

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-084
Site Plan No. 82001013H
Chevy Chase Center/Collection II
Date of Hearing: July 28, 2022

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. 820010130 for 208,628 gross square feet of office and 91,372 gross square feet (including existing 8,992 gross square feet of Clyde's) of retail on 3.44 net acres of CBD-1 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. 82001013A was approved administratively as an amendment to the previous approved site plan for minor changes to the Subject Property; and

WHEREAS on October 20, 2010, the Planning Board approved Site Plan No. 82001013B, 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 a former taxi stand; and a waiver of limits for ground floor uses required by the overlay zone on the Subject Property; and

WHEREAS, on September 8, 2016, the Planning Board approved Site Plan No. 82001013C, to modify the public use and amenity space, on-site pedestrian and vehicular circulation, architecture, and revise the quantity of on-site parking based on standards set forth in the Zoning Ordinance; and

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Approved as to
Legal Sufficiency: /s/ Matthew T. Mills
M-NCPPC Legal Department

WHEREAS, on August 1, 2017, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82001013D, for minor modifications to the site design, internal circulation, and a reduction in parking; and

WHEREAS Site Plan No. 82001013E 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 May 21, 2020, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82001013F, 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; and

WHEREAS, on April 5, 2022, Bright Horizon's Children's Centers, LLP ("Applicant") filed an application for the conversion of 12,336 square feet of previously approved and constructed retail and office spaces into a daycare center for up to 147 children and up to 30 staff, with minor façade changes and future signage to be approved by Montgomery County Department of Permitting Services (MCDPS) on the Subject Property; and

WHEREAS Applicant's application to amend the site plan was designated Site Plan No. 82001013H¹, Chevy Chase Center/Collection II ("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 July 18, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 28, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 5-0; Chair Anderson, Commissioners Cichy, Patterson, Rubin and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82001013H for the conversion of 12,336 square feet of previously approved and constructed retail and office spaces into a daycare center for up to 147 children and up to 30 staff, with minor façade changes and future signage to be approved by Montgomery County Department of Permitting Services (MCDPS) by adding the following conditions.

¹ An application for Site Plan Amendment 82001013G was submitted but later withdrawn.

In the event of a conflict between the following conditions and those of previous approvals, the conditions as amended shall control:²

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of 300,000 square feet of total development on the Subject Property³, including up to 203,460 square feet of office uses, up to 56,691 square feet of retail uses, up to 27,513 square feet of restaurant and up to 12,336 square feet of daycare uses. The combination of retail and restaurant uses within the limits described above must not exceed 91,372 square feet.

Transportation & Circulation

2. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated April 7, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in its memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

Site Plan

3. 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) Include all prior Site Plan resolutions on the approval or cover sheet(s).
- b) Add the following notes:
 - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
 - ii. "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."

² 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.

³ The daycare use space can be changed to other commercial uses if there is no adverse impact on the Site Plan and APF findings and it is approved by M-NCPPC Staff.

- iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur prior to any site development work commencement and prior to any work that is subject of this Site Plan. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times."
- c) Modify data table to reflect development standards approved by the Planning Board.
- d) Update the Landscape Plans to reflect the ultimate layout of the playground, existing trees/landscape to remain and new plantings.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

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 82001013H, 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 of its Staff as presented at the hearing and/or set forth in the Staff Report, which the 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:

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.

Table 1: Site Plan Amendment No. 82001013H (CBD-1 Zone) Site Plan Amendment No. 82001021J (TS-M Zone) Development Standards Data Table¹

Development Standard	Required/ Permitted	Prevoiusly Approved 82001013G and 82001021H	Proposed 82001013H and 82001021J
Lot Area			
CBD-1 Zone	22,000 SF (Min)	150,000 SF	No change
TS-M Zone	40,000 SF (Min)	208,200 SF	No change
Gross Floor Area²			
CBD-1 Zone (82001013H)	300,000 SF (2.0)	300,000 SF (2.0)	No change
Office	--	208,628 SF (1.39)	203,460 SF (1.35)
Retail	--	62,707 SF (0.41)	56,691 SF (0.38)
Restaurant	--	27,513 SF (0.19)	No change
Daycare	--	--	12,336 SF (0.08)
TS-M Zone (82001021J)	112,000 SF (0.54)	112,000 SF (0.54)	No change
Office	--	24,000 SF (0.12)	No change
Retail	--	69,220 SF (0.35)	No change
Restaurant	--	18,780 (0.09)	No change
On-Site Public Use Space			
CBD-1 Zone	30,000 SF (20%)	30,000 SF (20%)	No change
TS-M Zone	20,820 SF (10%)	20,820 SF (10%)	No change

¹ Unless modified in this data table, the original approval, as amended, remains in full force and effect.

² The combination of retail and restaurant uses must not exceed the maximum densities listed for each use in this table, and must not exceed 91,372 square feet for the CBD-1 portion of the Site and 88,000 square feet for the TS-M portion of the Site.

(C) In reaching its decision the Planning Board must require that:

(1) 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 Site Plan amendments conform to all non-illustrative elements Project Plan 919990020.

(2) 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;

A daycare center for more than 30 children is a permitted use in the CBD-1 zone under the 2004 Montgomery County Zoning Code (the “2004 Code”). See 2004 Code Sec. 59-C-6.22. It is also permitted within the Chevy Chase Neighborhood Overlay Zone.

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

The proposed modification has no effect on height, density, building location and massing, or lighting. Proposed changes consist of the installation of new signage and superficial changes to the façade (i.e., closing off one set of doors into the premises and installing new window film); the reservation of eight parking spaces in the garage; and availability of 26 first-come, first served spaces in the garage for staff.

The Fire Access plan was previously approved, and this amendment will not substantially change the Fire Access on-site based on communications with DPS Fire Department Access and Water Supply staff. As conditioned, the final approval letter will be required prior to certification of the Site Plan Amendment. Staff anticipates acquiring the letter prior to the Planning Board Public Hearing on July 28, 2022.

The current circulation system is adequate, safe, and efficient, and will remain as such with the Subject Application.

(4) Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The proposed daycare center will add to the range of uses available in the Friendship Heights area, will provide street-level activation on Wisconsin Place, and will be an added amenity for nearby residents and employees. The proposed use will make no noticeable changes to the exterior of the building. The proposed project will be fully compatible with existing development.

(5) the site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

The proposed project elements subject to this Site Plan Amendment will disturb less than 5,000 square feet of land, and therefore does not require any permits under Chapter 19. The proposed project is exempt from forest conservation requirements under Code Section 22A-5(t) as a modification to a non-residential development property that will clear no forest, will not require approval of a new preliminary plan, does not increase the developed area, retains the existing principal building, and does not propose any residential uses.

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 21 2022 (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 the motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 5-0, Chair Anderson, Vice Chair Verma, and Commissioners Cichy, Patterson, and Rubin voting in favor at its regular meeting held on Thursday, September, 8 2022, in Wheaton, Maryland and via video conference.



Casey Anderson, Chair
Montgomery County Planning Board

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