

MCPB Item No.: 4 Date: 10-30-14

Preliminary Plan Amendment 12009021A, Site Plan 820130080, 6450 New Hampshire Avenue

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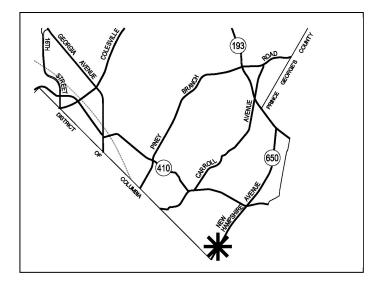
Staff Report Date: 10/17/14

Description

Location: Located on the west side of New Hampshire Avenue, 800 feet north of Eastern Avenue.

Zone: C-2 and Takoma Park/East Silver Spring Commercial Revitalization Overlay zone Master Plan: Takoma Park Property Size: 0.28 acres Preliminary Plan Amendment to increase the floor area from 2,011 SF to 4,957 SF; Site plan for a 4,957 SF building containing 2,442 SF laundry use and 2,515 SF office use, with a waiver to reduce the

number of on-site parking spaces from 14 to 6. Applicant: 6450 New Hampshire Avenue, LLC Filing Date: January 29, 2013



Summary

Staff Recommendation: Approval with conditions

- The floor area of the proposed building is being increased over what was approved in the original preliminary plan (120090210), from 2,011 square feet to 4,957 square feet.
- A waiver of the minimum required parking spaces is requested by the applicant and recommended for approval by staff per Section 59-C-18.213(a)(1) of the zoning ordinance.
- The applicant is requesting that construction costs of an on-site, master-planned walkway be credited towards the applicant's PAMR and TPAR mitigation requirements. However, the LATR/TPAR Guidelines and past practice in similar circumstances allows only off-site transportation improvements to be eligible for PAMR and TPAR credit, while frontage and on-site improvements are required to be provided for the development in accordance with County and State regulations.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan Amendment 12009021A subject to the following conditions¹ and all previous applicable conditions, except as modified by this approval:

- 1) Approval under this Preliminary Plan is limited to one lot for 2,442 square feet of general retail use and 2,515 square feet of office use. This condition supersedes condition no. 1 of Planning Board Resolution No. 12-19 for Preliminary Plan 120090210, dated May 8, 2012.
- 2) The Applicant must revise the tree save plan to accurately reflect the locations, sizes, species, and conditions of saved trees located within the adjacent Sligo Mill Road right-of-way and the adjacent parcel to the south, and to identify and provide the necessary measures to adequately preserve those trees. Protective measures for trees within City of Takoma Park rights-of-way must be approved by the City of Takoma Park. The final tree save plan must be signed by an ISA certified arborist and approved by Staff prior to clearing and grading on the Subject Property.
- 3) The Applicant must provide and show on the record plat the following right-of-way dedications:
 - a. New Hampshire Avenue (MD 650): A dedication of 25 feet to provide 75 feet between the property line and right-of-way centerline, for the master-planned future right-of-way of 150 feet.
 - b. Sligo Mill Road: A dedication of 8 feet to provide 25 feet between the property line and right-of-way centerline, for the master-planned right-of-way of 50 feet.
- 4) The Subject Property is located in the Silver Spring-Takoma Park Transportation Policy Area. Pursuant to the 2012-2016 *Subdivision Staging Policy*, the Applicant must make a Transportation Policy Area Review ("TPAR") Mitigation Payment equal to 25 percent of the General District Transportation Impact Tax for the incremental increase of 431 square feet of general retail and 2,515 square feet of general office above the original Preliminary Plan approval. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
- 5) The record plat must reflect a common access easement for use by the general public over the 5-foot-wide master-planned pedestrian walkway between Sligo Mill Road and New Hampshire Avenue.
- 6) The Adequate Public Facilities ("APF") review for the Preliminary Plan will remain valid until June 8, 2021.

SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan 820130080, for a maximum of 2,442 square feet of general retail use and 2,515 square feet of office use on 12,092 gross square feet of land. All site development elements shown on the site plan received by the M-NCPPC electronic filing system as of the date of this staff report are required except as modified by the following conditions¹.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Compliance with Previous Approvals

1. The Applicant must comply with the conditions of approval for Preliminary Plan 120090210, as amended.

Environment

2. The Planning Board accepts the recommendations of the City of Takoma Park in its stormwater management concept letter dated November 9, 2010, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by the City of Takoma Park provided that the amendments do not conflict with other conditions of the Site Plan approval.

Transportation and Circulation

- 3. The Applicant must provide and install four short-term public bicycle parking racks ("inverted U" rack or similar) as shown on the certified Site Plan.
- 4. The Applicant must provide and install pedestrian facilities compliant with current ADA standards, including directly aligned sidewalk ramps.

Site Plan

- 5. On-Site Lighting
 - a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
 - b. All on-site down-light fixtures must be full cut-off fixtures.
 - c. Deflectors must be installed on all fixtures causing potential glare or excess illumination.
 - d. The height of the light poles must not exceed the height specified on the certified Site Plan.
- 6. <u>Surety</u>

Prior to issuance of a building permit, the Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, parking, on-site lighting, onsite walkways, and bicycle racks.
- c. Prior to issuance of the building permit, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. The bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

7. <u>Development Program</u>

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the certified Site Plan. The development program must include the following items in its phasing schedule:

- a. On-site amenities including, but not limited to, sidewalks and bicycle facilities must be installed prior to release of any building occupancy permit.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the final tree save plan, sediment control plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, trip mitigation, and other features.
- 8. <u>Certified Site Plan</u>

Prior to approval of the certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the forest conservation plan exemption approval, stormwater management concept approval, development program, inspection schedule, and Preliminary and Site Plan resolutions on the approval or cover sheet.
- b. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Ensure consistency off all details and layout between the Site Plan and landscape plan.

SITE DESCRIPTION

The subject property, shown below and in Attachment A, is a 0.28-acre (12,092-square-foot) unplatted parcel. The property is zoned C-2 and is within the Takoma Park/East Silver Spring Commercial Revitalization Overlay zone. The site is located on the west side of New Hampshire Avenue, 800 feet north of Eastern Avenue, in the City of Takoma Park. The property has frontage on New Hampshire Avenue on the east and Sligo Mill Road on the west. The property is currently undeveloped. Surrounding properties are developed with low-intensity commercial uses in the C-2, O-M, and Takoma Park/East Silver Spring Commercial Revitalization Overlay zones. An undeveloped Parks Department property and one-family detached dwellings in the R-60 zone are located on the opposite side of Sligo Mill Road.

The subject property is located within the Sligo Creek watershed. There are no streams, floodplains, forests, or other sensitive environmental features on the site.



Subject Property and Vicinity

Previous Approvals

On February 9, 2012, the Planning Board approved Preliminary Plan 120090210 for one lot for a 2,011-square foot laundry use, by Resolution No. 12-19, dated May 8, 2012.

PROJECT DESCRIPTION

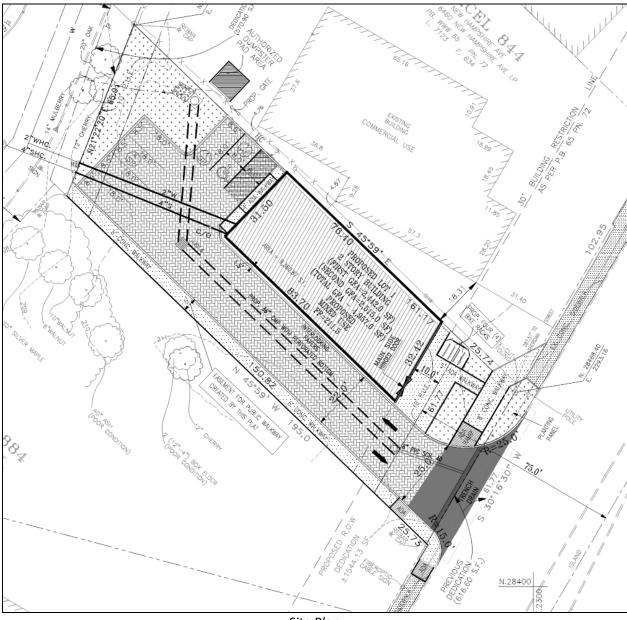
Preliminary Plan Amendment

The amendment proposes to increase the approved floor area of the building from the 2,011square-foot laundry to accommodate 2,442 square feet of general retail use (laundry) and 2,515 square feet of office use.

<u>Site Plan</u>

The applicant is proposing a mixed-use two-story building with a total floor area of 4,957 square feet. The ground floor will contain a 2,442-square-foot general retail use, to be occupied by a self-service laundry. The upper floor will contain a 2,515-square-foot office use. The building will have a maximum height of 26 feet. Parking will be provided in a surface lot at the rear of the building.

Vehicular access will be provided via a driveway from New Hampshire Avenue, and pedestrian access will be provided via on-site walkways from New Hampshire Avenue and Sligo Mill Road. (See Attachment B – proposed plan)



Site Plan

ANALYSIS AND FINDINGS – Chapter 50

Preliminary Plan

Conformance to the Master Plan

The Planning Board found the previous application, Preliminary Plan 120091210, to be in substantial conformance with the *Takoma Park Master Plan*, as memorialized in Resolution No. 12-19, dated May 8, 2012. The proposed amendment to increase the floor area of the building from 2,011 square feet to 4,957 square feet does not affect the preliminary plan's conformance to the Master Plan, and the Planning Board's previous finding remains valid. The Planning Board found that the preliminary plan advances the goals of the Master Plan by providing neighborhood-serving commercial uses in the New Hampshire Avenue corridor, as recommended by the Master Plan.

Public Facilities

Roads and Transportation Facilities

Local Area Transportation Review (LATR)

Because the APF review for the original preliminary plan application is still valid, and the proposed use will generate fewer than 30 vehicular trips, the applicant is not required to submit a full LATR traffic study. As a result, the applicant submitted a traffic statement demonstrating the traffic impact associated with the proposed development. Based on the LATR trip-generation rate, the cumulative uses proposed in this amendment and the previously approved preliminary plan would generate 7 new morning peak-hour trips and 23 evening peak-hour trips (Table 1). Because the total trips generated by the proposed uses do not exceed 30 for either the morning or afternoon weekday peak-hour trips, the proposed uses will not have a measurable traffic impact on the local area, and no LATR mitigation is required.

TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED 6450 NEW HAMPSHIRE AVENUE DEVELOPMENT

	AM Peak Hour (total)	PM Peak Hour (total)
2,442 SF General Retail	4	17
2,515 SF General Office	3	6
New Trips	7	23

Policy Area Mobility Review (PAMR) and Transportation Policy Area Review (TPAR)

At the time of review for the previously approved preliminary plan, the applicant was subject to the County's Policy Area Mobility Review (PAMR). That plan received Adequate Public Facilities (APF) approval for 2,011 square feet of general retail use (laundry and dry cleaning), which required the applicant to mitigate one weekday peak-hour trip at \$11,300.

While that previously approved density (2,011 square feet) remains subject to PAMR, the additional square footage proposed under the current preliminary plan amendment (431 square feet of general retail and 2,515 square feet of office) is subject instead to the County's current policy area review, the Transportation Policy Area Review (TPAR).

New developments within the Silver Spring-Takoma Park Transportation Policy Area must satisfy the TPAR test by making a one-time payment equal to 25 percent of the General District Transportation Impact Tax. Upon payment, the proposed development satisfies the TPAR requirements of the APF standards set forth in the 2012-2016 *Subdivision Staging Policy* and does not necessitate further transportation analysis.

The applicant has requested that construction costs of the master planned on-site sidewalk connection be credited toward the project's PAMR and TPAR mitigation requirements. Staff recommends, however, that this master-planned pedestrian improvement be required in addition to the PAMR and TPAR mitigation payment. The *LATR/TPAR Guidelines* and past practice in similar circumstances allows only off-site transportation improvements to be eligible for PAMR and TPAR credit, while frontage and on-site improvements are required to be provided for the development in accordance with County and State regulations.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The subject property is proposed to be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the subdivision staging policy currently in effect and will be adequate to serve the subject property. Electrical, telecommunications, and gas services are also available to serve the subject property.

Environment

The subject property contains no streams, wetlands, floodplains, or other sensitive environmental features. There is no forest on the property, although there are several trees on and adjacent to the site. The trees generally range in size from 12 inches to 23 inches in diameter at breast height (DBH).

The onsite trees will be removed to accommodate the proposed development. However, Staff recommends that the trees within the adjacent Sligo Mill Road right-of-way and on the adjacent parcel to the south be protected and included on a revised tree save plan. A recommended condition of approval requires that the tree save plan accurately reflect the locations, sizes, species and conditions of the adjacent trees and include the necessary protection measures as endorsed by an International Society of Arboriculture (ISA) certified arborist.

Staff approved Forest Conservation Exemption 42007163E for the property on February 16, 2007. The project qualifies for a small property exemption under section 22A-5(s)(2) of the Montgomery County Forest Conservation Law, as an activity occurring on a tract of land less than one acre in area that will not result in the clearing of more than a total of 20,000 square feet of existing forest or any

existing specimen or champion tree, and for which the reforestation requirements would not exceed 10,000 square feet. This amendment does not affect the exemption.

The City of Takoma Park Department of Public Works approved the stormwater management concept on November 9, 2010. The stormwater management concept consists of water quality control through perforated pipes and infiltration trenches. This amendment does not affect this approval.

Compliance with the Subdivision Regulations and Zoning Ordinance

The Planning Board found the previous preliminary plan to be in compliance with the Subdivision Regulations and the Zoning Ordinance, as memorialized in Resolution No. 12-19, dated May 8, 2012. The proposed amendment to increase the approved uses does not affect the preliminary plan's compliance with the Subdivision Regulations and the Zoning Ordinance, and the Planning Board's previous finding remains valid.

SITE PLAN

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.

The site is not subject to a development plan, diagrammatic plan, or a schematic development plan.

2. The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.

The proposed uses are allowed in the C-2 and Silver Spring/East Takoma Park Commercial Revitalization Overlay Zone. The site plan fulfills the specific purposes of the zone, including the purposes of the overlay zone specified in Section 59-C-18.211(a) of the zoning ordinance, by promoting economic vitality through a neighborhood-serving commercial use and enhancing the pedestrian environment by placing the building close to the sidewalk and by providing a pedestrian walkway between Sligo Mill Road and New Hampshire Avenue.

As the project data table indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density, the proposed development meets the minimum and maximum standards, respectively.

TABLE 2: PROJECT DATA TABLE FOR THE C-2 AND SILVER SPRING/EAST TAKOMA PARK COMMERCIAL REVITALIZATION OVERLAY ZONE

Development Standard	Permitted/ Required	Proposed for Approval
Gross Tract Area (sf.)	n/a	12,092
Previous Dedications (sf.)		0
Proposed Dedications (sf.)		2,732
Net Lot Area (sf.)		9,360
Maximum Density (FAR)	1.5	0.4
Maximum Floor Area (sf.)	18,138	4,957
Building Height, Maximum (ft.)	30	26
Front Building Setback, Minimum (ft.)	10	10
Rear Building Setback, Minimum (ft.)	n/a	44
Side Building Setback, Minimum (ft.)	n/a	0
Parking Spaces, Minimum	14	6 ¹
Green area, Minimum	10%	11.6%

¹Staff recommends that the Planning Board waive the requirement for the minimum number of parking spaces, per Section 59-C-18.213(a)(1) of the Zoning Ordinance (see recommended finding below).

Parking Waiver

Section 59-C-18.213(a)(1) allows the Planning Board to waive the requirement for the minimum number of parking spaces provided for a site plan, where it finds that the waiver will accomplish the goals of the Master Plan, including revitalization, enhancing the pedestrian environment, and encouraging the use of transit. For the proposed laundry and office uses, the zoning code requires a minimum of 14 parking spaces. However, the subject property is not large enough to provide 14 parking spaces on-site in conjunction with the proposed building. Reduction of the number of parking spaces from 14 to six will accomplish the goals of the Master Plan, because the reduction will allow construction of the proposed building on the vacant subject property, promoting the economic revitalization of this segment of New Hampshire Avenue. The parking reduction will enhance the pedestrian environment by reducing the land area devoted to parking, a feature that is typically not pedestrian-friendly. The reduced size of the parking lot also allows enough space on the subject property to provide the paved walkway that traverses the site from New Hampshire Avenue to Sligo Mill Road, which will further enhance the pedestrian environment. Finally, the reduction in parking may encourage patrons or employees of the site to travel by public bus, with stops available on this block of New Hampshire Avenue and nearby on Eastern Avenue. The City of Takoma Park has submitted a letter in support of the waiver request (Attachment D). Staff recommends the reduction of the minimum number of parking spaces from 14 to 6.

Additional Findings

As enumerated in Section 59-C-18.215 of the Zoning Ordinance, the Planning Board must make the following additional findings when approving a site plan for a subject property that is within the Silver Spring/East Takoma Park Commercial Revitalization Overlay Zone:

a. The site plan is consistent with the recommendations in the applicable master or sector plan for the area.

The Takoma Park Master Plan does not make specific recommendations for the subject property. However, the site plan advances the goals of the Master Plan by providing neighborhood-serving commercial uses in the New Hampshire Avenue corridor, as recommended by the Master Plan. The application is consistent with the recommendations of the Master Plan.

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.

The site plan meets the purposes and requirements of the overlay zone, as discussed above. The proposed uses are permitted in the overlay zone. The site plan fulfills the specific purposes of the zone by promoting economic vitality through neighborhood-serving commercial uses and by enhancing the pedestrian environment by placing the building close to the sidewalk and by providing a pedestrian walkway between Sligo Mill Road and New Hampshire Avenue.

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

The design, scale, and uses proposed in the site plan will provide a complimentary relationship to adjacent buildings in the New Hampshire Avenue corridor. The 26-foot building height proposed by the site plan will not be out of character with the existing small-scale commercial buildings on this segment of New Hampshire Avenue. The building is set as close to the front property line at New Hampshire Avenue as possible, thereby maximizing the distance between the proposed commercial building and the residences on Sligo Mill Road.

3. The locations of buildings and structures, open spaces, landscaping, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.

The proposed building is located along the street frontage of New Hampshire Avenue. This location provides easy access to the building from the adjoining sidewalk and from the proposed parking lot, which will be located behind the building.

The area between the building and the sidewalk on New Hampshire Avenue and the area between the parking lot and Sligo Mill Road will be provided as open space and landscaping. This location will be visible to passersby, and will enhance the aesthetics of the subject property.

A pedestrian walkway will traverse the subject property, connecting Sligo Mill Road to New Hampshire Avenue. This walkway will be located to provide access to the laundry and office uses, generally enhancing the pedestrian circulation in the vicinity of the subject property.

Vehicular access will be provided via a driveway from New Hampshire Avenue, which will lead to a parking lot at the rear of the building. Vehicular access will not be provided to Sligo Mill Road in order to confine vehicle access to the higher classification street and to avoid creating a cut-through for vehicles between the two streets.

The locations of the building, open spaces, landscaping, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.

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

The design, scale, and uses proposed in the site plan will provide a complimentary relationship to adjacent buildings in the New Hampshire Avenue corridor. The 26 feet in building height proposed by the site plan will not be out of character with the existing small-scale commercial buildings on this segment of New Hampshire Avenue. The building is set as close to the front property line at New Hampshire Avenue as possible, thereby maximizing the distance between the proposed commercial building and the residences on Sligo Mill Road.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.

The site is exempt from submitting a forest conservation plan as a small property under section 22A-5(s)(2) of the Montgomery County Forest Conservation Law (Forest Conservation Plan Exemption 42007163E). The tract of land is less than one acre in area and will not result in the clearing of more than a total of 20,000 square feet of existing forest or any existing specimen or champion tree, and the reforestation requirements would not exceed 10,000 square feet.

The City of Takoma Park Department of Public Works approved the stormwater management concept on November 9, 2010. The stormwater management concept consists of water quality control through perforated pipes and infiltration trenches.

CITIZEN CORRESPONDENCE AND ISSUES

The applicant has complied with all submittal and noticing requirements. As of the date of this staff report, staff has not received any citizen correspondence on the application. The City of Takoma Park has submitted a resolution in support of the application and a letter in support of the request to reduce the minimum required number of parking spaces (Attachment D).

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the *Takoma Park Master Plan*.

Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, Staff recommends approval of the preliminary plan amendment application with the conditions specified above.

The site plan meets all of the requirements established in the Zoning Ordinance. Therefore, Staff recommends approval of the site plan application with the conditions specified above.

Attachments

Attachment A – Vicinity Development Map Attachment B – Proposed Preliminary Plan and Site Plan Attachment C – Resolution Approving Preliminary Plan 120090210 Attachment D – Agency Correspondence **6450 NEW HAMPSHIRE AVENUE**

Attachment A



Map compiled on September 13, 2010 at 2:47 PM | Site located on base sheet no - 208NE01

NOTICE

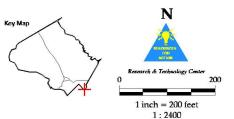
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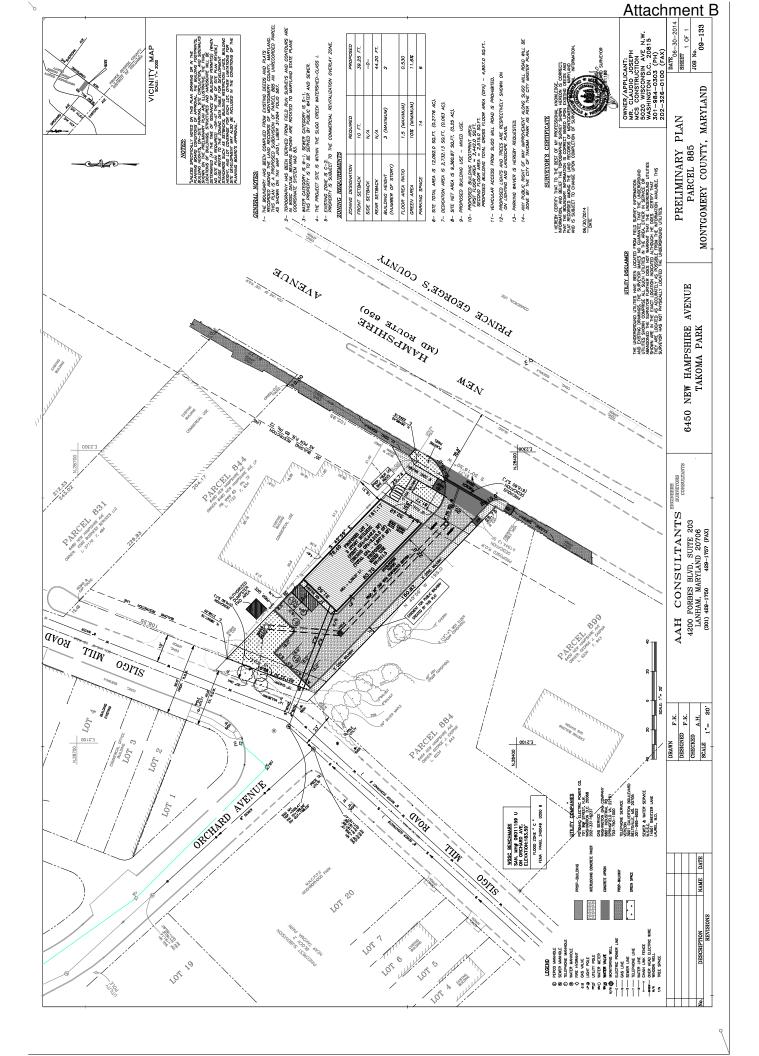
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods. This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes, is not recommended. - Copyright 1998

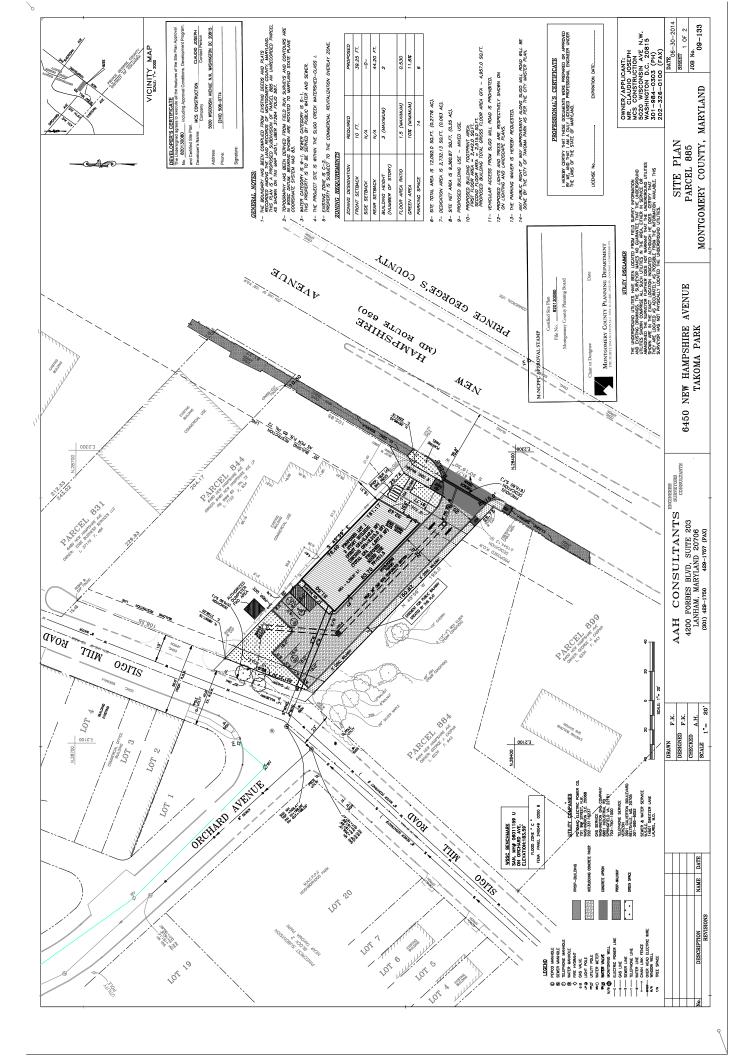


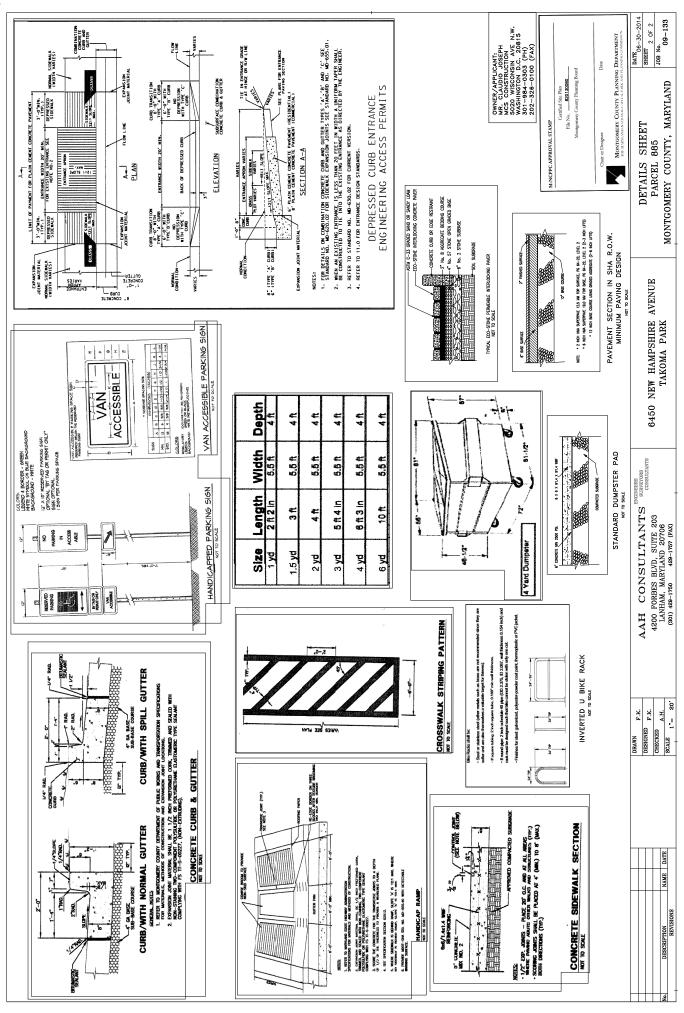
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenne - Silver Spring, Maryland 20910-3760









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MCPB No. 12-19 Preliminary Plan No. 120090210 6450 New Hampshire Avenue Date of Hearing: February 9, 2012

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on April 3, 2009, 6450 New Hampshire Avenue, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 0.28 acres of land in the C-2 and Takoma Park/East Silver Spring Commercial Revitalization Overlay zones, located on the west side of New Hampshire Avenue (MD 650), 300 feet south of Sheridan Street ("Property" or "Subject Property"), in the Takoma Park Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120090210, 6450 New Hampshire Avenue ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 27, 2012, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on February 9, 2012, 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: Office: 301.495.4605 Fax: 301.495.1320 8787 Georgia Avenue CPPC Pegal Department 10 Chairman

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

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WHEREAS, on February 9, 2012, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Wells-Harley; seconded by Commissioner Anderson; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 50 the Planning Board approves Preliminary Plan No. 120090210 to create one lot on the Subject Property, subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to one lot for a 2,011-squarefoot laundry and dry cleaning use.
- 2) The Applicant must dedicate and the record plat must show dedication of approximately 26 feet of right-of-way to provide a total of 75 feet of right-of-way, as measured from the centerline, along the property frontage for New Hampshire Avenue.
- 3) The Applicant must satisfy the Policy Area Mobility Review (PAMR) requirements of the Adequate Public Facilities (APF) test by mitigating one weekday peak-hour trip by paying \$11,300 to Montgomery County Department of Transportation (MCDOT) prior to the release of the building permit for the subject development.
- 4) Prior to certification of the Preliminary Plan, the plan drawing must show the ten-foot-wide public utilities easement on the Subject Property instead of within the right-of-way for New Hampshire Avenue.
- 5) The Applicant must satisfy Montgomery County Department of Permitting Services (MCDPS) requirements prior to recordation of the plat to ensure the construction of a five-foot-wide sidewalk along the property frontage on Sligo Mill Road, unless construction is waived by MCDPS.
- 6) The Applicant must comply with the conditions of the City of Takoma Park stormwater management approval issued on November 9, 2010, in reference to a stormwater management plan dated October 14, 2010. These conditions may be amended by the City of Takoma Park, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 7) The Applicant must comply with the conditions of the MCDOT letter dated May 15, 2009. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 8) The Applicant must comply with the conditions of the Maryland State Highway Administration (MDSHA) letter dated May 13, 2011. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 9) The plat must contain a note indicating that vehicular access to the site is prohibited from Sligo Mill Road.

MCPB No. 12-19 Preliminary Plan No. 120090210 6450 New Hampshire Avenue Page 3 of 6

- 10) The Applicant must satisfy provisions for access and improvements as required by MDSHA prior to issuance of access permits.
- 11) No clearing, grading or recording of plats prior to certified site plan approval.
- 12) Final approval of the number and location of buildings, on-site parking, site circulation, and sidewalks will be determined at site plan.
- 13) The record plat must show necessary easements.
- 14) The certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
- 15) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the 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 Preliminary Plan substantially conforms to the Master Plan.

The Takoma Park Master Plan does not make any specific recommendation for the Subject Property. However, the Preliminary Plan advances the goals of the Master Plan by providing neighborhood-serving commercial uses in the New Hampshire Avenue corridor, as recommended by the Master Plan. Therefore, the Application substantially conforms to the Master Plan.

2. Public facilities will be adequate to support and service the area of the approved subdivision.

Roads and Transportation Facilities

Vehicular access to the approved lot is via a driveway from New Hampshire Avenue. Pedestrian access is via an existing sidewalk on New Hampshire Avenue and an approved sidewalk on Sligo Mill Road. Walkways will

MCPB No. 12-19 Preliminary Plan No. 120090210 6450 New Hampshire Avenue Page 4 of 6

be built on the Property to lead pedestrians to the proposed building. Vehicle and pedestrian access for the subdivision will be safe and adequate.

The peak-hour trip generation estimate for the Application, based on trip generation rates included in the LATR/PAMR Guidelines, shows that the development would generate four peak-hour trips during the weekday morning peak period and 14 peak-hour trips during the weekday evening peak period. Since the Application will not generate 30 or more peak-hour trips during the weekday morning and evening peak periods, a traffic study is not required and the Application satisfies the LATR requirements of the APF test. To satisfy the PAMR requirements of the APF test, a development located within the Silver Spring/Takoma Park Policy Area is required to mitigate 10% of new peak-hour trips generated by the development. Based on the above, the Application is required to mitigate 1 peak-hour trip and, thus, satisfies the PAMR requirements of the APF test.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the development. The Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Subdivision Staging Policy currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision.

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The approved lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the C-2 zone as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan. **4**. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

The Subject Property contains no streams, wetlands, floodplains, or other sensitive environmental features. There is no forest on the Property. The Preliminary Plan is exempt from forest conservation requirements under Section 22A-5 of Forest Conservation Law. Forest Conservation Exemption #42007163E was granted on February 16, 2007.

5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site.

The City of Takoma Park Department of Public Works approved the stormwater management concept on November 9, 2010. The stormwater management concept consists of water quality control through perforated pipes and infiltration trenches.

BE IT FURTHER RESOLVED, that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor(s) in interest to the terms of this approval; and

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is <u>MAY 8 2012</u> (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

MCPB No. 12-19 Preliminary Plan No. 120090210 6450 New Hampshire Avenue Page 6 of 6

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * * * * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, May 3, 2012, in Silver Spring, Maryland.

/ Françoise M. Carrier, Chair Montgomery County Planning Board

Attachment D

City of Takoma Park, Maryland

DEPARTMENT OF PUBLIC WORKS TELEPHONE: 301-891-7633 FAX: 301-585-2405

5020 Wisconsin Avenue, NW Washington, DC 20815 Attention: Mr. Claudio Joseph



31 OSWEGO AVENUE SILVER SPRING, MD 20910

Reference: Application for Stormwater Management Concept 6450 New Hampshire Avenue SWC-10-06

Dear Mr. Joseph and Mr. Husband:

The revised Stormwater Concept plan Application dated 10-14-2010 is deemed acceptable. All technical details and specifications related to the concept shall be provided for review during site development phase of the project. Upon approval of the Site Development/technical review phase a final plan shall be prepared and submitted to obtain a Stormwater Management Permit, in accordance with Takoma Park Code 16.04.140 B.

"Following concept plan approval by the City, the owner/developer shall submit a site development plan that reflects comments received during the previous review phase. Plans submitted for site development approval shall be of sufficient detail to allow site development to be reviewed and include but not be limited to:

1. All information provided during the concept plan review phase;

2. Final site layout, exact impervious area locations and acreages, proposed topography, delineated drainage areas at all points of discharge from the site, and stormwater volume computations for ESD practices and quantity control structures;

3. A proposed erosion and sediment control plan that contains the construction sequence, any phasing necessary to limit earth disturbances and impacts to natural resources and an overlay plan showing the types and locations of ESD and erosion and sediment control practices to be used;

4. A narrative that supports the site development design, describes how ESD will be used to meet the minimum control requirements, and justifies any proposed structural stormwater management measure; and

5. Any other information required by the City or other approving agency.

For additional information regarding the SWM review and permitting phases please refer to City of Takoma Code title 16.04. Thank you for the opportunity to be of service. Should you have any questions please call 301-891-7620:

Sincerely,

City of Takoma Park Department of Public Works

allian

Ali Khalilian/P.I City Engineer

CITY OF TAKOMA PARK, MARYLAND

Resolution No. 2014-37

Resolution Recommending the Approval with Conditions of the Site Plan Application 820130080 for 6450 New Hampshire Avenue

- WHEREAS, Mr. Claudio Joseph (the Applicant) has submitted a Site Plan (File 820130080) for review by the Maryland-National Park and Planning Commission to facilitate the development of a two-story commercial building; and
- WHEREAS, the Takoma Park Master Plan 2000 recommends the revitalization of the Maryland Gateway, the establishment of a boulevard streetscape on New Hampshire Avenue, pedestrian friendly development, circulation and access for vehicles and pedestrians including attractive connections linking to the surrounding neighborhoods; and
- WHEREAS, the Council and Community have expressed a strong interest in the revitalization and redevelopment of New Hampshire Avenue with the adoption of the New Hampshire Avenue Concept Plan (2008) and New Hampshire Avenue Streetscape Standards (2012) which recommend the transformation of New Hampshire Avenue into a pedestrian friendly multi-way boulevard with mixed-use retail, office, and residential; and
- WHEREAS, the Council passed Resolution 2011-14 approving the Preliminary Plan (File 120090210) with conditions that have been met by the Applicant and incorporated into the Site Plan;
- WHEREAS, the only condition from the Council resolution that was not met in the Site Plan was for co-locating the Public Utility Easement (PUE) in the public right-of-way, which the Montgomery County Planning Board would not allow; and
- WHEREAS, the Applicant is constructing a 5-foot publicly accessible sidewalk connecting New Hampshire Avenue and Sligo Mill Road and has agreed to work with the City's Department of Public Works to ensure ADA connections with a future sidewalk being designed by the City in the Sligo Mill Road right-of-way; and
- WHEREAS, the Council and Community have expressed support for the inclusion of environmentally friendly products such as permeable pavers in the parking area and roof-mounted solar panels; and
- WHEREAS, the Site Plan does not meet the required number of off-street parking spaces for the proposed development due to site conditions imposed by previous City Council and Planning Board resolutions; and

WHEREAS, the Planning Board may waive the parking requirements in accordance with provisions of the Takoma Park East Silver Spring Commercial Revitalization Overlay Zone.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Takoma Park recommends approval of the proposed Site Plan (File 820130080) and supports the Applicant's parking waiver request, with the following conditions:

- 1. The Landscape and Lighting Plan, dated 10/10/2012, be amended to reflect the layout in front of the building as shown on the Site Plan to include an ADA-accessible walkway connecting the entrance to the sidewalk on New Hampshire Avenue, street furniture, bike parking, trees, and other landscaping.
- 2. Application of the New Hampshire Avenue Streetscape Standards for all trees, furniture, and bike parking proposed in the New Hampshire Avenue right-of-way.

NOW, THEREFORE BE IT FURTHER RESOLVED that the City Council of the City of Takoma Park urges the Montgomery County Planning Board to eliminate the requirement for a 10-foot Public Utilities Easement (PUE) outside of right-of-way dedications on future plan approvals along New Hampshire Avenue. The requirement for a PUE on a small property in an urban context such as New Hampshire Avenue places undue restrictions on thoughtful infill redevelopment consistent with the Takoma Park Master Plan, while hindering revitalization and economic development objectives.

Adopted this 22nd day of September, 2014.

Attest:

me Cargenth

Lessie Carpenter City Clerk





7500 Maple Avenue Takoma Park, MD 20912

Housing & Community Development

Telephone: (301) 891-7119 Fax: (301) 270-4568

September 30, 2014

Mr. Neil Braunstein Planner Coordinator Montgomery County Planning Department, M-NCPPC 8787 Georgia Avenue Silver Spring, MD 20910

Re: Parking waiver request for 6450 New Hampshire Avenue Site Plan Application (820130080)

Dear Mr. Braunstein:

The City of Takoma Park urges the Montgomery County Planning Board to grant a reduction in the number of onsite parking spaces required for Site Plan Application (820130080) located at 6450 New Hampshire Avenue. City of Takoma Park Resolution 2014-37, adopted September 22, 2014, supports the applicant's parking waiver request. Provisions of the Takoma Park East Silver Spring Commercial Revitalization Overlay Zone authorize the Planning Board to reduce parking requirements during site plan review based on provision of site amenities that facilitate pedestrian and transit modes.

This site is distinctive from Montgomery County as a whole, for which the parking requirements were written. The City supports the applicant's request for a reduction based on the higher access to, and use of, alternative modes of transit in the immediate vicinity; the more compact, traditional development pattern of the area that fosters the use of alternatives to car transportation; and the importance of this site to the revitalization of the 'Maryland Gateway' area of the City's New Hampshire Avenue corridor.

The site is located in the 'Maryland Gateway' area between the Pinecrest and North Chillum neighborhoods, which are known for greater pedestrian activity and transit dependent residents. Based on 5-year estimates from the 2012 American Community Survey (ACS), the Maryland

Gateway area reported a higher proportion of residents commuting to work by transit, bike and foot than Montgomery County as a whole (see enclosed ACS summary).

It is expected that customers to this site will arrive by means other than strictly private automobile. This property, located on New Hampshire Avenue, is well served by public transportation, including the recent expansion of the popular and successful K9 MetroExtra bus route during peak hours. In the proposed site plan, this project will provide bicycle parking, and improved pedestrian access, connecting bus stops and neighborhoods with new sidewalks.

The mix of commercial uses proposed at the site, with a laundromat on the ground floor and general office commercial on the second floor are also expected to generate peak parking demand at different times of the day and week.

Do feel free to contact me with any questions at 301-891-7213 or ErkinO@takomaparkmd.gov.

Yours sincerely,

Erkin Ozberk Planner

Cc: Mayor and Council Brian Kenner, City Manager Sara Daines, Director, Housing and Community Development Rosalind Grigsby, Community Development Coordinator

Enclosures (1)

Parking Waiver Request for 6450 New Hampshire Avenue Summary of American Community Survey Data: 2008-2012 Estimates

	'Maryland Gateway' Neighborhood*	Montgomery County
Total Population:	7,216	974,824
Commuting Population:	3,482	515,347
Means of Transport to Work		
Transit: Percent (workers):	954 27.40%	79,308 15.39%
Bike: Percent (workers):	20 0.57%	2,350 0.46%
Walk: Percent (workers):	70 2.01%	10,949 2.12%

* Maryland Gateway is comprised of Census Tracts 7017.04 in Takoma Park, and 8052.01 in the 'North Chillum' neighborhood of Prince George's County. Percentages relative to Montgomery County are for illustrative purposes, as Census Tract 8052.01 is not included in Montgomery County data.