

**TAKOMA JUNCTION JUSTIFICATION STATEMENT**  
**SITE PLAN NO. 820190090**  
*Amended January 15, 2021*

**I. INTRODUCTION**

The Applicant, NDC Takoma Junction LLC (“Applicant”) by its attorneys, Miles & Stockbridge, P.C., submits this Site Plan Justification Statement to demonstrate conformance of the proposed development with all applicable review requirements and criteria. The subject property contains a tract area of approximately 1.25 acres and is comprised of several parcels bounded on the north by Carroll Avenue, on the south by a wooded lot and Columbia Avenue, on the east by the Takoma Park Silver Spring Grocery Co-operative (“Co-op”), and on the west by a single story building (“Property”). More specifically, the Property is comprised of a number of record lots known as Lot 36 and parts of Lots 32-35 and 37, Block 19, in “B.F. Gilbert’s Addition to Takoma Park”. The Property is partially improved. The eastern half of the Property is paved and primarily used for parking. The western portion of the Property is currently occupied by the Takoma Auto Clinic, consisting of a one story building and associated parking.

The Property is zoned NR-0.75, H-50<sup>1</sup> and is located within the planning boundaries of the Takoma Park Master Plan, which was approved and adopted in December 2000 (the “Master Plan”). The Property is also located in the Takoma Park East Silver Spring Commercial Revitalization Zone (“TPESS Overlay”) and the Takoma Park Historical District.

Pursuant to the applicable provisions of Chapter 59 of the Montgomery County Code (“Zoning Ordinance”), Applicant is submitting this site plan application (“Application”) to allow for the proposed redevelopment of the Property with approximately 12,625 square feet of new

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<sup>1</sup> A previous GIS mapping error that caused the Property to appear split-zoned with CRT was corrected through Corrective Map Amendment No. H-130, adopted by the County Council on January 28, 2020 via Resolution No. 19-351.

retail space, approximately 9,365 square feet of new restaurant space, and approximately 18,772 square feet of new office space (collectively, the “Project”).

As discussed more fully below, the Project will replace an underutilized surface parking lot and auto service center with community serving retail and office uses and will help transform Takoma Junction into a “village center with traditional small town charm” by providing “unique stores and service both to nearby neighborhoods and regional visitors” as envisioned in the Master Plan. Master Plan at p. 44. Applicant therefore respectfully requests that the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (“Planning Board”) grant approval of the Application.

## **II. BACKGROUND AND PRIOR APPROVALS**

The City of Takoma Park (the “City” or “Takoma Park”) selected Applicant to develop the Property through a Request for Proposals issued on January 22, 2014. The City and Applicant thereafter entered into a Development Agreement on July 27, 2016. Since that time, the Applicant has worked closely with the City to develop plans for the Project. To receive initial technical feedback on its development plans, the Applicant also submitted Concept Plan No. 520180040 (“Concept Plan”) on August 24, 2017. The Concept Plan proposed two alternatives for the Project. The first, Scheme 6B, proposed 14,699 square feet of new ground-level retail space, and approximately 19,800 square feet of second story office and/or event space as well as sub-grade parking for up to 72 cars. The second, Scheme 6C, proposed 11,700 square feet of new ground-level retail space, and approximately 22,650 square feet of second story office and/or event space, as well as at-grade parking for approximately 39 cars. Planning Staff provided Applicant comments on both Schemes 6B and 6C of the Concept Plan on October 4, 2017. Those comments are incorporated into this Application where applicable.

On July 25, 2018, the City passed “Resolution Authorizing Neighborhood Development Company, LLC to Submit the Takoma Junction Development Project Combined Site Plan to the Montgomery County Planning Department” that authorized the Applicant to file the Application for the Project as reflected on the submitted plans. Although the Development Review Committee for the Application was held in March of 2019, the Project was then delayed for over a year for the State Highway Administration’s Takoma Junction Visioning Study.

### **III. EXISTING CONDITIONS AND SURROUNDING AREA**

The Property is located in an area of Takoma Park known as Takoma Junction. The Master Plan envisions Takoma Junction as “the commercial heart of Takoma Park” with “various neighborhood-oriented and some area-serving commercial uses.” Master Plan at p. 44.

The Master Plan describes the Property as a city owned “vacant lot” next to the Food Co-op at Takoma Junction. *Id.* As noted above, the Property is partially improved, with the eastern half of the site being a paved parking area and the western half occupied by the one story Takoma Auto Clinic building. There are currently two curb cuts providing access to the Property from Carroll Avenue.

The Co-op, zoned NR-0.75, H-50, abuts the Property to its west. To the east, a single story building containing a medical office, zoned C.R.T.-1.5, C-1.5, R-0.75, H-50 and the Takoma Park Fire Station abut the Property. To the south, the Property abuts a steeply sloping, tree-covered hillside in the R-60 zone that is owned by the City, upon which some of the Project’s forest conservation requirement will be met, as discussed more fully below. Confronting the Property across Carroll Avenue to the north are several small businesses including restaurants, a barber shop, and an automotive shop. That area is zoned C.R.T.-1.5, C-1.5, R-0.75, H-50 east of Grant Avenue and N.R.-0.75, H-50 west of Grant Avenue. Confronting

the Property to its northeast across Ethan Allen Avenue and to its south across Columbia Avenue are single family homes zoned R-60.

#### **IV. THE PROJECT**

The Project is proposed in accordance with Section 59.4.6.3 of the Zoning Ordinance. Specifically, as shown on the plans included with the Application, Applicant seeks to construct a 40,762 square foot, two-story structure with approximately 12,625 square feet of new retail space, approximately 9,365 square feet of new restaurant space, and approximately 18,772 square feet of new office space.

##### **A. Access and Circulation**

Vehicular access to the Property is proposed to be provided via a single drive aisle from Carroll Avenue leading to the below grade parking. This driveway will be limited to right-in, right-out movements. Applicant intentionally located the drive aisle on the western end of the Property, approximately halfway between the Carroll Avenue/Philadelphia Avenue intersection and the Carroll Avenue/Ethan Allen Avenue/Sycamore Avenue intersection, in order to minimize impact on traffic patterns.<sup>2</sup> The below grade parking lot will include approximately 78 spaces.

Pedestrians will access the Property via a sidewalk along Carroll Avenue. The Project also includes four short term bicycle spaces incorporated into the eastern portion of the Carroll Avenue streetscape, as well as bicycle parking in the below grade parking garage in satisfaction of the Master Plan's request for greater bicycle access in the Takoma Junction area. Given the constraints of the site, the Applicant is working with the City to relocate the existing bikeshare station on the Property to Morrison Park at the intersection of Ethan Allen and Carroll Avenues.

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<sup>2</sup> An assessment of the adequacy of sight distance for this entrance is included in the revised Traffic Study included with the Application.

In addition, the Bicycle Master Plan, approved and adopted in 2018, recommends a striped bikeway along the Property's Carroll Avenue frontage, which is also proposed to be provided as part of the Project.

Along the Property's Carroll Avenue frontage, there will be a lay-by lane intended to serve both the Project and the neighboring Co-op. The Co-op has historically used the existing surface parking lot on the Property for its loading, which the Project will replace. As shown on the application materials, there will also be a loading zone adjacent to the lay-by. Deliveries will be taken through the loading zone to the access point between the Project and the Co-op. As discussed more fully below, because the loading area for the Project is not technically on-site, a waiver of the loading space requirements of Section 59.6.2.8.C of the Zoning Ordinance is required. Additionally, to account for both existing and future conditions along Carroll Avenue and at the Carroll Avenue and Ethan Allen Avenue intersection, the Application includes both an interim and final condition plan for the lay-by location.

B. Open Space, Streetscape, and Amenity Areas

Pursuant to Section 59.4.6.3.C.1 of the Zoning Ordinance, 10% amenity open space is required and will be provided. The amenity open space is situated between the building and the right-of-way and includes sidewalks, seating, landscaping, and shade. There is at least 10% tree canopy coverage and 10% permeable area in this space, with ample soil volumes for the proposed shade and ornamental trees. Because of the sloped street grade, two parallel sidewalks are provided that meet at a larger flush-condition gathering area, greater than 15 feet wide, on the west side of the open space. The remainder of the frontage is terraced with steps and ramps providing multiple access options to the building and amenity space. Plantings are primarily

native species chosen for durability, drought-tolerance, and year-round interest. Street lighting is also provided along the streetscape for safety and security.

C. Green Features and Stormwater Management

The Project will be LEED Gold. Low-impact development and green infrastructure will be utilized to manage the runoff within the Project boundary. The Project qualifies as redevelopment under the City of Takoma Park's Stormwater Management regulations. However, the Applicant will work to implement strategies to exceed the City's redevelopment treatment requirements. More specifically, stormwater management will be provided by green roof and a bioretention planter located at the rear of the building.<sup>3</sup> Green roof has been maximized to the extent practical to also accommodate mechanical equipment and other building uses. The entire roof, including the green roof areas, will drain to the bioretention planter to the rear of the building. This location for the bioretention planter is needed to accommodate a storm drain connection to Columbia Avenue, the only existing storm drain infrastructure adjacent to the site.

**V. FINDINGS REQUIRED FOR APPROVAL OF THE SITE PLAN APPLICATION**

Section 59.7.3.4.E.2 of the Zoning Ordinance sets forth the findings that the Planning Board must make in approving a site plan application. The following statements describe how the proposed Project fulfills these findings:

1. *The proposed development satisfies any previous approval that applies to the site.*

Although Preliminary Plan No. 119883170 was approved for the Property in June of 1989 to allow for the construction of a three-story retail and office building, no record plat was

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<sup>3</sup> There was some confusion in the comments from Staff that this planter area was an outdoor terrace for the visitors and employees of the Project. That is not the case. This area will only be used for stormwater management and emergency egress.

ever filed to validate that approval and it has therefore expired. No other previous approvals exist for the site.

2. *The proposed development satisfies under Section 59.7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

There is no approved development plan or schematic development plan for the Property; therefore, this requirement is inapplicable.

3. *The proposed development satisfies under Section 59.7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

The Property's zoning on October 29, 2014 was the result of a comprehensive rezoning undertaken subsequent to the approval of the Master Plan in 2000, and was not the result of a Local Map Amendment. Therefore, this requirement is inapplicable to the Property.

4. *The proposed development satisfies applicable use standards, development standards, and general requirements under this Chapter.*

The Project satisfies the applicable use standards, development standards, and general requirements of the Zoning Ordinance, as explained more fully below:

*A. Use Standards*

Section 59.3.1.6 of the Zoning Ordinance lists the uses that are permitted in the NR Zone. The Project proposes 12,625 square feet of new retail space, approximately 9,365 square feet of new restaurant space, and approximately 18,772 square feet of new office space. All of the proposed uses are permitted in the NR Zone.

*B. Compatibility Standards*

Section 59.4.1.8.A of the Zoning Ordinance identifies compatibility standards that apply to projects in the NR zone that propose development of apartment, multi-use, or general use

buildings. Because the Applicant proposes development of a multi-use building and the Property abuts a property in a Residential Detached zone that is vacant, even though such lot is also within control of the Applicant, the setback compatibility standards technically apply. As reflected on the site plan drawing included with the Application, the multi-use building is proposed to be set back approximately 60 feet from the southern property line that abuts the residential zoning, greatly exceeding the minimum setback required.

Section 59.4.1.8.B of the Zoning Ordinance contains height compatibility standards that apply to a project that proposes any building type in the NR zone that abuts or confronts a property in an Agricultural, Rural Residential, or Residential Zone that is vacant or improved with an agricultural or residential use. As noted above, the Property abuts and confronts properties in a Residential Zone; therefore, the height compatibility standards apply. However, Applicant proposes a maximum building height of 33 feet, which is lower than the 35 foot maximum height allowed in the abutting R-60 zone. Thus, the Project meets the height compatibility standards.

*C. Development Standards for Development in the NR Zone*

*1. Open space.*

Section 59.4.6.3.C.1 of the Zoning Ordinance requires that the Project provide 10% amenity open space because the Application proposes a multi-use building over 10,000 square feet. As depicted on the plans included with the Application, the Project will include the required 4688 square feet of amenity open space.

*2. Lot, density, and height.*

Applicant seeks to construct an approximately 40,762 square foot building containing approximately 12,625 square feet of new retail space, approximately 9,365 square feet of new



restaurant space, and approximately 18,772 square feet of new office space. The maximum density per the Property's NR zoning is 0.75 or 40,762.5 square feet.

Applicant's proposed building height of 33 feet is also in accord with the zoning requirements. The maximum height per the Property's zoning is 50 feet. However, the TPESS Overlay limits the building height to 30 feet, which may be exceeded "up to 42 feet for commercial development" with Planning Board approval. Zoning Ordinance Section 59.4.9.15.C.1.a.

According to Section 59.4.6.3.C.2 of the Zoning Ordinance, there is no maximum lot area coverage for multi-use buildings in the NR zone.

### 3. *Placement.*

Section 59.4.6.3.C.3. of the Zoning Ordinance sets forth the placement requirements for new developments. As the Applicant is not proposing a surface parking lot or an accessory structure, the only applicable requirements are the setbacks for the principal building. The required setbacks are as follows: 1) the front setback may be 0 feet; 2) the side setbacks to the east and west may be 0 feet; and 3) the rear setback, where abutting the residentially zoned lot, must be 30 feet or more (1.5 times the maximum setback for a single family home in the R-60 zone, which is 20 feet). As shown on the Site Plan Development Standards table, the Application meets or exceeds all of these requirements.

### 4. *Form.*

Section 59.4.6.3.C.5 of the Zoning Ordinance provides form standards for development in the NR Zone. Galleries/Awnings, Porches/Stoops, and Balconies are all permissible. The Project incorporates a variety of awnings along the façade to create visual interest, and the setback of portions of the second floor create a large balcony-like condition.

*D. General Development Requirements*

*(i) Site Access (Division 6.1)*

Division 6.1 of the Zoning Ordinance applies to multi-use building developments. As noted above, vehicles will access the site via a drive aisle off Carroll Avenue into the below-grade garage. The drive aisle will be placed midway between the two major intersections on either side of the Property to minimize impact on traffic flow through those intersections. The drive aisle will measure approximately 24 feet, which meets the requirements of Section 59.6.1.4.A of the Zoning Ordinance.

The Project will also allow for safe and efficient pedestrian and bicycle access to the Property. As noted above, the Applicant proposes an 8 foot wide sidewalk zone along the Property's Carroll Avenue frontage that opens into a wide public social gathering area on the western side of the Property. The streetscape also includes four bike racks, as well as the provision of a striped on-street bicycle lane.

*(ii) Parking, Queuing, and Loading (Division 6.2)*

The Project will include approximately 78<sup>4</sup> parking spaces. Because the Property is within one mile of a MetroRail Station, it is, by definition, located within a Reduced Parking Area. Further, because Applicant proposes a mixed-use building, Applicant is submitting a shared parking analysis pursuant to the Urban Land Institute Shared Parking Model (Second Edition, 2005) ("Shared Parking Model"). Employees and visitors to the office space will utilize the parking lot at peak hours that are different from customers, visitors, and employees to the retail and restaurant establishments. This is not only based on time of day, but also the month of

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<sup>4</sup> This includes approximately 49 regular parking spaces, 7 compact car spaces, 3 ADA spaces, 4 car share spaces, and 7 motorcycle spaces. As each car share space near an entrance equals 3 required parking spaces for commercial uses, the 4 car share spaces count as 12 required spaces. Zoning Ordinance § 59.6.2.3.I.4.

the year. Calculations from the analysis result in the minimum parking spaces that should be provided. *See Shared Parking Model* at p. 16–19. Under the Shared Parking Model, 93 spaces are required for the Project.

Given the site constraints and proximity to Metro, Applicant is seeking a waiver of a portion of the parking requirements pursuant to Section 59.4.9.16.D.a of the Zoning Ordinance. Under that section, the Board may waive the minimum number of parking spaces required “where it finds that such waiver will accomplish the goals of the master plan, including revitalization, enhancing pedestrian environment, and encouraging use of transit”. Zoning Ordinance Section 59.4.9.16.D.a. In the instant case, the Applicant is seeking a waiver of 15 spaces. Providing fewer than the required number of parking spaces here will accomplish the goals of the Master Plan. The Master Plan explicitly states “[w]aivers of parking requirements may be approved where overflow parking will not be a problem in nearby neighborhoods. Considerations for approval of waiver should include provision of adequate transit service and of improvements to circulation and appearance of commercial centers.” Master Plan at p. 45.

Overflow parking in nearby neighborhoods will not be an issue, as such would naturally be deterred by the area grading and lack of proximity to the Project. The Project will also be adequately served by mass transit, as it is located approximately 0.7 miles from the Takoma Park MetroRail Station. There is also bus access between the MetroRail Station and the Property on several bus lines. MetroBus line F4 and RideOn lines 12, 13, and 16 stop on Carroll Avenue just steps from the Project. Applicant also proposes bicycle racks in the below-grade garage as well as at-grade incorporated in to the streetscape along the Carroll Avenue frontage.

The Project also includes improvements to area circulation, particularity along the Property’s Carroll Avenue frontage. As explained in detail above, circulation to, from, and

around the Property by vehicles, pedestrians, and cyclists will be streamlined by the design of the Carroll Avenue portion of the Project.

As discussed above, the Project will also improve the appearance and commercial vitality of Takoma Junction by converting a surface parking lot into vibrant retail, restaurant, and office space that will become a focal point and gathering space for the surrounding community, as envisioned by the Master Plan. The proposed parking is located below-grade so as not to detract from the appearance of the area and to maximize the area available for commercial activity and open space. Additional parking cannot be provided below-grade, so any additional parking would have to be at-grade or above, diminishing the appearance and benefits of the Project.

Finally, trends in the automotive industry indicate a move away from individually owned human operated vehicles and towards self-driving and shared vehicles. This trend will ultimately reduce the need for on-site parking because the driverless and shared vehicles will move on to the next customer and next trip rather than parking at the site.

For the foregoing reasons, the Applicant respectfully requests that the Planning Board grant its request for a waiver pursuant to Section 59.4.9.16.D.a of the Zoning Ordinance to allow for 15 fewer parking spaces than required based on the Shared Parking Analysis.

With regard to loading, the Project proposes a layby lane along the Property's Carroll Avenue frontage to serve both its use and the adjacent Co-op. While this loading space satisfies the number of loading spaces required by Section 6.2.8.B of the Zoning Ordinance, because it is adjacent to the street and not technically off-street a waiver of the off-street requirement is being requested pursuant to Section 59.6.2.10 of the Zoning Ordinance. The City of Takoma Park's Resolution approving the Project requires the layby and the City, neighborhood and adjacent property owners requested the layby to provide loading for the adjacent Takoma Park / Silver

Spring Co-Op. Based on the Applicant's study of the Co-Op's loading needs, the proposed layby can accommodate both the Project and the Co-Op. Providing another loading area within the space-constrained Project would be redundant and detrimental to the proposed streetscape for the Project, as well as pedestrian and vehicular circulation.

*(iii) Open Space and Recreation (Division 6.3)*

As noted above, for multi-use buildings in the NR zone, 10% amenity open space is required in the form of "amenity open space" and the Project is proposing open space in accordance with this requirement.

*(iv) General Landscaping and Outdoor Lighting (Division 6.4)*

Adequate landscaping and lighting will be provided to ensure that the Property will be safe and attractive for customers, employees, and visitors of the Project, as shown on the landscape and lighting plans included with the Application.

*(v) Screening Requirements (Division 6.5)*

As the Project is a multi-use building of 33 feet in height, which abuts a vacant property in the residential detached zone, adequate screening will be provided in accordance with Section 59.6.5.3.C.5 of the Zoning Ordinance.

*(vi) Outdoor Display and Storage (Division 6.6)*

This Division is inapplicable because the Project does not propose any outside display or storage.

*(vii) Signs (Division 6.7)*

The Applicant will obtain all necessary approvals for signage at the Project from the Montgomery County Department of Permitting Services.

5. *The proposed development satisfies the applicable requirements of: (i) Chapter 19, Erosion, Sediment Control, and Stormwater Management; and (ii) Chapter 22A, Forest Conservation.*

As shown on the sediment and erosion control and stormwater management plans included with the Application, the Project meets all applicable requirements of Chapter 19.

As shown on the forest conservation plan included with the Application, the Project also meets all applicable requirements of Chapter 22A. In accordance with Section 22A-12 of the Forest Conservation Law, the property must meet a forest conservation threshold of 15% and the required afforestation must also be 15%. The net tract area, which includes the off-site limits of disturbance, is 1.17 acres. The total on-site forest is 13,760 SF or 0.316 acres. The on-site forest to be cleared (consisting of mostly invasive species), is 8,527 SF or 0.196 acres. An on-site forest conservation easement will be provided for 5,233 SF, or 0.12 acres. The remainder of the afforestation/reforestation requirement is 0.14 acres. Since forest conservation will be provided off-site on the adjacent Lot 39, the off-site conservation to be provided is 0.28 acres, or two times the on-site requirement, as required by Section 22A-12(e)(2)(B).<sup>5</sup>

The primary goal of retention of forested areas is therefore achieved with this plan. The trees that will be removed and/ or impacted by the development are shown as part of the Tree Variance Plan and Forest Conservation Plan, and are generally the low quality trees on-site. Because the Property lies in a historic district, the Forest Conservation Plan and Tree Variance Plan include impacts to all trees over 1” caliper, as required by Section 22A-12(b)(3)(B)(i) of the Code. As mitigation for the removal of a number of trees, a significant number of new trees will be planted, in accordance with the requirements and ratios of the City of Takoma Park, as shown on the plans.

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<sup>5</sup> Section 22A-12(e)(2)(B) of the Montgomery County Code states “Protection of existing off-site forest. Acquisition of an off-site protective easement for existing forested areas not currently protected in perpetuity is an acceptable mitigation technique instead of off-site afforestation or reforestation planting, but the forest cover protected must be 2 times the afforestation and reforestation requirements.”

6. *The proposed development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The relationship between the building, open spaces, and parking contribute to the overall small town village center the Master Plan envisions for Takoma Junction. The Project will be seamlessly integrated into the fabric of Takoma Junction, filling the existing gap in the Carroll Avenue streetscape. The wide sidewalk and amenity open space fronting Carroll Avenue will both allow visitors, employees, and customers to safely access the building, as well as provide spaces for visitors to the Property and residents of the community to gather. Importantly, the drive aisle to the below-grade parking garage is placed at the end of the open space so that pedestrians may safely traverse the Property with minimal vehicular disruption

As noted above, vehicular circulation to and from the Property will be similarly well integrated and safe. The below grade parking lot will shield the parking without detracting from the aesthetic of the Project. Circulation in and out of the parking lot will flow logically via a single ingress and egress point – the drive aisle on Carroll Avenue.

7. *The proposed development substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Master Plan’s chief aspiration for Takoma Junction is for it to be an “extension of Takoma Old Town, providing unique stores and services.” Master Plan at p. 44. It states that new development in Takoma Junction should “support maintenance of the low scale, small town, historic character of [Takoma Junction]”. *Id.* at 45. The Master Plan specifically refers to the Property as a City-owned vacant lot, which the City has attempted to market for redevelopment for many years. *Id.* at 44. The Master Plan recommends a concept study addressing “alternative uses for [the Property]”. *Id.* at 45 As noted above, in conformance with this recommendation, the

proposed development is the result of years of study by the City and collaboration between the City and the Applicant regarding the most appropriate development for the site.

In accordance with the Master Plan's recommendations, the Applicant proposes a low-scale building that will contribute to the low-scale, small town quality along Carroll Avenue as recommended by the Master Plan. *Id.* at p. 45. As proposed, the Project will include a two-story mixed-use building with retail and restaurant on the lower floor and office space on the upper floor, as well as pedestrian-friendly streetscaping along Carroll Avenue. The building will have a broad yet rhythmic façade such that it feels like a series of attached buildings rather than a single long building.

The Applicant is proposing a maximum building height of approximately 33 feet, which is compatible with the other one and two story commercial buildings in Takoma Junction and in the surrounding R-60 zone. While the Master Plan recommends a 30 foot maximum height for the Property, this recommendation was tied to the previous C-1 zoning of the Property, which was in place when the Master Plan was adopted in 2000. As of the 2014 rewrite of the Zoning Ordinance, however, the C-1 zone and its development standards no longer exist. During the rewrite, the Property was rezoned NR-0.75, H-50 and put in the TPESS Overlay Zone. The Master Plan specifically called for the implementation of an overlay zone to incentivize revitalization, and, as noted above, the TPESS Overlay Zone allows the Planning Board to permit a height of up to 42 feet for commercial development. In this regard, the standards and allowances of the TPESS Overlay Zone, the adoption of which followed the Master Plan, in conjunction with the rezoning of the Property, must be viewed as modifying the Master Plan's height recommendation for the Property, allowing for the 33 feet proposed.



The proposed streetscape along Carroll Avenue is consistent with the “Main Street” streetscape the Master Plan recommends and will further contribute to the historic, small town feel of Takoma Junction. *Id.* at 45. In Takoma Junction, the Master Plan recommends that the streetscape “extend the existing character of Old Town by adding trees and improving the sidewalk on the south side along with other streetscape enhancements.” *Id.* at 94. The Master Plan specifically recommends “sidewalks on both sides of the road with trees to shade both sidewalks and the travel lane.” Master Plan at p. 93. It further recommends that the sidewalk should be “set back from the curb to separate users from traffic.” *Id.* As previously described and as depicted on the site plan included with the Application, elements of the streetscape will separate sidewalk users from the lay-by lane and travel lane. Trees will shade both the travel lane and sidewalk and provide a further barrier between the pedestrian zone and travel lanes. Additionally, as recommended by the Master Plan, the building’s setback will be consistent with the setbacks of the neighboring buildings to create continuity along the block. Overall, Applicant’s proposed streetscape conforms to the Master Plan’s “Main Street streetscape” concept for Carroll Avenue. *Id.* at 45.

The Project is also “sensitive to the scale and historic character of the area,” as discussed further below in the “Takoma Park Historic District Compatibility” section. *Id.* at 45. The Project will conform to the applicable Design Guidelines for the City of Takoma Park (“Design Guidelines”), Historical Preservation Master Plan, and relevant portions of the Takoma Park Municipal Code. Applicant will also work with the Montgomery County Historic Preservation Commission (HPC) to obtain the necessary Historic Area Work Permit (HAWP) after approval of the Site and Preliminary Plans for the Property.

Also in line with the Master Plan’s recommendations, the Project is tailored to the TPESS Overlay Zone’s<sup>6</sup> purpose of fostering “economic vitality and community character.” Zoning Ordinance Section 59.4.9.15.A. As previously stated, the Project will replace the underutilized City-owned parking lot with several vibrant retail establishments.

The Master Plan also recommends that projects in Takoma Junction address traffic calming, circulation, bicycle access, and adequate parking. With respect to traffic calming, the Applicant is actively working with the State Highway Administration (“SHA”) to address the intersection of Carroll, Ethan Allen, and Sycamore Avenues. With respect to circulation, as described above, the Project provides for safe and efficient circulation of pedestrians, cyclists, and vehicles to and from the Property. With respect to bicycle access, as described above, the Project provides additional bicycle parking at and below grade, as well as an on-street bike lane.

Finally, the Master Plan recommends that new development 1) prevent conditions that may create local air and noise pollution nuisances; and 2) “incorporate recycling and energy efficiency programs and standards in the design of new development.” Master Plan p. 76, 79. The Project satisfies these recommendations as well. As noted above, the Project will be LEED Gold and, as such, incorporates a number of energy efficient programs and standards. Additionally, the Project will replace a surface parking lot, significantly reducing the air and noise pollution caused by this use. In its place, the Project will create an energy efficient building that places parking below grade and away from sight and sound.

8. *The proposed development will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal*

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<sup>6</sup> The Master Plan recommends applying “the proposed Commercial Revitalization Overlay Zone” to the area of the Property, which is now in the TPESS Commercial Revitalization Zone. *Id.*

*to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage.*

Vehicular circulation to the Property is proposed to remain via a driveway on Carroll Avenue. Congestion issues already exist at the Carroll Avenue/Ethan Allen Avenue/Sycamore Avenue intersection. As explained more fully in the Revised Traffic Study included with the Application, the Applicant is proposing modifications to the signal timing at these intersections to mitigate the Project's impact and bring the delay levels either into acceptable levels, or, in some instances, create better conditions than would exist if the Project did not move forward.

Other available public facilities and services are adequate to serve the proposed Project. As the Property is located in the S-1 and W-1 sewer and water categories, there is adequate on-site sewer and water service to serve the Project. The school test is not required as the Project does not include residential units.

Adequate police and fire protection also serve the Property. The nearest fire station is approximately 203 feet from the Property. The Property is served by the Takoma Park Police and the nearest police station is approximately 0.4 miles from the Property.

9. *On a property in a Rural Residential or Residential zone, the proposed development is compatible with the character of the residential neighborhood.*

The Property is located in the NR zone. Therefore, this requirement is inapplicable to the Application.

10. *On a property in all other zones, the proposed development is compatible with existing and approved or pending adjacent development.*

The Project is compatible with existing development and there is no approved or pending adjacent development. The existing adjacent development includes the single story medical office building and the Takoma Park Co-op. The Project will blend with these other commercial buildings contributing to “village center” feel of Takoma Junction as envisioned by the Master Plan and discussed more fully above.

#### **V. TAKOMA PARK HISTORIC DISTRICT COMPATIBILITY**

The Property is located within the Takoma Park Historic District (“Historic District”). The Project complies with all applicable standards for new buildings located within the Historic District, including the following: 1) Takoma Park Ordinance 1999-43 (“Ordinance 1999-43), 2) Chapter 8.40 of the Takoma Park City Code (“Chapter 8.40”), 3) the Design Guidelines for Commercial Buildings in the City of Takoma Park, Md. (“Design Guidelines”), 4) the Approved and Adopted Amendment to the Master Plan for Historic Preservation in Montgomery County, MD Takoma Park Historic District & Carroll Manor/Douglas House (“Historic Preservation Master Plan”); and the 5) the Standards for Rehabilitation contained in 36 C.F.R. § 67.7.

In designating Takoma Junction as historic, the City did not intend “to stop or limit new development,” but to “encourage new development that is sensitive to the historic and architectural character of Takoma Park.” Historic Preservation Master Plan, p. 17. Under the applicable ordinances, new buildings are recommended to have facades that are “compatible with and enhance the character of the adjacent areas” and be “approved by the Montgomery County Historic Preservation Commission.” Takoma Park Code 8.40.150. According to the Design Guidelines: “Achieving compatibility does not mean duplicating [. . .]. A new building [. . .] should be seen as a product of its own time. However, by effectively relating to the neighborhood, a new building shows a district’s evolution just as the existing buildings show its past.” Design Guidelines at 10.

The Project's design blends with the historic properties in its vicinity, but also includes modern elements that distinguish it from those historic properties.<sup>7</sup> The existing buildings along Carroll Avenue each have their own look: the storefronts are engaged with the public and there is a blurred connection between inside and exterior. Applicant is proposing a low-scale, two story building that will blend with its neighbors, which are one to two stories high. Design Guidelines at 13; see also Ordinance 1985-30(L)(2). The building is shaped for a humanistic scale and is blended into the existing fabric of the block. The rhythm of the established Carroll Avenue main street was used for inspiration and the Project was designed to feel like multiple buildings, similar to the rest of Carroll Avenue. The masonry facades and the detailing lend themselves to the other buildings' time period: creating the ability of the proposed building to fit in and stand out at that same time. The facades are set with brick stack bond piers on the west end and herringbone masonry insets above. The metal canopy defines the stair/garage entrance. The East end is set with a masonry accent tower, breaking up the volume of the façade into multiple tenant entrances. The middle façade is accentuated in a warmer red brick that has been accented with brick patterns and relief accent bands. The gray EIFS area was done as a neutral background for the art exhibit area. This backdrop will allow for the art exhibit to be a living item, changing as time goes by, being updated as the community sees fit. The use of accent bands and inspiration from masonry detailing on the front façade allows the remainder of the building to indicate a Flemish bond pattern on the ramp elevation and accent bands with varying colors to scale the visual of the building elevations. Cornice materials were inspired by the other buildings within

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<sup>7</sup> Historic district properties are rated as “outstanding resources”, “contributing resources”, and “non-contributing or out-of-period resources”. Historic Preservation Master Plan at 12. Both buildings neighboring the property are “non-contributing resources”. *Id.* Appx. A. The commercial buildings across the Carroll Avenue from the Property are “contributing resources”. *Id.*

the Carroll Avenue block, but not copied. The scale ratios of the façade and masonry coursing have been used to establish the proportions indicated.

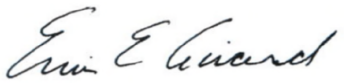
Additionally, the Project’s proposed orientation respects the “primary orientation of its immediate neighbors,” which, like the Project, are oriented such that their principal façades face Carroll Avenue. Historic Preservation Master Plan at 19; Design Guidelines at 11. The proposed setback will be approximately equal to the setbacks of the neighboring buildings. Design Guidelines at 11. At street level, shopfronts are proposed to be pedestrian-oriented with “display windows immediately adjacent to the sidewalk.” *Id.* Parking is proposed to be out of view below grade so as not to detract from the pedestrian experience. *Id.*

As a part of the Project, the building at 7221 Carrol Avenue will be demolished. This is a non-contributing resource. Historic Preservation Master Plan Apx. A. The guidelines allow the demolition of non-contributing resources.

## **VI. CONCLUSION**

In summary, the Application proposes transforming the Property from an underutilized surface parking lot into a vibrant, mixed-used project with office and retail space. This transformation will accomplish the Master Plan’s objectives for the Property and complement the historic character of Takoma Junction.

Respectfully submitted,  
**Miles & Stockbridge, P.C.**

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