

BEFORE THE HEARING EXAMINER FOR MONTGOMERY COUNTY, MARYLAND
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Suite 200
Rockville, Maryland 20850

IN THE MATTER OF:)	
Arcland Property Company, LLC)	
)	
Applicant.)	
)	
Steve Cratin)	
Nana Baine)	
Patrick La Vay)	
Rebekah Brown)	
)	Zoning Application No. H-154
)	
For the Application.)	
)	
)	
Elizabeth C. Rogers, Esquire)	
Attorney for the Applicant.)	

APPLICANT'S PRE-HEARING STATEMENT

In accordance with the provisions of Rule 3.4 of the Rules of Procedure for Zoning Cases, the Applicant, Arcland Property Company, LLC, submits this Pre-Hearing Statement (the "Statement"). The Applicant hereby incorporates by reference its Land Use Report, submitted with the Local Map Amendment Application, which contains additional information in support of the application and justification for the request.

I. STATEMENT OF GROUNDS UPON WHICH THE CASE IS BASED AND JUSTIFICATION FOR THE REZONING APPLICATION.

The Property subject to Local Map Amendment H-154 (the "Application" or "LMA") is located along Parklawn Drive, approximately 900 feet south of its intersection with Randolph Road (the "Property"). The Property is an irregular shaped lot that has an angled boundary along the northern property line, abutting Parklawn Drive. The Property is more particularly known as Lot 6 in the "North Bethesda Industrial Center" subdivision, as recorded among the Montgomery County Land Records ("Land Records") at Plat No. Plat 9530 and is comprised of approximately

93,660 square feet (or approximately 2.15 acres) of land area. Including prior right-of-dedications, the Property has a gross Tract area of 104,628 square feet (or 2.4 acres).

The Property is currently zoned EOF-0.75, H-100' and is improved with a four story office building and associated surfacing parking. According to the Maryland State Department of Assessments and Taxation ("SDAT") records, the existing building was developed circa 1970 and has approximately 48,810 square feet of above grade floor area. The existing building is angled away from the roadway and setback significantly from the street with an intervening semi-circular drive. In fact the Property frontage along Parklawn Drive is largely occupied by vehicular oriented features, such as curb cuts, a drive aisle and expansive surface parking lot. As such, the existing office building fails to define or activate the street.

The LMA seeks to rezone the Property to the Industrial Light Floating zone ("ILF") – ILF 1.0, H-55', consistent with the adjacent properties and the *2018 Approved and Adopted White Flint 2 Sector Plan* (the "Sector Plan") vision for this area as an industrial district. As noted in the Applicant's Land Use Report, the Property was previously zoned Industrial. Recognizing the important service that industrial zoned land provides in the County, the Sector Plan sought to retain this industrial district, and only recommended rezoning the Property to the EOF zone to address the existing non-conforming height. The Applicant now seeks to return the Property to its former industrial zone, in conformance with the County's goals and recommendations, as expressed through the Sector Plan.

As depicted on the Floating Zone Plan, the Applicant seeks approval of this Application to accommodate redevelopment of the existing, aging, underutilized, suburban office building with a modern self-storage facility. Specifically, the Applicant is proposing to construct a new three-story plus cellar, self-storage facility containing up to 104,628 square feet of gross floor area (plus 34,118 square feet of cellar space, excluded from the calculation of FAR). The building will feature high-quality architectural elements, building materials, and improved site design. The Project will activate and enhance the street frontages both through the building design and streetscape improvements. Parking has been strategically located to the side and rear of the proposed building, behind the front building line, so as to be largely screened from view of the street. The proposed redevelopment will also provide significant environmental benefits by decreasing the amount of impervious area that exists on-site today (*i.e.* approximately 63% proposed, as compared to 76% existing imperviousness) and providing stormwater management, where none currently exists. (The "Project").

The requested rezoning and proposed Project fulfills all of the purposes and requirements of the ILF Zone (Zoning Ordinance, Section 5.5.2), and is in substantial conformance with the *2018 Approved and Adopted White Flint 2 Sector Plan*. The Project also complies with all general requirements of the Zoning Ordinance. The requested rezoning also satisfies all necessary findings contained in Zoning Ordinance Section 7.2.1.E, for approval of a LMA. Compliance with these requirements is discussed in detail in the Applicant's Land Use Report.

The ILF Zone and proposed development of the Property will be compatible with the surrounding development. The proposed self-storage facility will complement the surrounding industrial uses and will also support nearby commercial and residential development. Furthermore, the building will provide a buffer to the noise associated with the CSX tracks for the confronting residential uses and has been designed to activate and engage the street.

Adequate public facilities and services will be available to serve the development on the Property. As discussed in detail in the Applicant's Land Use Report and demonstrated in the Traffic Statement submitted in connection with the Application, the Project will result in fewer than 50 net new peak hour person trips. The existing office use generates 99 AM peak hour person trips and 93 PM peak hour person trips. The proposed self-storage facility generates a total of 17 AM peak hour person trips and 27 PM peak hour person trips, resulting in a net reduction of 82 AM peak hour person trips and 66 PM peak hour person trips. As such, the Project is exempt from Local Area Transportation Review ("LATR"). The Property will be served by existing water and sewer mains. Electric, gas and telecommunications services are also available to serve the Property. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently available in the vicinity of the Project.

The evidence to be presented will demonstrate: (1) that the LMA satisfies the requirements of the ILF Zone as set forth in Zoning Ordinance Section 59-5.5; (2) that the available public facilities and services will be adequate to serve the proposed redevelopment under the Growth and Infrastructure Policy; (3) that the LMA substantially conforms with the recommendations of the Sector Plan for the Property; and (4) that approval of the LMA complies with the required findings contained in Zoning Ordinance Section 59-7.2.1.E.

II. REPORTS INTENDED TO BE INTRODUCED AT THE HEARING

1. Land Use Report; and
2. Traffic Statement prepared by MHG.

These reports have already been submitted into the record in connection with the LMA Applications.

III. SUMMARY OF EXPERT TESTIMONY

At the present time, the Applicant intends to call the following expert witnesses to testify in support of the rezoning application:

1. Patrick La Vay, Civil Engineer with MHG will testify as to among other things the physical characteristics of the Property, the Natural Resources Inventory/Forest Stand Delineation Plan of the Property, the proposed Floating Zone Plan, and the proposed storm water management concept plan for the redevelopment of the Property. Patrick La Vay will also testify regarding the structure's compliance with the applicable standards and

requirements of the Zoning Ordinance; the Traffic Statement prepared for the LMA; and the Project's substantial conformance with the Master Plan and compatibility with surrounding area.

2. Rebekah Brown, with bwdarchitects, will testify as to the architectural and design elements of the Project.

The resumes of the above identified expert witnesses are attached (*see Exhibit 1*). The Applicant reserves the right to call additional expert witnesses if it deems necessary.

IV. OTHER WITNESSES WHO WILL TESTIFY

In addition to the above expert witnesses, the Applicant may also have the following witness testify:

1. Steve Cratin, Vice President of Development and Construction, Arcland.

V. ESTIMATED TIME REQUIRED FOR PRESENTATION

It is estimated that three (3) hours will be required for the Applicant to present its case in chief.

This submission is intended to satisfy the requirement of the Rules of Procedure for Zoning Cases. If it is subsequently determined that new or supplemental information is necessary, the Applicant will make a supplemental submission in a timely fashion.

Respectfully submitted,

By: 

Elizabeth C. Rogers

Exhibit 1

PATRICK G. LA VAY, P.E.

TITLE: Vice President / Senior Project Engineer

EXPERTISE: Civil Engineering, Land Planning and Project Management Relating to Development Projects in Maryland, Virginia and Washington, D.C.

EXPERIENCE WITH MACRIS, HENDRICKS AND GLASCOCK, P.A.

(2009 - Present):

- Principal Project Engineer in charge of managing commercial, institutional, and industrial projects under design by Macris, Hendricks and Glascock, P.A. Responsibilities include: project coordination and scheduling, plan and specification preparation and review, development application and permit processing, LEED Certification and construction administration.

(2007 – 2009)

- Design Engineer in charge of the design of Stormwater Management & Storm Drainage Systems and Soil Erosion/Sediment Control Plans. Responsibilities included feasibility investigations, plan and specification preparation, and construction administration.

ACADEMIC BACKGROUND:

- B.S., Virginia Tech (2005) – Mining and Minerals Engineering
- Phi Sigma Theta National Honors Society

PROFESSIONAL REGISTRATION:

- Professional Engineer, State of Maryland
- Professional Engineer, District of Columbia
- Professional Engineer, Commonwealth of Virginia

PROFESSIONAL AFFILIATIONS:

- American Society of Civil Engineers (ASCE), Member

EXPERIENCE AS EXPERT WITNESS:

- Office of Zoning Hearing Examiner for Montgomery County, Maryland
 - Special Exception Case No. S-2819, Olney Assisted Living
 - Special Exception Case No. S-2820, Fairland Animal Hospital
 - Special Exception Case No. S-2815 Alfredhouse Eldercare, Inc.
 - Special Exception Case No. S-687-G, Bullis School
 - Conditional Use Case No. CU 15-05 Artis Senior Living, Potomac
 - Local Map Amendment Case No. H-118, Georgetown Professional Associates
- Montgomery County Department of Transportation
 - Abandonment/Disposition of Water Johnson Road, Germantown, AB-779
- Frederick County Board of Appeals
 - Special Exception Case No. B-14-17, Kelkimric Properties

AWARDS AND HONORS:

- Shelton Award for Academic Achievement in Engineering – Class of 2005
- Maryland National Capital Building Industry Association, 2011 Environmental Award – Watkins Mill High School, Regenerative Storm Drain Outfall Restoration Project

PROFESSIONAL STATEMENT OF QUALIFICATION

I. BASIC INFORMATION

- A. Education History
 - 1. Virginia Polytechnic Institute and State University, Bachelor of Architecture, Cum Laude 2008
- B. Active Architectural License Registrations:
 - 1. MD, DC, VA, DE, FL
- C. Professional Affiliations
 - 1. NCARB, ICC, SSA

II. GENERAL STATEMENT OF QUALIFICATIONS

- A. At **bwdarchitects inc.**, a professional architectural services firm founded in 1989 and based in Falls Church, Virginia, Rebekah is one of four partners. She has been involved in hundreds of storage facility projects ranging from 20,000 to 200,000 SF, including new construction, additions, renovations/conversions and mixed use. Rebekah has shepherded projects from initial site plan, through entitlement approvals, building permitting and construction. She has assisted projects across the country, served as Senior Project Manager, and held the position Architect of Record (AOR) on multiple projects along the east coast.

III. RELEVANT PROJECTS

- A. *The following Projects are representative of the Architect's recent work applicable to this project.*
 - 1. Nicholson Ct. Self Storage, Montgomery County, MD - 143,000 SF
 - 2. Shirlington II Self Storage, Arlington County, VA - 128,000 SF
 - 3. Sussex Self Storage, Sussex County, DE - 130,000 SF
 - 4. West Ox Self Storage, Fairfax County, VA - 120,000 SF
 - 5. Dixie Highway Self Storage, Miami-Dade County, FL - 117,000 SF
 - 6. Suitland Self Storage, Prince George's County, MD - 110,000 SF
 - 7. Bel Air Self Storage, Howard County, MD - 110,000 SF

IV. ADDITIONAL INFORMATION

- A. Speaking/Panelist Engagements:
 - 1. George Mason Center for Real Estate Entrepreneurship: Repurposing Obsolete Office Buildings— Dec 2022
 - 2. AIA Symposium: Demystifying Density— Feb 2020