



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Staff Report: Project Plan 91999002A, Chevy Chase Center

ITEM #: _____

MCPB HEARING

DATE: March 4, 2010

REPORT DATE: February 22, 2010

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Robert Kronenberg, Supervisor *RK*
Development Review Division

FROM: Elza Hisel-McCoy, Assoc. AIA, LEED-AP *EH*
Development Review Division
301.495.2115
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APPLICATION

DESCRIPTION: Extension of the 90-day review period for a project plan for up to an additional 90 days, or no later than June 3, 2010

APPLICANT: Chevy Chase Land Company

FILING DATE: December 10, 2009

RECOMMENDATION: Approval

Section D-2.2 of the Zoning Ordinance provides that the Planning Board shall hold a public hearing no later than 90 days after the filing of a Project Plan. The Planning Board may, however, extend this period. The Chevy Chase Center development includes land that is regulated under two zones, CBD-1 and TS-M, and was accordingly approved using separate regulatory mechanisms: a Project Plan for the CBD-1 portion and a Development Plan for the TS-M portion. To allow the Planning Board to hear both the Project Plan Amendment and the Development Plan Amendment (DPA) at the same time, the Applicant has requested, in a letter dated January 29, 2010, that the Project Plan review period be extended. As yet, staff does not have from the Hearing Examiner a proposed DPA hearing date upon which to base a more specific extension, and so is requesting up to 90 days, or not later than June 3, 2010.

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LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

January 29, 2010

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VIA HAND DELIVERY

Mr. Elza Hisel-McCoy
Development Review Division, M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Chevy Chase Center – Limited Project Plan Amendment No. 91999002A and
Development Plan Amendment No. 10-1 (the “Applications”)

Dear Mr. Hisel-McCoy:

On behalf of The Chevy Chase Land Company (the “Applicant”), we hereby request that the above-referenced Applications be concurrently reviewed by Planning Staff and scheduled for a consolidated hearing before the Montgomery County Planning Board (the “Planning Board”). The Applicant submitted both the Limited Project Plan Amendment (the “LPPA”) and the Development Plan Amendment (the “DPA”) to the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) and the Office of Zoning and Administrative Hearings (“OZAH”), respectively, on November 25, 2009. While the LPPA was accepted by M-NCPPC on December 10, 2009, the need to address certain ministerial issues kept the DPA from being accepted by OZAH until January 19, 2010. Both Applications are now considered filed, pending, and ready for processing.

While the LPPA requires final action by the Planning Board for that portion of Chevy Chase Center zoned CBD-1 and the DPA requires final action by the District Council for that portion of Chevy Chase Center zoned TS-M (with recommendations by the Planning Board and OZAH), the amendments sought are interrelated and part of a single project that is joined together procedurally through consolidated site plans (which consolidated site plans will also need to be amended if the LPPA and DPA are approved). As such, it only makes sense to have the LPPA and the DPA considered together notwithstanding the split-zoning mandating different final decision makers.

As a result, we request that the requirement that the Planning Board hold the public hearing on the LPPA no earlier than 60 days but no later than 90 days after filing, as outlined in Section 59-D-2.2 of the Montgomery County Zoning Ordinance (the “Zoning Ordinance”), be waived if necessary to permit the LPPA to be scheduled with the Planning Board’s review of the DPA.

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Mr. Elza Hisel-McCoy
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We understand that Planning Staff intends to contact the OZAH in order to request that a public hearing date before the Hearing Examiner be scheduled for the DPA. We request that Planning Staff then schedule both Applications for a public hearing date before the Planning Board based upon the assigned OZAH public hearing date on the DPA.

Thank you for your consideration of these Applications. Please contact us with any questions.

Very truly yours,

LINOWES AND BLOCHER LLP

C. Robert Dalrymple, IHD

C. Robert Dalrymple

Heather Dlhopsky

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cc: Office of Zoning and Administrative Hearings
Martin Klauber, Esq.
Mr. David M. Smith
Ms. Michele Horwitz Cornwell
Mr. Chuck Irish
Mr. Ian Duke
Ms. Trini Rodriguez