

Takoma Junction, Preliminary Plan 120190150 and Site Plan 820190090 – Regulatory Extension Request #2

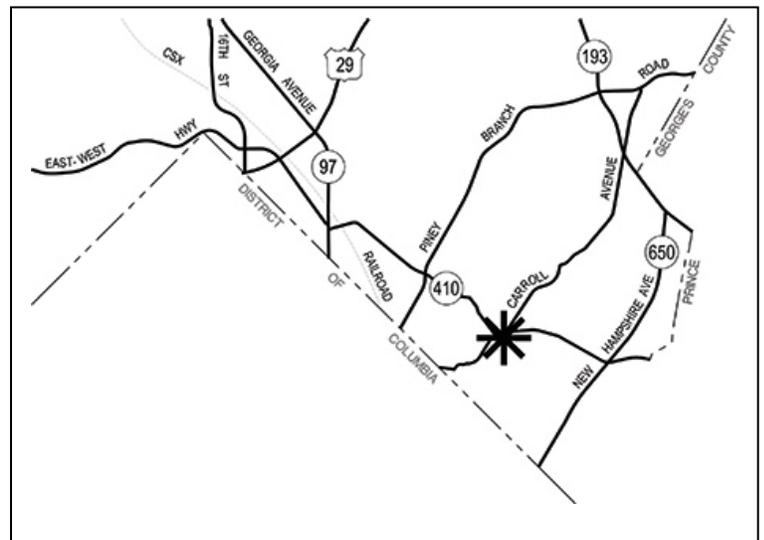


Elza Hisel-McCoy, Chief, Area 1, elza.hisel-mccoy@montgomeryplanning.org, (301) 495-2115

Staff Report Date: 12.27.19

Description

- Second request to extend review of one lot for up to 40,762 square feet of commercial uses.
- Located on the south side of Ethan Allen Avenue at its intersection with Carroll Avenue in the City of Takoma Park
- 1.25 acres
- NR-0.75 H-50 and Takoma Park/East Silver Spring Overlay zones
- 2000 Takoma Park Master Plan
- Applications accepted on February 14, 2019
- Applicant: NDC Takoma Junction LLC
- Chapter 50, Chapter 59, Chapter 22A



Section 50.4.1.E of the Subdivision Regulations provides a 120-day limit for preliminary plan hearings. Similarly, Section 59.7.3.4.C provides a 120-day limit for site plan hearings. The Planning Board may, however, extend these periods. On June 13, 2019, the Planning Board extended the review periods for the above applications from June 13, 2019 to January 9, 2020. During this period, the Applicant worked successfully to address architectural comments from the Historic Preservation staff and Historic Preservation Commission during several Preliminary Consultations. More critically, however, the State Highway Administration still has not reviewed the Applicant's traffic study, submitted with the original application in February 2019, pending completion of its Visioning Study for the intersections surrounding the site. Given the site's primary frontage on a state road and the potential significant impact of those review comments, the Applicant has not been able to respond to the DRC comments provided by the other agencies in March 2019. The Applicant has therefore requested, in an application dated December 4, 2019, that the Preliminary Plan and Site Plan review periods again be extended, from January 9, 2020 to July 30, 2020, to await SHA's DRC comments. This is the second extension request associated with the subject project.

Staff recommends **APPROVAL** of the extension requests.

Attachment A: Applicant's extension request



8787 Georgia Avenue
 Silver Spring, Maryland 20910-3760

www.montgomeryplanning.org

Phone 301.495.4550
 Fax 301.495.1306

REGULATORY REVIEW EXTENSION REQUEST

Request #1 Request #2

M-NCPPC Staff Use Only			
File Number	_____	MCPB Hearing Date	_____
Date Received	_____		

Plan Name: Takoma Junction Plan No. 120190150; 820190090

This is a request for extension of: Project Plan Preliminary Plan Sketch Plan Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: 01/09/2020

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

Person requesting the extension:

Owner, Owner's Representative, Staff (check applicable.)

Erin E. Girard Miles & Stockbridge, P.C.
 Name Affiliation/Organization
11 North Washington Street, Suite 700
 Street Address
Rockville MD 20850
 City State Zip Code
(301) 517-4804 (301) 517-4804 egirard@milesstockbridge.com
 Telephone Number Fax Number E-mail

We are requesting an extension for 7 months until 07/30/2020

Describe the nature of the extension request. Provide a separate sheet if necessary.

At the time of the initial extension request, the Applicant had understood that the State Highway Administration ("SHA") would be done with its Vision Study for Takoma Junction, focusing on the intersection of MD 195 and MD 410, this fall. SHA previously stated that it would not review the Preliminary Plan until the study was done, and it was the Applicant's hope that a fall completion of the study would allow for Planning Board review of the applications in January. SHA has still not completed the study, however, and has not provided an updated timeline for review. Therefore, the Applicant is requesting a seven month extension to allow sufficient time for completion of the study and review process by all agencies. The Applicant understand from Planning Staff that, despite this long extension, the applications will move forward as expeditiously as possible following completion of SHA's study and their review of the preliminary plan.

Signature of Person Requesting the Extension

Erin E. Girard
 Signature

12/4/19
 Date

Extension Review

Planning Director Review for Extensions 30 days or less

I, the Planning Director, or Director's designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from _____ until _____.

Signature

Date

Planning Board Review for Extensions greater than 30 days

The Montgomery County Planning Board reviewed the extension request on _____ and approved an extension for more than 30 days of the Planning Board public hearing date from _____ until _____.

From: [Dickel, Stephanie](#)
To: [Esther Siegel](#)
Cc: [Balmer, Emily](#)
Subject: RE: Takoma Junction Concerns
Date: Tuesday, December 17, 2019 11:29:47 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Thank you for your email regarding the proposed Takoma Junction redevelopment project. Each of the concerns you raised will be evaluated as part of the technical review of the revised preliminary and site plan application drawings/plans. Elza Hisel-McCoy is the lead reviewer of these applications for the Planning Department and he is out of the office until January 6, 2020. I would like to take a few moments to explain where we are in our application review process.

The Planning Department accepted the complete applications for this site, Preliminary Plan application no. 120190150 and Site Plan application no. 820190090, on February 14, 2019. Staff from our department and other reviewing agencies, including the City of Takoma Park staff, reviewed the applications and provided written comments to the applicant team in advance of the March 19, 2019 meeting of the Development Review Committee (DRC), which is made up of representatives from the reviewing agencies. Copies of these comments, and all of the submitted application materials, are available online at www.montgomeryplanning.org/development by searching under the project name or application numbers provided above.

At the March DRC meeting, the State Highway Administration did not provide review comments, and still has not, pending completion, we understand, of their Takoma Junction Visioning study.

The development application review process is iterative. Applicants provide drawings which are reviewed by agency staff who provide written comments. Public comments received by staff are shared with the applicant team and incorporated into the staff review. The applicant team then works with staff of the appropriate agency to address the comments and revise their drawings as necessary. The applicant then resubmits the drawings for further review. This process can repeat as required. Upon completion of the review, Planning Staff will prepare a written analysis of the application and a recommendation for either approval with conditions or denial, for presentation to the Planning Board for their vote. This Staff Report will include and discuss all correspondence received on the applications, and will be posted on the Planning Board's agenda page (www.montgomeryplanningboard.org/agenda) at least 10 days prior to the public hearing.

At this time, the applicant has not submitted revised plans in response to the previously issued technical comments from the March 2019 DRC. Staff review cannot recommence until the applicant submits revised plans.

Additionally, as the site is located within the City of Takoma Park, the City Council may elect to vote to recommend approval or denial of the applications, along with any conditions. The Planning Board will take this recommendation into consideration in their deliberation on the applications, and may overrule the City Council's recommendation only with a 4/5 majority vote.

Finally, the Zoning Code stipulates that applications for Preliminary Plans and Site Plans must be heard by the Planning Board within 120 days of the acceptance as complete. The Planning Director and the Planning Board may, however, extend this review period. The applicant has requested, and the Planning Board has granted, review extensions currently through January 9, 2019. The applicant has recently requested an additional extension through July 30, 2020. This extension will go to the Planning Board on January 9, 2020.

The Planning Board hearing will be publicly noticed by postcard at least 10 days before the hearing to all parties of record, adjoining and confronting property owners, and condominium and homeowner associations near the site. We will add your name to the parties of record so that you will be sure to receive this notice.

When the applicant submits revised drawings, they will be available online at the above website.

Please contact Elza if you have further questions, or if you would like to meet to discuss the applications or the process.

Sincerely,
Stephanie



Stephanie Marsnick Dickel
Regulatory Supervisor, Area 1

Montgomery County Planning Department
8787 Georgia Avenue, Silver Spring, MD 20910
Stephanie.Dickel@montgomeryplanning.org
301.495.4527



From: Esther Siegel <esiegel2@igc.org>
Sent: Tuesday, December 17, 2019 10:04 AM
To: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>
Subject: Takoma Junction Concerns

Dear Ms. Dickel,

We are writing to express our many concerns about the proposed development at Takoma Junction. We live in Takoma Park and also deliver local fruit and vegetables from our farm, to the TPSS Food Co-op.

In this holiday season, one can turn to any Hallmark channel and watch a sappy Christmas movie. The

theme many of the movies (except the ones about princes and princesses in small made up countries!) is about small town spirit and a developer who wants to “improve” the town by bringing in what ultimately becomes inappropriate and unwanted development. The lesson is always that the residents love their community, their local stores and Inns and while they don’t oppose improvements, fight hard to preserve the spirit and intimacy of their town.

If the current development goes forward with the lay-by, we fear we simply will not be able to continue our business relationship with the Co-op grocery store – unloading of goods in a timely and safe manner will become too difficult. This distresses us deeply from our business perspective but also from our long-held dedication to a thriving local food cooperative for our community. We have been delivering to the Co-op since it’s beginning! Other distributors, especially those with tractor trailers, have testified that they might not continue to deliver to the Co-op, thus making it hard for the Co-op to survive in its current location. Communities around the country would love to have a Co-op like ours in their communities and communities that do, like in Vermont, support their Co-op to ensure that they thrive.

It is no accident that these heartwarming movie themes touch us during this holiday of good cheer, compassion and community.

Takoma Park has come “off screen” over these last years, struggling with tension between some of our elected officials who seem to have lost sight of the value of the uniqueness and diversity of our community in favor of the “developer” coming in from the outside to bring their profit oriented vision for Takoma Junction. It is also disturbing that this for profit development is on public land.

During these years, several disturbing issues starkly show that this development concept is just wrong. Too many revisions demonstrate that this development just won’t work. The concerns include traffic, exit plans from various streets, the small size of the Junction that will not support a large development, failed traffic reconfigurations, concerns from Takoma Park’s Fire Chief, the absurd lay-by delivery and garbage plan, and so on. Every time NDC submits yet another “revision”, it feels like constantly trying to fit a square peg in a round hole. Their vision is just not compatible with the Junction and to reconfigure it would mean a total reconfigure of everything there, including the traffic paths. At some point, it must be recognized that changing everything, is just not practical or wanted.

Additionally, a development of this sort will impact the racial equity in our community, and threaten to displace the Takoma Park Food Co-op that is a shining example of a business with a diverse staff, that provides a living wage and health insurance to all its employees and is the only grocery store in Takoma Park that is used by all incomes (it supports SNAP, WIC and other government supplemental food programs);

ignoring the need for public space for public use and good; having a detrimental environmental impact by, among other concerns, displacing trees and creating water runoffs and erosion.

Many alternative plans have been proposed that would avoid the concerns mentioned above. They come from community residents who value and want to preserve the uniqueness and integrity of Takoma Park.

A more practical plan will make your job easier because it will factor in the concerns already raised by HDC that unanimously said that the current design is incompatible with the historic district.

HDC’s report said:

- The building is “way too big,” “too tall,” “too long” and “too massive.” It reads as a “very large office building.” It needs both to be made lower, and to be broken up either into two separate buildings (a one-story building was suggested as part of this), or into a design that presents as two separate buildings.

- In terms of the façade design, the developer was told “you’ve made a mess of things.” Overall, the design was described as “slick” and therefore “incompatible with the historic character of this part of Takoma Park.”
- The developer’s claim that the first story has to be 20 feet high to attract businesses is “false,” given the “thriving commercial district” down the street in “small, contextual buildings.”
- The glass elevator tower is “too contemporary,” “truly terrible,” “completely out of place,” “unnecessary,” and “has to go.”
- The canopy is too high to be functional.
- The historic art deco structure in BY Morrison Park should remain, and the roads should not be reconfigured because they have historic context.
- Wider sidewalks and more public space are needed. A Commissioner noted that public space is “very, very important for the community.”
- A Commissioner lamented the planned removal of 9 out of the 12 existing American Elms, a species “in short supply.” This Commissioner noted that it is “highly ironic” to cut down trees to put in a garage with a green roof.
- A loading area at the front is not consistent with Takoma Park’s historical context, and is not “conducive” for pedestrian areas. The Chair of the Commission stated, “the lay-by is an abomination.”

We implore you to reject the current development plan before you presented by NDC and recommend that a new vision be thoughtfully explored that truly reflects the preservation of our unique and so special town. Watch one of the sappy Hallmark Christmas movies that reflects where small-town America’s heart is.

Thank you,

Esther Siegel
Michael Tabor
Takoma Park
301 587-2248

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Michael and Esther share this email.
Please check the signature to determine who it comes from.
Thanks.