

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

January 12, 2024

MCPB No. 23-125
Preliminary Plan No. 120230110
Chevy Chase Lake Block A
Date of Hearing: December 7, 2023

RESOLUTION

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

WHEREAS, on August 7, 2023, The Chevy Chase Land Company (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 1.81 acres of land in the CRT-2.0, C-1.0, R-2.0, H-70' and CRN-1.0, C-0.25, R-1.0, H-40' zones, located at the southwest quadrant of the intersection of Connecticut Avenue and Manor Road at 8550 Connecticut Avenue (“Subject Property”), in the Chevy Chase Policy Area and 2013 Chevy Chase Lake Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120230110 Chevy Chase Lake Block A (“Preliminary Plan” 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 November 27, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 7, 2023, 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 Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120230110 to create one lot on the Subject Property, subject to the following conditions:¹

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.

General Approval

1. This Preliminary Plan is limited to one (1) lot for up to 246,454 square feet of total development, including up to 19,000 square feet of non-residential density and up to 220 multi-family dwelling units (including 12.5% MPDUs) and associated structured parking.

Adequate Public Facilities and Outside Agencies

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 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 final record plat for all property delineated on the approved Preliminary Plan 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 November 14, 2023 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with 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 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 Maryland State Highway Administration (“SHA”) in its letter dated November 16, 2023, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
8. 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 November 22, 2023 and incorporates them as conditions of the Preliminary Plan 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 approval.

9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated November 6, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Future Site Plan Approval Required

10. The Applicant must receive Staff certification of a Planning Board-approved site plan prior to recordation of a plat. The number and location of site elements, including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined through site plan review and approval. The Applicant may submit the record plat application concurrent with the first submission of the Certified Site Plan.
11. If an approved site plan or site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan or site plan amendment.
12. The Applicant will demonstrate, through further analysis at the time of Site Plan submission, that their alternative approach and justification meet the intent of the 2013 Chevy Chase Lake Sector Plan recommendation for a mid-block connection between Loughborough Place and Connecticut Avenue.
13. A draft loading plan must be included with future submittal of the Site Plan.
14. The future Site Plan must demonstrate substantial conformance to the Sector Plan recommendations for a residential townhouse-scale appearance of development along Loughborough Place and the recommendations of the associated design guidelines.

Transportation

Existing Frontage Improvements

15. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a) All land necessary to accommodate thirty (30) feet from the existing pavement centerline along the Subject Property frontage for Laird Place.
 - b) All land necessary to accommodate thirty (30) feet from the existing pavement centerline along the Subject Property frontage for Loughborough Place.
 - c) All land necessary to accommodate fifty-three (53) feet from the existing pavement centerline along the Subject Property frontage for Connecticut Avenue.

16. Before the recordation of the plat, the Applicant must satisfy all necessary requirements of MDOT SHA to ensure construction of the following improvements:

- a) a 10-foot wide sidepath with a five-foot street buffer along the Property frontage on Connecticut Avenue;

17. Before the recordation of the plat, the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of the following improvements:

- a) a 10-foot-wide street buffer and a six-foot-wide sidewalk along the Property frontage on Laird Place;
- b) a six-foot-wide street buffer and a six-foot-wide sidewalk along the Property frontage on Loughborough Place; and
- c) a six-foot-wide street buffer and an eight-foot-wide sidewalk along the Property frontage on Manor Road.

Record Plats

18. With the exception of clearing and grading associated with the demolition of the existing paving and buildings, there shall be no clearing or grading of the site before recordation of plat(s). Public Utility Easements are not required along any of the Property's frontage(s).

Easements

19. The record plat must show necessary easements.

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

Notes and Labels

21. The record plat must reflect any areas under common ownership.

Developments with MPDUs

22. The final number of MPDUs as required by condition 1 above will be determined at the time of site plan approval.

Certified Preliminary Plan

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

- a. *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 site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

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

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*

Section 50.4.3.E.2.f.iii of the Montgomery County Subdivision Regulations indicates that corner lots at an intersection must be truncated by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant, which would require a 25-foot truncation at all four corners of the Site: Connecticut Avenue at Manor Road, Connecticut Avenue at Laird Place, Laird Place at Loughborough Place, and Loughborough Place at Manor Road. When more or less width is needed for traffic safety and operations, the Board may specify a greater or lesser truncation than otherwise required. The Preliminary Plan reflects a reduced, eight-foot truncation at all corners of the Site. MCDOT and MDOT SHA have indicated in their approval letters for the project that there are sufficient sight distances at these corners and that the reduced truncation is acceptable. These proposed pedestrian clear zones from building face to edge of curb will allow for clear visibility for different movements (e.g., vehicular, pedestrian, and bicycle). Therefore, the Applicant is seeking approval from the Planning Board for a reduced truncation at the four corners of the Site.

The Project incorporates setbacks and pedestrian queuing areas that are substantially greater than the existing condition at these corner locations. The building form of the ground floor will enhance vehicular and pedestrian visibility at this intersection such that a reduced truncation allows for enhanced traffic operations and safety. Sight Distance evaluations were submitted for review by MCDOT and MDOT SHA, which approved the proposed distances with the reduced truncation. The Applicant has also committed to keeping this area free and clear of permanent items that could obstruct motorists' view of the adjacent roadway network. The Board supports the Applicant's request for reduced right-of-way truncations at all four corners of the Site in accordance with Section 50.4.3.E.2.f.iii of the Montgomery County Subdivision Regulations.

c) The Preliminary Plan provides for required public sites and adequate open areas

i. Local Recreation

Recreation for the proposed use will be provided onsite. Dedication along the right-of-way and frontage improvements are included in this Application.

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

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape, and orientation of the proposed lot are appropriate for the zone, location and residential use proposed for the Site. As shown in Table 1 below, the proposed lot will comply with the applicable development standards for the CRN/CRT zone.

*Table 1: Development Standards
CRN-1.0, C-0.25, R-1.0, H-40 and CRT-2.0, C-1.0, R-2.0, H-70
CRT Zone, Optional Method, Section 59.4.5*

Development Standard	Permitted/ Required	Previously Approved (Sketch Plan 320160030)	Approved
Tract Area			
Gross Tract Area/ Net Lot Area (SF)	n/a	134,711 / 80,404	136,787 / 76,140
Mapped Density Residential (FAR)	CRN – 1.0 FAR CRT– 2.0 FAR	4.88 FAR ² (667,559 sf)	0.95 FAR (57,454 sf) - A1 2.22 FAR (170,000 sf) - A2 1.66 FAR (Up to 220 Units total)
Mapped Density Commercial (FAR)	CRN – 0.25 FAR CRT– 1.0 FAR	3.36 FAR ³ (459,800 sf)	0 FAR (0 sf) - A1 0.25 FAR (19,000 sf) - A2 0.14 FAR (19,000 sf) - Block A Total
Total Mapped Density (FAR)	4.0 FAR	4.88 FAR (667,559 sf) ³	1.80 FAR (246,454 sf)
MPDU requirement	12.5%	12.5%	12.5%
Building Height	CRN – 40’ CRT – 70’	A1- 40’ A2 – 70’	A1- 40’ A2 – 70’
Public Open Space (min)	10%	n/a	10% ⁵
Minimum Setbacks (ft)	n/a ³	Determined at Site Plan ⁴	Determined at Site Plan ⁴

² At Sketch Plan, density between Blocks A & D was approved as a combined total of 459,800 SF commercial density and 667,559 SF residential density. Block A-1 is limited to a maximum total density of 57,454 SF total.

³ 4.1.8.A does not apply, therefore per 4.5.4.B.3 setbacks for principal buildings are established by the Site Plan approval process.

⁵ A portion of Open Space to be provided offsite per Section 6.3.6.C.1 and as approved by the Planning Board at Sketch Plan. Open Space area to be reviewed at time of Site Plan.

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

a) Land Use

This Site, the Chevy Chase Lake West Shopping Center, is identified as the Gateway to the Chevy Chase Center and complementary to the Chevy Chase Block B in the Sector Plan. The Project is in substantial conformance with the Sector Plan and the Approved Design Guidelines for Chevy Chase Lake, and has been designed to respond to and incorporate the specific recommendations for the Property; the Site is being designed to make use of the CRT/CRN zoning to provide a “mixed-use development where housing is built above offices, shops, and restaurants, bringing in more people to create mutually supportive and sustainable land use relationships” as stated on page 26 of the Sector Plan. Consistent with the vision to maintain compatibility with the residential areas within the plan, this Project will incorporate lower proposed heights along Loughborough while the frontage along Connecticut Avenue will feature a proposed retail space and transition to a maximum height of 70 feet.

b) Environment

The Project is proposed to address the environmental recommendations contained in the Sector Plan including protection of the Coquelin Run stream valley network and reducing direct stormwater discharge into Coquelin Run. Specifically, the Project will provide stormwater management, on a site where there currently is none. The Project proposes Environmental Site Design practices, to the maximum extent practicable, through the use of bio-retention planters, green roof, and underground filtration devices, which will reduce discharge into Coquelin Run. The Sector Plan also seeks to maximize tree cover to achieve an overall goal of 25–30 percent tree canopy cover for the entire Chevy Chase Lake Town Center area. The Project promotes this goal through prioritization of street trees, planting of mitigation trees onsite, and ample landscaping in the residential amenity spaces. The Project also incorporates planter beds against the building with different plantings for texture, scale, and shade.

The Loughborough Place side is the neighborhood side, which is envisioned to have lush plantings at the external walk-up entrances, large shade trees that are consistent with the neighborhood characteristics, and additional plantings to incorporate nature and to enhance the pedestrian experience. Special attention has been given to maximizing street trees, strategically locating stormwater management areas, and providing plants along the building facade to soften the edges and to bring nature into the urban fabric while navigating utilities. Additionally, as with other projects in the Sector Plan, this project will provide environmental benefits for the Chevy Chase Lake area at large under the Sector Plan guidance and the Applicant is currently examining several potential options which will be fully addressed in the forthcoming Site Plan Application.

c) Transportation

The Preliminary Plan shows additional right-of-way dedication on Connecticut Avenue, Loughborough Place and Laird Place to conform with the 2018 Master Plan of Highways, and Chapter 49 (Streets and Roads) of the County Code. Manor Road has sufficient right-of-way dedication per Plat 334. The Applicant will dedicate additional right-of-way to achieve a total width of 120 feet on Connecticut Avenue, 60 feet on Loughborough Place and 60 feet on Laird Place.

Per the 2021 Complete Streets Design Guide, all frontages will be improved with buffered pedestrian pathways. Connecticut Avenue will be improved with a 10-foot sidepath, and a five-foot street buffer. The 2018 Bicycle Master Plan did not recommend any designated bicycle facilities on the four street frontages.

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

a) *Roads and other Transportation Facilities*

- i. Existing Facilities: As discussed in Finding 2, right-of-way dedication, in compliance with the 2018 Master Plan of Highways and Transitways, and Chapter 49 of the County Code, the Applicant will dedicate the necessary right-of-way along Connecticut Avenue, Laird Place and Loughborough Place. The existing sidewalks along all Site frontages are substandard in width and all except the sidewalk on Laird Place are lacking street buffers.
- ii. Proposed public transportation infrastructure: The Preliminary Plan includes the following right-of-way dedications from the roadway centerlines to achieve the following total widths in compliance with the 2018 Master Plan of Highways and Transitways and Chapter 49 of the County Code:
 - 120 feet on Connecticut Avenue
 - 60 feet on Loughborough Place
 - 60 feet on Laird Place

All street frontages will be improved with new, wider sidewalks and street buffers. Laird Place will have a 10-foot-wide vegetated street buffer and a six-foot-wide sidewalk. Loughborough Place will have a six-foot-wide vegetated street buffer and a six-foot wide sidewalk. Manor Road will have a six-foot-wide vegetated street buffer and an eight-foot-wide sidewalk. Connecticut Avenue will have a completely uninterrupted 5-foot vegetated street buffer and a 10-foot-wide sidepath, to be used by bicyclists and pedestrians.

The Project significantly improves the safety of all users by reducing curb cuts along the Site frontages. In the current condition there are three, wide curb cuts on Connecticut Avenue, one on Laird Place and three on Manor Road. The Project removes all vehicular access from Connecticut Avenue and provides a single,

consolidated curb cut for loading and parking garage access on Laird Place and a combined parking garage and internal loading access on Manor Road. This upholds the requirements of the Zoning Code (Section 59-6.1. Site Access) the 2021 Complete Streets Design Guide, and the County’s Vision Zero Action Plan which recommends reducing conflict points and eliminating curb cuts where feasible on the County’s main corridors.

iii. Proposed private transportation infrastructure:

No private streets or other transportation infrastructure is proposed with the Project.

b) Local Area Transportation Review (LATR)

The previous use on the Site was a gas station with eight fueling positions (“pumps”), 8,532 square feet of retail space, and a bank with two drive-thru lanes. The proposed 220 mid-rise residential units and 19,000 square feet of retail space are estimated to generate a net increase of 38 person trips in the morning peak hour and a net decrease of 9 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 below.

Table 2: Trip Generation Analysis

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Chevy Chase Lake Policy Area		Total Person Trips	
		AM	PM	AM	PM	AM	PM
Existing	Gas Station (8 pumps)	82	111	65	88	107	145
	8,532 s.f. retail	20	70	17	60	28	97
	Bank (2 drive-thru lanes)	17	54	13	43	21	71
Proposed	220 Residential Units	85	86	74	75	132	134
	19,000 s.f. retail	45	123	38	105	62	170
Net Change						38	-9

Source: Transportation Exemption Statement from Wells & Associates., May 9, 2023

c) Schools

School Adequacy Test

The project is served by Rosemary Hills/North Chevy Chase ES, Silver Creek MS and Bethesda-Chevy Chase HS. Based on the FY24 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 3. Applicable FY2024 School Adequacy.

School	Projected School Totals, 2027				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Rosemary Hills/North Chevy Chase ES	1,022	810	79.3%	+212	No UPP	297	417	570
Silver Creek MS	894	761	85.1%	+133	No UPP	259	312	446
Bethesda-Chevy Chase HS ⁴	2,475	2,420	97.8%	+55	No UPP	235	550	922

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 FY24 Annual School Test, Rosemary Hills/North Chevy Chase ES, Silver Creek MS and Bethesda-Chevy Chase HS do not require any UPP as identified in Table 3.** If the project is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed 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 220 multifamily high-rise units that are not age-restricted, the proposed project is estimated to generate the following number of students based on the subject property's location within an Infill Impact Area:

⁴ Projected enrollment reflects the estimated impact of CIP P651908, which will reassign students between the Down County Consortium, Bethesda-Chevy Chase HS, Walter Johnson HS, Walt Whitman HS, and Charles Woodward HS in 2026.

Table 4. 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	0.202	0.000	0.096	0.000	0.141	0.000
SF Attached	0	0.161	0.000	0.087	0.000	0.126	0.000
MF Low-rise	220	0.065	14.300	0.030	6.600	0.040	8.800
MF High-rise	0	0.039	0.000	0.016	0.000	0.018	0.000
TOTALS	220		14		6		8

As shown in Table 4, on average, this project is estimated to generate 14 elementary school students, 6 middle school students and 8 high school students. The number of students generated does 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.

Analysis Conclusion and Condition of Approval

Prior to issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with County Code and the Growth and Infrastructure Policy, as follows:

No UPP condition required.

Montgomery County may modify the per unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

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.

4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.

The approved Preliminary Forest Conservation Plan satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Refer to the Preliminary Forest Conservation Plan No. F20230410

(MCPB Resolution No. 23-126, incorporated herein by reference) for the analysis and findings.

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

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on November 22, 2023. The Application will meet stormwater management goals using micro-bioretenention planter boxes, green roof, and underground filtration devices. In addition, since full stormwater management treatment could not be provided due to site constraints, a partial stormwater management waiver has been granted.

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

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

January 12, 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 Hedrick, seconded by Vice Chair Pedoeem, with a vote of **5-0**; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, January 11, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board