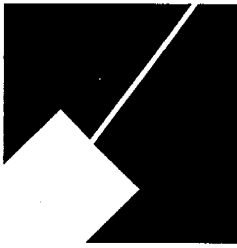


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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MCPB
ITEM #9
9/29/05



MEMORANDUM

DATE: September 19, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

FROM: Catherine Conlon, Supervisor (301-495-4542) *CC*
Development Review Division

REVIEW TYPE: Amendment to Preliminary Plan of Subdivision

APPLYING FOR: 25,648 square feet of additional office space and new preliminary plan and APFO validity periods; 48,708 square feet office space and 174,016 square feet of commercial use previously approved

PROJECT NAME: Chevy Chase Lake East

CASE NO. 12002020A (formerly 1-02020A)

REVIEW BASIS: Pursuant to Chapter 59, the Zoning Ordinance and Chapter 50, the Subdivision Regulations

ZONE: C-1, C-2, R-30, I-1

LOCATION: In the southeast quadrant of the intersection of Connecticut Avenue and Manor Road

MASTER PLAN: Bethesda-Chevy Chase

APPLICANT: The Chevy Chase Land Company

ATTORNEY: Linowes and Blocher LLP

ENGINEER: VIKA, Inc.

FILING DATE: July 5, 2005

HEARING DATE: September 29, 2005

Staff Recommendation: Approval, to revise the previous conditions of approval as follows:

- (1) Revise previous condition (1) to read:

Approval under this preliminary plan is limited to a maximum of 174,016 square feet of commercial retail and 74,356 ~~48,708~~ square feet of office uses replacing the existing 67,009 square feet of general retail use. ~~The remaining 25,648 square feet of office space (for a total of 74,356 square feet of office space) proposed may be approvable in Phase II when sufficient staging ceiling is available.~~

- (2) Revise previous condition (9) to read:

The Adequate Public Facilities (APF) review for this preliminary plan will remain valid for ~~sixty-one (61) months from the date of mailing of the Planning Board opinion~~ an additional twelve (12) months from the expiration date set by the November 22, 2002 Planning Board opinion, or until December 22, 2008.

- (3) Revise previous condition (10) to read:

This preliminary plan will remain valid for ~~thirty-seven (37) months from the date of mailing of the Planning Board opinion~~ an additional thirty-six (36) months from the expiration date set by the November 22, 2002 Planning Board opinion, or until December 22, 2008. Prior to expiration of this validity period, a final record plat for all the property delineated on the approved preliminary plan must be recorded or a request for extension must be filed.

- (4) All other previous conditions as included in the Planning Board opinion dated November 22, 2002 remain in full force and effect.

SITE DESCRIPTION

The subject property consists of 8.08 acres of land located in the southeast quadrant of the intersection of Connecticut Avenue and Manor Road (Attachment A). The property is currently developed as a shopping center (Chevy Chase Lake), parking lot and retail lumber yard.

The roadway network for this vicinity is comprised of Connecticut Avenue (a major highway), Manor Road and Jones Bridge Road (both primary streets). Manor Road extends from Connecticut Avenue to Jones Bridge Road to the east of the subject site. The intersections are both controlled with traffic signals as is the intersection of Connecticut Avenue and Jones Bridge Road.

PROJECT DESCRIPTION

A preliminary plan application for redevelopment of the subject property was filed in September, 2001 and presented to the Planning Board at a public hearing on October 17, 2002. The application proposed a total of 248,372 square feet of commercial retail and office uses. The plan included 2-story retail and 3 story office and retail buildings with both underground and surface parking (Attachment B). Site access is provided by a monumental drive isle to the underground parking facility from Connecticut Avenue and by three access points along Manor Road. An easement area 100 feet in width was preserved along the southern boundary of the property for the future Georgetown Branch transit way and Capital Crescent Trail system.

PROPOSED PRELIMINARY PLAN AMENDMENT

The Planning Board granted Preliminary Plan and Adequate Public Facilities Ordinance (APF) approval for the subject project by opinion dated November 22, 2002 (Attachment C). That approval withheld final approval of 25,648 square feet of office space because there was insufficient transportation capacity available to support jobs that such office space would generate in the Bethesda-Chevy Chase Policy Area. The proposed amendment requests approval of this remaining office space. By letter dated July 5, 2005 (Attachment D), the applicant's attorney cites both changes made to the County's Annual Growth Policy in 2004, which created the requisite transportation capacity, and the fact that Policy Area review and staging ceiling requirements have been eliminated in the current AGP, as support for the requested amendment. The additional 25,648 square feet of office was included in the Local Area Traffic Review (LATR) as part of the APF analysis for the original preliminary plan.

In addition to approval of the remaining office use, the applicant requests approval of new preliminary plan and APF validity periods. Their August 2, 2005 supplemental letter justifying the request (Attachment E) cites to the fact that this property is adjacent to a proposed future transit station in the MTA preferred alternative for the Purple Line. The applicant believes the redevelopment of the subject property would take on a completely different look and feel if the Purple Line comes to fruition, and wishes to have the flexibility to await the completion of the planning and environmental phases of the Purple Line recently funded as part of the 6-year federal transportation bill for federal transportation funds.

DISCUSSION

Local Area Transportation Review for the Additional Office Space

Staff recommends approval of the additional office square footage. The 25,648 square feet of office use was included in the LATR review during the original preliminary plan approval and is now justified by both the fact that sufficient traffic capacity was created in the policy area, and the fact that AGP requirements have changed. The traffic study prepared for the original Preliminary Plan application examined five nearby intersections to determine the impact of this development on the local area transportation system. The analysis concluded that the then

applicable¹ congestion standard of 1650 critical lane volume (CLV) would be exceeded at the intersections of Connecticut Avenue/Manor Road and Connecticut Avenue/Jones Bridge Road.

Per the still applicable previous conditions of approval, the applicant has agreed to reconfigure the lane use on westbound Manor Road as it approaches Connecticut Avenue. The applicant will participate in the cost sharing of the state-run improvements at the intersection of Connecticut Avenue and East West Highway. In addition, the applicant will make a one-time contribution of \$1,000,000 to the Montgomery County Department of Public Works and Transportation in lieu of making physical improvements to the intersection of Connecticut Avenue and Jones Bridge Road. These actions will adequately mitigate the anticipated peak-hour trips, even with the additional 25,648 square feet of office space added to the preliminary plan.

Adequate Public Facilities Validity Period

The Adequate Public Facilities Ordinance (APFO) review for this application will expire on December 22, 2007 per the previous conditions. The applicant has requested a seven-year extension of the APFO which is not supported by Transportation Planning staff. The proposed development will result in a considerable number of additional peak-hour trips added to the surrounding network. The conclusion of the traffic study at the time of the original approval determined that mitigation would be required to offset the impact of these additional trips. The previous conditions of approval bind the applicant to a series of actions designed to mitigate and/or minimize the consequences of development. These actions were established according to the needs and conditions of the transportation infrastructure at the time of the traffic study. These needs will change over time and staff does not believe the APFO should be extended out to twelve years without an updated traffic study.

Staff believes that a one-year extension of the APFO validity period, which would correspond to the requested additional three-year validity period for the preliminary plan, is acceptable. The change in needs and conditions of the transportation infrastructure for the area should not be significant for an additional year, as opposed to the requested seven.

Preliminary Plan Validity Period

The original preliminary plan approval for this application will expire on December 22, 2005 and the applicant is requesting establishment of a new 3-year validity period with this amendment. The request is based on delays which occurred in processing their request for inclusion of the additional office square footage needed to initiate the project, and their desire to preserve the flexibility to respond to decisions which may be made in the near future on the proposed Purple Line transit way. If the on-site Purple Line alternative were chosen, the plans for redevelopment of the property would likely change.

Section 50-35(h)(4) of the Montgomery County Code, Subdivision Regulations, states that an amendment to an approved preliminary plan will affect the established validity period for the plan as established in Section 59-D-2.6 which authorizes the Planning Board to determine

¹ As of July 2004, the congestion standard for the Bethesda-Chevy Chase region has been lowered to 1600 CLV.

whether the validity period should be extended and, if so, for what duration. The Board must consider the nature and scope of the requested amendment in making their determination.

Staff supports creation of a new three-year validity period for this project based upon the desirability of maintaining options to fully utilize potential mass transit that may serve this site, and the fact that key decisions on the transit may be made in the near future. Staff also acknowledges the delay which occurred in the review and processing of the applicant's request for this amendment, and believes this should be a consideration in granting a new validity period. Therefore, staff recommends a new preliminary plan validity period until December 22, 2008, which corresponds to the date recommended for extension of the APFO approval.

Attachments:

Attachment A – Site Vicinity Map

Attachment B – Approved Preliminary Plan

Attachment C – Planning Board Opinion dated November 22, 2002

Attachment D – July 5, 2005 Applicant Letter

Attachment E – August 2, 2005 Applicant Letter