



MCPB No. 16-089
Site Plan No. 82001021E
The Collection I
Date of Hearing: September 8, 2016

SEP 15 2016

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

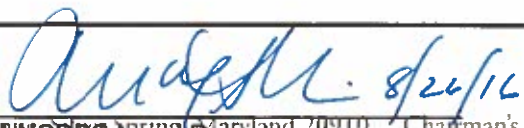
WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance, including the zoning in effect on October 29, 2014; and

WHEREAS, on May 31, 2001, the Planning Board, approved Site Plan No. 820010210¹ for 24,000 gross square feet of office, 71,000 gross square feet of retail, and 17,000 gross square feet of restaurant use on 4.78 net acres of TS-M zoned-land, in conformance with the Development Plan for Local Map Amendment G-775 approved by the District Council on February 27, 2001, located at the northeast quadrant of the intersection with Wisconsin Avenue and Wisconsin Circle ("Subject Property"), in the 1998 Friendship Heights Sector Plan ("Sector Plan") area; and

WHEREAS, on October 20, 2010, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82001013C, modifications of Farr Park to include a private dining area; upgrades to streetscape, including plantings, paving, and street furniture; reconfiguration of former taxi stand in conformance with the Development Plan Amendment 10-1 approved by the District Council on July 31, 2010; and a waiver of limits for ground floor uses required by the overlay zone on the Subject Property; and

WHEREAS, on April 13, 2016, Chevy Chase Land Company ("Applicant") filed an application for approval of an amendment to the previously approved site plans to modify to the public use and amenity space, on-site pedestrian and vehicular circulation, architecture, and as allowed under Section 59-7.7.1.B.3.b, calculation of on-site parking under the standards of the 2014 Zoning Ordinance; and

¹ All other amendments not listed below were approved administratively.

Approved as to
Legal Sufficiency: 
8787 Georgia Avenue, Suite 200, Bethesda, Maryland 20814 Chairman's Office: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82001021E, The Collection I ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated August 26, 2016 setting forth its analysis and recommendation for approval of the Application, and all conditions of the original site plan and subsequent amendments approvals remain valid and binding ("Staff Report"). This Amendment also adds the following conditions:

1. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities on the Subject Property including, but not limited to pedestrian pathways, landscaping, hardscape, recreation facilities, and public open space.

2. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety as required by Section 59-7.3.4.G.1. of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan Amendment elements, including, but not limited to plant material, on-site lighting, recreational facilities, art, site furniture, retaining walls, fences, railings, paths and associated improvements.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- d. The bond or surety must be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

3. 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 forest conservation approval, stormwater management concept approval letter, Site Plan resolution(s), and the Art Review Panel letter on the approval or cover sheet(s).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be

done during the review of the right-of-way permit drawings by the Department of Permitting Services.”

- c. Ensure consistency of all details and layout between Site and Landscape Plans.
- d. Modify data table to reflect development standards.
- e. Provide vehicular and bicycle parking spaces in accordance with the Certified Site Plan.

4. Forest Conservation

Prior to certification of the revised Final Forest Conservation Plan (“FFCP”), the Applicant shall coordinate with Staff to address the following items:

- a. Coordinate all drawings to reflect the proposed condition, including plan notes and details.
- b. Provide ISA-certified arborist evaluation/input for proposed work impacting trees to be preserved.
- c. Details for the bench installations along Wisconsin Avenue need to be provided. The methods shall be coordinated with an ISA-certified arborist to avoid/minimize any impacts to the existing trees to be preserved.
- d. Address forest conservation credit for any trees that are missing, in poor condition and/or declining health. Such trees will not be credited unless replacements are provided.

5. Montgomery Street

- a. The Certified Site Plan must include approved alternative options for the terminus of Montgomery Street, and within the parking area show locations of all speed humps, as approved by Staff.
- b. If the Applicant selects the roundabout option for Montgomery Street and the Chevy Chase Village approves the roundabout option, then, if required, the Applicant must:
 - i. amend the existing special exception for the Saks Fifth Avenue property;
 - ii. amend Preliminary Plan No. 119990830 for the Collection to reflect the modification to Montgomery Street;
 - iii. bond and obtain the necessary approvals or permits from the Chevy Chase Village; and
 - iv. record new plats or documents in the land records to reflect the modification to Montgomery Street.
- c. The Applicant shall be permitted to obtain all necessary permits and approvals to implement and thereafter occupy all remaining portions of the Site Plan Amendment while pursuing the modifications and approvals necessary for the roundabout improvements to Montgomery Street.

6. Art Review

The Planning Board accepts the recommendations of the Art Review Panel in its letter dated July 27, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter.

WHEREAS, on September 8, 2016, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82001021E to modify to the public use and amenity space, on-site pedestrian and vehicular circulation, architecture, and calculation of on-site parking under the standards of the 2014 Zoning Ordinance; and

BE IT FURTHER RESOLVED that all original site plan and subsequent amendments' conditions of approval for this project remain valid, unchanged and in full force and effect; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of The Collection I, Site Plan No. 82001021E submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required; and

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, the Montgomery County Planning Board FINDS, with the conditions of approval, that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and as revised by previous amendments and that all findings remain in effect; and

BE IT FURTHER RESOLVED that this Resolution 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 15 2016 (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 Vice Chair Wells-Harley, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Cichy voting in favor, and Commissioners Dreyfuss and Fani-González absent at its regular meeting held on Thursday, September 8, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board