



FEB 10 2009

**MCPB No. 09-08**  
**Preliminary Plan No. 120080410**  
**EZ Storage – Sandy Spring**  
**Date of Hearing: January 8, 2009**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION<sup>1</sup>**

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 June 18, 2008, Siena Development Corporation (“Applicant”), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 1.8 acres of land located on the south side of Olney Sandy Spring Road (MD 108), 30 feet west of Bentley Road (“Property” or “Subject Property”), in the Sandy Spring/Ashton Master Plan area (“Master Plan”); and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120080410, EZ Storage – Sandy Spring (“Preliminary Plan” or “Application”); and

WHEREAS, Planning Board staff (“Staff”) issued a memorandum to the Planning Board, dated December 26, 2008, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions (“Staff Report”); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on January 8, 2009, the Planning Board held a public hearing on the Application (the “Hearing”); and

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

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to  
Legal Sufficiency:

*Christina Sorrento 2/5/09*

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WHEREAS, on January 8, 2009, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Robinson; seconded by Commissioner Alfandre; with a vote of 3-2, Commissioners Alfandre, Hanson, and Robinson voting in favor; Commissioners Cryor and Presley voting against.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120080410 to create one lot on 1.8 acres of land located on the south side of Olney Sandy Spring Road (MD 108), 30 feet west of Bentley Road ("Property" or "Subject Property"), in the Sandy Spring/Ashton Master Plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to one lot for up to 58,488 square feet of self-storage use, not including up to an additional 58,488 square feet on two cellar levels. The self-storage use may include an accessory dwelling for an on-site manager or caretaker and accessory retail sales of items related to the primary use.
- 2) The Applicant must comply with the conditions of approval for 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) All trees planted as part of the landscape plan must be a minimum of two and one-half inch caliper trees, and must be species native to this region, to receive credit towards the afforestation requirement. The final decision on which trees receive credit towards the afforestation requirement will be determined during the review of the final forest conservation plan. Any afforestation requirement which remains after all allowable credit for landscape trees has been exhausted will be satisfied off-site.
- 4) The Applicant must dedicate and the record plat must show dedication of 40 feet of right-of-way, as measured from the centerline, along the Property frontage for Olney Sandy Spring Road (MD 108).
- 5) The Applicant must construct all road and sidewalk improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes.
- 6) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated May 21, 2008.
- 7) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated December 10, 2008, unless otherwise amended.

- 8) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s) and Maryland State Highway Administration (MDSHA) prior to issuance of access permits.
- 9) No clearing, grading or recording of plats prior to certified site plan approval.
- 10) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 11) The record plat must show necessary easements.
- 12) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) 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.*

The Master Plan includes the Lansdale properties, which the Subject Property is a part of, in the Rural Legacy Area. At the time of the Master Plan, the Lansdale properties consisted of six contiguous parcels along Olney Sandy Spring Road (MD 108). The Master Plan noted that these properties could help underscore the separation between the village centers of Sandy Spring and Ashton. Most importantly, it acknowledged the need to continue existing non-residential uses on the Subject Property.

The Master Plan maintained non-residential zoning on the Subject Property, and reclassified it from a light industrial to the general commercial zone (C-2). It included all the Lansdale properties in an area proposed for a new rural village overlay zone, which was designed to “encourage coordinated design, simplify requirements and protect the viability of existing businesses.” Although the Property, as noted above, is outside the Sandy Spring Village Center, it fulfills Master Plan guidelines for services that may be used by local residents.

The Sandy Spring/Ashton Rural Village Overlay Zone was enacted in accordance with the Master Plan. Its purposes are the preservation of the rural village character of the village centers and encouragement of compatible relationships between new development in the overlay zone and existing neighboring structures. The overlay zone excludes certain commercial uses considered inappropriate for rural villages. The list of prohibited uses does not include self-storage facilities.

The Master Plan included design guidelines for the new zone that, “with design review, will help ensure that new development maintains the small scale envisioned for the village centers...” Those guidelines encouraged: traditional village design, active building fronts, a mix of stores that would serve local residents and homes, and use of the existing Sandy Spring Historic District as a design resource. The guidelines included detailed design directives for parking areas and lighting.

Since the Zoning Ordinance and the Master Plan do not consider the proposed use to be inappropriate, Master Plan analysis of the Preliminary Plan focuses instead on its adherence to the development guidelines recommended for the overlay zone. Some of those guidelines address the appearance of proposed buildings. The Applicant has designed the storage facility with a brick façade, peaked roofs, columns and window treatments, all of which contribute to the look of an “active front” along Olney Sandy Spring Road (MD 108). Parking for the proposed facility is away from Olney Sandy Spring Road (MD 108), the front of the building, and adjacent residences, which also helps to provide an active front and compatibility with surrounding land uses. Although preliminary plan review does not address the appearance of proposed buildings, the Planning Board noted that it would be looking for the development to adhere to these guidelines at site plan review.

Public testimony at the Hearing raised concerns that the proposed self-storage use is not consistent with the Master Plan and that the proposed design of the building is not compatible with surrounding development and land uses. The Planning Board finds, however, that the use proposed by the Preliminary Plan is in substantial conformance with the Master Plan. The Planning Board further finds that site plan issues including compatibility and building design issues will be addressed at the time of site plan review.

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

The proposed subdivision 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. In addition, the proposed subdivision does not generate more than three new vehicle trips in the morning or evening peak hours. Therefore, the Application is also not subject to Policy Area Mobility Review.

Access to the proposed lot will be provided via a driveway from Olney Sandy Spring Road (MD 108). An existing sidewalk provides pedestrian access.

Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed and existing improvements.

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property will be served by public water and public sewer systems. The Application has been reviewed by the Montgomery County Fire and Rescue Service who 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 adequate to serve the Subject Property. Electrical, gas, 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. The Application meets all applicable sections. 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 C-2 and Sandy Spring/Ashton Rural 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 plan.

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

There is no forest on the Property. Approximately 0.27 acres of afforestation is required for the site, which will be met through landscape credit for trees planted on-site. Any afforestation requirement that remains after all allowable credit for landscape trees has been exhausted will be satisfied off-site. There are nine trees that are 24" DBH or greater in size on the Subject Property. Of these trees, three are in good condition, two are in fair condition and four are in poor condition. All of these trees are proposed to be removed. In addition, there are 18 additional large and specimen trees located off-site, adjacent to the Property. Appropriate tree protection measures will be determined during the review of the final forest conservation plan.



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 on May 21, 2008. The stormwater management concept includes on-site channel protection measures through the use of an existing adjacent stormwater detention pond and on-site quality control and recharge via an associated off-site sand filter.

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 Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is Feb 10 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 agency decisions in Circuit Court (Rule 7-203, Maryland Rules).



**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cryor, seconded by Commissioner Robinson, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley present and voting in favor at its regular meeting held on Thursday, February 5, 2009, in Silver Spring, Maryland.

  
Royce Hanson, Chairman  
Montgomery County Planning Board