



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
Approved Minutes of Meeting
December 4, 2014 – 7:30 P.M.
City Hall Council Chambers

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Mary Cook, Chair	<u> x </u>	<u> </u>
Lawrence Bleau, Vice Chair	<u> x </u>	<u> </u>
James McFadden	<u> x </u>	<u> </u>
Rose Greene Colby	<u> x </u>	<u> </u>
Christopher Gill	<u> x </u>	<u> </u>

Also Present: Planning Staff -Terry Schum, Miriam Bader and Theresheia Williams; Public Services Staff – Jeannie Ripley and CEO Jonathan Frias; Attorney – Sue Ford.

I. Call to Order: Mary Cook called the meeting to order at 7:36 p.m.

II. Approval of Minutes:

Lawrence Bleau moved to accept the minutes of November 6, 2014 after the correction on Page 3, paragraph 4 to remove “an” and replace with “a”. Christopher Gill seconded. The motion carried 4-0-0.

III. Amendments to Agenda: Christopher Gill moved to amend the agenda to hear item 14-2966 before CPD-2014-01. Lawrence Bleau seconded. Motion carried 5-0-0.

IV. Public Remarks on Non-Agenda Items: There were no Public Remarks on Non-Agenda Items.

V. Public Hearing:

14-2966 Appeal for Failure to Remove Litter and/or Graffiti on the Subject Property
Appellant: **David Dorsch**
Location: **4811 Calvert Road**

Mary Cook explained the hearing procedures and placed witnesses under oath. CEO Jonathan Frias summarized the staff report. During a routine patrol of the neighborhood on November 8, 2014 he observed litter at the subject property. As a result, a violation notice to remove litter, trash and debris from the property was issued under Code Enforcement case number 14-2966. The appellant was allowed 24 hours to correct the violation. A follow up inspection was conducted on November 9, 2014 and the litter had been removed.

The appellant submitted a letter of appeal on November 17, 2014, which was received within the required timeframe. As of November 23, 2014, items described in the notice of violation under case number 14-2966 were removed.

Lawrence Bleau asked since the litter has been cleared, what is the issue?

Jeannie Ripley, Code Enforcement Supervisor, stated that the appellant was cited on November 8, 2014 and a follow up inspection was done on November 9, 2014 and the litter was removed. The appellant chose to proceed with an appeal before the Advisory Planning Commission.

Christopher Gill asked if the appellant is in compliance within 24 hours, is there a fine issued?

Jonathan Frias stated no.

Lawrence Bleau asked why are noise complaints addressed in a report about litter?

Jeannie Ripley stated that it is included as background information for other complaints filed at the property.

James McFadden asked how was the violation notice delivered to the appellant?

Jonathan Frias stated that it was posted on the front door and was also sent by e-mail and regular mail.

David Dorsch, appellant, testified that he purchased the property in December 2013. He stated that he keeps the property clean and maintained and try to make sure that his tenants follow the rules. He drives by the property about once a day and did not see the trash that was indicated in the photos taken. Mr. Dorsh stated that if litter is present on the property and it is cleaned up in a day, there should not be a violation notice issued. He also stated that if a violation notice is issued, it should be mandatory to include a photo with the notice.

Mr. Dorsh asked CEO Frias if someone called in a complaint about the trash or was he driving by and noticed the litter?

Jonathan Frias stated that on that particular day, he was riding a bike and was able to access the backyard. He stated that on that day, he visited several properties accessing the back yards.

Lawrence Bleau moved to affirm staff's findings of the violation of Section 132-4 of the City Code pertaining to Citation 14-2966. Christopher Gill seconded. Motion carried 5-0-0.

**CPD-2014-01: Departure of 11.4-feet from the Required 22-foot
 Driveway Width and Alternative Compliance From the
 Standards in the Prince George's County Landscape Manual**
Applicant: Steven Behr
Location: 4618 College Avenue

Mary Cook explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant has owned the house since 2006. The applicant is proposing to convert a single-family dwelling to a rooming

house with 5 guest rooms for up-to 9 guests. The Departure request is for 11.4-feet from the required 22-foot driveway width. A companion request for Alternative Compliance will be reviewed by the Planning Director under Section 190-16 of the Code of the City of College Park. The Holbrook house was designated as a historic site by Prince George's County in 1992. The Old Town College Park Historic District was designated by the County in 2008 and named as a National Historic District on December 4, 2012.

The property is improved with a 2,694 square-foot, 2.5 story stucco building and a 10' x 10' frame shed. The property has an existing gravel parking lot that can park six vehicles. The applicant is proposing to reduce this parking lot by one vehicle. The driveway meets the minimum width for a length of 90-feet in the rear yard but narrows to 14-feet for a length of 29-feet in the side yard then 10.6-feet for a length of 6-feet in the side yard and then widens to 11-feet for a length of 75-feet in the side and front yards. There is a joint driveway agreement with the adjoining eastern property owner at 4620 College Avenue, which provides an additional 6-foot of driveway width. The distance between the subject house and the adjoining house to the east is 16.6 feet at its narrowest point.

Section 27-563 of the Prince George's County Zoning Ordinance requires a 22-foot wide driveway from a parking lot to a street for two-way traffic. There is an existing timber curb that defines the western boundary in the front yard. This timber curb is worn out and losing its effectiveness in containing the gravel driveway and preventing parking in the front yard. Staff recommends, as a condition, that this timber be replaced. All required parking will be provided, reducing the use of public streets for parking. No loading space is required for the proposed use.

The property is a contributing resource to the Old Town Historic District and modifications to the environmental setting require a Historic Area Work Permit (HAWP). The applicant applied for a Historic Area Work Permit (HAWP 40-014) on September 14, 2014. The applicant has already gone through the HAWP process. He went before the Local Advisory Committee (LAC) on October 30, 2014 and the Historic Preservation Commission (HPC) on November 18, 2014. They were not opposed to the changes, but made some suggestions. The Planning Director has recommended approval of the Alternative Compliance request from certain requirements in the Landscape Manual with conditions. Staff recommends approval of the requested departure of 11.4-feet from the required 22-foot driveway width with the conditions outlined in the staff report.

Miriam Bader submitted the revised staff report, Exhibits 1-19, the PowerPoint presentation and an e-mail from Kathy Bryant, President of the Old Town Civic Association, stating that she is against the proposed departure. Commissioners accepted all exhibits unanimously.

Christopher Gill asked if the commission will be approving both the revised site plan and the Alternative Compliance recommendation?

Miriam Bader stated that the alternative compliance request is approved by the Planning Director.

Lawrence Bleau asked where would the “No Parking” signs be located?

Miriam Bader stated that one would be located on the house and the other would be free-standing in the front yard.

Steven Behr, applicant, testified that the City staff did a good job and he appreciates the effort put forth in helping them with the application process. He stated that in reference to Kathy Bryant’s letter, they only applied for one departure in the past, which is the same departure they are requesting tonight for driveway width for prior use. It was approved by the Local Advisory Committee (LAC), but was overturned by the District Council.

Lawrence Bleau asked if the house were modified with additional rooms, would an increase in parking spaces be required?

Miriam Bader stated that the definition states that they cannot have any more than 5 guest rooms with one parking space for each room.

Terry Schum, Planning Director, stated that under this use, the parking requirements would stay the same.

Sue Ford, attorney, asked if anyone requested a public hearing in reference to the Alternative Compliance?

Miriam Bader stated that the sign was posted 15 days prior to the hearing, but no one requested a formal hearing.

Lawrence Bleau asked if anyone from the neighborhood or the civic association had any feedback?

Miriam Bader stated that Robert Schnabel of 7400 Dartmouth Avenue met with her to discuss the case, but all his concerns were addressed.

Christopher Gill asked what would be the implication if the departure was not approved.

Sue Ford stated that the applicant could file an exception to the Commission’s recommendation.

Christopher Gill stated that the language for 1.d. should state the designated location for the “No Parking” signs. One sign should be located between the front of the house and sidewalk and the other between the front and rear of the house along the driveway.

Sue Ford suggests that the language for item 3.3 should read as follows: “prior to the issue of a Use & Occupancy permit, the maximum number of guest and/or occupants as well as the number of kitchens and the furnishings required shall be determined by Maryland-National Capital Park and Planning Commission (M-NCPPC) and the Department of Permitting Inspections and Enforcement (DPIE) in writing and provided to the City of College Park.

Commissioners reviewed the criteria that need to be met before the variance can be granted and determined that:

- 1) The proposed rooming house requires and provides five parking spaces, including a handicapped accessible parking space. Parking for the resident manager of the dwelling is exempt because the dwelling was constructed prior to parking regulations (1949).
- 2) All required parking will be provided thus reducing the use of public streets for parking. No loading space is required for the proposed use. Access to College Avenue is limited to one driveway located in the eastern side yard.
- 3) Approving a reduction in width of the driveway to reflect existing conditions will help protect the residential character of the neighborhood. The required 22-foot width is a commercial standard and not in keeping with the residential character of the area where narrower driveways are prevalent.
- 4) The proposed parking area located directly behind the house is convenient to the residents of the house. The proposed landscape plan, which includes the removal of invasive bamboo and the planting of native trees and shrubs, will enhance the landscape amenities in the immediate area and its environmental setting.
- 5) A departure of 11.4 feet to validate the existing 10.6-foot wide gravel driveway on the subject property is the minimum necessary to allow the applicant to legally establish the rooming house. The joint driveway agreement, however, effectively creates a wider driveway. There is only 16.6-feet between the two structures at the narrowest point, and no room to expand the driveway. The minimum required lot width in the R-18 zone is 85-feet. The lot width for the subject property is only 50-feet wide. The driveway widens to the required 22-feet at the rear of the house. The driveway cannot be widened in the front of the house without a variance.
- 6) The house was built in 1927 before zoning (1928) and has evolved into what exists today. The lot is exceptionally narrow for a property in the R-18 zone. The driveway cannot be widened in the front yard without a variance which would be contrary to the residential character of the area.

Lawrence Bleau moved to recommend approval of the requested Departure CPD-2014-01 with the following changes to the recommendation for items 1.d. and 3.3 because the request meets the criteria for granting the departure for the reasons stated above. James McFadden seconded. Motion carried 5-0-0.

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

The Hotel at the University of Maryland – The applicant will appear before the Planning Board for the Preliminary Plan of Subdivision on December 11, 2014 and the Detailed Site Plan on December 18. The City is concerned with the project's height and the hazard to the airport. There has not been an official determination in writing from the Federal Aviation Administration (FAA) or Maryland Aviation Administration (MAA) in reference to those issues. The Aircraft Owners and Pilot Association (AOPA) sent a letter to the City Council indicating that they would like the height of the hotel reduced by approximately 2 stories. The Planning Board cannot approve the project if it is determined by FAA to be a hazard to aviation operations of the College Park Airport, unless the applicant files a variance and refers it to MAA. The City was hoping that there would be something definitive from FAA or MAA before taking a position on the project.

City Hall – A decision has been made to keep City Hall at the 4500 Knox Road location. The building would be demolished and the City would work with the University of Maryland on a joint development project for the entire block. No plans have been discussed yet.

VII. Other Business:

Since the January APC meeting falls on a holiday, commissioners voted to move the meeting to January 15, 2015. There will be no applications on the agenda; it will be dedicated to discussion of APC's Charter and viewing a webinar provided by staff on Variances & Zoning Board of Appeals.

VIII. Adjourn: There being no further business, the meeting was adjourned at 9:37 p.m.

Minutes prepared by Theresheia Williams