

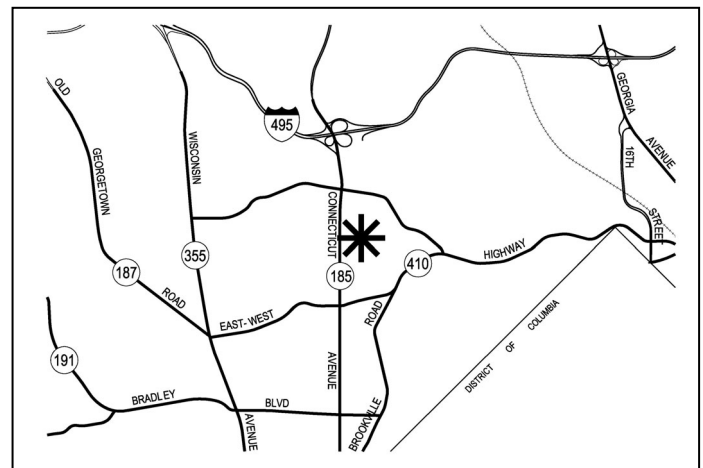
Chevy Chase Lake Block B Preliminary Plan Amendment 12002020E & Site Plan Amendment 82016019D

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Description

Staff Report Date: 06.28.2021

- Preliminary Plan Amendment: Request to modify access points, internal street circulation
- Site Plan Amendment: Request to modify access points, internal street circulation, relocate mitigation plantings on the Forest Conservation Plan, modify design of public open space, and make minor changes to hardscape, landscape and lighting
- Location: Southeast quadrant of the intersection of Connecticut Avenue and Manor Road
- Zone: CRT-2.0 C-1.0 R-1.75 H-120 and CRT 2.0 C 2.0 R 2.0 H80
- Master Plan: *Chevy Chase Lake Sector Plan*
- Property size: 6.19 acres net lot area
- Applicant: Bozzuto Development Company; Chevy Chase Land Company
- Acceptance Date: March 24, 2021
- Review Basis: Chapter 50 and Chapter 59



Summary

- Staff recommends approval of the Preliminary Plan Amendment and Site Plan Amendment with conditions.
- The proposed amendments will introduce a new private road and modify a previously approved private road between Buildings B1 and B2 where the emergency access lane was originally approved, the two private roads will be redesigned as shared streets for both vehicles and pedestrians. The third private road, Chevy Chase Lake Terrace, will remain as originally designed.
- The amendments will slightly alter the design of the neighborhood square to accommodate this change, however neither the public open space nor neighborhood square will be reduced below the originally conditioned size.
- Staff has received letters of opposition from the public, which are summarized in the staff report and included as Attachment C.

SECTION 1: RECOMMENDATIONS AND CONDITIONS

Preliminary Plan Amendment 12002020E

Staff recommends approval of Preliminary Plan Amendment No. 12002020E, for modification of Condition 5, which supersedes the previously approved Condition as set forth in Preliminary Plan Amendment 12002020B¹, and addition of Conditions 21 and 22, while all other conditions remain in full force and effect:

Modified Condition:

5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated April 28, 2017 and confirmed on May 3, 2021, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

New Conditions:

21. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration ("SHA") in its letter dated April 16, 2021 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by SHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
22. Within 9 months of mailing of the Preliminary Plan Amendment Resolution, the Applicant must amend Declaration of Restricted Covenants for Private Roads currently recorded at Book 56311 and Page 362 to include Private Street C and amend and re-record the plat with new Covenant references and delineation of the changes to the Private Road Area (Chaplin Place (Street A) and new Private Street C).

Site Plan Amendment 82016019D

Staff recommends approval of Site Plan Amendment No. 82016019D, for modification of Condition 24 which supersedes the previous Condition language of Site Plan Amendment No. 82016019C², and addition of Condition 25, while all other conditions remain in full force and effect:

24. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Revise Development Table to include requirement for replatting and recordation of amended Declaration of Restricted Covenants for Private Roads.

25. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply

¹ Preliminary Plan Amendment 12002020C is not changed and did not include any conditions, and Preliminary Plan Amendment 12002020D included one condition which is not modified by this Amendment.

² Site Plan Amendment 82016019A was a minor amendment, is not modified and did not include any conditions; and, Site Plan Amendment 82016019B modified only Condition 14 and is not modified.

Section in its letter dated February 27, 2017 and updated on May 21, 2021, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

SECTION 2: SITE DESCRIPTION

Site Vicinity and Analysis

The Subject Property is located on the east side of Connecticut Avenue running the full block between Manor Road and the Georgetown Branch Trail. Adjacent and confronting uses include office, retail, multi-family and one-family detached buildings. The Georgetown Branch Trail runs along the Property's southern edge next to the future Chevy Chase Lake Purple Line station (under construction).

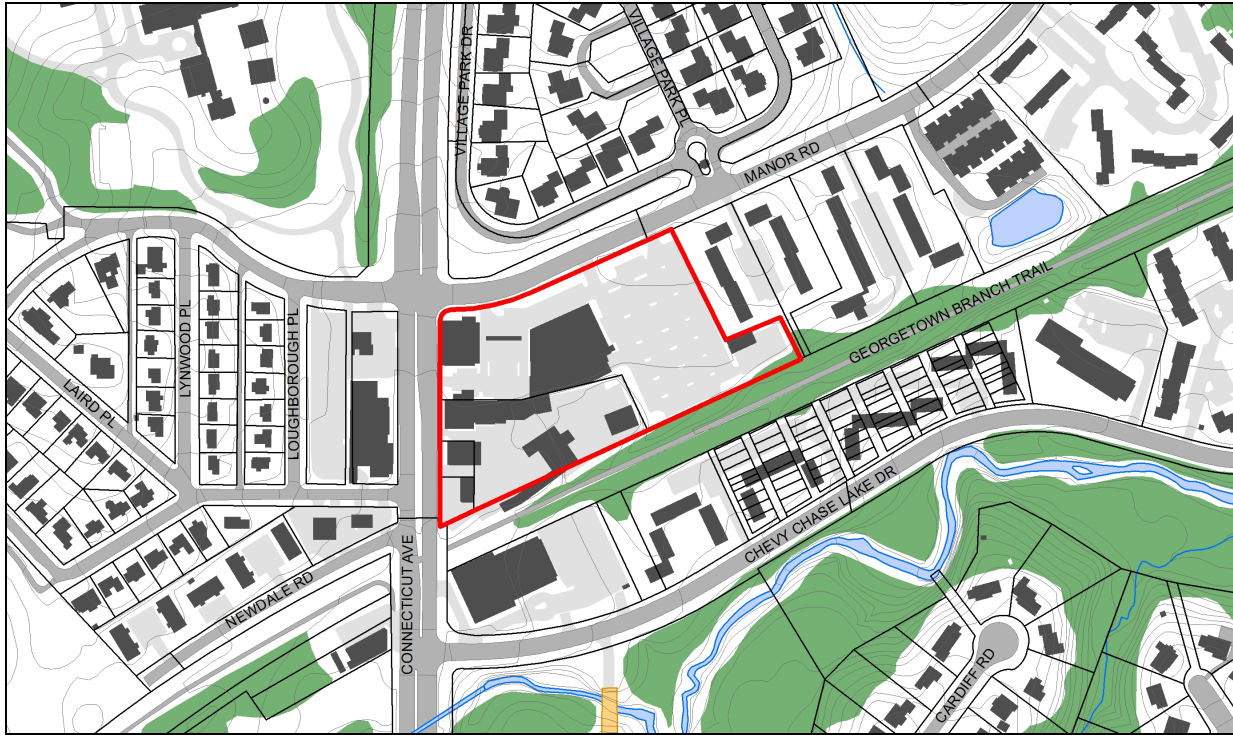


Figure 1 - Vicinity Map

The Subject Property was formerly developed with low-rise retail buildings and associated surface parking lots, known as the Chevy Chase Lake Shopping Center, and the former T.W. Perry hardware store, all of which have been removed to accommodate the Project. An existing gas station at the southwestern corner of the site will be retained until a future phase of development. The Subject Property contains no forest, and there are no streams or wetlands onsite. The Site is located within the Lower Rock Creek watershed. The Property is currently under development for the approved multi-use development as shown in Figure 2 below.



Figure 2 - View of Subject Property from Connecticut Avenue looking into the future neighborhood square and Building B2 to the left.

SECTION 3 – AMENDMENT DESCRIPTION

Previous Approvals

In 2016, the Planning Board previously approved a Sketch Plan (320160030) to allow a phased, mixed-use development containing a maximum of 1,526,289 gross square feet in total, including up to a maximum of 1,385,360 square feet of residential and up to 676,700 square feet of non-residential development over three defined Blocks, A, B, and D.

Subsequently, the Planning Board approved Preliminary Plan (12002020B), and Site Plan (820160190) for Block B (Phase 1) to allow a multi-use development with a maximum density of 789,450 square feet including 681,746 square feet of multi-family uses (534 dwelling units with 12.9% MPDUs) and up to 107,704 square feet of nonresidential uses.

In July of 2020, the Planning Board approved Preliminary Plan Amendment 12002020D and Site Plan Amendment 82016019C to reallocate up to 5,000 square feet of residential density approved under the Sketch Plan from Blocks A & D to Block B, to increase the maximum residential density for Block B to 686,746 square feet, within the approved maximum 534 dwelling units, and the associated maximum total density to 794,450 square feet; reconfigure private outdoor dining areas while maintaining 27,000 square feet of previously approved public use space; and clarify retail parking on private roads.

Neighborhood Plaza

The area between Buildings B1 and B2 was previously approved as public open space to bring forward the Sector-Planned neighborhood square as shown in Figure 3 below. This space includes a central lawn, water feature, double lined trees (several are forest conservation mitigation trees), and the entire area was to be precast concrete pavers. The emergency access lane was approved in front of Building B2, allowing off Connecticut Avenue through to Chevy Chase Lake Terrace, and would be delineated by special markers within the hardscape.

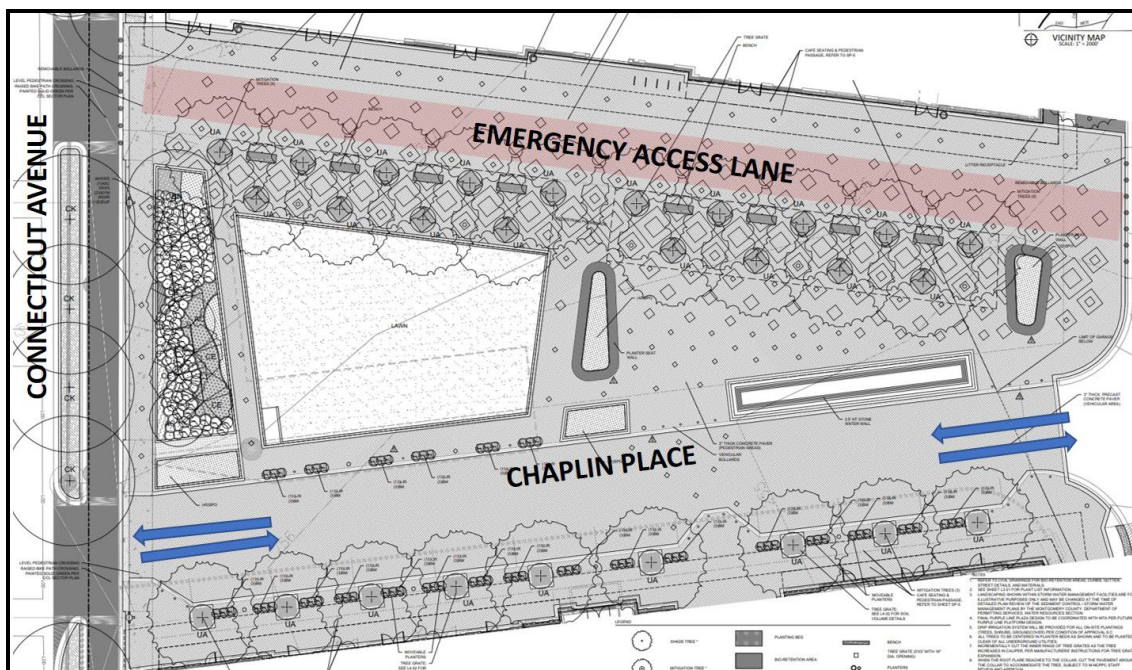


Figure 3 – Previously approved neighborhood square/public open space

Description of Proposed Amendments

The Applicant proposes to modify access points along Connecticut Avenue, internal circulation of the Site, and modify design of the public open space. The Applicant proposes a qualitative redesign of the open space between Buildings B1 and B2 in order to allow for a more cohesive neighborhood square including larger private outdoor dining areas along the ground-floor restaurant spaces, and a change in circulation to allow drop off areas in front of each building. These changes do not affect the overall size between the buildings, but allow for one-way vehicular movement on narrow, curbsless lanes with specialty pavers. The newly proposed materials (See Figure 5 below) will signal to vehicles that they have entered a pedestrian realm and provide differing paver texture and/or patterns for pedestrian only areas. The proposal will also relocate 6 mitigation trees within the square and along Chevy Chase Lake Terrace. Other features of the neighborhood square remain largely unchanged such as the lawn, large tree canopy, water wall feature, and various seating areas.



Figure 4 – Proposed Neighborhood Square with Shared Circulation

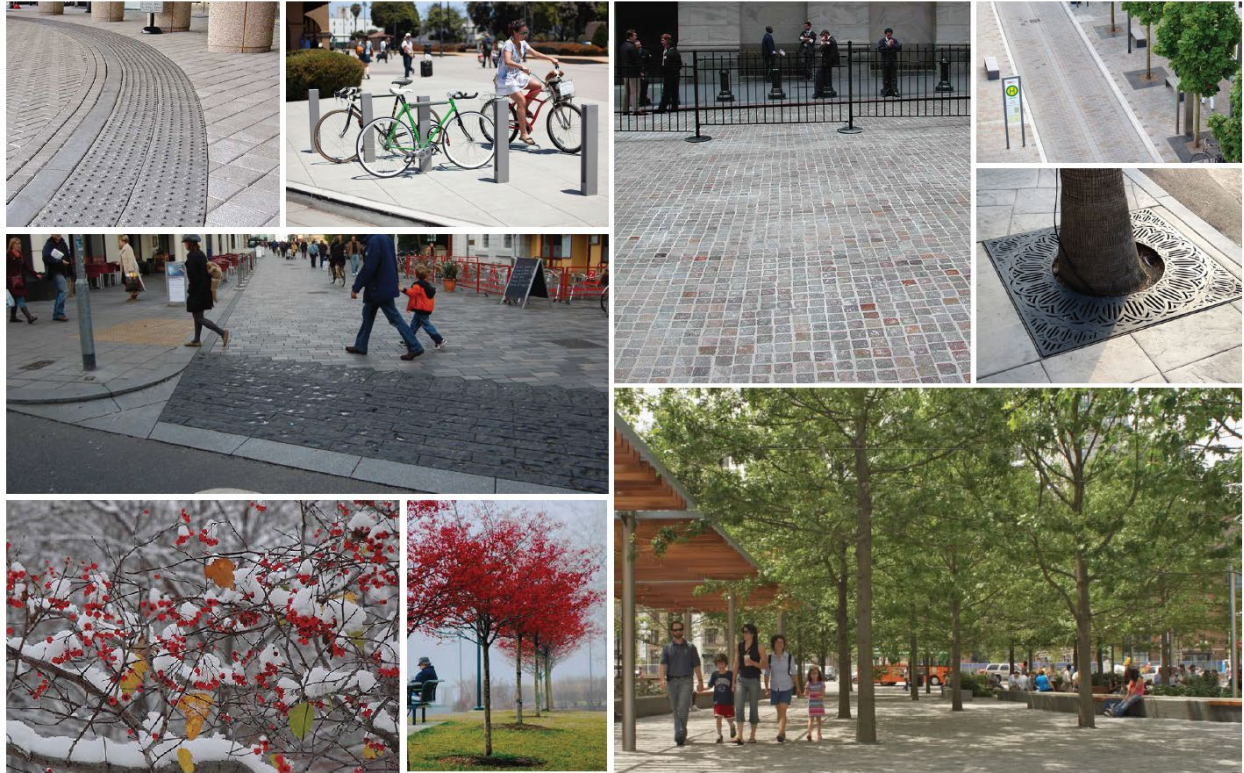


Figure 5 – Proposed Materials for shared streets

Circulation

As currently approved, the site circulation allows two-way traffic from Connecticut Avenue on the south side of the central green (Chaplin Place), and emergency access to the Site is accessed to the north in front of Building B2 from Connecticut Avenue.

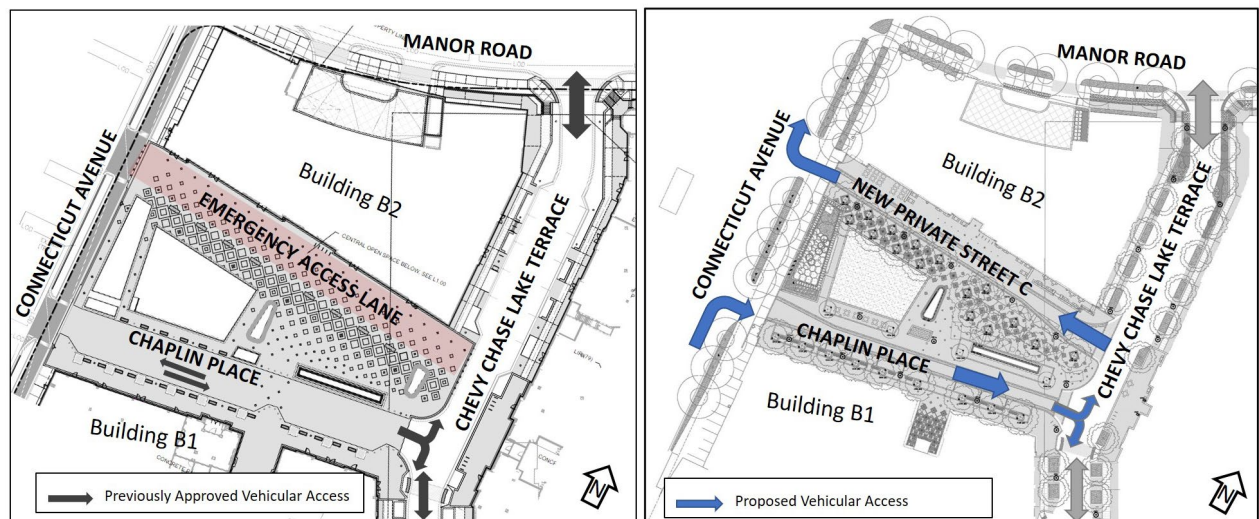


Figure 6 – Approved circulation (left) vs Proposed circulation (right)

The Applicant proposes to reconfigure the circulation to create a one-way counter-clockwise loop around the central green between Connecticut Avenue and Chevy Chase Lake Terrace. Access into the

site from Connecticut Avenue will be on the south side (Chaplin Place), with return access to Connecticut Avenue on the north side (new Private Street C). The revised circulation will provide a more cohesive environment between the building facades, allowing the two narrow streets to extend the pedestrian environment from the central green to the buildings in either direction, whereas in the former, Building B1 and the dining areas were separated from the rest of the neighborhood square.

The Amendment will have no effect on the previously approved design of the adjacent Sector-Planned two-way separated bike lane and sidewalks along the east side of Connecticut Avenue, along the Site frontage.

Forest Conservation

The previously approved FCP included mitigation plantings for removal of specimen trees. This Amendment will modify the locations of 6 variance mitigation plantings within the neighborhood plaza, but the required caliper inches remains unchanged. These location changes are shown in Figure 8 below. The Applicant worked with Staff to ensure mitigation trees will have sufficient soil depth and area for mature growth.

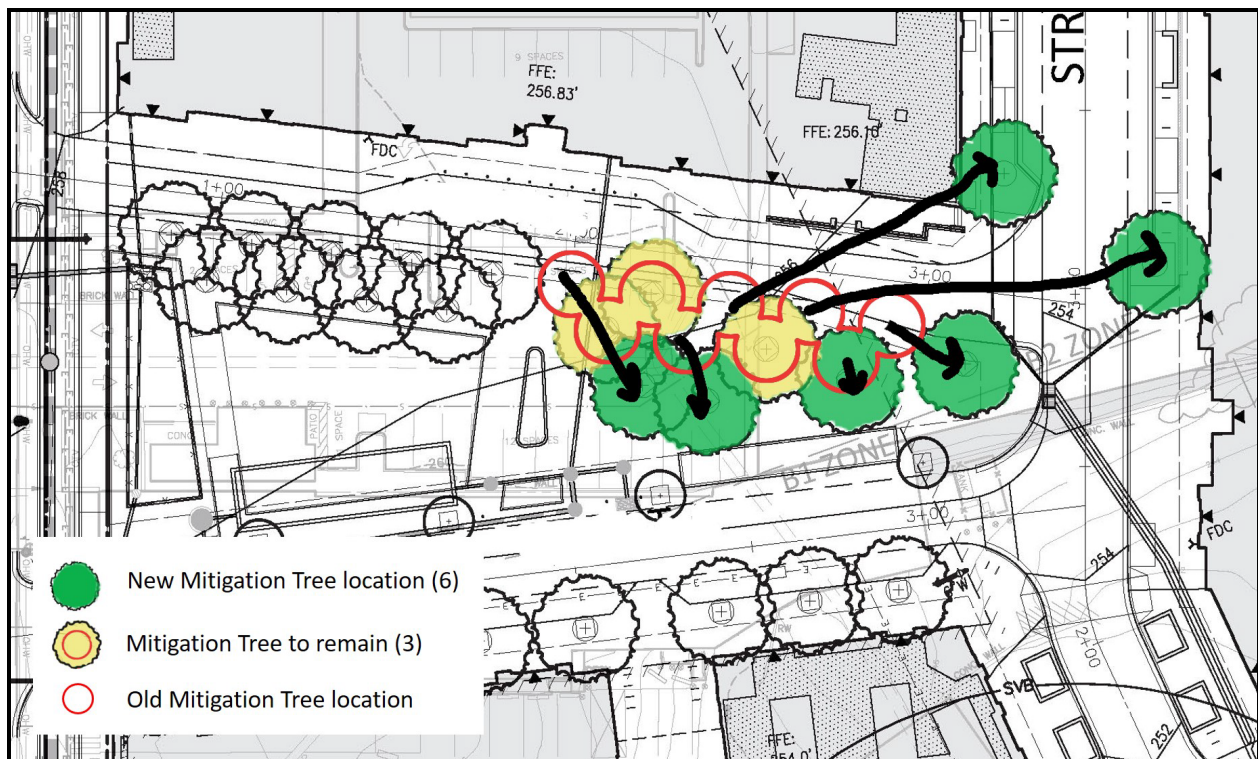


Figure 7 – Proposed Mitigation Tree modifications

SECTION 4 – FINDINGS & ANALYSIS

Preliminary Plan Amendment 12002020E

Preliminary Plan Amendment 12002020E proposes to modify access points and internal street circulation. The Amendment does not alter the intent, objectives, or requirements in the originally approved Preliminary Plan and as previously amended, and all findings remain in effect.

Site Plan Amendment 82016019D

Site Plan Amendment 82016019D proposes to modify access points and internal street circulation and relocate two mitigation plantings on the Forest Conservation Plan, modify public open space, and make minor changes to hardscape, landscape and lighting.

Except as modified below, the Amendment does not alter the intent, objectives, or requirements in the originally approved Site Plan and as previously amended, and all findings remain in effect.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

d. General Requirements

i. Site Access

The proposed circulation reconfiguration will create a one-way counter-clockwise loop around the central green between Connecticut Avenue and Chevy Chase Lake Terrace. Access into the site from Connecticut Avenue will be on the south side, with return access to the Avenue on the north side. The revised circulation will provide a more cohesive environment between the building facades, allowing the two narrow streets to extend the pedestrian environment from the central lawn to the buildings in either direction, whereas in the former, Building B1 and the dining areas were separated from the rest of the neighborhood square.

The Amendment will have no effect on the previously approved design of the adjacent master-planned two-way separated bike lane and sidewalks along the east side of Connecticut Avenue, along the Site frontage.

ii. Parking, Queuing, and Loading

The proposed amendment will not alter the Project's loading and structured parking. The private on-street parking will be slightly modified on Chaplin Place to accommodate the shared street design and will remain safe and adequate. The Applicant proposes bollards on both Chaplin Place and new Private Street C to ensure on-street parking will not encroach into adjacent private dining areas.

iii. Open Space and Recreation

The proposed redesign of the public open space does not affect the previously approved Site Plan requirement of 10% public open space, which yields a requirement of 26,981

square feet. The Application maintains a minimum of 27,000 square feet of public open space throughout the Site, including sidewalks adjacent to private streets and a majority of the public open space will be provided in the Sector Plan recommended neighborhood square. The original design included benches, lawn area, landscaping, and seating walls to activate the space, all elements remain in the revised design.

4. *The development satisfies the applicable requirements of Chapters 19 and 22a of the Montgomery County Code.*

a. *Chapter 19, Stormwater Management*

The MCDPS Stormwater Management Section approved the stormwater management concept on December 16, 2016. On February 26, 2021 MCDPS confirmed that the previously issued approval remains valid with this amendment. As stated in the original approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent practicable through the use of micro-bioretenment and green roofs. The remaining volume will be treated with three underground water quality vaults.

b. *Chapter 22A, Forest Conservation*

As amended, the Project will maintain the afforestation and reforestation requirements associated with the Forest Conservation Plan, a total of 1.29-acres, via credits purchased from an offsite bank or payment of a fee-in-lieu. This Amendment will modify the locations of these variance mitigation plantings but the required caliper inches remains unchanged.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The Amendment will continue to provide safe, well-integrated parking, circulation patterns, and open spaces and site amenities. The Project proposes to expand private outside dining areas while maintaining a minimum of 27,000 square feet of public open space as previously approved.

As amended, the qualitative redesign does not affect the overall size of the space between Buildings B1 and B2, rather it provides a more cohesive neighborhood square including larger private outdoor dining areas along the ground-floor restaurant spaces, and a change in circulation to allow drop off areas in front of each building. These changes do not affect the overall size between the buildings, but allow for one-way vehicular movement on narrow, curbless lanes with specialty pavers. The newly proposed materials will signal to vehicles that they have entered a pedestrian realm, and provide differing paver texture and/or patterns for pedestrian only areas. The proposal will also relocate 6 mitigation trees within the square and along Chevy Chase Lake Terrace. Other features of the neighborhood square remain largely unchanged such as the lawn, large tree canopy, water wall feature, and various seating areas.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Chevy Chase Lake Sector Plan recommends that the redevelopment of the Subject Property include a public open space, to be approximately ½-acre in size, privately owned and maintained, and designed through the development review process. The proposed redesign of the public open space does not affect the previously approved Site Plan requirement of delivering the approximately ½ acre (21,780 square feet) neighborhood square. This space, as amended, will continue to serve as a gathering place for existing as well as new residents and contains amenities necessary to make it an appealing destination for the entire community, as envisioned by the Sector Plan. These amenities include a water wall feature, large tree canopy area, lawn, and various seating types.

SECTION 5 - PUBLIC NOTICE & COMMUNITY CONCERNS

A notice regarding the subject amendment was sent to all parties of record by the Applicant on March 29, 2021. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59.7.3.4.J.2. Staff received several letters from the public in opposition to the Amendments, see Attachment C. The main concern of correspondence received is that the introduction of the vehicular street in the former Emergency Access area will detract from the Sector-Planned public space/neighborhood square and reduce green space.

As previously described above, the proposed Amendments do not reduce the size between Buildings B1 and B2, rather provide a qualitative redesign of the space and internal circulation. Figure 9 below shows the comparison of the space, which demonstrates how the shared streets will provide a more cohesive environment between the building facades, allowing the two narrow streets to extend the pedestrian environment from the central green to the buildings in either direction, whereas in the former, Building B1 and the dining areas were separated from the rest of the neighborhood square. The conditioned requirements for the Sector Planned neighborhood square and the public open space continue to be met with the Amendments, and the amenities originally provided within the neighborhood square remain.

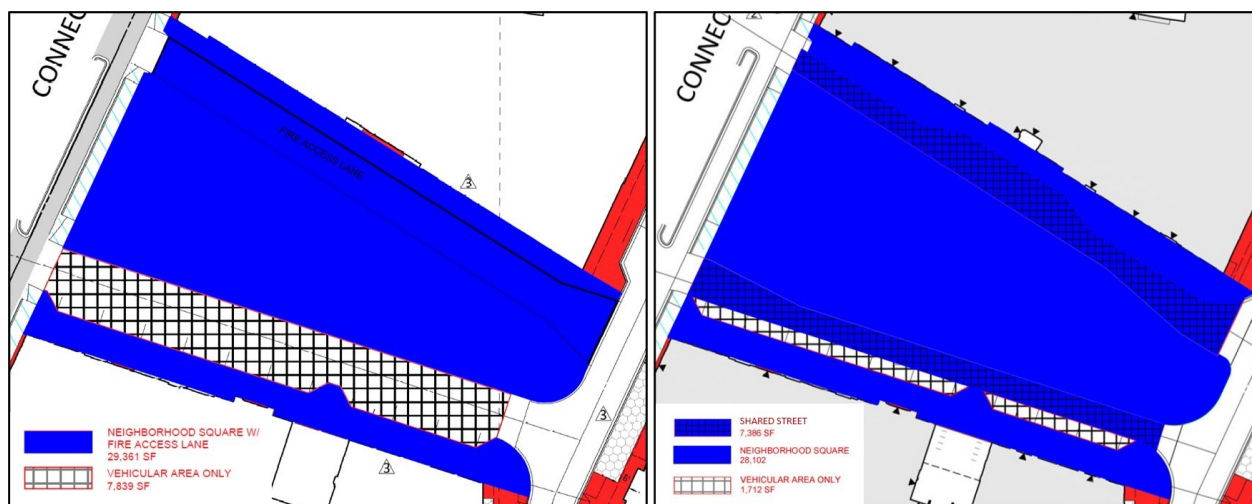


Figure 9 – Previously approved Neighborhood Square (left) Proposed Neighborhood Square (right)

CONCLUSION

The proposed modifications to the Preliminary Plan and 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 Preliminary Plan Amendment 12002020E and Site Plan Amendment 82016019D.

ATTACHMENTS

- A. Site Plan
- B. Agency Letters
- C. Correspondence
- D. Applicant letter to Planning Board