



City of
Rockville
Get Into It

Planning Commission Staff Report: Zoning Text Amendment TXT2014-00237

MEETING DATE: January 8 2014

REPORT DATE: December 30, 2013

FROM: Deane Mellander, Zoning
Administrator
Planning and Zoning Division
240.314.8224
dmellander@rockvillemd.gov

APPLICATION DESCRIPTION: Amend the code to create a separate
Parking standard for self-storage
warehouses

APPLICANT: Siena Corporation; Linowes and
Blocher, Attorneys

FILING DATE: December 24, 2013

RECOMMENDATION: Approval of the Proposed Text Amendment

EXECUTIVE SUMMARY: The proposed amendment would create a separate parking requirement for self-storage warehouses.

*Zoning Ordinance of
The City of Rockville
Adopted December 15, 2008
by Ordinance 19-08*

Being Chapter 25 of the Rockville City Code

Effective Date – March 16, 2009

As Amended to
February 11, 2013

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RECOMMENDATION

Approval of the proposed text amendment.

Previous Related Actions

- When the revised Zoning Ordinance became effective in March, 2009, it was expected that as the city gained working experience with the code that some revisions and clarifications might be necessary.
- The last comprehensive revision to the code, TXT2011-00230, was adopted by the Mayor and Council in June, 2011.
- The Planning Commission considered this proposed revision during review of text amendment TXT2014-00236. For procedural reasons, the City Attorney determined that this revision could not be considered under that application.

Proposal

This text amendment (see Attachment 1) proposes to revise the parking standards tables in Article 16 of the Zoning Ordinance to add a separate category for self-storage warehouse and provide standards for the parking of both automobiles and bicycles.

PROJECT ANALYSIS

The Planning Commission initially considered this proposal in connection with the review of text Amendment TXT2014-00236. The applicant testified before the Commission to request a separate parking standard for self-storage warehouses. Absent a separate parking standard, self-storage warehouses are required to comply with the general warehousing standard. For the proposed project, this would have resulted in a parking requirement of about 110 spaces versus the 15 required under the proposed revision. The Commission recommended to the Mayor and Council that they consider approval of this proposal. Testimony was presented to the Mayor and Council at the hearing on December 9. However, the City Attorney has determined that because the actual proposed new language was not before the Mayor and Council they could not take action on the revision. As a consequence, the applicant has filed a new text amendment to address this issue directly.

The proposed revision would require 3 spaces/1,000 square feet of area devoted to office uses, 2 additional spaces for a resident manager, and 1 space per 2 employees beyond the resident manager. The proposed requirements for bicycle parking reflect the current requirement for general warehousing. The approving authority may require additional parking if deemed necessary, along with the adequacy of travel aisle widths and loading spaces, at the time of project review.

By way of comparison, the staff has examined the requirements from some other local jurisdictions, as follows:

Mont. Co: 3 spaces/1,000 s.f. of office area; + 1 space/employee + 2 spaces for resident manager. Travel aisle width and loading space determined by the Director.

Fairfax Co: 3.2 spaces/1,000 s.f. of office area + 1 space/employee + 2 spaces for resident manager. Travel aisle width and loading space determined by the Director.

Arlington Co: 1 space/3,000 s.f. of gross floor area + 1 space for resident manager + 1 space/2 employees

The proposed requirement for one space for each two employees is consistent with the City code requirement for general warehousing and service industrial uses. In general, self-storage facilities do not require large parking areas. Most users arrive, drop off or pick up items from their units and depart within a short time.

The proposed text amendment is consistent with the direction that was proposed when this topic was before the Commission during the consideration of TXT2014-00236. The proposed language provides for a base set of parking requirements for self-storage warehouses, including bicycle parking. The language under the Additional Requirements column allows the approving authority to examine the specific site development proposals and determine if additional parking or circulation areas are needed in a particular circumstance. This same provision is included elsewhere in the parking standards for uses such as private schools, senior housing, offices, and other uses.

The proposed text amendment is consistent with the testimony presented to the Planning Commission and the Mayor and Council for text amendment TXT2014-00236. Staff therefore recommends approval of text amendment TXT2014-00237 as submitted.


The public hearing before the Mayor and Council is tentatively scheduled for January 27, 2014.

ATTACHMENTS

- 1. Text Amendment Application**
- 2. Applicant's Letter of December 24, 2013**

December 27, 2013

MEMORANDUM

TO: Deane Mellander, Principal Planner
FROM: Brenda Bean, Deputy City Clerk 
RE: TXT2014-00237
Slena Corporation

Attached is a date-stamped copy of the above-referenced application filed by Linowes & Blocher on December 24, 2013. This application seeks to add a separate parking standard for self-storage warehouse use.

Please let me know when you think this can be scheduled for a Mayor and Council public hearing after it has worked its way through the Planning Commission process.

I have also attached a letter from Bob Dalrymple, Esquire of Linowes & Blocher, to Planning Commission Chair Don Hadley. Please be sure that Mr. Hadley receives this correspondence.

Thank you.

Cc: Barbara Matthews, City Manager
Debra Daniel, City Attorney
Doug Barber, City Clerk
Susan Swift, Director, CPDS
Andrew Gunning, Asst. Director, CPDS



Application for **Text Amendment**

TXT
2/09

City of Rockville

Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: Cpds@rockvillemd.gov • Web site: www.rockvillemd.gov

Application Information:

Is this an Amendment to Existing Text? YES NO

Add New Zone Classes: YES NO Add New Uses: YES NO

Number of new uses: _____ Ordinance # _____

Please Print Clearly or Type

Property Address Information 1175 First Street, Rockville, MD 20850

Project Description Add a separate parking standard for self-storage warehouse use to the Zoning Ordinance

Applicant Information:

Please supply Name, Address, Phone Number and E-mail Address

Applicant SIENA CORPORATION, 8221 Snowden River Parkway, Columbia, MD 21045, 443-539-3070, pitt@sienacorp.com

Property Owner National Bakery Industrial Owner, LLC, c/o Hackman Capital Partners, 1111 Santa Monica Blvd., Suite 1100, Santa Monica, CA 90404

Architect N/A

Engineer N/A

Attorney C. Robert Dalrymple, Linowes & Blocher LLP, 7200 Wisconsin Avenue, Suite 800, Bethesda, MD 20814, 301-961-5208, bdalrymple@linowes-law.com

STAFF USE ONLY

Application Acceptance:

Application # DC 2014-00227

Date Accepted _____

Staff Contact _____

Application Intake:

Date Received 12/24/13

Reviewed by _____

Date of Checklist Review _____

Deemed Complete: Yes No

Application is hereby made with the Rockville Mayor and Council for Approval of a change in the text of the Zoning and Planning Ordinance of Rockville, Maryland.

Page 12 Article 16 Section 25.16.03.d

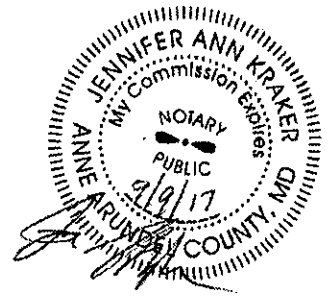
FROM: Which reads as follows see attachment

TO: Reads as follows see attachment

By: [Signature]
(Signature of Applicant)
Craig B. Pittinger, Senior Vice President

Subscribed and sworn before this 20th day of December, 2013

My Commission Expires 9/9/17
Notary Public



The following documents are furnished as part of the application:

- A Complete Application
- Filing Fee

Comments on Submittal: (For Staff Use Only)

December 24, 2013

**ATTACHMENT TO APPLICATION
TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE**

Applicant: Siena Corporation

The Applicant proposes to amend Article 16, Section 25.16.03.d of the Zoning Ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, to add a separate parking standard for self-storage warehouse use by inserting the following text (underlining indicates text to be added; and *** indicates text not affected by the proposed amendment).

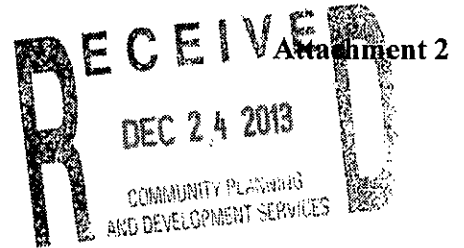
Article 16 – Parking and Loading

25.16.03 – Number of Spaces Required

d. *Table of Space Requirements* – The number of parking spaces for both vehicles and bicycles required for each class of land use are shown in the following table:

Use Category	Use	Auto Parking Spaces		Bicycle Parking Spaces			Additional Requirements
		Unit Measure	Base Number Required	Unit Measure	Short Term Space	Long Term Space	
Industrial and service	<u>Warehouse, self-storage</u>	<u>Per each 1,000 GFA of office</u>	<u>3</u>	<u>Square feet of gross floor area</u>	1	<u>2 per 40,000 SF</u>	<u>Plus additional spaces as may be required by the Approving Authority depending on the character of the use</u>
		<u>Resident manager</u>	<u>2</u>				
		<u>For every 2 employees</u>	<u>1</u>				

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW



December 24, 2013

C. Robert Dalrymple
bdalrymple@linowes-law.com
301.961.5208
Yum Yu Cheng
ycheng@linowes-law.com
301.961.5219

via Hand Delivery

Ms. Bridget Donnell Newton, Mayor
& Members of the City Council
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Text Amendment Application – Amendment to Article 16, Section 25.16.03.d of the Zoning Ordinance to Add a Separate Parking Standard for Self-Storage Warehouse Use

Dear Mayor Newton and Members of the City Council:

On behalf of Siena Corporation (“Siena”), owners and developers of multiple ezStorage self-storage facilities in the region, and at the recommendation of the City Attorney, we are submitting the attached Text Amendment Application (the “Application”) to amend Article 16, Section 25.16.03.d of the Zoning Ordinance to add a separate parking standard for the self-storage warehouse use (the “Proposed Amendment”) pursuant to Section 25.06.02.b.1 of the Zoning Ordinance. Also attached is a check in the amount of \$3,000.00 for the Application filing fee. As you are aware from the December 9th public hearing on Text Amendment Application TXT2014-00236 (the “Comprehensive Amendment of the Zoning Ordinance”), the City Attorney raised due process issues with adding the Proposed Amendment to the Comprehensive Amendment of the Zoning Ordinance. Accordingly, this separate Application is being submitted to resolve the due process issues raised.

By way of background, Siena is the contract purchaser of a property located in the southwest quadrant of the intersection of Taft Street and First Street (at 1175 1st Street) in the Southlawn Office and Industrial Center (the “Property”). The Property consists of approximately 1.39 acres of land that is zoned Light Industrial (IL), and it is currently improved with a vacant warehouse that was previously used for the distribution of baked goods. Having agreed to acquire the Property out of bankruptcy proceedings (which proceedings involve other properties outside of the City as well), Siena has a limited period of time before determining whether to proceed to closing. At this point, the decision will largely hinge on whether the Proposed Amendment will be approved and adopted by the Mayor & Council.

Ms. Bridget Donnell Newton, Mayor
& Members of the City Council
December 24, 2013
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In October, we met with Planning Staff as part of Siena's due diligence efforts to identify potential land use and zoning issues related to the potential location of a 109,808-square-foot ezStorage self-storage facility (with 900 storage units, a 1,100 square foot office, and a dwelling unit for a 24/7 resident manager) on the Property. Upon discovering that the required parking for this use (based on general warehouse use) was far in excess of actual demand or need (110 spaces required versus 15 spaces needed) and that there was no ability to seek a waiver, and with the Comprehensive Amendment of the Zoning Ordinance already underway, Planning Staff suggested that we ask the Planning Commission and Mayor & Council to add a separate parking standard for the self-storage warehouse use. Siena then sought and received a short extension from the seller on the purchase contract in order to pursue adding the Proposed Amendment to the Comprehensive Amendment of the Zoning Ordinance as suggested by Planning Staff.

On November 13, 2013, at the Planning Commission public hearing on the Comprehensive Amendment of the Zoning Ordinance, Siena requested the Proposed Amendment and recommended using the standard used by Montgomery County (3 spaces per 1,000 square feet of gross floor area of office space, 1 space per employee and 2 spaces for the resident manager) or creating its own standard. (Our written request to the Planning Commission, which is contained in the public record for the Comprehensive Amendment of the Zoning Ordinance, is attached for your reference.) The Planning Commission agreed a separate parking standard for the self-storage warehouse use should be created and directed Staff to recommend an appropriate parking standard for the self-storage warehouse use. In response, Staff examined the self-storage warehouse parking standards of several jurisdictions (including Montgomery County and City of Gaithersburg) and recommended the following parking standard: "3 spaces per 1,000 square feet of area devoted to office uses, plus 2 spaces for a resident manager, plus 1 space per 2 employees beyond the resident manager." On November 20, 2013, the Planning Commission transmitted their recommendation to the Mayor & Council to approve the Comprehensive Amendment to the Zoning Ordinance with two recommended revisions, which included the Proposed Amendment. The Proposed Amendment in the attached Application reflects Staff's recommended parking standard for the self-storage warehouse use.

Then, on December 9, 2013, at the public hearing before the Mayor & Council, the City Attorney raised due process issues regarding adding the Proposed Amendment to the Comprehensive Amendment of Zoning Ordinance, which was totally unexpected as there were no objections by the City Attorney prior to this time. In order to sort out and understand the issues raised, Siena had to request another short extension from the seller. Based on discussions with the City Attorney and Staff, we understand that the due process issues raised will be resolved through submission of this separate Application.



Ms. Bridget Donnell Newton, Mayor
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In order to pursue this current Application, Siena had to request yet another short extension from the seller and will run out of extensions. Accordingly, we respectfully request that you schedule the public hearing at the earliest possible date (which we understand is January 27th), and approve and adopt the Proposed Amendment as soon as possible after the public hearing.

Thank you for your consideration of our request. Should you have any questions or need anything else, please do not hesitate to contact us.

Sincerely yours,

LINOWES AND BLOCHER LLP

A handwritten signature in cursive script that reads "C. Robert Dalrymple".

C. Robert Dalrymple

A handwritten signature in cursive script that reads "yum yu cheng".

Yum Yu Cheng

Attachments

- cc: Mr. Craig B. Pittinger (Siena Corporation)
- Mr. Douglass A. Barber (City Clerk)
- Ms. Susan Swift (Planning Director)
- Mr. James Wasilak (Chief of Planning)
- Mr. Deane Mellander (Zoning Administrator)
- Mr. Bobby Ray (Planner)
- Mr. Jeremy Hurlbutt (Planner)
- Ms. Barbara B. Matthews (City Manager)
- Debra Daniel, Esq. (City Attorney)
- Marcy Waxman, Esq. (Senior Assistant City Attorney)