

Introduced by:

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION 2021-XX**

**RECOMMENDING **APPROVAL/DISAPPROVAL** OF TAKOMA  
JUNCTION DEVELOPMENT SITE PLAN BY THE MONTGOMERY  
COUNTY PLANNING BOARD - *Draft as of June 4, 2021***

WHEREAS, with Council Resolution 2018-41 in July 2018, the Takoma Park City Council authorized the submission of plans by the City's partner, Neighborhood Development Company, LLC, for redevelopment of properties in Takoma Junction on the south side of Ethan Allen Avenue (MD 410) at the intersection with Carroll Avenue (MD 195); and

WHEREAS, most of the properties involved in the redevelopment project are owned by the City of Takoma Park ("City") and one property is privately owned, but under contract for purchase; and

WHEREAS, there have been governmental and community studies about how to improve the economic viability, environmental sustainability, and attractiveness of the Takoma Junction neighborhood commercial area since 1983, and the properties owned by the City were purchased in 1995 for the purposes of stabilizing and facilitating the revitalization of the area; and

WHEREAS, in January 2014, the Council released a competitive Request for Proposals for development of the property in a manner that would "act as a stimulus to the commercial district and locally-owned, independent businesses; improve the aesthetic appeal of the district; and be contextually sensitive and environmentally sustainable;" and

WHEREAS, the Council selected Neighborhood Development Company, LLC ("NDC") to develop the project, and a Development Agreement and Ground Lease were approved by the Council in July 2016 through Resolution 2016-26; and

WHEREAS, from January 2014 through July 2018, there was a high level of public participation, discussion and sharing of information about the project, including 32 Work Sessions with public comments, three Listening Sessions, three Open Houses (including an on-site pop-up Open House), design meetings with over 200 attendees regarding form and character and access and mobility, and over 600 written public comments in 2018 alone; and

WHEREAS, this level of public participation and Council consideration informed the adoption of Resolution 2018-41 with its many provisions to guide and assess the final site plan to be prepared and submitted to the Montgomery County Planning Board once the Montgomery County development review process was completed; and

WHEREAS, the agency review of the plans submitted on January 15, 2021 is now nearly

complete; and

WHEREAS, many changes to the plans have been made since July 2018 in response to the comments made through the agency review process; and

WHEREAS, the development review process requires that recommendations on the site plan be conveyed to the Montgomery County Planning Board prior to Board action; and

WHEREAS, there are additional provisions in City Council Resolution 2018-41 identifying actions or outcomes that do not pertain directly to the Montgomery County Planning Board review and which would need to be addressed separately, such as how the Auto Clinic property will be combined with the remaining property, final City approvals of tree and stormwater plans, and plans for continuity of operations during construction; and

[Draft Whereas and Resolved clauses follow and depend on direction by Council]

APPROVAL OR APPROVAL WITH CONDITIONS	DISAPPROVAL
<p>WHEREAS, Council has reviewed Resolution 2018-41 and found that the Combined Site Plan is responsive to Council’s directives in general, and that, pending MDOT-SHA approval of the layby, minor concerns can be addressed by conditions imposed by the Montgomery County Planning Board or the Montgomery County Department of Permitting Services, by the City of Takoma Park in its approvals, and/or adjusted before building permits are issued; and</p> <p>WHEREAS, these items include elements such as the rear design of the building, landscaping and allowable uses in the area set aside for public space, stormwater treatment, and parking provisions; and</p> <p>WHEREAS, as specified in Resolution 2018-41, NDC added windows and greater detail to the rear façade and placed windows so as to minimize light pollution on nearby residences, but there continues to be concern that the façade or the use of space may need to be addressed to limit noise pollution and other negative impacts to the neighborhood; and</p> <p>WHEREAS, as specified in Resolution 2018-41, at least 2700 sq. ft. of public gathering space should be provided that is not focused on</p>	<p>WHEREAS, Maryland Department of Transportation State Highway Administration (MDOT-SHA) has not approved a layby for use for deliveries [<i>or</i> has not approved a layby of sufficient length for deliveries by vehicles longer than x feet] for this project on State Highway MD-410; and</p> <p>WHEREAS, no other adequate and safe delivery options that can accommodate large vehicles have been presented that would serve this site and the TPSS Co-op; and</p> <p>WHEREAS, mediation between NDC and the TPSS Co-op led to an agreement regarding the accommodation of deliveries, which included accommodation of large vehicles; and</p> <p>WHEREAS, Council reserves the option to reopen the review of the site plan as new information is provided by NDC or by MDOT-SHA or other reviewing agencies; and</p> <p>WHEREAS, as specified in Resolution 2018-41, NDC added windows and greater detail to the rear façade and placed windows so as to minimize light pollution on nearby residences, but there continues to be concern that the façade or the use of space may need to be addressed to limit noise pollution and other</p>

<p>outdoor dining but is shared space for residents, visitors and anyone else in the public realm and under the longer layby option, 3,850 square feet is provided and under the shorter layby option, 4,500 square feet is provided,; and</p> <p>WHEREAS, Resolution 2018-41 specified that reasonable accommodations for public parking for area businesses including the TPSS Co-op be included as part of the project and parking spaces will be available for public parking for area businesses; and</p> <p>WHEREAS, Resolution 2018-41 requires that stormwater will be managed within the project boundary using low-impact development and green infrastructure and treatment will significantly exceed the City’s 50% requirement for redevelopment, and the project meets the requirements but, due to design changes for other purposes, does not “significantly exceed” the 50% treatment requirement.</p>	<p>negative impacts to the neighborhood; and</p> <p>WHEREAS, as specified in Resolution 2018-41, at least 2700 sq. ft. of public gathering space should be provided that is not focused on outdoor dining but is shared space for residents, visitors and anyone else in the public realm and under the longer layby option, 3,850 square feet is provided and under the shorter layby option, 4,500 square feet is provided; and</p> <p>WHEREAS, the Development Agreement and Resolution 2018-41 specified that reasonable accommodations for public parking for area businesses including the TPSS Co-op be included as part of the project and parking spaces will be available for public parking for area businesses; and</p> <p>WHEREAS, Resolution 2018-41 requires that stormwater will be managed within the project boundary using low-impact development and green infrastructure and treatment will significantly exceed the City’s 50% requirement for redevelopment, and the project meets the requirements but, due to design changes for other purposes, does not “significantly exceed” the 50% treatment requirement.</p>
<p>NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, has determined that the Combined Site Plan as submitted by NDC advances the City’s goals for the Property, and hereby recommends the Montgomery County Planning Board approve the final plan, with the conditions identified below.</p> <ol style="list-style-type: none"> <li>1. That MDOT-SHA approve a layby or other configuration that accommodates deliveries by the longer length vehicles used by the TPSS Co-op</li> <li>2. An agreement with the City be reached</li> </ol>	<p>NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, recommends the Montgomery County Planning Board disapprove the Takoma Junction Combined Site Plan since the plan:</p> <ol style="list-style-type: none"> <li>1. Has not received approval from the MDOT-SHA for the layby [<i>or</i> for a layby of sufficient length to accommodate longer delivery vehicles].</li> <li>2. More work is needed to address the rear façade design</li> <li>3. The plan does not provide 2700 square feet</li> </ol>

<p>as to the rear façade appearance within the basic façade components approved by the Planning Board</p> <ol style="list-style-type: none"><li>3. That 2,700 square feet of the public space be shared space, not dedicated for the use of a business.</li><li>4. A portion of the parking in the garage be open for public use unassociated with a particular business</li><li>5. A contribution of _____ towards off-site stormwater improvements be provided by NDC in lieu of not meeting a substantially greater than 50% treatment level of stormwater on site</li></ol>	<p>of public space of the type and quality of that included in the plans that were submitted for development review pursuant to Resolution 2018-41</p> <ol style="list-style-type: none"><li>4. Public parking for area businesses is not reasonably adequate as required by the Development Agreement and Resolution 2018-41</li><li>5. Stormwater treatment does not substantially exceed the 50% requirement specified in Resolution 2018-41</li></ol>
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