

MINUTES
Special Session of the College Park City Council
Council Chambers
Tuesday, December 3, 2013
7:55 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Catlin, Dennis, Stullich, Day, Afzali and Mitchell.

ABSENT: None.

ALSO PRESENT: Joseph Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Steve Groh, Director of Finance; Miriam Bader, Senior Planner; Robert Stumpff, Director of Public Works; Jill Clements, Director of Human Resources; Bob Ryan, Director of Public Services; Councilmembers-elect Hew and Brennan; Student Liaison Catherine McGrath.

During a regularly scheduled Worksession of the College Park City Council, a motion was made by Councilmember Wojahn and seconded by Councilmember Day to enter into a Special Session. The possibility of the Special Session was advertised in advance on the meeting agenda. The motion passed 8 – 0 – 0 and the Council entered Special Session at 7:55 p.m.

Adoption of Energy Reduction Polices as required by the Maryland Energy Administration Smart Energy Communities Grant Program:

- 13-R-26 Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Adopting An Energy Efficiency Policy**
- 13-R-27 Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Adopting A Renewable Energy Production Policy**
- 13-G-131 Authorization for Staff to submit an Action Plan for Energy Reduction and Renewable Energy Generation to the Maryland Energy Administration for the Maryland Smart Energy Communities Program.**

After a discussion of the agenda item in Worksession, the Council voted unanimously to adopt 13-R-26, 13-R-27 and 13-G-131.

[The Special Session was recessed at 7:56 p.m. and reconvened at 8:47 p.m.]

- 13-G-127 Approval of Amended DSP for Monument Realty and Approval of Declaration of Covenants**

Representing the Applicant: Imran Kifayat, Architect, Preston Partnership; Amy Phillips, Developer; Chris Hatcher, Attorney. The applicant presented the revised plan to Council and took questions. Unresolved issues were discussed, after which:

A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali to recommend support of amended DSP 06095-01 and withdraw the City's request for a public hearing subject to the following:

1. **Prior to DSP certification, the plans shall be revised to:**
 - a. **Eliminate the lay-by lane on Route 1 and continue the streetscape along the property frontage.**
 - b. **Provide a gate for the loading space on the north side of the building and screen from public view.**
 - c. **Utilize a light-colored brick veneer or colored concrete finish in lieu of a green screen on the north and south elevations of the parking garage**
 - d. **Substitute brick veneer for cementitious panels on the west side building elevation north of the parking garage**
 - e. **Show up to two parking spaces reserved for a car-share program such as Zip Cars or Car-to-go**
 - f. **Provide a 6-foot brick and metal fence along the Autoville Drive property line as shown in the illustrative drawing dated November 21, 2013. The brick color shall match the rear garage façade.**
 - g. **Show landscaping details in the rear yard along Autoville Drive in accordance with the illustrative drawing dated November 21, 2013 except that benches shall be arranged to face each other rather than Autoville Drive.**
2. **Prior to building permit, the applicant shall contribute a proportionate share of the costs of improvements to headways or hours of operation of the Route 1 Ride shuttle, in lieu or providing a private shuttle, which contribution shall not exceed the cost of a private shuttle for the subject property alone, or if the Route 1 Shuttle is no longer operating, provide a private shuttle during rush hour times to the nearest metro.**
3. **Prior to building permit, the applicant shall provide a payment to the City of College Park in the amount of \$60,000 for the Project Feasibility Study for Undergrounding Utilities on US 1 from College Avenue to MD 193 being conducted by the Maryland State Highway Administration.**
4. **The applicant shall enter into a Declaration of Covenants and Agreement with the City of College Park insubstantially the form as attached. This shall include revising the list of prohibited uses to exclude fast casual restaurants, small office users and drop-off dry cleaners. The City Manager is authorized to sign the Declaration of Covenants.**

Comments from the audience:

Robert Swanson, 9112 Autoville Drive: He is in favor of this proposal and urges Council's support. He is concerned about the \$50,000 for the feasibility study for undergrounding utilities: are the residents willing to bear the cost of undergrounding?

Joan Carol Poor, 9112 Autoville Drive: The best of the JPI development has come through to this iteration. The City should enforce "no trucks" on Autoville; it is almost impassable now. She recommends Council's support.

Councilmember-elect Alan Hew was thanked for his efforts on this project which began before he ran for Council.

The motion passed 8 – 0 – 0.

[The Special Session recessed at 8:56 p.m. and reconvened at 9:25 p.m.]

13-G-126 Approval of Amended DSP (03098-03) for Metropolitan at College Park, with conditions, and approval of a Declaration of Covenants and Agreement Regarding Land Use with the City of College Park

Representing the Applicant: Stephen Gang, Architect; Arthur Horne, Attorney; Carlos Vazquez, Developer. The applicant presented the revised plan to Council and discussed the unresolved issues that were raised at last night's meeting with residents. Adjustments were made to the number of townhouses, parking spaces, and parking for the car share program. After discussion:

A motion was made by Councilmember Catlin and seconded by Councilmember Dennis that the City Council recommend approval of DSP-03098-03 including the requested 2002 Sector Plan modifications and supports the requested vacation of right-of-way, subject to the following conditions and the applicant entering into a Declaration of Covenants with the City of College Park in substantially the form attached:

- 1. Prior to DSP certification, the plans shall be revised to:**
 - a. Provide a building-mounted signage plan for the multifamily/commercial building to be reviewed the City of College Park and approved by the Planning Board.**
 - b. Show two parking spaces reserved for a car-share program such as Zip Cars or Car-to-Go (one on-street-Cherokee Street and one on-site).**
 - c. Change crosswalk markings to reflect decorative inlaid thermoplastic asphalt pavement markings such as "DuraTherm" subject to review and approval by the appropriate agency (SHA or City).**
 - d. Indicate that 366 parking spaces will be provided in the parking garage, not 313 spaces as previously shown.**
 - e. Note that 45 spaces will be reserved for guest/retail parking in parking garage.**
 - f. Eliminate 10 townhouse units for a total of 45 townhomes and convert all townhouse units to 20 foot wide with a two-car garage as shown on the "Alternative Plan Based upon December 2nd Meeting" Sheet SP.01.**
 - g. Add 10 multi-family units (7-two bedroom units and 3-one bedroom units).**
 - h. Show a minimum of 5 spaces for visitor parking on the townhouse portion of the site of which one may be reserved for car-share.**
 - i. Revise the landscaping as follows:**
 - 1) Provide a landscape screen for the on-site parking along Cherokee Street.**
 - 2) Provide and maintain landscaping and fencing at a minimum 10 foot wide buffer along the eastern edge of the Property, which shall include the 10 feet of right-of-way acquired as a result of vacation.**

- j. Revise architecture as follows:**
 - 1) Raise the ground floor of the Townhouse units at least 24” above the sidewalk.**
 - 2) Provide a note that all garage door colors shall match the color of the building.**
 - 3) Show all side elevations with a minimum of ground floor brick and fenestration as shown on the plans.**
 - 4) Provide leader lines to indicate the materials used for the interior courtyard, Sheet A-8.**

- k. Consider revising the floor plan to shift the retail portion of the building north, closer to parking lot access and loading spaces.**

- l. Provide a sidewalk connection from the proposed sidewalk on the north side of Catawba Street to existing sidewalk on the west side of Blackfoot Road.**

- 2. Provide that all residents of the multifamily/townhouse shall have equal access to the fitness center within the multifamily building, townhouse residents shall be allowed use of the parking garage for resident/temporary/guest parking and all marketing materials regarding this project shall reflect this.**

- 3. Prior to the issuance of any building permit:**
 - a. File a petition to vacate the 20-foot right-of-way along the eastern property line and obtain approval of a minor final plat pursuant to Section 24-112 of the Subdivision Regulations.**
 - b. Provide a payment to the City of College Park in the amount of \$15,000 for the Feasibility Study for Undergrounding Utilities.**

- 4. If a US Route 1 shuttle system is operational and serving the property at the time of issuance of the final use and occupancy permit, the applicant shall contribute a proportionate share of the costs of improvements to this service to the operator of the shuttle, which contribution shall not exceed the cost of a private shuttle for the subject property alone. If a US Route 1 shuttle system is not operational at the time of issuance of the final use and occupancy permit, the applicant shall provide a free private shuttle for residents to and from the nearest Metro station with headways of 30 minutes during weekday AM and PM peak periods.**

- 5. Smart Trip Card- The applicant will offer Smart Trip Card to new residents with a prepaid balance of \$25 (one card per lease).**

- 6. Prior to the issuance of the 44th building permit for the townhouse section:**
 - a. All proposed recreation facilities and amenities associated with the townhouse section shall be constructed and completed for use by the residents.**
 - b. The applicant shall construct an approximately five-foot-wide sidewalk on the north side of Cherokee Street from US 1 to 48th Place, construct a sidewalk connection from the proposed sidewalk along the north side of Catawba Street**

to the existing sidewalk along the west side of Blackfoot Road, and any other improvements required by Prince George's County.

- 7. Prior to the issuance of the use and occupancy permit for the multi-family building, the applicant shall upgrade the existing bus stop located on the property with a bus shelter.**
- 8. The applicant shall bear the total cost for the design and construction of the traffic signal approved by SHA at the US 1 and Cherokee Street (east) intersection which, prior to the issuance of the building permit, shall be bonded for construction, and installed prior to the release of the use and occupancy permit for the multifamily apartment building, unless otherwise required by the State Highway Administration.**
- 9. The applicant shall provide two and one-half (2½ acres) of tree mitigation including the credit received for on-site street tree coverage. The applicant shall provide at least two (2) acres of off-site tree mitigation. The first priority for off-site tree mitigation shall be within the City of College Park, at locations designated by the City and approved by the District Council; however, no off-site tree mitigation requirement may be satisfied on land subject to any type of conservation easement or is currently preserved from development due to ownership by a governmental agency, quasi-governmental agency, or non-profit organization. If the City of College Park does not designate an appropriate site for mitigation within the City within nine (9) months from the date of this Order, then the applicant may satisfy mitigation requirements by purchasing tree conservation easements or transferable development rights in satisfaction of this condition, subject to the same restrictions, on land in the Rural Tier, subject to approval by the District Council.**
- 10. The applicant shall install traffic calming devices as shown on the October 16, 2003, plan prepared by The Traffic Group. In addition, two additional speed humps shall be added along each leg of the section of Cherokee Street between 49th Avenue and 49th Place. The traffic calming devices east of 48th Avenue shall be completed within six months of building permit issuance for the multifamily building. The traffic calming devices west of 48th Avenue shall be installed prior to the issuance of the final use and occupancy permit for the property.**
- 11. Prior to the issuance of the first use and occupancy permit, the applicant shall make a one-time contribution to the City of College Park in the amount of \$19,000 to be used to subsidize resident fees associated with a Neighborhood Parking Permit program in the area generally described as between Erie Street and University Boulevard and US Route 1 and Rhode Island Avenue.**
- 12. The applicant shall maintain all pedestrian light fixtures in the right-of-way along US Route 1, Cherokee Street and Catawba Street.**
- 13. The applicant shall have a Parking Management Plan that includes the following:**
 - a. Include language in the Rental Lease Agreement that street parking is a violation of the lease and grounds for eviction.**
 - b. No key fob or garage door opener necessary for initial gate.**

- c. Secondary interior garage door will work for residents of the apartment building.**
- d. Include (1) parking space with each apartment in the rent.**
- e. Any unused parking spaces will be put in a lease back program to be managed by the applicant.**

14. The applicant shall enter into a Declaration of Covenants and Agreement with the City of College Park in substantially the form as attached. The City Manager is authorized to sign the Declaration.

Comments from the audience:

Kiersten Johnson, 4901 Cherokee Street: She feels like the community has been heard: the developer reduced the number of townhouses, enhanced the landscape buffer, added parking and funded the permit parking program. She raised concerns about noise during construction and additional traffic on Cherokee Street. She asked the City to consider closing Cherokee at 48th Avenue or make it one-way.

J. P. Stemwedel, 9024 49th Avenue: He thanked the developer for working with the community. Traffic concerns still need to be resolved.

Panta Lucic, 4709 Catawba Road: He asked about the height of the apartments.

Councilmember Wojahn asked for a future Worksession discussion about the permit parking issues and whether to close Cherokee Street.

Councilmember Kabir recommended the developer form a community advisory committee to continue to engage the neighbors as the project moves forward. He expressed concerns about US 1 traffic and wants the parking management plan revisited after the development has opened.

The motion passed 8 – 0 – 0.

13-G-128 Approval of a joint UMD-City letter providing comments on the Prince George's General Plan

A motion was made by Councilmember Day and seconded by Councilmember Catlin to approve a joint UMD-City letter to the County providing comments on the Prince George's County General Plan 2035.

Anne Martens, Assistant Vice President for Administration & Finance, UMD: The University supports this letter.

Catherine McGrath said the SGA has a resolution urging Prince George's County to include College Park in this plan. She will work with Planning staff to draft a letter in support of the City's position to provide a student's perspective.

The motion passed 8 – 0 – 0.

Capital Bikeshare:

13-G-129 Approval of a Contract with ALTA to provide and maintain a bikeshare system

13-G-130 Approval of an MOU with the University of Maryland to coordinate efforts to obtain and fund a bikeshare system

Ms. Ferguson said the MOU with the University is in final form, but the contract with Alta may still have some non-substantive revisions. The Alta contract will be for one year, and mirrors a Montgomery County contract. The bad news is that membership fees, which we are hoping to receive to offset some of the program costs, are based on the credit card addresses. When students use a credit card with their parents' address that is outside of the city, the membership fees will not come to the City. Alta has not figured out a way to address this situation yet. We will continue to work on it, but don't want it to hold up the program any longer than it has.

A motion was made by Councilmember Day and seconded by Councilmember Wojahn to authorize the City to enter into the MOU with the University of Maryland (13-G-129) and the contract with Alta Bicycle Share, Inc. (13-G-130) in substantially the form as attached, and authorize the City Manager to sign the contract.

The motion passed 8 – 0 – 0.

Adjourn: A motion was made by Councilmember Afzali and seconded by Councilmember Mitchell to adjourn from the Special Session. The motion passed 8 – 0 – 0 and the Special Session adjourned at 10:04 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved