

## TAKOMA JUNCTION

### Description

**Mandatory Referral:** Request for the disposition of land owned by the City of Takoma Park

**Preliminary Plan:** Request for one lot for up to 40,762 square feet of commercial uses

**Site Plan:** Request to construct a 40,762 square feet commercial building for restaurant, retail, and office, waiver for 15 off-street parking spaces, and waiver to allow a loading space within a layby along the site frontage on Carroll Avenue

No. MR2021019, 120190150,  
820190090

Completed: 1.7.2022

MCPB  
Item No. 6  
1.20.2022

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**RECENT ACTIONS ON THE TAKOMA JUNCTION APPLICATIONS**

On September 15, 2021, the Planning Board held a Public Hearing on the Applicant’s extension request for the applications. At this hearing, the Planning Board reviewed a letter from the Maryland Department of Transportation State Highway Administration (MDOT SHA) dated September 7, 2021 (Attachment 5.B), that was critical in determining a lack of MDOT SHA approval for the applications. The Planning Board was also provided a Resolution (No. 2021-19) from the City of Takoma Park that recommended “no support” by the City Council. During the hearing, the Board members had several questions regarding the letter that could not be answered by the MDOT SHA staff present at the hearing. After testimony from the Applicant and the public, the Planning Board voted to extend the applications to January 20, 2022 to allow additional time for the Applicant to come to a resolution with MDOT SHA regarding the proposed layby design and site access point off of Carroll Avenue, a state-owned public right-of-way. The Staff Report prepared for the September 15, 2021 hearing – which Staff would have presented had the Planning Board not extended the review – is included as Attachment 5.

On October 4, 2021 (Attachment 1) Planning Board Chair Casey Anderson sent a letter to MDOT SHA, requesting clarification to whether there is a potential design solution for the proposed layby, and for the authors of the September 7, 2021 letter be in attendance at the next Planning Board hearing. MDOT SHA responded, in a letter dated November 19, 2021 (Attachment 2), that at this time they have not determined that there are no practical means to address MDOT SHA’s concerns and “additional consideration could potentially be afforded to the proposed location of the access point or the larger vehicle types proposed to use the on-street loading/ layby lane.”

The proposal and application drawings in ePlans, which formed the basis of the September staff report, were last submitted in January of 2021. Since January of last year, the Applicant has submitted revised drawings to MDOT SHA separately for their review, however the Applicant has not formally revised drawings in the ePlans application to reflect any of these changes.

**COORDINATION MEETING**

Planning Staff sent an email to MDOT SHA to initiate a meeting, which occurred on December 15, 2021, and included MDOT SHA, City of Takoma Park, and the Applicant, to further determine if there were any potential solutions to the two main concerns at hand, the proposed site access point and layby design, summarized below.

1) Site Access

The main concern from MDOT SHA regarding the access point is that it is unsafe due to insufficient sight distance. To approve the proposed Site access, the Applicant must demonstrate that proper stopping distance and intersection distance can be achieved for vehicles traveling eastbound along Carroll Avenue approaching the proposed access point. In previous reviews, MDOT SHA identified the following obstructions: the existing firehouse building and trees on the adjacent property. At the meeting, MDOT SHA stated that no further analysis could be conducted until the existing trees have been removed and there was no guarantee that removing the trees would resolve the issue; that the stopping distance would need to be reanalyzed once trees were removed to determine if the improvements would then meet the American Association of State Highway and Transportation Officials (AASHTO) standards. Additionally, the Applicant and MDOT SHA disagreed on the correct measuring point for site distance, which affects the type and number of obstructions. The Applicant has reached out to the neighboring property owner; however, to date no agreement has been made to remove the existing trees.

MDOT SHA offered other potential solutions such as purchasing the neighboring property and/or moving the proposed access point farther east. However, when asked if the existing access point could be approved in its current location – which is east of the proposed location – MDOT SHA stated that the existing access point may not be approvable due to proximity to the intersection beyond, at Carroll Avenue and Ethan Allen Avenue. MDOT SHA further clarified that all access points, existing and proposed, are re-evaluated when there is a change in use and an existing condition is not a guarantee for approval.

2) Layby/On-street Loading design

The proposed layby would be located along the Site frontage on Carroll Avenue, which would partially encroach into the public right-of-way. The latest MDOT SHA letter states that while the Applicant has increased the width of the layby (see Figure 1 below), based on the turning movements necessary for a WB-67 (18-wheeler truck), the truck would encroach into the left lane as well as the bicycle lane in order to access the layby, creating an unsafe condition for both vehicles and bicyclists travelling eastbound along Carroll Avenue.

The Applicant also provided MDOT SHA an alternative layby option (shown in Figure 2 below) that would accommodate smaller, SU-30 trucks. MDOT SHA stated that while the smaller layby presented fewer potential conflicts and required fewer maneuvers to position the truck for loading activities, the layby remains inherently unsafe due to the crossing of the bicycle lane and proximity to the intersection. MDOT SHA was also skeptical that the Applicant, a private entity and not a regulatory agency, would be able to regulate or enforce limiting use of the layby to smaller trucks and if larger trucks were to make use of the layby, resulting in an unsafe condition. Additionally, the Applicant has not confirmed whether the Takoma Park Silver Spring (TPSS) Co-op would be amenable to utilizing only SU-30 trucks or smaller vehicles.

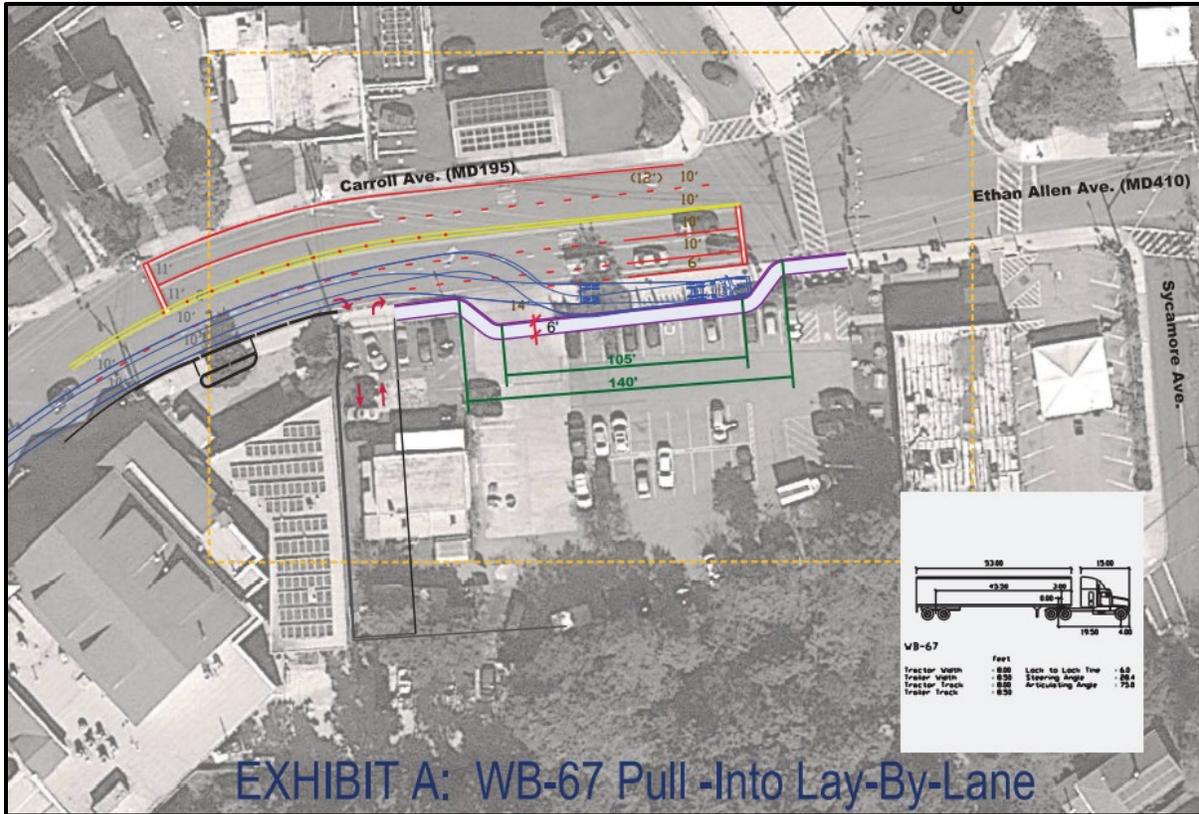


Figure 1: Applicant proposed truck turning movements for WB-67 truck, Source: NDC letter to SHA dated July 14, 2021

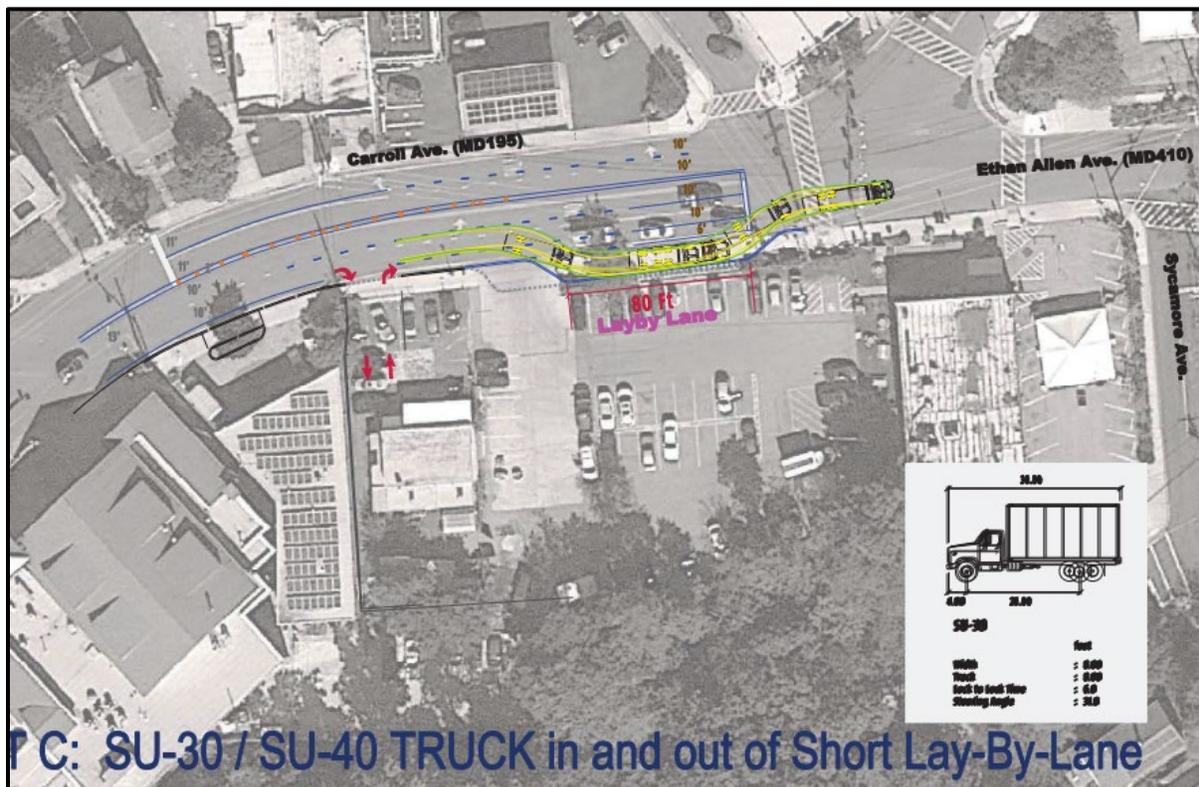


Figure 2: Applicant proposed truck turning movements for SU-30 truck, Source: NDC letter to SHA dated July 14, 2021

## LAYBY DESIGNS IN THE VICINITY

The Applicant and members of the public have previously argued that there are several laybys within Montgomery County that are similar in design to their proposal, therefore setting a precedent for approval. These examples include the new Marriott Headquarters and Avocet Tower in Bethesda. In further researching these examples, there are substantial differences in scope and use of the laybys and therefore are not comparable to the layby proposed for Takoma Junction.

Both the Marriot Headquarters and Avocet Tower laybys are supplemental in purpose for pick-up/drop-off and short-term deliveries such as food and small packages, therefore the laybys were designed to accommodate passenger vehicles, not freight vehicles. Additionally, both examples provided separate loading for larger vehicles such as SU-30 and WB-67 trucks for trash collection, larger deliveries, etc. It is important to note that while both of these layby examples are located within the public right-of-way, they were never proposed or approved for loading purposes. Additionally, for Avocet Towers, the layby is located on a one-way street adjacent to the travel way with a bike lane between the layby and the sidewalk. The bicycle lane is not adjacent to the travel way and has been designed to fully protect the bicyclists with a six-foot buffer.

## URBAN LOADING CONDITIONS IN THE VICINITY AND REGION

Staff also looked at loading conditions for urban grocery stores of a comparable size to the TPSS Co-op in the vicinity and larger region to determine if there are any design solutions for the Project to consider. Within Montgomery County, Sniders in Montgomery Hills, Corner Market in Silver Spring, and Brookeville Market in Chevy Chase were analyzed. Each of these grocery stores has a designated loading area onsite at the expense of off-street parking. Similarly for urban grocery stores researched within the City of Gaithersburg and Alexandria, as well as the District of Columbia, loading was accommodated onsite.

Staff met with the District of Columbia Department of Transportation to discuss their recently developed onstreet commercial loading program<sup>1</sup>. The program identifies segments on public streets within the District where commercial loading for large and small trucks can occur within the public right-of-way and is enforced by the District's Parking Enforcement Management Administration. These loading areas are located primarily along commercial corridors and designed to accommodate the appropriate size trucks. Furthermore, it was stated that the District discourages the use of laybys in new development projects regardless of the purpose whether it is for drop off / pick up, or commercial loading, and that the preference is to maintain a wider sidewalk for pedestrian circulation.

Based on review of local municipal regulations, policies and curbside management programs, Staff was unable to find examples of existing laybys used for commercial loading or adopted policies in the region that accept laybys as a form of commercial loading serving to serve new developments.

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<sup>1</sup> [https://www.parkdc.com/pages/commercial-vehicles#commercial\\_loading\\_zones](https://www.parkdc.com/pages/commercial-vehicles#commercial_loading_zones)

## APPLICANT REQUEST TO THE PLANNING BOARD

On December 30, 2021, the Applicant sent a letter (Attachment 3) to the Planning Board requesting approval of the applications at the January 20, 2022 public hearing with a condition that the Applicant receive SHA approval prior to proceeding. Staff conducted additional research, as summarized above, to assess the layby conditions in the region.

## UPDATED RESPONSE FROM CITY OF TAKOMA PARK

on January 7, 2022, the Director of Housing and Community Development provided a letter (Attachment 4) reaffirming the City Council's resolution and recommending the Planning Board not conditionally approve the applications as requested by the Applicant.

## CONCLUSION

Despite the additional time afforded by the Planning Board and coordination by Staff, MDOT SHA and the Applicant are unable to come to a resolution on the proposed Site access and layby design. Therefore, Staff's recommendations, analysis, and findings outlined in the staff report dated September 3, 2021 and included as Attachment 5 continue to remain for denial.

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## ATTACHMENTS

*Attachment 1: Letter dated October 4, 2021 from Planning Chair Anderson to SHA*

*Attachment 2: Letter dated November 19, 2021 MDOT SHA Response to Planning Chair Anderson*

*Attachment 3: Letter dated December 30, 2021 Applicant to the Planning Board*

*Attachment 4: Letter dated January 7, 2022 City of Takoma Park to Planning Director*

*Attachment 5: Staff Report dated September 3, 2021*

*Attachment 5.A: HPC Staff Reports*

*Attachment 5.B: Agency Letters*

*Attachment 5.C: Forest Conservation Plan*

*Attachment 5.D: Variance Request Letter*

*Attachment 5.E: Shared Parking Study, dated 7/16/2020*

*Attachment 5.F: Community Correspondence*

*Attachment 5.G: Takoma Park Resolution 2018-41*

*Attachment 5.H: Takoma Park Resolution 2021-19*