



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

Staff Report: Site Plan 820100050, EZ Storage Burtonsville Industrial Park

ITEM #: _____

MCPB HEARING DATE: May 13, 2010

REPORT DATE: April 29, 2010

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Robert Kronenberg, Supervisor *RKW*
Development Review Division

FROM: Sandra Pereira, Senior Planner *SP*
Development Review Division
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APPLICATION

DESCRIPTION: 147,142 square foot self-storage facility; 3.04 acres; I-3/Burtonsville Employment Area Overlay Zone; Sandy Spring Road, approximately 400 feet west of Star Pointe Drive; Fairland Master Plan.

APPLICANT: Burtonsville Land LLLP

FILING DATE: January 12, 2010

RECOMMENDATION: Approval with conditions

EXECUTIVE

SUMMARY: The application proposes a 147,142 square-foot self-storage building with an office and an onsite manager's residence. The building is comprised of 79,474 square feet above-grade in three floors, and 67,668 square feet below-grade in a cellar. Access is proposed via a driveway from an existing service road in the Sandy Spring Road (MD 198) right-of-way. An additional driveway is proposed to access the site from a future extension of Dino Drive when that extension is constructed. Pedestrian circulation will be improved by providing a sidewalk connection from the site to the existing sidewalk system along MD 198.

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SITE DESCRIPTION

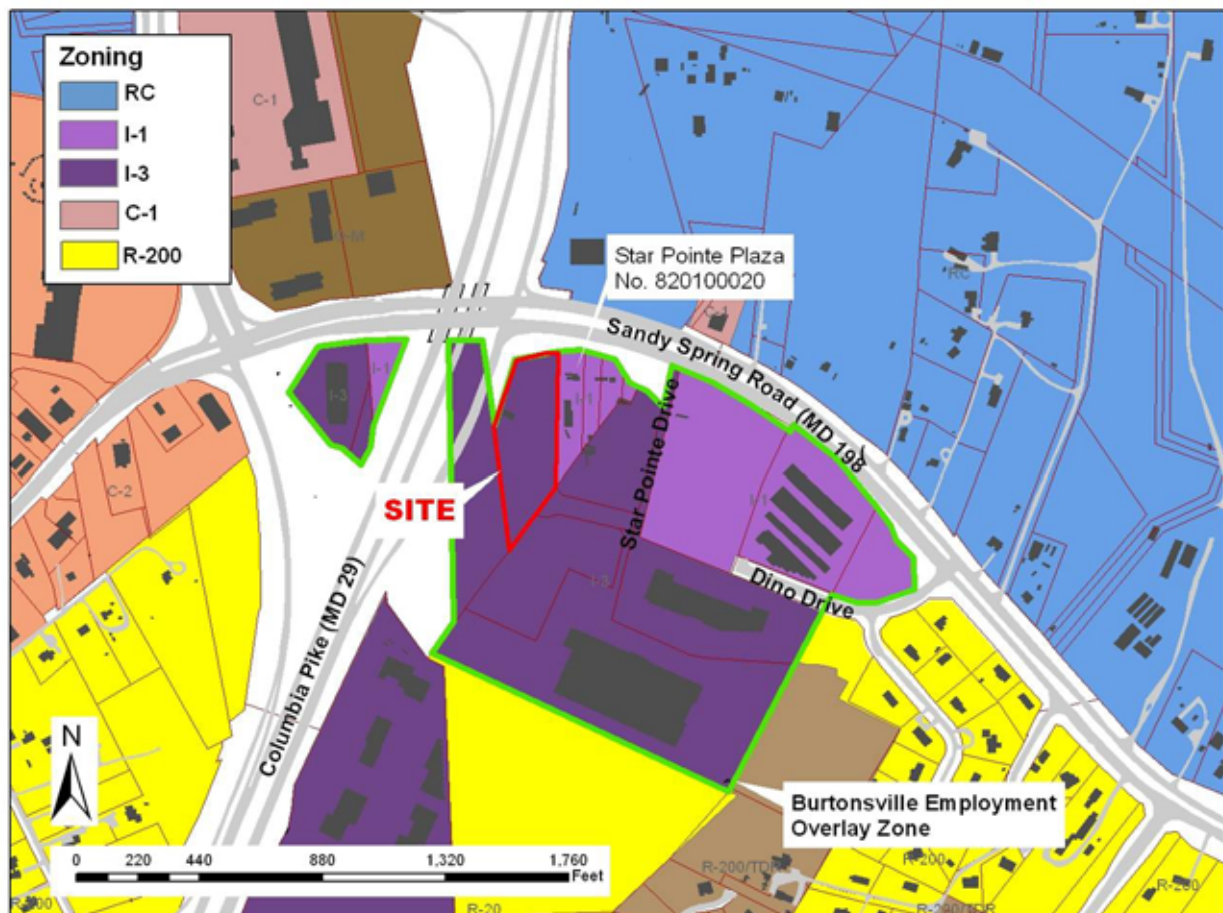
Vicinity

The subject property is in the Burtonsville Employment Area overlay zone, with I-3 as the base zone. The property is located on the south side of Sandy Spring Road, 400 feet west of the intersection of Star Pointe Drive.

Properties north of the site, across Sandy Spring Road, contain one-family residences in the RC zone. A horticultural nursery is in operation directly across Sandy Spring Road, also within the RC zone, and a small office building is located to the east of the nursery in the C-1 zone.

Properties to the east include several undeveloped sites and one developed site in the I-3 zone and in the Burtonsville Employment Area overlay zone and an existing self-storage use in the I-1 zone and in the overlay zone. Properties south of the site include developed and undeveloped sites in the I-3 zone and in the overlay zone. The site is bounded on the west by Columbia Pike, constructed as a limited access expressway in this area. Beyond Columbia Pike to the west is a hardware store in the I-3 zone and in the overlay zone.

Nearby pending site plan applications include the Star Pointe Plaza (Site Plan No. 820100020) directly adjacent to the site, proposing a 25,239 square foot, three-story commercial building consisting of general office space, retail and restaurant.



Vicinity Map

Site Analysis

The 3.04-acre site is largely undeveloped, with the exception of a small building which will be removed to accommodate the proposed self-storage use. The subject property is located within the Little Paint Branch Watershed (Use I waters). Steep slopes (over 25% gradient) exist in a band in the central portion of the property and along the eastern property line. An ephemeral stream channel originates near the northeastern corner of the property, and it traverses the property in a southerly direction near the eastern property line. Forest covers 2.4 acres of the property. There are no stream buffers, floodplains, or wetlands on the site.



Aerial Photo

PROJECT DESCRIPTION

Previous Approvals

The Planning Board denied Preliminary Plan No. 120070510 on February 14, 2008, because it found that the proposal was not in conformance with the Fairland Master Plan. The Applicant filed a petition for judicial review of the Planning Board's denial, and the Applicant prevailed. The Court remanded the preliminary plan to the Planning Board, with instructions that it approve the application. The Planning Board approved Preliminary Plan No. 120070510 on May 14, 2009 (Resolution dated August 5, 2009) to create one lot for a 147,142 square-foot self-storage facility [Appendix A].

Proposal

The site plan application proposes a 147,142 square-foot self-storage building with an office and an onsite manager's residence. The building is comprised of 79,474 square feet above-grade in three floors, and 67,668 square feet below-grade in a cellar. In addition to the storage areas, the building is proposed to include an office, located in the northeast quadrant of the building, and an onsite manager's residence in the southeast quadrant of the building. The proposal includes a 26-space parking lot. Access is proposed via a driveway from an existing service road in the Sandy Spring Road (MD 198) right-of-way. An additional driveway is proposed to access the site from a future extension of Dino Drive when that extension is constructed. Dino Drive will eventually provide public road access for 10 properties in the Burtonsville Industrial Area.



Perspective rendering looking Southwest

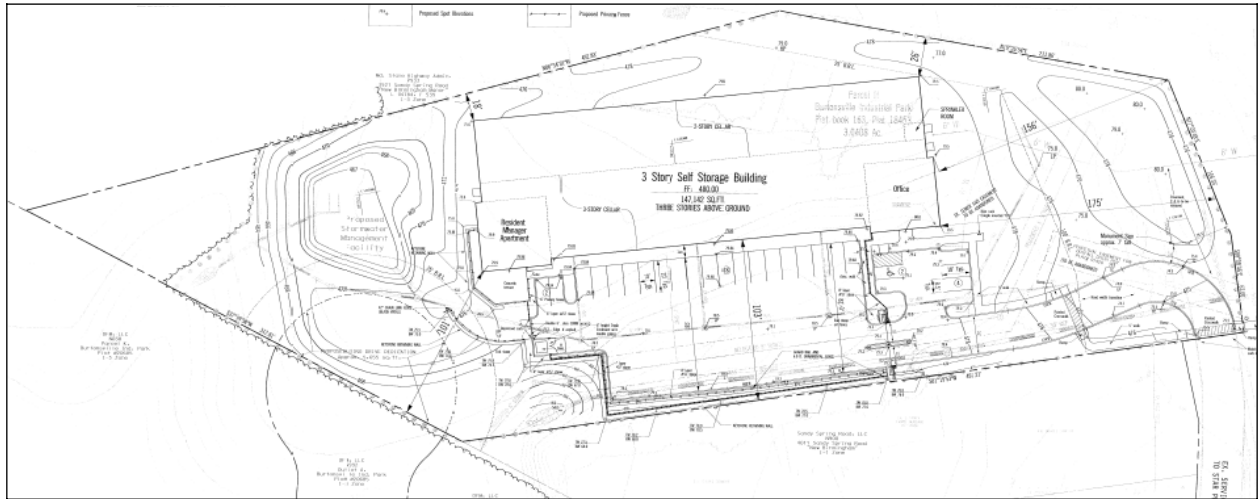
The proposal includes a retaining wall along the eastern property boundary to hold the grades within the site's property boundary. The length of the retaining wall will depend on the amount of offsite grading allowed by the adjacent property owner to the east (Site Plan No. 820100020, Star Pointe Plaza). In the best case scenario, if offsite grading is allowed, the length of the retaining wall could be reduced by approximately 170 feet when compared to the scenario with no offsite grading allowed. The Applicant has submitted 4 site plan options listed below, three of which (A, B, and C) illustrate the different offsite grading scenarios. Option D illustrates the Dino Drive access to the site. The four options are shown to allow for coordination with the adjoining properties and alleviate the need for future amendments.

Option A – prior to Star Pointe Plaza development – No offsite disturbance

Option B – prior to Star Pointe Plaza development – Minimal offsite grading allowed by adjacent owner (resulting in a reduction in length of approximately 170 feet for the proposed retaining wall)

Option C – Coordinate grading with Star Pointe Plaza development and grade the two sites together (resulting in a reduction in length of approximately 170 feet for the proposed retaining wall)

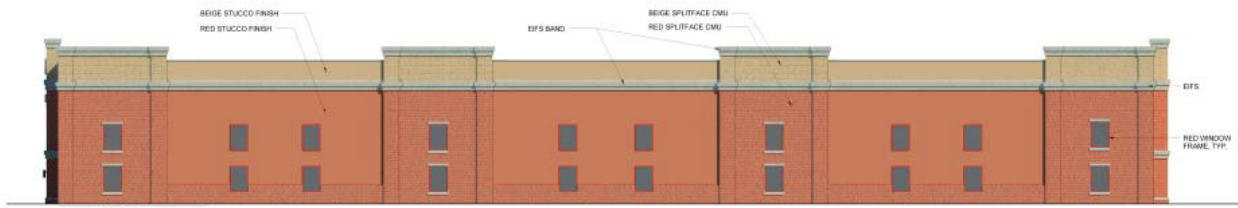
Option D – Dino Drive Access Sharing with Star Pointe Plaza



Site Plan Plan (Option A)



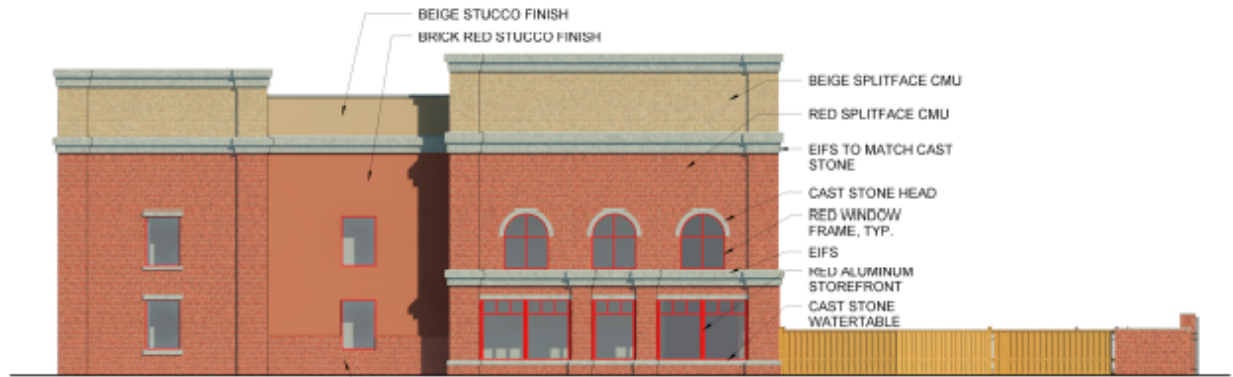
West building elevation



East building elevation



North building elevation



South building elevation

PROJECT ANALYSIS

Master Plan

The subject site is located within the boundaries of the 1997 Fairland Master Plan. At the time of preliminary plan approval, the Planning Board found that the proposal was not in substantial conformance with the Fairland Master Plan with respect to creating a diversity of uses and a diversified but unified employment center in the Burtonsville Employment Area. However, the court's order did not permit this to be the basis for a denial of the application.

The Master Plan has specific recommendations for the Burtonsville Industrial Area, where the subject site is located, that provide guidance on building orientation, building and parking setbacks and access. The proposal is in substantial conformance with these recommendations by showing a layout that could potentially have access from future Dino Drive extended, once it is constructed. The building and parking setbacks are consistent with other setbacks along MD 198 and with the intent of the Master Plan which calls for orienting the buildings towards the future Dino Drive, away from MD 198 (Figure 35, page 83).

Transportation and Circulation

A Local Area Transportation Review (LATR) and a Policy Area Mobility Review (PAMR) were completed as part of the preliminary plan review. The proposed lot does not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to LATR. The application predates requirements for PAMR. Therefore, the application is also not subject to PAMR.

Access is proposed via a driveway from an existing service road in the Sandy Spring Road (MD 198) right-of-way. An additional driveway is proposed at the southeastern property line to access the site from a future extension of Dino Drive. This additional driveway is not proposed to be constructed with the project but rather would be constructed in the future when the extension of Dino Drive is built.

A road club agreement exists between several area property owners for the construction of Dino Drive as the right-of-way becomes available. One segment of the street was constructed in 2004

pursuant to approval of an earlier development project (Burtonsville Self Storage). Approval of the Preliminary Plan No. 120070510 on the subject property is subject to the terms of the road club agreement, including payment of a pro-rata share of road construction costs.

Environment

A preliminary forest conservation plan was approved by the Planning Board on May 14, 2009 as part of Preliminary Plan #120070510. A forest conservation variance is not required since the preliminary forest conservation plan was approved prior to October 1, 2009.

There are 2.40 acres of existing forest on this site, which are scheduled to be removed under the proposed final forest conservation plan. The Applicant has a reforestation requirement of 1.40 acres. This requirement is being met by claiming 0.12 acres of onsite tree credit, 0.11 acres of individual landscape credit and securing forest credits for the remaining 1.17 acres within an approved forest conservation bank.

The stormwater management (SWM) concept consists of onsite water quality control via construction of a Montgomery County Sand Filter; and onsite recharge via installation of recharge trenches. No water quantity controls (i.e. channel protection volume) are required because the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second.

Development Standards

The subject site is zoned I-3 and falls within the Overlay Zone for the Burtonsville Employment Area of the Fairland Master Plan. The purpose of the I-3 zone is to develop a compatible mix of commercial, light industrial and non-residential uses within a designated employment area. The proposed self-storage facility use is prohibited in the Overlay Zone, however, because the Planning Board approved Preliminary Plan No. 120070510 before October 27, 2009, this use is permitted (Sec. 59-C-18.142(a)(1)(a)). The proposed development meets the purpose and requirements of the zone as detailed in the Findings section of this report.

The following data table indicates the proposed development’s compliance with the Zoning Ordinance.

Project Data Table for the I-3 Zone and the Overlay Zone for the Burtonsville Employment Area of the Fairland Master Plan

Development Standard	Permitted/Required	Proposed for Approval
Min. Tract Area (acres)	n/a	3.04 (132,457 sq. ft.)
Dedication for Dino Drive (sq. ft.)	n/a	- 5,655
Net Lot Area (sq. ft.)	n/a	126,802
Max. Density ^(a) (FAR) 59-C-5.321	0.6 ^(a)	0.6

Building Area (square feet)		
- First, Second & Third Floors (GFA)	n/a	79,474
- Below Grade (cellars)	n/a	+ 67,668
- Total Building Area	n/a	147,142
On-site resident manager	n/a	1 resident (1,930 sq. ft.)
Max. Building Height (feet) 59-C-5.31	100	100 45
Min. Green Area (% of GTA) 59-C-5.32	35	59
Max. Parking Coverage (% of GTA) 59-C-5.32	45	15
Building Setbacks (feet)		
- Major highway	100	100
- Road R/W within Overlay Zone (Sec. 59-C-18.142(b)(1))	0	25
- Other property lines (Sec. 59-C-18.142(b)(1))	0	18
Parking Setbacks (feet)		
- Major highway	100	100
- Road R/W within Overlay Zone (Sec. 59-C-18.142(b)(1))	0	25
- Other property lines (Sec. 59-C-18.142(b)(2))	0	4
Parking Facility Internal Landscaping (%)	5	5.2
Parking Spaces		
- Loading spaces	7	8 18

^(a) The maximum density of 0.50 FAR may be increased up to a maximum of 0.60 FAR provided that the Applicant obtains approval of a traffic mitigation agreement that will result in traffic generation equal to or less than a project with a floor area ratio of 0.50.

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on this matter.

FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the subject site.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed self-storage facility use is prohibited in the overlay zone for the Burtonsville Employment Area of the Fairland Master Plan, however, because the Planning Board approved Preliminary Plan No. 120070510 before October 27, 2009, this use is permitted (Sec. 59-C-18.142(a)(1)(a)). The site plan fulfills the purposes of the I-3 zone and the overlay zone by contributing to the development of a compatible mix of commercial, light industrial and non-residential uses within the designated employment area.

As the project data table on page 7 indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density the proposed development is under all the maximum standards allowed. With respect to green space the proposed development provides 59 percent allowing for a greater amount of permeable surface and landscaped open space.

The Zoning Ordinance allows the maximum density of 0.50 FAR permitted in the I-3 Zone to be increased up to a maximum of 0.60 FAR provided that the Applicant obtains approval of a traffic mitigation agreement that will result in traffic generation equal to or less than a project with a floor area ratio of 0.50.

The Applicant is satisfying the I-3 zone trip mitigation requirement by providing an on-site employee residence as a design measure and housing one employee in the on-site residence as a non-design measure, to reduce one peak-hour trip during weekday morning and evening peak periods, in accordance with Section 59-C-5.436.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

- a. Buildings and structures

The proposed building is oriented north-south on the site and designed in such a way that it will accommodate access from the existing service road in the Sandy Spring Road (MD 198) right-of-way, or from the future Dino Drive extended as recommended by the Fairland Master Plan. The building is setback 100 feet from Sandy Spring Road (MD

198), which is consistent with approved building setbacks along this major highway. Building visibility from MD 29 is reduced because the grade difference between the road and the subject site hides most of the building except for a portion of the last story. Along MD 198, the building will be most visible as one approaches the site from the east. On the west side of MD 198, the overpass for MD 29 blocks views of the site. The building will have an office and an onsite manager's residence, both at street level. The Applicant has committed to achieve a LEED Silver rating for the building.

The main structures proposed include a retaining wall along the eastern property boundary and a monumental sign. The length of the retaining wall will depend on the amount of offsite grading allowed by the adjacent property owner to the east. It could be reduced by approximately 170 feet if offsite grading is permitted by the adjoining property owner for Star Pointe Plaza (Site Plan No. 820100020). The monumental sign has been revised to have a maximum height of approximately 8 feet rather than the 18-foot pylon sign originally proposed. The locations of buildings and structures are safe, adequate and efficient.

b. Open spaces

The main open space provided is located between the building and the access road. This area will be landscaped and it will serve as a foreground to the building. The second area of open space is located in the rear of the building and will mostly be taken up by the storm water facility. The resident's manager apartment and terrace will overlook the latter open space. The two areas are connected by a landscaped strip between the building and MD 29. The open spaces are safe, adequate and efficient.

c. Landscaping & Lighting

The landscaping proposed provides screening for the building from MD 29, creates a traditional foundation planting area for the building, meets the internal landscaping requirement for the parking facility, and adds scale to the building as viewed from MD 198. The plant material proposed consists of groundcover, a mix of evergreen and deciduous shrubs, and shade trees. The lighting plan consists of wall-mounted light fixtures on all four sides of the building, and pole-mounted light fixtures with a pole height of approximately 12.5 feet located on the perimeter of the parking areas. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. The landscape and lighting are safe, adequate and efficient.

d. Recreation facilities

There are no recreation facilities required for this site plan because this is not a residential development.

e. Pedestrian and vehicular circulation systems

Access is proposed via a driveway from an existing service road in the Sandy Spring Road (MD 198) right-of-way. An additional driveway is shown to access the site from the future Dino Drive extended when this is constructed, as recommended by the Fairland Master Plan.

Pedestrian and vehicular access to the building is restricted by fencing and gates, except for the area in the front of the building where the manager's office is located. The non-restricted area has 6 parking spaces and sidewalks that connect to the sidewalk system on MD 198. The fenced off area includes 2 parking spaces for the manager and 18 loading spaces. As conditioned, the pedestrian and vehicular circulation systems are safe, adequate, and efficient.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed self-storage building is compatible with surrounding uses, including the proposed mix-use office and commercial building (Site Plan No. 820100020) located immediately east of the site. The structure itself is in scale with the nearby buildings and is located such that it will not adversely impact existing or proposed adjacent uses. The building will have limited visibility partly because of the adjacent grades for the elevated MD 29 and the overpass on MD 198, partly because of its orientation and setback. The building will be most visible on westbound MD 198.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved by Environmental Planning staff on July 26, 2006 (NRI/FSD #42006354). The subject site contains no wetlands, streams, floodplains or environmental buffers on or adjacent to the site. A preliminary forest conservation plan was approved by the Planning Board on May 14, 2009 as part of Preliminary Plan #120070510.

There are 2.40 acres of existing forest on this site, which are scheduled to be removed under the proposed final forest conservation plan. The Applicant has a reforestation requirement of 1.40 acres. This requirement is being met by claiming 0.12 acres of onsite tree credit, 0.11 acres of individual landscape credit and securing forest credits for the remaining 1.17 acres within an approved forest conservation bank.

A forest conservation variance is not required to remove five (5) trees 24 inches in diameter and greater on the subject property because the preliminary forest conservation plan was approved prior to October 1, 2009.

The stormwater management (SWM) concept consists of onsite water quality control via construction of a Montgomery County Sand Filter; and onsite recharge via installation of recharge trenches. No water quantity controls (i.e. channel protection volume) are required because the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of site plan 820100050, ezStorage Burtonsville Industrial Park, for a 147,142 square foot self-storage facility, including a living space for a resident manager, on 3.04 gross acres. All site development elements shown on the site and landscape plans stamped “Received” by the M-NCPPC on March 8, 2010, are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for Preliminary Plan No. 120070510 as listed in the Planning Board Resolution dated August 5, 2009, unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DOT conditions, and DPS stormwater conditions.

Environment

2. Forest Conservation & Tree Save

The proposed development must comply with the conditions of the approved final forest conservation plan and the conditions of the M-NCPPC Environmental Planning Division in the memorandum dated March 29, 2010 [Appendix B]. The Applicant must satisfy all conditions and requirements prior to the recording of a plat(s) or to the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.

3. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated October 10, 2007, unless amended and approved by the Montgomery County Department of Permitting Services [Appendix B].

4. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Silver Rating Certification at a minimum.

Transportation & Circulation

5. Transportation

The Applicant must comply with the conditions of the M-NCPPC Transportation Division in the memorandum dated March 24, 2010 [Appendix B], unless otherwise amended by the M-NCPPC Transportation Division provided that it does not conflict with any other conditions of approval.

- a. Limit the development to a maximum of 155,840 square feet of 500 units of mini warehouse and self-storage building.

- b. The Applicant must provide a 5-foot wide lead-in sidewalk from the building entrance through the site to the 8-foot wide bike path along MD 198.
- c. The Applicant must provide one inverted-U bike rack within 50 feet of main entrance.
- d. The Applicant, in accordance with Section 59-C-5.436 must provide an on-site employee residence as a design measure and house one employee at the on-site residence as a non-design measure, to reduce one peak-hour trip during weekday morning and evening peak periods. This condition is in lieu of a traffic mitigation agreement as required in Section 59-C-5.321.

Site Plan

6. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet P-1 of the submitted architectural drawings dated March 8, 2010, as determined by M-NCPPC Development Review and Urban Design staff.

7. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All onsite down- light fixtures must be full cut-off fixtures.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- e. The height of the light poles must not exceed 12.5 feet including the mounting base.

8. Landscape Surety

The Applicant shall provide a surety (performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety shall include plant material, on-site lighting, and site furniture within the development. Surety to be posted prior to issuance of first building permit and shall be tied to the development program.
- b. Provide a cost estimate of the above materials and facilities, which will establish the initial bond amount.
- c. Completion of plantings to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a Site Plan Surety & Maintenance Agreement for the above materials and facilities that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

9. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. On-site landscaping and lighting must be installed within six months after the issuance of the use and occupancy permit.
- b. On-site amenities including, but not limited to, sidewalks, and bicycle facilities must be installed prior to release of any building occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, forest conservation, trip mitigation, and other features.

10. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency off all details and layout between site plan and landscape plan.
- e. Adjust dimensions of concrete terrace on Option D to match square footage shown on Options A-C.

APPENDICES

- A. Preliminary Plan Resolution
- B. Agency Letters

Appendix A



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

5 2009

MCPB No. 09-51
Preliminary Plan No. 120070510
EZ Storage – Burtonsville Industrial Park
Date of Hearing: May 14, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on December 29, 2006, Siena Corporation ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 3.04 acres of land located on Sandy Spring Road (MD 198) 400 feet west of the intersection of Star Point Drive ("Property" or "Subject Property"), in the Fairland Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120070510, EZ Storage – Burtonsville Industrial Park ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated February 1, 2008, setting forth its analysis, and recommendation for denial, of the Application ("First Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on February 14, 2008, the Planning Board held a public hearing on the Application ("First Hearing"); and

WHEREAS, at the First Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 14, 2008, the Planning Board denied the Application, on motion of Commissioner Robinson; seconded by Commissioner Bryant; with a vote of 4-0, Commissioners Bryant, Cryor, Hanson, and Robinson voting in favor; and

Approved as to
Legal Sufficiency:

Christina Sorento 7/8/09

8787 Georgia Avenue, Suite 200, Burtonsville, MD 20814 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, subsequent to the Planning Board's denial of the Application, the Applicant filed a petition for judicial review; and

WHEREAS, on March 17, 2009, the Circuit Court for Montgomery County issued an opinion and order that remanded the Application to the Planning Board with instructions that it approve the Application; and

WHEREAS, Staff issued a second memorandum to the Planning Board, dated May 1, 2009, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Second Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on May 14, 2009, the Planning Board held a second public hearing on the Application ("Second Hearing"); and

WHEREAS, at the Second Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on May 14, 2009, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Alfandre; seconded by Commissioner Robinson; with a vote of 4-0, Commissioners Alfandre, Cryor, Hanson, and Robinson voting in favor; Commissioner Presley absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070510 to create one lot on 3.04 acres of land located on Sandy Spring Road (MD 198) 400 feet west of the intersection of Star Point Drive ("Property" or "Subject Property"), in the Fairland Master Plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to one lot for a self-storage building containing 147,142 sq. ft of floor area, including 67,668 square feet below grade (cellar) and 79,474 square feet above grade.
- 2) The Applicant must comply with the conditions of the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) The Applicant must dedicate and the record plat must show dedication of an approximately 5,655-square-foot, semi-circular area for the cul-de-sac of the proposed Dino Drive, as shown on the Preliminary Plan.
- 4) The Applicant must participate in the pro rata funding of future Dino Drive as a participant in Dino Drive Road Club per the Trip Generation Percentage

- funding terms of the June 15, 2000 Participation Agreement as applicable to the Subject Property. This condition must be noted on the record plat.
- 5) The grade establishment for Dino Drive may be as proposed by the May, 2007 Amendment to Dino Drive street grades submitted in conjunction with the Preliminary Plan, with final grade establishment for future Dino Drive, including confirming compliance with the applicable vertical and horizontal curve limitations as prescribed in the Road Club, to be approved by the County at the time of the site plan approval for this project.
 - 6) The Applicant must construct a site access driveway from Dino Drive within nine months of the County Executive's order accepting public maintenance for the segment of Dino Drive from the end of the cul-de-sac to the limit of existing improvements in the event that the Maryland State Highway Administration closes site access to the existing service road accessing MD 198 as shown on the Preliminary Plan.
 - 7) The record plat must reflect a common ingress/egress and utility easement to provide future access for the adjacent parcels 844, 845, 884, and 900 (AKA "Star Pointe Plaza property") to Dino Drive. The location, alignment, and dimensions of this easement will be determined prior to approval of the certified site plan.
 - 8) Prior to recordation of the plat, the Applicant must exercise commercially reasonable efforts to secure an easement granted by the owner of the adjacent parcels 844, 845, 884, and 900 (AKA "Star Pointe Plaza property") for the proposed off-site storm drain pipe and outfall structure. In the event that the Applicant is not able to secure this easement, the Applicant must redesign the storm drain pipe and outfall structure so that they are not located on the Star Pointe Plaza property and must obtain any necessary MCDPS approvals prior to recordation of the plat.
 - 9) The Applicant must comply with the conditions of the MCDPS stormwater management approval letter dated October 10, 2007. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
 - 10) The Applicant must comply with the conditions of the State Highway Administration (MDSHA) letter dated March 2, 2007. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
 - 11) The Applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT, now renamed MCDOT) letter dated November 21, 2007. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
 - 12) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).

- 13) The Applicant must satisfy provisions for access and improvements as required by MDSHA prior to issuance of access permits.
- 14) No clearing, grading or recording of plats prior to certified site plan approval.
- 15) Final approval of the number, size, and location of buildings, on-site parking, site circulation, and sidewalks will be determined at site plan.
- 16) The record plat must show necessary easements.
- 17) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

At the First Hearing, the Planning Board found that the Preliminary Plan was not in substantial conformance with the Master Plan with respect to creating a diversity of uses and a diversified but unified employment center in the Burtonsville Employment Area. The Planning Board continues to believe that the Preliminary Plan is not in substantial conformance with the Master Plan for the reasons previously stated, however, the court's order requires that the Planning Board find that the Preliminary Plan substantially conforms to the Master Plan. Therefore, the Planning Board finds that the Preliminary Plan substantially conforms to the Master Plan.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

Roads and Transportation Facilities

The proposed lot does not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the Application is not subject to Local Area Transportation Review. The Application predates requirements for Policy Area Mobility Review. Therefore, the Application is also not subject to Policy Area Mobility Review.

Access is proposed via a driveway from an existing service road in the Sandy Spring Road (MD 198) right-of-way. An additional driveway is proposed at the southeastern property line to access the site from a future extension of Dino Drive. This additional driveway will be constructed in the future when the extension of Dino Drive is constructed and after MDSHA closes the existing

service road to public use. This driveway will also provide access to Dino Drive for anticipated future development on an adjacent property. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

A road club agreement exists between several area property owners for construction of Dino Drive. One segment of the street was constructed in 2004 pursuant to approval of an earlier development project (Burtonsville Self Storage). Approval of a Preliminary Plan for the Subject Property is subject to the terms of the road club agreement, including payment of a pro-rata share of road construction costs.

Other Public Facilities and Services

Public facilities and services are available and will be safe and adequate to serve the proposed development. The Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are operating according to the Growth Policy resolution currently in effect and will be safe and adequate to serve the Property. Electrical and telecommunications services are also available to serve the Property.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. Taking into consideration the court's decision regarding substantial conformance with the Master Plan, the Application meets all applicable sections of the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the Burtonsville Employment Area Overlay Zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan.

- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

There are 2.4 acres of existing forest on the Property. Under the proposed forest conservation plan, the entire 2.4 acres of forest are proposed to be removed. The Application is subject to a reforestation requirement of 1.42 acres. This requirement is proposed to be met by securing forest credits within an approved forest bank. This is acceptable because there are no priority planting areas on-site. The Preliminary Plan meets all applicable requirements of the county Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on October 10, 2007. The stormwater management concept includes the use of a sand filter and recharge trenches to provide on-site water quality control and groundwater recharge. Channel protection is not required because the one-year post-development peak discharge is less than two cubic feet per second.

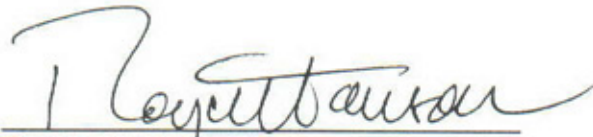
BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board, and that the date of this Resolution is AUG 5 2009 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative

MCPB No. 09-51
Preliminary Plan No. 120070510
EZ Storage – Burtonsville Industrial Park
Page 7 of 7

Planning Commission on motion of Commissioner Robinson, seconded by Commissioner Presley, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley voting in favor of the motion, at its regular meeting held on Thursday, July 16, 2009, in Silver Spring, Maryland.

A handwritten signature in cursive script, appearing to read "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman
Montgomery County Planning Board

Appendix B



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

MEMORANDUM

TO: Sandra Pereira, Development Review Division

VIA: Stephen Federline, Master Planner, Environmental Planning 

FROM: Doug Johnsen, Planner Coordinator, Environmental Planning

DATE: March 29, 2010

SUBJECT: Site Plan #820100050, E-Z Storage Burtonsville Industrial Park

RECOMMENDATION

Staff recommends approval of the site plan #820100050 subject to the following conditions:

1. Applicant must comply with all conditions of approval of the final forest conservation plan prior to County issuance of a sediment and erosion control permit for this site.
2. Applicant to secure appropriate credits in an approved forest conservation bank prior to the release of the sediment and erosion control permit.

BACKGROUND

The 3.04-acre property is located on the southeastern corner of the intersection of Columbia Pike (MD 29) and Sandy Spring Road (MD 198). The site is bordered on the north by Sandy Spring Road (MD 198) and on the west by the off ramp from northbound Columbia Pike (MD 29). This site lies within the Little Paint Branch watershed (Use I waters). There are 2.4 acres of existing forest on the site. The site is zoned I-3 and within the Burtonsville Employment Area Overlay Zone.

Environmental Buffers

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved by Environmental Planning staff on July 26, 2006 (NRI/FSD #42006354). The project site

contains no wetlands, streams, floodplains or environmental buffers on or adjacent to the site.

Forest Conservation

A preliminary forest conservation plan was approved by the Planning Board on May 14, 2009 as part of Preliminary Plan #120070510.

There are 2.40 acres of existing forest on this portion of the property. The on-site forest is a mixed hardwood forest dominated by Red Maple (*Acer rubrum*), Big Toothed Aspen (*Populus grandidentata*), Chestnut Oak (*Quercus prinus*) and Silver Maple (*Acer saccharinum*). There are five (5) trees 24 inches in diameter and greater on the subject property with two of these trees being greater than 30" DBH. All five trees are scheduled to be removed due to construction of the new building and access road. A forest conservation variance is not required in this particular case since the preliminary forest conservation plan was approved prior to October 1, 2009.

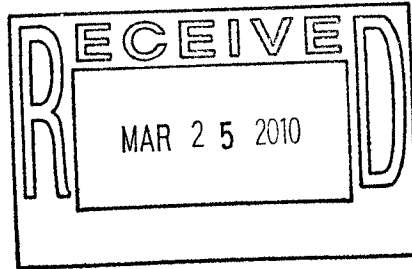
Under the proposed final forest conservation plan all 2.40-acres of forest are scheduled to be removed. The applicant has a reforestation requirement of 1.40 acres. This requirement is being met by claiming 0.12 acres of onsite tree credit, 0.11 acres of individual landscape credit and securing forest credits for the remaining 1.17 acres within an approved forest conservation bank.

Stormwater Management Concept

The stormwater management (SWM) concept includes use of a sand filter and recharge trenches to provide on-site water quality control and groundwater recharge. No water quantity controls (i.e. channel protection volume) are required for this project because the one-year development peak discharge is less than or



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



March 24, 2010

MEMORANDUM

TO: Sandra Pereira, Planner
Development Review Division

FROM: Shahriar Etemadi, Supervisor
Transportation Planning Division

SUBJECT: Site Plan # 820100050, EZ Storage-Burtonsville Industrial Park, Fairland/White Oak Policy Area.

This memorandum is Transportation Planning Division staff of M-NCPPC review and comment on the subject site plan.

RECOMMENDATION

Staff recommends approval of this application subject to the following conditions as part of the APF test for transportation requirements related to approval of the subject site plan applications:

1. Limit developments to a maximum of 155,840 square feet of 500 units of mini warehouse and self storage buildings.
2. Provide 4-foot wide lead-in sidewalk from the service drive to the 8-foot wide macadam sidewalk on MD 198 and through the site to the main entrance of the establishment.
3. Provide one inverted-U bike rack within 50 feet of main entrance.
4. The applicant must provide an on-site residence and house one employee (manger of the facility) that will result in reduction of one trip in the peak hours to meet their I-3 zone mitigation requirement.
5. The applicants must coordinate with Montgomery County Department of Transportation (MCDOT) regarding Dino Drive Road Club, a project to extend Dino Drive to the west, pass Starpointe Drive and terminates with a cul-de-sac with an access to the subject site.

6. The applicant must obtain an approval from MCDOT for the final vertical and horizontal grade establishment for future Dino Drive as described in the Area Road Club prior to this site plan approval.

DISCUSSION:

Site Access and Vehicular/Pedestrian Circulation

The site is located along south side of MD 198 and east of US 29 with access provided from a service road along MD 198. In the future, when Dino Drive is built to the site's southern boundary, a potential access from this location should be provided.

There will be sidewalks leading from the service road along MD 198 into the site and extending south along the eastern boundary of the property with connections to the main entrance. There will be sufficient parking along the eastern side of the buildings that is accessed from the service road.

Staff finds proposed access and sidewalks facilities adequate and safe for operation of this warehouse storage area.

Master Plan Roadway and Bikeways

The site is along MD 198 (M-76), a designated four lane divided major highway on 120 feet of right of way in the Fairland Master Plan. This road is recommended for a class I bikeway along the site frontage.

US 29 is designated as a 6 lane major highway with controlled access on 100 to 200 feet of right of way in the vicinity of MD 198. The Fairland Master Plan recommends that a commuter bikeway facility be included in the ultimate design of US 29 from New Hampshire Avenue to MD 198 when interchange system is designed for all crossing intersections.

Dino Drive is designated in the master plan as an Industrial Road with four lanes and 80-foot wide right of way that terminates at the southern boundary of the subject site.

Local Area Transportation Review

The site is expected to generate seven trips during the weekday AM and PM peak hours and therefore, is not required to submit a traffic study to meet the LATR requirements.

Policy Area Mobility Review (PAMR)

The application was submitted prior to the establishment of PAMR requirement and therefore, this application is not subject to PAMR test.

I-3 Zone Trip Mitigation Requirements

The proposed development is located in an I-3 zone and therefore, is required to mitigate 10 percent of their peak hour trips. Ten percent of site generated trips of seven peak hour trips when rounded up will be one peak hour trip. The applicant has shown on the plan, a manager residence that is conditioned to house the facility manager on site. That will result in a reduction of at least one peak hour trip in the morning and evening peak periods. With an employee housed onsite, staff believes that the applicant has satisfied the I-3 zone trip mitigation requirement.

SE:tc



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

March 25, 2010

MEMORANDUM

TO: Sandra Pereira, Development Review Division

VIA: Khalid Afzal, Team Leader, East Transit Corridor Team, Vision Division *KA*

FROM: Kristin O'Connor, East Transit Corridor Team, Vision Division *KO*

SUBJECT: EZ Storage – Site Plan No #820100050

Master Plan Comments

The Vision Division has reviewed the revised EZ Storage site plan and finds the plan, as submitted, is compatible with surrounding sites, including a future office building to the east. Located in Area 19 (Burtonsville Industrial Area) in the Master Plan, the site is zoned I-3, it is in the Burtonsville Employment overlay district, Burtonsville Industrial Area (Figure 34, p. 81). The site is within the, developed for Area 19 p. 80). The site plan has appropriate setbacks, FAR standards, and similar landscaping as recommended in the Plan (p. 82). The proposed EZ Storage building and parking orientation meet the recommendation in the Master Plan (see Figure 35 on page 83). Access to the site is from Star Pointe Lane but future access will be from the relocated Dino Road when it is built. The applicant also is granting a future access easement to the property to the east and is participating in the Dino Drive road club.

Staff Recommendation

Community-Based Planning/Vision staff finds that the site plan is compatible with surrounding sites. However, to provide for more compatibility, staff recommends the following condition:

- 1) Provide a sidewalk connection to the future office building to promote the Master Plan's goal of supporting the industrial area's retail business/employees.



FIRE MARSHAL COMMENTS

DATE: 19-Mar-10
TO: Al Blumberg - asb@ssimd.net
Site Solutions, Inc.
FROM: Marie LaBaw
RE: ezStorage-Burtonsville Ind. Park
120070510 820100050

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **16-Mar-10** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

APR 27 2010



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid Joyner
Director

October 10, 2007

Mr. Michael Devine
Site Solutions, Inc.
20410 Observation Drive, Suite 205
Germantown, MD 20876

Re: **Revised Stormwater Management CONCEPT**
Request for EZ Storage / Burtonsville Industrial
Park
Preliminary Plan #: 1-07051
SM File #: 230205
Tract Size/Zone: 3.041 acres / C-3
Total Concept Area: 3.041 acres
Lots/Block: N/A
Parcel(s): Pt. of Parcel H
Watershed: Little Paint Branch

Dear Mr. Devine:

Based on a review by the Department of Permitting Services Review Staff, the revised stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via construction of a Montgomery County Sand Filter; and onsite recharge via installation of recharge trenches. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Offsite drainage from the existing storm drain outfall under Rte. 29 must be diverted around the proposed water quality facility.
5. This approval supercedes the previous stormwater concept approval for this project.

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 is **not** required.

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 Mark Etheridge at 240-777-6338.

Sincerely



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm mce

cc: C. Conlon
S. Federline
SM File # 230205

QN -ON; Acres: 3
QL - ON; Acres: 3
Recharge is provided