

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

July 29, 2024

MCPB No. 24-067
Preliminary Plan Amendment No. 11985202A
Shops at Sumner, Sumner Place Apartments
Date of Hearing: July 18, 2024

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, the Planning Board, by Opinion mailed on May 28, 1986, approved Preliminary Plan No. 119852020, limiting development to a 46,000 square-foot supermarket on one lot consisting of 4.9 acres (Parcel E) in the C-1 zone, located at the southeast corner of Sentinel Drive and Sangamore Road (“Parcel E”), in the Bethesda - Chevy Chase & Vicinity Policy Area and the 1990 *Bethesda-Chevy Chase Master Plan* (“Master Plan”) area; and

WHEREAS, the Planning Board, by Opinion mailed on December 3, 1990, approved an amendment to Preliminary Plan No. 119852020 to allow for development of 46,000 square feet of retail uses permitted in the C-1 Zone on Parcel E in lieu of the previously approved supermarket use; and

WHEREAS, pursuant to Chapter 50, Section 50.7, a minor subdivision was approved and a plat recorded in the Land Records at Plat No. 21680 on December 14, 2000, creating Parcel F consisting of 6.9 acres, located at the southeast corner of Sentinel Drive and Sangamore Road (“Parcel F”), adjoining Parcel E; and

WHEREAS, on November 29, 2023, W.C. & A.N. Miller Development (“Applicant”) filed an application for approval of an amendment to the previously approved preliminary plan(s) and minor subdivision to consolidate Parcels E and F (jointly the “Subject Property”), and to add up to 188 multi-family dwelling units to the existing shopping center on the Subject Property; and

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Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan Amendment No. 11985202A, Shops at Sumner (“Preliminary Plan,” “Amendment,” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 8, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 18, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Pedoem and Commissioners Bartley, Hedrick, and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 11985202A to consolidate Parcels E and F into one lot, and to add up to 118 multi-family dwelling units to the existing shopping center by replacing all previous conditions of approval and adding the following conditions:¹

General Approval

1. This Preliminary Plan is limited to one (1) lot for 118 multi-family dwelling units, and 224,274 square feet of existing non-residential uses, to remain^{2,3}.

Adequate Public Facilities

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

Plan Validity Period

3. The Preliminary Plan Amendment will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a new final record plat for all property delineated on the approved Preliminary Plan Amendment must be recorded in the Montgomery County Land Records or a request for an extension filed.

Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 6, 2024, and incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with

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

² The Property is improved with 227,299 square feet of non-residential uses. A bank pad site consisting of 3,025 square feet will be removed as part of the project.

³ The retail/service, restaurant, office use spaces can be changed to other commercial/non-residential uses if there is no adverse impact on the Preliminary Plan and APF findings and it is approved by Staff.

each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan Amendment approval.

5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Water Resources Section in its stormwater management concept letter dated May 14, 2024, and incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan Amendment approval.

Site plan approval

7. Before approval of the new record plat or any demolition, clearing or grading (whichever comes first) for the Subject Property, the Applicant must receive Staff certification of any subsequent Site Plan(s) associated with this Preliminary Plan. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks and pedestrian pathways is determined through site plan review and approval.
8. If an approved site plan for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan Amendment, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan.

Transportation

Frontage Improvements on Existing Roads

9. Before recordation of the new plat, the Applicant must enter into and record in the Land Records a covenant with the Planning Board for future dedication of five feet (5 ft) of right-of-way along the Sangamore Road frontage. The book/page reference of the covenant must be noted on the plat. Dedication to achieve the full forty-feet (40 ft) from the existing roadway centerline will be required when the portion of the Subject Property along Sangamore Road redevelops.
10. Before recordation of the plat, the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a minimum six-foot wide (6 ft) sidewalk, except where infeasible, along the Property frontage on Sentinel Drive.

Record Plats

11. There shall be no clearing or grading of the Site before recordation of the new plat.
12. The new record plat must show necessary easements.
13. The Applicant will make a reasonable attempt to secure an agreement with adjoining property owner Sumner Village Condominiums (SVC) to preserve the existing access within the fence between the SVC property and the Subject Site for use by the SVC residents.

14. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

Certified Preliminary Plan

15. The certified Preliminary Plan must contain the following notes:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

16. Before submittal of the Certified Preliminary Plan, the Applicant must show resolutions and approval letters on the certified set.

BE IT FURTHER RESOLVED The new conditions of approval supersede all previous conditions approved under the original Preliminary Plan No. 119852020 and its amendment by Opinion dated December 3, 1990.

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

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*
 - a) The block design is appropriate for the development or use contemplated
 - b) The lot design is appropriate for the development or use contemplated
 - c) The Preliminary Plan provides for required public sites and adequate open areas

The block design was established when the Site was first developed in the 1960s. The Preliminary Plan amendment will allow for consolidation of the two parcels (and elimination of the internal lot line) resulting in one record lot with frontage on multiple County rights-of-way, which will allow for safe and efficient vehicular, pedestrian, and bicycle access to the Project. The newly consolidated lot will continue to have frontage on two County roadways (Sentinel Drive and Sangamore Road), which will allow for safe and efficient vehicular, pedestrian, and bicycle access to the Site. The Project provides for all required public open areas and satisfies all applicable requirements of the Zoning Ordinance.

i. *Master Planned Sites*

The Site is subject to the 1990 *Bethesda/Chevy Chase Master Plan*. It identifies the Property as PC 13, Little Falls Mall. There are several recommendations that relate to the Site. These are covered in greater detail in Finding 2 of this Resolution.

ii. *Local Recreation*

The Project includes recreation facilities in accordance with Section 59-6.3.9. of the Zoning Ordinance, including an indoor community space, indoor fitness room, picnic and seating area in the amenity open space, a grilling area in the private open space and bicycle amenities such as the long-term storage in the parking garage and bicycle repair station.

iii. *Transportation and Utilities*

The Subject Application was evaluated for adequate public facilities for both transportation and utilities. Approval letters were provided by MCDOT, MCPS Stormwater, MCDPS Right-of-way, and MCDPS Fire & Rescue. As conditioned, all facilities are adequate for the Project as discussed more fully below in Finding 3.

d) The Lot(s) and Use comply with the basic requirements of Chapter 59

Multi-unit living is a limited use in the NR Zone subject to the requirements in 59-3.3.1.E. It requires that, “the gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site”. Further analysis is provided below.

Table 1: Shops at Sumner Preliminary Plan Data Table for NR-0.75 H-45 Zone, Standard Method, Section 59.4.6.3

Development Standard	Permitted/ Required	Approved
Tract Area	n/a	588,867 s.f., 13.52 ac
Prior Dedication	n/a	71,251 s.f., 1.64 ac
Approved Dedication ¹	n/a	0 s.f., 0 ac
Site Area	n/a	517,616 s.f., 11.88 ac
Density		
Site total	0.75 FAR (441,650 s.f.)	0.58 FAR (341,882 s.f.)
Principle Building setbacks		
Front	0 ft	Must meet minimum
Side	0 ft	Must meet minimum
Sum of Side	0 ft	Must meet minimum
Rear	0 ft	See Site Plan
Site Plan Required		

¹Note that as conditioned, the Applicant will be required to record a covenant for future right-of-way dedication along Sangamore Road.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

- a) *Land Use*
- b) *Environment*
- c) *Transportation*

The 1990 Bethesda Chevy Chase Master Plan includes recommendations that apply to the Property and Proposal as follows:

In order to enhance the Mall's use by the community and its compatibility with adjacent uses, public amenities and additional landscaping are encouraged as part of any new development (page 71)... Enhance the role of the Mall as a "community magnet". Improve the economic viability of the Mall (page 72).

The amenity open space and pedestrian circulation improvements around the new building will improve connectivity for the surrounding residences and will further activate the Property. The Project's inclusion of multi-family dwelling units is intended to expand upon the Property's role as a community magnet by providing additional customers and employees to serve the mix of commercial uses at the Property.

Better pedestrian connections to and through the Mall are needed to improve accessibility and reduce reliance on the automobile (page 76).

The Project includes new sidewalks along the Site frontage on Sentinel Drive and internally through the Site connecting the approved multi-family building and existing condominiums to the north and east with the retail and office uses to remain. Furthermore, the Project is replacing existing surface parking spaces with residential uses, pedestrian walkways and crossings, a pocket park, and new bicycle parking facilities to encourage walking and biking trips to and within the Site.

There is an opportunity for providing not only community-oriented uses but also outdoor public use space, such as a corner courtyard and promenade, to serve the people who live and work near the shopping center (page 76).

The Subject Application includes the construction of a new pocket park positioned conveniently to the approved residential building and the existing, adjacent condominiums which will serve both the new and neighboring residents.

Sidewalks should be installed along the sections of Sangamore Road where they are now lacking in order to allow residents of Sumner Highland Apartments and townhouses to the south safe access to the Mall. Pedestrian walkways into the Mall are needed at the

southern entrance opposite the apartments and across from the Sumner Court townhouses on Sentinel Drive. A protected pathways should be extended from the Mall across the parking lot to Sumner Village (page 76).

Since the Master Plan's adoption, sidewalks have been constructed along Sangamore Road and Sentinel Drive that provide pedestrian access from Sumner Highland Apartments and townhouses to the south of the Property. The existing, unbuffered sidewalks along Sentinel Drive will be widened and buffered from vehicular traffic and on-street parking. The sidewalks on Sangamore Road have street buffers with large, healthy street trees. A pedestrian walkway exists (and will remain) between the Property's southern entrance and the townhouse and multi-family units across Sentinel Drive. The Applicant is also improving internal pedestrian circulation with the construction of new, wide, buffered sidewalks and marked pedestrian crossings to improve pedestrian access and comfort between the approved and established residential uses and the retail and office uses onsite.

The existing development includes landscaping along the center's periphery and shade trees in the parking lot. Additional landscaping at the eastern and southern entrances to the building and installation of trees in conjunction with an expanded walkway system would be desirable. As security lighting is installed to enhance nighttime safety, care should be taken that it not disturb residential neighborhoods (pages 25-26).

As conditioned, the Applicant is adding street buffers along Sentinel Drive that will be landscaped with street trees. Additionally, the Project includes amenity open space and pedestrian pathways connecting the approved residential building and approved pocket park. All approved lighting was evaluated for compliance with Section 59-6.4.4. of the Zoning Ordinance which mandates that footcandles must be 0.5 or less at the lot line.

Bethesda-Chevy Chase is dominated by single-family detached housing, which results in a serious lack of housing choices to meet the needs of people in varied stages of life, lifestyles, or financial situations (page 26).

As described earlier in this report, the Project is approved for a new residential building with up to 118 units, of which 15.2 percent will be Moderately Priced Dwelling Units (MPDUs), exceeding the minimum required. Therefore, the Project is contributing to the varied mix of housing options in both form and cost.

The 2024 Complete Streets Design Guide classifies Sentinel Street along the Site frontage as a Neighborhood Residential Street and Sangamore Road as a Neighborhood Connector. The minimum design requirements for these roadway types are described in the subsequent finding.

The 2018 Bicycle Master Plan does not recommend any designated bicycle facilities on either Sentinel Street or Sangamore Road.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

a) Roads and other Transportation Facilities

- i. *Existing Facilities:* The Site has frontage on two County roadways: Sentinel Drive and Sangamore Road. Sentinel Drive is a Neighborhood Street with an existing right-of-way of 70 feet, which exceeds the minimum master planned right-of-way of 60 feet. On-street parking is permitted on both sides of the street and is heavily utilized. Sidewalks are present on both sides of the street, but they lack buffers from the street.

Sangamore Road is a Neighborhood Connector with 70 feet of right-of-way dedicated. It is master planned for a total of 80 feet. Parking is not permitted on either side of the road. Sidewalks are present along the Site frontage. They are five-feet-wide and are buffered by a 10-foot street buffer, landscaped with street trees.

- ii. *Proposed public transportation infrastructure:* Sentinel Drive will be improved by moving the sidewalk back from the existing curb and widening the sidewalk to six feet. New six-foot-wide street buffers will be planted with street trees and grass lawns. On-street parking will remain on both sides of the street.

Sangamore Road has a master-planned width of 80 feet, however only 70 feet total are dedicated today. Currently, there are permanent structures, such as large monument signage, within the five-foot-wide area that would need to be dedicated to public right-of-way. Given the presence of these existing structures and the fact that the Limits of Disturbance (LOD) for the project do not front or touch on Sangamore Road, the Applicant will enter a covenant for future dedication with the Planning Board for the additional dedication required. The interim condition, before the dedication is provided, is acceptable because there are buffered sidewalks that exceed the minimum required per the Public Right Of Way Accessibility Guidelines (PROWAG), and therefore there are adequate public facilities today. As conditioned, five feet of right-of-way dedication will be required when this portion of the Site redevelops. The future streetscape improvements will also be required to comply with the *Complete Streets Design Guide*, or other applicable master plan at that time.

- iii. *Proposed private transportation infrastructure:* No private transportation infrastructure is included in the Project.

b) Local Area Transportation Review (LATR):

The Site is currently improved with 119,314 square feet of retail uses and 107,985 square feet of office. The Subject Application will remove 3,025 square feet of retail uses and construct a new mid-rise building with 118 multifamily living units. The Subject Application is estimated to generate a net increase of 48 person trips in the morning peak hour and a net increase of 38 person trips in the evening peak hour. The 2020-2024 *Growth and Infrastructure Policy* requires a transportation impact study for any project that is estimated to generate a net increase of 50 or more person trips in either the morning or evening peak hours. As that is not the case for this Application, the LATR review is satisfied with a transportation exemption statement. A summary of the trip generation analysis is provided in Table 2.

Table 2: Trip Generation Analysis

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Bethesda/Chevy Chase Policy Area		Total Person Trips	
		AM	PM	AM	PM	AM	PM
Existing	119,314 s.f. retail	421	1,034	358	897	581	1,427
Existing	107,985 s.f. office	179	177	145	143	235	231
	Subtotal	600	1,211	503	1,022	816	1,658
Approved	116,289 s.f. retail	411	1,011	349	859	567	1,394
Approved	107,985 s.f. office	179	177	145	143	235	231
Approved	118 multi-family units	40	46	35	40	62	71
	Subtotal	630	1,234	529	1,042	864	1,696
Net Change						48	38

Source: *Transportation Exemption Statement from Vika, July 10, 2023, modified by staff.*

c) Schools

The Project is approved to construct a total of 118 multifamily high-rise residential units. The Project will be served by Wood Acres Elementary School, Thomas W. Pyle Middle School, and Walt Whitman High School. Based on the FY25 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following tables:

Table 3. FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	%Utilization	Surplus/ Deficit
Wood Acres ES	757	603	79.7%	+154
Thomas W. Pyle MS	1,498	1,320	88.1%	+178
Walt Whitman HS ⁴	2,218	2,098	94.6%	+120

Table 4: FY2025 School Test Results

	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Wood Acres ES	No UPP	239	306	419
Thomas W. Pyle MS	No UPP	304	478	703
Walt Whitman HS	No UPP	300	564	897

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test.

Under the FY25 Annual School Test, Wood Acres Elementary School, Thomas W. Pyle Middle School, and Walt Whitman High School do not require any UPP as identified in Table 3. If the Project is estimated to generate more students than the identified adequacy ceilings, then additional UPPs or partial payments at multiple tiers are required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the amendment, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 118 multifamily high-rise units that are not age-restricted, the Project is estimated to generate the following number of students based on the subject Property’s location within a Turnover Impact Area:

⁴ Projected enrollment is modified to estimate the impact of the Charles W. Woodward High School Reopening (CIP P651908) and the Northwood HS Addition/Facility Upgrades (CIP P651907), reflecting the scope of the boundary study approved by the Board of Education on March 28, 2023.

Table 5. Estimated Student Enrollment Impacts

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.185	0.000	0.102	0.000	0.154	0.000
SF Attached	0	0.218	0.000	0.119	0.000	0.167	0.000
MF Low-rise	0	0.116	0.000	0.061	0.000	0.081	0.000
MF High-rise	118	0.073	8.614	0.042	4.956	0.053	6.254
TOTALS	118		8		4		6

As shown in Table 5, on average, this Project is estimated to generate eight elementary school students, four middle school students and six high school students. The estimated number of students generated do not exceed the adequacy ceilings identified for each school in Table 3. Therefore, no additional UPPs are required, and neither are partial payments across multiple UPP tiers.

d) Other Public Facilities and Services

Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect. Approval letters were provided by MCDOT, MCDPS Stormwater, MCDPS Right-of-way, and MCDPS Fire & Rescue.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Application satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department’s Environmental Guidelines. A Forest Conservation Plan with a separate resolution is being approved concurrently with this Application, and provides for reforestation, mitigation, and a new easement.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

MCDPS approved a Stormwater Management Concept on May 14, 2024. The Project will meet required stormwater management goals via two microbioretention, one enhanced, and one structure practice.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.*

The Applicant does not have notice of any burial site on the Property and the Property is not included in the Montgomery County Cemetery Inventory.

7. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

No other provisions apply to the subdivision.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

July 29, 2024

(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions..

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Linden, seconded by Commissioner Bartley, with a vote of **3-0**; Chair Harris, and Commissioners Bartley, and Linden, voting in favor of the motion, Vice Chair Pedoeem and Commissioner Hedrick necessarily absent, at its regular meeting held on Thursday, July 25, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board