



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

Staff Report: Site Plan Amendment 82001013B, Chevy Chase Center
Site Plan Amendment 82001021C, Chevy Chase Center

CONSENT ITEM #: _____

MCPB HEARING

DATE: October 7, 2010

REPORT DATE: September 24, 2010

TO: Montgomery County Planning Board

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

FROM: Elza Hisel-McCoy, Assoc. AIA, LEED-AP *CH*
Planner Coordinator
Development Review Division
301.495.2115
Elza.Hisel-
McCoy@montgomeryplanning.org

APPLICATION

DESCRIPTION: Modification of Farr Park to include a private dining area; upgrades to streetscape, including plantings, paving, and street furniture; reconfiguration of former taxi stand; request to waive area limits for ground floor uses, as required by the overlay zone. Located north of Wisconsin Circle between Wisconsin Avenue and Western Avenue, NW, on 8.22 acres of land zoned TS-M and CBD-1, with the Chevy Chase Neighborhood Retail Preservation Overlay Zone on the CBD-1 portion; in the Bethesda-Chevy Chase Master Plan

APPLICANT: Chevy Chase Land Company

FILING DATE: August 17, 2010

RECOMMENDATION: Approval of the site plan amendments and adoption of the draft resolution.

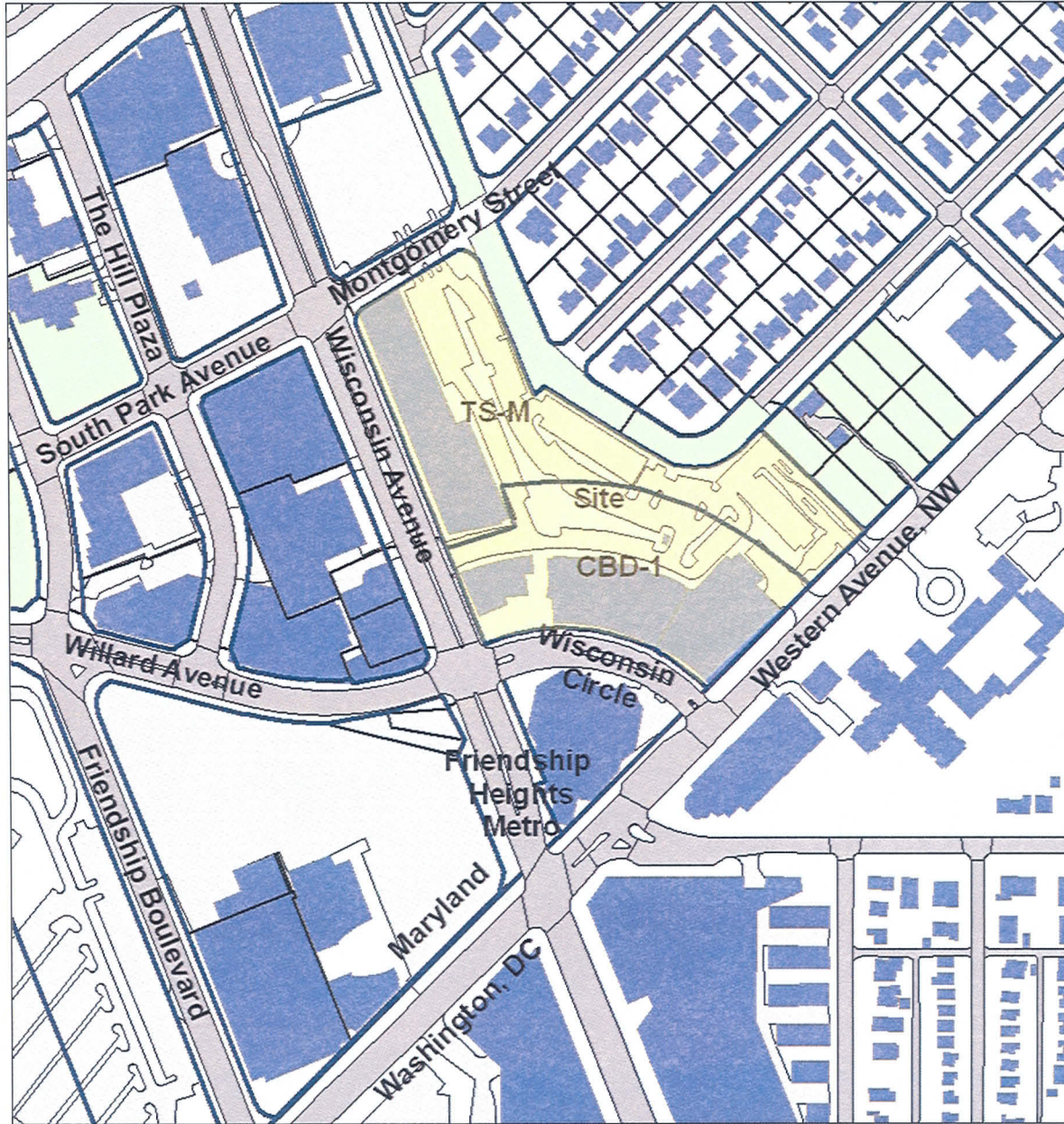
EXECUTIVE

SUMMARY: The overall site is split-zoned CBD-1 and TS-M, with the current development approved under a Project Plan and a Development Plan, respectively. The modifications affect two different site plans and are directly associated with the referenced plan approvals. The Applicant is pursuing minor changes to the design of the exterior spaces and streetscape.

SITE DESCRIPTION

Site Vicinity & Analysis

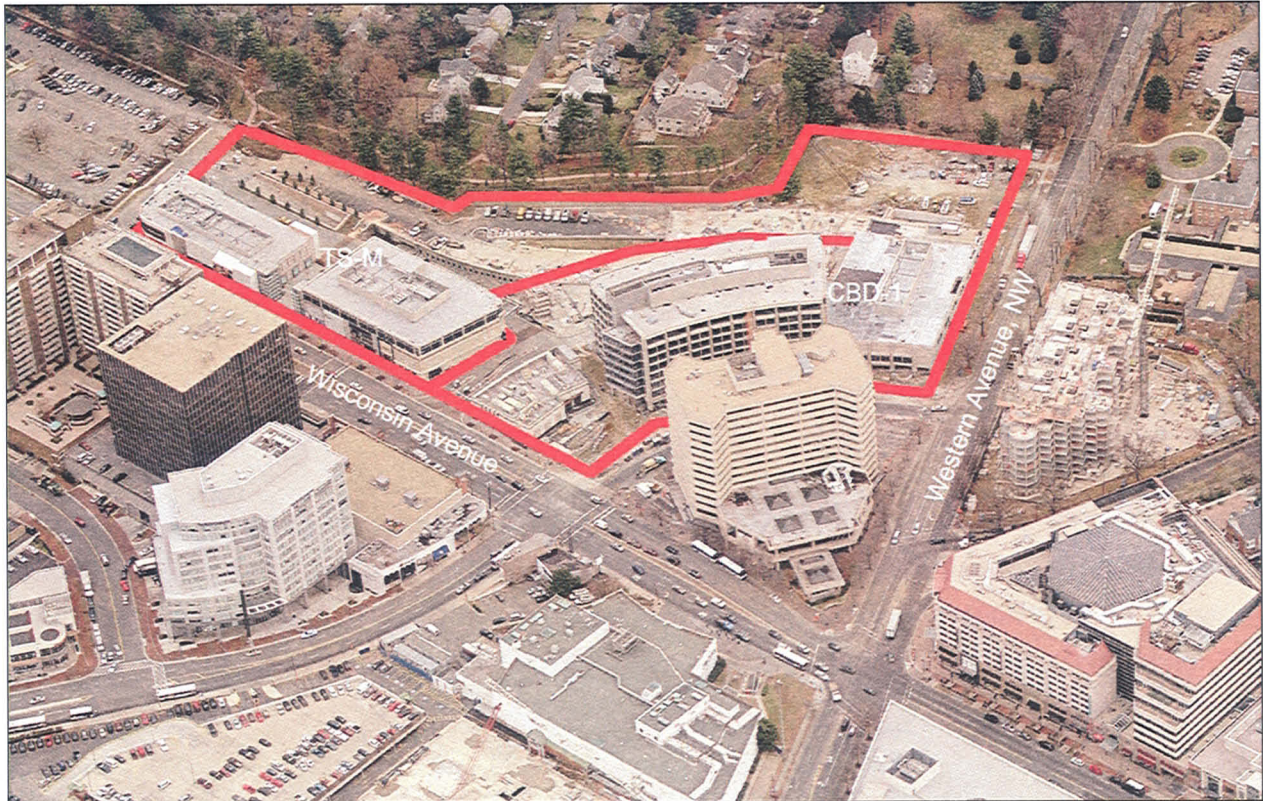
The subject site is located in the wedge formed by Wisconsin Avenue and Western Avenue, NW, north of Wisconsin Circle. The Western Avenue, NW, right-of-way forms the border between the state of Maryland and the District of Columbia. Adjacent to the site to the north is Chevy Chase Village. To the west, across Wisconsin Avenue, are the higher-density commercial and residential buildings of Friendship Heights. The Friendship Heights Metro station is located at the intersection of Wisconsin Avenue and Western Avenue, with entrances on all four corners.



Vicinity Map

Recently approved site plan applications in the vicinity include updates to the Wisconsin Place project in the west quadrant of the intersection of Wisconsin Avenue and Western Avenue. The general context of this area consists of higher-density development along Wisconsin Avenue scaling down to one-family residential behind.

The subject site is split-zoned CBD-1 and TS-M, with the Chevy Chase Neighborhood Retail Preservation Overlay Zone over the CBD-1 portion. It is currently occupied by the Chevy Chase Center shopping center, which includes a supermarket, several restaurants, and high-end retail development. Each of the buildings fronts directly onto Wisconsin Avenue, Wisconsin Circle, or a private interior drive. Surface parking lots above underground structured parking are located behind the buildings and are themselves buffered from the adjacent single-family residential development by a landscaped pedestrian path installed by the Applicant with the original development of this site. Vehicular entry to the site is provided off Wisconsin Circle, Wisconsin Avenue, and Western Avenue, NW.



Aerial Photo

PROJECT DESCRIPTION

Previous Approvals

Because the site is split-zoned CBD-1 and TS-M, the initial approvals for the project were conducted under separate mechanisms. For the CBD-1 portion of the site, the Planning Board approved on July 29, 1999, Project Plan 919990020, for 300,000 sf. of office, retail, and

restaurant uses. For the TS-M portion, the District Council approved on February 27, 2001, Local Map Amendment G-775, allowing 112,000 sf. of office, retail, and restaurant uses.

Both parts of the development were combined for Preliminary Plan 119990830, which the Planning Board approved on May 31, 2001. On that date the Board also approved two site plans, 820010130 for the CBD-1 portion of the site and 820010210 for the TS-M section. The joint resolution, mailed December 20, 2001, reconfirmed the maximum development area established by the Project and Development Plans and established new public use and amenity space amounts (see discussion below).

On August 15, 2005, the Director of the Planning Department approved Site Plan Amendments 82001013A and 82001021A for minor changes to the site. On August 23, 2007, the Applicant submitted another Amendment, 82001021B, for outdoor restaurant seating in the TS-M area of the site. Citing significant neighborhood opposition, however, the Applicant withdrew the application on October 23, 2007.

On May 13, 2010, the Planning Board approved Project Plan Amendment 91999002A, for streetscape improvements on the CBD-1 portion of the site, and recommended approval of DPA 10-1, for modification of the central public space to allow for a private outdoor dining area, minor reconfiguration of the parking lot, and streetscape improvements on the TS-M portion of the site. On July 13, 2010, the District Council approved DPA 10-1.

Description of Amendments

The Applicant requests the following modifications to the Site Plans.

Site Plan Amendment 82001013B (CBD-1/CCNRPOZ)

1. Additional seating and planting areas;
2. Optional private outdoor dining areas along Wisconsin Circle and the internal private drive;
3. Updating the data table to reflect minor increases to public use and amenity areas;
4. Revised parking calculations per changes in mix of uses.

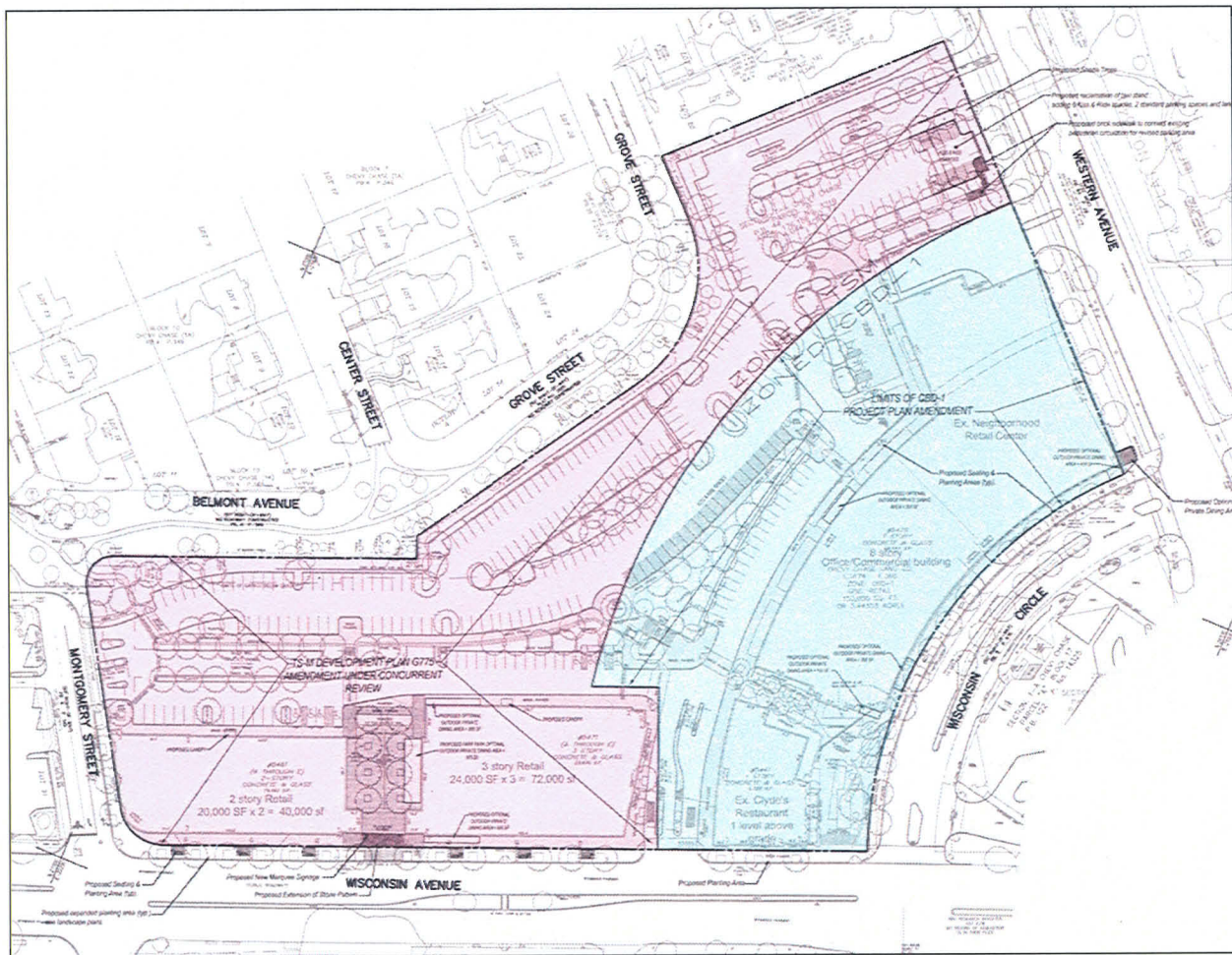
In addition, the CBD-1 portion of the site is covered by the Chevy Chase Neighborhood Retail Preservation Overlay Zone (Section 59-C-18.17), which limits individual ground floor uses to a maximum floor area of 5,000 square feet. Under section 59-C-18.172(b)(2), however,

the Planning Board may grant a waiver to increase the maximum floor area limit for any use permitted at the ground floor level...if the Planning Board finds that an increased floor area is consistent with the commercial and development objectives for the area as established in the sector plan.

The Applicant is requesting such a waiver to allow up to 8,500 square feet for restaurant uses and up to 7,500 square feet for other retail uses. The Applicant believes this increased floor area will better enable them to market the space in the current economic climate.

Site Plan Amendment 82001021C (TS-M)

1. Additional seating and planting areas;
2. Optional private outdoor dining areas within Farr Park and along an internal private drive;
3. Updated data table for minor increases to public use and amenity areas and land use mix;
4. Revised parking calculations per changes in mix of uses;
5. Addition of entrance canopies along internal private drive;
6. Overhead lighting for Farr Park;
7. Farr Park paving treatment extended into Wisconsin Avenue sidewalk;
8. Conversion of taxi stand along Western Avenue, NW, into additional parking with a planted seating area, with trees, benches, and a sidewalk extension;



Site Plan, CBD-1 portion in blue, TS-M in purple

PUBLIC NOTICE

A notice regarding the subject amendment was sent to all parties of record by the Applicant on August 18, 2010. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59-D-3.7. Staff received one letter, from the Friendship Heights Village Civic Association, in support of the proposed amendments.

STAFF RECOMMENDATION

The proposed modifications to the site plan will not alter the overall character or impact of the development with respect to the original findings of approval. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Site Plan Amendment 82001013B and Site Plan Amendment 82001021C.

Additionally, staff from the Vision, Design, and Development Review Divisions have reviewed the Applicant's request for a waiver from the area limit on individual ground floor uses and has found the request to be consistent with the goals of the sector plan. Staff recommends approval of the waiver.

APPENDICES

- A. Draft Planning Board Resolutions
- B. Vision Division memo
- C. Public comment

Appendix A: Draft Planning Board Resolutions



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

MCPB No. 10-132
Site Plan No. 82001021C
Project Name: Chevy Chase Center
Hearing Date: October 7, 2010

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on August 17, 2010, Chevy Chase Land Company ("Applicant") filed a site plan amendment application designated Site Plan No. 82001021C ("Amendment") for approval of the following modifications:

1. Additional seating and planting areas;
2. Optional private outdoor dining areas within Farr Park and along an internal private drive;
3. Updated data table for minor increases to public use and amenity areas and land use mix;
4. Revised parking calculations per changes in mix of uses;
5. Addition of entrance canopies along internal private drive;
6. Overhead lighting for Farr Park;
7. Farr Park paving treatment extended into Wisconsin Avenue sidewalk;
8. Conversion of taxi stand along Western Avenue, NW, into additional parking with a planted seating area, with trees, benches, and a sidewalk extension; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated September 24, 2010, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report") and the associated waiver; and

WHEREAS, on October 7, 2010, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910
MNCPPC Legal Department

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 Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82001021C; and

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 Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is _____ (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 written opinion, 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 _____, seconded by Commissioner _____, with _____ voting in favor of the motion, at its regular meeting held on Thursday, _____, in Silver Spring, Maryland.

Françoise M. Carrier, Chair
Montgomery County Planning Board



MCPB No. 10-131
 Site Plan No. 82001013B
 Project Name: Chevy Chase Center
 Hearing Date: October 7, 2010

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board (“Planning Board”) is required to review amendments to approved site plans; and

WHEREAS, on August 17, 2010, Chevy Chase Land Company (“Applicant”) filed a site plan amendment application designated Site Plan No. 82001013B (“Amendment”) for approval of the following modifications:

1. Additional seating and planting areas;
2. Optional private outdoor dining areas along Wisconsin Circle and the internal private drive;
3. Updated data table for minor increases to public use and amenity areas;
4. Revised parking calculations per changes in mix of uses; and

WHEREAS, per Section 59-C-18.172(b)(2), the Applicant is also requesting a waiver of the limit of 5,000 square feet for ground floor uses to allow up to 8,500 square feet for restaurant uses and up to 7,500 square feet for other retail uses; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff (“Staff”) and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated September 24, 2010, setting forth its analysis and recommendation for approval of the Amendment (“Staff Report”) and the associated waiver; and

WHEREAS, on October 7, 2010, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the “Hearing”); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff’s recommendation and analysis set forth in the Staff Report and hereby

approves the Site Plan No. 82001013B for the proposed modifications and the waiver of the area limit for ground floor land uses; and

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 Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is _____ (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 written opinion, 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 _____, seconded by Commissioner _____, with _____ voting in favor of the motion, at its regular meeting held on Thursday, _____, in Silver Spring, Maryland.

Françoise M. Carrier, Chair
Montgomery County Planning Board

EHM

MEMORANDUM

DATE: September 13, 2010

TO: Elza Hisel-McCoy
Development Review Division

FROM: N’kosi Yearwood
Vision Division

SUBJECT: Chevy Chase Center Amendment-8-2001013B

Staff recommendation: Approval.

The proposed development is consistent with the recommendations in the Approved and Adopted 1998 Friendship Heights Sector Plan.

Sector Plan Recommendations

The Approved and Adopted (1998) Friendship Heights Sector Plan recommends the application of the Neighborhood Retail Preservation Overlay zone to retain a grocery store and a mix of neighborhood serving retail uses, and a maximum of 300,000 square feet of total development, including 65,000 square feet of neighborhood retail (p.42). Chevy Chase Center is identified as Parcel 10B in the Plan. The property is in the CBD-2 zone with the Chevy Chase Neighborhood Retail Preservation Overlay Zone.

The Plan recommends several design guidelines, including the provision of “neighborhood retail uses on the ground floor, in accordance with the Neighborhood Retail Preservation Overlay Zone” and enhance streetscape with “trees, adequate sidewalks, special paving, and curbside drop-off areas for convenient pedestrian access” (p.43).

The Sector Plan notes that a retail market study was conducted during the Plan creation and provided a rationale for the Plan’s recommendations.

- Provide flexibility in the Sector Plan to allow future retail development to adjust to changing market conditions.
- Preserve and enhance the urban character of the area.
- Provide an adequate number of well located and well designed short-term parking spaces for the safety and convenience of shoppers (p.29)

Proposed Development

The applicant proposes to exceed the maximum floor area for retail uses of 5,000 square feet in the Chevy Chase Neighborhood Retail Preservation Overlay. Section 59-C-18.172 (b) (2) of the zoning ordinance establishes a maximum floor area of 5,000 square feet for ground floor level

development. The Planning Board may grant a waiver “if the Planning Board finds that an increased floor area is consistent with the commercial and development objectives for the area as established in the Sector Plan.”

The proposed amendment does not exceed the total amount of development recommended in the Sector Plan, including neighborhood retail. Further, the propose uses are consistent with neighborhood-oriented retail and services. The amendment will also improve the streetscape along Wisconsin Circle and Wisconsin Avenue and the internal park. Staff recommends approval of the proposed amendment.

FRIENDSHIP HEIGHTS VILLAGE CIVIC ASSOCIATION, INC.

**4450 South Park Avenue, #417
Chevy Chase, Maryland 20815**

AUG 27 2010

August 25, 2010

Development Review Division
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Consent Amendment Plan Applications
Site Plan Amendment Nos. 82001013B
and 82001021C

Gentlemen:

We have reviewed the referenced Notice advising the filing of applications for consent amendments for the Chevy Chase Center, located on property bounded by Wisconsin Avenue, Western Avenue, and Wisconsin Circle in Chevy Chase, Maryland.

The proposed composite Site Plan amendments appear to be consistent with the applicant's proposals and presentations.

As we have previously stated, we believe the proposal will benefit the community and we support the applicant's filing as conditioned by the Planning Board's Resolution of July 13, 2010.

Sincerely,



Barbara G. Tauben
President

Hisel-McCoy, Elza

From: Bargben@aol.com
Sent: Friday, August 27, 2010 4:46 PM
To: Hisel-McCoy, Elza
Cc: bdalrymple@linowes-law.com
Subject: Chevy Chase Center Project

Follow Up Flag: Follow up
Flag Status: Flagged

Elza Hisel-McCoy
Development Review Division
Maryland-National Capital Park and
Planning Commission

RE: Consent Amendment Plan Applications Site Plan
Amendments Nos. 82001013B and 82001021C

This is to append our letter of August 25 commenting on the referenced project applications.

We failed to specifically address the applicant's request to obtain a modification to the Montgomery County Zoning Ordinance (Sec. 59-c-18.172(b)(2)) regarding the current maximum square footage limitations for individual ground floor retail uses (specified in the Chevy Chase Neighborhood Retail Preservation Overlay Zone). We support the applicant's request to allow an increase to 8,500 sq.ft. for restaurant uses and 7,500 sq. ft. for other uses.

In fact, we would support even greater increases for "other uses" to permit the consolidation of 3 currently vacant stores on Wisconsin Circle. Our association appreciates the need for marketing flexibility and strongly desires leasing to merchants, such as "Bed, Bath & Beyond" that would truly serve the basic needs of this community.

Barbara G. Tauben
President
Friendship Heights Village Civic Association, Inc.