



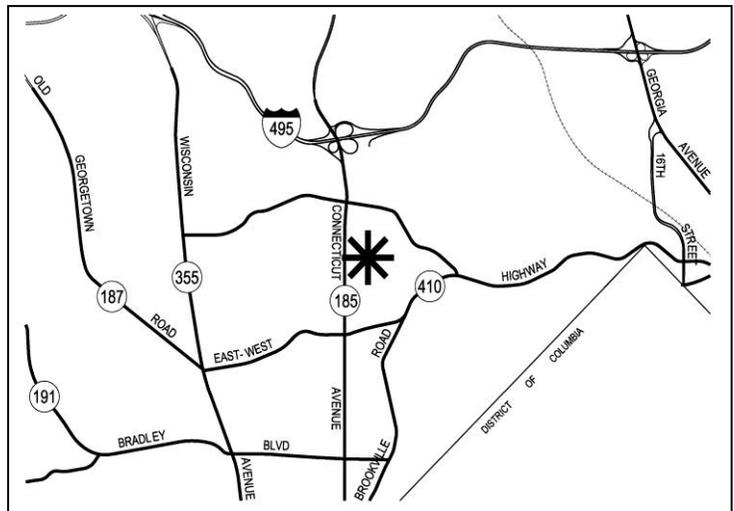
**Chevy Chase Lake, Consent Preliminary Plan Amendment No. 12015013A**

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**Description**

Staff Report Date: 07/18/16

- Amendment to amend Condition 26 of the Preliminary Plan to modify timing;
- Located on Chevy Chase Lake Drive approximately 510 feet east of the intersection with Connecticut Avenue;
- 5.403 gross tract acres zoned CRT 2.0, C 0.25, R 2.0, H 100, and CRT 1.5, C 0.25, R 1.5, H 50, in the *Chevy Chase Lake Sector Plan* area;
- Applicant: CC Homes Associates LLC;
- Acceptance Date: July 1, 2016.



**Summary**

- The Planning Board previously approved Preliminary Plan No. 120150130 by resolution dated August 5, 2015.
- Staff received no correspondence regarding this Amendment.
- Staff recommends approval of the consent Preliminary Plan Amendment.

## SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan Amendment No. 12015013A, Chevy Chase Lake, to amend Condition 26 of the Preliminary Plan. All other conditions remain in full force and effect. For reference purposes, modified language is underlined.

26) Prior to issuance of the first Use and Occupancy certificate, the Applicant must execute a deed of easement and an associated construction and maintenance agreement with the Maryland-National Capital Park & Planning Commission to allow the Montgomery County Department of Parks to use and operate the roughly ½ acre public open space on the Subject Property, as shown on the Site Plan, exclusively as a public park in perpetuity. The foregoing documents must be in a form approved by the Department of Parks and the Commission's Office of the General Counsel. At a minimum, the deed of easement must include the following provisions:

- The easement must: (i) be perpetual and run with the land; (ii) provide the Commission the exclusive right to use and operate the open space as a public park; (iii) restrict the Applicant or any Applicant-controlled party from taking any actions that interfere or are inconsistent with the Commission's use of the easement area as a public park; and (iv) allow the Applicant subterranean and utility use rights.
- The park must be used, operated and policed as a Commission park.
- Public use of the park must be governed in accordance with the Commission's rules and regulations for the operation of its park system, as amended from time to time. Additional rules and regulations, not inconsistent with the Commission's rules and regulations, may be mutually agreed to by Applicant and the Commission.

At a minimum, the construction and maintenance agreement must include the following provisions:

- The park must be constructed and maintained by the Applicant to at least Parks Department standards for Commission parks.
- The Commission must have the right, but not the obligation, to maintain, repair, or replace park improvements and to seek compensation from the Applicant for such actions if the Applicant fails to maintain the park to applicable standards.
- The Applicant must address the issues of insurance and indemnity in a manner satisfactory to the Commission's Risk Management Division and Office of the General Counsel.
- Applicant's duties and obligation must be enforceable against any subsequent assignees and beneficiaries through a mechanism satisfactory to the Department of Parks and the Commission's Office of the General Counsel.

The record plat(s) must depict the location of the public park and include the note: "To be placed under easement for use as a public park." The deed of easement and construction and maintenance agreement must be recorded and effective prior to the issuance of the first Use and Occupancy certificate for the multi-family building.

## SECTION 2: SITE DESCRIPTION

### Site Vicinity

The subject site (Subject Property or Property) comprises 63 lots, located on the north side of Chevy Chase Lake Drive, approximately 510 feet east of the intersection with Connecticut Avenue. It is located in the 2013 *Chevy Chase Lake Sector Plan* (Sector Plan). The Subject Property is adjacent to a master-planned Purple Line station entrance.

The Subject Property is bounded by Chevy Chase Lake Drive to the south, the 8401 Connecticut Avenue office building to the west and the Capital Crescent Trail to the north, which is a shared-use off-road trail between Silver Spring and Georgetown in the District of Columbia. To the east is the Hamlet House Condominium located at 3535 Chevy Chase Lake Drive. The Coquelin Run stream, a tributary to Rock Creek, runs parallel to the Subject Property, on the south side of Chevy Chase Lake Drive.

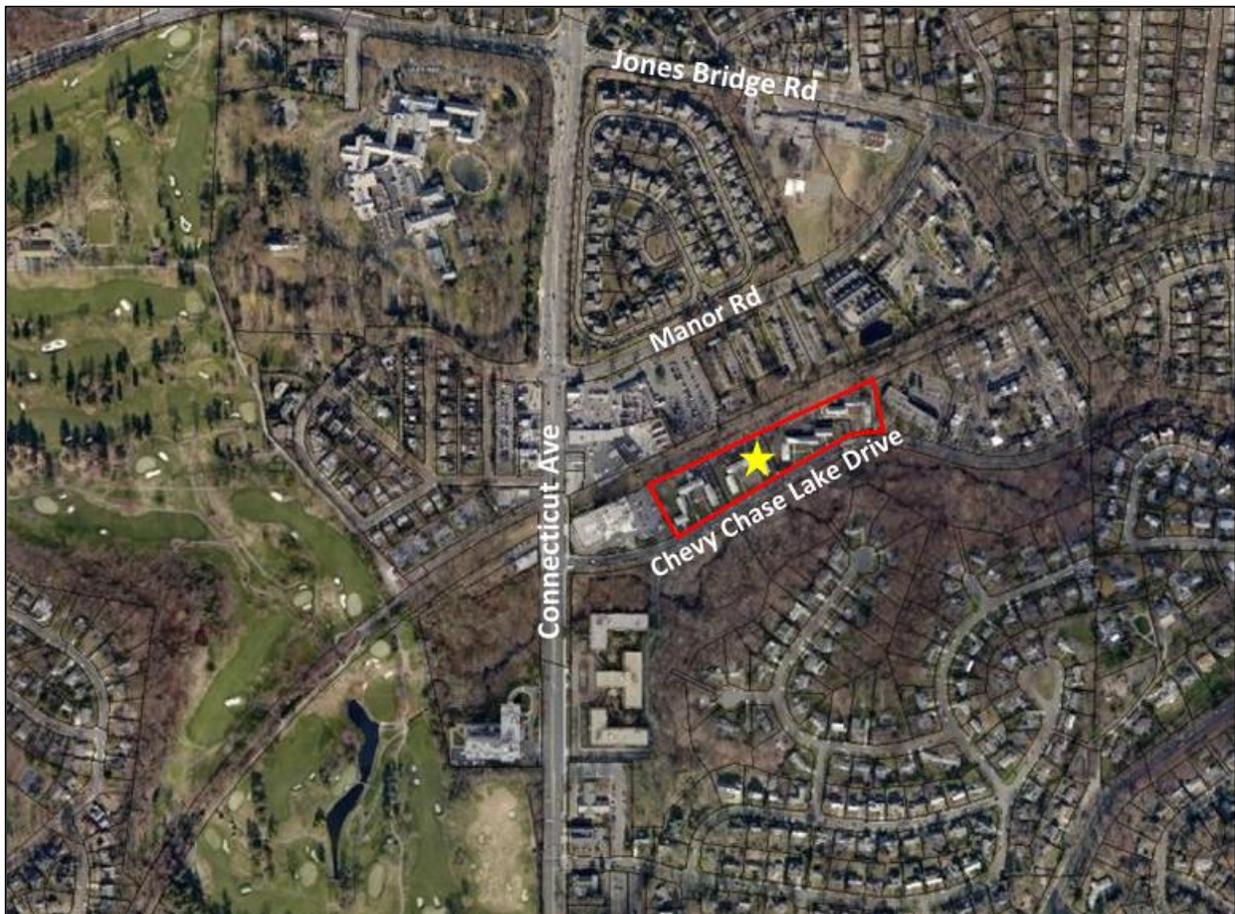


Figure 1-Aerial View

### Site Analysis

The 5.4-acre Property is zoned CRT 2.0, C 0.25, R 2.0, H 100' and CRT 1.5, C 0.25, R 1.5, H 50' and is currently under construction for 62 townhouses and a multi-family residential building with up to 200 units.



*Figure 2 - Existing Site Conditions*

## **Previous Approvals**

### Sketch Plan 320140030

The Planning Board, by Resolution MCPB No. 14-68 dated September 9, 2014, approved Sketch Plan 320140030, under the 2004 Zoning Ordinance, for a maximum of 388,833 square feet of residential development.

### Sketch Plan 32014003A, Preliminary Plan 120150130, Site Plan No. 820150050: Chevy Chase Lake – Townhomes, Site Plan No. 820150040: Chevy Chase Lake – Multifamily

The Planning Board approved Sketch Plan No. 32014003A by Resolution MCPB 15-100, Preliminary Plan 120150130 by Resolution MCPB No. 15-1001, Site Plan 820150050 by Resolution MCPB No. 15-102, and Site Plan 820150040 by Resolution MCPB 15-106, dated August 5, 2015, for 63 lots with a maximum of 388,833 square feet of development, including up to 200 multi-family units and 62 townhouses, Private Street "A", and an approximately ½-acre public open space.

### **SECTION 3: PROJECT DESCRIPTION**

#### **Proposal**

The Amendment proposes to amend Condition 26 of the Preliminary Plan to modify the timing for the execution of the deed of easement and construction and maintenance agreement for the approximately ½-acre public open space, from prior to the recordation of any record plat to the issuance of the first use and occupancy certificate, as well as modify the effective and recordation dates for these documents from prior to the issuance of a residential building permit for the multi-family building to the issuance of the first use and occupancy certificate for the multi-family building.

The Applicant has requested the timing change to allow for additional time to work through the deed of easement and construction and maintenance agreement with Park and Planning staff. The Amendment for the execution of the Parks Documents prior to the issuance of the first use and occupancy certificate and setting of their recordation and effective dates prior to the issuance of the first use and occupancy certificate for the multi-family building is necessary to ensure that the subdivision plats for the overall Property can be approved and recorded.

#### **Community Outreach**

The Applicant has met all signage, noticing, and submission meeting requirements. The Applicant sent notice on June 29, 2016. Staff has not received any correspondence on the proposed Amendment.

### **SECTION 4: ANALYSIS AND FINDINGS**

#### **MASTER PLAN CONFORMANCE**

The Amendment substantially conforms to the 2013 *Chevy Chase Lake Sector Plan* and *Chevy Chase Lake Design Guidelines*. The Amendment does not alter the intent, objectives, or requirements in the originally approved Preliminary Plan and the Amendment continues to comply with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan and the Guidelines.

#### **COMPLIANCE WITH THE SUBDIVISION REGULATIONS AND THE ZONING ORDINANCE**

This Amendment has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Amendment does not alter the lot sizes, widths, shapes and orientations. The Amendment continues to meet all requirements established in the Subdivision Regulations and the Zoning Ordinance.

#### **STAFF RECOMMENDATION**

The timing change to Condition 26 of Preliminary Plan 120150130 will allow for additional time to work through the deed of easement and construction and maintenance agreement with the Applicant, while allowing the Applicant to begin above-grade construction. The proposed modifications to the Preliminary Plan 120150130 will not require alteration of the original lot configuration or alter the forest conservation requirements. These modifications do not affect the density of the development. The Amendment conforms with the 2013 *Chevy Chase Lake Sector Plan*. Staff recommends approval of Preliminary Plan Amendment 12015013A.

#### **Attachments:**

- A. Preliminary Plan Resolution