

BEFORE THE COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THE MARYLAND-  
WASHINGTON REGIONAL DISTRICT IN  
MONTGOMERY COUNTY, MARYLAND

Office of Zoning and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850  
(240) 777-6660

IN THE MATTER OF:  
CORSO DC LLC

Applicant

Grant Epstein  
Timothy Gary  
Jane Przygocki  
Timothy Hoffman  
Anne (Nancy) Randall  
Sara Alexander  
Daniel Park

For the Application

Steven A. Robins, Esquire  
Elizabeth C. Rogers, Esquire  
Attorney for the Applicant

\* \* \* \* \*

Barney Rush, Mayor  
Town of Chevy Chase

Robert C. Dalrymple, Esquire  
Ron Bolt, Esquire  
Attorneys for the Town of Chevy Chase

Andy Leon Harney, Village Manager  
Village of Chevy Chase

\* \* \* \* \*

Before: Lynn Robeson Hannan, Hearing Examiner

Local Map Amendment  
Application Case No. H-148

HEARING EXAMINER'S REPORT AND RECOMMENDATION

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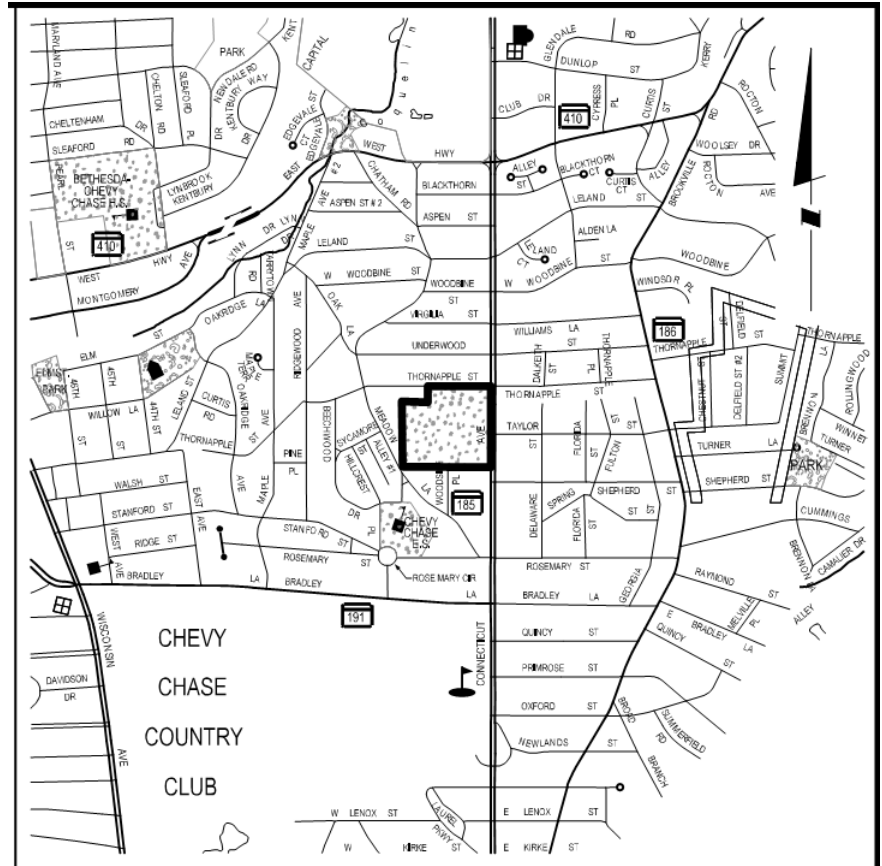
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### I. CASE SUMMARY

Applicant: CORSO DC LLC

LMA No. & Date of Filing: H-148, filed November 2, 2022.

Location: 7100 Connecticut Avenue, Chevy Chase, Md., approximately 1,100 feet north of Bradley Boulevard (shown below):



Current Zone: R-60 (Residential Detached).

Current Use: Former National 4-H Conference Center (no longer operating).

Requested Zone: CRNF-1.5, C-0.25, R-1.25, H-70 (Commercial Residential Neighborhood Floating Zone).

Proposed Use: Residential Care Facility with 287 independent living units, 190 assisted living beds, and 30 memory care beds.

MPDUs Required/Provided: 15%/15%

Public Open Space Req./Provided: 10%/10.6% (T. 72)

Consistency with Master Plan: Consistent with the *1990 Bethesda Chevy Chase Master Plan*.

Neighborhood Response: Property is within the municipal boundaries of the Town of Chevy Chase (Section 4) and confronts Section 3 of the Village of Chevy Chase across Connecticut Avenue. Both support the application with the binding elements to (1) require additional analysis of the safety and efficiency of the intersection of the site access with Connecticut Avenue and Taylor Street, (2) require a parking demand analysis to ensure all parking is accommodated on-site, and (4) provide for continuing community engagement during subsequent approvals.

Planning Board Recommends: Approval

Technical Staff Recommends: Approval

Hearing Examiner Recommends: Approval

District Council Votes Needed  
to Approve: 6

## II. STATEMENT OF THE CASE

CORSO DC LLC (Applicant or CORSO) filed LMA Application No. H-148 on November 2, 2022. The application seeks to rezone approximately 12.29 acres of property from the R-60 (Residential Detached) Zone to the CRNF-1.5, C-0.25, R-1.25, H-70 (Commercial Residential Neighborhood Floating Zone). Exhibit 1. The subject property is located at 7100 Connecticut Avenue, Chevy Chase, MD, further identified as Parcel 1, Block 5, "Section 4 Chevy Chase" subdivision (Tax Account No. 07-00464946). *Id.*

OZAH issued notice of the public hearing, which established a hearing date of March 24, 2023, on February 6, 2023. Exhibit 23. Staff of the Montgomery County Planning Department (Planning Staff or Staff) transmitted its report and the Planning Board's written recommendation on March 14, 2023. Staff recommended approval of the application with 21 binding elements. Exhibit 45, pp. 3-4. The Planning Board also recommended approval but modified some of the binding elements to address concerns expressed by both the Town of Chevy Chase (Section 4) (Town) and Section 3 of the Village of Chevy Chase (Village). Exhibit 47.

The public hearing proceeded on the scheduled date. The Applicant presented seven witnesses, including a principle of CORSO and five experts. Mr. Barney Rush, Mayor of the Town, and Ms. Andy Leon Harney, Village Manager of the Village, also testified. The Town and Village requested an amendment to Binding Element Nos. 2 and 3 to require a parking demand study and a vehicle access study *prior* to submission of the applicant's preliminary and site plans. The Hearing Examiner left the record open to receive an updated FZP and Declaration of Covenants that included the agreed-upon revisions to the binding elements. The Applicant submitted these, and the record closed on April 3, 2023. Exhibits 65(a) and (b). The record re-opened on May 11, 2023, to receive corrections to this report, an Errata, and an Order Re-Opening and Closing the Record.

### III. FACTUAL BACKGROUND

#### A. Subject Property

Containing about 12.29 acres, the subject property is in the southwest quadrant of the intersection of Connecticut Avenue and Thornapple Street, within the municipal boundaries of the Town. The Village confronts the property across Connecticut Avenue. An aerial photograph of the property (Exhibit 45, p. 8) is shown below:



The property is improved with buildings that had been used by the former National 4-H Conference Center. Staff advises that the property slopes from generally from west to east, rising 40 feet towards the center and then gently sloping down 10 feet approaching Connecticut Avenue. Approximately 3.71 acres of forest border the north, west and southern property lines. According to Staff, there are no other environmentally sensitive features on the site, such as wetlands, protected floodplains or stream valley buffers. The historic Stephano Lozupone House is located to the north

across Thornapple Avenue. Staff advises that it will not be impacted by the proposed use. Exhibit 45, p. 8-9.

### **B. Surrounding Area**

The surrounding area is typically identified and characterized in an application for a Floating Zone. The boundaries are defined by those properties that will experience the direct impacts of the use. This area is then characterized to determine whether the development will be compatible with the neighborhood's character.

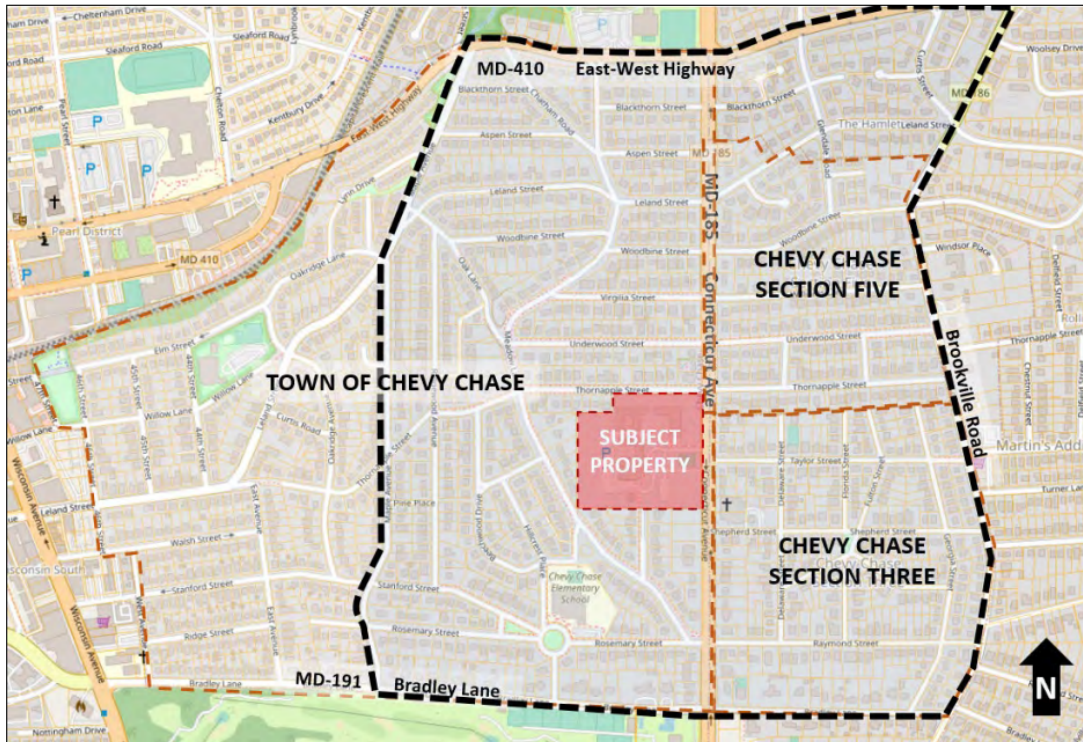
Staff used major roadways in this area of Chevy Chase and surrounding municipalities to delineate the surrounding neighborhood. Staff's boundaries include East-West Highway to the north, Bradley Lane to the south, and Brookville Road to the east. Staff determined the western boundary to be the western limits of the Town of Chevy Chase, which is zoned R-60 as well.<sup>1</sup> Exhibit 45, p. 7.

Staff described the surrounding area as consisting primarily of single-family homes on all sides with some institutional uses. *Id.* Ms. Jane Przygocki, the Applicant's expert in land planning, agreed with Staff's assessment, characterizing the area "largely residential in nature with some institutional uses, such as the Chevy Chase Elementary School and Chevy Chase United Methodist Church." T. 53. A graphic from the Staff Report shows the Staff-defined neighborhood boundary (Exhibit 45, p. 7, on the next page).

Based on this record, the Hearing Examiner characterizes the area as primarily single-family detached residential dwellings in the R-60 Zone with institutional uses typically associated with

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<sup>1</sup> At the public hearing, the Applicant's land planner, Ms. Jane Przygocki, testified that there was a discrepancy between the neighborhood boundaries described in the text of the Staff Report and the graphic shown in the Staff Report (on the next page). The text states that the boundary is the western limits of the Town, while the graphic shown places the western boundary at Maple Avenue. In her opinion, the distinction makes no difference, as the character of both is the same.



**Surrounding Area  
 Exhibit 45, p. 7**

residential development.

**C. The Applicant’s Proposal**

Mr. Tim Gary, founder and CEO of Gallerie Senior Living, believes that the site is well-suited for the proposed residential care facility. Gallerie Living, which owns and operates CORSO, chose the site because it is so close to families in the surrounding area. He testified that this gives residents and families the ability to age gracefully with dignity in the same community. T. 21.

CORSO proposes to remove the existing conference center and replace it with a “residentially scaled” senior care community containing 287 independent living dwelling units, 190 assisted living beds, and 30 memory care beds. Exhibit 45, pp. 10-11. CORSO submitted a conceptual aerial architectural rendering of the project (Exhibit 38, on the next page). The project will include up to 5,000 square feet of retail facing Connecticut Avenue that will be open to the public, bringing the total size to 700,000 square feet. Construction will be in two phases, beginning

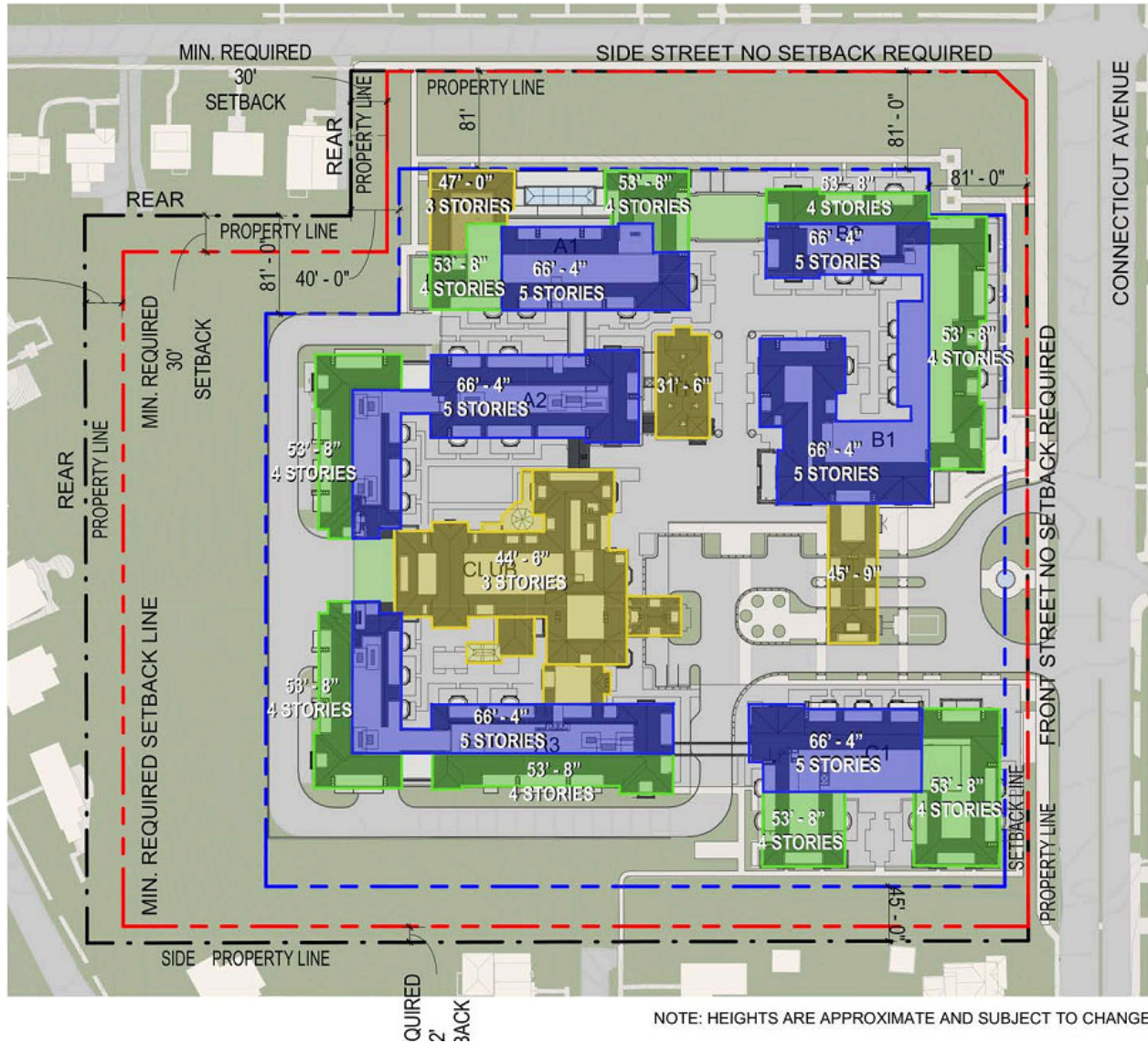




with structures in the site interior. Exhibit 45, pp. 9-10. Final phasing will be determined at site plan. *Id.* The Applicant has agreed with the Town and Village to limit the heights of buildings along the property's perimeter. A binding element restricts the height of buildings along Connecticut Avenue to 60 feet for the first 80 feet into the site. Another binding elements requires all buildings on the perimeter to present as four stories plus a roof. Buildings on the northwest corner of the site are restricted to three stories on top of a garage plus the roof. Exhibit 45, p. The stepped building heights are shown on the next page (Exhibit 37).

### **1. Floating Zone Plan**

Under Zoning Ordinance §59.7.2.1.B.2.g., every application for rezoning to a Floating Zone must be accompanied by a Floating Zone Plan that contains required information and often a list of “binding elements” that restrict future development of the property. The Applicants have submitted the required plan. Exhibit 65(b). An excerpt of the FZP showing the proposed building layouts, drive aisles, and forest conservation areas is reproduced on page 11.

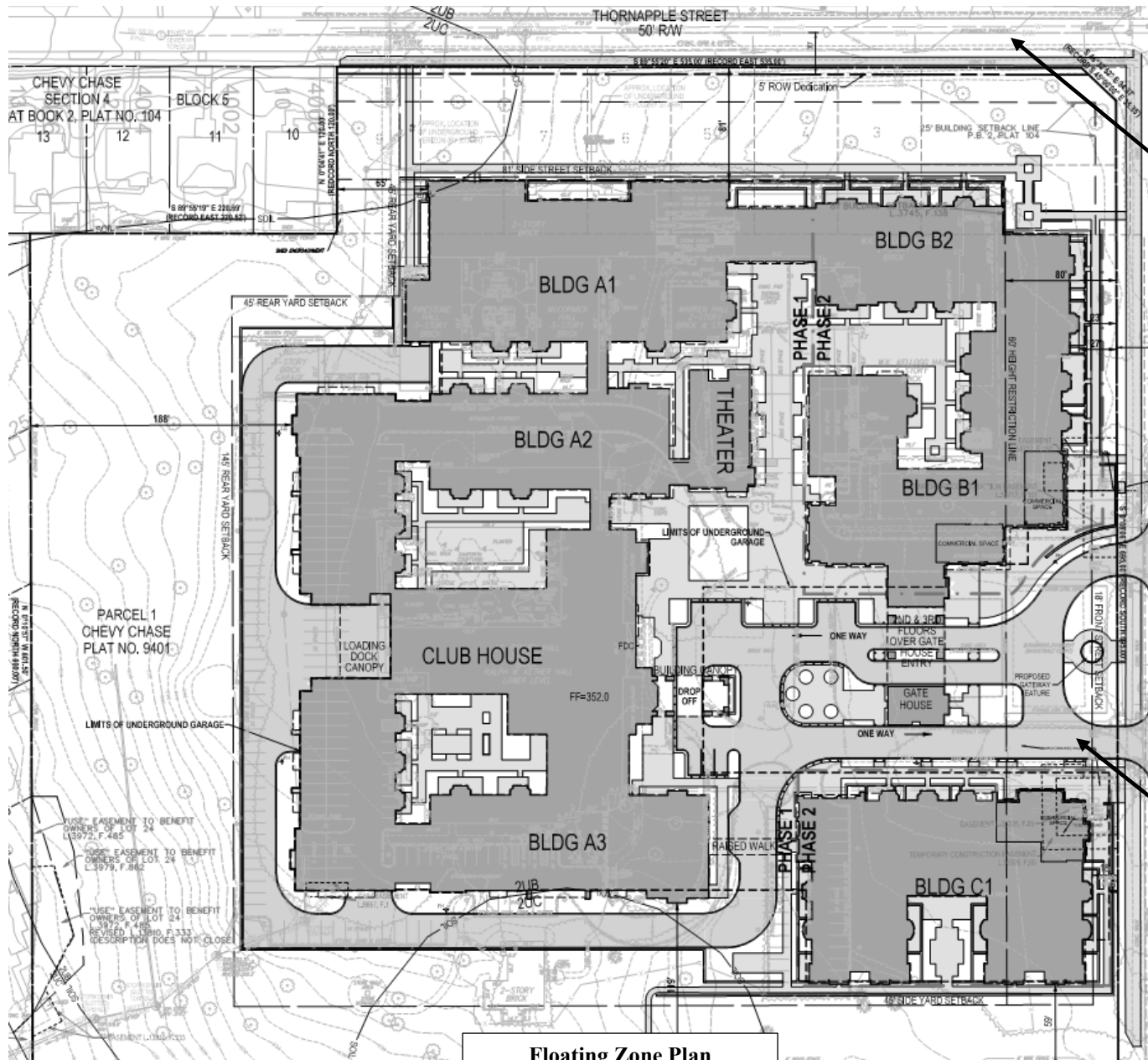


**Diagram of Building Heights (Exhibit 37)**

## 2. Binding Elements

The FZP contains 21 binding elements, two of which were modified during OZAH's public hearing (Exhibits 65(a) and (b)):

1. Use of the property will be limited to a residential care facility and ancillary commercial establishments. No more than 5,000 square feet of commercial use, with no single establishment larger than 2,500 square feet shall be permitted. Such commercial establishments shall be made available to the general public.



Thornapple Street

Site Access from Connecticut Avenue

Floating Zone Plan  
Exhibit 65(b)

2. Vehicular access will be limited to Connecticut Avenue. Vehicular access to and from Thornapple Street, Woodside Place, and Meadow Lane and the property must be prohibited. Before submission of a Preliminary Plan and/or Site Plan applications, the Applicant will complete a Comprehensive Vehicular Site Access Study that shall include, but not be limited to review of the existing roadway, intersection geometrics, speed limits, existing turning movements, vehicular and pedestrian counts, evaluation of collision data for the most recent three-year period, forecasted future traffic volumes based upon the existing traffic counts and proposed program, and a signal warrant analysis. The Applicant will work with the State Highway Administration and the Town of Chevy Chase to determine the need for traffic-related measures along Connecticut Avenue. In addition, the Applicant will coordinate with Chevy Chase Section 3 to address traffic-related impacts to that neighborhood.
3. Before submission of Preliminary Plan and/or Site Plan Applications, the Applicant will complete a Parking Demand Analysis to ensure on-site parking for all property employees and visitors, including during peak use and visitation periods, is adequate. The Applicant will implement the recommendations of the Parking Demand Analysis to ensure that all parking necessary to meet the needs of the Project is accommodated on-site, subject to approval by the necessary governmental entities.
4. The Applicant shall provide garage space and five (5) separate parking spaces for use by the Town of Chevy Chase, the details of which will be provided during site plan review.
5. The Applicant shall place areas, as more accurately depicted on the Final Forest Conservation Plan, generally along the southern, western and northern property lines, in a Category I Conservation Easement. The Town of Chevy Chase forester shall be included in the proceedings regarding the creation and maintenance of the Category I Conservation Easement.
6. The Applicant shall construct new pathways connecting the existing sidewalk on Thornapple Street with Connecticut Avenue and connecting the property with Woodside Place. No pedestrian pathway shall directly connect between Woodside Place and Connecticut Avenue. A public walking path through the proposed Category I Conservation Easement, as applicable, generally located along the western property boundary, shall be prohibited.
7. The Applicant shall maintain minimum building setbacks as shown on the Floating Zone Plan, including a maximum building height of sixty feet (60') for a distance of eighty feet (80') from Connecticut.
8. The Applicant shall comply with all applicable stormwater management regulations. A Town of Chevy Chase-appointed engineer will be included in the review of the stormwater management plans for the Property, as coordinated by the Montgomery County Department of Permitting Services.

9. The Applicant shall locate and/or screen refuse storage and collection areas and loading and service areas so as to minimize the view and noise from the adjacent property boundaries.
10. The Applicant shall install planting materials that are primarily native species. The Applicant will remove all invasive species on the Property, in accordance with the Final Forest Conservation Plan. The Applicant will provide sufficient planting depth above garage areas to support canopy and shade trees, where applicable.
11. The Applicant shall install a non-deciduous tree screen along the south property line outside of the Category I Conservation Easement. Foundation planting shall be installed where garage walls extend above grade.
12. The Applicant shall provide exterior lighting according to applicable County regulations and coordinated so as minimize impact to adjacent properties.
13. The Applicant will enter into a Construction Management agreement with the Town of Chevy Chase before approval of the Certified Site Plan for the Property.
14. At the time of Site Plan, the Applicant will provide an interim landscaping plan for the phased build-out of the Project.
15. Vinyl siding and EFIS are prohibited on all new buildings.
16. The Applicant shall execute and record among the land records, so as to be enforceable against all successors and assigns, a Declaration of Covenants that will include the binding elements included in the approved Local Map Amendment prior to approval of the Certified Site Plan for the Property.
17. The outward-facing architectural facades along all sides of the Property will be designed to read as four (4) stories plus roof, with the exception of the northwest corner of the Property, which shall be designed to read as three (3) stories on top of the garage plus roof. Additionally, these outward facing facades must adhere to a maximum height, as observed from the established measuring point of 55 feet with the exception of the northwest corner of the Property, which shall adhere to a maximum height of 50 feet.
18. The Project will provide ground floor entrances along both Thornapple Street and Connecticut Avenue commensurate with individual units located along these respective facades.
19. The Project will include a porte cochere at the site entrances featuring specialty paving, with the final design and location to be finalized at the time of Site Plan.
20. The Project will incorporate a fountain or similar gateway feature at the main entrance along Connecticut Avenue, with the final design to be approved by the Planning Board in connection with the Site Plan approval.

21. Before obtaining any building or grading permits, the Project must receive Site Plan approval

CORSO proposes to utilize the existing site access. An aerial photograph of the access is shown below (Exhibit 60). Ms. Nancy Randall, CORSO's expert in transportation planning, testified that inbound access is from southbound right turn or northbound left on Connecticut Avenue. Ms. Randall testified that egress is a right-turn only to southbound Connecticut.



#### **4. Environment**

The property contains approximately 3.71 acres of existing forest. A Preliminary Forest Conservation Plan (PFCP), approved by the Planning Board, calls for removal of 0.74 acres of forest. Approximately 2.94 acres of forest will be preserved in a Category I forest conservation easement. Exhibit 45, p. 17.

#### **D. Community Concerns**

Mr. Barney Rush, Mayor of the Town, and Ms. Andy Leon Harney, Village Manager of the Village, testified at the public hearing. Both are generally supportive of the development but have some concerns still to be addressed. Mr. Rush testified that his constituents are skeptical that the trip generation rates used to calculate trips generated from the former 4-H conference center are accurate. He believes that traffic from the Center was *lower* than estimated in the Traffic Study, which found that the redevelopment would *reduce* traffic from the site. His constituents are concerned that traffic from the redevelopment may result in an *increase* in traffic from the former use. The Town also wants to ensure that all employees, residents, and visitors park on-site and not on neighborhood streets. This includes peak visitation days. Keys to the Town's support are the binding elements negotiated with CORSO. These include requiring CORSO to complete a parking demand study and a comprehensive vehicle access study prior to submission of a preliminary plan or site plan and continuing to involve the Town in future approvals.

The Village is concerned about safety of the access on Connecticut Avenue, directly across from the Village. Ms. Harney testified that the right-only southbound exit onto Connecticut is dangerous without a signal, because cars that want to proceed north will be forced to cross several lanes of traffic to make a U-turn. These, and other concerns from the Town and the Village, are discussed in more detail later in this Report.

#### **IV. FINDINGS AND CONCLUSIONS**

A floating zone is a flexible device that allows a legislative body to establish development standards and uses for a particular district before "attaching" to individual properties. The zone may be applied to individual properties with the approval of a Local Map Amendment (LMA).

To approve the LMA, the District Council must find that the proposal will meet the

standards required by the Zoning Ordinance and that it will be consistent with a coordinated and systematic development of the Regional District. *See, Md. Land Use Art.*, §21-101(a) and (b). While many of the site-specific requirements for development are addressed by later approvals, the Zoning Ordinance contains various standards, or “Necessary Findings” that the Council must make. These standards incorporate the requirements of other sections of the Zoning Ordinance and are listed below.

**A. The “Necessary Findings” Required by Zoning Ordinance §59.7.2.1.E.2.**

**1. Substantial Conformance with the Master Plan**

Several sections of the Zoning Ordinance require an applicant to demonstrate that the proposed rezoning conforms to the applicable Master Plan:

*Section 7.2.1.E.1.a. For a Floating zone application the District Council must find that the floating zone plan will:*

*a. substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;*

\* \* \*

*Section 59.7.2.1.E.1.b: ...further the public interest...*

\* \* \*

*Section 59.7.2.1.c: ...satisfy the intent and standards of the proposed zone...*

\* \* \*

*Section 59.5.1.2.A.1. (Intent of Floating Zones): Implement comprehensive planning policies by... furthering the goals of the general plan, applicable master plan, and functional master plan...*

The property lies within the boundaries of the *1990 Bethesda Chevy Chase Master Plan* (Master Plan or Plan). Staff concluded that the project substantially conforms to Master Plan.



While Staff recognized that the Plan in general reconfirmed the existing R-60 zoning, the Plan also recommended housing for existing country clubs, private schools, and “institutional uses” if these “ever redeveloped.” *Plan*, p.; Exhibit 45, p. 21.

Staff also found that this application conformed to four of the seven “overarching” goals of the Plan (*Id.*, p. 21):

- *Provide for a balanced housing supply so that persons of varying income levels, age, backgrounds, and household characteristics may find suitable housing appropriate to their needs.*

The Project provides diverse housing opportunities on-site that will help to meet the needs of the surrounding community. As proposed, the Project includes a variety of units for senior living, with three levels of care (i.e., Independent Living, Assisted Living and Memory Care), to allow residents of the surrounding community to age-in-place. The Project will provide MPDUs per the standards of Chapter 25A with final review at the time of Site Plan application.

- *Protect the high-quality residential communities throughout the Planning Area as well as the services and environmental qualities that enhance the area.*

The Project layout has been designed to protect and retain the existing tree canopy that exists along the northern, western, and southern Property boundaries to the maximum extent feasible. This natural screening provides a significant physical and visual buffer from the surrounding residential communities, but also serves to protect the environmental features on-site.

- *Protect the natural resources and environmental qualities of the Planning Area.*

The Project will preserve and enhance the natural resources that exist on-site and the environmental qualities of the Planning Area. As mentioned, the Project preserves a majority of the existing tree canopy that exists on-site today and will provide for its permanent protection through Category I Forest Conservation Easement(s) as proposed with the associated Preliminary Forest Conservation Plan. This will also provide for the protection of the steep slopes that exist along the western Property boundary. The Project also will provide stormwater management on-site, to be reviewed during the Preliminary Plan application.

- *Contribute to a strong sense of community and help reinforce community cohesion.*

The Project proposes a conceptual layout design and building heights to be compatible with, and complement, the character of the surrounding residential neighborhood. The proposed conceptual building architecture related to styles found in the surrounding neighborhood, and many of the proposed Binding Elements reinforce these styles by restricting certain materials and requiring the future buildings to read as a limited amount of building stores. The Master Plan recognizes that “[t]he way we meet the special needs of the elderly...also relates to our sense of a community that cares about its residents.” The Project accomplishes this by providing a range of services for residents ages 62 years and older, which will serve County residents and allow Chevy Chase residents to stay in their community as they age.

Ms. Przygocki agreed with Staff that the project fulfilled these goals of the Master Plan. According to her, it addresses the strong demand for senior housing and maintains the high-quality of housing in the area. T. 64. It protects natural resources by permanently retaining much of the the existing forest and by modernizing on-site stormwater management.

Conclusion: The Hearing Examiner agrees with Staff and the Applicant that the project conforms to the Master Plan. The Plan is more than 30 years old, and notes that specific recommendations may age over time. *Plan*, p. vi. The proposed development meets the Plan’s general goal to “balance” the housing supply by providing opportunities for residents to age in their own neighborhood. It protects the existing forest through Category I Conservation Easements, and upgrades on-site stormwater management to current standards. The Hearing Examiner is persuaded by the evidence and expert testimony that the project has been designed to create a sense of community with the surrounding area. A pedestrian side walk will border Connecticut Avenue and the northern side includes public open space. Retail fronting Connecticut Avenue will be open to the public as well as residents. The stepped-up heights also ease the transition between the surrounding single-family detached homes and the residential care facility.

## 2. Compatibility

Several sections of the Zoning Ordinance require the District Council to analyze the compatibility of the proposed FZP with adjacent uses and the surrounding area. The application

must:

***Section 7.2.1.E.1.c.: satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;***

\* \* \*

***Section 5.1.2.C. (Intent of Floating Zones). Ensure protection of established neighborhoods by:***

- 1. establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;***
- 2. providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and***
- 3. allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.***

\* \* \*

***Section 5.3.2.C. (Purpose of Commercial/Residential Zones). The purpose of the Commercial/Residential Zones is to ... provide mixed-use development that is compatible with adjacent development.***

***Section 7.2.1.E.1.d. be compatible with existing and approved adjacent development...***

*i. General Compatibility (Summary of Testimony and Evidence)*

Staff concluded that the development will be compatible with the surrounding area and adjacent properties for several reasons. Preservation of the existing forest establishes a visual and physical barrier from the surrounding community. Exhibit 45, p. 26. Maintaining the existing forest also causes setbacks to be much larger than required for the Zone. Staff found that the retail and first-floor units have been oriented toward Connecticut Avenue, which will “activate” and “enliven” this portion of a major road. *Id.* The architecture and building materials incorporate elements from homes in the surrounding area, and buildings will be limited to 60-feet in height for an 80-foot depth from Connecticut Avenue. *Id.*

For similar reasons, Ms. Przygocki opined that the application will be compatible with the

surrounding area. It replaces an institutional use with a residential use more in keeping with the character of the community. The setbacks from the curb line along Connecticut Avenue are comparable to the building setbacks on the other side of that street. T. 54-55.

Ms. Sarah Alexander, CORSO's expert in architecture, submitted photographs of homes in the surrounding area and testified that the proposed project will use materials and architectural elements reminiscent of these homes. The project uses sloped roofs and dormers and gables rather than the typical flat roof, which makes the buildings blend with the surrounding homes. T. 95-96.

*ii. Compatibility of Traffic and Parking (Summary of Testimony and Evidence).*

A major issue in this case is whether the site access will operate safely and efficiently. Ms. Przygocki contends that the project is compatible with adjacent land uses because it uses the existing site access. T. 59. Ms. Randall opined that the access shown on the FZP would have no adverse traffic impacts. Because the proposed development generates fewer than 50 person trips, the Local Area Transportation Review (LATR) Guidelines do not require CORSO to do a full traffic study. She testified that the project generates fewer than 50 person trips because the LATR Guidelines permit a credit for "existing" trips even though the former use no longer operates. T. 110-118. The County Code requires only that a building be "substantially intact" to obtain credit for "existing trips." T. 117. When a credit for "existing" trips (from the former 4-H conference center) is applied against estimated trips generated by proposed facility, the traffic generated from the site is less than that generated by the former conference center. T. 110.

In response to questions from the Hearing Examiner, Ms. Randall did supply information on traffic volumes at two intersections near the site access and crash data for the access point. She submitted 2019 and 2022 traffic counts for Bradley Boulevard/Connecticut Avenue and East-West Highway/Connecticut Avenue. The 2019 counts (pre-COVID) were taken when the 4-H Center was open; it was closed at the time the 2022 counts were taken. At both intersections, the 2019

Critical Lane Volumes (CLV) were under the policy area standards.<sup>2</sup> In 2022, the Bradley Boulevard intersection remained below the CLV standard of 1600 for the policy area. There is no current CLV cap on the East-West Highway intersection, however, the 2022 CLVs were less than the 2019 counts. T. 125-126.

In Ms. Randall's opinion, redevelopment will not cause delays at the intersection of the site access/Connecticut Avenue/Taylor Street above the maximum standard for the policy area. The maximum for the policy area is an 80-second delay. Ms. Randall estimated the traffic generated by the 4-H conference center and factored that into the existing delays. The result showed delays of 1.9 seconds in the morning peak hour and 1.5 seconds in the evening peak hour, well under the 80-second cap. When they added existing volumes to projected traffic from the proposed facility, the delays were reduced (*i.e.*, .7 seconds in the a.m. peak hour and 1 second in the p.m. peak hour). T. 126-129.

Ms. Randall also presented crash data for the intersection of the site access, Connecticut Avenue, and Taylor Street (in the Village). These included accidents reported to the police for the last 5 years and two months (Exhibit 61, on the next page). Ms. Randall testified that there have been 6 reported, all of which occurred on northbound side of Connecticut avenue east of the median, on the opposite side from the site access. T. 133.

In Ms. Randall's opinion, traffic will be compatible with the surrounding area. Redevelopment with a residential care facility will generate 82 fewer vehicle trips in the morning

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<sup>2</sup> "CLV" or Critical Lane Volume measures an intersection's ability to carry traffic by analyzing the level of congestion at locations with conflicting vehicle movements, such as an intersection. *2021 LATR Guidelines*, p. 33. The County is divided into different "policy areas," each of which have different congestion standards. *Id.*, p. 7. In some policy areas, congestion standards also include measure of the delay. The amount of delay is measured by the weighted average of all approaches. T. 126.

Category	Subcategory	Number of Crashes	Number of Crashes	Number of Crashes	Number of Crashes	Number of Crashes	Number of Crashes	Number of Crashes
		2018	2019	2020	2021	2022	2023	Total of 5yrs and 2 months
Severity	Property Damage	1	0	0	2	0	0	3
	Injury Crash	2	0	1	0	0	0	3
Collision Type	Side Swipe	1	0	0	1	0	0	2
	Same Direction Rear End	1	0	1	1	0	0	3
	Angle	1	0	0	0	0	0	1
Intersection Related	Yes	3	0	1	2	0	0	6
Direction	NB	3	0	1	2	0	0	6
	SB	0	0	0	0	0	0	0

**Crash Data at Access Intersection  
 Exhibit 61.**

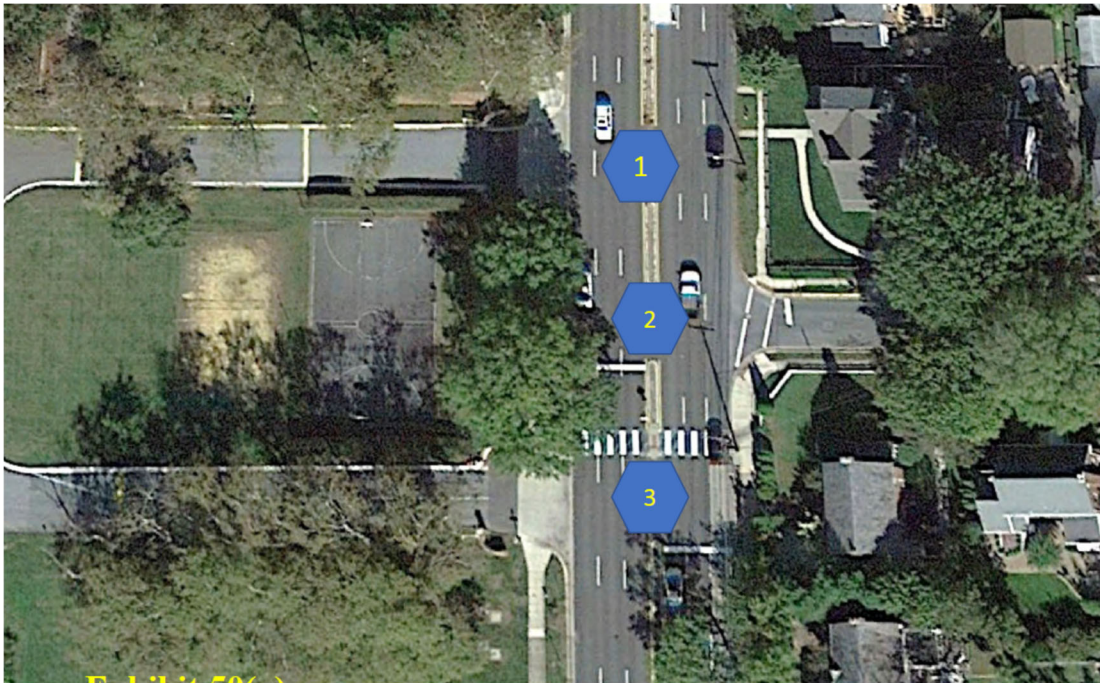
and 46 fewer in the evening peak hours. Residential care/assisted living is a very low traffic generator. Transit stops for Ride-On and Metro are adjacent to the site and along the east side of Connecticut. T. 135-136.

Ms. Randall described what would be involved in the “comprehensive vehicular access study” required by Binding Element No. 2. The study will examine and collect data relevant to whether modifications can be made to make the intersection operate more efficiently and (if the data supports this) more safely. Information considered will include current traffic counts and delays from all approaches to the intersection, projected future counts and delays, queuing issues, crash data for the last three years, and an analysis whether a signal warrant is appropriate. After collection of this data, the study will then analyze whether modifications that can be made to improve efficient operation and safety, if necessary. Potential modifications include signalization (enabling a full-movement intersection), changes to the location of the crosswalk, and changes to signage. T. 120-124.

The Town and Village are “deeply skeptical” of the traffic credit applied in the LATR traffic statement. Mr. Rush believes the traffic formulas used by CORSO to estimate traffic from the 4-H Center are “wildly” excessive. Those who stayed at the Center did not have cars (they arrived by

bus) and did not add to traffic in the area. The Center had a very small staff. T. 159. One reason the Town continues to support the development is the binding element (*i.e.*, Binding Element No. 2) requiring CORSO to conduct a comprehensive vehicular access study. It is very important to the Town that CORSO attempt to use actual amount of traffic generated from the 4-H Center traffic to the extent possible, rather than the formula used by the Applicant. The Town expects CORSO to conform to any changes recommended by the study. T. 160.

The Village raises similar concerns. Ms. Harney testified that the Village is concerned about cut-through traffic using Taylor Street. She believes that the current configuration may result in risky and unsafe traffic maneuvers for vehicles wanting to proceed north because they will have to cross three narrow lanes to make a U-turn to head north. To explain, Ms. Harney submitted a graphic showing the three existing median breaks at the intersection (Exhibit 50(a), below):



Ms. Harney testified that median break No. 3 allows vehicles exiting the site to proceed northbound on Connecticut. Break No. 2 used to permit eastbound vehicles to exit Taylor Street and proceed southbound on Connecticut Avenue, although she believes there may be signs

prohibiting that now. Break No. 1 is the site entry used by northbound buses on Connecticut Avenue to make a left turn into the Center. She testified that the crosswalk is in a “crazy” location because there are no signals and it’s south of Taylor Street and north of the current exit. T. 166-167. People use a much safer crosswalk to the north. In December 2022, the Town sent a letter reiterating its position that redevelopment of the residential care facility would result in an increase in traffic from the 4-H Center. T. 168.

The Village is concerned about relying on a vehicular access study prepared by the Applicant because it may be slanted in their favor. Ms. Harney does not believe that the crash data presented by CORSO in this hearing comprehensively captures safety problems because accidents without property damage or personal injury (*e.g.*, fender benders) do not have to be reported. She pointed out that the lanes on the east side of Connecticut are only 9-feet wide, a substandard width. T. 168-169.

Ms. Harney testified that it’s clear that the median breaks at the site access are dangerous and will have to be closed because, while it was easy to see buses entering and exiting the former 4-H Center, it will be difficult to see the vehicular traffic accessing the residential care facility. T. 169. Using the existing access is also unsafe because traffic exiting the site must proceed south on Connecticut Avenue. Traffic that wishes to proceed north will then have to cross several lanes of traffic on Connecticut to make a U-turn onto Connecticut Avenue northbound. Some streets south of the site access prohibit left turns. There is one street where a U-turn is possible if there isn’t much northbound traffic. She believes these maneuvers are “risky,” particularly during the two-year construction period with heavy traffic.

When the Village asked for SHA’s opinion on using the site access, SHA engineers agreed with them that the existing configuration “does present serious public safety hazards.” T. 171. The Village initially supported a signalized intersection to avoid these concerns, but then realized that



would lead to cut-through traffic from Taylor Street. To address CORSO's desire to maintain the existing configuration, SHA prepared the following intersection design concept called "Split Phase, Alternative 2" (Exhibit 50(c), below):



The Village does not agree with this approach because the signal at Taylor Street will create cut-through traffic and the configuration does not deal with the need for vehicles exiting the site to make a U-turn on Connecticut Avenue to proceed north. T. 172. The Village prefers a second alternative, "Split Phase Alternative 1" (Exhibit 50(c), on the next page). This option permits vehicles to exit from the northern driveway and permits them to turn left or right without the need to make U-turns on Connecticut Avenue. The southern entry could be used for service and emergency vehicles, while the northern entry could be made wider to permit two-way traffic. T. 174. Because of the potential impacts on the Village, Ms. Harney feels it important to retain the language in Binding Element No. 2, requiring CORSO to coordinate with the Village during the comprehensive vehicular access study.



**Split Phase Alternative 2 (Configuration  
favored by Village)  
Exhibit 50(c)**

Staff advises that the FZP shows 545 parking spaces on-site, although the range required by the Zoning Ordinance is between 323 spaces and a maximum of 528. Exhibit 45, p. 29. Ms. Przygocki testified that 503 spaces would have direct access to a drive aisle and 42 spaces would be tandem (one space with no direct access to a drive aisle). CORSO has agreed to perform a parking demand analysis (Binding Element No. 3) to determine whether all parking can be met on-site. Mr. Rush testified that the requirement for a parking demand analysis is also important to the Town's support. The Town wants to ensure that all parking for employees, residents, and visitors may be accommodated on-site rather than on streets in the Town. The Town did not see in the back-up information on the parking demand for residents, employees during shift changes, and visitors, especially on heavy visitor days. T. 160-161. The Town is looking for these much more concrete measures of what will occur. The Town interprets the binding element to mean that recommendations of the study will be implemented. If the parking is determined to be inadequate,

that means that the binding element hasn't been met. It would require some additional changes in the plans that would meet the actual parking demand. *Id.*

Ms. Harney reiterated her support for the parking demand study required by Binding Element No. 3. She testified that Village residents are concerned about on-street parking in their community and believe that all parking for the residential care facility should be accommodated on-site. T. 164, 175.

*iii. Conclusion: General Compatibility.*

The Hearing Examiner agrees with Staff that the project will be compatible with surrounding and adjacent land uses. She primarily relies on the significant visual and physical barrier created by permanently preserving forest on three sides and the stepped-up building heights, which are lower around the perimeter and highest in the site's interior. The uncontroverted evidence that building materials and architectural elements of the project reflect those of the surrounding neighborhood also supports a finding that the use will be compatible with surrounding and adjacent development.

*iv. Conclusion: Compatibility of Traffic Impacts.*

Even when a traffic study is not required, the Hearing Examiner must still make a finding that traffic impacts will be compatible with the surrounding uses.<sup>3</sup> Were this application subject to a full traffic study, some analysis of the safety and operation of the intersection would be required at the rezoning stage. *See, LATR Guidelines*, Sections 3.C.3 (Vision Zero Statement), p. 25. A full traffic study is not required, however, for developments that will result in fewer than 50 person trips. *Id.*, §II.B (p. 7.) CORSO's proposal is under 50 person trips due to a credit for "existing trips" from the 4-H Center, even though that use has been abandoned and no trips are currently on

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<sup>3</sup> Maryland courts have held that traffic impact is a component of compatibility to be considered in land use cases. *Md. Reclamation Assocs. v. Harford County*, 414 Md. 1, 34 (2010).

the road.<sup>4</sup>

Ms. Randall did provide evidence (crash data for the last five years) and expert testimony that the current configuration of the intersection does not pose significant safety hazards. This data is the only expert or objective evidence on the safety of the intersection. That, combined with Ms. Randall's expert testimony that most of the accidents were unrelated to the site access (northbound turns from Taylor Street), supports a finding that the *existing* operation (with the 4-H Center initially in operation but without the residential care facility) is relatively safe. The concerns of the Village and the Town are based on their belief that the residential care facility will result in more traffic than was generated by the 4-H Conference Center. While the Hearing Examiner does not doubt sincerity of the testimony, she must give more weight to the objective and expert evidence in this record. Both the Town and Village acknowledge that they are not traffic experts. T. 159. The Town plans to continue to pursue using trip numbers from the 4-H Center that are "as realistic as possible," so the Town's concerns will continue to be addressed. T. 160.

Ms. Randall's testimony that intersections north and south on Connecticut Avenue will continue to meet policy area standards also supports a finding that traffic will not have an adverse impact on the area. Based on the objective evidence before her, the Hearing Examiner finds that the vehicular access study, which will be conducted with oversight by SHA and the Planning Department, and with participation from the Village and Town, will adequately address any potential adverse impacts from site traffic.

Similar reasoning applies to the concerns expressed that on-site parking provide may be

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<sup>4</sup> Ms. Randall submitted information regarding Council Bill 38-10, adopted in 2010, that amended the definition of "existing building" for the purpose of testing the roadway adequacy. The Hearing Examiner reviewed the legislative history of the bill and included both the Bill and the legislative history in the record of this case. Exhibits 49(a)-(d). Based on the information presented to her for the first time, she agrees that the Council intended to permit applicants to take credit for "existing trips" that are no longer on the road for a variety of policy reasons.

inadequate. The FZP demonstrates that the development may accommodate more than the number of spaces required by the Zoning Ordinance. There is no objective evidence before the Hearing Examiner that the FZP doesn’t provide sufficient on-site parking, and she commends both parties on addressing these concerns through the binding element requiring a parking demand analysis prior to filing a preliminary plan or site plan application.

**3. Adequate Public Facilities/Public Interest**

Several sections of the Zoning Ordinance require an applicant for a Floating Zone to demonstrate that public facilities will be adequate to serve the property. The Council must find that the application meets the following standards:

*Section 7.2.1.E.1.e: generate traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board’s LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and...*

\* \* \*

*Section 7.2.1.E.1.b: further the public interest...*

\* \* \*

*Section 7.2.1.E.1.c.: satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;*

\* \* \*

*Section 5.1.2.A.2: (Intent of the Floating Zones). “...implement comprehensive planning objectives by...ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure...”*

Staff advises that the proposed development generates fewer than 50 person trips due to the trip credit claimed for the former 4-H Conference Center use. Ms. Randall presented expert testimony and evidence to support this position.

Staff also determined that existing public facilities, such as water and sewer, utilities, fire

and police, and health care facilities are adequate to serve the use. Exhibit 45, p. 23. Mr. Timothy Hoffman, CORSO's expert in civil engineering, agreed, opining that water, electric, sewer, gas already served the site. T. 47. A stormwater management concept is not required for rezoning, but stormwater management will be addressed in detail during preliminary and site plan. *Id.* According to Mr. Hoffman, stormwater strategies will be green roofs and micro-bioretenion facilities distributed throughout the site in sequence with underground structural treatment practices to provide the required treatment volumes. T. 47-48.

Conclusion: As described, Ms. Randall presented persuasive testimony and evidence that a full traffic study is not required for this application because the credit for existing trips brings the total new trips under 50. The uncontroverted evidence and testimony support a finding that the remaining public facilities, except for stormwater management, are already present at the property. While stormwater has not been finalized, expert testimony establishes that it can be accommodated using accepted techniques, with the final design established later in the approval process. This standard has been met.

### **B. The Intent and Standards of the Zone (Section 59.7.2.1.E.2.c)**

As already stated, Section 59.7.2.1.E.2.c of the Zoning Ordinance requires the District Council to find that the FZP "satisfy the intent and standards of the proposed zone." The Zoning Ordinance lists the "intent" of all Floating Zones and a "purpose" for each zone. Several of these have already been analyzed in Part IV.A of this Report. The balance of the intent findings for Floating Zones and the purposes of the CRNF Zone are discussed below.

#### **1. Intent of Floating Zones (Section 59.5.1.2)**

Section 5.1.2 of the Zoning Ordinance lists the intent of all Floating Zones. The Hearing Examiner has already discussed whether the application has met the intent Sections 59.5.1.2.A.1 and 2. This section discusses whether the FZP meets the remaining intent standards.

***Section 59.5.1.2.A.3 ... The intent of the Floating zones is to:***

***A. Implement comprehensive planning objectives by...***

***3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property...***

Planning Staff concluded that (Exhibit 45, p. 23):

The proposed rezoning will allow the project to be integrated into the existing community and provide much needed senior housing and neighborhood-serving retail. The natural features of the site consist of mature trees, areas of steep slopes, and forest; these areas are proposed to be maintained with much of these areas being protected via conservation easement.

Ms. Przygocki testified that the FZP integrates the development into the existing community and provides needed housing. While primarily designed for residents, it will be available to visitors and the neighborhood. It protects and maintains the tree canopy and steep slopes around the property and preserves them in forest conservation easements. This also will ensure a physical and visual buffer. It also permits development to respond to changing demographic trends. This development permits some Master Plan goals to be achieved in a manner that promotes sustainability. This is consistent with smart growth policies with existing utilities and transit already established and provides a housing need that is County-wide. T. 68.

Conclusion: The Hearing Examiner agrees with Staff and the Applicant that the project fulfills this intent. It integrates the community outside of the property by providing public retail and walking paths. At the same time, she agrees that retention of most of the existing forest provides a visual buffer from three sides of the site. Stepping up heights of the facades along Connecticut Avenue and Thornapple Street provides an appropriate transition from the lower density homes in the surrounding area to the larger structure. This criterion for approval has been met.

***B. Encourage the appropriate use of land by:***

***1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive***

- District or Sectional Map Amendments;***
- 2. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and***
  - 3. ensuring that development satisfies basic sustainability requirements including:***
    - a. locational criteria,***
    - b. connections to circulation networks,***
    - c. density and use limitations,***
    - d. open space standards,***
    - e. environmental protection and mitigation; and***

Staff determined the FZP meets this intent of the Floating Zone (Exhibit 45, p. 25):

The proposed Floating Zone will allow the Petitioner the flexibility to redevelop this now unused, long-standing institutional use with a more compatible mixed-use, predominantly residential development. As documented in the 2018 Housing Needs Study [footnote omitted], the County faces a significant need for more senior housing, which the proposed Project plans to meet through developing high-quality senior housing, at varying levels of care, which will serve County residents and allow them to stay in their community as they age.

The Project layout and architecture has been designed to ensure compatibility with the surrounding neighborhood with respect to setbacks, building height, design, and access/circulation. The project promotes sustainability and smart growth principles through infill redevelopment of the Property, which is already served by the existing infrastructure and public transportation...

Staff also confirmed that the redevelopment complies with all basic sustainability requirements. *Id.*

Conclusion: The Hearing Examiner agrees with Staff that the project meets this intent of the Floating Zones. The Master Plan, which made no specific recommendation for this site, is over 30 years old. As Staff notes, a more recent (2018) study identifies the need for more senior housing in Montgomery County. This project will contribute to meeting that need. Expert testimony demonstrates that the architecture is reminiscent of existing homes in the community, including dormers and gabled roofs that help reduce the scale of the redevelopment. Ms. Randall testified that the property is served by two bus routes and Staff confirms that the redevelopment complies with all sustainability criteria. The Hearing Examiner finds that this intent standard has been met.



## **2. Purpose of the Commercial Residential Floating Zones (Section 59.5.3.2)**

In addition to meeting the intent of Floating Zones, the FZP must meet the purpose of the zone requested. The Hearing Examiner has already discussed some of these purposes; the remaining are discussed here.

### ***Section 5.3.2. Purpose***

***The purpose of the Commercial/Residential Floating zones is to:***

- A. allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;***
- B. allow flexibility in uses for a site; ...***

Conclusion: The remaining purposes listed here are redundant of the findings already made. The Hearing Examiner has already found that the FZP uses additional height of the zone requested and flexible setbacks to accomplish a compatible residential project through height transition, provision of public open space, and forest retention. The FZP allows redevelopment with a residential rather than institutional use, in accordance with the Master Plan. This standard has been met.

### **C. Applicability of a Floating Zone (§59.5.1.3)**

Section 59.5.1.3. of the Zoning Ordinance sets up a series of threshold tests to determine whether a Floating Zone may be applied to properties currently in a Residential Zone. Because the existing zoning is residential (R-60) the tests must be applied to this application. No one contests the findings of the Staff Report that the application meets the requisite number of thresholds, and the Hearing Examiner does not repeat them here. Exhibit 45, pp. 27-28. Given the uncontroverted evidence, the Hearing Examiner finds that the property meets the requisites for application of a Floating Zone.

### **D. Development Standards and Uses Permitted in the CRNF Zone (Div. 59.5.3)**

#### **1. Uses and Building Types Permitted (§§59.5.3.3 and 59.3.3.4)**

Section 59.5.3.3 of the Zoning Ordinance limits the uses permitted in the CRNF Zone to “only” those uses permitted in the CRN Zone. A residential care facility is a limited use in the

CRNF Zone. *Zoning Ordinance*, §59.3.1.6. Commercial retail uses are permitted uses in the CRNF Zone. The CRNF Zone permits any building type, thus, the multi-family buildings are permitted in the requested zone. *Id.*, §59.5.3.4.

**2. Development Standards of the CRNF Zone**

Staff found that the FZP meets the development standards of the CRNF-1.5, C-0.25, R-1.25, H-70 Zone (*Zoning Ordinance*, §59.5.3.5), as demonstrated in the table from the Staff Report (Exhibit 33, p. 14, shown below):

	<b>Required/Permitted</b>	<b>Proposed</b>
<b>Site</b>		
Tract Area	N/A	594,271 sf (13.64 acres)
Previous ROW Dedications		58,850 sf (1.35 acres)
Proposed ROW Dedications		2,688 sf (0.06 acres)
Site Area		532,733 sf (12.23 acres)
Maximum Density of Development	891,406 GFA (1.50 FAR)	700,000 gsf (1.18 FAR)
<b>Open Space</b>	10% of Site Area	11.1% of Site Area, to be finalized at Site Plan
<b>Lot Coverage (max.)</b>	Set at Site Plan	To be determined at Site Plan
<b>Building Height (max.)</b>	70 feet	70 feet
<b>Principal Building Setbacks (min.)<sup>3</sup></b>		
Front setback from public street	Set by Floating Zone Plan	18 feet
Side street setback (Thornapple Street)		81 feet
Side setback		45 feet
Rear setback		145 feet

As indicated, the FZP demonstrates that the site can accommodate more than the required number of parking spaces. Staff further advises that it the FZP demonstrates that the required number of bicycle spaces can be accommodated on-site.

Conclusion: The approved Floating Zone Plan determines the setbacks from the site boundary. *Zoning Ordinance*, §59.5.3.5.B.2. Remaining development standards may be finalized at site plan unless they are restricted by a binding element. The Floating Zone Plan demonstrates that the redevelopment can be built according to standards of the Zoning Ordinance and incorporate the binding elements listed.

### 3. Requirements of Article 59.6

Article 59.6 of the Zoning Ordinance contains general development standards for most developments. These standards regulate the number and design of parking spaces, drive aisles, landscaping, lighting, and public and private open space. Based on the undisputed evidence at this stage, the Applicant's proposal will be able to meet these standards, subject to review and modification of the particulars during site plan review.

### V. RECOMMENDATION

For the foregoing reasons, the Hearing Examiner concludes that the proposed reclassification and Floating Zone Plan will meet the standards set forth in the Zoning Ordinance and that it will be consistent with a coordinated and systematic development of the Regional District, under State law. Therefore, I recommend that Local Map Amendment Application No. H-148, requesting reclassification from the existing R-60 to the CRNF-1.5, C-0.25, R-1.25, H-70 of property located at 7100 Connecticut Avenue, Chevy Chase, MD, further identified as Parcel 1, Block 5, "Section 4 Chevy Chase" subdivision (Tax Account No. 07-00464946) be **approved** in the amount requested and subject to the specifications and requirements of the Floating Zone Plan (Exhibit 65(b)), provided that the Applicant files an executed Declaration of Covenants (Exhibit 65(a)) reflecting the binding elements in the land records and submits to the Hearing Examiner for certification a true copy of the Floating Zone Plan approved by the District Council within 10 days of approval, in accordance with §§59.7.2.1.H.1.a. and b. of the Zoning Ordinance.

Issued: May 12, 2023.

Respectfully submitted,



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Lynn Robeson Hannan  
Hearing Examiner

Resolution No.: 20-197  
Introduced: June 13, 2023  
Adopted: June 13, 2023

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
IN MONTGOMERY COUNTY, MARYLAND**

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By: District Council

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**SUBJECT:** APPLICATION NO. H-148 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Steven A. Robins, Esquire, Elizabeth C. Rogers, Esquire, Attorneys for the Applicant, CORSO DC LLC; OPINION AND RESOLUTION ON APPLICATION; Tax Account No. 07-00464946.

**OPINION**

CORSO DC LLC (CORSO or Applicant) filed Local Map Amendment (LMA) Application No. H-148 on November 2, 2022. The application seeks to rezone approximately 12.29 acres of property from the R-60 (Residential Detached) Zone to the CRNF-1.5, C-0.25, R-1.25, H-70 (Commercial Residential Neighborhood Floating) Zone. Exhibit 1. The subject property is located at 7100 Connecticut Avenue, Chevy Chase, MD, further identified as Parcel 1, Block 5, “Section 4 Chevy Chase” subdivision (Tax Account No. 07-00464946). *Id.*

Staff of the Montgomery County Planning Department (Planning Staff or Staff) transmitted its report and the Planning Board’s written recommendation on March 14, 2023. Staff recommended approval of the application with 21 binding elements. Exhibit 45, pp. 3-4. The Planning Board also recommended approval but modified some of the binding elements to address concerns expressed by both the Town of Chevy Chase (Section 4) (Town) and Section 3 of the Village of Chevy Chase (Village). Exhibit 47. OZAH’s public hearing proceeded as noticed on March 24, 2023. Representatives of the Town and Village testified at the public hearing. The Hearing Examiner issued a corrected Report and Recommendation (HE Report) recommending approval with two revised binding elements on May 12, 2023.

To avoid unnecessary detail in this Opinion, the HE Report is incorporated herein by reference. Based on its review of the entire record, the District Council finds that the application meets the standards required for approval of the requested rezoning for the reasons set forth by the Hearing Examiner.

**Subject Property**

The property is improved with buildings formerly used by the National 4-H Conference Center. Staff advises that the property slopes generally from west to east, rising 40 feet towards the center and then gently sloping down 10 feet approaching Connecticut Avenue. Approximately 3.71 acres of forest border the north, west and southern property lines. There are no wetlands, protected floodplains or stream valley buffers on the site. The site does contain some steep slopes along the western property boundary. Exhibit 45, pp. 8-9, 22.

### **Surrounding Area**

The “surrounding area” is identified and characterized in a Floating Zone application to measure whether the development shown in the Floating Zone Plan (FZP) will be compatible with the properties directly impacted by the use. The boundaries of the surrounding area include those properties. Once delineated, the surrounding area is “characterized” to compare whether the development proposed will adversely impact the character of the area.

The Hearing Examiner agreed with Planning Staff that the surrounding area is bounded by major roadways and surrounding municipalities: East-West Highway to the north, Bradley Lane to the south, and Brookville Road to the east. Staff named the western boundary as the western limits of the Town of Chevy Chase, which is zoned R-60 as well.<sup>1</sup> Exhibit 45, p. 7. Based on this record, the Hearing Examiner characterizes the area as primarily single-family detached dwellings in the R-60 Zone with institutional uses typically associated with a residential neighborhood, including Chevy Chase Elementary School and the Chevy Chase United Methodist Church.

### **Proposed Development**

CORSO proposes to remove the existing conference center and replace it with a “residentially scaled” senior care community containing 287 independent living dwelling units, 190 assisted living beds, and 30 memory care beds. Exhibit 45, pp. 10-11. The project will include up to 5,000 square feet of retail facing Connecticut Avenue that will be open to the public, bringing the total size to 700,000 square feet. Construction will be in two phases, beginning with structures in the site interior. Exhibit 45, pp. 9-10. Final phasing will be determined at site plan. Id. The binding elements, agreed upon with the Town and Village, limit heights of the buildings along the property’s perimeter. A binding element restricts the height of buildings along Connecticut Avenue to 60 feet for the first 80 feet into the site. Another binding elements requires all buildings on the perimeter to present as four stories plus a roof. Buildings on the northwest corner of the site are restricted to three stories on top of a garage plus the roof. Exhibit 45, p. 13.

The FZP contains 21 binding elements, two of which were modified during OZAH’s public hearing (Exhibits 65(a) and (b)). These are listed on Appendix A attached hereto and herein.

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<sup>1</sup> There is a discrepancy in the text and the graphic of the surrounding area in the Staff Report. The text states that the boundary is the western limits of the Town, while the graphic shown places the western boundary at Maple Avenue. CORSO’s expert land planner opined that the distinction makes no difference, as the character of both is the same. The Hearing Examiner agreed, the larger area consists primarily of single-family detached homes in the R-60 Zone. The District Council agrees and so finds.

## Criteria for Approval

Every application for a Floating Zone must be accompanied by a Floating Zone Plan (FZP) that meets certain requirements. *Zoning Ordinance*, §59-7.2.1.B.2.g. The Applicant has filed an FZP meeting those requirements (Exhibit 65(b)), which is described in the Hearing Examiner's Report. *HE Report*, pp. 9-11.

The Zoning Ordinance and State law govern the standards of approval for a floating zone application. Generally, these standards fall into five categories: (1) conformity to the Master Plan, (2) compatibility with adjacent uses and the surrounding area, (3) the adequacy of public services to support the proposed development, (4) technical requirements governing the property's eligibility to apply for a Floating Zone, and (5) whether the FZP meets the development standards of the zone requested.

## Conformance with the Master Plan<sup>2</sup>

The 1990 *Bethesda Chevy Chase Master Plan* (Master Plan or Plan) guides the development of this property. The Plan reconfirmed the existing R-60 zoning but recommended that existing country clubs, private schools, and "institutional uses" be redeveloped residentially if ever abandoned. *Plan*, p. 2; Exhibit 45, p. 21.

The Hearing Examiner and Planning Staff found that this application conformed to four of the seven "overarching" goals of the Plan. *Id.*, p. 21. These goals call for: (1) a diverse supply of housing for different income levels, ages, backgrounds, and household characteristics, (2) maintaining a high quality of residential neighborhoods with both services and environmental enhancements, (3) protecting natural resources and environmental features, and (4) supporting development that contributes to a strong sense of community.

The Hearing Examiner found that the project provided diverse housing opportunities that will meet the needs of the surrounding community. It will provide three levels of care for seniors (*i.e.*, independent living, assisted living, and memory care) as well as Moderately Priced Dwelling Units to meet the housing needs of individuals with diverse incomes. The project is designed to protect and retain the existing tree canopy that exists along the northern, western, and southern property, providing a natural physical and visual buffer from the surrounding residential communities. This also permanently preserves the existing environmental features, such as forest and steep slopes. Based on this record, the District Council finds that the LMA substantially conforms to the Master Plan.

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<sup>2</sup> Section 59-7.2.1.E.2.a. of the Zoning Ordinance requires the District Council to find that the FZP "substantially conforms with the recommendations of the applicable master plan, general plan, and other applicable County plans." Section 59-7.2.1.E.2.b requires the FZP to be "in the public interest," which includes a review of conformity with County plans and policies, which incorporates adequate public facilities tests to determine whether the development will be consistent with the coordinated and systematic development in the Regional District under State law. Section 59-7.2.1.E.2.c requires the application to further the intent of Floating Zones. The intent of Floating Zones incorporates compliance with the applicable master plan. *Zoning Ordinance*, §59-5.1.2.A.1.

## Compatibility with Adjacent Uses and the Surrounding Area

Multiple standards for approval require the District Council to find that the FZP be compatible with adjacent uses and the surrounding area.<sup>3</sup> The District Council agrees with the Hearing Examiner and Planning Staff that the project will be compatible with surrounding and adjacent land uses because the existing woods form a visual and physical barrier on three sides. These woods will be permanently protected by Category I Forest Conservation Easements. The Council also finds, as did the Hearing Examiner, that the transition in building heights from the outer boundary of the footprint to the site interior contributes to compatibility with adjacent single-family detached homes. *HE Report*, p. 27. CORSO's expert in architecture opined that that building materials and architectural elements of the project reflect those of the surrounding neighborhood. This also supports a finding that the use will be compatible with surrounding and adjacent development. T. 95-96.

The Town and Village are concerned about the compatibility of the site access on Connecticut Avenue and the potential for overflow parking on neighborhood streets. Both want to ensure that all parking can be accommodated on-site. They also want to ensure that the access point will operate as efficiently and safely as possible. Two binding elements address these concerns. One requires CORSO to complete a Comprehensive Vehicular Site Access Study before applying for site plan approval. This study will look at intersection geometrics, speed limits, existing turning movements, vehicular and pedestrian counts, evaluation of collision data for the most recent three-year period, forecasted future traffic volumes based upon the existing traffic counts and proposed program, and a signal warrant analysis. Exhibit 65(b). The second binding element requires CORSO to complete a Parking Demand Analysis to determine whether all parking for residents, employees, and visitors will be available on-site. *Id.*

Based on expert testimony from CORSO's transportation planner, the Hearing Examiner found that traffic from the site did not contribute to accidents at the access point when the 4-H Center was operating. While the Town believes that the traffic estimated for the redevelopment is too low, there was no expert testimony contradicting this and the issue can be further reviewed both in the Comprehensive Vehicle Site Access Study and during site plan review. The District Council agrees with the Hearing Examiner that the weight of testimony in this record demonstrates that the proposed development will not contribute to safety problems at the intersection.

Similarly, the project provides more than the number of parking spaces required by the Zoning Ordinance. There is no objective testimony or evidence that the number of on-site spaces will be inadequate to serve the demand for parking generated by the residential care facility. Due

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<sup>3</sup> The FZP must further the intent of Floating Zones in general and the purpose of the CRNF Zone. *Zoning Ordinance*, §§59-7.2.1.E.2.c; 59-5.1.2.C; 59-5.3.2. Floating zones are intended to: (1) establish compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses, (2) provide development standards and general compatibility standards to protect the character of adjacent neighborhoods; and (3) allow design flexibility to mitigate any negative impacts found to be caused by the new use. *Id.*, §59-5.1.2.C. One purpose of the CRNF Zone is to "provide mixed-use development that is compatible with adjacent development." *Id.*, §59-5.3.2.C. Similarly, Section 59-7.2.1.E.2.d of the Zoning Ordinance requires the Council to find that the FZP is "compatible with existing and approved adjacent development."

to the lack of objective testimony, the Hearing Examiner found that inadequate parking was not a basis for denying the rezoning. *HE Report*, pp. 28-29. The District Council agrees and finds that parking demand generated by the project may be accommodated on-site compatibly with adjacent and surrounding uses. Again, this will be reviewed further when the Parking Demand Analysis is completed prior to application for a site plan.

### **Adequacy of Public Facilities/Public Interest**

The District Council must also find that public facilities will be adequate to serve the FZP. While a more detailed review will occur later in the development process, a threshold analysis must be performed at the rezoning stage.<sup>4</sup>

The Applicant in this case submitted a Traffic Statement rather than a Traffic Study, as permitted under Planning Board's Local Area Transportation Review (LATR) Guidelines when a development will generate fewer than 50 new weekday peak hour person trips. *Zoning Ordinance*, §59.7.2.1.E.2.e; *LATR Guidelines*, p. 8. CORSO's proposal is under 50 person trips due to a credit for "existing trips" from the 4-H Center, even though that use has been abandoned and no trips are currently on the road.<sup>5</sup> CORSO'S Traffic Statement (Exhibit 10) finds that the proposed development will reduce the number of weekday peak hour person trips below the amount generated by the former conference center. The Town and Village believe that the estimated number of trips attributed to the conference center are too high and testified to community observations that traffic in the past was much lower. Lower estimates of the conference center trips would mean that the proposed development will generate more traffic than presented in the Traffic Statement, triggering a full traffic study.

CORSO's expert in transportation planning provided the rationale for the trip estimates stated in the Traffic Statement. The Hearing Examiner found the weight of the expert testimony more compelling than the anecdotal evidence presented by the Town. *HE Report*, pp. 27-29. Based on this record, the District Council agrees with the Hearing Examiner and so finds. A more detailed analysis of the actual traffic generated by the former conference center may still occur during the Comprehensive Vehicular Site Access Study required by the binding elements.

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<sup>4</sup>Section 59.7.2.1.E.2.e requires that an Applicant demonstrate that traffic generated from the proposed development "does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts . . .". The adequacy of other facilities is part of the Council's determination that an application will be "in the public interest..." and that "it will be consistent with a coordinated and systematic development of the Regional District" under State law. *Zoning Ordinance*, §59-7.2.1.E.1.b; *Md. Land Use Art.*, §21-101(a) and (b). The intent of the Floating Zones is to "implement comprehensive planning objectives by...ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure..." *Zoning Ordinance*, §59-7.2.1.E.1.b; 59-5.1.2.A.2.

<sup>5</sup> CORSO's transportation expert submitted information regarding Council Bill 38-10, adopted in 2010, that amended the definition of "existing building" for the purpose of testing the roadway adequacy. The Hearing Examiner reviewed the legislative history of the bill and included both the Bill and the legislative history in the record of this case. Exhibits 49(a)-(d). Based on the information presented, she found that the County Council intended to permit a credit for "existing trips" that are no longer on the road for a variety of policy reasons. *HE Report*, p. 28, fn. 4. The District Council agrees.



While a full traffic study is not required, CORSO'S transportation expert opined that intersections on Connecticut Avenue north and south of the site access would meet current LATR standards. T. 125-129. Nothing in the record contravenes this testimony. The District Council finds this further supports a finding that public facilities will be adequate to serve the use.

Uncontroverted evidence establishes that other public facilities are adequate as well. CORSO's expert in civil engineering testified the water, electric, sewer, and gas already serve the site. T. 47. Staff concluded police and fire services are adequate to serve the proposed development. Exhibit 45, p. 3. There is no evidence that stormwater management cannot be accommodated on the site, and this will be addressed at site plan. T. 47-48. The District Council finds that public facilities will be adequate to serve the proposed development.

### **The Intent of Floating Zones (Section 59.5.1.2)**

The District Council must determine whether the FZP fulfills the intent of the Floating Zones. Several of these have already been addressed.<sup>6</sup> The remaining (from Section 59.5.1.2) are:

*Section 59-5.1.2.A.3. Implement comprehensive planning objectives by:*

*3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and*

Planning Staff concluded that the project met this intent by preserving much of the existing natural features, including mature trees, forest, and steep slopes while providing needed senior housing. Exhibit 45, p. 23. The Hearing Examiner concluded that the project integrates the off-site community with the residential care facility by providing public retail and walking paths. *HE Report*, p. 18. Stepping up heights of the facades along Connecticut Avenue and Thornapple Street provides an appropriate transition from the lower density homes in the surrounding area to the larger structure. *HE Report*, p. 31. The District Council finds that the project meets this intent of the Floating Zones.

*Section 5.1.2.B. Encourage the appropriate use of land by:*

*1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;*

*2. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population;*

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<sup>6</sup> The intent of Floating Zones contained in Sections 59-5.1.2.A.1 and 2 and 59-5.1.2.C of the Zoning Ordinance has already been addressed in the Council's findings relating to the compatibility of the FZP with surrounding uses and the adequacy of public facilities. The balance of the Floating Zone intent clauses is discussed here.

3. *ensuring that development satisfies basic sustainability requirements, including open space standards and environmental protection and mitigation; and*

Planning Staff concluded that the project offers an opportunity to replace an unused institutional use with a more compatible residential development. Staff also confirmed that the development would comply with all sustainability requirements and meets smart growth principles because it is already served by transit. Exhibit 45, p. 25. The Hearing Examiner agreed, noting that the property is served by two bus routes. *HE Report*, p. 35. Based on this record, the District Council finds that the development will meet these intents of the Floating Zones.

### **The Applicability of the Zone (Section 59.5.1.3.)**

Section 59.5.1.3. of the Zoning Ordinance sets up a series of threshold tests to determine whether a site may apply for a Floating Zone.<sup>7</sup>

Planning Staff provided uncontroverted evidence that the application meets all the threshold tests needed to apply a Floating Zone to the property. The District Council finds that the requirements of this section are met, as did the Hearing Examiner. *HE Report*, p. 33.

### **The Purpose of Commercial/Residential Floating Zones, Permitted Uses, and Permitted Building Types (Sections 59.5.3.2 through 59.5.3.4)**

Zoning Ordinance Division 59-5.3 specifies the purposes of the Commercial/Residential Floating Zone, and establishes the allowed uses, building types, and development standards. The FZP must fulfill the purposes of the Commercial/Residential Floating Zones and meet all technical standards.

Section 59.5.3.3 of the Zoning Ordinance limits the uses permitted in the CRNF Zone to “only” those uses permitted in the CRN Zone. A residential care facility is a limited use in the CRNF Zone. Zoning Ordinance, §59.3.1.6. Commercial retail uses are permitted uses in the CRN Zone. The CRNF Zone permits any building type, thus, the multi-family buildings are permitted in the requested zone. *Id.*, §59.5.3.4.

**Purpose.** The District Council has already found that the FZP is compatible with adjacent development, one of the purposes of the Commercial/Residential Zones. *Zoning Ordinance*, §59.5.3.2.C. The remaining purposes are:

#### ***Section 5.3.2. Purpose***

*The purpose of the Commercial/Residential Floating zones is to:*

- A. allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;*
- B. allow flexibility in uses for a site...*

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<sup>7</sup> Section 59-5.1.3.A prohibits placement of a Floating Zone on property currently in an Agricultural or Residential Zone. As this property is zoned R-60, that section does not apply.

The District Council has already found that the FZP uses the additional height permitted and flexible setbacks permitted by the zone to accomplish a compatible residential project through height transition, public open space, and forest retention. The FZP allows redevelopment with a residential rather than institutional use, in accordance with the Master Plan. The District Council finds that this standard has been met, as did the Hearing Examiner.

### **Development Standards of the Zone (Section 5.3.5)**

Planning Staff prepared a table comparing the development standards of the CRNF Zone with the development shown on the FZP. Exhibit 45, p. 29. The table demonstrates that the proposed development may meet all the development standards of the requested zone. The approved Floating Zone Plan determines the setbacks from the site boundary. Zoning Ordinance, §59.5.3.5.B.2. Remaining development standards may be finalized at site plan unless they are restricted by a binding element. The District Council agrees with the Hearing Examiner that the FZP meets all development standards of the Zone.

### **General Development Standards (Article 59.6)**

Article 59.6 of the Zoning Ordinance contains general development standards for most developments. These standards regulate the number and design of parking spaces, drive aisles, landscaping, lighting, and public and private open space. Based on the undisputed evidence at this stage, the Applicant's proposal will be able to meet these standards, subject to review and modification of the particulars during site plan review.

### **Conclusion**

Based on the foregoing analysis and after a thorough review of the entire record, including the corrected Hearing Examiner's Report and Recommendation issued May 12, 2023, the District Council concludes that the proposed reclassification and development will meet the standards set forth in the Zoning Ordinance, and that it will be consistent with the coordinated and systematic development of the Regional District under State law.

### **ACTION**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland, approves the following resolution:

Local Map Amendment Application No. H-148, requesting reclassification from the R-60 Zone to the CRNF-1.5, C-0.25, R-1.25, H-70 (Commercial Residential Neighborhood Floating) Zone for property located at 7100 Connecticut Avenue, Chevy Chase, MD, further identified as Parcel 1, Block 5, "Section 4 Chevy Chase" subdivision (Tax Account No. 07-00464946) is hereby **approved** in the amount requested and subject to the specifications and requirements of the Floating Zone Plan, Exhibit 65(b), provided that the Applicant files an executed Declaration of Covenants (Exhibit 65(a)) reflecting the binding elements in the land records and

submits to the Hearing Examiner for certification a true copy of the Floating Zone Plan approved by the District Council within 10 days of approval, in accordance with §§59.7.2.1.H.1.a. and b. of the Zoning Ordinance.

This is a correct copy of Council action.



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Sara R. Tenenbaum  
Clerk of the Council

APPENDIX ABinding Elements

1. Use of the property will be limited to a residential care facility and ancillary commercial establishments. No more than 5,000 square feet of commercial use, with no single establishment larger than 2,500 square feet shall be permitted. Such commercial establishments shall be made available to the general public.
2. Vehicular access will be limited to Connecticut Avenue. Vehicular access to and from Thornapple Street, Woodside Place, and Meadow Lane and the property must be prohibited. Before submission of a Preliminary Plan and/or Site Plan applications, the Applicant will complete a Comprehensive Vehicular Site Access Study that shall include, but not be limited to review of the existing roadway, intersection geometrics, speed limits, existing turning movements, vehicular and pedestrian counts, evaluation of collision data for the most recent three-year period, forecasted future traffic volumes based upon the existing traffic counts and proposed program, and a signal warrant analysis. The Applicant will work with the State Highway Administration and the Town of Chevy Chase to determine the need for traffic-related measures along Connecticut Avenue. In addition, the Applicant will coordinate with Chevy Chase Section 3 to address traffic-related impacts to that neighborhood.
3. Before submission of Preliminary Plan and/or Site Plan Applications, the Applicant will complete a Parking Demand Analysis to ensure on-site parking for all property employees and visitors, including during peak use and visitation periods, is adequate. The Applicant will implement the recommendations of the Parking Demand Analysis to ensure that all parking necessary to meet the needs of the Project is accommodated on-site, subject to approval by the necessary governmental entities.
4. The Applicant shall provide garage space and five (5) separate parking spaces for use by the Town of Chevy Chase, the details of which will be provided during site plan review.
5. The Applicant shall place areas, as more accurately depicted on the Final Forest Conservation Plan, generally along the southern, western and northern property lines, in a Category I Conservation Easement. The Town of Chevy Chase forester shall be included in the proceedings regarding the creation and maintenance of the Category I Conservation Easement.
6. The Applicant shall construct new pathways connecting the existing sidewalk on Thornapple Street with Connecticut Avenue and connecting the property with Woodside Place. No pedestrian pathway shall directly connect between Woodside Place and Connecticut Avenue. A public walking path through the proposed

Category I Conservation Easement, as applicable, generally located along the western property boundary, shall be prohibited.

7. The Applicant shall maintain minimum building setbacks as shown on the Floating Zone Plan, including a maximum building height of sixty feet (60') for a distance of eighty feet (80') from Connecticut Avenue.
8. The Applicant shall comply with all applicable stormwater management regulations. A Town of Chevy Chase-appointed engineer will be included in the review of the stormwater management plans for the Property, as coordinated by the Montgomery County Department of Permitting Services.
9. The Applicant shall locate and/or screen refuse storage and collection areas and loading and service areas so as to minimize the view and noise from the adjacent property boundaries.
10. The Applicant shall install planting materials that are primarily native species. The Applicant will remove all invasive species on the Property, in accordance with the Final Forest Conservation Plan. The Applicant will provide sufficient planting depth above garage areas to support canopy and shade trees, where applicable.
11. The Applicant shall install a non-deciduous tree screen along the south property line outside of the Category I Conservation Easement. Foundation planting shall be installed where garage walls extend above grade.
12. The Applicant shall provide exterior lighting according to applicable County regulations and coordinated so as minimize impact to adjacent properties.
13. The Applicant will enter into a Construction Management agreement with the Town of Chevy Chase before approval of the Certified Site Plan for the Property.
14. At the time of Site Plan, the Applicant will provide an interim landscaping plan for the phased build-out of the Project.
15. Vinyl siding and EFIS are prohibited on all new buildings.
16. The Applicant shall execute and record among the land records, so as to be enforceable against all successors and assigns, a Declaration of Covenants that will include the binding elements included in the approved Local Map Amendment prior to approval of the Certified Site Plan for the Property.
17. The outward-facing architectural facades along all sides of the Property will be designed to read as four (4) stories plus roof, with the exception of the northwest corner of the Property, which shall be designed to read as three (3) stories on top of the garage plus roof. Additionally, these outward facing facades must adhere to a maximum height, as observed from the established measuring point of 55 feet, with

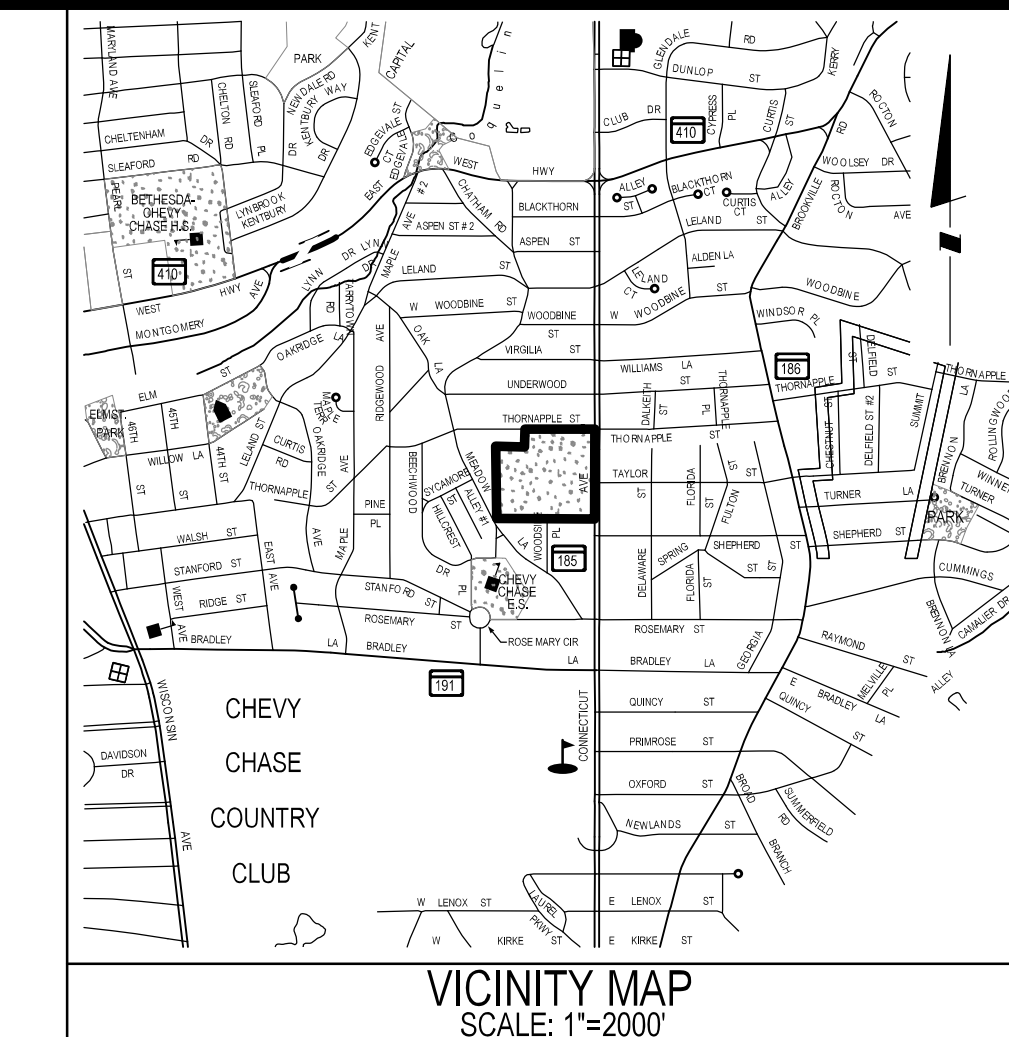
the exception of the northwest corner of the Property, which shall adhere to a maximum height of 50 feet.

18. The Project will provide ground floor entrances along both Thornapple Street and Connecticut Avenue commensurate with individual units located along these respective facades.
19. The Project will include a porte cochere at the site entrances featuring specialty paving, with the final design and location to be finalized at the time of Site Plan.
20. The Project will incorporate a fountain or similar gateway feature at the main entrance along Connecticut Avenue, with the final design to be approved by the Planning Board in connection with the Site Plan approval.
21. Before obtaining any building or grading permits, the Project must receive Site Plan approval.

# CORSO CHEVY CHASE

## LOCAL MAP AMENDMENT H148

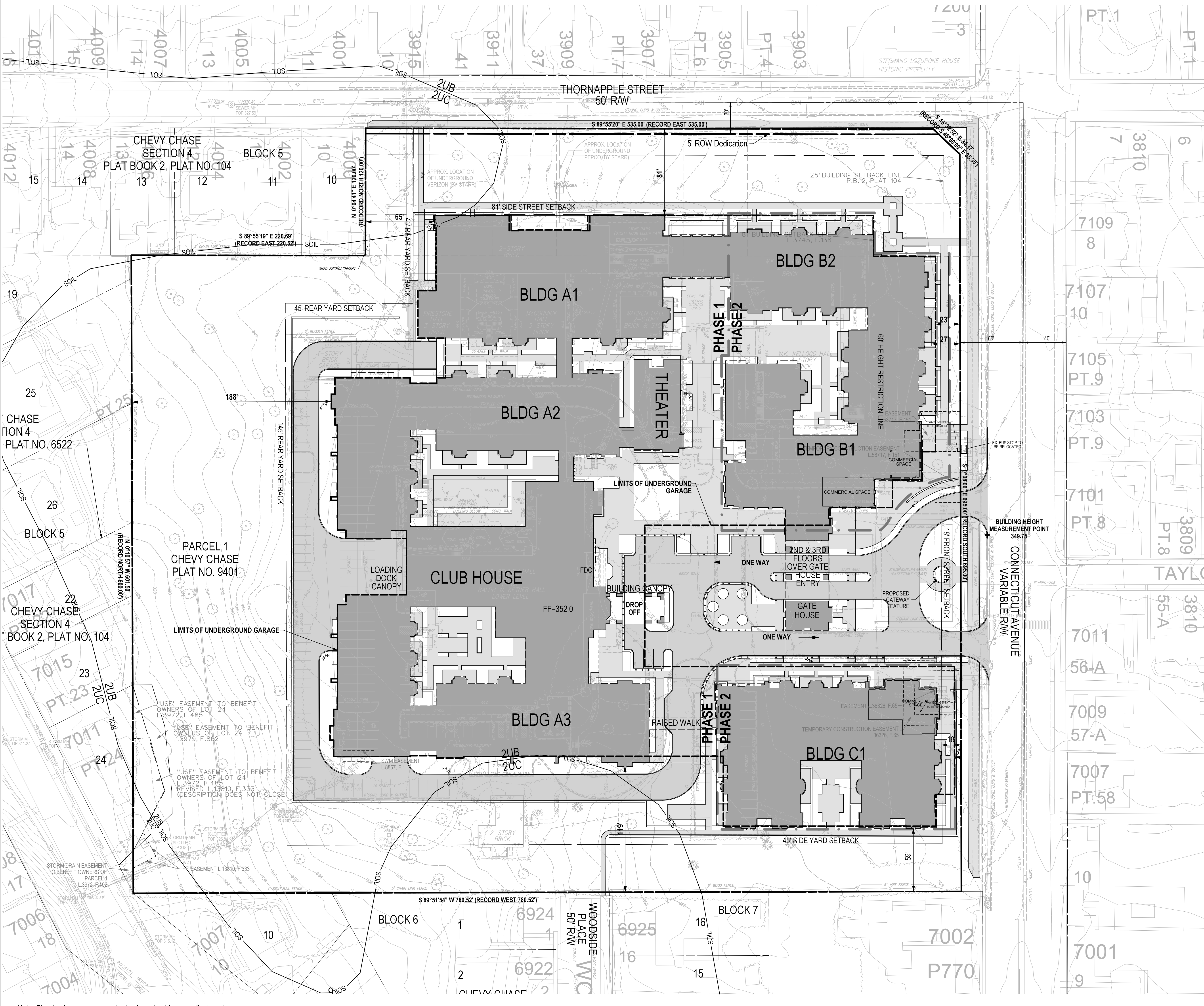
### FLOATING ZONE PLAN



**Corso Chevy Chase (H1) Data Table**

Development Standards	Permitted/Required Zoning Ordinance Development Standards	Proposed
Development Standards	Existing Zoning Proposed Zoning	CRNF-1.5, CA-25, R-1, 25, H-70
Development Standards	Total Area Previous Dedication Total Area	12.58 ac. (66,001 s.f.) 1.38 ac. (68,878 s.f.) 13.96 ac. (74,879 s.f.)
Residential Density	Proposed Residential	6.98 ac. 2,068 U/I
Residential Density	Residential	688,000 U/I (420 Independent Living Units and Assisted Living Units (based on 200 sq ft per unit and 50 sq ft per bed))
Commercial Density	Phase 1 Phase 2	480,000 g.p.s. 500 g.p.s. (Phase 2)
Commercial Density	148,800 g.p.s. (0.24 U/I) 881,400 g.p.s. (1.37 U/I)	500 g.p.s. (Phase 1) 700,000 g.p.s.
Commercial Density	Total F.A.R.	700,000 g.p.s.
Moderately Priced Dwelling Units (MPDU):	15% of dwelling units including Independent Living Units and Assisted Living Units (classified as dwelling units)	66 to 68 MPDU's
Moderately Priced Dwelling Units (MPDU):	MPDU's will be provided in accordance with Chapter 25A, either on-site or via an off-site, in accordance with the Ordinance.	
Maximum Building Height: (08.4.5.4) (Average median height)	Residential	70' (6 stories)
Maximum Building Height: (08.4.5.4) (Average median height)	Residential	68' (6 stories) along Connecticut Avenue within 80' of the property line
Height Compatibility: (08.4.5.4.4) (4.1.8.B)	When the subject property abuts a property in an Agricultural, Rural Residential, Residential Ordinance or Residential Neighborhood zone that is superior in height to an agricultural or residential use, any structure may not protrude beyond a 45 degree angle plane extending from the subject property, measured from a height equal to the height allowed for a detached house in the abutting zone at the setback line, as determined by Section 4.1.8.A.	Complies
Open Space: (08.4.5.4.2)	10% or 10,560 s.f. of the total area	66,280 s.f. or 1.38 acres (11.1%)
Setback Compatibility: (08.4.5.4.4) (4.1.8)	The minimum side setback is equal to 1.5 times the maximum side setback required for a detached house on the abutting property. The minimum rear setback is equal to 1.5 times the maximum rear setback required for a detached house on the abutting property. If the screening wall is greater than the minimum setback under Section 4.1.8.A, the minimum setback applies the required screening wall.	Complies
Setbacks and Placement:	Front Setback (Connecticut Avenue) Side Setback (Thornapple Street) Side Setback (Connecticut Avenue) Rear Setback	10' Min. 10' Provided 10' Min. 10' Provided 12' Min. 10' Provided 30' Min. 10' and 140' Provided
Parking Requirements: (08.6.2) To be Detailed at Site Plan	500 Min. spaces allowed (0.25 per bed, 1 per DU, 5.5 per Employee and Mail, 0.25 per bed, 1 per DU, 0.5 per Employee) 40 Spaces (81 Spaces per 1000 U/I) 500 spaces min 500 spaces min	478 spaces plus 42 tandem spaces (based on 420 independent dwelling units, 30 memory care beds, and 100 employees) 20 tandem spaces 500 spaces plus 42 tandem spaces
Residential	500 Min. spaces allowed (0.25 per bed, 1 per DU, 5.5 per Employee and Mail, 0.25 per bed, 1 per DU, 0.5 per Employee)	20 tandem spaces 500 spaces plus 42 tandem spaces
Commercial	40 Spaces (81 Spaces per 1000 U/I)	20 tandem spaces
Electric	1% of the spaces	4 spaces
Phase 1	4 spaces	3 spaces
Phase 2	3 spaces	3 spaces
Carshare Phase 1	3 spaces min 20 spaces	3 spaces
Parking Provided: (08.6.2)	Total	500 spaces plus 42 tandem spaces
Phase 1 Change	Set at Site Plan	284 spaces plus 42 tandem spaces 208 spaces
Phase 2 Change	Set at Site Plan	21 spaces
Phase 1 Surface Parking	Set at Site Plan	8 spaces
Bicycle Parking: (08.6.2.4) and (08.6.2.6)	1% of spaces 90% of spaces for long term use 10% of spaces for short term use	50 spaces (phase 1) 45 spaces (phase 2) 5 spaces (phase 1)
Screening Requirements: (08.4.5.5)	Landscaping screening requirements for an apartment building over 10' in height or multi-use building over 40' in height	Southern Property Boundary, Georgetown Western and Portion of Northern Property Boundary, may seek alternate compliance due to Forest Conservation Easements Final details to be determined at time of Site Plan.

- BINDING ELEMENTS:**
- Use of the property will be limited to age-restricted housing and ancillary commercial establishments. No more than 5,000 square feet of commercial use, with no single establishment larger than 2,500 square feet shall be permitted. Such commercial establishments shall be made available to the general public.
  - Vehicular access to and from Thornapple Street, Woodside Place, and Meadow Lane and the property shall be prohibited. Vehicular access shall be limited to Connecticut Avenue. The Applicant will commission a Comprehensive Vehicular Site Access Study that shall include, at a minimum, review of the existing roadway, intersection geometrics, speed limits, existing turning movement vehicular and pedestrian counts, evaluation of collision data for the most recent three-year period, forecasted future traffic volumes based upon the existing traffic counts and proposed program, and a signal warrant analysis. The Applicant will work with the State Highway Administration and the Town of Chevy Chase to determine the need for traffic-related measures along Connecticut Avenue.
  - The Applicant shall commission a Parking Demand Analysis to ensure on-site parking for all property employees and visitors, including during peak use and visitation periods, is adequate.
  - The Applicant shall provide, at no cost to the Town of Chevy Chase, an enclosed and secure garage space of approximately 1,300 square feet. Five (5) additional and adjacent parking spaces shall be provided for use by Town of Chevy Chase employees. The Applicant shall provide the Town of Chevy Chase a temporary enclosed and secure garage of approximately the same size during construction.
  - The Applicant shall place areas, as more accurately depicted on the Final Forest Conservation Plan, generally along the western and northern property lines, in a Category I Conservation Easement. The Town of Chevy Chase forester shall be included in proceedings regarding the creation and maintenance of the Category I Conservation Easement.
  - The Applicant shall construct new pathways connecting the existing sidewalk on Thornapple Street with Connecticut Avenue and connecting the property with Woodside Place. No pedestrian pathway shall directly connect between Woodside Place and Connecticut Avenue. A public walking path through the proposed Category I Conservation Easement, as applicable, generally located along the western property boundary, shall be prohibited.
  - The Applicant shall maintain minimum building setbacks as shown on the Floating Zone Plan, including a maximum building height of sixty feet (60') for a distance of eighty feet (80') from Connecticut Avenue.
  - The Applicant shall comply with all applicable stormwater management regulations. A Town of Chevy Chase-appointed engineer shall be included in the development of stormwater management plans and strategies for the property.
  - The Applicant shall locate and/or screen refuse storage and collection areas and loading and service areas so as to minimize view and noise from adjacent property boundaries.
  - The Applicant shall install planting materials that are primarily native species. The Applicant shall remove the bamboo on the south side of the property, in accordance with all applicable Town of Chevy Chase and County regulations. Sufficient planting medium depth shall be installed above garage areas to support canopy and shade trees, where applicable.
  - The Applicant shall install a non-deciduous tree screen along south property line outside of the Category I Conservation Easement. Foundation planting shall be installed where garage walls extend above grade.
  - The Applicant shall provide site lighting according to applicable County regulations and coordinated so as to minimize impact to adjacent properties.
  - The Applicant, in concert with the Town of Chevy Chase, shall prepare and codify a set of construction rules and regulations aimed at minimizing, to the greatest extent practicable, the impact of construction activities on adjacent properties and Town of Chevy Chase residents. The Applicant shall maintain a system for public notification of construction activities through a regularly-updated distribution method prior to and during construction activities.
  - The Applicant shall minimize, to the greatest extent practicable, the duration between any construction phases and provide reasonable interim measures, including landscaping, to ensure the attractiveness of temporary, undeveloped areas.
  - Vinyl siding and EFIS shall be prohibited on all new buildings.
  - The Applicant shall execute and record among the land records, so as to be enforceable against all successors and assigns, a Declaration of Covenants that will include the binding elements included in the approved Local Map Amendment prior to approval of the Certified Site Plan for the property.
  - The outward-facing architectural facades along all sides of the property will be designed to read as four (4) stories plus roof, with the exception of the northwest corner of the property, which shall be designed to read as three stories on top of the garage plus roof.
  - The Project will provide ground floor entrances along both Thornapple Street and Connecticut Avenue commensurate with individual units located along these respective facades.
  - The Project will include a porte cochere at the site entrances featuring specialty paving, with the final design and location to be finalized at the time of Site Plan.
  - The Project will incorporate a fountain or similar gateway feature at the main entrance along Connecticut Avenue, with the final design to be approved by the Planning Board in connection with the Site Plan approval.



PER PLAT NUMBER 9401 NO ADDITIONAL RIGHT-OF-WAY DEDICATION IS REQUIRED FOR CONNECTICUT AVENUE

**FLOATING ZONE PLAN**  
**LOCAL MAP AMENDMENT H-148**  
**CORSO CHEVY CHASE**

TAX MAP H242, 0000	ZONING CATEGORY: CRNF-1.5, C-0, 25, R-1, 25, H-70
WS20 200' SHEET 208W004	
SITE DATUM HORIZONTAL: NAD 83/91 VERTICAL: NGVD 29	
DATE: 1/13/2023	DESIGNED: NC
CHECKED: KDL	DATE: 1/13/2023
CAD STYL: V8/NCS	VERSION: V8/NCS
<b>S1.00</b>	
PROJECT NO. 4180-01-01	

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