

MINUTES
Regular Meeting of the College Park City Council
Wednesday, November 12, 2008
8:00 P.M.

PRESENT: Mayor Brayman; Councilmembers Molinatto (arrived 8:23 p.m.), Wojahn, Catlin, Stullich, Mark Cook and Mary Cook; Student Liaison Dan Hartinger.

ABSENT: Councilmembers Perry and Hampton.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Terry Schum, Director of Planning; Dorothy Friedman, Planner; Bob Ryan, Director of Public Services.

Mayor Brayman opened the meeting at 8:09 p.m. Councilmember Catlin led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Wojahn and seconded by Councilmember Mary Cook to approve the minutes of the October 28, 2008 Regular Meeting. A motion to amend the minutes was made by Councilmember Stullich and seconded by Councilmember Mark Cook. The amendment is to Councilmember Stullich's comment during the discussion of item 08-G-105 on page 3. It should read: "to bring high quality retail to the downtown community." The motion to amend the minutes passed 5-0-0. The amended minutes were approved by a vote of 5-0-0.

Announcements:

Councilmember Mary Cook announced the North College Park Citizens Association would meet on Thursday, November 13, at 7:30 p.m. at Davis Hall.

Councilmember Catlin announced the Lakeland Civic Association would meet Thursday, November 13, at the College Park Community Center.

Councilmember Wojahn announced there would be a community forum with police at City Hall on Monday, December 15.

Acknowledgement of Dignitaries: Mayor Brayman recognized former Councilmember Andrew Fellows; Larry Bleau, President of the North College Park Citizens Association; and David Turner, the head of the County's Historic Preservation Commission.

Acknowledgement Of Newly Appointed Board And Committee Members: Mayor Brayman recognized Charles McCrudden, newly appointed to the Committee for a Better Environment.

Amendments To The Agenda: None.

City Manager's Report: Mr. Nagro noted there would be a power outage at City Hall on Friday morning that may disrupt e-mail service.

Student Liaison Comments: Students are excited about the additional floor being proposed at Starview Plaza because of the additional student beds.

Comments From The Audience On Non-Agenda Items:

Larry Bleau, 4901 Niagara Road, President of the NCPCA: Items on the agenda for this week's NCPCA meeting include a presentation on the proposed Chick-Fil-A restaurant and a staff presentation about a proposed gateway park on Edgewood Road.

Andy Fellows, 5807 Bryn Mawr: Discussed the high degree of public involvement on election day and urged the City to tap into that sense of community spirit to keep people engaged.

Presentation: County Councilmember Thomas E. Dernoga discussed CB-80-2008, the proposed Transfer of Development Rights program. He was joined by David Turner of the County's Historic Preservation Commission, and Chip Reilly, Chair of the Prince George's Chapter of the Sierra Club.

At 10:28 p.m. the Council took a short recess. The meeting reconvened at 10:43 p.m.

Consent Agenda: None

Action Items:

08-G-106 Approval of the Preliminary Plan of Subdivision for the Varsity at College Park

Ms. Schum gave an update on the progress made on this item since last week's Worksession: The building footprint is still within the 50-foot stream buffer. The proposed stream bank planting/restoration mitigation may be acceptable to Park and Planning, but they have not yet finalized their recommendation. Staff has requested more detail on the land exchange agreement between the Applicant, the University of Maryland and Park and Planning. The National Capital Planning Commission did approve the transfer of land from Park and Planning to the University of Maryland, which was the first step in the land exchange.

A motion was made by Councilmember Catlin and seconded by Councilmember Mary Cook that the City Council support Preliminary Plan (PP) 4-07095 for the

Varsity at College Park, a mixed-use student housing project, located on Baltimore Avenue west of Melbourne Place, subject to the following conditions:

- 1. Obtain final approval of the land exchanges required to assemble the site as shown on the plan and provide copies of any agreements to the City of College Park.**
- 2. Prior to the issuance of the first building permit, if required by SHA, the construction of the proposed US 1 Street Improvements along the property's street frontage, as per specifications provided by SHA, shall have (a) have full financial assurances, (b) have been permitted for construction and (c) have an agreed-upon timetable for construction with the City of College Park and/or SHA.**
- 3. At the time of Detailed Site Plan, access to the site shall be shown as right-in, right-out only, with construction of a median on US 1 if acceptable to the State Highway Administration.**
- 4. The proposed development shall generate no more than 65 morning peak-hour trips and 131 evening peak-hour trips. Any development generating a greater impact shall require a new preliminary plan of subdivision with a new determination of transportation adequacy.**
- 5. Prior to Building Permits, provide copies of agreements with the University of Maryland for Shuttle UM service and for the provision of overflow parking on campus for residents.**
- 6. Provide the City with an annual report on the number of student residents of the Varsity that park on campus.**
- 7. Revise the TCP I to remove the building footprint to preserve the entire 50 foot-wide minimum stream buffer to the maximum extent possible or in lieu of moving the building, obtain approval from M-NCPPC for the restoration and planting of the stream bank behind the Applicant's property.**
- 8. A detailed stream restoration plan shall be submitted and approved by the Planning Board or its designee, with input from and the concurrence of the Department of Parks and Recreation, the Department of Public Works and Transportation and the City of College Park. The work shall be bonded prior to the issuance of the first permit. Implementation of the restoration plan shall commence prior to issuance of the building permit.**
- 9. Prior to the issuance of any building permit, the following improvement shall (a) have full financial assurances and (b) have been permitted for construction: provide a pathway from the north side of the building to connect with the existing pedestrian bridge.**

10. Any fee in lieu of parkland dedication paid by the applicant shall be used if necessary, to complete the construction of North Gate Park to include add alternate #1 for landscape plantings.
11. Applicant shall comply with Section 27-548.42 (b) that states that in APA-66 *“No building permit may be approved for a structure higher than fifty feet unless the applicant demonstrates compliance with FAR Part 77.”*
12. Applicant shall comply with Section 27-548.43 (b)(2) which states that *“A disclosure clause shall be placed on final plats and deeds for all properties that notifies prospective purchasers that the property has been identified as within approximately one mile of a general aviation airport. The disclosure clause shall include the cautionary language from the General Aviation airport Environment Disclosure Notice.”*

Councilmember Catlin read the comments into the record.

For the Applicant: Matthew Tedesco, Esq., of Knight, Manzi, Nussbaum & LaPlaca. He clarified this project provides 259 units, 912 beds, and 242 parking spaces. He said the applicant has problems with Conditions Number 3, 8 and 9, and recommended the following revisions:

#3: At the time of Detailed Site Plan, access to the site’s northern driveway shall be shown as right-in only, with construction of a median on US 1 if acceptable to the State Highway Administration.

#8: Prior to signature approval of the Detailed Site Plan, the applicant shall submit a detailed stream restoration plan for approval by the Planning Board or its designee, with input from and the concurrence of the Department of Parks and Recreation, the Department of Public Works and Transportation and the City of College Park. The onsite stream stabilization and reforestation of the stream buffer shall be bonded at three-times the estimated value prior to the issuance of the first permit. [The final sentence would be deleted.]

#9: Add “Said pathway shall be at a minimum asphalt.”

A motion was made by Councilmember Mark Cook and seconded by Councilmember Molinatto to approve the amendments to Condition Numbers 3, 8 and 9. The motion passed 6-0-0.

There were no comments from the audience. There were no comments from the Council.

Mayor Brayman asked Mr. Tedesco if he would represent his support of the amended conditions before the Planning Board. Mr. Tedesco replied, “Yes.”

The main motion, as amended, passed 6-0-0.

08-G-107 Approval of the Zoning Map Amendment for the Domain at College Park

Ms. Ferguson updated the Council on the revisions to the Declaration of Covenants and Agreement Regarding Land Use and on the Memorandum of Understanding. The Declaration of Covenants will be amended as we get further into the development process.

A motion was made by Councilmember Mary Cook and seconded by Councilmember Wojahn that the City of College Park support the Zoning Map Amendment application submitted by an affiliate of The Hanover Company to rezone 2.67 acres located at the southwest corner of Campus Drive and Mowatt Lane from the R-55 or single family detached residential zone to the M-X-T or mixed-use, transportation-oriented zone subject to the following conditions: 1) Execution of a Memorandum of Understanding between the City and applicant regarding annexation of the property and execution of an Agreement and Declaration of Covenants between the City and applicant regarding land use, and 2) A positive finding for adequate transportation facilities by M-NCPPC staff under Section 27-213(a)(3).

Councilmember Mary Cook read the comments into the record.

For the applicant: Megan Owings, Esq. They are in agreement with the recommended conditions and have seen sample agreements with respect to condo regimes and understand what is coming down the road.

There were no comments from the audience. There were no comments from Council.

The motion passed 6-0-0.

08-G-108 Authorization for the Mayor to Sign a Letter in Support of the Amendment for Building Height to the Detailed Site Plan for Starview Plaza

A motion was made by Councilmember Catlin and seconded by Councilmember Molinatto that the City Council approve a letter of support to the Maryland-National Capital Park and Planning Commission for an amendment to Detailed Site Plan 08010, which would add another floor to the Starview Plaza project.

Councilmember Catlin read the comments into the record.

There were no comments from the audience on this item. There were no comments from the Council.

The motion carried 6-0-0.

08-O-06 Introduction of Ordinance 08-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 132 “Litter And Graffiti”, By Repealing And Reenacting §132-8 “Violations And Penalties”, §132-9 “Notice Of Violation; Cost Of Removal To Become Lien”, And §132-12 “Abatement By City” To Authorize Abatement Of Certain Litter And Graffiti Violations By The City, To Include The Costs Thereof On The Tax Bill Of The Owner Of The Property And To Authorize The Advisory Planning Commission To Decide Appeals

A motion was made by Councilmember Wojahn and seconded by Councilmember Molinatto to introduce Ordinance 08-O-06.

The public hearing will be held Tuesday, December 9 at 7:30 p.m.

Council Comments:

Councilmember Catlin discussed recently approved student housing projects that are now underway.

Councilmember Wojahn discussed the rally to lobby for funding for Route 1 that was held before today’s MDOT CTP roadshow at the State Highway office. Mayor Brayman thanked Del. Peña-Melnyk for her efforts to organize the rally.

Councilmember Mary Cook discussed the Chick-Fil-A presentation on the agenda for tomorrow’s NCPA meeting.

Mayor Brayman commented on the Veteran’s Day tribute yesterday. Keys to the City were presented to Amelia Murdoch and Bill Robertson in recognition of their dedication and efforts over the last few years on behalf of the city’s Veterans Memorial Improvement Committee.

Comments From The Audience: None.

Adjournment: A motion was made by Councilmember Stulich and seconded by Councilmember Wojahn to adjourn the meeting. The meeting was adjourned at 11:48 p.m. by a vote of 6-0-0.

Janeen S. Miller, City Clerk