



**Gilbert and Wood, Limited Site Plan Amendment, 82007011B**



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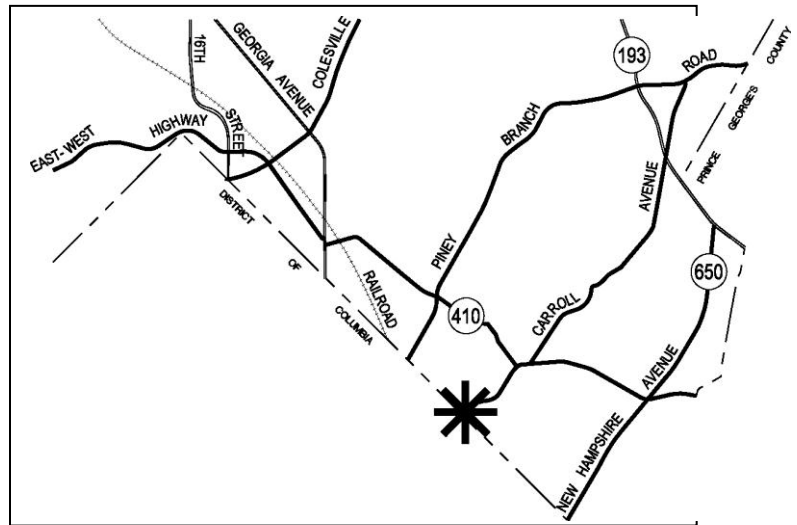


Robert Kronenberg, Acting Chief, Area 1 Division, robert.kronenberg@montgomeryplanning.org, 301.495.2187

**Completed: 1.4.13**

**Description**

- Takoma Metro Shopping Center, Takoma Park
- C-1/CROZ; Takoma Park Master Plan; 1.64 acres
- Request to add interim site and landscape plans to document temporary site improvements
- Urciolo Properties, LLC
- Submitted July 15, 2010



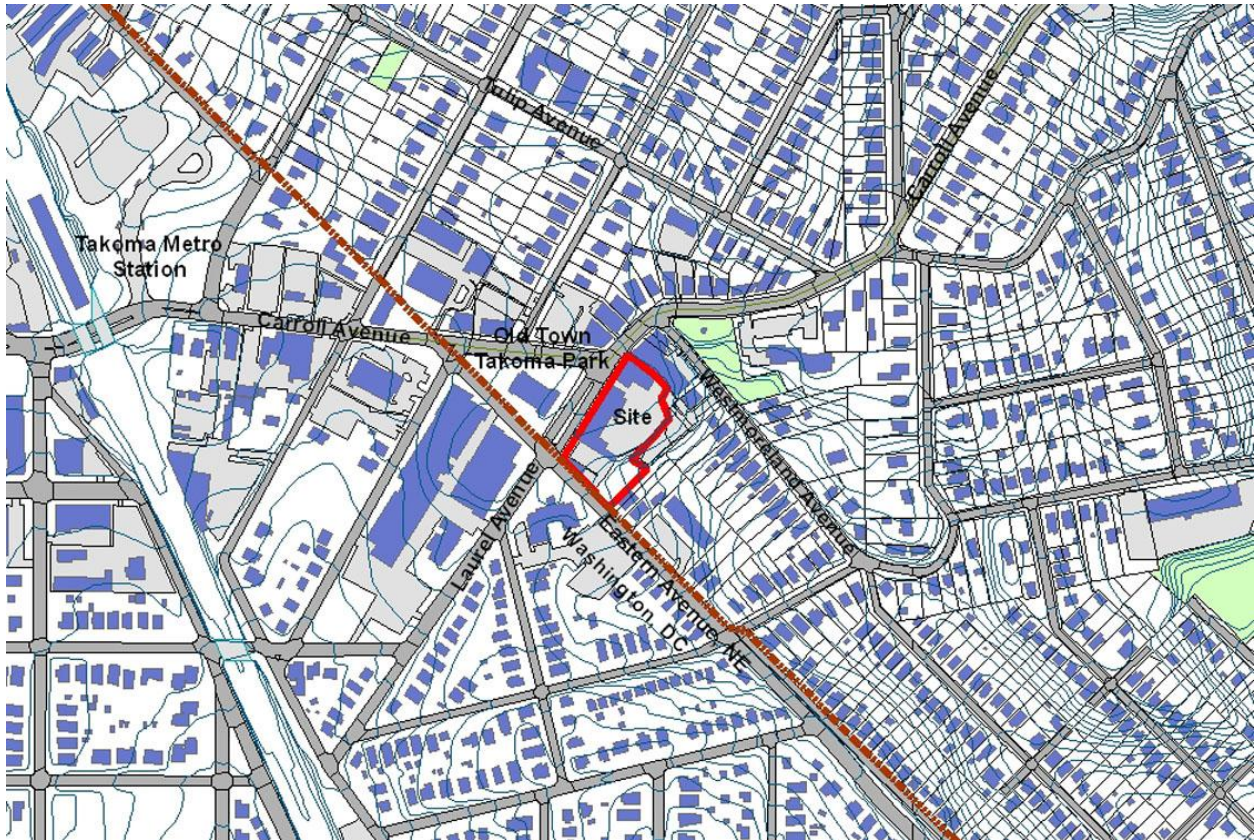
**Summary**

- Staff recommends approval of the limited site plan amendment.

## SITE DESCRIPTION

### Vicinity

The subject site is the Takoma Metro Shopping Center in the City of Takoma Park, in the eastern quadrant of the intersection of Laurel Avenue and Eastern Avenue, NW, on the District of Columbia border. The shopping center is part of Old Town Takoma Park, with neighborhood-scale convenience retail and restaurants. The site is located approximately 1,400 feet from the Takoma Metro station and is served by several local and area bus routes. The site is located within the Takoma Park Historic District.



*Vicinity Map*

### Site Analysis

The shopping center includes a post office, a bank, and several small businesses, and has surface parking behind the buildings. Vehicular access to the parking lot is provided by a one-way driveway off Laurel Avenue with exit access to Eastern Avenue, NW. Additional on-street parking is provided on Laurel Avenue and on neighboring streets. North to south, the site has a gentle slope, dropping approximately six feet. Along the eastern edge of the property, however, the grade change between the parking lot and adjacent properties is significant, with retaining walls up to 12 feet high.





*Aerial Photo*



*Aerial Oblique*

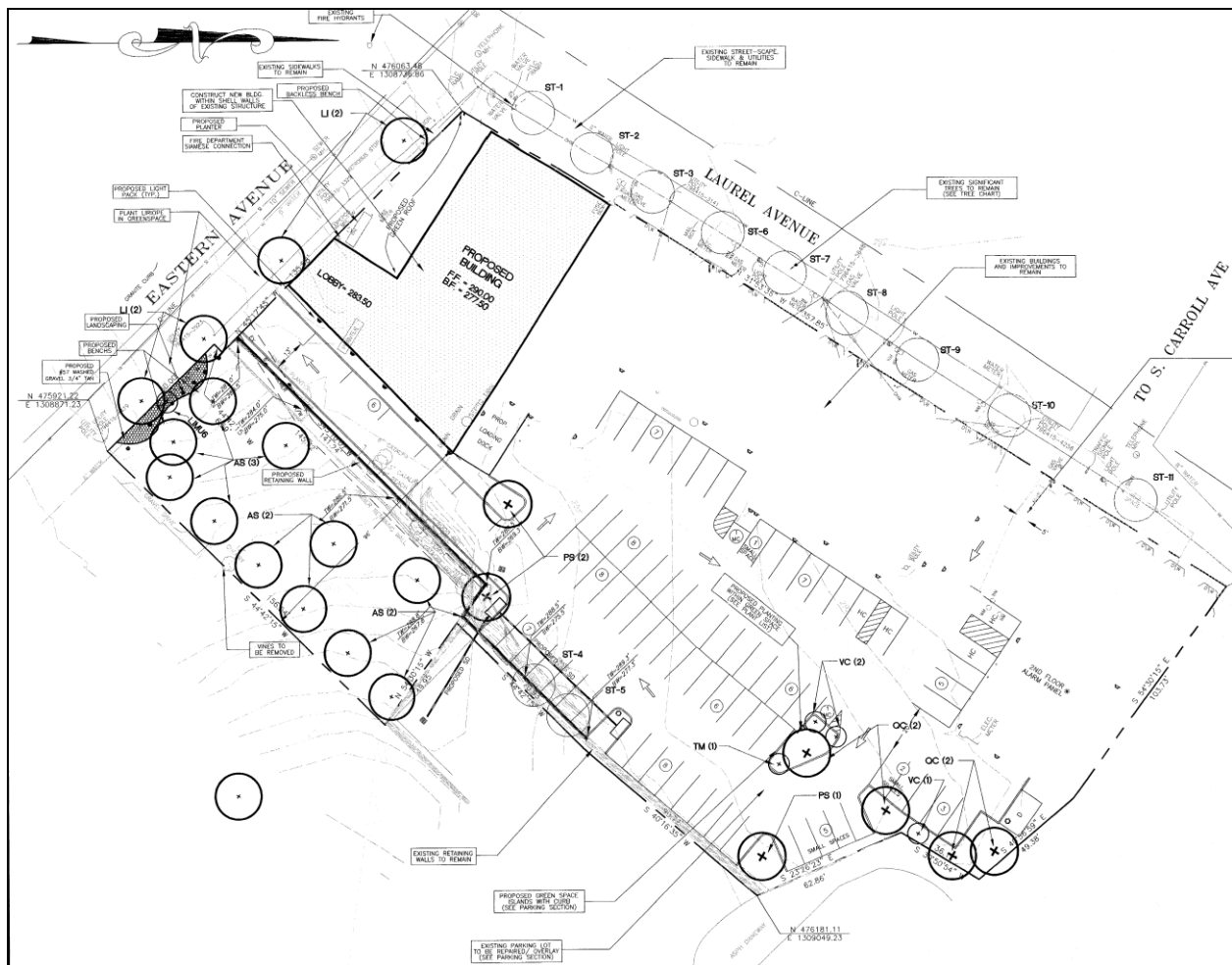


# AMENDMENT DESCRIPTION

## Previous Approvals

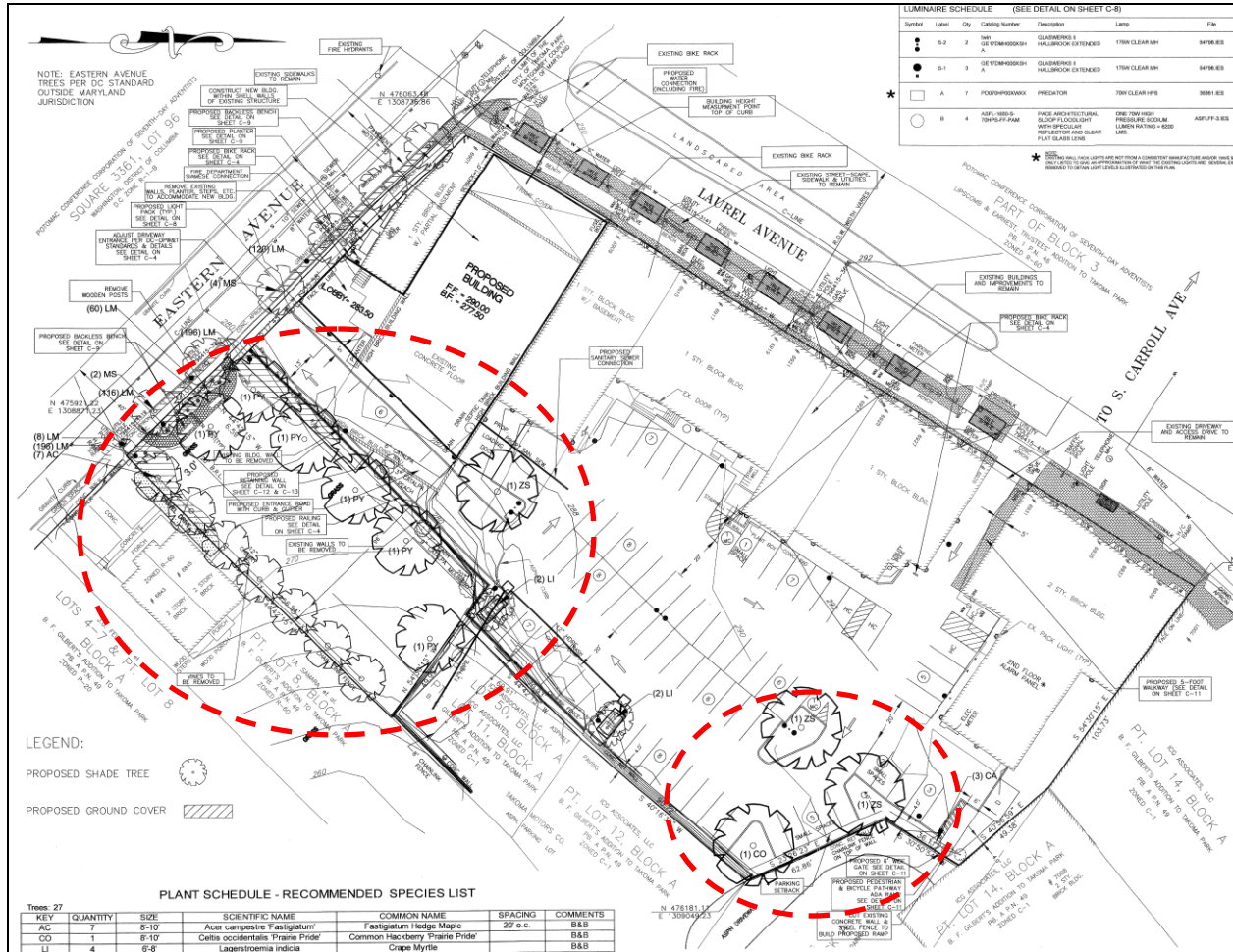
In 2004, the Historic Preservation Commission (HPC) approved a Historic Area Work Permit (HAWP) for construction of a new commercial building and parking structure on the site. In 2006, the site was created as a single recorded lot by minor subdivision. In September 2007, the Planning Board approved Site Plan 820070110, for a new building with a total of 20,145 square feet of mixed commercial uses, including 12,532 square feet of general retail, 7,073 square feet of restaurant, and 540 square feet of general office, on 1.64 acres in the C-1 and Takoma Park Commercial Revitalization Overlay Zones (CROZ) (see Appendix A). Under the provisions of the CROZ, the Board also approved a partial waiver of the total number of off-street parking spaces required. Additionally, the approval included a landscaped open space along Eastern Avenue, NW. The City of Takoma Park reviewed the project and recommended approval (see Appendix B).

On July 3, 2008, the City of Takoma Park issued a Tree Removal Permit (#8070008) consistent with the landscape plan approved with Site Plan 820070110.



Original Site Landscape Plan (820070110)

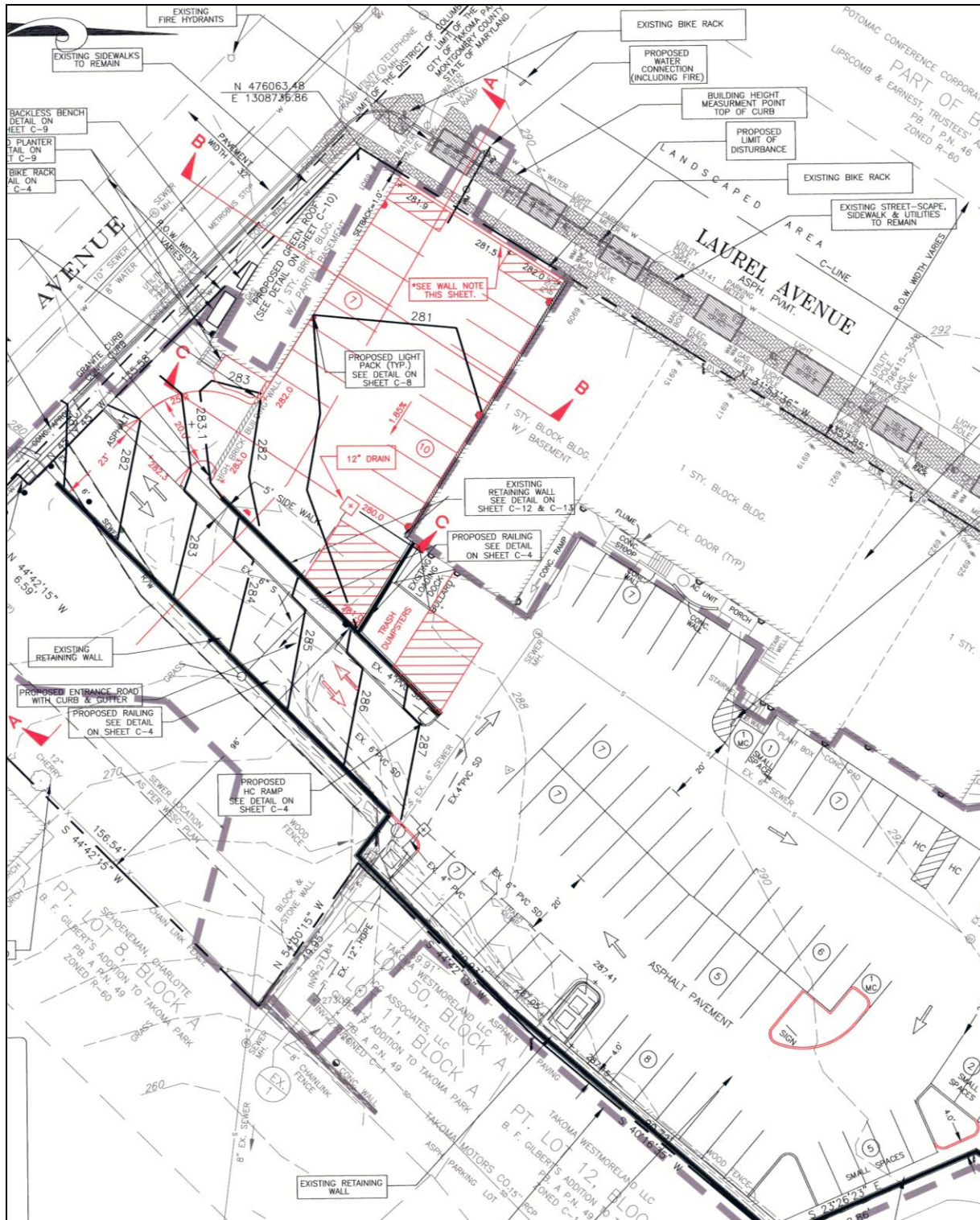
On July 15, 2008, the Planning Director approved an Administrative Site Plan Amendment with revised landscaping, lighting, and other elements within the parking lot and on the adjacent green area (see Appendix A). Development review staff coordinated with City of Takoma Park planning staff on the amendment.



Amended Site Landscape Plan (82007011A)—primary differences highlighted



On July 15, 2010, the Applicant submitted an application for a second administrative site plan amendment to locate a temporary parking lot on the site of the approved new building, and to make other minor modifications to the parking lot.



Propose Site Plan Amendment (82007011B)—proposed changes in red

The area proposed for this temporary parking lot is located well below the street grade of Laurel Avenue, necessitating a wall and guardrail at the Laurel Avenue sidewalk (see photo below). Staff met with the Applicant to discuss the impact of the guardrail on the approved HAWP.



*Temporary Parking Lot below Laurel Avenue*

As staff worked with the Applicant to review the proposed amendment, the Applicant began to implement site-related improvements, including the reconfiguration of the parking lot and associated landscaping and lighting, as well as landscaping and amenity seating in the landscaped open space. Some of the landscaping and lighting improvements did not match the Certified Site Plan, and in July 2011 the Department of Permitting Services (DPS) issued the Applicant a Notice of Non-Compliance (NONC) (see Appendix C). As illustrated above, the Applicant has also constructed the temporary parking lot proposed as part of this second amendment.

Finally, in September 2011, the City of Takoma Park issued the Applicant a citation for non-compliance with the City Tree Removal Permit. Coordination between Planning Department staff, the City of Takoma Park Arborist, and the DPS inspector revealed that the changes to the landscape plan approved under site plan amendment 82007011A did not match the City's Tree Removal Permit. After litigating unsuccessfully, the Applicant entered a settlement agreement with the City. The settlement stipulated that compliance with the 82007011A landscape plan, and a fee, would satisfy the City's Tree Removal Permit.

## **Proposal**

After coordination between the Applicant and the reviewing agencies, including the City of Takoma Park, the scope of the proposed site plan amendment has been expanded beyond the temporary parking lot to include interim site and landscape plans to document temporary site improvements. These include the new parking area within the area proposed for the new building, alternative lighting and landscaping in the parking lot, and alternative landscaping and seating along Eastern Avenue, NW. The interim plans will satisfy the NONC. The temporary improvements illustrated on the interim site and landscape plans will be replaced by the permanent improvements documented on the approved final site and landscape plans when the new building is constructed.

## **COMMUNITY OUTREACH**

The Applicant has met all proper signage, noticing, and submission meeting requirements. Notice of the subject amendment was sent to all parties of record on September 21, 2012, giving 15 days for comments. Staff has received inquiries on this matter related to the scope of the amendment and the non-compliance with the City Tree Removal Permit, but no opposition to the amendment as defined above.

## **RECOMMENDATION AND CONDITIONS**

The proposed modifications to the site plan do not alter the overall design character of the development in relation to the original findings of approval and the site remains compatible with existing and proposed development adjacent to the site. These modifications do not impact the efficiency, adequacy, or safety of the site with respect to vehicular and pedestrian circulation, open space, landscaping, or lighting.

Staff recommends approval of site plan 82007011B, Gilbert & Wood, for the amendments delineated above. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on September 7, 2012, are required except as modified by the following conditions.

1. Interim Site and Landscape Plans  
Site Plan Amendment 82007011B is limited to the addition of an interim site plan and an interim landscape plan and related detail drawings.
2. Site Plan Conformance  
The ultimate development must comply with the conditions of approval for site plan No. 820070110 as listed in the Planning Board Resolution MCPB No. 07-182 dated October 16, 2007, as amended by Administrative Site Plan Amendment 82007011A, approved July 15, 2008.
3. Takoma Park Tree Permit  
The Applicant must comply with the provisions of Takoma Park Tree Removal Permit #8070008 except as modified by the Stipulation of Dismissal for Montgomery County Circuit Court Case No. 8383D, dated April 17, 2012.



## **APPENDICES**

- A. Prior Resolutions
- B. City of Takoma Park Resolution for original site plan 820070110
- C. Notice of Non-Compliance



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OCT 16 2007

**MCPB No. 07-182**

**Site Plan No. 820070110**

**Project Name: Gilbert and Wood**

**Date of Hearing: September 6, 2007**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on January 5, 2007, Urciolo Properties, LLC, ("Applicant") filed an application for approval of a site plan for a total of 20,145 square feet of mixed commercial uses, including 12,532 square feet of general retail, 540 square feet of general office, and 7,073 square feet of restaurant, and a partial waiver (for 59 spaces) of the total number of off-street parking spaces required by Zoning, reducing the total number from 138 to 79 spaces, ("Site Plan" or "Plan") on 1.64 acres of C-1/Takoma Park-East Silver Spring Commercial Revitalization Overlay Zoned (CROZ)-zoned land, located in the eastern quadrant of the intersection of Laurel Avenue and Eastern Avenue, NW, Washington, DC ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820070110, Gilbert and Wood (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated August 25, 2007, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on September 6, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

APPROVED AS TO LEGAL SUFFICIENCY

*Tatiana S. [Signature]*

M-NCPPC LEGAL DEPARTMENT

DATE 9/26/07



WHEREAS, on September 6, 2007, the Planning Board approved the Application subject to conditions on the motion of Commissioner Lynch; seconded by Commissioner Bryant; with a vote of 5-0, Commissioners Bryant, Cryor, Hanson, Lynch, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820070110 for a total of 20,145 square feet of mixed commercial uses, including 12,532 square feet of general retail, 540 square feet of general office, and 7,073 square feet of restaurant, and a partial waiver (for 59 spaces) of the total number of off-street parking spaces required by Zoning, reducing the total number from 138 to 79 spaces, on 1.64 gross acres in the C-1 and CROZ zones, subject to the following conditions:

1. Site Design

- a. The Applicant will remove the existing parking lot surface drain that empties onto the adjacent property;
- b. The Applicant will provide additional bike racks on site. The final number, design, and location will be determined by Certified Site Plan;

2. Landscaping

- a. Provide street trees as indicated on the Landscape Plan within the Eastern Avenue, NW, right-of-way, consistent with the approval of the appropriate agency of the District of Columbia;

3. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for commercial development.
- b. All light fixtures shall be full cut-off fixtures;
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties;
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties;
- e. The height of the light poles shall not exceed 12 feet including the mounting base;

4. Pedestrian Circulation

The Applicant will provide a 5-foot marked pedestrian path along the north side of the driveway from Laurel Avenue to the rear parking lot. The path shall approximate the paving standard along Laurel Avenue in front of the site. Final design and construction details to be approved by planning staff at M-NCPPC and City of Takoma Park by Certified Site Plan;

5. Forest Conservation

The Applicant will comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated July 9, 2007:

- a. Comply with the conditions of the Preliminary Forest Conservation Plan. The Applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (DPS) issuance of sediment and erosion control permits:
  - i. Approval of Final Forest Conservation Plan consistent with approved Preliminary Forest Conservation Plan prior to any clearing, grading or demolition on the site;
- b. Submit financial security to M-NCPPC for fee-in-lieu payments prior to any demolition, clearing or grading;
- c. Obtain a building permit, issued by Montgomery County Department of Permitting Services, for excavation and fill placement. The construction, excavation and fill placement activities will be subject to special inspection/complex structures provisions of the building code;

6. Historic Preservation

Comply with the requirements of Historic Area Work Permit 37/03-04NN, approved by the Historic Preservation Commission on September 22, 2004. Should the Applicant make any alterations to the original design approved by the Historic Preservation Commission (HPC), they must resubmit the drawings to HPC for review and approval prior to issuance of any building permit;

7. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions issued by the City of Takoma Park dated December 11, 2006, unless amended and approved;

8. Development Program

The Applicant shall construct the proposed development in accordance with the Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. On-site landscaping and lighting associated with the parking lot and building shall be completed as construction of the facility is completed;
- b. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed;
- c. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion;
- d. Phasing of dedications, stormwater management, sediment/erosion control, forestation, community paths, trip mitigation or other features.



9. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of both the submitted financial security demonstration for fee-in-lieu and the Certified Site Plan;

10. Certified Site Plan

Prior to Certified Site Plan approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, City of Takoma Park approved resolution, and Site Plan Resolution;
- b. Limits of disturbance;
- c. Dimension of the parking lot setbacks;
- d. On Sheet C-1, revise the asterisk for "Base Parking Requirement - By Use" to read "For proximity...";
- e. In the parking calculation table, provide the citation for the 15 percent reduction for restaurant and retail uses (Section 59-E-3.32(a));
- f. Note the location of the parking lot surface drain to be removed;
- g. Provide a detailed planting plan of the landscaped seating area located in the Green Space along Eastern Avenue, NW;
- h. Specify tree protection methods for all on-site trees to remain;
- i. Provide construction details for new retaining walls.

BE IT FURTHER RESOLVED that all site development elements as shown on Gilbert and Wood drawings stamped by M-NCPPC on August 15, 2007, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

An approved development plan or a project plan is not required for the subject development.

2. *The Site Plan meets all of the requirements of the C-1 and CROZ zones and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the C-1/CROZ zones, as demonstrated in the data table below.

The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

**Data Table**

Development Standards Approved by the  
 Board and Binding on the Applicant

Gross Tract Area (GTA) (ac.):	1.64
Gross Tract Area (sf.):	71,397
Max. Density of Development (sf.)	
Project	20,145
Including Existing Development	48,871
Min. Building Setbacks (ft.)	
From Laurel Avenue Right of Way	0
From Eastern Avenue	0
From Adjacent Residential Zone (R-60)	96
Adjacent Commercial Buildings	0
Min. Green Area (% of GTA)	14.2
Min. Green Area (sf.)	10,159
Max. Building Height (ft.):	up to 30*
Parking Spaces	79
Parking Setbacks, Min. (ft.)	
From Adjoining lots	4
Parking Internal Landscape (% of 25,845-sf Parking Area)	5.2
Parking Internal Landscape (sf.)	1,351

\* As defined by Section 59-A-2.1: "The vertical distance measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof."

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*
  - a. Buildings and Structures



The proposed project is part of an existing neighborhood-scale retail center, accessed primarily by foot from the surrounding community. The buildings front onto and are accessed from Laurel Avenue with generous sidewalks and on-street parking, with additional parking provided behind the center. The center holds the street edge along Laurel Avenue, defining a retail street that also serves as a market square for the weekly farmers' market.

There are significant man-made steep slopes on this Property. The change in elevation ranges from 7 to more than 14 feet and is managed by either retaining walls or a combination of slopes and retaining walls. Currently, there are at least 3 sections of different retaining walls along the southern property line and between the existing development and an area of lawn. This includes several sections of wood retaining walls that are marginally functional and in significant disrepair. With the exception of the concrete gravity wall bordering lots 12 and 13, this Plan proposes to replace all sections of the retaining walls.

This Property was previously developed using fill of an unknown origin. The Applicant has submitted a geotechnical report prepared by a professional engineer, which demonstrates the suitability of the on-site soils for development. It also contains recommendations for the design and construction of the retaining walls associated with this development. The construction, excavation and fill placement activities will be subject to special inspection/complex structures provisions of the building code, administered by DPS.

The locations of buildings and structures are adequate, safe, and efficient.

b. Open Spaces

The Plan proposes over 10,000 square feet of green space, or approximately 14.2 percent of the Property, along Eastern Avenue, NW, in the southern corner of the site. As the primary function of the site is a more urban retail street, the provided green area is a secondary public amenity. Its design includes a landscaped seating area directly adjacent to the street with unprogrammed green space behind it. Additionally, the existing and proposed trees on this portion of the site will screen the parking lot and loading and service areas for the center from adjacent residences and pedestrians. The open spaces are adequate, safe, and efficient.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of shade, evergreen, and flowering trees and shrubs located in the parking lot and the proposed green space, as well as street trees along Eastern Avenue, NW. The City of Takoma Park recently upgraded the streetscape along Laurel Avenue, including planting new street trees.

The lighting plan includes pole- and wall-mounted lights in and around the parking lot to promote visibility and safety. Lighting for the building entrances will be provided by existing public streetlights.

The landscaping and lighting are safe, adequate, and efficient.

d. Recreation Facilities

Recreation facilities are not required for this project.

e. Vehicular and Pedestrian Circulation

Pedestrian access to the site is provided from the existing public sidewalks along Laurel Avenue and Eastern Avenue, NW. Vehicular access to the site is provided along Laurel Avenue, with metered on-street parking, and to the parking lot by a driveway system, with entrance-only access from Laurel Avenue and exit-only egress onto Eastern Avenue, NW. The parking lot is designed in a looped configuration, facilitating easy circulation into, out of, and around the lot. Pedestrian access from the parking lot to Laurel Avenue is provided by a paved, at-grade walkway that is part of the parking lot entrance drive. The walkway is also intended to provide handicap accessibility from the Laurel Avenue sidewalk to the accessible parking spaces in the rear lot. The existing shopping center in which this development is to be constructed serves primarily the surrounding community, from which the most popular mode of transportation is pedestrian. The requested partial parking waiver can be granted without encouraging extensive spillover of parking in the surrounding neighborhoods. The City of Takoma Park has approved the proposal and Staff has received no opposition to the Application. The pedestrian and vehicular circulation systems are safe, adequate, and efficient.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed development is an infill site in an existing shopping center in historic Old Town Takoma Park. The existing center has a "Main Street" character, with zero-lot-line one- and two-story retail and commercial buildings



defining the street edge. The retail blocks transition to one-and-one-half- to two-and-one-half-story detached and semi-detached residential units, providing both a clear distinction and a strong connection between the “downtown” and the surrounding neighborhood. The architectural character of the area includes primarily Craftsman and Victorian styles, while the commercial buildings present more Spanish Colonial, Art Deco, and post-modern stylings in their façade treatments. Into this eclectic mix, the contemporary design of the proposed development will contribute to the overall character and attractiveness of the community, and has been approved by the HPC. Further, the retail street is located en route between the residential neighborhoods and the Takoma Metro Station, encouraging pedestrian convenience visits. The seamless integration of the retail center into the larger neighborhood will help encourage pedestrian access as the primary mode of transportation.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

### **Stormwater Management**

The proposed stormwater management concept consists of two “infiltra” system installations, as well as green-roof retrofitting at 6901 Laurel Avenue and upsizing of the outlet pipes. This concept was approved by the City of Takoma Park, the jurisdiction responsible for reviewing stormwater management for this project, on December 11, 2006.

### **Environmental Guidelines**

The Applicant submitted a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) to M-NCPPC for review and approval. Environmental Planning staff approved NRI/FSD 4-07309 on July 5, 2007. The site does not include any streams, wetlands, or floodplains.

### **Forest Conservation**

The Applicant submitted a preliminary forest conservation plan with the Preliminary Plan. There is no forest on the Property and a planting requirement of 0.25 acres. The planting requirement will be met either off-site or by payment of fee-in-lieu.

There is one specimen tree on the Property - 42.6” DBH Black Locust. This specimen tree will be removed as part of the construction process, as it is located on a steep slope where the retaining wall will be replaced. Currently, this Black Locust is a hazard tree, with all three components necessary for that

determination - potential damage targets, environmental factors, and structural defects of the tree.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is OCT 16 2007 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

At its regular meeting, held on Thursday, October 4, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by Commissioner Bryant, with Commissioners Hanson, Robinson, and Bryant voting in favor, and Commissioners Cryor and Lynch absent, ADOPTED the above Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 820070110, Gilbert and Wood.

  
\_\_\_\_\_  
Royce Hanson, Chairman  
Montgomery County Planning Board



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Memorandum**

**TO:** Rollin Stanley, Planning Director

**FROM:** Rose Krasnow, Chief of Development Review

**VIA:** Robert Kronenberg, Supervisor, Development Review *RK*  
Elza Hisel-McCoy, Planner Coordinator, Development Review *dm*  
David Cookson, Development Review *DC*

**RE:** Gilbert & Wood  
SITE PLAN #82007011A

**DATE:** July 15, 2008

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing certain amendments to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section is also not required; however, submittal of the application to DRD is applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On June 16, 2008, Urciola Properties LLC ("Applicant") filed a site plan amendment application designated Site Plan No. 82007011A ("Amendment") for approval of the following modifications:

1. Revise the locations and types of landscaping elements;
2. Revise the locations and types of exterior on-site lighting fixtures.
3. Add a gate and ramp for a pedestrian connection on the eastern side of site.
4. Move a bench out of public ROW.
5. Add a bike rack; and



6. Provide additional clarifying language in planting notes.

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on June 18, 2008. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence from the parties of record.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:



\_\_\_\_\_  
Rollin Stanley, Planning Director

7-15-08

\_\_\_\_\_  
Date Approved

# Special Session

<b>Agenda Item #</b>	4
<b>Meeting Date</b>	2 July 2007
<b>Prepared By</b>	Ilona Blanchard Senior Planner
<b>Approved By</b>	Barbara B. Matthews City Manager

<b>Discussion Item</b>	Resolution Commenting on the Gilbert and Wood Redevelopment at Laurel and Eastern Avenues (John Urciolo) for Planning Board Hearing.
<b>Background</b>	<p>Mr. John Urciolo, of Urciolo Properties LLC, proposes to develop a three-story commercial building at the intersection of Laurel and Eastern Avenue. The proposed project is named Gilbert and Wood (File #820070110).</p> <p><u>Site Plan Review Process</u></p> <p>The project was submitted to M-NCPPC on January 1, 2007 for Site Plan Review. The Site Plan was reviewed by the M-NCPPC Development Review Committee (DRC) on May 7, 2007, and plan review comments on the proposal were provided to Urciolo Properties, LLC (the "Applicant"). County staff identified no major issues but requested clarification on landscaping, parking, tree plans, and pedestrian circulation in the parking area. The project is currently scheduled to go before the Planning Board on Thursday, July 26. All interested parties may offer testimony at the Planning Board Hearing.</p> <p><u>Project Description</u></p> <p>The project provides for the construction of a three-story building (one floor below grade on Laurel Avenue) with approximately 5,500 square feet per floor. When completed 7,820 square feet of retail, 2,920 square feet of patron restaurant use, and 600 square feet of office use, all of which are permitted by right on the site, will have been constructed. The property currently contains 4,500 square feet of office, 7,875 square feet of retail, and 670 square feet of patron restaurant in several buildings fronting on Laurel and Carroll Avenues. The building - located between 6901 Laurel Avenue (Pizza Movers) and 6909 Laurel Avenue (U.S. Post Office) - would be 29 feet in height on Laurel Avenue. An atrium entrance would be established on Eastern Avenue.</p> <p>The proposal includes the renovation and redesign of the existing parking lot, the installation of additional landscaping and lighting, and the construction of a new ramped drive lane located at the rear of the building which exits onto Eastern Avenue. Specific green space improvements include four new scarlet oaks, other trees to be approved by the City Arborist, and four new shrubs. Additional improvements include the installation of three new light poles in the parking lot and lighting along the new ramped drive lane.</p> <p>To accommodate the construction of the new building and the ramped drive lane,</p>

“the shed” structure located in the shell of a building destroyed by fire in the 1960s and the temporary structure to the rear of 6901 Laurel Avenue would be demolished. The adjoining buildings (6901 and 6909) are to remain in place.

The location, massing, height, and architectural details for the proposed building have been approved by Montgomery County’s Historic Preservation Commission.

The project originally included a proposal to redevelop an adjacent site as a parking garage. This is no longer part of the proposal.

#### Zoning Designation

The proposed building site is in the Old Town commercial district and abuts the District of Columbia and the Westmoreland Area Community Organization (WACO) neighborhood. Adjacent zoning on the southeast side of the site is zoned single family but contains multiple apartments. The adjacent property to the north and northeast of the site are multi-story commercial, including office, retail, and prior restaurant uses. The proposed project will face the church across Laurel Avenue on the western side and a church activity center in the District of Columbia across Eastern Avenue on the southern side. The site is a gateway to Maryland, Takoma Park, and Old Takoma and is zoned C-1 with a Commercial Revitalization Overlay Zone (CROZ).

Additional information on the requirements of the zoning ordinance and the recommendations of the Master Plan for the Old Town area are detailed in accompanying Exhibit A.

#### Parking Considerations

The project includes improvements to the parking area currently serving Takoma Metro Shopping Center, the creation of additional parking spaces, and improvements to the Laurel/Carroll Avenue intersection circulation. Access to the parking lot would be provided via the existing Laurel Avenue connection with vehicles exiting onto Eastern Avenue. Vehicles would no longer be permitted to exit from the lot into the Laurel/Carroll Avenue intersection.

The site plan provides a total of 82 parking spaces and would serve all of the buildings on the site, from Summer Delights to Pizza Movers. Distinct from the current operation of the parking area, the Applicant has agreed to set aside all spaces for customer use only, with no reserved spaces beyond those to be provided for handicapped parking. As noted in Exhibit B, the proposed volume of on-site parking spaces is in line with compact, mixed-use commercial centers similar to the Old Takoma Main Street area.

The Applicant has provided a parking tabulation that includes credits for shared use of the parking lot and credits for proximity to the Metro, and requests a waiver from the Planning Board in off-street parking requirements as permitted under the CROZ. A waiver may be granted if the Planning Board believes that a project will stimulate the revitalization (new development) of older commercial areas, enhance the



pedestrian environment, encourage the use of transit, and further the overall goals of the CROZ. Without the requested waiver, the Applicant would be required to provide a total of 158 off-street parking spaces.

City staff supports the requested parking waiver. To further the goals of the CROZ and thus justify the requested waiver, the Applicant has been asked to (1) limit the use of all 82 spaces to customer parking only; (2) install a bench similar to the Old Town benches at the bus stop on Eastern Avenue; (3) install bicycle racks along Laurel Avenue; (4) upgrade the landscaping between the sidewalk and the curb; (5) plant a tree and install a bench in the vacant lot located behind the proposed development for older and mobility impaired pedestrians to rest while walking up Eastern Avenue; (6) provide signage to the parking area (to be determined in consultation with the Facade Advisory Board and HPC); and (7) provide a permanent pedestrian connection between the adjoining parking lot off Westmoreland and the project lot near the entrance to Curves. The proposed conditions - included in the accompanying resolution and/or site plan - would improve pedestrian/bicycle connections to adjacent office, retail and restaurant uses in Old Town and would further the revitalization goals of the CROZ, justifying the requested parking waiver.

Detailed information on the requested waiver, current off-street parking requirements, and further explanation of staff's support for the waiver is presented in Exhibit B.

#### Stormwater System

The proposed stormwater system includes biofilter stormwater quality treatment, a green roof on the Pizza Movers building, and an upgrade to the connection to the City stormwater system. The City Engineer has approved the Stormwater Management Concept.

The developer and their engineer have met with City staff. The developer will not be asked to provide an application for a stormwater permit, a tree protection plan, or a tree removal plan until they have an approved site plan and a set of construction documents.

#### Streetscape / Boulevard Improvements

No changes to the streetscape on Laurel Avenue are proposed. The applicant proposes to add lirioppe and crape myrtle to the landscape stripe along the Eastern Avenue sidewalk, a bench and brick at the bus stop, and a bench and a tree close to the residential area adjacent to the sidewalk.

#### **Policy**

Support maintenance of low scale, small town, historic character of the area, and enhance commercial centers to serve the needs of local and area residents and those visiting or passing through the area.

*- Takoma Park Master Plan 2000*

<b>Fiscal Impact</b>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Levy Year 2007 Assessment</td> <td style="text-align: right;">\$2,726,000</td> <td></td> </tr> <tr> <td>Estimated Levy Year 2007 Takoma Park property taxes</td> <td style="text-align: right;">\$16,654</td> <td style="text-align: right;">(a)</td> </tr> <tr> <td>Estimated Assessment AFTER proposed improvements</td> <td style="text-align: right;">\$6,026,900</td> <td style="text-align: right;">(b)</td> </tr> <tr> <td>Estimated Takoma Park Taxes AFTER proposed improvements</td> <td style="text-align: right;">\$36,696</td> <td style="text-align: right;">(a)</td> </tr> </table> <p>(a) Assumes current tax rate of 61¢ per \$100 assessment  (b) Assumes value of \$200 per square foot for added commercial space</p>	Levy Year 2007 Assessment	\$2,726,000		Estimated Levy Year 2007 Takoma Park property taxes	\$16,654	(a)	Estimated Assessment AFTER proposed improvements	\$6,026,900	(b)	Estimated Takoma Park Taxes AFTER proposed improvements	\$36,696	(a)
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<b>Attachments</b>	<ul style="list-style-type: none"> <li>• Resolution Commenting on the Gilbert and Wood Redevelopment</li> <li>• Gilbert and Wood Site Plan</li> <li>• Exhibit A - Excerpts from Takoma Park Master Plan and Zoning Ordinance</li> <li>• Exhibit B - Parking Information</li> </ul>												
<b>Recommendation</b>	Approval of the accompanying resolution												
<b>Special Consideration</b>	<p>The Memorandum of Understanding between the City and the Planning Board establishes a coordinated review process for subdivision and site plan applications in Takoma Park. All development of commercial property in the City greater than 1,000 square feet is required to go through the site plan review process. All properties that have proposed buildings across property must go through subdivision for consolidation.</p> <p>A two-thirds majority vote of the Planning Board is required to take any action relating to land use planning within the City that is contrary to a Resolution of the Mayor and City Council.</p>												

Introduced by:

**CITY OF TAKOMA PARK, MARYLAND  
Resolution 2007-**

**Resolution Recommending the Approval of the  
Proposed Gilbert and Wood Site Plan at Eastern and Laurel Avenues**

- WHEREAS, Mr. John Urciolo of Urciolo Properties LLC of Takoma Park, MD (the Applicant) has submitted a site plan (File 820070110) for review by the Maryland National Park and Planning Commission for a proposed construction of a mixed use building facing Laurel and Eastern Avenues; and
- WHEREAS, the property is zoned C-1 with a Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone (CROZ) by the Montgomery County Zoning Ordinance; and
- WHEREAS, the Council and Community, in the course of numerous meetings, conversations, and hearings, have expressed their strong interest in the redevelopment of the site with a restaurant and new retail space; and
- WHEREAS, per Sec. 59-C-18.21 (a) (1) of the Zoning Ordinance of Montgomery County, the purpose of the CROZ is to “Foster economic vitality and attractive community character in areas needing revitalization”; and
- WHEREAS, the proposed restaurant, retail and office space will foster economic vitality and attractive community character; and
- WHEREAS, per Sec. 59-C-18.21 (a) (2) of the Zoning Ordinance of Montgomery County, the purpose of the CROZ is to: “Promote an enhanced pedestrian environment and an improved circulation system to pedestrians and bicycles as well as motor vehicles”; and
- WHEREAS, the proposed infill development is street oriented with ground level retail, will provide sidewalk connections to the parking lot and adjoining commercial property parking lot, improve vehicular circulation, provide benches along the sidewalk and at a transit stop, and provides trees to shade pedestrians; and
- WHEREAS, per Sec. 59-C-18.213 (a) (1) of the Zoning Ordinance of Montgomery County, the Planning Board may, in the course of site plan review, waive the requirements for parking setbacks and number of spaces where it finds that such waivers will accomplish the goals of the master plan including revitalization, enhancing the pedestrian environment and encouraging the use of transit; and
- WHEREAS, the proposed development will accomplish the goals of the master plan including revitalization, the enhancement of the pedestrian environment, and encourage the



use of transit; and

WHEREAS, Sec. 59-D-3.4 (a) (3) Action by Planning Board of the Montgomery County Zoning Ordinance requires that the “locations of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems be adequate, safe, and efficient”; and

WHEREAS, and areas of similar development patterns of mixed-use low-scale Main Street type commercial centers within Prince George’s County, the District of Columbia, and as proposed for walkable communities by new urbanist smart codes would require a number of parking spaces similar to that proposed by the applicant as the most efficient use of land and resources in shared-use, walkable, compact, commercial areas; and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Takoma Park is supports the infill development on this site of a restaurant, retail and office use building that faces onto Laurel and Eastern Avenues and recommends the approval of site plan File Number 820070110 with the following conditions:

- Section 1. That a pedestrian connection of gate and steps or ramp is constructed on the applicant’s property between the applicant’s lot and the adjoining parking lot near the entrance to the adjoining property building currently leased by Curves, and that this gate remain open during all normal business hours of the shopping center to promote better pedestrian and bicycle access to and through the site.
- Section 2. That a bench similar in style to those in Old Town is placed at the existing bus stop on Eastern Avenue and at the far south east corner of the lot offset two feet from the Eastern Avenue sidewalk.
- Section 3. That the landscaping along Eastern Avenue is enhanced with the replacement of existing soil with two feet of topsoil, and the planting of four crape myrtles and a liriopie ground cover.
- Section 4. That the Applicant provides satisfactory cross sections through the site showing the retaining wall to be installed along the southeast edge of the ramp and parking lot.
- Section 5. That parking on the site is limited to customer-only parking through enforced limits on allowable parking time.

Adopted this day of 2007.

Attest:

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Jessie Carpenter  
City Clerk

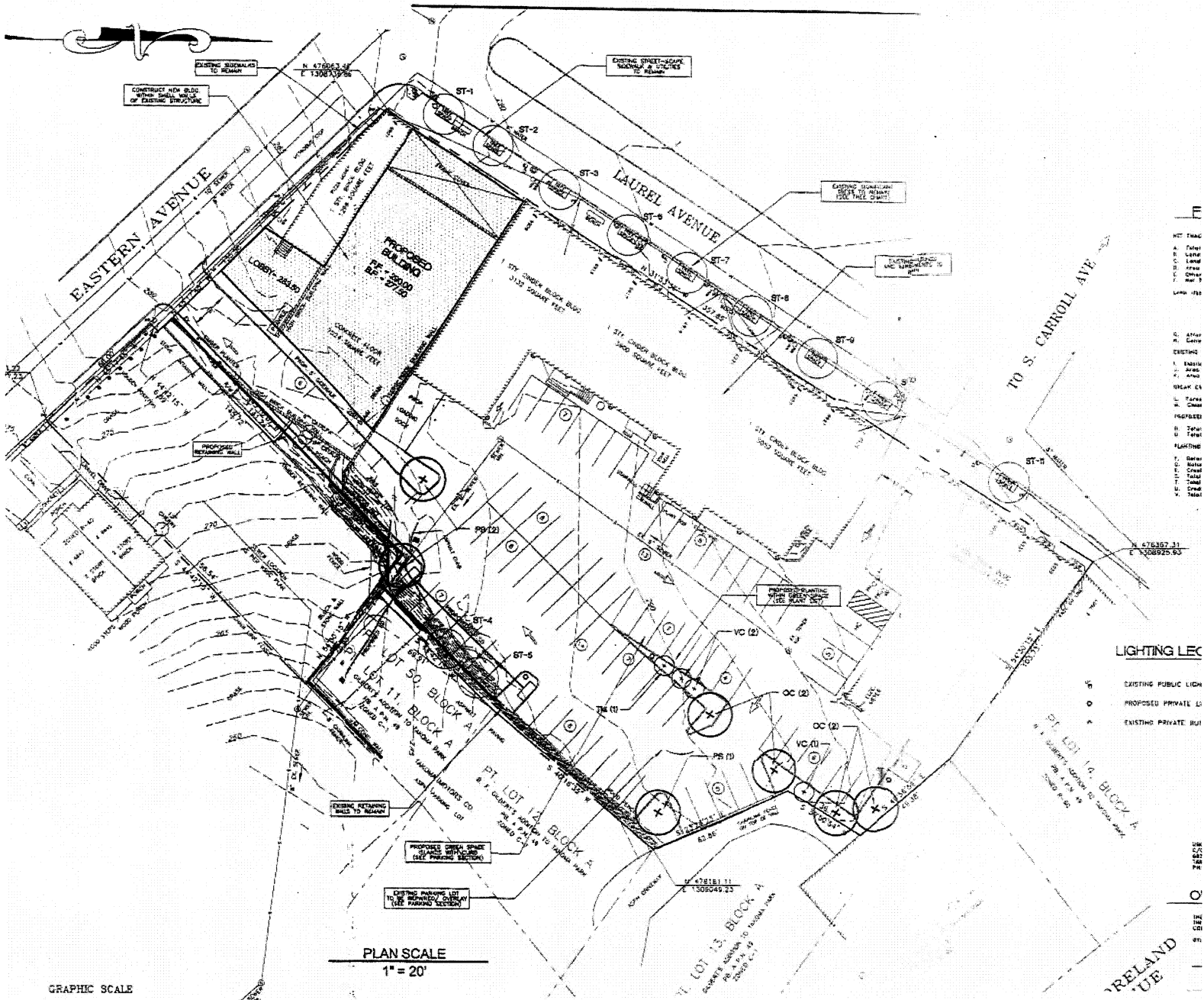


CONSTRUCTION AND BUILDING MATERIALS TO REMAIN  
 EXISTING REMAINS TO REMAIN

EXISTING STREET-ASPHALT SURFACING TO REMAIN

EXISTING SIDEWALKS TO REMAIN

EXISTING SIDEWALKS TO REMAIN



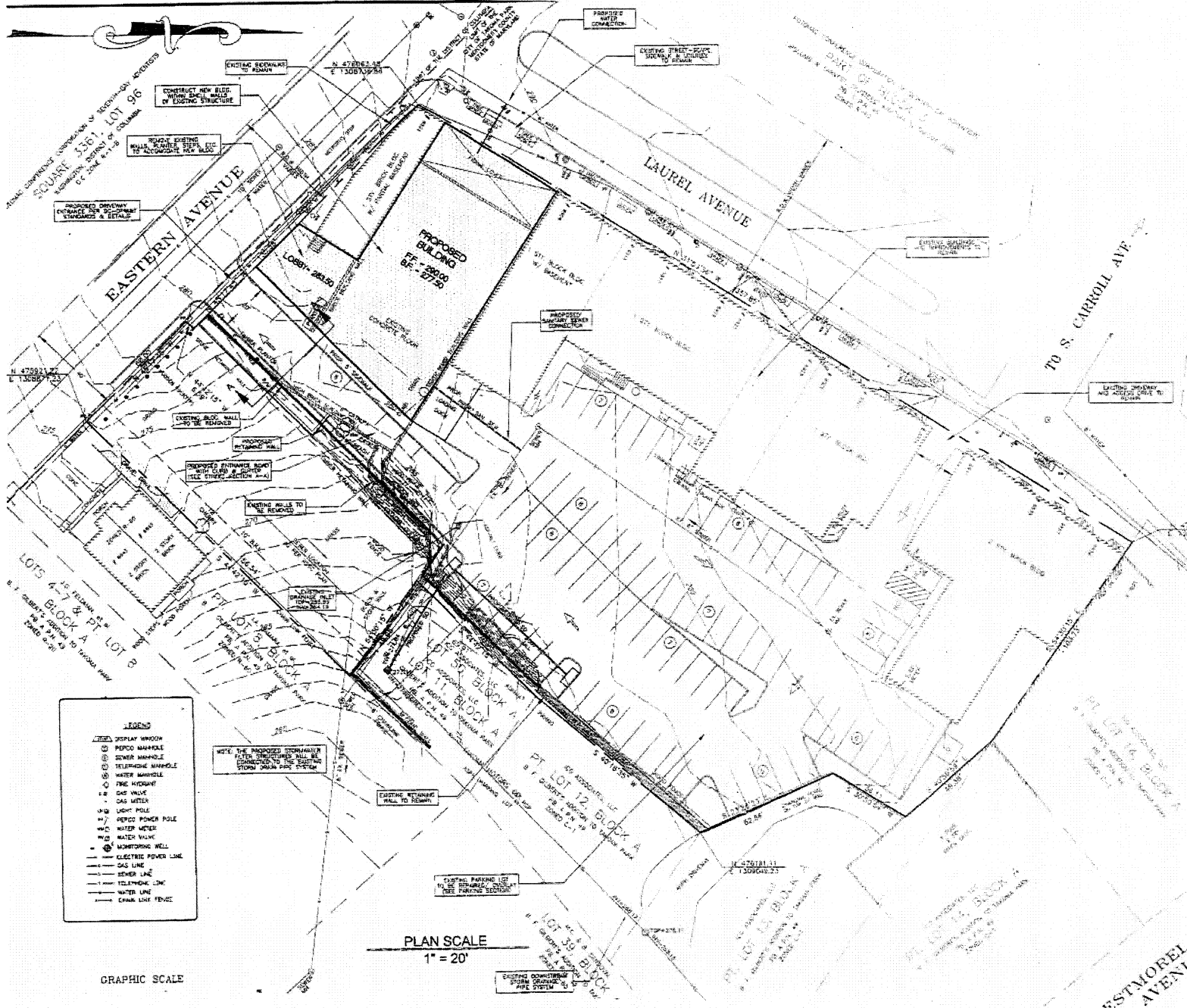
- VT TRAC
- A. Detail
- B. Layout
- C. Land
- D. Area
- E. Contour
- F. Map 1
- Level 100
- G. Area
- H. Contour
- I. Detail
- J. Area
- K. Contour
- L. Detail
- M. Contour
- N. Detail
- O. Contour
- P. Detail
- Q. Contour
- R. Detail
- S. Contour
- T. Detail
- U. Contour
- V. Detail

- LIGHTING LEG**
- EXISTING PUBLIC LIGHT
  - PROPOSED PRIVATE LIGHT
  - EXISTING PRIVATE LIGHT

PLAN SCALE  
 1" = 20'

GRAPHIC SCALE

IRELAND  
 'UE





**Gilbert and Wood Site Plan  
Commercial Revitalization Overlay Zone / Takoma Park Master Plan**

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**Commercial Revitalization Overlay Zone**

The purpose of the Takoma Park/East Silver Spring commercial revitalization overlay zone is to:

- (1) Foster economic vitality and attractive community character in areas needing revitalization;
- (2) Promote an enhanced pedestrian environment and an improved circulation system to pedestrians and bicycles as well as motor vehicles;
- (3) Ensure consistency with the master plan vision for specific existing commercial areas;
- (4) Provide for the combination of residential with commercial uses.

The procedures for Planning Board approval under Section 59-D-3.4 are modified for this overlay zone to require the following additional findings:

- (a) the site plan is consistent with the recommendations in the applicable master or sector plan for the area.
- (b) the site plan meets all of the purposes and requirements of this overlay zone as well as the applicable requirements of the underlying zone; and
- (c) each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development

...

(a) The Planning Board may in the course of site plan review:

1. Waive the requirements for parking setbacks and number of spaces where it finds that such waivers will accomplish the goals of the master plan including revitalization, enhancing the pedestrian environment and encouraging the use of transit;

**Takoma Park 2000 Master Plan Vision**

The vision for Old Takoma is of a village center with a traditional small town charm, providing unique stores and services to both nearby neighborhoods and regional visitors.

**Takoma Park 2000 Master Plan Recommendations**

Support maintenance of the low scale, small town, historic character of the area.

Consider reduction of building setbacks at the time of Site Plan Review, to provide for

consistency with an existing building line of street-oriented retail.

Include street-oriented commercial uses on the first floor of all buildings . . . to realize the City's economic development goals.

Improve permeability of surface parking areas with green space that increases infiltration.

Encourage flexibility concerning the waiver of parking standards in commercial areas, subject to current waiver procedures.

## **Gilbert and Wood Site Plan Parking Information**

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This project requests a 48% waiver (76 spaces) of the Montgomery County parking requirements (158 spaces) from the Planning Board as permitted under the CROZ. Without mixed-use or proximity to metro rail, the project would be required to provide 179 parking spaces according to standard code for office, retail, and restaurant use in Montgomery County. However, because the project is near a metro rail station, a 15% reduction of the parking spaces required of retail space is allowed (but no reduction for restaurant or office), reducing the required number of retail spaces by 11 and the total number of spaces to 168. The project is also eligible for a standard reduction for mixed use. However, two of the project's uses, retail and restaurant, get no reduction for mixed-use, while office is reduced 90% (assuming peak use is Saturday) by 10 spaces and the total number of required spaces is then 158.

The reduced Montgomery County parking requirements for this project prior to any waiver are 25 spaces per 1,000 square feet of restaurant patron area, and 4.5 parking spaces per 1,000 square feet of retail.

To visualize these requirements, Everyday Gourmet has 500 square feet of patron area, and this project is required to provide 12.5 parking spaces for the 500 square feet of patron space in Everyday Gourmet. The applicant is requesting a waiver of 48% or to provide six spaces rather than 12.5 for Everyday Gourmet. As this is a shared use lot serving many uses, at times Everyday Gourmet has access to more spaces than six, and at other times, may have less access.

In general, the Montgomery County Zoning requirements are written to accommodate a prominent development pattern in the County: suburban areas with many single family homes on large lots on curvilinear streets with minimal if any sidewalks and large clusters of strip shopping. Where it is very uncomfortable to walk across large parking lots and people generally drive to these shopping centers, these requirements are standard.

In jurisdictions where there is an expectation that people walk from homes or offices, ride bicycles, car pool or use transit, these requirements are significantly reduced.

In the District of Columbia, restaurant uses are required to provide the same amount of off-site parking as retail uses. In the C-2-A, which has development standards similar to the Commercial Revitalization Overlay Zone, for the first 3,000 square feet of restaurant or retail area, no parking spaces are required, and for each additional 300 feet, one space is required. The District of Columbia requires no spaces for the first 2,000 square feet of office, and one space per each additional 600 square feet of office. This development site would require the provision of 54 spaces for retail/restaurant and 5.16 spaces for office, for a total of 69 parking spaces.

In Prince George's County's revitalization/mixed-use overlay zone areas such as the Gateway Arts District (Hyattsville/Mount Rainier) and the College Park Mixed-Use Infill zone, the maximum onsite parking is 80% and the minimum onsite parking is 50% of the spaces required by the Zoning ordinance. The Prince George's County Ordinance otherwise would require 156 spaces for this project, so in a mixed-use, compact development revitalization area, the requirement by right would be a minimum of 78 spaces and a maximum of 125 spaces.

In the new urbanist smart code T4 Zone (a model walkable community zone with the T4 being similar to Takoma Park's development pattern, in that the built form encourages walking and transit use, and is a mix of single family houses and dense low rise commercial and institutional uses), 81.2 spaces would be required for the proposed square footage of the site (including office, retail and restaurant), where office requires three spaces per 1000 square feet and retail and restaurant use require four spaces per 1000 square feet with the total divided by 1.2 for mixed/shared use.

In general, the Montgomery County Zoning requirements are written to accommodate a prominent development pattern in the County: suburban areas with many single family homes on large lots on curvilinear streets with minimal if any sidewalks and large clusters of strip shopping. Where it is very uncomfortable to walk across large parking lots and people generally drive to these shopping centers, these requirements are standard.

Montgomery County recognizes that Takoma Park may be a mixed-use compact development area, as the CROZ allows the Planning Board to waive parking requirements.





**MONTGOMERY COUNTY  
DEPARTMENT OF PERMITTING SERVICES  
SITE PLAN ENFORCEMENT SECTION  
255 Rockville Pike, 2<sup>nd</sup> Floor  
Rockville, MD 20850-4166**

**NOTICE OF NON-COMPLIANCE  
Site Plan Enforcement**

FOR MONTGOMERY COUNTY, MARYLAND the undersigned issuer, being duly authorized, states that:

On, July 20, 2011 the site plan recipient of this NOTICE: John R. Urciolo  
(Recipient's Name)

Who represents the site plan applicant/defendant John R. Urciolo

Is notified that Non-Compliant conditions exist under Sections 59-D-3.6 (Failure to Comply) and S-8-26 (g) (Compliance with Zoning Regulations) of the Montgomery County Code regarding the following:

Site Plan # 82007011A Project Name: Gilbert & Wood

The Non-Compliance is described as

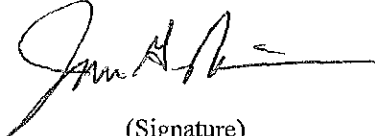
**Landscaping associated with this project has been installed on site. However, specific species and some planting locations do not conform to the Certified Site Plan. Also, lighting requirements of the Certified Site Plan have not been installed though parking lot has been completed and being used by the public.**

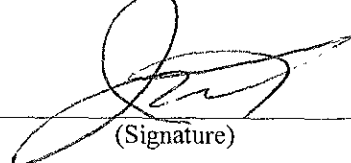
The following corrective Compliance action(s) must be performed in:  30-Days  60-Days  90- Days

- 1. Remove/Replace/Install all landscaping per the Certified Site Plan.**
- 2. Install all lighting for site per the Certified Site Plan**

Failure to comply with this Notice of Non-Compliance may result in the issuance of one or more \$500.00 civil citations.

A "STOP WORK ORDER" is issued this date at the above referenced project: All construction activities on these premises must cease immediately. Only those activities required to correct the non-compliance may continue. Permission from the Site Plan Enforcement Inspector is required to resume construction.

ISSUED BY: James G. Nichols  07/20/11 240-678-1787  
(Print Name) (Signature) (Date) (Phone Number)

Received by: John Urciolo  7/21/11 301-602-5469 Cell  
(Print Name) (Signature) (Date) (Phone Number)

(Recipients signature acknowledges receipt of a copy of this Notice of Non-Compliance.)

**CASE # 274999**