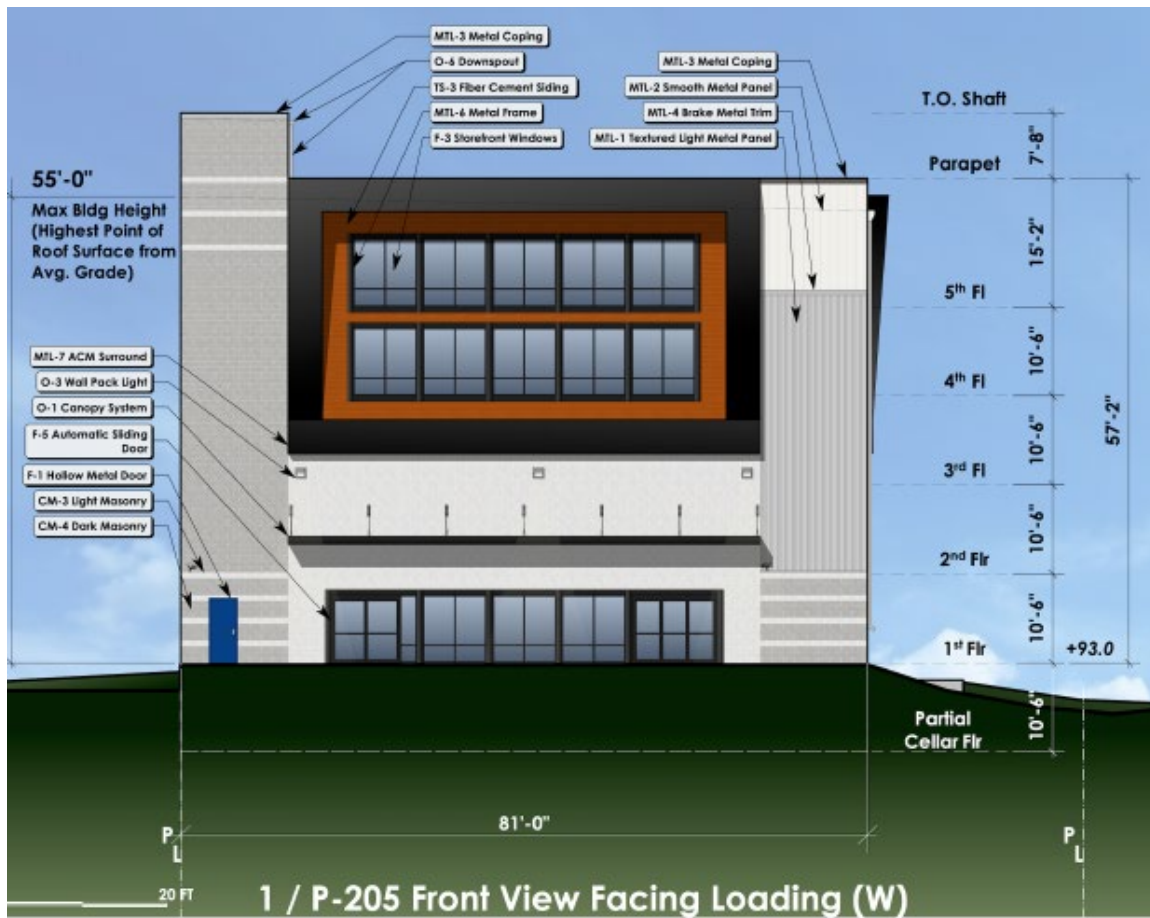


Figure 17: Western Façade of new Self-Storage Building at Rear of the Property

Additionally, this Project expands the existing self-storage facility by constructing a new five-story building in the rear of the site, providing additional self-storage services to support the surrounding community. The new self-storage facility will be constructed at the rear of the Property. Given the long, narrow configuration of the Property, the rear building is not readily visible from the street. However, the rear building has been designed to blend seamlessly with the refreshed overall building architecture. Specifically, the western and southern facing façades have been designed to incorporate the same wood-like appearance and charcoal accents, surrounding upper story windows that have been designed in a similar grid pattern to match the New Hampshire Avenue façade. This expression will provide a complementary backdrop as viewed over the front building, which is shorter at three (3) stories and 37' 4".

The customer entry/loading area along the western façade of the new building, although not directly visible from the street, has also been designed to incorporate ample transparency at the ground level, defined by a metal canopy, to similarly frame and identify this entrance. The rear building design also incorporates various vertical and horizontal elements and material changes to break down the building mass further. These design elements and the proposed building landscaping will provide a compatible transition to the surrounding properties.

TRANSPORTATION

MASTER PLANNED ROADWAYS

According to the 2014 *White Oak Science Gateway Master Plan*, New Hampshire Avenue is recommended for a minimum right-of-way width of 130 feet. The Applicant's frontage measures 86 feet from the New Hampshire Avenue pavement center line allowing the right-of-way to achieve the prescribed 130-foot width. The 2018 *Bicycle Master Plan* requires a future separated bicycle facility on New Hampshire Avenue along the Property frontage, which is being shown as part of this proposal. The Applicant will make a payment-in-lieu of construction for this segment of bicycle facilities, and the bikeway will be constructed as either a Capital Improvement Project or as part of adjacent redevelopment. The Subject Application does not preclude the future bicycle facilities from being implemented.

PEDESTRIAN FACILITIES

The Applicant is providing a ten-foot -wide sidewalk along the property's New Hampshire Avenue frontage, with a 6-foot landscape buffer between the New Hampshire Avenue curb and the sidewalk. This configuration meets the standards set out in the Complete Streets Design Guidelines, which calls out this portion of New Hampshire Avenue as a Town Center Boulevard with a minimum 6-foot landscape buffer and minimum 8-foot sidewalk.

TRANSIT SERVICE

A bus stop is located at Lockwood Drive and New Hampshire Avenue, about 200 feet north of the Site, that serves Ride On routes 10 and 22, and WMATA bus routes C8 and K6.

The 2013 *Countywide Transit Corridors Master Plan* recommends a Bus Rapid Transit (BRT) line along New Hampshire Avenue. Stops are recommended at the FDA campus to the south, and at the White Oak Transit Center to the north.

PARKING

The Applicant is providing a total of 12 parking spaces on the Property, spread between two (2) parking areas. Six (6) of the parking spaces, including one (1) ADA space, will be located in an open-air parking area with a building addition to the self-storage facility above at the front of the Property. An additional six (6) spaces, including another ADA space, are located in the area between the existing self-storage building at the west of the property and the new self-storage building at the east of the property. The two (2) parking facilities will be accessed via a driveway that runs east-west along the southern edge of the site. Section 59.6.2.4.B would require the applicant to provide 25 parking spaces for the applications proposed use and intensity. The Applicant proposes to provide 12 parking spaces and is thus requesting a 13-space parking waiver from the requirements of 59.6.2.4.B.

LOCAL AREA TRANSPORTATION REVIEW

The Applicant submitted a transportation exemption statement that shows the projected number of trips generated during the peak periods in the morning (6:30-9:30 AM) and in the evening (4:00-7:00 PM). Based on the transportation exemption statement, the proposed self-storage use will generate up to 16 net new person trips during morning peak hour and 26 during evening peak hour.

In accordance with the 2020-2024 Growth and Infrastructure Policy, a transportation impact study is not required to satisfy the LATR test because projects within the White Oak Policy Area are exempt from the LATR but are subject to a Local Area Transportation Improvement Program (LATIP). The Applicant will pay a fee per their assumed impact based on trip generation, to the satisfaction of the Montgomery County Department of Transportation (MCDOT), which operates the LATIP program, prior to the issuance of building permit.

ENVIRONMENTAL

Submitted as part of the Subject Application is a Preliminary Forest Conservation Plan, associated with the subject Local Map Amendment, H-147. As discussed further in the Findings and Analysis section below, the Subject Application complies with all requirements of Chapter 22A, Forest Conservation.

SECTION 5: FINDINGS AND ANALYSIS – LOCAL MAP AMENDMENT

The Subject Application complies with the general requirements and development standards of Chapter 59, the Zoning Ordinance, Chapter 22A, the Forest Conservation Law, and substantially conforms with the goals and recommendations of the 2014 *White Oak Science Gateway Master Plan*.

LMA FINDINGS

Section 7.2.1.E, *Necessary Findings*, states that:

- 1. A Floating zone application that satisfies Article 59-5 may not be sufficient to require approval of the application.**
- 2. For a Floating zone application, the District Council must find that the floating zone plan will:**

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

The Project substantially conforms to the 2014 *White Oak Science Gateway Master Plan*, as described in the Master Plan section above. The Project also conforms to the 2018 *Bicycle Master Plan*, which prescribes a two-way separated bikeway along the Property's frontage. The Applicant will make a payment in lieu of construction of this bikeway given the Property's limited frontage, in accordance with Code Interpretation Policy M-NCPPC 2022-02². The Subject Application will not preclude the future bikeway from being implemented.

- b. Further the public interest;**

The Project will further the public interest and provide an important neighborhood service to the White Oak community. The COVID-19 pandemic created long-lasting impacts to the work environment (including increased remote work opportunities), resulting in an increased demand for self-storage facilities. The Project addresses this need through the expansion of the self-storage facility. The Project also includes frontage improvements along New Hampshire Avenue. The building addition at the front of the Property will bring the massing of the building closer to the street and limit the visibility of the surface parking lot at the front of the Site. This will contribute to the de-prioritization of cars at the front of the Site and increase the building's on-

² Code Interpretation Policy M-NCPPC 2022-02 states "Applicants may request a full payment in lieu of constructing a transportation frontage improvement if the improvement would...require removing a lane of traffic for a very short distance to construct separated bike lanes or conventional bike lanes in a manner that MCDOT or SHA determine to be unsafe." The proposed separated bike lane would remove a travel lane on New Hampshire Avenue for only

street presence. Likewise, improvements to the landscaping and streetscape along New Hampshire Avenue will add visual interest to the Site and improve the public's use of the property when traversing the sidewalk along New Hampshire Avenue. The Project also furthers the public interest by consolidating self-storage uses on one (1) site where the self-storage use already exists. Planning Staff prefers to have existing self-storage uses intensified, rather than have the demand for self-storage met on a separate site that could otherwise be used for more desirable development. The Application also promotes the environmental objectives of the Master Plan through the introduction of a rain garden along New Hampshire Avenue, provision of stormwater management on-site (where there currently is none), and solar panels and cool roofs.

- 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 59.5.1.2 Floating Zone Intent Statement

The intent of the Floating zones is to:

A. Implement comprehensive planning objectives by:

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

As discussed in the Master Plan section above, the Project furthers the goals and recommendations of the Master Plan. The public facilities available in the area will be adequate to accommodate the proposed development. The Project has been designed to complement the surrounding uses and revitalize the community. The proposed changes to the existing structure will not change the Property's use as a self-storage facility. The proposed modifications will elevate the existing exterior façade with attractive and modern finishes and an improved street presence in concert with new development and reinvestment in the White Oak neighborhood.

B. Encourage the appropriate use of land by:

- a. Providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;***
- b. Allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and***
- c. Ensuring that development satisfies basic sustainability requirements, including open space standards and environmental protection and mitigation; and***

The Master Plan was published prior to the ongoing COVID-19 pandemic, and as such, does not take into account the new challenges presented to families as a result of changes to our living and working environments. The expanded self-storage facility will address these new challenges with additional, much-needed storage opportunities for the community. 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. 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. The Application also provides a segment of a future trail connection envisioned by the Master Plan at the rear of the property.

C. Ensure protection of established neighborhoods by:

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

The Project has been designed to complement the surrounding uses and revitalize the community. The proposed changes to the existing structure will not change the Property's use as a self-storage facility. Instead, the proposed modifications will elevate the existing exterior façade with attractive and modern finishes in concert with new development and reinvestment in the White Oak neighborhood.

Section 59.5.1.3 Applicability

1. A Floating zone must not be approved for property that is in an Agricultural or Rural Residential Zone

The property is zoned CR and is not in an Agricultural or Rural Residential zone.

2. If a Floating zone is recommended in a master plan, there are no prerequisites for an application

The Master Plan does not recommend the CRT Floating Zone for this property, therefore this subsection is not applicable.

3. When requesting a Floating zone for a property with a non-Residential base zone, there are no prerequisites for an application

The base zone for the Subject Property, CR, is non-residential, and therefore no prerequisites are required for the Subject Application.

Section 59.5.3.2 Purpose

The purpose of the Commercial/Residential 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 Project meets the purposes of the CRTF zone. The Project's proposed Floating Zone will provide flexibility in response to the Property's unique setting within the White Oak area. The existing and proposed self-storage facility is a neighborhood amenity that has been carefully designed to ensure that building heights, massing, and the proposed use will remain as a compatible use for the community. As part of the Subject Application, the pedestrian realm, and the Property's relationship to its street frontage will be improved and made more compatible with surrounding development.

d. Be compatible with existing and approved adjacent development;

The Project will remain compatible with existing and approved development in the surrounding area. The rear addition will utilize vertical and horizontal elements, and material changes to break down the building mass. Furthermore, landscaping and design improvements along the western façade will provide both a visual and physical buffer from the surrounding multi-family development. The Applicant proposes to re-

skin the existing building façade and create a new porte-cochere at the front of the property, which will elevate and transform the appearance of the existing building, and hopefully serve as a catalyst for other reinvestment in the area.

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

The public facilities will be adequate to accommodate the proposed development. As demonstrated by the Applicant's transportation exemption statement, and in the transportation section above, the Project will result in fewer than 50 net new peak hour person trips. In accordance with the 2020-2024 Growth and Infrastructure Policy, a transportation impact study is not required to satisfy the LATR test because projects within the White Oak Policy Area are exempt from the LATR but are subject to the Local Area Transportation Improvement Program (LATIP). The LATIP program is designed to cost-share currently planned transportation improvements for the area. The Applicant will pay a fee per their assumed impact based on trip generation, to the satisfaction of the Montgomery County Department of Transportation (MCDOT), which operates the LATIP program.

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

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

SECTION 6: FINDINGS AND ANALYSIS – CONDITIONAL USE

The Subject Application complies with the general requirements and development standards of Chapter 59, the Zoning Ordinance, Chapter 22A, the Forest Conservation Law, and substantially conforms with the goals and recommendations of the 1992 *North Bethesda/Garrett Park Master Plan*.

Section 7.3.1.E, *Necessary Findings*, states that:

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;

The Conditional Use will comply with the requirements of the Floating Zone Plan, which has been submitted concurrently with the Conditional Use Plan. The Subject Property is not subject to any other previous approvals.

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;

The proposed use complies with the requirements of the CRTF zone, in which self-storage is allowed as a Conditional Use.

Development Standards Table - White Oak Self-Storage	Permitted	Proposed
Maximum Total Density (FAR)	2.5	2.06
Maximum Commercial Density (FAR)	2.25	2.06
Maximum Residential Density (FAR)	1.5	0
Maximum Height	200 ft	60 ft
Minimum Setback - Front Site Boundary	TBD at Site Plan	25 ft
Minimum Setback - Rear Site Boundary	TBD at Site Plan	15 ft
Minimum Setback - Side Site Boundary	TBD at Site Plan	0 ft
Minimum Lot Size	n/a	2.62 acres
Minimum Open Space	0%	n/a
Minimum Public Benefits (to be finalized at sketch plan)	50 points (3 categories)	52 points (3 categories)
Parking Lot Landscaping - Landscaped Area	5% (549 sf)	569 sf
Parking Lot Landscaping - Tree Canopy	25% (2,747 sf)	2,858 sf
Parking Lot Landscaping - Perimeter Planting Width	6 ft	8 ft 6 in
Parking Lot Landscaping - Perimeter Planting Height	3 ft	>3 ft

As part of this Application, the Applicant is seeking waivers from Section 59.6.2.4.B of the Zoning Code.

Parking Waiver

Section 6.2.10

The deciding body may waive any requirement of Division 6.2, except the required parking in a Parking Lot District under Section 6.2.3.H.1, if the alternative design satisfies Section 6.2.1. Any request for a waiver of the vehicle parking space requirement under Section 6.2.4.B requires application notice under Section 7.5.2.D.

Section 6.2.1 Intent

The intent of the vehicle and bicycle parking, queueing, and loading requirements is to ensure that adequate parking is provided in a safe and efficient manner.

Section 59.6.2.4.B would require the Applicant to provide 25 parking spaces for the applications proposed use and intensity. The Applicant proposes to provide 12 parking spaces, including one ADA parking space (above the minimum requirements) and is thus requesting a 13-space parking waiver from the requirements of 59.6.2.4.B. The Applicant notes that the proposed parking also includes five (5) loading spaces, and that for the proposed self-storage use, parking spaces and loading spaces function very similarly. Given the anticipated “dual-use” of the spaces, almost all of the spaces have been sized to meet loading design standards, which is important for operations but results in fewer spaces being provided on the project’s constrained site.

The Applicant also proposes to improve the frontage and street presence of the existing self-storage building in conformance with the Complete Streets Design Guide and its classification of New Hampshire Avenue as a Town Center Boulevard. As part of their efforts to create a more pedestrian-friendly and attractive frontage, the Applicant proposes to remove vehicular parking spaces from the western-most portion of the site along New Hampshire Avenue. This de-prioritization of auto-oriented spaces is in line with the goals and objectives of the County and its Vision Zero Initiative, and the reduced number of spaces allows for improved landscaping, an enhanced pedestrian realm, and a more pronounced street presence.

Parking Table - White Oak Self-Storage (Parking Waiver Requested)		
Vehicle Spaces	Required	Proposed
Minimum: 1 space per 10,000 sf, plus 1 per employee	Min: 25 spaces	12 spaces
Maximum: 3 spaces per 10,000 sf, plus 1 per employee	Max: 67 spaces	
Accessible Spaces	1 space	2 spaces
Motorcycle Spaces	n/a	n/a
Car-share Spaces	n/a	n/a
Electric Vehicle Spaces	n/a	n/a
Bicycle Spaces	n/a	n/a
Loading Spaces	Min: 3	5

The Applicant's proposed signage also meets all requirements of Chapter 59.6.7, which includes one freestanding sign at the front of the property that will be 11 feet 1 inch tall.

c. Substantially conforms with the recommendations of the applicable master plan;

The proposed use substantially complies with the Master Plan. The Project provides desired reinvestment in the Property, both through improvement of the physical appearance and street presence of the existing building, and the construction of the new building proposed on the rear of the Property. The Project also provides streetscape improvements that will enhance the pedestrian network. Additionally, the Project promotes the environmental objectives of the Master Plan through the introduction of a rain garden along New Hampshire Avenue, provision of stormwater management on-site (where there currently is none), and solar panels and cool roofs.

As part of the Project, the Applicant also proposes to construct a path at the rear of the Property that is part of a through-connection envisioned in the White Oak Science Gateway Master Plan. The connection is envisioned as connecting Lockwood Drive to the north with the FDA property to the south. The Applicant is providing a paved, 10-foot path at the rear of the property along this envisioned connection, so that the connection may continue to be completed and realized as surrounding properties redevelop.

d. Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;

The Project will continue to operate as a self-storage facility and the expanded use and accompanying exterior modifications will remain compatible with the neighborhood's surrounding commercial uses. The proposed modifications to the Property are designed to enhance and modernize the building's design and expand the self-storage opportunities available to the White Oak community. The rear of the property, which abuts garden apartments in the R-20 zone, will be screened with an

existing six-foot wood fence along the eastern property line. The eastern façade of the building will be further screened with landscaping, and the area between the new building's eastern façade and eastern property line will be improved with a 15-foot-wide trail easement and a 10-foot-wide trail. This trail connection is envisioned in the Master Plan and will be fully realized when surrounding properties redevelop.

- 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;***

The Property is located within the commercial center of White Oak. As such, the proposed Conditional Use, which will allow for the continuation of the existing self-storage use, will not affect the surrounding area adversely or alter the nature of the surrounding area, which is commercial. Although there are a large number of conditional uses and special exceptions in the vicinity of the Subject Property, they all fit within the commercial nature of the neighborhood. The proposed Conditional Use does not change the use of the Property, and therefore does not change the Site's relationship with the neighborhood's surrounding commercial activity. The Property does abut a residential detached zone, RE-2, along its southern property line, but the RE-2-zoned property is improved with an institutional use, the U.S. Food and Drug Administration.

- 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

The proposed Conditional Use will be served by adequate public facilities including police and fire protection, water, sanitary sewer, public roads, and storm drainage. As demonstrated by the traffic exemption statement submitted concurrently with these Applications, the Project will result in fewer than 50 net new peak hour person trips. As such, a transportation impact study is not required, but the Applicant is still subject to and is required to pay into the White Oak Local Area Transportation Improvement Program. The Project contains no residential use and as such, will have no impact on public school capacity. A Preliminary Plan is not required, and the Hearing Examiner must find that the development will be served by Adequate Public Facilities.

The proposed Conditional Use will be served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined the Property has appropriate access for fire and rescue vehicles. Other public facilities including police stations and healthcare will continue to be sufficient following the construction of the project. The Applicant received approval of their stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on December 9, 2022. The concept meets required stormwater management goals using a combination of ESD approaches. The Property is not subject to a water quality plan, and there are no floodplain requirements. The requirements of Chapter 19 for stormwater management are satisfied.

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.***

The Zoning Ordinance defines inherent adverse effects, as adverse effects that are created by the physical or operational characteristics necessarily associated with the particular conditional use, irrespective of its physical size or the scale of its operations. The Zoning Ordinance is clear that inherent adverse effects alone do not constitute a sufficient basis for denial of a Conditional Use, and must be evaluated in combination with non-inherent adverse effects. Non-inherent adverse effects are defined as adverse effects that arise from physical and operational characteristics that are not

necessarily associated with the particular conditional use, or adverse effects that are created by unusual characteristics of the site.

The Applicant is not proposing a change in use—rather, the Applications will allow the Applicant to reinvest and expand the existing self-storage use on the Property. This report finds each of these inherent effects of the Conditional Use will continue to be acceptable and appropriate for the proposed location:

- **Physical Buildings and Structures:** The Project will enhance the appearance of the existing building, improving its presence on the street. The new building proposed at the rear of the Property has been designed to promote compatibility with the redesigned existing building and surrounding neighborhood.
- **Parking Facilities:** The Applicant has eliminated several of the existing parking spaces and is proposing to construct a porte-cochere to visually conceal the front loading spaces. The new parking facilities proposed for the rear building will be screened from view of the street by the existing building. Adequate parking will be provided on-site to meet the demand.
- **Traffic to and From the Site by Staff and Patrons:** The Applicant's transportation exemption statement confirmed that the Project will result in fewer than 50 new net peak hour person trips. Additionally, access to the Site will remain unchanged and will continue to be provided via the existing curb cut on New Hampshire Avenue, which is safe, adequate and efficient. Additionally, the Project will be subject to the White Oak area Local Area Transportation Improvement Program (LATIP).

Additionally, the report has not identified any non-inherent adverse effects associated with the Conditional Use at the proposed location. This report therefore finds that the Conditional Use will not cause undue harm to the surrounding neighborhood. The Conditional Use will not interfere with the use or enjoyment of the surrounding properties, result in undue traffic, noise, odors, illumination, or a lack of parking, and will not interfere in any way with the health, safety, or welfare of the visitors or employees.

As such, as illustrated above, the proposed Conditional Use will not result in adverse effects over and above the above-described inherent impacts.

SECTION 7: FINDINGS AND ANALYSIS – PRELIMINARY FOREST CONSERVATION PLAN

ENVIRONMENTAL GUIDELINES

Staff approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) No. 420221930 on May 10, 2022. The approximately 2.62-acre Property is currently developed with a storage facility and associated asphalt surface parking lots. There are no forest, streams, or large or specimen trees on-site. The Property is located in the Paint Branch watershed, designated Use Class III, but not within a Special Protection Area. The proposed plan is in conformance with the Environmental Guidelines.

PRELIMINARY FOREST CONSERVATION PLAN

The Applicant submitted a Preliminary Forest Conservation Plan (PFCP) (Attachment C) with the Floating Zone Plan, as required by Section 22A-11 of Chapter 22A - Forest Conservation Law. While there is no forest on the Subject Property, there is a forest conservation requirement of 15% based on the Property area of 2.62 acres and the commercial land use. The forest conservation requirements of 0.39 acres will be met in an off-site mitigation bank or by fee-in-lieu payment if no banks are available. The final amount of forest conservation requirements will be determined at time of Final Forest Conservation Plan. As submitted, the plan complies with Chapter 22A, Forest Conservation.

SECTION 7: COMMUNITY OUTREACH

The Applicant has met signage and noticing requirements for the submitted Application. Staff has not received correspondence about the Subject Application.

SECTION 8: CONCLUSION

The Subject Application meets all of the requirements established in the Zoning Ordinance and Chapter 22 Forest Conservation Law and conforms to the recommendations of the 2014 *White Oak Science Gateway Master Plan*. Therefore, Staff recommends approval of the Local Map Amendment, Preliminary Forest Conservation Plan, and Conditional Use Applications, with the conditions specified at the beginning of the Staff Report.

ATTACHMENTS

Attachment A: Floating Zone Plan

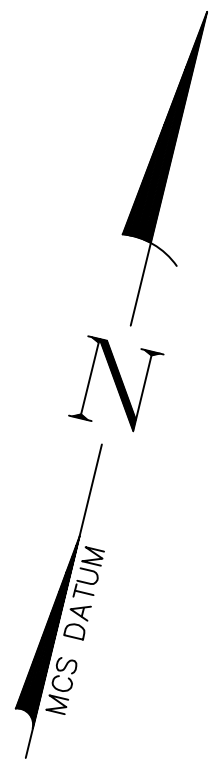
Attachment B: Conditional Use Plan

Attachment C: Preliminary Forest Conservation Plan

Attachment D: Applicant Transportation Statement

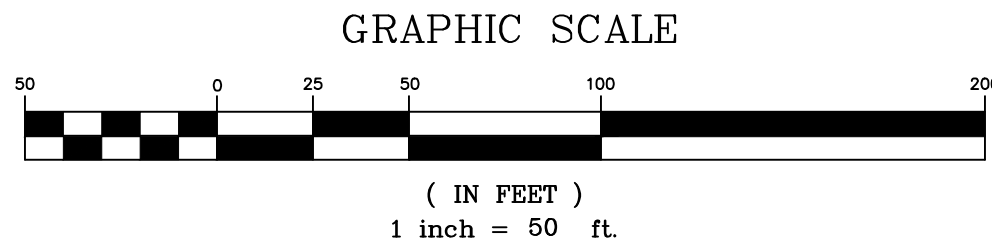
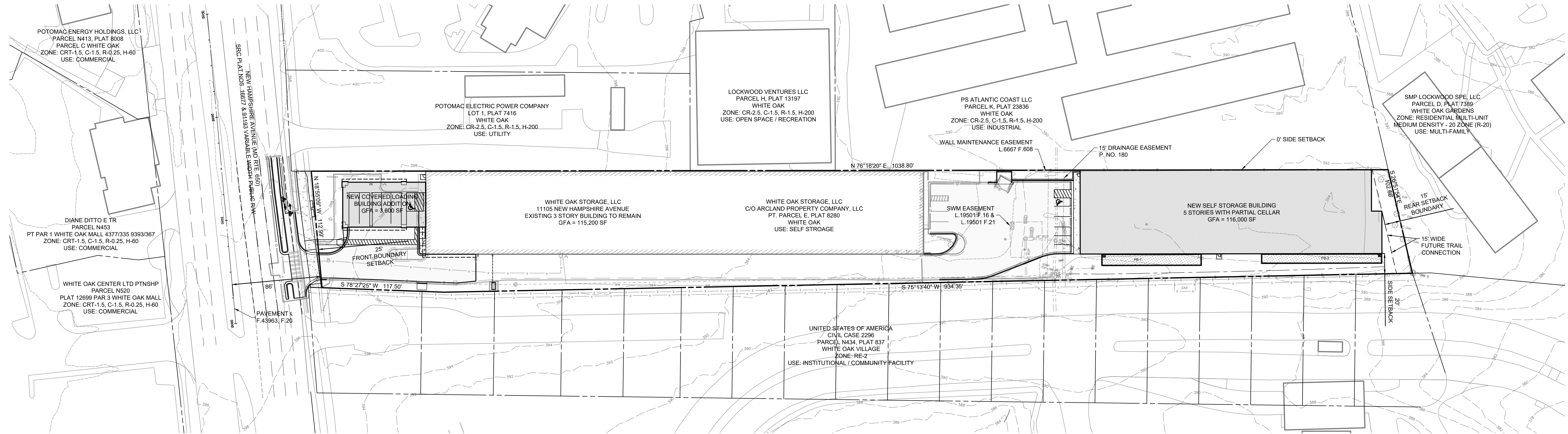
Attachment E: Stormwater Management Approval Letter

Attachment F: MCDOT Comments and Approval Letter



WHITE OAK SELF STORAGE

WHITE OAK, PT. PARCEL E



DEVELOPMENT PROGRAM

- THE PROJECT WILL BE DEVELOPED IN ONE PHASE

BINDING ELEMENTS

- THE SELF-STORAGE USE MUST OBTAIN APPROVAL OF A CONDITIONAL USE.
- THE MAXIMUM BUILDING HEIGHT FOR THE PROJECT WILL NOT EXCEED 60 FEET.

GENERAL NOTES

- THE TOPOGRAPHY SHOWN IS A COMPILATION OF FIELD RUN SURVEY PERFORMED BY MACRIS, HENDRICKS AND GLASCOCK, P.A. IN JULY 2001 AND UPDATED IN SEPTEMBER 2014.
- THE PROPERTY BOUNDARY & EASEMENTS SHOWN ARE PER AN ALTA SURVEY PREPARED BY MACRIS, HENDRICKS AND GLASCOCK IN SEPTEMBER OF 2014.
- THE PROPERTY TAX ACCOUNT NUMBER IS 05-00276584.
- THE PROPERTY IS WITHIN THE WHITE OAK SCIENCE GATEWAY WATER PLAN AREA.
- THE PROPERTY IS WITHIN THE PAINT BRANCH WATERSHED (USE CLASS III).
- THE SITE IS SUBJECT TO APPROVED NATURAL RESOURCES INVENTORY / FOREST STAND DELINEATION #420221930.
- THERE ARE NO 100-YEAR FLOODPLAINS, WETLANDS OR CHAMPION TREES ON THE PROPERTY.
- THE PROPERTY IS NOT IDENTIFIED IN THE LOCATION ATLAS AND INDEX OF HISTORICAL SITES, NOR ITS IT IDENTIFIED IN THE MASTER PLAN FOR HISTORIC PRESERVATION.
- THE PROPERTY IS NOT WITHIN A SPECIAL PROTECTION AREA.
- THE EXISTING WATER SERVICE CATEGORY IS W-1.
- THE EXISTING SEWER SERVICE CATEGORY IS S-1.
- THE PROPERTY IS LOCATED IN FLOOD HAZARD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM MAP FOR MONTGOMERY COUNTY, MARYLAND, COMMUNITY PANEL NUMBERS 24011203000, EFFECTIVE DATE SEPTEMBER 29, 2006.
- THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS AS PER AVAILABLE RECORDS. THE EXACT LOCATIONS OF ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED BY "MISS UTILITY" PRIOR TO EXCAVATION. MACRIS, HENDRICKS AND GLASCOCK, P.A. DOES NOT EXPRESS OR IMPLY AN GUARANTEE OR WARRANTY AS TO THE LOCATION OR EXISTENCE OF ANY UNDERGROUND UTILITY.
- SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED. NO STATEMENT OS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS SITE.

PUBLIC BENEFIT POINTS CALCULATIONS	CONNECTIVITY AND MOBILITY		
	MINIMUM PARKING: MAXIMUM ALLOWED SPACES (A): 67 SPACES MINIMUM REQUIRED SPACES (R): 25 SPACES PROPOSED SPACES (P): 13 SPACES FORMULA: $(A - R) \times 10 + (P - R) \times 10 = 12$ POINTS POINTS PROPOSED = 12 POINTS		
	QUALITY BUILDING AND SITE DESIGN		
	ARCHITECTURAL ELEVATIONS: PER CR INCENTIVE DENSITY GUIDELINES, 10 POINTS IS APPROPRIATE FOR DEVELOPMENT THAT PROVIDES AND IS BOUND BY ARCHITECTURAL ELEVATIONS AS A PART OF THE CERTIFIED SITE PLAN. THE APPLICANT IS PROVIDING FACADE IMPROVEMENTS TO THE EXISTING SELF STORAGE BUILDING, SIGNAGE, AND LIGHTING. ARCHITECTURAL ELEVATIONS ARE A PRIORITY FOR BOTH THE NEW AND EXISTING SELF STORAGE BUILDINGS. POINTS PROPOSED = 10 POINTS		
	EXCEPTIONAL DESIGN: PER CR INCENTIVES GUIDELINES, 5 POINTS IS APPROPRIATE FOR DEVELOPMENT THAT MEETS AT LEAST FOUR OF THE FOLLOWING CRITERIA. REFER TO ARCHITECTURAL AND DESIGN NARRATIVE IN THE STATEMENT OF JUSTIFICATION FOR DETAILS. POINTS PROPOSED = 5 POINTS		
	PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT		
	ENERGY CONSERVATION AND GENERATION: 15 POINTS APPROPRIATE FOR PROVIDING RENEWABLE ENERGY GENERATION ON SITE EQUIVALENT TO 0.5% OF THE NEW BUILDINGS ENERGY REQUIREMENTS POINTS PROPOSED = 15 POINTS		
	COOL ROOF: PER CR INCENTIVE GUIDELINES, ON SITES LARGER THAN 1 ACRE 5 POINTS IS APPROPRIATE FOR CONSTRUCTING ANY ROOF AREA THAT IS NOT COVERED BY A VEGETATED ROOF WITH A MINIMUM SOLAR REFLECTIVE INDEX (SRI) OF 75 FOR ROOFS WITH A SLOPE AT OR BELOW A RATIO OF 2:12. POINTS PROPOSED = 5 POINTS		
	RECYCLING FACILITY PLAN: PER CR INCENTIVE DENSITY GUIDELINES 5 POINTS IS APPROPRIATE FOR DEVELOPMENT THAT MEETS THE REQUIREMENTS OF THE ZONING ORDINANCE AND MONTGOMERY COUNTY EXECUTIVE REGULATION 10-04AM OR MONTGOMERY COUNTY EXECUTIVE REGULATION 10-04. POINTS PROPOSED = 5 POINTS		
	PUBLIC BENEFIT POINTS SUMMARY (INCENTIVE DENSITY = 93,776 SF)		
PUBLIC BENEFIT (SEE CALCULATIONS)		POINTS POSSIBLE	POINTS ACHIEVED
CONNECTIVITY AND MOBILITY MINIMUM PARKING		10	12
QUALITY BUILDING AND SITE DESIGN ARCHITECTURAL ELEVATIONS EXCEPTIONAL DESIGN		20 10	10 5
PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT ENERGY CONSERVATION AND GENERATION COOL ROOF RECYCLING FACILITY PLAN		30 10 10 10	15 5 5 5
TOTAL POINTS (5 CATEGORIES)		140	52

FLOATING ZONE DEVELOPMENT STANDARDS		
CURRENT ZONING: CR-2.5, C-1.5, R-1.5, H-200 REQUESTED ZONING: CRTP-2.5, C-2.25, R-1.5, H-200 NET LOT AREA: 114,234 SF (2.62 AC) PROPOSED USES: SELF STORAGE (234,800 SF)		
ZONING STANDARD	PERMITTED/REQUIRED	PROVIDED PER PLAN
PREREQUISITES REQUIRED 99-0.1.3.C.1	NONE	NA
MAXIMUM TOTAL DENSITY (FAR) 99-0.3.5.A.2	5.0	2.06
MAXIMUM COMMERCIAL DENSITY (FAR) 99-0.3.5.A.2	4.5	2.06
MAXIMUM RESIDENTIAL DENSITY (FAR) 99-0.3.5.A.2	4.5	0.0
MAXIMUM HEIGHT 99-0.3.5.B.2	NOTE 8	60 FT
MINIMUM SETBACK - FRONT SITE BOUNDARY 99-0.3.5.B.2	NOTE 8	25 FT
MINIMUM SETBACK - REAR SITE BOUNDARY 99-0.3.5.B.2	NOTE 8	15 FT
MINIMUM SETBACK - SIDE SITE BOUNDARY 99-0.3.5.B.2	NOTE 8	0 FT
MINIMUM LOT SIZE 99-0.3.5.C	NOTE 9	114,233 SF OR 2.62 AC.
MINIMUM OPEN SPACE 99-0.3.5.D.1/ 99-4.5.4.B.1.a	0% ⁷	NA
MINIMUM PUBLIC BENEFIT POINTS 99-0.3.5.E.1	50 POINTS (3 CATEGORIES)	52 POINTS (3 CATEGORIES)
PARKING LOT LANDSCAPING - LANDSCAPED AREA 99-0.2.9.C.1	5%	SEE LANDSCAPE PLANS ⁸
PARKING LOT LANDSCAPING - TREE CANOPY 99-0.2.9.C.2	25%	SEE LANDSCAPE PLANS ⁸
PARKING LOT LANDSCAPING - PERIMETER PLANTING WIDTH 99-0.2.9.C.3.i	6 FT	SEE LANDSCAPE PLANS ⁸
PARKING LOT LANDSCAPING - PERIMETER PLANTING HEIGHT 99-0.2.9.C.3.i.i	3 FT	SEE LANDSCAPE PLANS ⁸
PARKING REQUIREMENTS (REDUCED PARKING AREA) ⁹		
VEHICLE (SELF STORAGE GFA = 209,000 SF) 99-0.2.4.B	25 SPACES (MIN.) / 67 SPACES (MAX.) (MAX = 1.0 PER 10,000 SF OF GFA, PLUS 1 PER EMPLOYEE) ¹⁰ (MAX = 3.0 PER 10,000 SF OF GFA, PLUS 1 PER EMPLOYEE) ¹¹	12 SPACES ¹¹
ACCESSIBLE SPACES 99-0.2.3.B / COMAR 05.02.02	1 SPACE	2 SPACE
MOTORCYCLE / SCOOTER SPACES 99-0.2.3.C	NA ⁴	NA ⁴
CAR-SHARE SPACES 99-0.2.3.D	NA ⁴	NA ⁴
ELECTRIC VEHICLE CHARGING SPACES 99-0.2.3.E	NA ⁴	NA ⁴
BICYCLE 99-0.2.4.C	NA ⁴	NA ⁴
FOOTNOTES: 1. THE BASELINE PARKING MINIMUM HAS BEEN REDUCED BY THE NON-AUTO DRIVER MODE SHARE (NADMS) PERCENTAGE GOAL RECOMMENDED IN ACCORDANCE WITH SECTION 99-0.2.3.1.7a. THE BASELINE PARKING HAS BEEN REDUCED BY 20 PERCENT. 2. THE PROPERTY HAS A TRACT AREA OF 2.67 AC. WITH ONE EXISTING RIGHT-OF-WAY FRONTAGE, THERE FOR 0% OF THE SITE IS REQUIRED TO BE DEDICATED FOR OPEN SPACE. 3. FINAL NUMBER AND TYPES OF PARKING SPACES PROVIDED, INCLUDING BICYCLE PARKING, WILL BE DETERMINED AT SITE PLAN. 4. PER THE OWNER THERE WILL BE 1 OFFICE EMPLOYEE AND 1 RESIDENT MANAGER FOR EACH BUILDING, 4 EMPLOYEES TOTAL. 5. THE PARKING FACILITY CONTAINS LESS THAN 50 SPACES TOTAL. 6. THE PARKING FACILITY CONTAINS LESS THAN 100 SPACES TOTAL. 7. THERE ARE NO BICYCLE PARKING REQUIREMENTS SPECIFIED IN THE ZONING ORDINANCE FOR SELF STORAGE. 8. SET BY FLOOD ZONE PLAN. 9. SET BY SITE PLAN. 10. REFER TO LANDSCAPE PLANS FOR DEVELOPMENT STANDARDS RELATED TO LANDSCAPING. 11. IN ACCORDANCE WITH SECTION 99-0.2.3.1.2, THE APPLICANT MAY PROVIDE FEWER PARKING SPACES THAN REQUIRED, ONLY IF A PARKING WAIVER UNDER SECTION 6.2.10 IS APPROVED. THE APPLICANT IS REQUESTING A WAIVER UNDER SECTION 6.2.10. 12. FUTURE FRONTAGE IMPROVEMENTS ALONG NEW HAMPSHIRE AVENUE (MD 550) WILL BE CONSTRUCTED BY OTHERS.		
OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION THIS IS A TRUE COPY OF THE FLOATING ZONE PLAN (EXHIBIT NUMBER _____) APPROVED BY THE DISTRICT COUNCIL ON _____ IN APPLICATION NUMBER _____ BY RESOLUTION NUMBER _____ HEARING EXAMINER _____ DATE _____ HEARING EXAMINER NAME PRINTED _____		

VICINITY MAP
SCALE 1" = 2,000'

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland, Lic. No. 16905 Exp. Date 04.21.2024

WHITE OAK STORAGE, LLC
C/O ARCLAND PROPERTY COMPANY, LLC
1055 THOMAS JEFFERSON ST NW
STE 250
WASHINGTON, D.C. 20007

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP J061 WSSC 214NE01

PLAT 8280

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

WHITE OAK SELF STORAGE

WHITE OAK, PT. PARCEL E

PROJ. MGR DCM

DRAWN BY DCM

SCALE 1"= 50'

DATE 04.12.22

FLOATING ZONE COVER

LOCAL MAP AMENDMENT
NO. H147

PROJECT NO. 00.148.41

SHEET NO. 1 OF 4

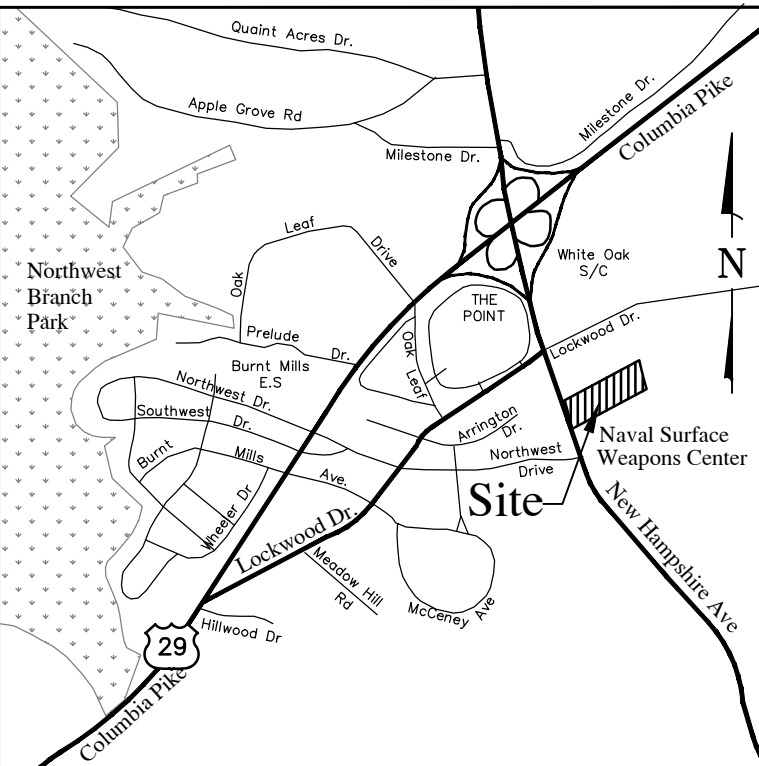
Attachment A

MHG

Civil Engineers
Land Planners
Landscape Architects
Land Surveyors

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

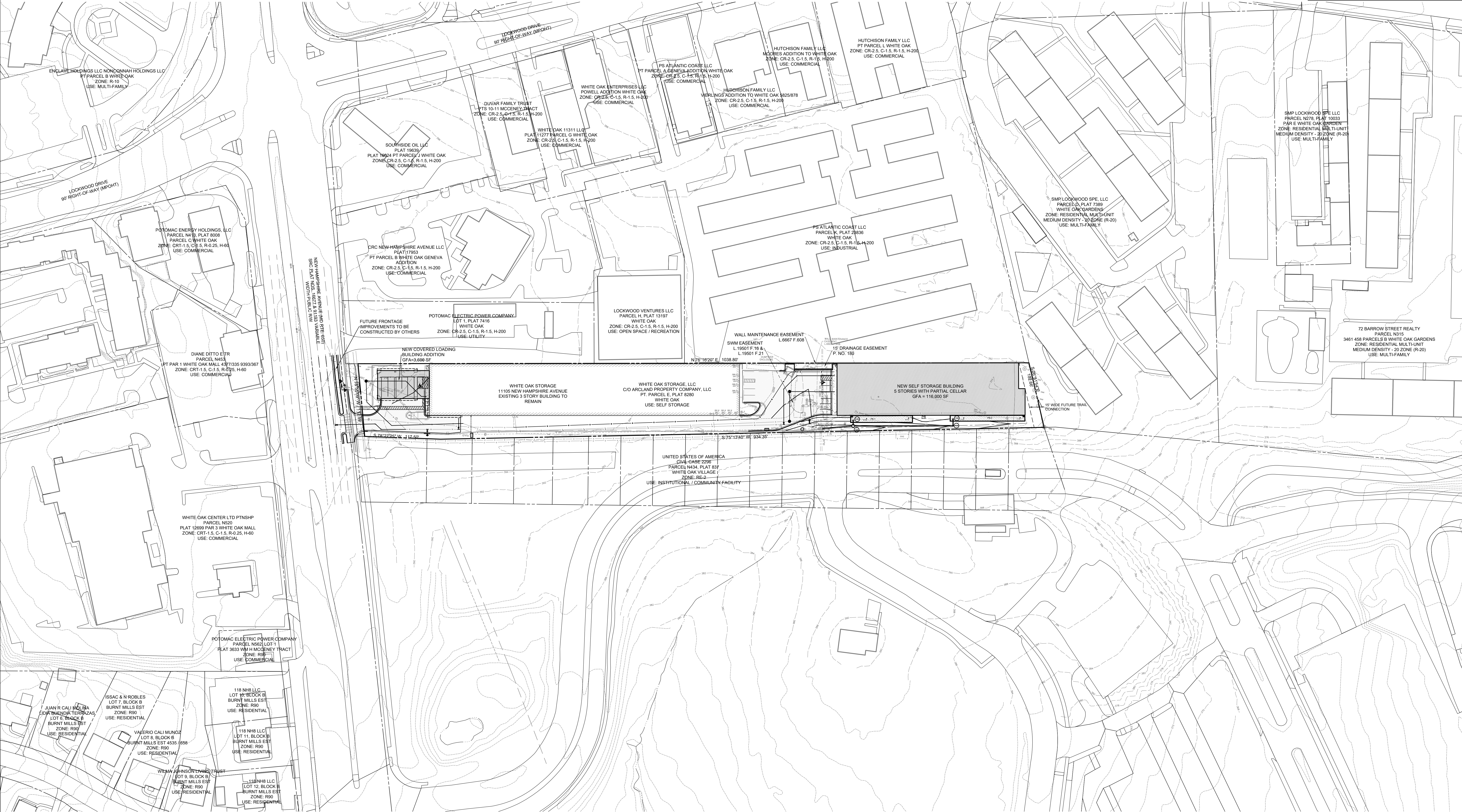
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Glascock, P.A. All Rights Reserved



VICINITY MAP
SCALE 1" = 2,000'

Professional Certification
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STE 250
WASHINGTON, D.C. 20007



REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP J061 WSSC 214NE01
PLAT 8280
5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

WHITE OAK STORAGE
WHITE OAK, PT. PARCEL E

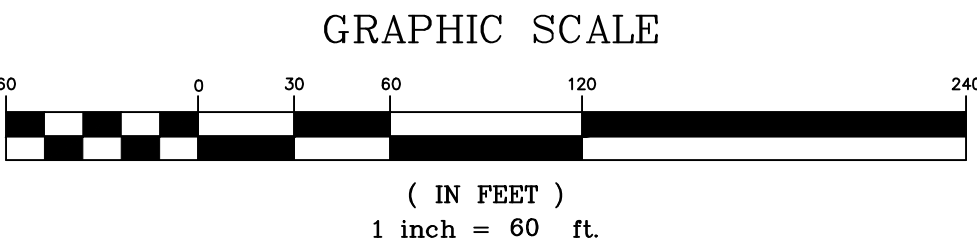
PROJ. MGR DCM
DRAWN BY DCM
SCALE 1"= 60'
DATE 04.12.22

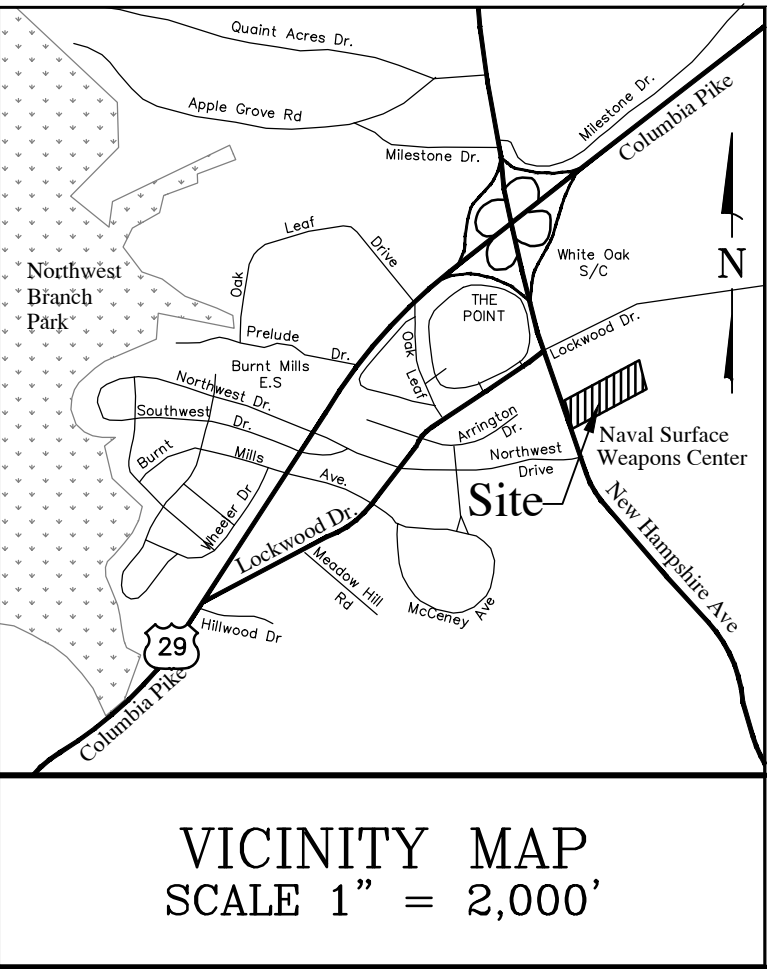
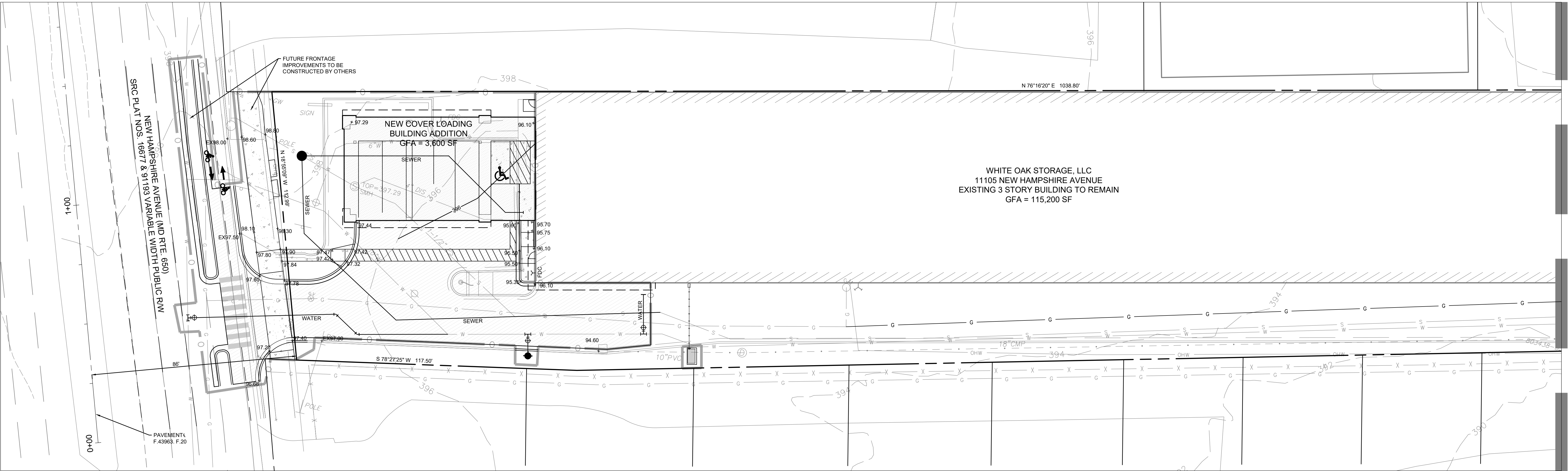
OVERALL FLOATING
ZONE PLAN
LOCAL MAP AMENDMENT
NO. H147

PROJECT NO. 00.148.41
SHEET NO. 2 OF 4

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION
THIS IS A TRUE COPY OF THE CONDITIONAL USE ZONE PLAN (EXHIBIT NUMBER _____)
APPROVED BY THE DISTRICT COUNCIL ON _____ BY RESOLUTION
NUMBER _____ IN APPLICATION NUMBER _____

HEARING EXAMINER _____ DATE _____
HEARING EXAMINER NAME PRINTED _____

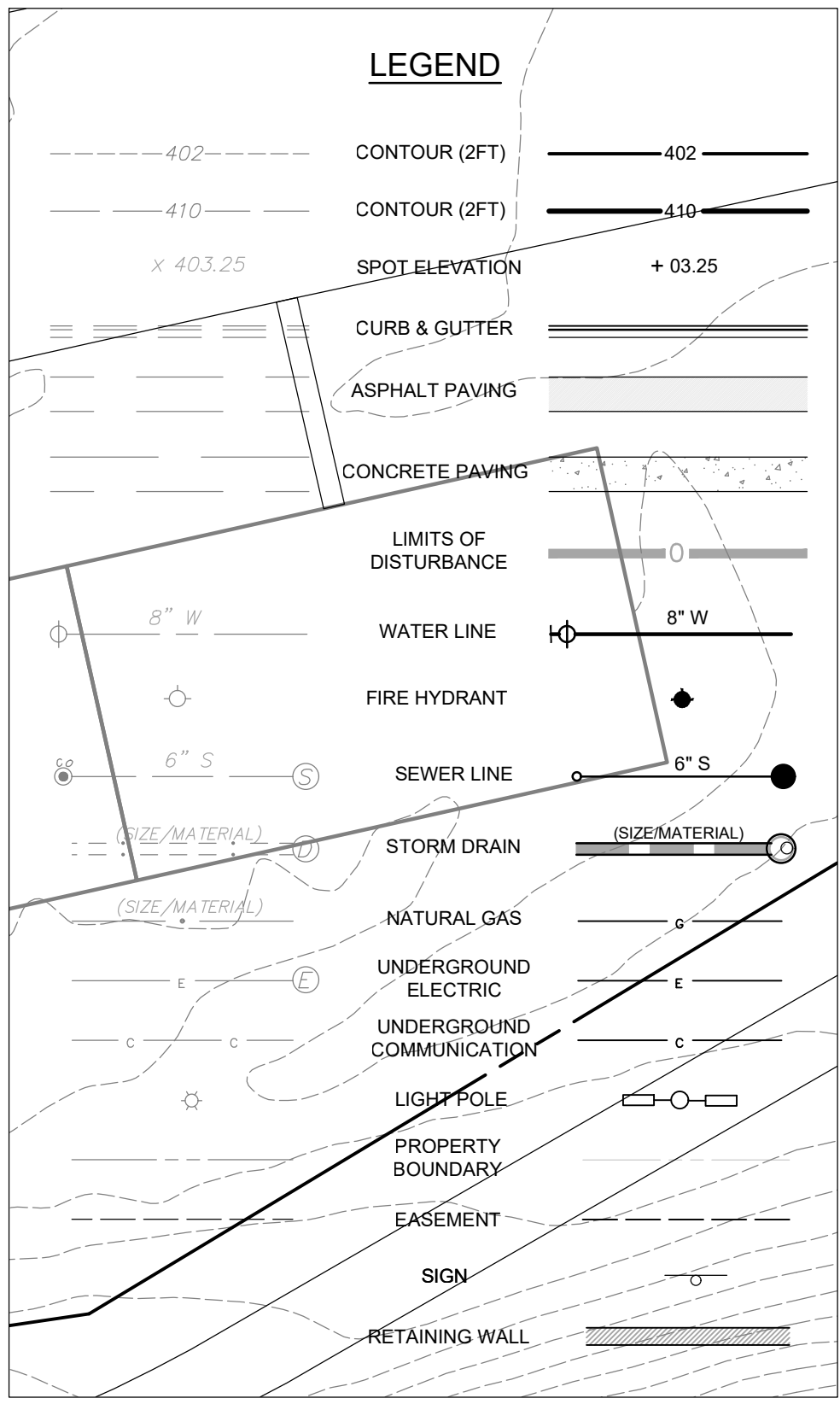
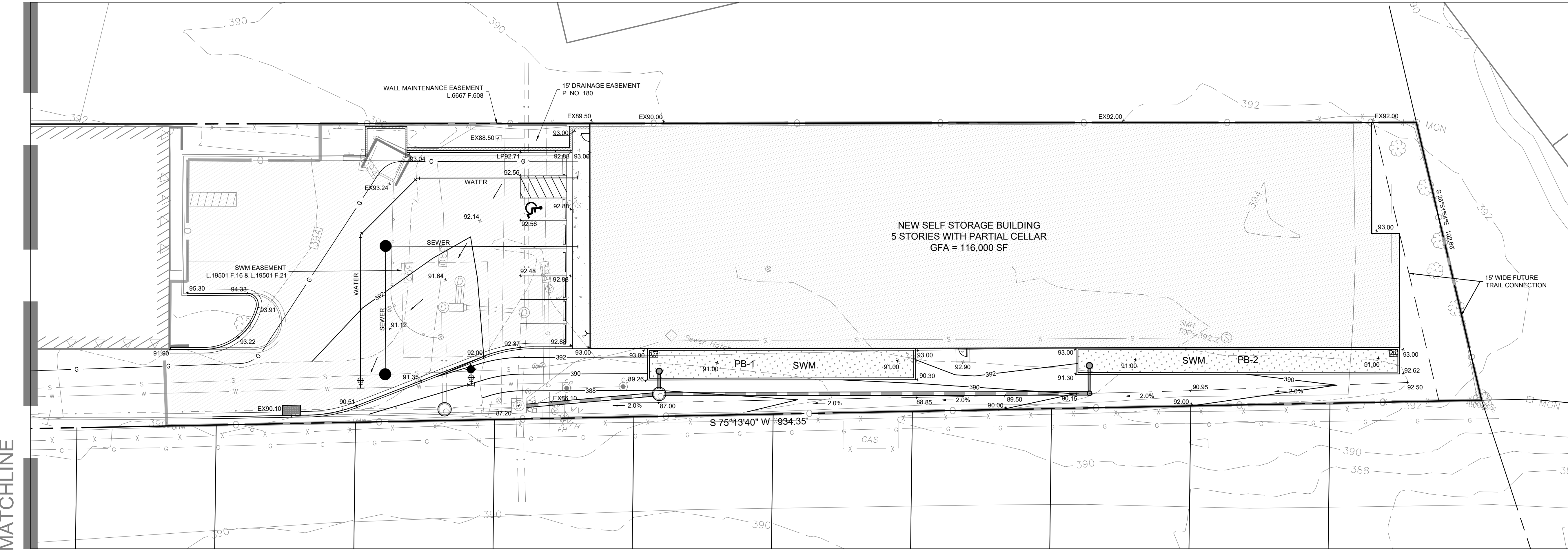




Professional Certification

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WHITE OAK STORAGE, LLC
C/O ARCLAND PROPERTY COMPANY, LLC
1055 THOMAS JEFFERSON ST NW
STE 250
WASHINGTON, D.C. 20007



REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP J061 WSSC 214NE01

PLAT 8280

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

WHITE OAK STORAGE

WHITE OAK, PT. PARCEL E

PROJ. MGR DCM

DRAWN BY DCM

SCALE 1"= 20'

DATE 02.24.2022

FLOATING ZONE PLAN

LOCAL MAP AMENDMENT NO. H147

PROJECT NO. 00.148.41

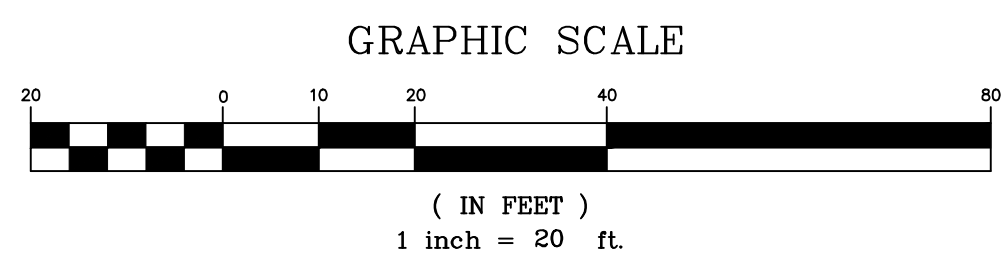
SHEET NO. 3 OF 4

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION

THIS IS A TRUE COPY OF THE FLOATING ZONE PLAN (EXHIBIT NUMBER _____) APPROVED BY THE DISTRICT COUNCIL ON _____, BY RESOLUTION NUMBER _____, IN APPLICATION NUMBER _____.

HEARING EXAMINER _____ DATE _____

HEARING EXAMINER NAME PRINTED _____



WHITE OAK STORAGE
11105 NEW HAMPSHIRE AVENUE
EXISTING 3 STORY BUILDING TO REMAIN
GFA = 115,200 SF

NEW BUILDING EXPANSION WITH COVERED LOADING
GFA = 3,900 SF

FUTURE FRONTAGE IMPROVEMENTS TO BE CONSTRUCTED BY OTHERS

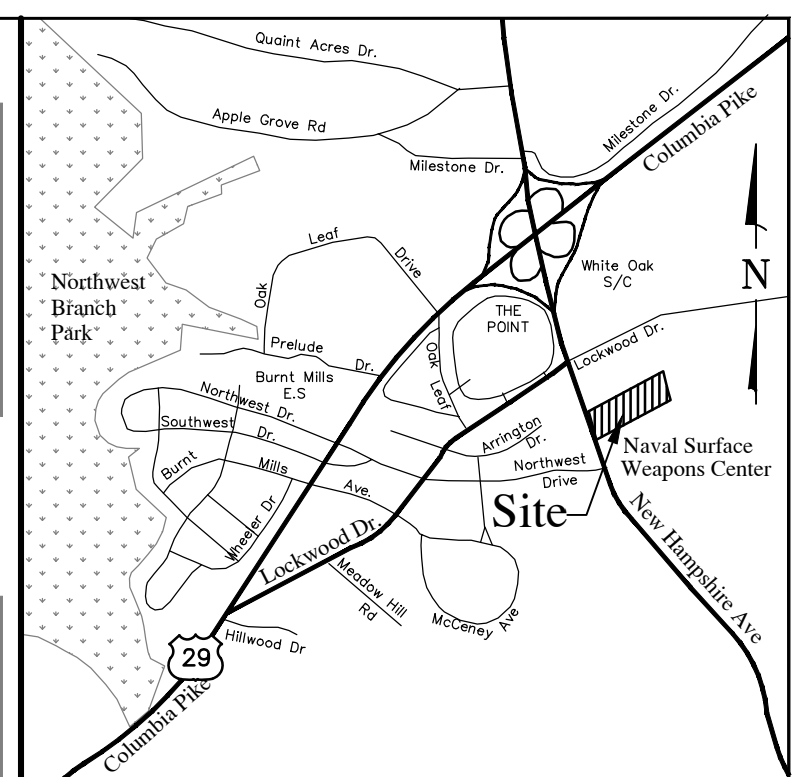
EX UTILITY POLE TO REMAIN

NEW HAMPSHIRE AVENUE (MD RTE. 650)
SRC PLAN NOS. 16677 & 91183 VARNABLE WIDTH PUBLIC R/W

STATIONING: 0+00, 0+87, 1+00, 1+50

Dimensions: 86.0' (road width), 24.0' (gate offset), S 78° 27' 25" W 117.50'

Other Labels: EX PROPERTY LINE, EX UTILITY POLE TO REMAIN, VERTICAL PIVOT GATE, CHW, C&G.



MATCHLINE

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland. Lic. No. 16905 Exp. Date. 04.21.2024

[illegible]

PROJ. MGR	DCM
DRAWN BY	DCM
SCALE	1"= 20'
DATE	04.12.22

PROJECT NO.	00.148.41
SHEET NO.	4 OF 4

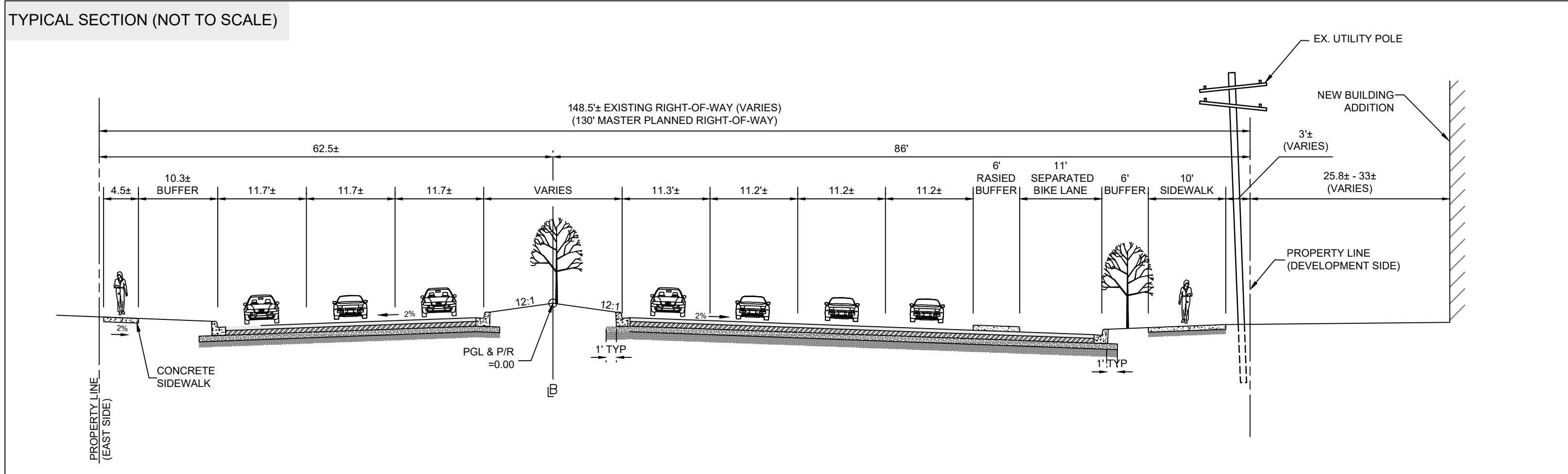
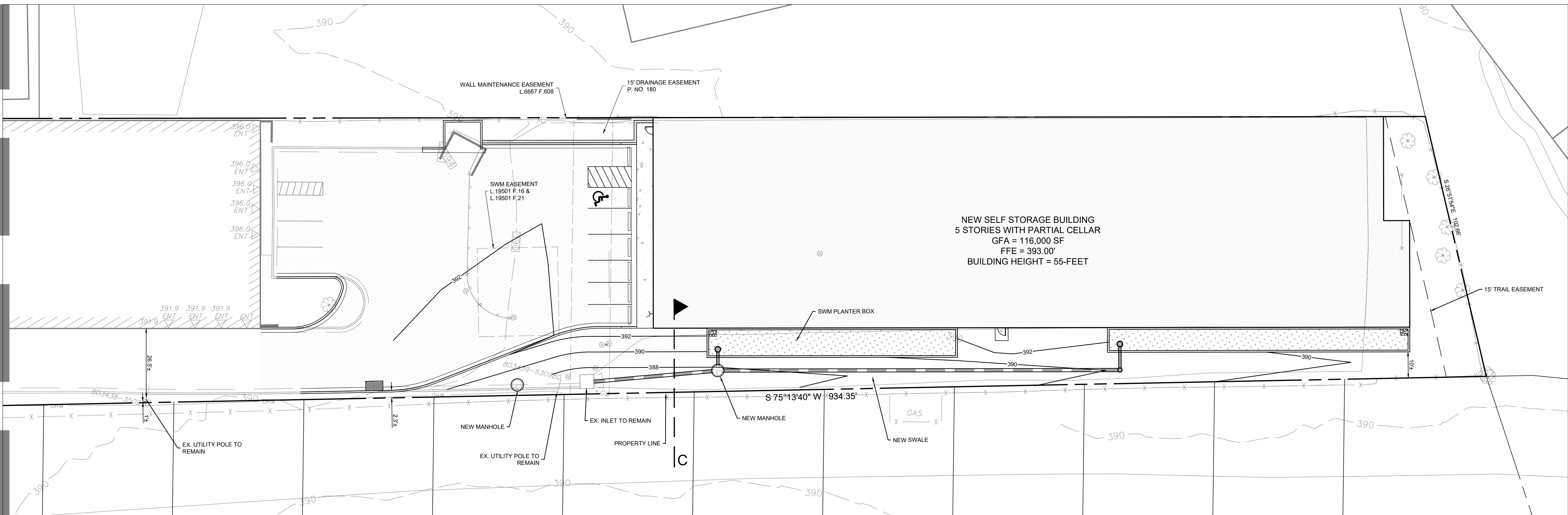


Diagram illustrating a typical section (not to scale) showing the layout of a building, utility pole, and gate relative to an adjacent property line.

- EX. BUILDING**: The existing building structure.
- VARIES (24.6' ± - 27.8' ±)**: Dimension indicating the distance from the building to the gate.
- 26.5' ±**: Dimension indicating the distance from the building to the gate.
- EX. UTILITY POLE BEYOND**: The existing utility pole located beyond the gate.
- VARIES (2.3' ± - 10.9' ±)**: Dimension indicating the distance from the gate to the utility pole.
- 1' ±**: Dimension indicating the distance from the gate to the adjacent property line.
- VERTICAL PIVOT GATE**: The gate structure.
- ADJACENT PROPERTY LINE**: The boundary line of the adjacent property.

TYPICAL SECTION (NOT TO SCALE)

NEW BUILDING

11.3±

10 1/2 TO 13 1/4

EX. UTILITY POLE

ADJACENT PROPERTY LINE

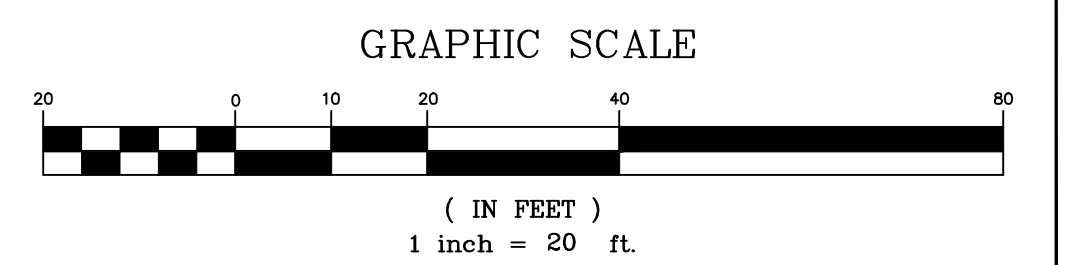
SWM PLANTER BOX

NEW GRADE

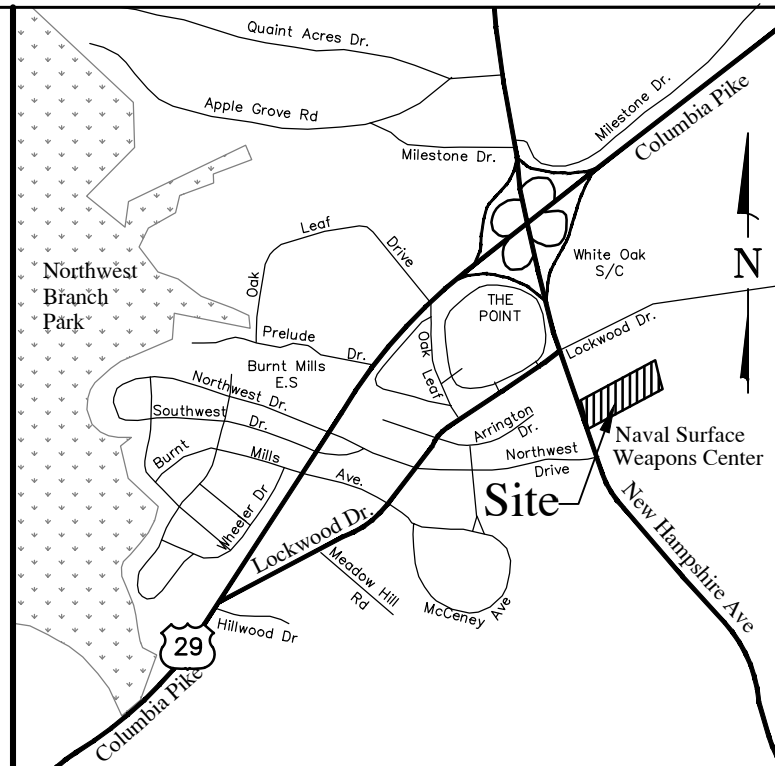
DRAINAGE SWALE

NEW MANHOLE

SECTION "C-C"
ALONG SOUTH PROPERTY LINE



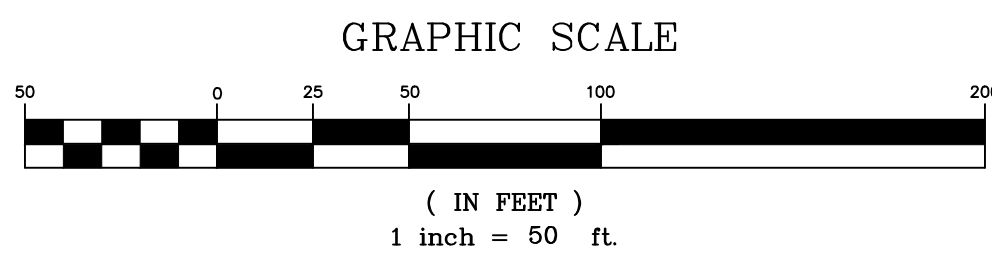
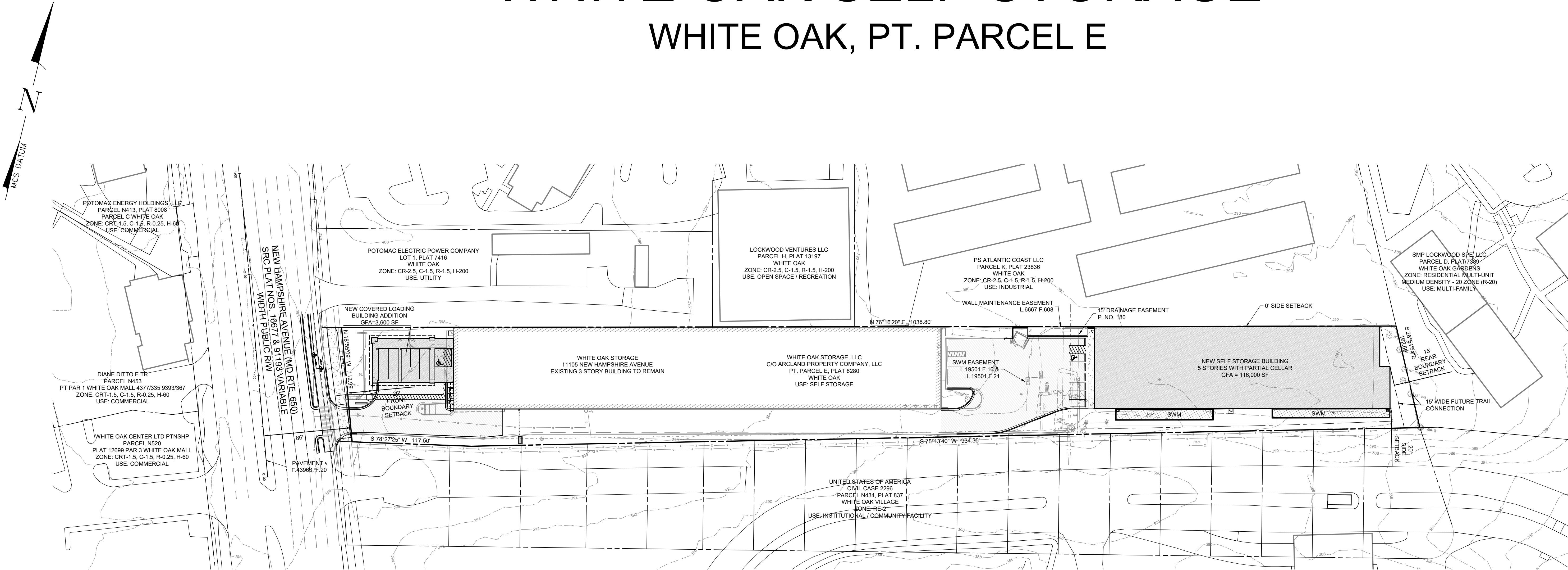
OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION	
THIS IS A TRUE COPY OF THE CONDITIONAL USE ZONE PLAN (EXHIBIT NUMBER _____)	
APPROVED BY THE DISTRICT COUNCIL ON _____,	BY RESOLUTION NUMBER _____,
IN APPLICATION NUMBER _____,	
HEARING EXAMINER _____	DATE _____
HEARING EXAMINER NAME PRINTED _____	



VICINITY MAP
SCALE 1" = 2,000'

WHITE OAK SELF STORAGE

WHITE OAK, PT. PARCEL E



PROPERTY INFORMATION	
SUBJECT PROPERTY:	WHITE OAK SELF STORAGE WHITE OAK, PT. PARCEL E PLAT 8280
PROPERTY ADDRESS:	11105 NEW HAMPSHIRE AVENUE SILVER SPRING, MARYLAND 20904
NET LOT AREA:	114,234 SF OR 2.62 AC.
PROPOSED DEDICATION:	NO DEDICATION PROPOSED
LOT AREA:	114,234 SF OR 2.62 AC.
APPLICANT:	WHITE OAK STORAGE OWNER, LLC BY ARCLAND PROPERTY COMPANY, LLC 1055 THOMAS JEFFERSON ST., NW, SUITE 250 WASHINGTON, DC 20007
TAX ID NUMBER:	05-00276584
CURRENT ZONING CLASSIFICATION:	CRTP-2.5, C-2.25, R-1.5, H-200
CURRENT USE:	SELF STORAGE
PROPOSED USE:	SELF STORAGE
EXISTING GROSS FLOOR AREA (GFA):	115,200 SF
NEW GROSS FLOOR AREA (GFA):	116,000 SF
TOTAL GROSS FLOOR AREA (GFA):	231,200 SF

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland, Lic. No. 16905 Exp. Date 04.21.2024

WHITE OAK STORAGE, LLC
C/O ARCLAND PROPERTY COMPANY, LLC
1055 THOMAS JEFFERSON ST NW
STE 250
WASHINGTON, D.C. 20007

PUBLIC BENEFIT POINTS CALCULATIONS		
CONNECTIVITY AND MOBILITY		
MINIMUM PARKING: MAXIMUM ALLOWED SPACES (A): 67 SPACES MINIMUM REQUIRED SPACES (B): 25 SPACES PROPOSED SPACES (P): 13 SPACES FORMULA: $(A+B)/2 \times 10 = 12$ POINTS POINTS PROPOSED = 12 POINTS		
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ENERGY CONSERVATION AND GENERATION: 15 POINTS APPROPRIATE FOR PROVIDING RENEWABLE ENERGY GENERATION ON SITE EQUIVALENT TO 2.5% OF THE NEW BUILDINGS ENERGY REQUIREMENTS POINTS PROPOSED = 15 POINTS		
COOL ROOF: PER OR INCENTIVE GUIDELINES, ON SITES LARGER THAN 1 ACRE 5 POINTS IS APPROPRIATE FOR CONSTRUCTING ANY ROOF AREA THAT IS NOT COVERED BY A VEGETATED ROOF WITH A MINIMUM SOLAR REFLECTIVE INDEX (SRI) OF 75 FOR ROOFS WITH A SLOPE AT OR BELOW A RATIO OF 2:12 POINTS PROPOSED = 5 POINTS		
RECYCLING FACILITY PLAN: PER OR INCENTIVE DENSITY GUIDELINES 5 POINTS IS APPROPRIATE FOR DEVELOPMENT THAT MEETS THE REQUIREMENTS OF THE ZONING ORDINANCE AND MONTGOMERY COUNTY EXECUTIVE REGULATION 15-04AM OR MONTGOMERY COUNTY EXECUTIVE REGULATION 15-04 PROPOSED POINTS = 5 POINTS		
PUBLIC BENEFIT POINTS SUMMARY (INCENTIVE DENSITY = 93,776 SF)		
PUBLIC BENEFIT (SEE CALCULATIONS)	POINTS POSSIBLE	POINTS ACHIEVED
CONNECTIVITY AND MOBILITY MINIMUM PARKING	10	12
QUALITY BUILDING AND SITE DESIGN ARCHITECTURAL ELEVATIONS EXCEPTIONAL DESIGN	20 10	10 5
PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT ENERGY CONSERVATION AND GENERATION COOL ROOF RECYCLING FACILITY PLAN	30 10 10 10	15 5 5 5
TOTAL POINTS (5 CATEGORIES)	140	52

CONDITIONAL USE DEVELOPMENT STANDARDS		
CURRENT ZONING: CRTP-2.5, C-2.25, R-1.5, H-200 ¹ NET LOT AREA: 114,234 SF (2.62 AC) PROPOSED USES: SELF STORAGE (234,800 SF)		
ZONING STANDARD	PERMITTED/REQUIRED	PROVIDED PER PLAN
MAXIMUM TOTAL DENSITY (FAR) 59-5.3.5.A.2	6.0	2.06
MAXIMUM COMMERCIAL DENSITY (FAR) 59-5.3.5.A.2	4.5	2.06
MAXIMUM RESIDENTIAL DENSITY (FAR) 59-5.3.5.A.2	4.5	0.0
MAXIMUM HEIGHT 59-5.3.5.B.2	NOTE 8	60 FT
MINIMUM SETBACK - FRONT SITE BOUNDARY 59-5.3.5.B.2	NOTE 8	25 FT
MINIMUM SETBACK - REAR SITE BOUNDARY 59-5.3.5.B.2	NOTE 8	15 FT
MINIMUM SETBACK - SIDE SITE BOUNDARY 59-5.3.5.B.2	NOTE 8	0 FT
MINIMUM LOT SIZE 59-4.3.5.C	NOTE 9	114,233 SF OR 2.62 AC
MINIMUM OPEN SPACE 59-5.3.5.D.1.b / 59-4.3.4.B.1.a	0%	N/A
MINIMUM PUBLIC BENEFIT POINTS 59-5.3.5.E.1	50 POINTS (3 CATEGORIES)	52 POINTS (3 CATEGORIES)
PARKING LOT LANDSCAPING - LANDSCAPED AREA 59-6.2.9.C.1	5%	SEE LANDSCAPE PLANS ⁸
PARKING LOT LANDSCAPING - TREE CANOPY 59-6.2.9.C.2	25%	SEE LANDSCAPE PLANS ⁸
PARKING LOT LANDSCAPING - PERIMETER PLANTING WIDTH 59-6.2.9.C.3.a	6 FT	SEE LANDSCAPE PLANS ⁸
PARKING LOT LANDSCAPING - PERIMETER PLANTING HEIGHT 59-6.2.9.C.3.b	3 FT	SEE LANDSCAPE PLANS ⁸
PARKING REQUIREMENTS (REDUCED PARKING AREA) ²		
VEHICLE (SELF STORAGE GFA = 208,000 SF) 59-6.2.3	25 SPACES (MIN.) / 67 SPACES (MAX.) (MIN. = 1.0 PER 10,000 SF OF GFA, PLUS 1 PER EMPLOYEE) ³ (MAX. = 3.0 PER 10,000 SF OF GFA, PLUS 1 PER EMPLOYEE)	12 SPACES ^{5,11}
ACCESSIBLE SPACES 59-6.2.3.B / COMAR 05.02.02	1 SPACE	2 SPACE
MOTORCYCLE / SCOOTER SPACES 59-6.2.3.C	N/A ⁴	N/A ⁴
CAR-SHARE SPACES 59-6.2.3.D	N/A ⁴	N/A ⁴
ELECTRIC VEHICLE CHARGING SPACES 59-6.2.3.E	N/A ⁴	N/A ⁴
BICYCLE 59-6.2.4	N/A ⁴	N/A ⁴
FOOTNOTES: 1. THE BASELINE PARKING MINIMUM HAS BEEN REDUCED BY THE NON-AUTO DRIVER MODE SHARE (NADMS) PERCENTAGE GOAL RECOMMENDED IN ACCORDANCE WITH SECTION 59-6.2.3.1.7. THE BASELINE PARKING HAS BEEN REDUCED BY 20 PERCENT. 2. THE PROPERTY HAS A TRACT AREA OF 2.67 AC, WITH ONE EXISTING RIGHT-OF-WAY FRONTAGE. THEREFORE 0% OF THE SITE IS REQUIRED TO BE DEDICATED FOR OPEN SPACE. 3. FINAL NUMBER AND TYPES OF PARKING SPACES PROVIDED, INCLUDING BICYCLE PARKING, WILL BE DETERMINED AT SITE PLAN. 4. PER THE OWNER THERE WILL BE 1 OFFICE EMPLOYEE AND 1 RESIDENT MANAGER FOR EACH BUILDING. 4 EMPLOYEES TOTAL. 5. THE PARKING FACILITY CONTAINS LESS THAN 40 SPACES TOTAL. 6. THE PARKING FACILITY CONTAINS LESS THAN 100 SPACES TOTAL. 7. THERE ARE NO BICYCLE PARKING REQUIREMENTS SPECIFIED IN THE ZONING ORDINANCE FOR SELF STORAGE. 8. SET BY FLOATING ZONE PLAN. 9. SET BY SITE PLAN. 10. REFER TO LANDSCAPE PLANS FOR DEVELOPMENT STANDARDS RELATED TO LANDSCAPING. 11. IN ACCORDANCE WITH SECTION 59-6.2.3.1.2, THE APPLICANT MAY PROVIDE FEWER PARKING SPACES THAN REQUIRED, ONLY IF A PARKING WAIVER UNDER SECTION 6.2.10 IS APPROVED. THE APPLICANT IS REQUESTING A WAIVER UNDER SECTION 6.2.10. 12. THE PROPERTY IS SUBJECT TO A LOCAL MAP AMENDMENT APPLICATION, WHICH HAS BEEN FILED CONCURRENTLY WITH THE CONDITIONAL USE APPLICATION. THE CURRENT ZONING WAS REQUESTED PURSUANT TO THE LOCAL MAP AMENDMENT. 13. FUTURE FRONTAGE IMPROVEMENTS ALONG NEW HAMPSHIRE AVENUE (MD 650) WILL BE CONSTRUCTED BY OTHERS.		

LEGEND	
--- 402 ---	CONTOUR (2FT)
--- 410 ---	CONTOUR (2FT)
+ 03.25	SPOT ELEVATION
=====	CURB & GUTTER
=====	ASPHALT PAVING
=====	CONCRETE PAVING
=====	LIMITS OF DISTURBANCE
--- 8" W ---	WATER LINE
--- 8" S ---	FIRE HYDRANT
--- 8" S ---	SEWER LINE
--- 8" S ---	STORM DRAIN
--- 8" S ---	NATURAL GAS
--- 8" S ---	UNDERGROUND ELECTRIC
--- 8" S ---	UNDERGROUND COMMUNICATION
--- 8" S ---	LIGHT POLE
--- 8" S ---	PROPERTY BOUNDARY
--- 8" S ---	EASEMENT
--- 8" S ---	SIGN
--- 8" S ---	RETAINING WALL

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP J061 WSSC 214NE01

PLAT 8280

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

WHITE OAK STORAGE

WHITE OAK, PT. PARCEL E

PROJ. MGR DCM

DRAWN BY DCM

SCALE 1"= 50'

DATE 04.12.22

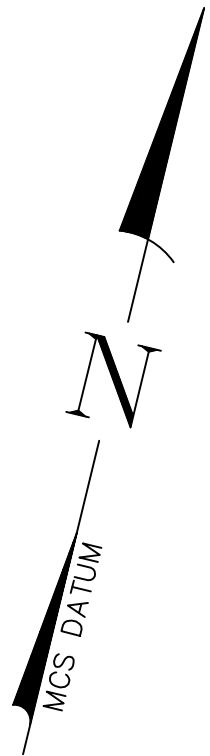
CONDITIONAL USE COVER

CONDITIONAL USE NO. CU202302

PROJECT NO. 00.148.41

SHEET NO. 1 OF 4

Attachment B

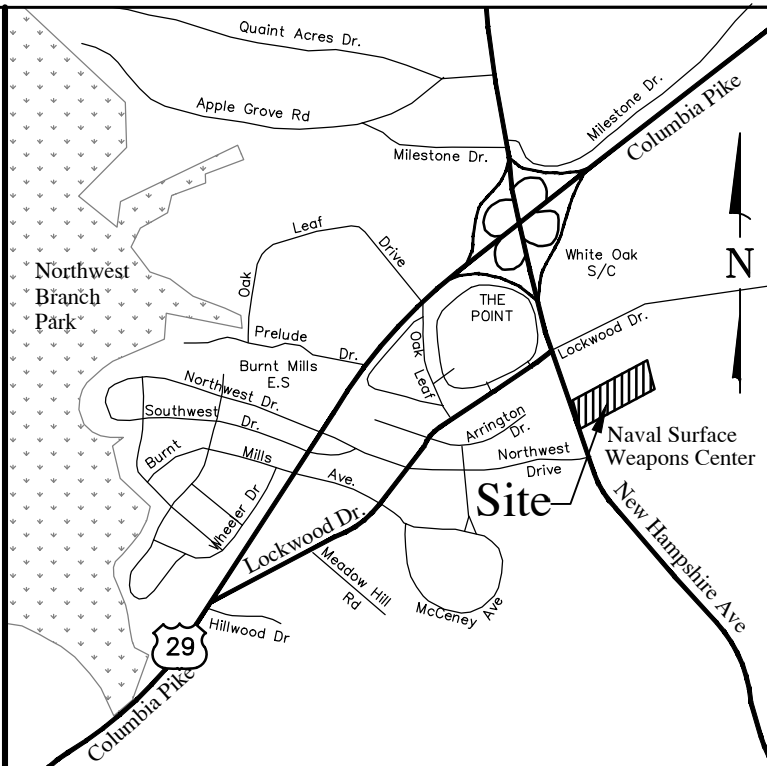


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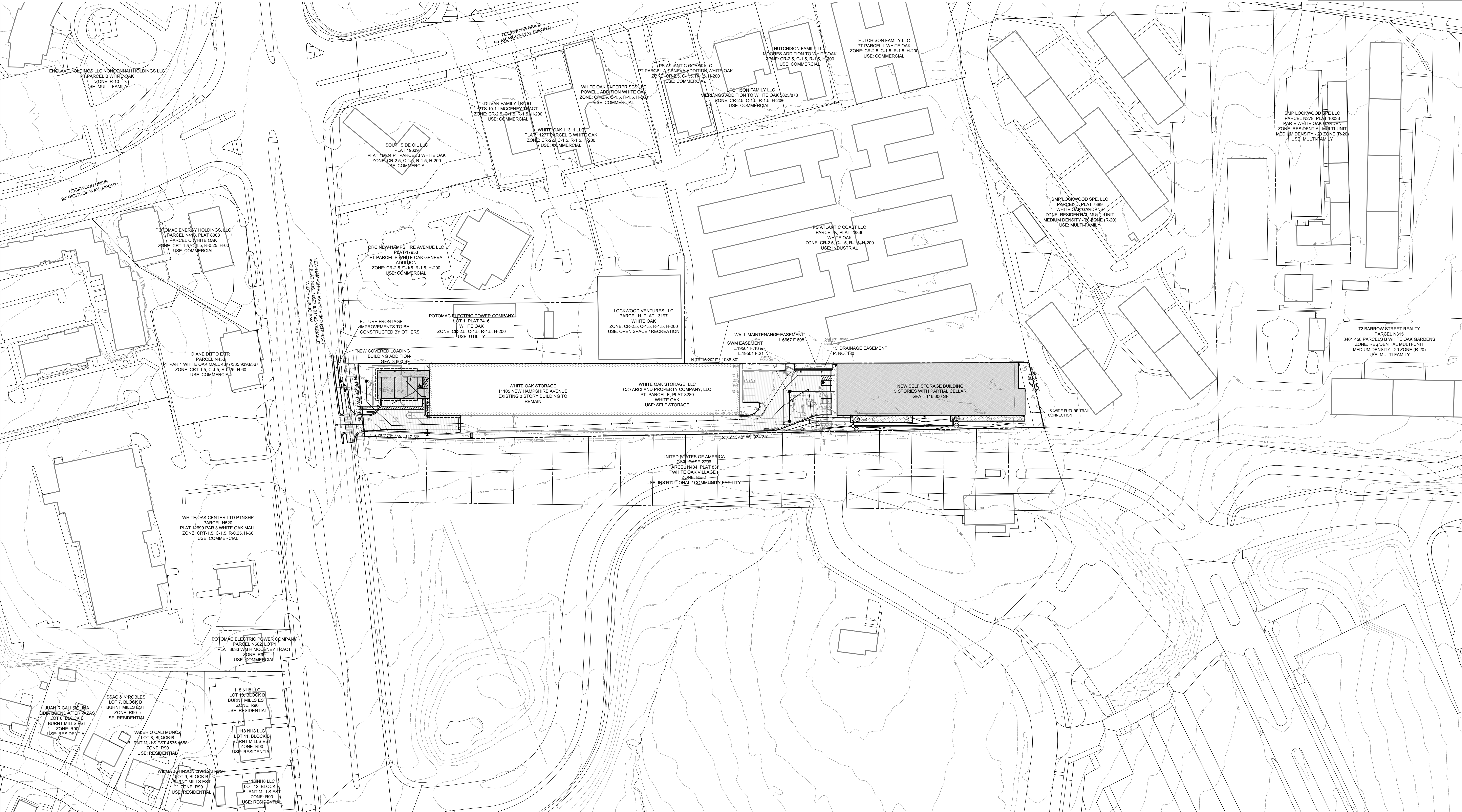
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VICINITY MAP
SCALE 1" = 2,000'

Professional Certification
I hereby certify that these documents were prepared or
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Professional Engineer under the Laws of the State of
Maryland, Lic. No. 16905 Exp. Date 04.21.2024

WHITE OAK STORAGE, LLC
C/O ARCLAND PROPERTY
COMPANY, LLC
1055 THOMAS JEFFERSON ST NW
STE 250
WASHINGTON, D.C. 20007



REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP J061 WSSC 214NE01
PLAT 8280
5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

WHITE OAK STORAGE
WHITE OAK, PT. PARCEL E

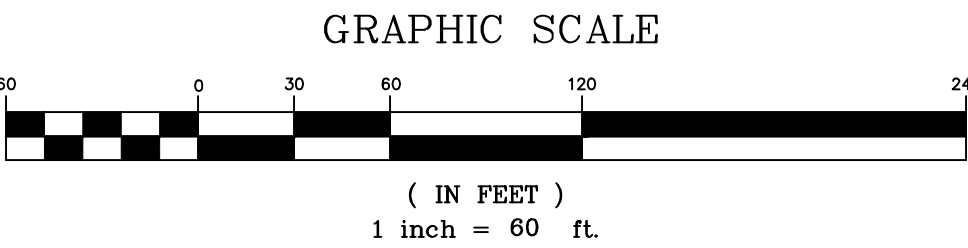
PROJ. MGR	DCM
DRAWN BY	DCM
SCALE	1"= 60'
DATE	04.12.22

OVERALLCONDITIONAL
USE PLAN
CONDITIONAL USE NO.
CU202302

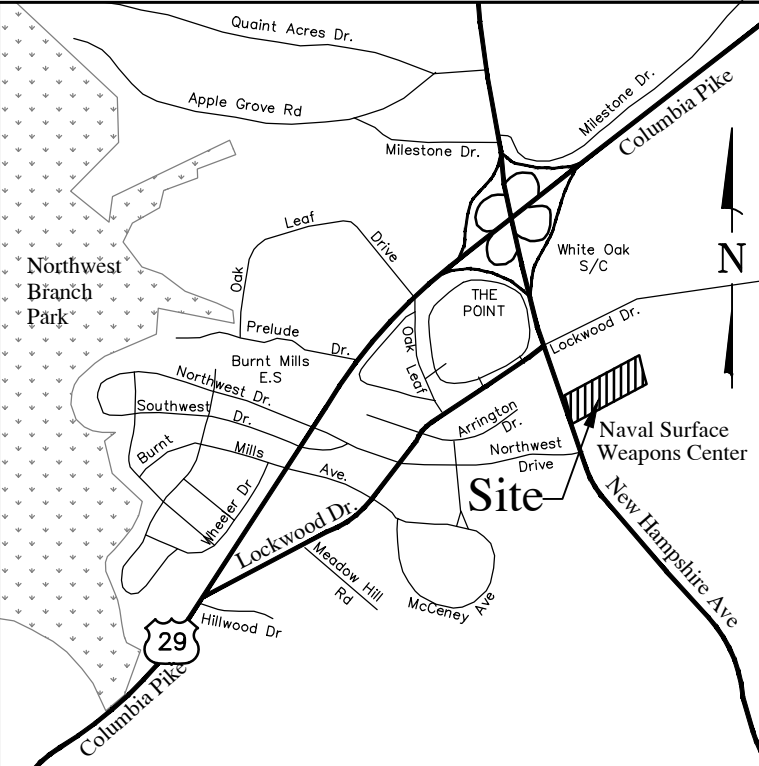
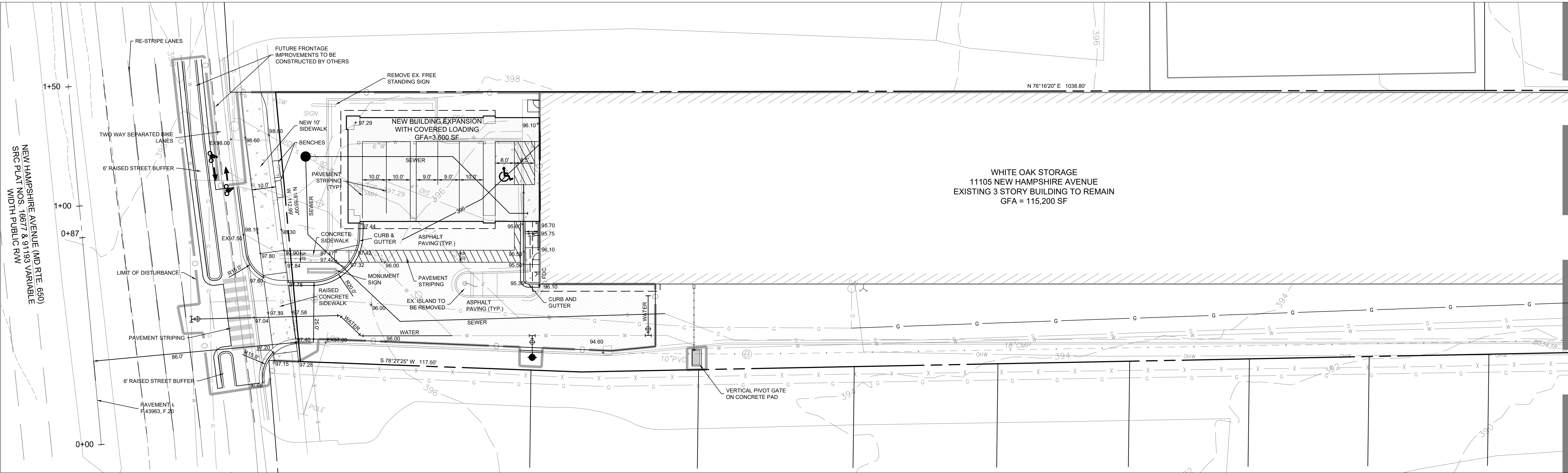
PROJECT NO. 00.148.41
SHEET NO. 2 OF 4

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION
THIS IS A TRUE COPY OF THE CONDITIONAL USE ZONE PLAN (EXHIBIT NUMBER _____)
APPROVED BY THE DISTRICT COUNCIL ON _____ BY RESOLUTION
NUMBER _____ IN APPLICATION NUMBER _____

HEARING EXAMINER _____ DATE _____
HEARING EXAMINER NAME PRINTED _____



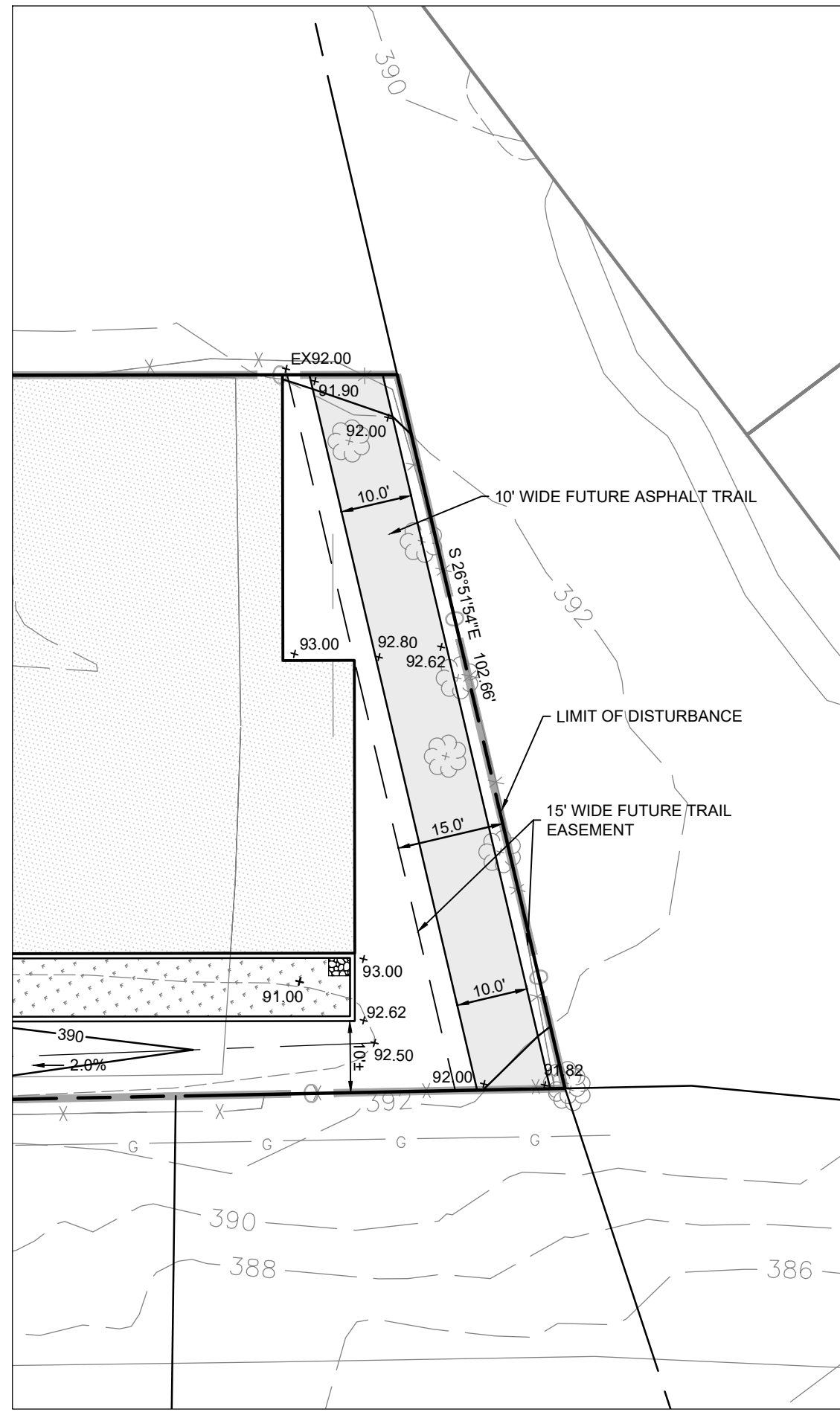
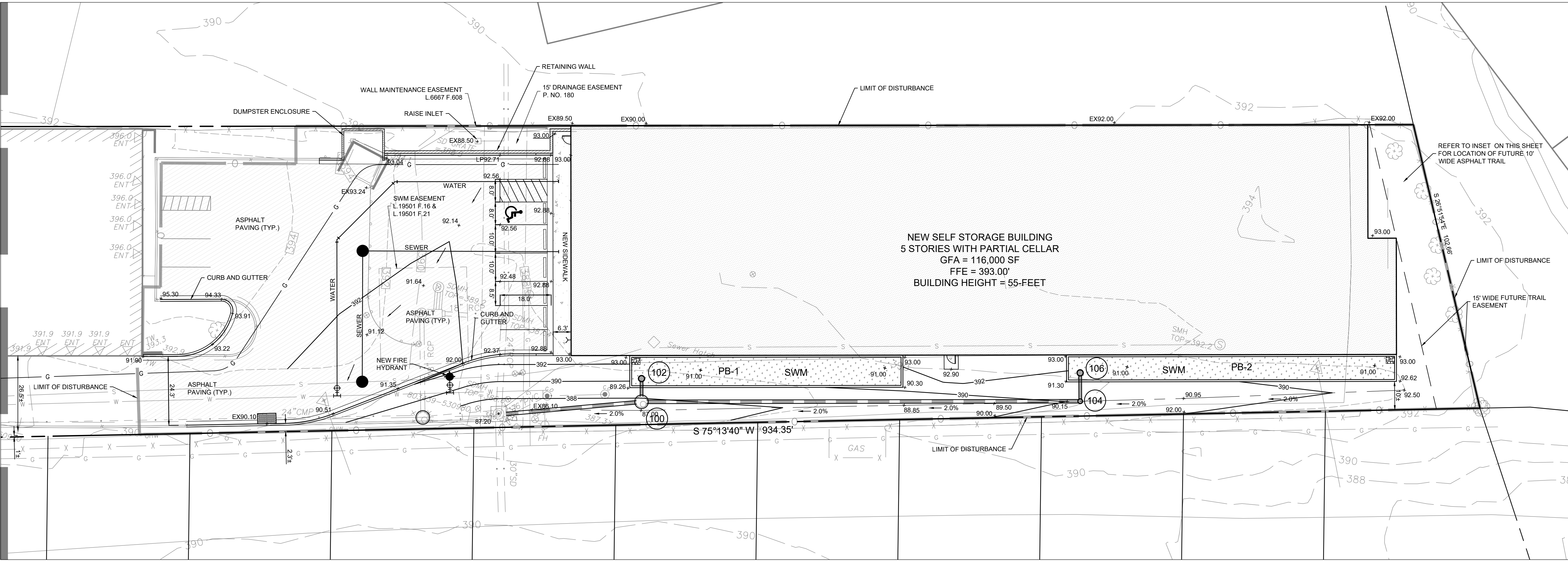
Attachment B



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Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland, Lic. No. 16905 Exp. Date 04.21.2024

WHITE OAK STORAGE, LLC
C/O ARCLAND PROPERTY COMPANY, LLC
1055 THOMAS JEFFERSON ST NW
STE 250
WASHINGTON, D.C. 20007



REVISIONS		
NO.	DESCRIPTION	DATE

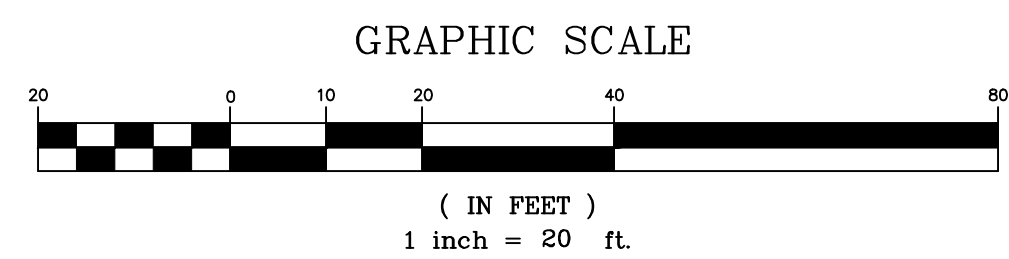
TAX MAP J061 WSSC 214NE01
PLAT 8280
5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

WHITE OAK STORAGE
WHITE OAK, PT. PARCEL E

PROJ. MGR DCM
DRAWN BY DCM
SCALE 1"= 20'
DATE 04.12.22

DETAILED CONDITIONAL USE PLAN
CONDITIONAL USE NO. CU202302

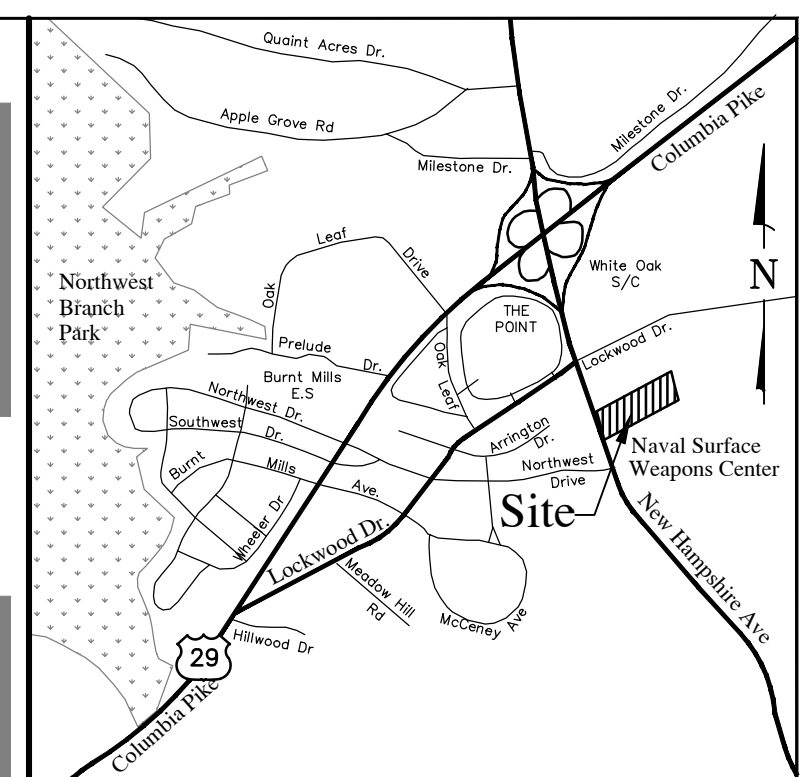
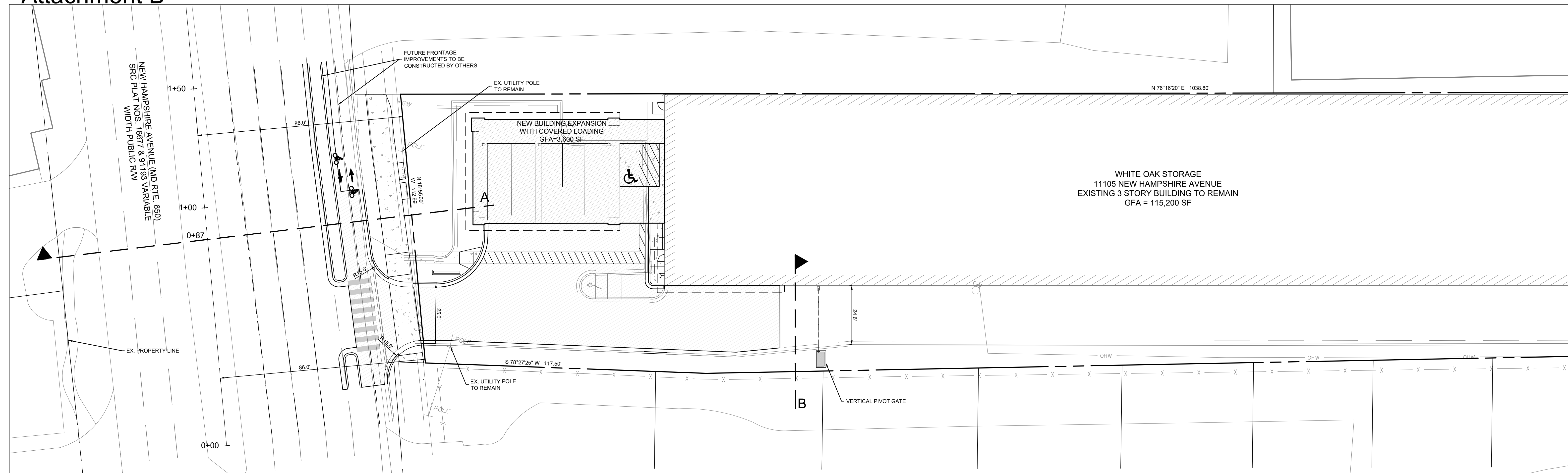
PROJECT NO. 00.148.41
SHEET NO. 3 OF 4



OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION
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APPROVED BY THE DISTRICT COUNCIL ON _____ BY RESOLUTION NUMBER _____ IN APPLICATION NUMBER _____

HEARING EXAMINER _____ DATE _____
HEARING EXAMINER NAME PRINTED _____

Attachment B



VICINITY MAP
SCALE 1" = 2,000'



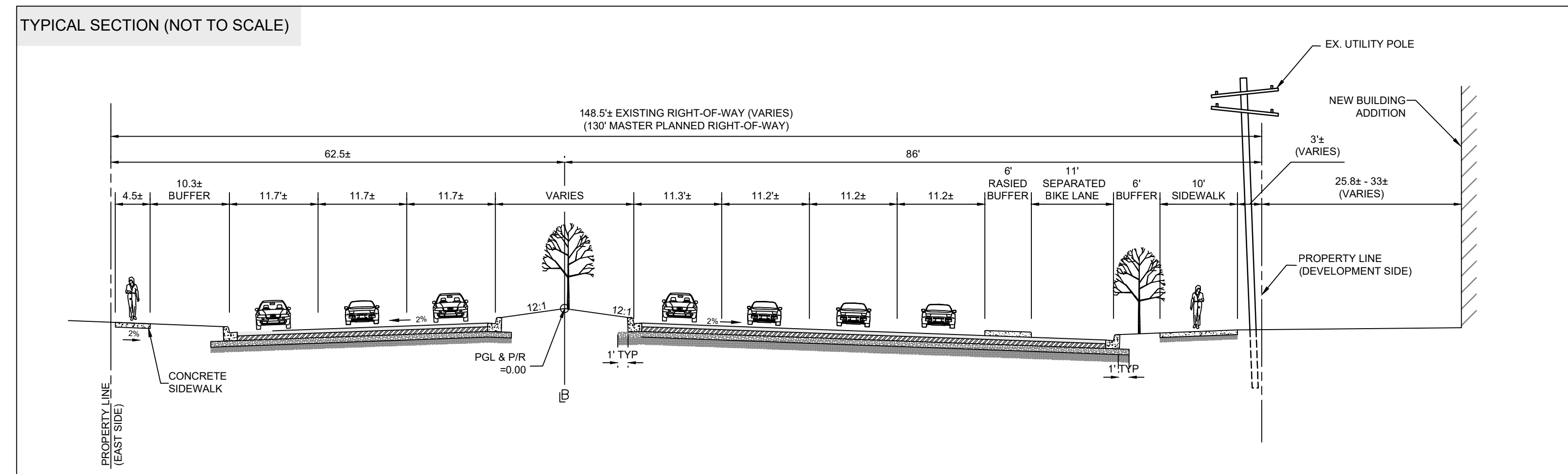
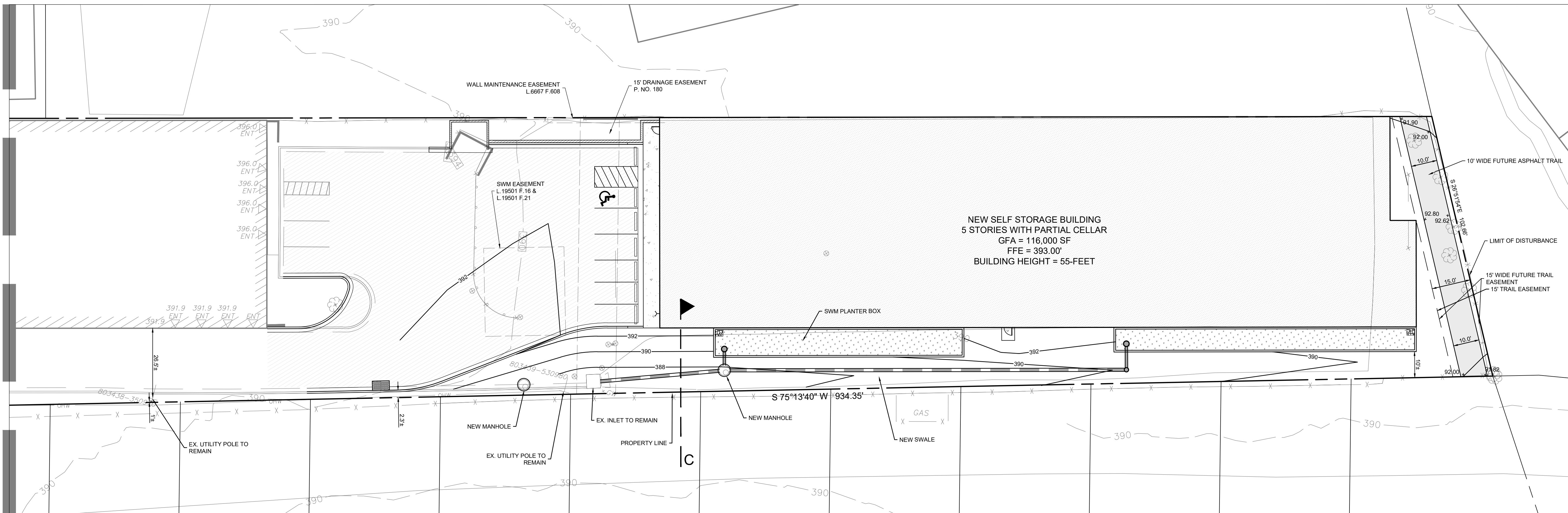
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Landscape Architects
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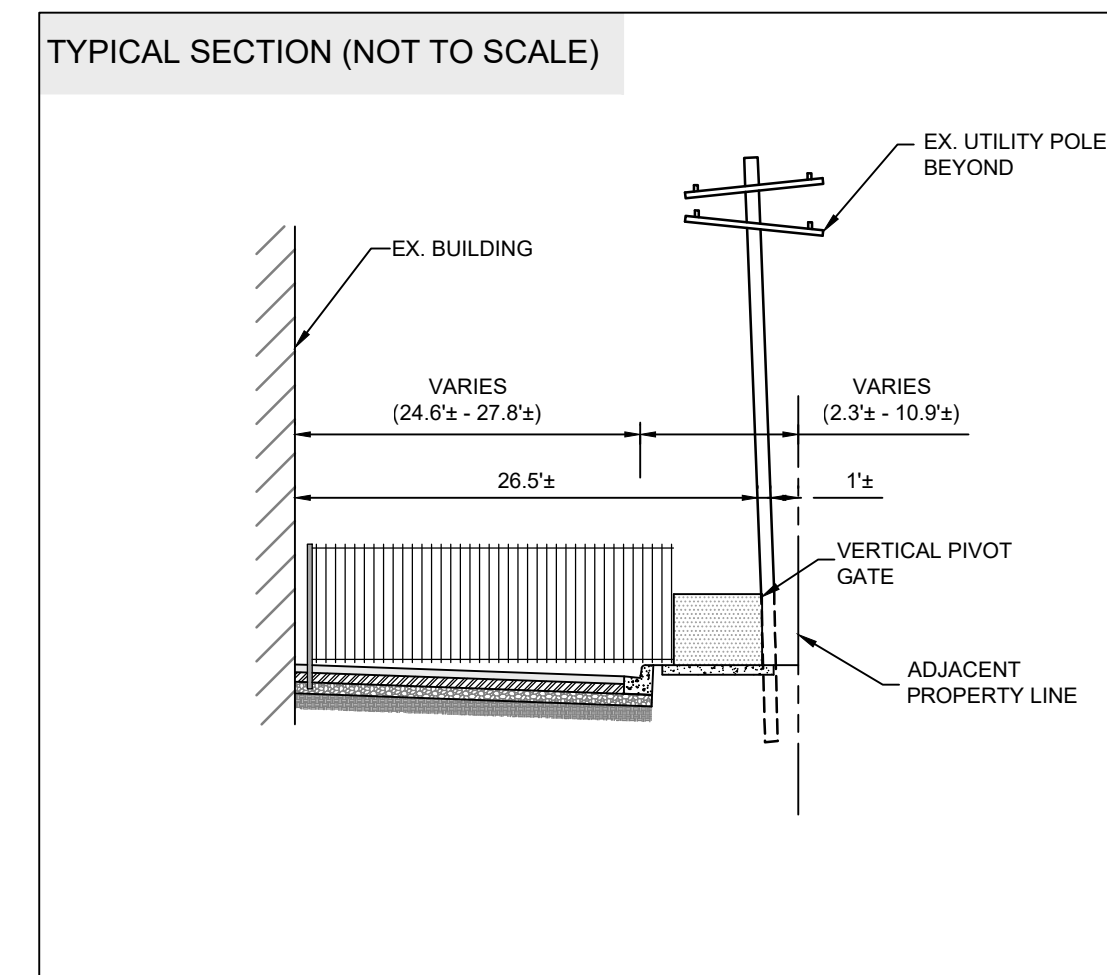
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Professional Certification
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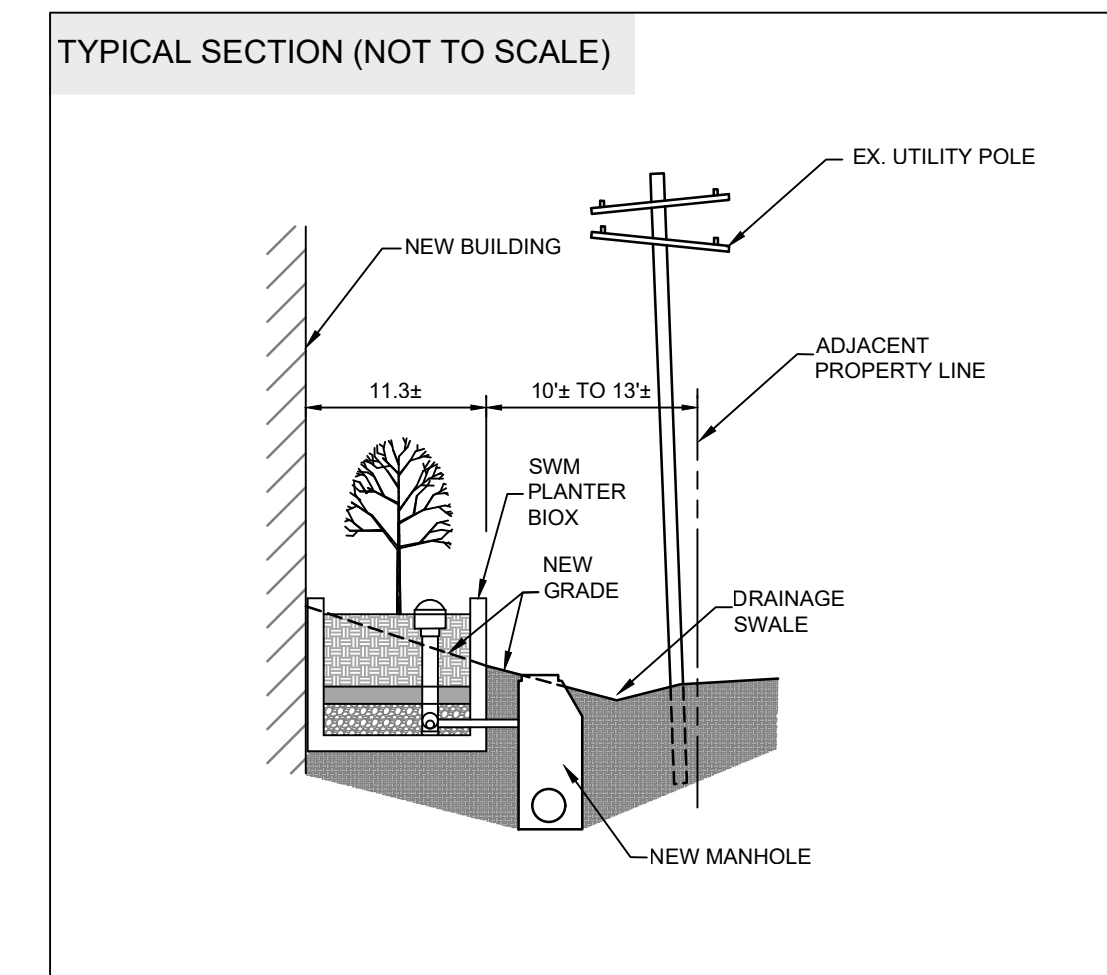
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C/O ARCLAND PROPERTY
COMPANY, LLC
1055 THOMAS JEFFERSON ST NW
STE 250
WASHINGTON, D.C. 20007



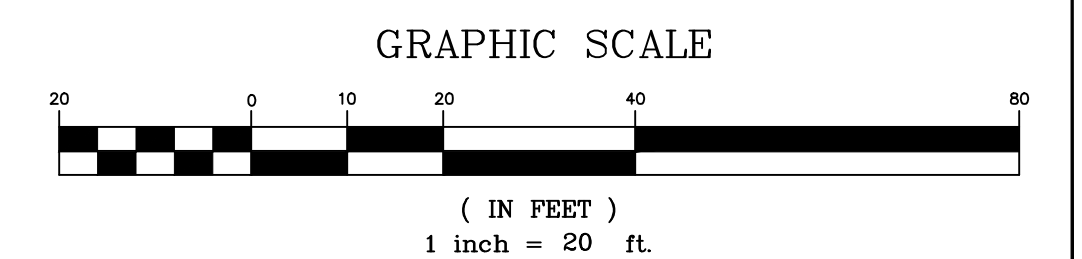
NEW HAMPSHIRE AVENUE - AT STA. 0+86
MODIFIED MCDOT STANDARD NO. MC-2004.06
 SECTION "A-A"



SECTION "B-B"
ALONG SOUTH PROPERTY LINE



SECTION "C-C"
ALONG SOUTH PROPERTY LINE



OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION

THIS IS A TRUE COPY OF THE CONDITIONAL USE ZONE PLAN (EXHIBIT NUMBER _____) APPROVED BY THE DISTRICT COUNCIL ON _____, BY RESOLUTION NUMBER _____, IN APPLICATION NUMBER _____.

HEARING EXAMINER _____ DATE _____

HEARING EXAMINER NAME PRINTED _____

[illegible]

AX MAP JQ51 WSSC 214NE01
PLAT 8280
TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

WHITE OAK, PT. PARCEL E

PROJ. MGR	DCM
DRAWN BY	DCM
SCALE	1"= 20'
DATE	04.12.22

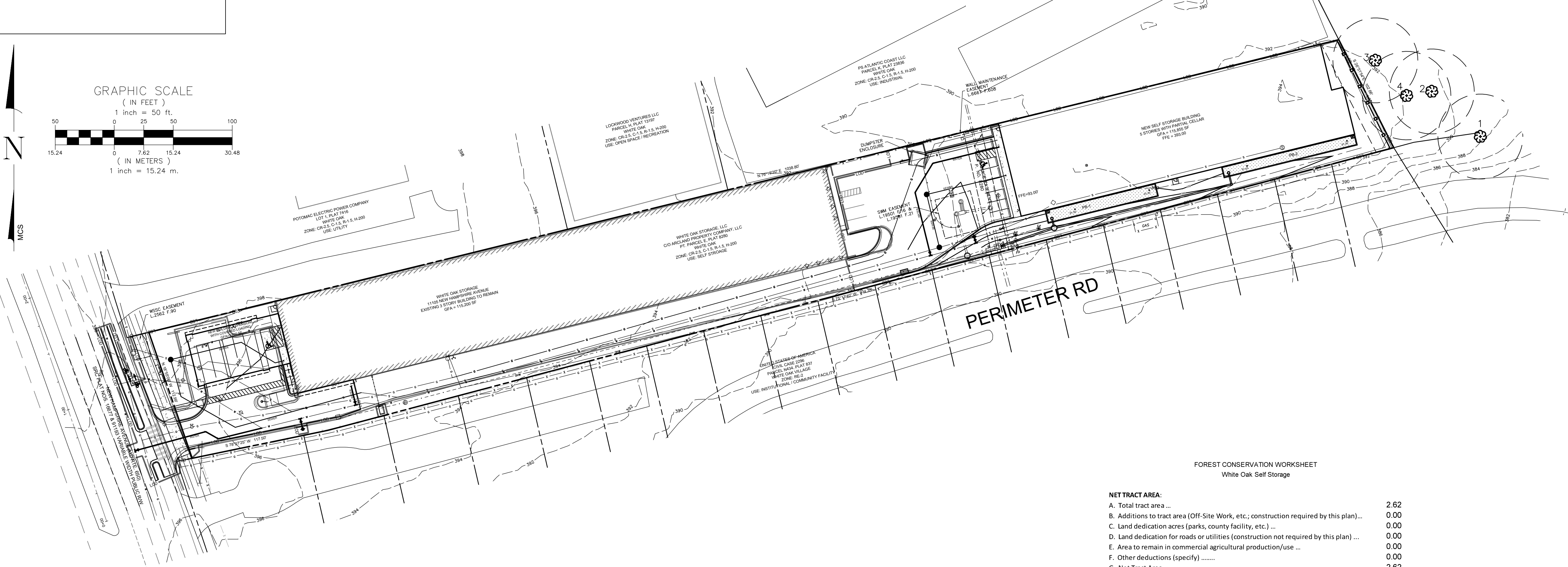
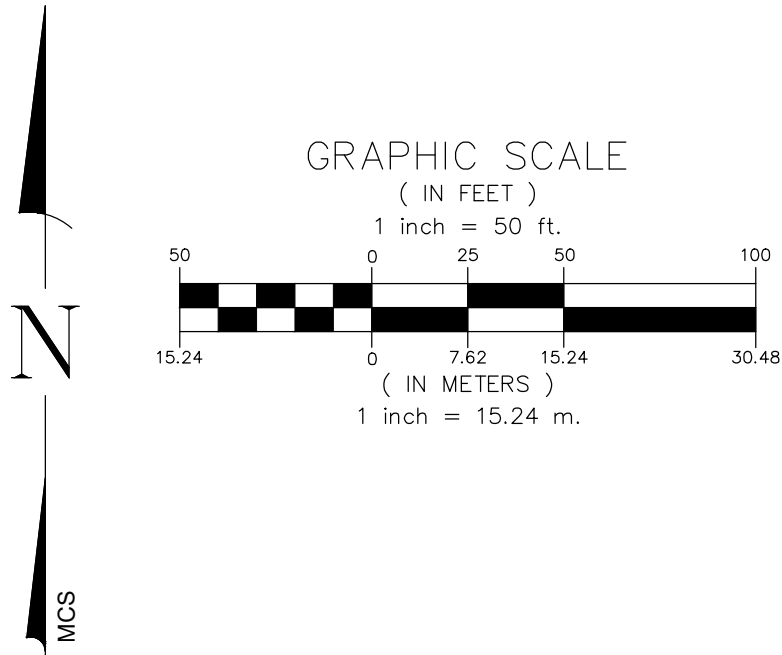
CONDITIONAL USE PLAN
SECTIONS

CONDITIONAL USE NO.
CU202302

PROJECT NO.	00.148.41
SHEET NO.	4 OF 4

FOREST CONSERVATION NOTES:
PROPERTY DESCRIPTION: PARCEL E, PLAT 8280
ADDRESS: 11105 NEW HAMPSHIRE AVE
TAX ACCOUNT #05-00276584
CURRENT ZONING CLASSIFICATION: C-2
WATERSHED: PAINT BRANCH
SPECIAL PROTECTION AREA: NA
PRIMARY MANAGEMENT AREA: NA

TREE TABLE				
TREE ID#	COMMON NAME	BOTANICAL NAME	SIZE (DIAMETER)	CONDITION
1	WHITE OAK	QUERCUS ALBA	26"	FAIR - CRACK, INCLUDED BARK, CODOMINANT AT S', OFFSITE
2	RED OAK	QUERCUS RUBRA	25"	GOOD - OFFSITE
3	RED OAK	QUERCUS RUBRA	25-22"	FAIR - DEADWOOD, OFFSITE
4	RED OAK	QUERCUS RUBRA	24"	GOOD - OFFSITE



NET TRACT AREA:	
A. Total tract area ...	2.62
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan)...	0.00
C. Land dedication acres (parks, county facility, etc.) ...	0.00
D. Land dedication for roads or utilities (construction not required by this plan) ...	0.00
E. Area to remain in commercial agricultural production/use ...	0.00
F. Other deductions (specify)	0.00
G. Net Tract Area	2.62

LAND USE CATEGORY: (from Chapter 22A-3, Definitions)	
Input the number "1" under the appropriate land use, limit to only one entry.	
ARA	MDR
0	0
IDA	HDR
0	0
MPO	CIA
0	1

EXISTING FOREST COVER:	
I. Existing forest cover	0.00
J. Area of forest above afforestation threshold	0.00
K. Area of forest above conservation threshold	0.00


BREAK EVEN POINT:	
L. Forest retention above threshold with no mitigation	0.00
M. Clearing permitted without mitigation	0.00

PROPOSED FOREST CLEARING:	
N. Total area of forest to be cleared	0.00
O. Total area of forest to be retained	0.00

PLANTING REQUIREMENTS:	
P. Reforestation for clearing above conservation threshold	0.00
Q. Reforestation for clearing below conservation threshold	0.00
R. Credit for retention above conservation threshold	0.00
S. Total reforestation required	0.00
T. Total afforestation required	0.39
U. Credit for landscaping (may not exceed 20% of "S")	0.00
V. Total reforestation and afforestation required	0.39
worksheet date 5/13/2019	


FOREST CONSERVATION REQUIREMENT OF 0.39 ACRES TO BE MET VIA FOREST BANK IF AVAILABLE OTHERWISE TO BE MET VIA FEE-IN-LIEU.


FOREST CONSERVATION DATA TABLE			
DESCRIPTION	SIZE		
Property Area	2.62 Acres		
Off-site Disturbance	0.00 Acres		
Total Tract Area	0.00 Acres		
Tract remaining in Ag use	0.00 Acres		
Road & Utility ROW (Unimproved)	0.00 Acres		
Existing Forest	0.00 Acres		
Total Forest Retention	0.00 Acres		
Total Forest Cleared	0.00 Acres		
Land Use Category	C-2		
Afforestation Threshold	15%		
Reforestation Threshold	15%		
Stream(s) Length: NA	Average Buffer Width: NA		
Acres of Forest in:	Retained	Cleared	Planted
Wetlands	0.00	0.00	0.00
100yr Floodplain	0.00	0.00	0.00
Stream Buffers	0.00	0.00	0.00
Other Priority Areas	0.00	0.00	0.00

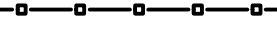



FOR UTILITY LOCATIONS
CONTACT "ONE CALL" AT 811
AT LEAST 48 HOURS
PRIOR TO CONSTRUCTION

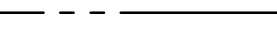
LEGEND


 SIGNIFICANT TREE

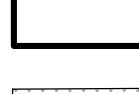
 CRITICAL ROOT ZONE


 ROOT PRUNING ALONG EXISTING FENCE

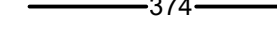
 LIMITS OF DISTURBANCE

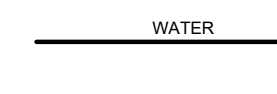
 PROPERTY BOUNDARY

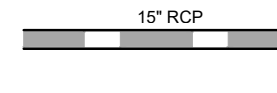
 EXISTING CONTOUR

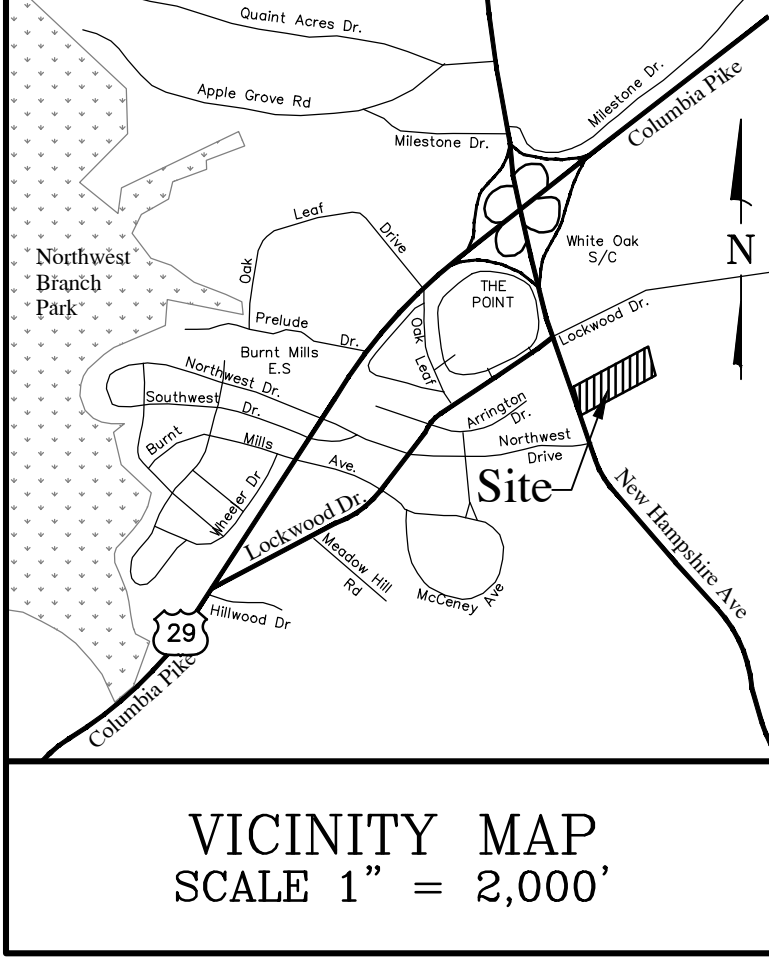
 NEW BUILDING

 SWM

 PROPOSED CONTOUR

 PROPOSED WATER LINE

 PROPOSED STORM DRAIN LINE





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FRANK C. JOHNSON
10/12/2022

DATE
RECOGNIZED AS QUALIFIED PROFESSIONAL BY
MD DEPT. OF NATURAL RESOURCES
COMAR 08.19.06.01

Qualified Professional Certification
I hereby certify that the information shown hereon is
correct and that this plan has been prepared in
accordance with the requirements of the existing state
and county forest conservation legislation.

WHITE OAK STORAGE OWNER LLC
1055 THOMAS JEFFERSON ST. NW
SUITE 250
WASHINGTON, DC 20007
443-845-6981

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP J0561 WSSC 214NE01 & 02

PLAT 8280

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

PART OF PARCEL E
WHITE OAK STORAGE

PROJ. MGR	DM
DRAWN BY	FCJ
SCALE	1"= 50'
DATE	06.28.2022

PRELIMINARY FOREST
CONSERVATION PLAN
LMA NO. H147

L8.01
PROJECT NO. 00.148.41
SHEET NO. 1 OF 2

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

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

Pre-Construction

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

Page 1 of 3

February 2017

- may be required by the Forest Conservation Inspector, and will be determined at the preconstruction meeting.
4. Temporary protection devices must be installed per the approved Forest Conservation Plan, Exemption Plan, or Tree Save Plan and prior to any land disturbance. The Forest Conservation Inspector, in coordination with the DPS Sediment Control Inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan.
 5. Tree protection fencing must be installed and maintained by the property owner for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. All construction activity within protected tree and forest areas is prohibited. This includes the following activities:
 - a. Parking or driving equipment, machinery, or vehicles of any type.
 - b. Storage of any construction materials, equipment, stockpiling, fill, debris, etc.
 - c. Dumping of any chemicals (i.e., paint thinner), mortar or concrete remainder, trash, garbage, or debris of any kind.
 - d. Felling of trees into a protected area.
 - e. Trenching or grading for utilities, irrigation, drainage, etc.
 6. Forest and tree protection signs must be installed as required by the Forest Conservation Inspector. The signs must be waterproof and wording provided in both English and Spanish.

During Construction

7. Periodic inspections will be made by the Forest Conservation Inspector. Corrections and repairs to all tree protection devices must be completed within the timeframe given by the Inspector.
8. The property owner must immediately notify the Forest Conservation Inspector of any damage to trees, forests, understory, ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions, and the relative timeframes to restore these areas, will be determined by the Forest Conservation Inspector.

Post-Construction

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

Page 2 of 3

February 2017

- f. Wound repair
 - g. Clean up of retention areas, including trash removal
10. After the final inspection and completion of all corrective measures the Forest Conservation Inspector will request all temporary tree and forest protection devices be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both DPS and the Forest Conservation Inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.
 11. Long-term protection measures, including permanent signage, must be installed per the approved plan. Installation will occur at the appropriate time during the construction project. Refer to the approved plan drawing for the long-term protection measures to be installed.

Page 3 of 3

February 2017

INSPECTIONS

All field inspections must be requested by the applicant.

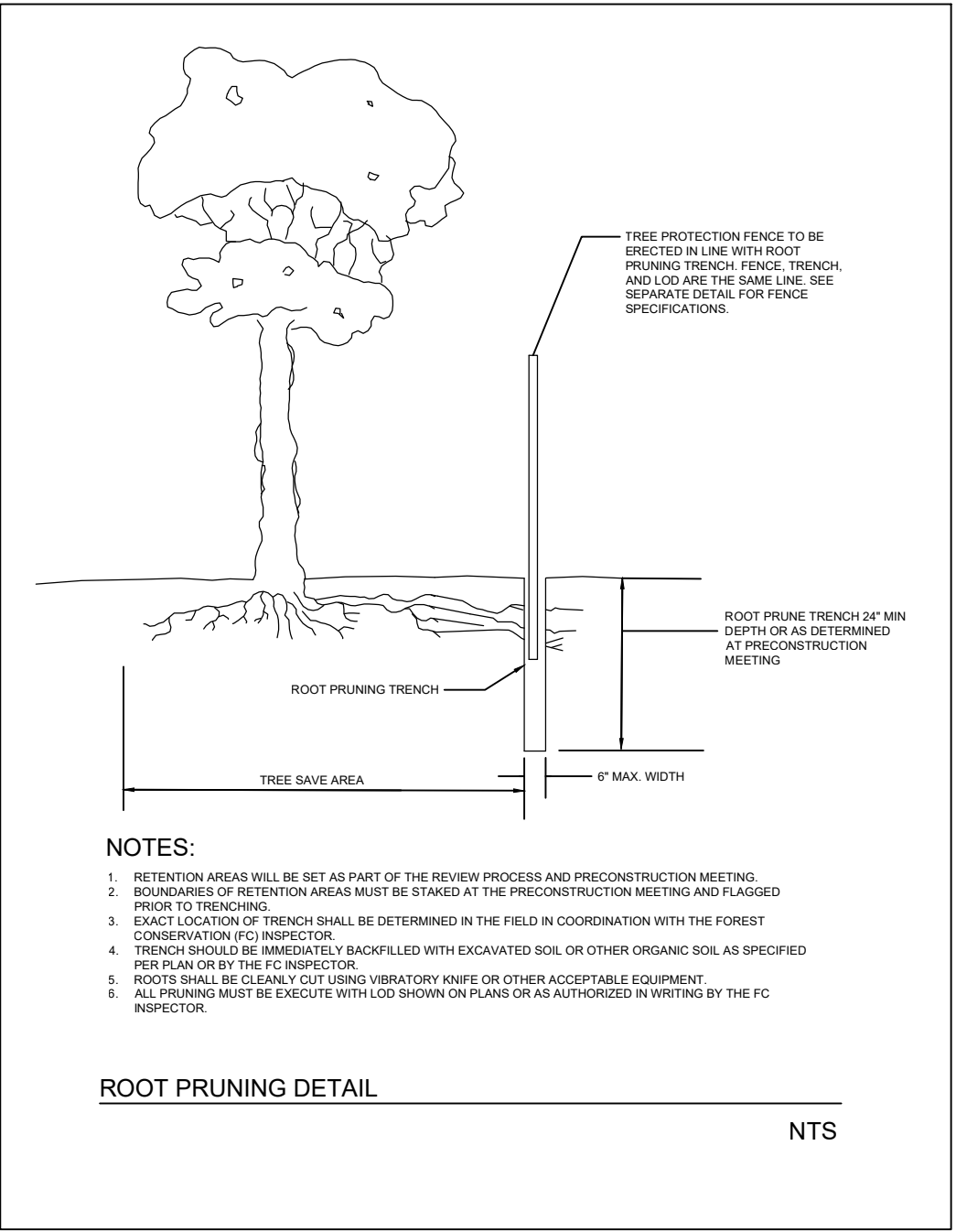
Field Inspections must be conducted as follows:

Plans without Planting Requirements

1. After the limits of disturbance have been staked and flagged, but before any clearing or grading begins.
2. After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begin and before release of the building permit.
3. After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation.

Additional Requirements for Plans with Planting Requirements

4. Before the start of any required reforestation and afforestation planting.
5. After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start the maintenance period.
6. 2 years after reforestation and afforestation have been completed, to determine survival and assess necessary maintenance activities for the remaining duration of the maintenance and management period.
7. At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.



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Land Surveyors

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Phone: 301.670.0840
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FRANK C. JOHNSON
10/12/2022

DATE
RECOGNIZED AS QUALIFIED PROFESSIONAL BY
MD DEPT. OF NATURAL RESOURCES
COMAR 08.19.06.01

Qualified Professional Certification
I hereby certify that the information shown hereon is correct and that this plan has been prepared in accordance with the requirements of the existing state and county forest conservation legislation.

WHITE OAK STORAGE OWNER LLC
1055 THOMAS JEFFERSON ST. NW
SUITE 250
WASHINGTON, DC 20007
443-845-6981

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP J0561 WSSC 214NE01 & 02

PLAT 8280

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND


PART OF PARCEL E
WHITE OAK STORAGE

PROJ. MGR	DM
DRAWN BY	FCJ
SCALE	NTS
DATE	06.28.2022

PRELIMINARY FOREST
CONSERVATION PLAN
LMA NO H147

L8.02

PROJECT NO.	00.148.41
SHEET NO.	2 OF 2



FOR UTILITY LOCATIONS
CONTACT "ONE CALL" AT 811
AT LEAST 48 HOURS
PRIOR TO CONSTRUCTION



Civil Engineers
Land Planners
Land Surveyors
Landscape Architects

9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
(301) 670-0840
www.mhgpa.com

November 29, 2022

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

RE: White Oak Self Storage
Conditional Use Case No. CU202302
Local Map Amendment Case No. H146
LATR Exemption Statement
MHG Project No. 2000.148.41

Mr. Matthew Folden,

Please accept this memo as an Exemption Statement for the subject development, as required by the 2020-2024 Growth and infrastructure Policy and the 2022 Local Area Transportation Review (LATR) Guidelines. The site is located at 11105 New Hampshire Avenue in Silver Spring and is currently developed with an existing 115,200 square foot, 3-story self-storage building, which is to remain. The site is in the White Oak Transportation Policy Area.

The new development includes construction of a 116,000 square foot (gross floor area), 5-story self-storage building with a 12,150 square foot cellar as well as a 3,600 square foot (gross floor area) cantilevered third-story addition to the front of the existing 115,200 square foot, 3-story self-storage building. Minor site improvements at the existing and proposed buildings will also be implemented.

Our office conducted a trip generation study using the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition) in conjunction with Appendix Tables 1a and 1b of the 2022 LATR Guidelines. As shown in the attached Exhibit, the new building will generate a maximum of 16 AM peak hour and 26 PM peak hour person trips. For additional reference, we also conducted a trip generation study on the existing building and determined it currently generates a maximum of 15 AM peak hour and 24 PM peak hour person trips.

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

Please let us know if you have any questions or need additional information.

Sincerely,

Dylan Macro, CDT



9220 Wightman Road, Suite 120

Montgomery Village, MD 20886

Phone: (301) 670-0840 Fax: (301) 948-0693

**Trip Generation Data
White Oak Self Storage**

Existing Facility

ITE Trip Generation Data

ITE Trip Generation Manual, 11th Edition

Industrial Mini-Warehouse (ITE-151, 1000 SF GFA)

1,000 SF GFA 115.20

Morning Peak Rate 0.09

Morning Distribution (In) 59%

Morning Distribution (Out) 41%

Afternoon Peak Rate 0.15

Afternoon Distribution (In) 47%

Afternoon Distribution (Out) 53%

LATR Data

White Oak

Adjustment Factor 88%

Mode Split

Auto Driver 66.9%

Auto Passenger 23.9%

Transit 3.4%

Non-Motorized 5.8%

	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
ITE Trips	6	4	10	8	9	17
Adjusted Trips	5	4	9	7	8	15
Person Trips			14			23
Transit Trips			1			1
Non-Motorized Trips			1			2



9220 Wightman Road, Suite 120

Montgomery Village, MD 20886

Phone: (301) 670-0840 Fax: (301) 948-0693

Trip Generation Data
White Oak Self Storage

New Facility and 3rd-Story Addition to Existing Facility

ITE Trip Generation Data

ITE Trip Generation Manual, 11th Edition

Industrial Mini-Warehouse (ITE-151, 1000 SF GFA)

1,000 SF GFA 131.75 (includes cellar space)

Morning Peak Rate 0.09

Morning Distribution (In) 59%

Morning Distribution (Out) 41%

Afternoon Peak Rate 0.15

Afternoon Distribution (In) 47%

Afternoon Distribution (Out) 53%

LATR Data

White Oak

Adjustment Factor 88%

Mode Split

Auto Driver 66.9%

Auto Passenger 23.9%

Transit 3.4%

Non-Motorized 5.8%

	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
ITE Trips	7	5	12	9	10	20
Adjusted Trips	6	4	10	8	9	17
Person Trips			16			26
Transit Trips			1			1
Non-Motorized Trips			1			2



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

December 9, 2022

Mr. Mark Hollida
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886

Re: Stormwater Management **CONCEPT** Request
for White Oak Self Storage
Preliminary Plan #: N/A
SM File #: 288447
Tract Size/Zone: 2.62 ac./CR-2.5,C,R-1.5,H-200
Total Concept Area: 1.32 ac.
Lots/Block: N/A
Parcel(s): E
Watershed: Paint Branch

Dear Mr. Hollida:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via two Micro-Bio Planter Boxes.

The following **items** will need to be addressed **prior to** Planning Board approval of the Site Plan:

1. **Prior to Planning Board approval of the Site Plan, this stormwater management concept must be formally revised and an approved Site Development Plan (SDP) Approval letter must be issued by DPS. If the Site Plan will be approved in stages, the Site Development Plan revision submittal must specifically refer to the appropriate phase.**
2. Continue to investigate additional means of obtaining full stormwater management compliance.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage.

3. Terminate the existing bioswale easement for DEP Asset # 25281 prior to SC plan approval, and make sure to include DEP during the Pre-Construction meeting.
4. Include the repair and maintenance of DEP Asset # 13121 per the report dated 3/17/2020 in the final engineering plans.
5. At final design, submit computations to support that DEP Asset # 13121 provides the level of management for which it was approved.
6. Demonstrate non-erosive velocity in proposed on-site channels.
7. Show acceptable access to all SWM facilities for maintenance and inspection.

Attachment E

Mr. Mark Hollida
December 9, 2022
Page 2 of 2

8. At final engineering, provide a final safe conveyance study for impacts to existing FDA SD which includes the pre- and post- development Q10 computations with DAM, pipe comps, and profiles to show 10-year HGL.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **will be required** if full compliance cannot be met.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Elvina Newton Tryer at 240-777-6342 or at elvina.newtontryer@montgomerycountymd.gov.

Sincerely,

Mark Etheridge
Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: ent

cc: Neil Braunstein
SM File # 288447

ESD: Required/Provided 6,969 cf / 4,856 cf
PE: Target/Achieved: 1.94"/1.35"
STRUCTURAL: N/A cf
WAIVED: N/A ac.

DRC Date: 09/27/2022

CU202302/H146-White Oak Storage

MCDOT Reviewer: Deepak Somarajan

MNCPPC Reviewer: Parker Smith

deepak.somarajan@montgomerycountymd.gov

240-777-2194

In an effort to improve our responsiveness and streamline development reviews, we will not be preparing a formal letter for this Plan. These comments reflect MCDOT's official comments on this Plan.

Significant Comments:

1. New Hampshire Avenue (MD-650):
 - Per the White Oak Science Gateway Master Plan; this roadway is classified as a major highway with planned BRT; a proposed right-of-way of 130-ft., six (6) lanes divided with a transit lane.
 - Per the Countywide Transitway Master Plan: Dedicated Bus Rapid Transit (BRT) Lane with a minimum 130-ft of right-of-way. We recommend that the applicant coordinate with Mr. Corey Pitts of our Transportation Engineering Section at 240-777-7217 or at corey.pitts@montgomerycountymd.gov regarding the BRT.
 - Bicycle master Plan: Separated bike lanes.
 - Dimension the right-of-way and the applicant may have to dedicate to comply with the Master Plan. May need additional right-of-way.
 - Provide a roadway cross section.
2. Per Figure 2 "White Oak Center Illustrative Concept" of the White Oak Science Gateway Master Plan proposes a Connection to FDA from Lockwood Drive. The proposed building would impact the proposed connection shown in the master plan. The applicant shall comply with the master plan.
3. Access and improvements along New Hampshire Avenue (MD-650) as required by the Maryland State Highway Administration (MDSHA).
4. If a Preliminary Plan is required, pay the Montgomery County Department of Transportation plan review fee in accordance with Montgomery County Council Resolution 16-405 and Executive Regulation 28-06AM ("Schedule of Fees for Transportation-related Reviews of Subdivision Plans and Documents").
5. We defer to MDSHA for sight distance approval for the access from Colesville Road (MD-29).
6. Storm Drain Analysis:

- Submit a storm drain study for the portion of the subject site draining to the Montgomery County public storm drain system.
- MDSHA approval required for the portion of the site draining to the public storm drain system maintained by MDSHA.

IN THE MATTER OF:
WHITE OAK STORAGE OWNER, LLC
Applicant

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For the Applicant

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Before: Kathleen Byrne, Hearing Examiner

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I. STATEMENT OF THE CASE

White Oak Self Storage (Applicant or White Oak) filed two applications on September 15, 2022. The first, LMA Application No. H-147, seeks to rezone approximately 2.62 acres of property from the CR-2.5, C-1.5, R-1.5, H-200 (Commercial Residential) to CRTF 2.25, C-2.25, R-1.5, H-200’ (Commercial Residential Town Floating). Exhibit 1. The second, CU23-02 seeks conditional use approval to operate a self-storage facility. *Id.* The Hearing Examiner issued a separate Report and Recommendation recommending approval of the rezoning application. *See LMA H-147 Hearing Examiner Report and Recommendation dated February 23, 2023.* The subject property is located at 11105 New Hampshire Avenue, Silver Spring, MD 20904 as part of Lot E in the “White Oak” subdivision recorded as Plat No. 8280 (Tax Account No. 05-00276584). *Id.*

Notice of the public hearing was mailed and posted on OZAH’s website on December 13, 2022. Exhibit 24. The notice established a hearing date of January 13, 2023. The Applicant submitted an amended application on December 5, 2022 and revised plans on November 1, 2022. Exhibits 18-23.

Staff of the Montgomery County Planning Department (Planning Staff or Staff) issued a report recommending approval of the conditional use application on December 2, 2022, subject to the following conditions of approval (Exhibit 31, pg. 6):

1. Applicant must receive approval for their Local Map Amendment H-147 from County Council prior to approval of the conditional use for a self-storage facility on the property.
2. This self-storage facility is limited to a total of 234,800 square feet of self-storage development, contained in one self-storage building of 118,800 square feet at the west of the Site and one self-storage building of 116,000 square feet at the east of the Site.

3. The Applicant must pay a fee-in-lieu for the construction of the bicycle facilities along the Property's New Hampshire Avenue frontage, which may be a part of the Project's payment into the White Oak Local Area Transportation Improvement Program (LATIP).
4. At time of sketch and site plan, the Applicant must provide a cross section of the proposed bicycle and pedestrian facilities along New Hampshire Avenue.
5. Applicant must provide a minimum of 12 parking spaces and 5 loading spaces on site.

At its meeting on January 5, 2023, the Planning Board agreed with Staff's recommendations, but expressed concerns regarding the compatibility of the new structure at the rear of the property with the apartments to the east of the subject property. Exhibit 31. Because of those concerns, the Planning Board amended the Staff's recommended conditions as follows:

1. Applicant must receive approval for their Local Map Amendment H-147 from County Council prior to approval of the conditional use for a self-storage facility on the property.
2. This self-storage facility is limited to a total of 234,800 square feet of self-storage development, contained in one self-storage building of 118,800 square feet at the west of the Site and one self-storage building of 116,000 square feet at the east of the Site.
3. The Applicant must pay a fee-in-lieu for the construction of the bicycle facilities along the Property's New Hampshire Avenue frontage, which may be a part of the Project's payment into the White Oak Local Area Transportation Improvement Program (LATIP).
4. At time of sketch and site plan, the Applicant must provide a cross section of the proposed bicycle and pedestrian facilities along New Hampshire Avenue.
 - a. Cross section of the proposed bicycle and pedestrian facilities along New Hampshire Ave.
 - b. Cross section of the master-planned trail connection and landscaping along the eastern (rear) edge of the Subject Property.
5. Applicant must provide a minimum of 12 parking spaces and 5 loading spaces on site.
6. The maximum building height on the Subject Property is limited to 55 feet (as measured per Section 4.1.7.C).

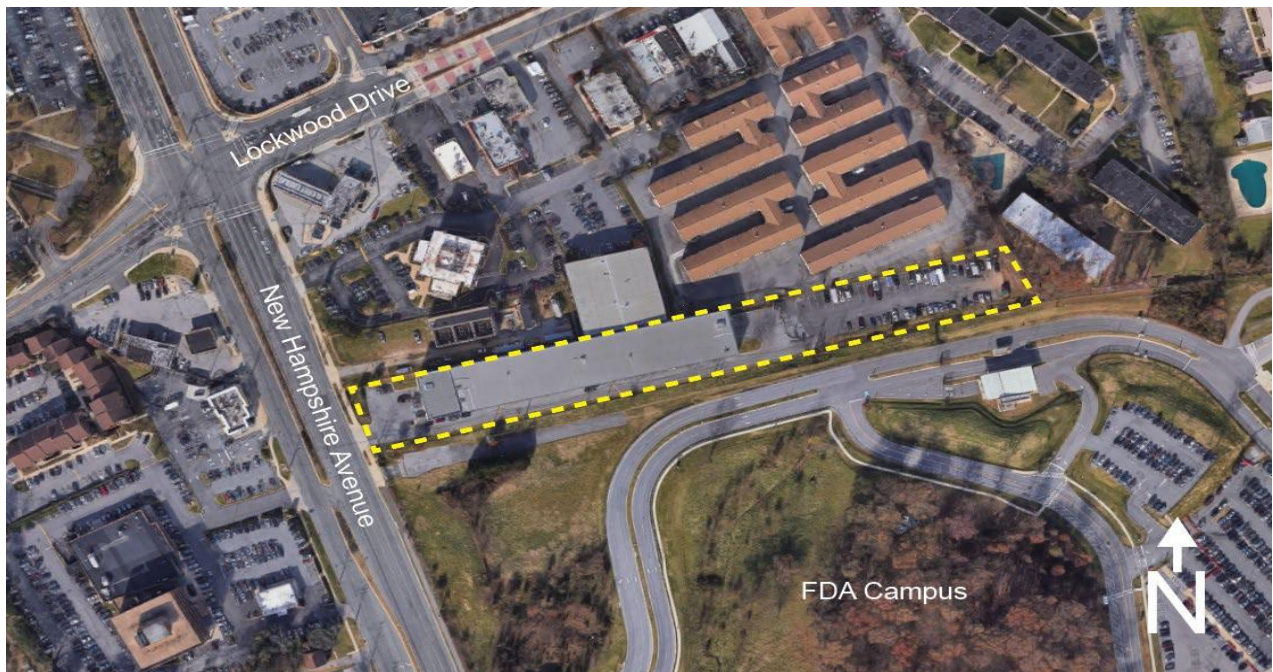
Exhibit 31. The Planning Board unanimously voted to approve CU23-02.

The public hearing proceeded as scheduled on January 13, 2023. The Applicant presented three witnesses, one representing a principal of the Applicant and two expert witnesses. No additional witnesses appeared in either support or opposition of the Application. 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 the record closed on January 24, 2023.

II. FACTUAL BACKGROUND

A. Subject Property

The subject property contains approximately 114,234 square feet of land and is bounded by New Hampshire Avenue to the west, existing commercial and self-storage uses to the north, the FDA campus to the south, and garden apartments to the east. The Property is long and narrow. Exhibit 31, pgs. 7-8 An aerial photograph of the property is shown below. *Id.* at 8



Staff Report – Exhibit 31. Figure 3

Today, the lot is developed with a 115,200 square foot self-storage building with associated surface parking. Exhibit 31, pg. 10. A driveway from New Hampshire provides access to the site and access to an additional vehicle storage parking area in the rear of the lot.

White Oak's expert in civil engineering, Mr. Patrick La Vay, testified that the property is approximately 400 feet south of Lockwood Drive fronting New Hampshire Avenue and measures 1,000 feet from east to west and 100 feet from north to south. There are no natural resources of significance. T. 26-27. Staff confirmed the lot is narrow and contains no forest, wetlands, streams or floodplains. Exhibit 31, pgs. 10-11.



Staff Report - Exhibit 31; Figure 7
Existing Condition – Front



Staff Report – Exhibit 31; Figure 5
Existing Conditions - Rear

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 boundaries as follows, “Columbia Pike to the north and Oak Leaf Drive to the west [and] [t]o the south, the neighborhood terminates where the commercial uses on either side of New Hampshire Avenue terminate, and to the east the

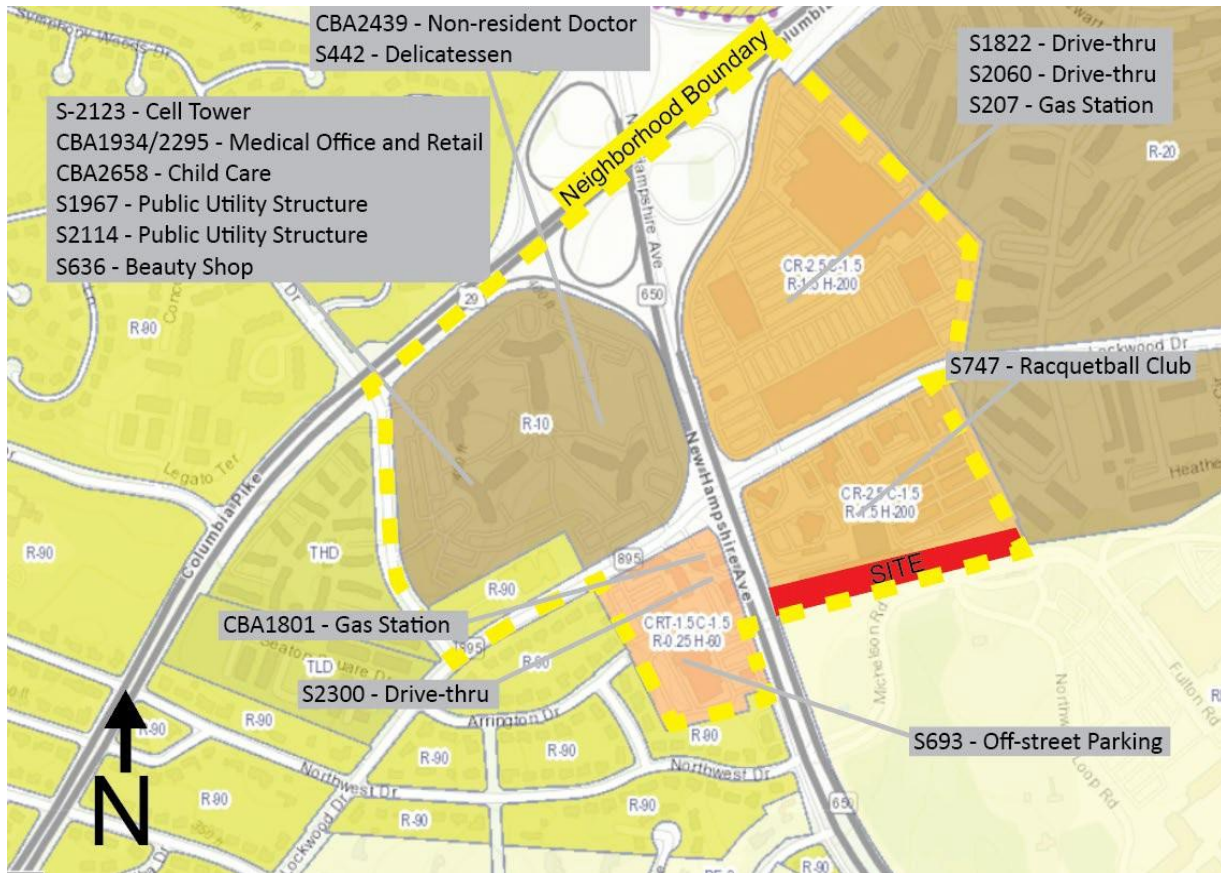
neighborhood terminates east of the White Oak Shopping Center and where the commercial uses south of Lockwood Drive transition to multi-family residential.” *Id.* at 8.

A figure from the Staff Report identifying the “Neighborhood”, is shown below. *Id.* at 7.



Staff Report – Exhibit 31, Figure 1

Staff described the status of the area as a “commercial node” *Id.* The defined neighborhood contains several existing approved conditional uses, some in residential properties including medical practices, childcare, telecommunications towers on an apartment building, and others in commercial properties such as drive-thru restaurants. *Id.* at 7-8. The property abuts commercial and self-storage uses to the north, FDA campus to the south and garden apartments to the west. *Id.* at 9. A map showing existing neighborhood conditional uses and special exceptions is shown on the following page.



Staff Report – Exhibit 31, Figure 2

Based on the record, the Hearing Examiner agrees with Staff that the neighborhood is a “commercial node” located near a bustling intersection. It is undisputed that Property’s current and proposed use are the same. In addition, the Property abuts existing commercial uses of similar type and intensity.

C. Proposed Use

The Applicant plans to continue the current self-storage use. The Applicant proposes substantial façade improvements to the existing building with a third-floor cantilevered building addition that will bring the building up to the street and visually conceal the parking. Exhibit

18(b), pg. 4. This building will be re-skinned to have a more modern aesthetic that will improve the building's presence as viewed from the street. *Id.* In addition, the Applicant proposes to construct a new five-story building plus a partial cellar at the rear of the Property, where the large surface parking lot exists today. *Id.*

Mr. Steve Craitin testified on behalf of the owner, Arcland. T. 12. Based in Washington, DC, Arcland develops, acquires and manages self-storage facilities in the Metro area. T. 13. Arcland acquired this property in 2021 as part of an 8-store acquisition in a joint venture with ASB, a large investment management firm. *Id.* Since 2018, prior to purchase, Arcland served as the property manager. *Id.* Since 2009, Arcland specialized in self-storage facilities in the Metro area, owns 40 facilities and is the 3rd party management for an additional 25 facilities. *Id.* Mr. Craitin testified that during the COVID pandemic the industry in general saw a surge in demand. T. 14. Based on Arcland's research, he believes there is a shortage of self-storage supply in this area. T. 14.

1. Site Plan & Floor Plans

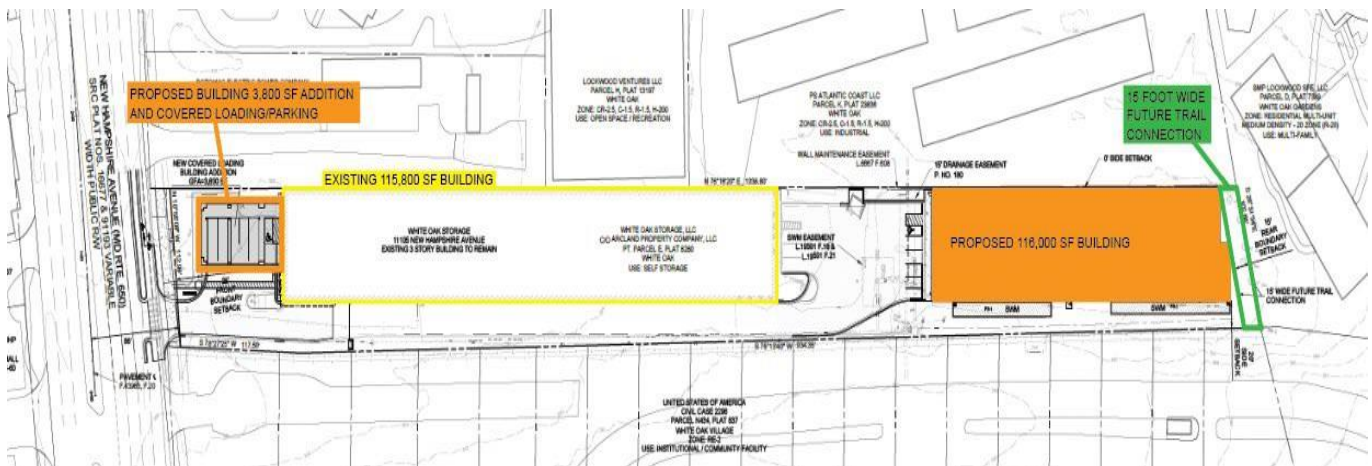
Mr. La Vay, the Applicant's engineer, presented the conditional use site plan. He explained the project in two parts – the existing building and the new building construction. The renovations to the existing building facing New Hampshire Avenue include streetscape enhancements, with new landscaping, and substantial façade improvements including a 3rd floor cantilevered addition above a parking and loading area. T. 33-34. The construction of a new 5 story self-storage building, with a partial cellar will sit on land that is recessed down at the rear of the property that currently is used for vehicle storage. T. 34-35. Mr. La Vay opined that the development standards under the CRFT are very flexible. T. 45. Access to the site will remain on New Hampshire Avenue and the proposed access point meets Maryland State Highway

Administration standards. T. 35-36. The Planning Board approved the forest conservation plan.

T. 36. The Department of Permitting services approved the stormwater management concept plans, and there are no open space requirements because the tract is less than 3 acres. T. 36, 46.

Exhibit 15(a) through 15(r) provide detailed floor plans and elevations describing locations of individual storage units and access in both buildings.

Staff determined the project provides a significant opportunity to refresh and modernize the existing self-storage building. Exhibit 31, pg. 19. In addition, Staff found the revised building architecture utilizes “unique geometry to add interest and depth to the existing façade” and updates to the ground floor doors and windows will create a more urban and “inviting expression with ample ground floor transparency.” *Id.* at 21. The new construction at the rear of the lot will not be readily visible from the street but “has been designed to blend seamlessly with the refreshed overall building architecture” and these design elements along with landscaping will “provide a compatible transition to the surrounding properties.” *Id.* at 23.



Staff Report – Exhibit 31; Figure 6:
Site Plan

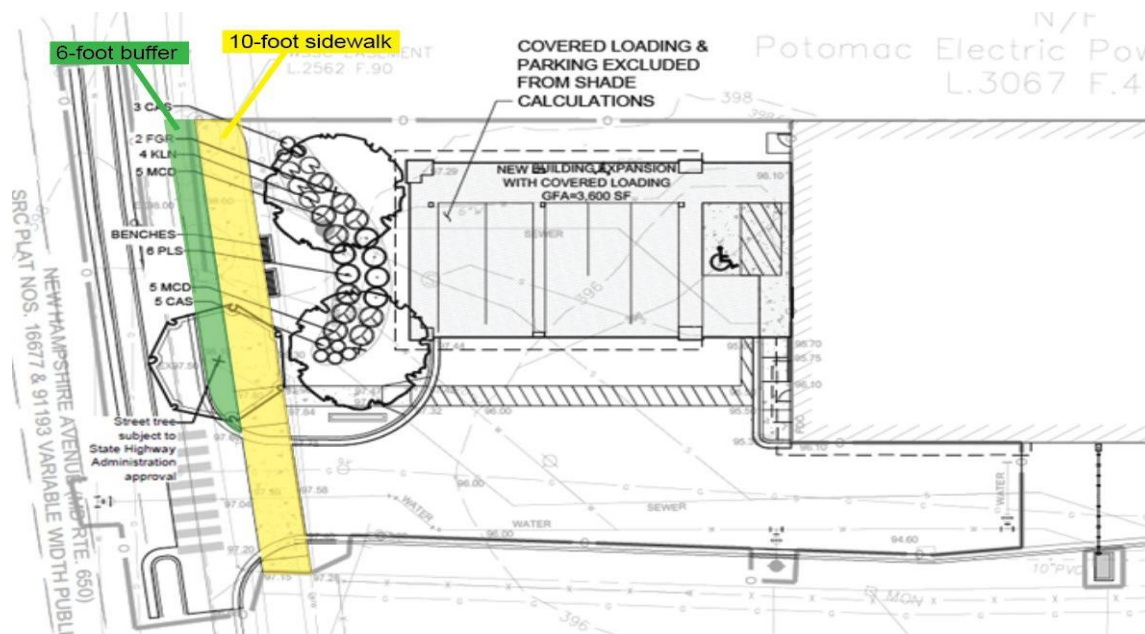


Staff Report – Exhibit 31; Figure 8
Proposed Renovation – Front, East

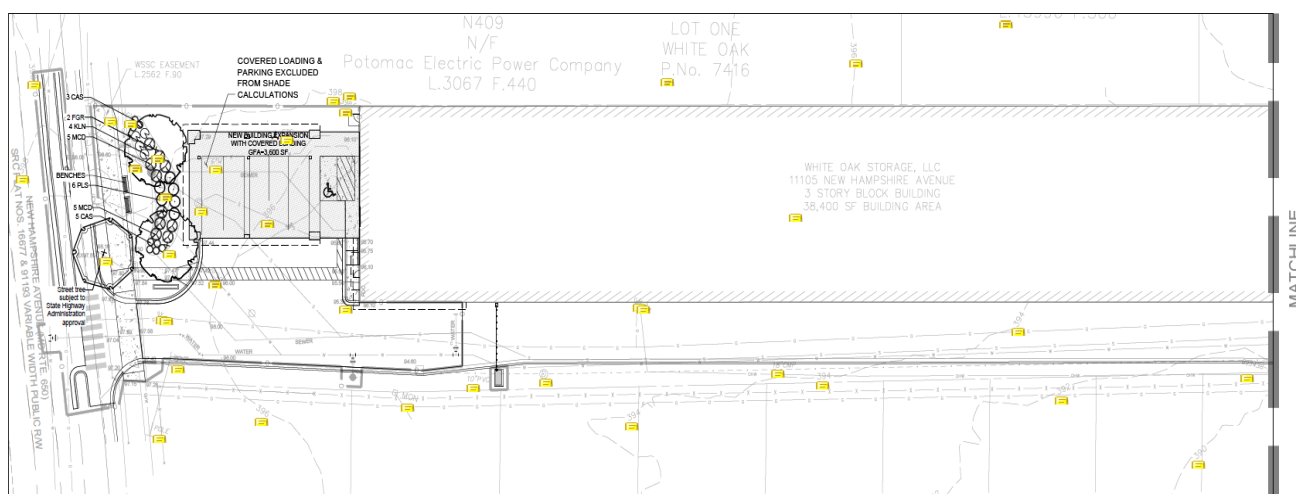
2. Landscaping, Lighting, Parking and Signage

a. Landscaping

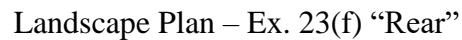
Mr. La Vay testified to Exhibit 23(f), the Applicant’s landscape plan. Mr. La Vay found the 5% requirement for internal islands and the 25% shading of the parking lot are both met by the landscape plan. T. 53. Additional changes to the streetscape include benches and landscaping elements. Exhibit 31, pg. 22. The Applicant is providing a ten-foot wide sidewalk with a 6-foot landscape buffer between the New Hampshire Avenue curb and sidewalk. *Id.* at 24. *See* streetscape landscape plan from the Staff Report and the Applicant’s landscape plan on the following pages.



Staff Report – Exhibit 31; Figure 16
Streetscape Landscape Plan



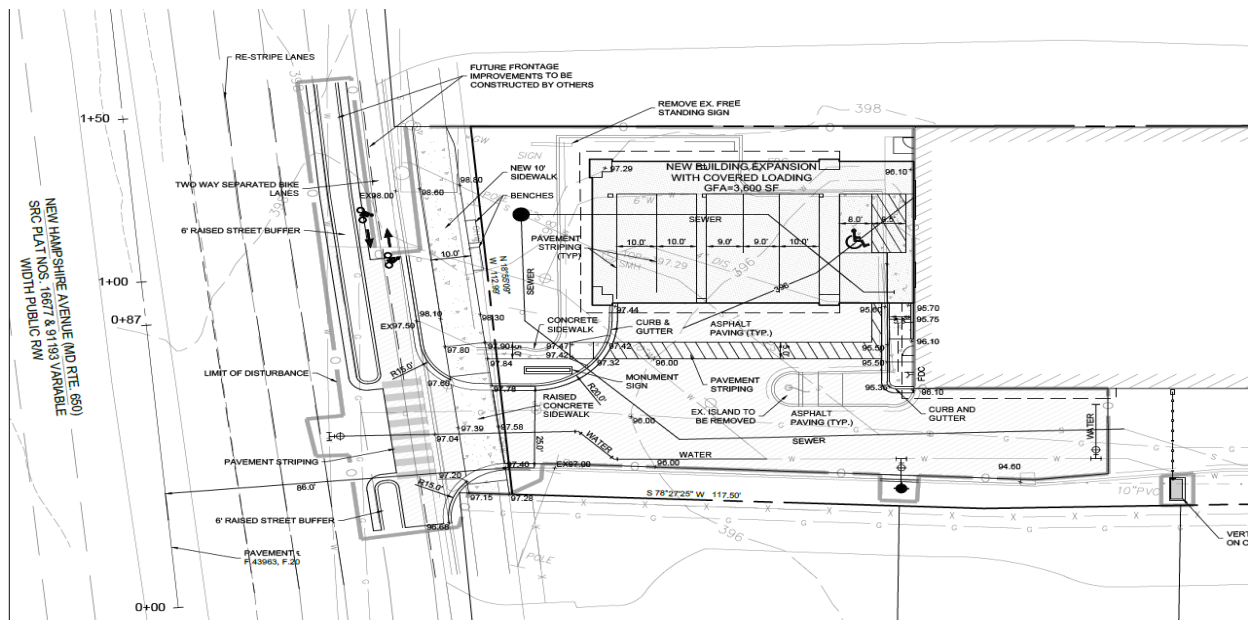
Landscape Plan – Ex. 23 (f) “Front”



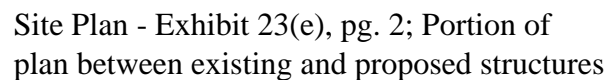
Ms. Brown, the Applicant's architectural expert, testified that the site would be lit primarily from building mounted wall packs with new full cutoff wall packs incorporated into the new building and updated on the existing building. T. 77. Ms. Brown opined that the proposed lighting is in line with today's standards for mitigation of light trespass and dark sky compliance and the surrounding neighborhood will not suffer any adverse effects from the lighting. T. 78.

The Applicant seeks a parking waiver for 13 spaces pursuant to Section 59.6.2.1. of the Zoning Code. T. 46-47. The Zoning Ordinance requires 22 parking spaces and 3 loading spaces for a total of 25 spaces. T. 48. The Applicant is proposing 12 parking and 5 loading spaces and asserts that a total of 17 spaces meets the intent of the ordinance and provides enough parking and loading for operations because in the self-storage business “parking and loading” are viewed as one in the same. *Id.* The Applicant also points out that there are roll-up doors along the south

The 12 parking spaces are spread between two parking areas with 6 spaces located in an open parking area at the front of the property and an additional 6 spaces between the existing self-storage building and the new building to the rear of the property. Exhibit 31, pg. 24. The Staff Report states that the anticipated “dual-use” of the spaces means that almost all of the spaces have been sized to meet loading design standards. *Id.* at 32. As a result, of this loading sizing based on anticipated use, Staff found fewer spaces can be provided based on-site constraints. *Id.* See portions of revised site plan identifying parking below and on next page.

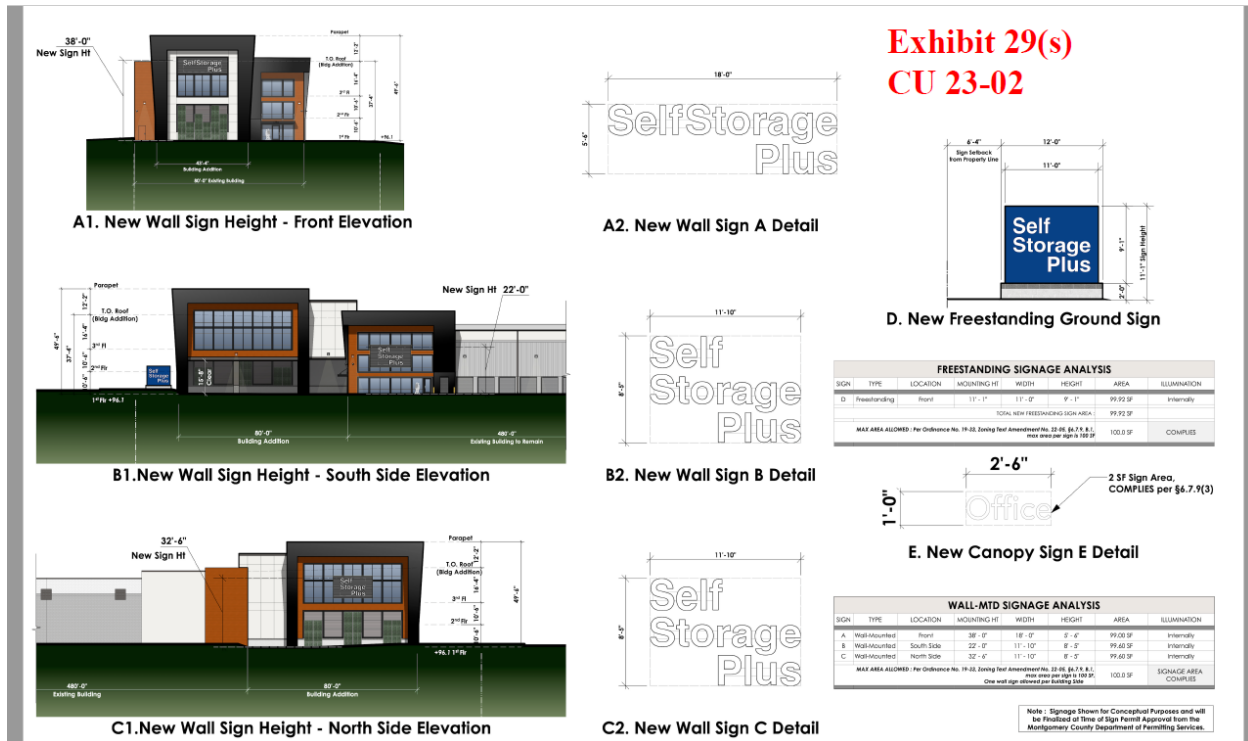


Site Plan - Exhibit 23(e), pg. 2; Portion of
plan fronting New Hampshire Ave.



The existing property has a 25-foot-tall pole mounted sign and a building mounted signs on the west and north sides. T. 78. Ms. Brown testified that the pole mounted sign will be replaced with an internally lit monument sign. She opined the new signs will be more “pleasing” and “appropriated sized” providing identification for both vehicles or pedestrian users immediately accessing and turning into the property. *Id.* The new wall mounted signs will also be internally lit and located on the north and south facades to provide vehicular wayfinding. *Id.*

Ms. Brown opined that the proposed signage is compatible with the surrounding neighborhood and necessary for wayfinding. *Id.*



Signage - Exhibit 29(s)

3. Operations

a. Staffing & Operations

The Applicant’s affiliated management company, Self-Storage Plus currently manages the existing storage facility. Exhibit 18(b), pg. 9. Upon completion of the proposed project, the existing contractual relationship between the Applicant and affiliated management company will be extended to cover the expanded property. *Id.* The facility will be staffed with professionals to oversee operations. The anticipated business office hours will be Monday through Friday 9:30 am to 6:30 pm, Saturday 9:00 am to 5:00 pm and Sunday 10 am to 4 pm. *Id.* The facility will

have a maximum of four (4) employees on site at any one time with one office employee and one resident manager for each of the two buildings. Exhibit 31, pg. 17. Controlled access to the building via keypad protected automatic doors and security gates provide access to existing customers 365 days per year between the hours of 6 am and 10 pm. In addition to the keypad entry, the site will have additional security in the form of perimeter fencing and security cameras. Exhibit 18(b) pg. 9.

b. Trash Disposal

Mr. La Vay testified that the dumpster on site is not allowed to be used by customers and the use itself produces very little trash. T. 52. The location of the dumpster will remain the same, halfway between the existing building and the new rear building upon completion and backs to an existing self-storage facility on the adjacent property and will be surrounded by an enclosure. *Id.*

D. Environmental Issues

Staff found that the site is currently developed with a storage facility and associated asphalt surface parking lots with no forest, streams or large specimen trees on site. Exhibit 31, pg. 37. Staff also found that while there is no forest on the property, the applicant must meet the forest conservation requirements through an off-site mitigation bank or fee-in-lieu payment if no banks are available. In addition, Staff determined the forest conservation plan as submitted complies with Chapter 22A. *Id.*

E. Community Response

No community members appeared at the hearing either in support or opposition of the application. Staff determined the Applicant met signate and notice requirements for the

submitted Application. Staff received no correspondence about the subject Application. Exhibit 31, pg. 37.

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.¹ 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;

¹ 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.

Conclusion: The property is not subject to any previous approvals and will comply with the requirements of the Floating Zone Plan submitted simultaneous with the Conditional Use Application (Exhibit 31, pg. 31). 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 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.

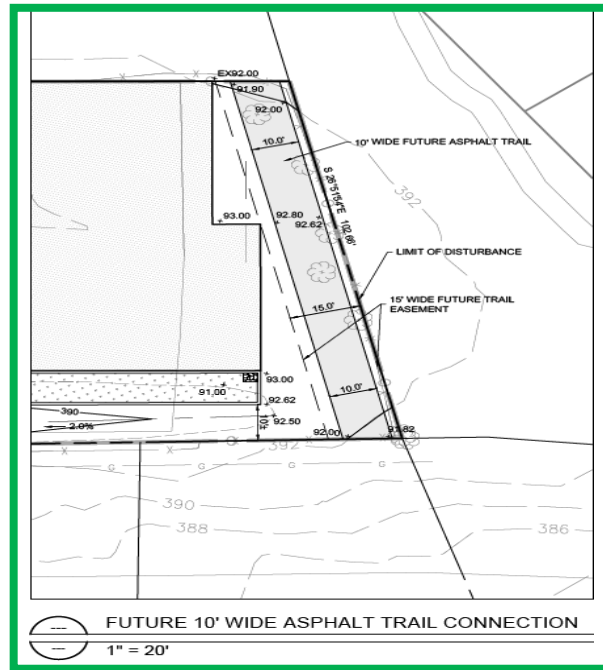
1. Substantial Conformance with the Master Plan

c. substantially conforms with the recommendations of the applicable master plan;

The Property is located within the boundary of the 2014 White Oak Science Gateway Master Plan and overall, the Application is in conformance with the Plan. Exhibit 31, pg. 31. The Master Plan calls for “reimagining existing centers – and provided a framework for reinvestment.” *Id.* at 17, *citing*, Master Plan pg. 11. The Plan also envisioned the major centers in White Oak evolving into vibrant, mixed-use, transit-served nodes, and redevelopment that was carefully integrated with existing residential neighborhoods. *Id.*

Staff found the project promotes the Plan’s “desired” reinvestment in the Property through physical appearance and streetscape improvements. Exhibit 31, pg. 31. Staff concluded that streetscape improvements will enhance the pedestrian network and the proposed path at the rear of the property will be part of the through-connection envisioned in the Master Plan. Staff

also determined that the Project promotes the Plan's environmental objectives through the creation of a rain garden along New Hampshire Avenue, onsite stormwater management and the installation of solar panels and cool roofs. *Id.* See rear trail in image below.



Staff Report – Exhibit 31 pg. 16
Fig. 11 - Future Trail Connection

Conclusion: Based on this record, the Hearing Examiner agrees that the self-storage facility will substantially conform to the recommendations of the Master Plan. The project provides reinvestment in the physical structures and streetscape. It also puts in place a path as a “through-connection” envisioned by the Plan. The project accomplishes the Plan’s environmental goals. The Hearing Examiner agrees with Mr. La Vay that the redevelopment will create a more urban front along the street in furtherance of the Master Plan’s goals. T. 39.

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;

The property is located within the commercial center of White Oak. Exhibit 31, pg. 34. The property does abut a RE-2 zoned multi-family residential use, but also adjacent in that RE-2 zone is the U.S. Food and Drug Administration, an institutional use. *Id.* Staff determined that continuation of the self-storage use will not affect the surrounding area adversely or alter the existing nature of the surrounding area which is commercial. *Id.* The large number of existing conditional uses and special exceptions within the vicinity of the Property all fit within the commercial nature of the neighborhood and the continuation of the existing use will not change the Property's relationship with the neighborhood. *Id.*

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 use self-storage use will continue. She has already found that the project conforms to the Master Plan. The buildings design, setbacks and landscaping at the front and dedication of land to the rear meet the Plan's goals of creating a more urban streetscape. Reinvestment in the Property improves the site's relationship to the adjacent uses. 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 not change, 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 31, pg. 35. Fire and rescue reviewed the application and determined the Property contains appropriate access for fire and rescue vehicles. *Id.* Police and health care facilities will be sufficient to serve the Property after completion of construction. Montgomery County DPS, Water Resources approved the stormwater management concept. *Id.* Staff also found the property is not subject to a water quality plan or floodplain requirements and that Chapter 19 for stormwater management are satisfied. *Id.*

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. 64. In additional support, the Applicant provided information that the number of trips generated during peak hours would be less than 50 and also pointed out that the property is located in the White Oak Policy area to assert that the project is exempt from the LATR. Exhibit 36. Mr. La Vay also determined that there is adequate water, sewer, electric, gas and that there are no “noted deficiencies in police, fire, accidents, healthcare

facilities to serve the property as well.” T.64. Mr. La Vay further opined that since this is not a residential project it will not have an impact on schools. T. 60.

Conclusion: The Hearing Examiner agrees with the findings in the Staff Report and finds the evidence provided and testimony of 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.*

Conclusion: 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 following physical and operational characteristics are inherent to a self-storage facility (Exhibit 31, p.37):

- Physical buildings and structures;
- Parking and loading facilities; and
- Traffic to and from the site by staff and patrons.

The Hearing Examiner agrees with Staff’s list of inherent adverse characteristic of this use.

Staff determined that the proposed conditional use will not result in adverse effects over and above the Report’s identified inherent impacts. *Id.* Mr. La Vay determined that the impacts of physical buildings and structures both existing and new are mitigated by the following factors:

1) significant enhancement to the existing building 2) overall the design of the new building to minimized visibility from the street, 3) new design is compatible with the surrounding neighborhood and 4) the new construction is well setback from the property line. T. 55.

Regarding the parking and loading facilities, Mr. La Vay further found that the impacts were mitigated by the cantilever addition design to the existing building which will hide parking visibility from the street and the additional parking in the rear of the property is blocked from view by either the new building itself or the extensive landscaping along the side. T. 56. Mr. La Vay referred to the statements made in Exhibit 36 and affirmed that the project will result in less than 15 peak hour person trips a day and will have a “negligible impact on the surrounding infrastructure.” T. 56. The Hearing Examiner agrees with Staff and the expert testimony presented by the witnesses that the project does not result in undue adverse effects requiring denial of this application.

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”. Staff did not identify any non-inherent adverse impacts

from the proposed use or site. The Hearing Officer agrees with Staff that there are no non-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.²

Staff found that the project was compatible with the neighborhood (Section 59.7.3.1.E.1.2) because (*Id.* at 26) because:

The Project will continue to operate as a self-storage facility and the expanded use and accompanying exterior modifications will remain compatible with the neighborhood’s surrounding commercial uses. The proposed modifications to the Property are designed to enhance and modernize the building’s design and expand the self-storage opportunities available to the White Oak community. The rear of the property, which abuts garden apartments in the R-20 zone, will be screened with an existing six-foot wood fence along the eastern property line. The eastern façade of the building will be further screened with landscaping, and the area between the new building’s eastern façade and eastern property line will be improved with a 15-foot-wide trail easement and a 10-foot-wide trail. This trail connection is envisioned in the Master Plan and will be fully realized when surrounding properties redevelop.

The Applicant’s architect expert, Ms. Brown, found that the surrounding neighborhood is largely commercial and industrial and the expansion of the existing self-storage use serves the community. T. 79. Ms. Brown opined the expansion of the use creates reinvestment in the

² 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.

property elevating the aesthetics of the existing building and the new building in the rear will be more compatible to the residential use because the current vehicular storage will be eliminated.

T. 79. In addition, Ms. Brown determined that the project complies with height and setback requirements of the CRTF zone. T. 76.

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 as being commercial in nature and that the property itself is located within the Commercial Center of White Oak. 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 a number of factors, including (1) the use itself will remain the same, meaning the relationship with the surrounding neighborhood will also remain the same (2) the reinvestment and addition to the existing building creates an "urban street front", (3) termination of the existing vehicular storage at the rear of the property, (4) the overall design and materials chosen on the facade, (5) the building's setback from the rear of the property from the garden apartments, and (6) the dedication of trail space at the rear of the property.

The fact that the underlying use will not change weighs heavily in favor of compatibility. The opportunity for reinvestment in the existing building and exchanging outdoor vehicle storage for indoor storage also lessens the existing use's impact on the neighborhood. The overall design and trail dedication improves the property's relationship with the surrounding properties. 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 31, p.32, shown below) in its report comparing the permitted development standards with those proposed in this application.

Development Standards Table - White Oak Self-Storage	Permitted	Proposed
Maximum Total Density (FAR)	2.5	2.06
Maximum Commercial Density (FAR)	2.25	2.06
Maximum Residential Density (FAR)	1.5	0
Maximum Height	200 ft	60 ft
Minimum Setback - Front Site Boundary	TBD at Site Plan	25 ft
Minimum Setback - Rear Site Boundary	TBD at Site Plan	15 ft
Minimum Setback - Side Site Boundary	TBD at Site Plan	0 ft
Minimum Lot Size	n/a	2.62 acres
Minimum Open Space	0%	n/a
Minimum Public Benefits (to be finalized at sketch plan)	50 points (3 categories)	52 points (3 categories)
Parking Lot Landscaping - Landscaped Area	5% (549 sf)	569 sf
Parking Lot Landscaping - Tree Canopy	25% (2,747 sf)	2,858 sf
Parking Lot Landscaping - Perimeter Planting Width	6 ft	8 ft 6 in
Parking Lot Landscaping - Perimeter Planting Height	3 ft	>3 ft

Staff Report – Exhibit 31, Pg. 32
Development Standards

Conclusion: 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. Mr. Craitin testified he has worked in the self-storage business for more than 15 years and that most self-storage customers place goods in self-storage units for extended periods of time, while a smaller number of customers come and go from the facility for small trips to drop off or pick up items from the facility. T. 16-17. 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.³

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 would be 22.⁴ A minimum of 3 loading spaces must be provided for a self-storage facility with 200,001 to 350,000 sq. ft. of GFA.⁵

The Applicant proposes providing 9 parking spaces, 2 of which will be ADA accessible and 8 loading spaces for a total of 17 spaces. Exhibit 37, pg. 1; T. 48. Because 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 13 space vehicle parking requirement under §59.6.2.4 if the alternative design satisfies §59.6.2.1, “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 considered “one in the same” and in viewing the two types of spaces together, the Applicant is providing 17 of the 25 required total spaces. T. 48. Mr. La Vay also determined that the “roll-up doors” along the southside of the property that front the fire lane provide additional parking. While parking is not permitted in a fire lane, Mr. La Vay asserts those customers

³ 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.

⁴ See *Zoning Ordinance*, §59.6.2.3.A.1 and §59.6.2.3.I.7.a.

⁵ See *Zoning Ordinance*, §59.6.2.8.B.3

accessing the roll-up door units can stop in that area and load and unload, which provides an additional location for customers to place their vehicles other than the designed parking/loading spots. T. 49.

The Staff Report found that almost all the spaces have been sized to meet loading design standards, which while important for the self-storage operations reduces the overall number of spaces that can fit on the long narrow site. Exhibit 31, pg. 32. Staff also found that the proposal removes parking spaces from the portion of the site along New Hampshire Avenue and that this “de-prioritization of auto-oriented spaces” is in line with the goals and objects of the County and its Vision Zero initiative. *Id.*

Conclusion: Based on the record summarized above, the Hearing Examiner finds that the alternative design creating combined total of 17 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 13 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 Staff’s conclusion regarding compliance with the CRTF zone requirements (Exhibit 31, pg. 21) and the undisputed statements of the Applicant’s experts and finds that the Landscape Plan (Exhibits 23 and 23(f)) 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. In addition, per §59.5.3.5.D, §59.4.5.4.B.1 and related tables, no open space is required.

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. With that said, Mr. Brown testified that the wall pack lights will be incorporated into the new building and updated on the existing building and that the standards for mitigation of light trespass and dark sky compliance will be satisfied. T. 77. She also opined that there would be no adverse effects from either exterior or interior lighting. T. 77.

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 White Oak Storage Owner, LLC (CU 23-02) 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 11105 New Hampshire Avenue, as part of Lot E in the "White Oak" subdivision recorded as Plat No. 8280 (Tax Account No. 05-00276584), in Silver Spring, Maryland, is hereby **GRANTED**, subject to the following conditions:

1. Applicant must receive approval for their Local Map Amendment H-147 from County Council prior to approval of the conditional use for a self-storage facility on the property.
2. This self-storage facility is limited to a total of 234,800 square feet of self-storage development, contained in one self-storage building of 118,800 square feet at the west of the Site and one self-storage building of 116,000 square feet at the east of the Site.
3. The Applicant must pay a fee-in-lieu for the construction of the bicycle facilities along the Property's New Hampshire Avenue frontage, which may be a part of the Project's payment into the White Oak Local Area Transportation Improvement Program (LATIP).
4. At time of sketch and site plan, the Applicant must provide a cross section of the proposed bicycle and pedestrian facilities along New Hampshire Avenue.
 - a. Cross section of the proposed bicycle and pedestrian facilities along New Hampshire Ave.
 - b. Cross section of the master-planned trail connection and landscaping along the eastern (rear) edge of the Subject Property.
5. Applicant must provide a minimum of 12 parking spaces and 5 loading spaces on site.
6. The maximum building height on the Subject Property is limited to 55 feet (as measured per Section 4.1.7.C).

Issued this 23 day of February 2023.



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
DURING THE COVID-19 PANDEMIC:**

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, 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

Parker Smith, 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