

JUL 27 2010



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-60

Site Plan No. 820100050

Project Name: ezStorage Burtonsville Industrial Park

Date of Hearing: May 13, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on January 12, 2010, Burtonsville Land LLLP ("Applicant"), filed an application for approval of a site plan for a 147,142 square foot self-storage facility, including a living space for a resident manager ("Site Plan" or "Plan") on 3.04 acres of I-3-zoned land and within the Burtonsville Employment Area Overlay Zone, located on Sandy Spring Road, approximately 400 feet west of Star Pointe Drive ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820100050, ezStorage Burtonsville Industrial Park (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 29, 2010, setting forth its analysis of, 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 May 13, 2010, 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

WHEREAS, on May 13, 2010, the Planning Board approved the Application subject to conditions on the motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley; with a vote of 5-0, Commissioners Alfandre, Dreyfuss, Hanson, Presley, and Wells-Harley voting in favor.

Approved as to
Legal Sufficiency:

A handwritten signature in black ink, dated 7/1/10.

8787 Georgia Avenue, Suite 20910, Burtonsville, MD 20814 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820100050 for a 147,142 square foot self-storage facility, including a living space for a resident manager, on 3.04 gross acres in the I-3 Zone and within the Burtonsville Employment Area Overlay Zone, subject to the following conditions:

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The 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 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. 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 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.

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, unless otherwise amended by the M-NCPPC Transportation Division provided that it does not conflict with any other conditions of approval.

- a) The development is limited to a maximum of 147,142 square feet, with a maximum of 1000 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 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.
- f) The Applicant shall provide a section and a rendering illustrating that the HVAC equipment is not visible from US 29 and MD 198 prior to certified site plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on ezStorage Burtonsville Industrial Park drawings stamped by the M-NCPPC on March 8, 2010, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff and the Staff Report, which the Planning 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 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 I-3 zone and Burtonsville Employment Area overlay zone, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The 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, the use is permitted for this Application (Sec. 59-C-18.142(a)(1)(a)).

The following data table lists the Zoning Ordinance required development standards approved by the Board and binding on the Applicant. The Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the I-3 zone and Burtonsville Employment Area overlay zone. With respect to building height, setbacks, and density the development is under all the maximum standards allowed in the zone. With respect to green space the development provides 59 percent allowing for a greater amount of permeable surface and landscaped open space.

Data Table

Development Standard	Approved by the Planning Board and Binding on the Applicant
Min. Tract Area (acres)	3.04 (132,457 sq. ft.)
Dedication for Dino Drive (sq. ft.)	- 5,655
Net Lot Area (sq. ft.)	126,802
Max. Density ^(a) (FAR) 59-C-5.321	0.6 ^(a)
Building Area (square feet)	
- First, Second & Third Floors (GFA)	79,474
- Below Grade (cellars)	+ 67,668
- Total Building Area	147,142
On-site resident manager	1 resident (1,930 sq. ft.)
Max. Building Height (feet) 59-C-5.31	45
Min. Green Area (% of GTA) 59-C-5.32	59
Max. Parking Coverage (% of GTA) 59-C-5.32	15
Building Setbacks (feet)	
- Major highway	100
- Road R/W within Overlay Zone (Sec. 59-C-18.142(b)(1))	25
- Other property lines (Sec. 59-C-18.142(b)(1))	18
Parking Setbacks (feet)	
- Major highway	100
- Road R/W within Overlay Zone (Sec. 59-C-18.142(b)(1))	25
- Other property lines (Sec. 59-C-18.142(b)(2))	4
Parking Facility Internal Landscaping (%)	5.2
Parking Spaces	8
- Loading spaces	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.

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.

A traffic mitigation agreement is unnecessary because 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 the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

- a. Buildings and Structures

The 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 set back 100 feet from Sandy Spring Road (MD 198), which is consistent with approved building setbacks along this major highway. Building visibility from US 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 US 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 include a retaining wall along the eastern property boundary and a monument 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 monument sign is limited to a maximum height of 7 feet. 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 US 29. The open spaces are safe, adequate and efficient.

c. Landscaping and Lighting

The landscaping provides screening for the building from US 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 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. Vehicular and Pedestrian Circulation

Access is 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 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 US 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 that are 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.

BE IT FURTHER RESOLVED, that this resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this resolution is JUL 27 2010 (which is the date that this resolution is mailed to all parties of record); and

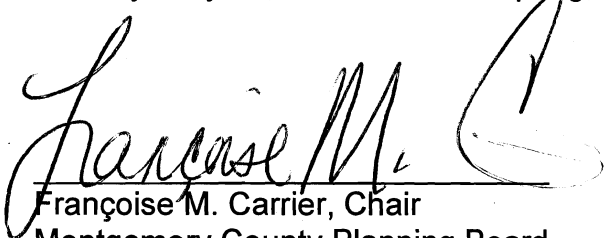
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Dreyfuss, seconded by Commissioner Wells-Harley, with Commissioners Alfandre, Dreyfuss, and Wells-Harley voting in favor of the motion, and with Chair Carrier abstaining and Commissioner Presley absent, at its regular meeting held on Thursday, July 15, 2010, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board