

Jeannie Ripley, Code Enforcement Supervisor, testified that State Highway worked with the City Engineer and determined that the tree was on private property. The property owner had the tree removed. She stated that Code Enforcement has closed the case and no further violations will be issued.

Lawrence Bleau moved to affirm the notice of violation dated June 28, 2015. Rose Colby seconded. Motion carried 5-0-1, with Javid Farazad abstaining.

Demolition of Property Under §125-13(c) of the City Code
Applicant: Edith and Reginald Orem
Location: 5225 Palco Place

Mary Cook explained the hearing procedures and placed witnesses under oath. Jeannie Ripley, Code Enforcement Supervisor, testified that the subject property was destroyed by fire on November 10, 2013 and condemned by the City on March 10, 2015. The current owners of record are listed on the State tax records as Reginald C. Orem, Jr. and Edith F. Orem. Mr. Orem perished in the fire. A deed search revealed that there is a home equity mortgage on the property. The lending institution holding the mortgage have been copied on all correspondence sent by the City. The son responded that the family would be walking away from the property; we have not had any response from the mortgage holder nor was our correspondence to them returned as undeliverable.

In December 2014, local elected officials contacted Prince George's County Department of Permits, Inspections and Enforcement (DPIE) to request their assistance in demolition of the severely damaged structure. DPIE referred the matter to City staff as the property lies in the municipal boundaries. The City has entered into a contract to demolish the structure pending approval by the Advisory Planning Commission, letters confirming disconnection from all utilities and issuance of County and City razing permits.

Pursuant to §125-15 of the Code of the City of College Park, the Advisory Planning Commission (APC), upon information from the Public Services Department that any dwelling or other structure within the corporate limits of the City has been ordered demolished or repaired, under the provisions of §125-138 and C, shall schedule a hearing on the matter within a reasonable time thereafter. The structure remains uninhabitable. It is requested that the APC issue an order determining that the property is not habitable, is a public health hazard and that it is appropriate that the structure be demolished.

Sue Ford, attorney, stated that the record contains notices to both the surviving property owner and the lien holder, J.P. Morgan. The attorney did an independent review of the land records and confirmed that J.P. Morgan is the only lien holder. She also stated that there is a typographical error on page 1, paragraph 5, line 5 of Ms. Ripley's memorandum. It should read "uninhabitable" not "inhabitable."

Kate Kennedy asked why is the structure deemed to be uninhabitable?

Lawrence Bleau stated that in attachment 2 it states that the property is unfit for human habitation due to extensive damage to the sides and roof of the house, including open holes, as shown on the attached photographs.

Lawrence Bleau asked if the kitchen, bath or bedroom facilities are usable?

Jeannie Ripley stated, no.

Lawrence Bleau asked if anyone has ever express any intent or desire to make the structure habitable?

Jeannie Ripley stated, no.

Kate Kennedy moved to affirm the Notice of Condemnation dated March 10, 2015. James McFadden seconded. Motion carried 6-0-0

VI. Discussion of the meaning and use of de minimis or minor change

Terry Schum passed out a memorandum prepared by staff to provide as a background for the discussion of what might be considered a minor or de minimis change when considering a Variance or Departure request. She stated that the responsibility for addressing the required criteria for granting variances will not change unless the Zoning Ordinance is changed. The APC currently has discretion in the manner in which these criteria are applied.

Sue Ford, attorney, suggests going into closed session because legal advice will be given on this topic. At 7:55 p.m., Lawrence Bleau moved to go into executive session to meet with counsel. Rose Colby seconded. Motion carried 6-0-0.

The meeting reconvened at 8:05 p.m.

Terry Schum stated that currently, the Prince George's County Zoning Ordinance is being updated and a recommendation report was recently released. The report reviewed County variances issued over a two-year time period. The analysis showed that of the 193 variances issued from 2007-2009, nearly 10% of the approved variances adjusted the standards by 5% or less; 20% (including the 5% or less variances) were for adjustments of 10% or less and 67% were to certify non-conforming uses. The report states that best practices nationwide indicate it is most efficient and effective to allow professional-level staff or other decision-makers to make modest modifications to development standards.

Miriam Bader did an analysis of city variances since January 1, 2015, which indicates that of 22 variances considered, 7 were for waivers to allow parking in the front yard, 4 were for lot coverage between 4%-8% above the maximum requirement and 11 were for setbacks between 10%-16% above the maximum requirement and out of that, only 1 was 10% or less. Staff did some research through the Planning Advisory Services (PAS) and found variations in different towns across the county, but 10% is a common figure.

Lawrence Bleau asked what about lot coverage?

Miriam Bader stated that out of the 22 variances considered, 4 were for lot coverage and all of those were above the recommended 3% threshold.

Terry Schum stated that how the APC addresses the criteria may be different in each case. APC would have to look at the circumstances and then use their discretion to apply the criteria. The word “de minimis” has only been used a few times in the past.

Commissioners voted to review the memorandum and include it for discussion at the next meeting and to also include discussion of the Zoning Rewrite Module 1.

VII. Discussion of Succession of Chair Position

Councilmember elect, Mary Cook, will resign from the Advisory Planning Commission after the December 3, 2015 meeting and an election for a new chair will be held at the January 7, 2016 meeting.

VIII. Update on Development Activity: Terry Schum reported on the following:

Greenbelt Station – The project is within the City of Greenbelt municipal limits. The City of College Park’s primary concern is the pedestrian bridge. The Detailed Site Plan has been on file for quite some time and is finally being scheduled for a hearing. The City Council will take it up on November 17, 2015 and the Planning Board hearing is scheduled for January 7, 2016. There is no staff recommendation yet but staff has retained a consultant engineer to look at the feasibility of the bridge.

IX. Other Business:

Cruz Development – Oral argument was submitted by councilmember Denise Mitchell and Tom Tanner who testified on behalf of Branchville Volunteer Fire Department. The hearing is scheduled for Tuesday, December 1, 2015 at 7:30 p.m.

Listening Session – Commissioners reviewed and discussed the draft agenda and flyer for the listening session scheduled for December 3, 2015 and voted on the following:

- Agenda to include: welcome by the chair, overview of ordinance by City staff and then audience comments.
- Send flyer to civic associations, neighborhood watch committees and landlords. Send electronically through constant contact, and post on the city website and in the municipal scene.
- Public comments will be accepted until December 10, 2015.
- Speakers will speak at the podium. Three minutes per individual and 5 minutes for organizations will be allowed.
- Have the session broadcast or streamed on the website.

Kate Kennedy - Kate suggested creating a FAQ brochure like “What New Commissioners Need to Know” to give to new members to inform them of important things that commissioners should know before they attend their first meeting.

X. Adjourn: There being no further business, the meeting was adjourned at 9:30 p.m.

Minutes prepared by Theresheia Williams