

Resolution No.: 16-1431
Introduced: July 13, 2010
Adopted: July 13, 2010

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

By: District Council

SUBJECT: Approval of Development Plan Amendment (DPA) 10-1

Background

1. The application for Development Plan Amendment (“DPA”) No. 10-1 was filed by the Chevy Chase Land Company on January 19, 2010. It seeks to amend the approved Development Plan for the Chevy Chase Center in Friendship Heights. The proposed modifications do not propose changes to the square footage of the development or the building structures themselves, but rather “focus on street frontages, streetscapes, and amenity plazas in order to improve the pedestrian experience, activate the public use spaces, and hopefully improve upon the success of the tenants.” Exhibit 16.
2. Technical Staff recommended approval of the DPA in a memorandum dated April 23, 2010 (Exhibit 17). The Montgomery County Planning Board reviewed DPA 10-1 at its regular meeting on May 13, 2010, and by a unanimous vote, the Board recommended that DPA 10-1 be approved, as requested, and that “the Hearing Examiner not conduct a public hearing on the proposed development plan amendment. . . . The Board believes that the amended development plan is a needed improvement that will activate the area.” Exhibit 18 (Chairman’s May 16, 2010, Memorandum to the Council).
3. The subject property, known as the Chevy Chase Center, is 8.22 acres in size and located east of Wisconsin Avenue, north of Wisconsin Circle, and west of Western Avenue in Chevy Chase, Maryland. The property is currently improved with approximately 412,000 square feet of retail, office, and restaurant uses, along with public use space, and structured and surface parking.
4. The property was developed under the CBD-1 and TS-M zones. On September 22, 1999, the Montgomery County Planning Board approved Project Plan No. 9-99002 for the CBD-1 portion of the property, allowing development of 300,000 square feet of office, neighborhood

retail and restaurant uses under the optional method of development. On February 27, 2001, the District Council, by Resolution No. 14-785, approved Local Map Amendment No. G-775 and the accompanying development plan for the TS-M zoned portion of the property (4.78 acres), allowing 112,000 square feet of office, retail, and restaurant uses. Subsequently, on December 20, 2001, the Planning Board approved Preliminary Plan No. 1-99083 for the entire property, Site Plan No. 8-01013 for the CBD-1 zoned property and Site Plan No. 8-01021 for the TS-M zoned property. In order to improve the overall functioning of the project, the Applicant seeks to amend the site plan approvals. However due to the split-zoning, the Applicant must first amend both the Project Plan approval and the Development Plan approval.

5. The key changes to the development plan would allow: (1) an outdoor seating area (875 square feet) for the existing restaurant along the southern side of Farr Park closest to the restaurant; and (2) an extension of the existing surface parking lot for the project into the empty taxi stand area¹ [along Western Avenue] . . . and to provide additional landscaping. Staff finds that the proposed amendments satisfy all applicable standards for approval. Exhibit 17, pp. 1-2
6. In addition planters with vegetation would be added along Wisconsin Avenue, as well as small lights strung overhead to create a more festive “ceiling effect” in the park. Exhibit 17, p. 3. The existing public seating, fountain, and sculpture will remain. In order to integrate the Wisconsin Avenue streetscape with Farr Park, the paving treatment in Farr Park will be extended out into the Wisconsin Avenue sidewalk to lead pedestrians from Wisconsin Avenue into the park, allowing a seamless incorporation of the Wisconsin Avenue streetscape.
7. To accomplish these changes, Binding Element #7, which called for the now-eliminated on-site taxi stand, must be deleted, and Binding Element #2(c), which discusses seating, must be modified to read as follows: Tables and chairs and other seating, including a proposed optional outdoor private dining area of no more than 875 square feet. Applicant has submitted a revised DPA (Exhibit 25(a)), incorporating these changes to the binding elements² and revisions to the site layout depicting the changes to the site described above.
8. Some concerns were initially raised by Norman Knopf, attorney for the Citizens Coordinating Committee of Friendship Heights (CCCFH). After the Planning Board session, the CCCFH and the Applicant worked out a compromise in which Applicant agreed to add two additional

¹ The County required Applicant to relocate the taxi stand to a different area.

² The binding elements were renumbered to fill in the gap left by elimination of Binding Element No. 7.

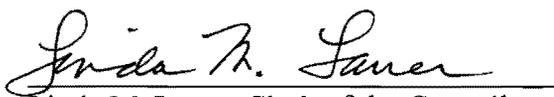
- benches to the old taxi stand area. Exhibit 19. As a result, CCCFH has elected not to request a hearing before the Hearing Examiner. Exhibit 22.
9. There is no opposition to DPA 10-1, and no request has been made for a hearing. The Planning Board also does not recommend a public hearing in this case. Therefore, under the provisions of Zoning Ordinance §59-D-1.74(c)(3), “the office of zoning and administrative hearings [OZAH] must forward the planning board’s report and recommendation directly to the council,” without a hearing by OZAH.
 10. A corrected, revised DPA (Exhibit 25(a)), was filed on June 30, 2010. It conforms to both the Planning Board’s recommendations and the agreement between CCCFH and Applicant. The record is now complete, and the matter can be considered directly by the District Council without the need for a hearing conducted by the Office of Zoning and Administrative Hearings.
 11. The District Council has reviewed DPA 10-1 and concluded that the DPA meets the requirements of the Zoning Ordinance, and its approval would be in the public interest. Based on this record, the District Council takes the following action.

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, approves the following resolution.

DPA 10-1, which requests an amendment to the Development Plan approved on February 27, 2001, in LMA G-775 (Resolution No. 14-785), for 4.78 acres of land (*i.e.*, the TS-M Zoned Portion of the Site) known as the Chevy Chase Center, located east of Wisconsin Avenue, north of Wisconsin Circle, and west of Western Avenue, in Chevy Chase, Maryland, to permit street frontages, streetscapes, and amenity plazas as specified herein, deletion of binding Element No. 7 and revision of Binding Element No. 2(c), as set forth in paragraph numbered 7, above, **is hereby approved**, subject to the specifications and requirements of the Development Plan Amendment, Exhibit 25(a), **provided that** the DPA is submitted to the Hearing Examiner for certification within 10 days of the District Council’s action, pursuant to the provisions of Zoning Ordinance §59-D-1.64.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council