



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

MCPB No. 20-044
Site Plan No. 82001021H
The Collection I
Date of Hearing: May 21, 2020

MAY 28 2020

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 in effect on October 29, 2014; and

WHEREAS, on May 31, 2001, the Planning Board, approved Site Plan No. 820010210 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, 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, Site Plan No. 82001021A was approved administratively as an amendment to the previous approved site plan for minor changes to the Subject Property, and Site Plan No. 82001021B was filed but withdrawn; and

WHEREAS, on October 20, 2010, the Planning Board approved Site Plan No. 82001021C, a further amendment for modifications of Farr Park to include a private dining area; upgrades to streetscape, including plantings, paving, and street furniture; reconfiguration of former taxi stand; and a waiver of limits for ground floor uses required by the overlay zone on the Subject Property; and

WHEREAS, Site Plan No. 82001021D was approved administratively as an amendment to the previous approved site plan for to convert a portion of the restaurant's outdoor dining area to public use space and add some square footage to the vestibule; and

WHEREAS, on September 8, 2016, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82001021E, modifications

to the public use and amenity space, on-site pedestrian and vehicular circulation, architecture, and calculation of on-site parking; and

WHEREAS, on August 1, 2017, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82001021F, for minor modifications to the site design, internal circulation, and a reduction in parking; and

WHEREAS, Site Plan No. 82001021G was approved administratively as an amendment to the previous approved site plan for minor modifications to the site design, landscaping, lighting, and parking; and

WHEREAS, on March 5, 2020, Chevy Chase Land Company ("Applicant") filed an application for approval of an amendment to the previously approved site plans for a reduction in public use space, increased private outdoor dining space, associated hardscape & landscape modifications, reallocation of retail and restaurant square footage, a reduction in parking and minor parking layout changes on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82001021H, 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 May 11, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 21, 2020, 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. 82001021H subject to the following conditions:¹

1. The Site Plan is limited to a maximum of 300,000 square feet of total development on the Subject Property, including up to 208,628 square feet of office uses, up to 62,707 square feet of retail uses, and up to 29,817 square feet of restaurant uses.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

The combination of retail and restaurant uses within the limits described above must not exceed 91,372 square feet.

2. Outdoor Dining areas must be adjacent to the primary restaurant use to which it is ancillary and illustrated on the Certified Site Plan.
3. The Applicant must provide a minimum of 30,000 square feet of public use space (20% of the net lot area) on-site, as illustrated on the Certified Site Plan.
4. The Certified Site Plan must reflect a 15-foot-wide minimum clear pedestrian path width at the north end of Johnson Park and a minimum clear pedestrian path of 6 feet along all outdoor dining areas.
5. Before 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 development program, and Site Plan resolution on the approval or cover sheet(s).
 - b. Modify data table to reflect development standards approved by the Planning Board.
 - c. Ensure consistency of all details and layout between Site and Landscape plans.
 - d. Remove "X" designation on trees to be removed. No trees will be impacted as part of the Subject Amendment.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 82001021H, The Collection I, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, as revised by previous amendments, and all findings not specifically addressed remain in effect.*
2. *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.

The proposed Amendment 82001021H conforms to all non-illustrative binding elements that were approved as part of Local Map Amendment No. G-775 for the TS-M portion of the Property. The Amendment seeks approval of modifications intended to provide flexibility for new restaurants, including: minor alterations to landscape and hardscape to provide private dining space; an associated reduction in public use space to the minimum allowed by the zone; minor adjustments in commercial space to accommodate additional restaurants; and minor adjustments to provided parking on-site to accommodate new tenant needs. The proposed Amendment will not increase the square footage or building height on-site. Commercial uses on-site will be re-balanced to reflect an increase in restaurant space by 3,737 square feet and a reallocation in retail space by the same amount. In total, the combination of restaurant and retail uses on the Site will not exceed 88,000 square feet.

3. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed Amendment continues to satisfy all of the requirements of the TS-M Zone. Pursuant to Section 59.7.7.1.B.3.b of the New Zoning Ordinance, a sufficient number of on-site parking spaces will be provided in accordance with applicable requirements for Commercial/Residential zoned properties in a Reduced Parking Area (Sections 59.6.2.3 and 59.6.2.4). This Property is not located within an urban renewal area. The Site Plan meets all of the development standards of the zone.

4. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The Amendment is designed to improve and provide flexibility for additional restaurant space within the overall development. The Amendment will result in a decrease of the public use space to the minimum required by the Zone (10% of the Site area or 20,820 square feet) in order to accommodate a corresponding increase in outdoor dining space. The open spaces, landscaping, and site details adequately and efficiently address the needs of the use while providing a safe and comfortable environment. Recreation facilities are not required for this Site Plan Amendment.

Sidewalks are provided as part of a complete network internal to the site and along all public rights-of-way. Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Where new outdoor dining areas reduce the pedestrian travel way in what was previously public use space, sidewalks will maintain a minimum clear width of at least six (6) feet. In addition, this minimum clear width will measure at least seven (7) feet along Wisconsin Avenue and at least 15 feet along the northern portion of Johnson Park. The vehicular circulation efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation.

5. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The Project is compatible with existing and future development surrounding the Property. The proposed Amendment will enhance The Collection's presence along this major thoroughfare and create a more vibrant shopping center that is reflective of the Property's location within close proximity to Metro. Although the Amendment rebalances the distribution of commercial uses to include additional restaurant space, the Amendment does not substantively change the previous approval and remains compatible with the uses surrounding the Property.

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 MAY 28 2020 (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 Fani-González, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson opposed at its regular meeting held on Thursday, May 21, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board