

MINUTES
Regular Meeting of the College Park City Council
Tuesday, November 22, 2011
8:00 p.m. – 11:07 p.m.

PRESENT: Mayor Fellows; Councilmembers Nagle, Wojahn, Catlin, Stullich, Cook, Afzali and Mitchell.

ABSENT: Councilmember Perry.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Terry Schum, Director of Planning; Elisa Vitale, Senior Planner; Marcella Morris, Student Liaison. Councilmembers-elect Robert Day, Monroe Dennis and Fazlul Kabir.

Mayor Fellows opened the meeting at 8:00 p.m. Councilmember Nagle led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Mitchell and seconded by Councilmember Wojahn to adopt the minutes of the Public Hearings on November 9, 2011 on 11-O-13 and 11-CR-02 and the Regular Meeting of November 9, 2011. The motion passed 7 – 0 – 0.

Announcements:

Councilmember Wojahn announced that the North College Park Citizens Association would meet on Thursday, December 8 at Davis Hall beginning at 7:30 p.m.

Councilmember Nagle thanked everyone who participated in the Route 1 visioning session on Saturday morning. The video of the session and a survey are available from the City's website.

Dignitaries: Mayor Fellows recognized former Mayors Anna Owens, Mike Jacobs, Joe Page and Steve Brayman.

Acknowledgement of Reappointed Boards and Commission Members: Mayor Fellows recognized Chela Jimenez, Harold Jimenez and Joe Page for their reappointments to the Education Advisory Committee.

Proclamation: Mayor Fellows read the Proclamation for Mayor Anna Owens and presented her with the Key to the City. The City will request that Park & Planning name the ball field at the College Park Woods Neighborhood Park "Owens Field" in her honor. Mayor Owens made personal remarks. Members of the Council and the audience made remarks.

Amendments to the Agenda: Add 11-G-107 Amendment to the Agreement with Creative Outdoor Advertising, and 11-G-108 Comcast Franchise Negotiations. Move 11-G-104 to the Consent Agenda.

City Manager's Report: Mr. Nagro reminded everyone that next Tuesday is the fifth Tuesday of the month so there is no Council meeting, but the legislative dinner is scheduled that night at 6:30 p.m. at the Golf Course. City offices will be closed Thursday and Friday for the Thanksgiving holiday. The parking office will reopen at 1:00 p.m. on Saturday.

Comments from the Audience on Non-Agenda Items:

Sarah Jazs, College Park Recreation Board: Discussed the College Park Blues Festival that was held at Ritchie Coliseum on November 12.

Consent Agenda:

A motion was made by Councilmember Wojahn and seconded by Councilmember Cook to adopt the Consent Agenda which consisted of the following items:

- 11-G-103 Approval Of A Property Use Agreement for BBP of College Park Beverages, LLC t/a Bobby's Burger Palace, 8150 Baltimore Avenue, College Park, And Application For A New Class B, Beer, Wine and Liquor License**
- 11-G-104 Approval Of A Letter To Mr. Ronnie Gathers, Director of Parks & Recreation, M-NCPPC, Requesting That The Ball Field At College Park Woods Community Park Be Named "Owens Field" In Honor Of Mayor Anna Owens**

The motion carried 7 – 0 – 0.

Action Items:

- 11-G-105 Opposition To The Rezoning Of The Cafritz Property To MUTC And Support Of Rezoning Of The Property As MUI, With Conditions.**

A motion was made by Councilmember Stullich and seconded by Councilmember Afzali that the City send a letter to the Prince George's County Planning Board opposing the re-zoning of the Calvert Tract, also known as the Cafritz property, as Mixed-Use Town Center (MUTC) and supporting the re-zoning of the property as Mixed-Use Infill (MUI) with the following conditions:

- 1. Submit a Conceptual Site Plan or Detailed Site Plan that revises the current Development Plan and Guidelines for the Cafritz Property as follows:**
 - a. Reduce the planned surface parking area and ensure that at least 80 percent of the parking for both Phase 1 and Phase 2 is in structured parking with green roofs;**
 - b. Show a crossing at the CSX tracks and preserve the possibility for a future connection to the west through the U.S. Postal facility property;**

- c. **Continue the hiker/biker trail to the north to connect at Albion Road and provide a bike facility along Van Buren Street;**
 - d. **Preclude vehicular access to the Calvert Hills residential neighborhood to the north;**
 - e. **Provide proposed standard block dimensions; and**
 - f. **Include Design Standards for sustainability that address environmental health, air and water quality, energy efficiency, and carbon neutrality.**
2. **Give consideration to the following design changes:**
 - a. **Shift Woodberry Street to the north to create a residential street with townhomes on both sides of the street;**
 - b. **Eliminate the surface parking along the US 1 and Van Buren Street frontages in the block bounded by US 1, Van Buren Street, 45th Street, and the northern property line and provide residential or commercial uses north of Van Buren Street and west of 45th Street;**
 - c. **Eliminate the mews style of townhouse development and incorporate alley access to garages;**
 - d. **Provide buildings that front on the Riverine Park to provide for a safer environment;**
 - e. **Allow for possible future north-south and east-west connections should adjoining properties redevelop;**
 - f. **Revisit location of parks and open space to ensure better relation to and use by adjoining residential units; and**
 - g. **Terminate Van Buren Street at a building or enhanced park feature.**
3. **Restrict the maximum allowable density to a level that will generate average net additional daily vehicle trips on the portion of Route 1 that the property fronts that are no more than 20% above current levels, based on traffic estimates that have been reviewed and determined to be appropriate by the Transportation Planning Section of M-NCPPC.**
4. **Establish a trip cap of 548 AM peak hour trips and 902 PM peak hour trips for full build out of the development that may be amended, but not increased, at the time of Preliminary Plan.**
5. **Establish a Transportation Demand Management program under the Prince George's County Transportation Demand Management District Ordinance, the timing for which shall be determined at Preliminary Plan.**
6. **Pursue and obtain a minimum of gold certification under the Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) system.**
7. **Submit a phasing plan, including square footage of development by use for all proposed development tied to DSP submittals, and provide a construction timetable for build out. Include residential in Phase 1 of development.**

- 8. Prohibit clear-cutting or re-grading the Phase 2 portion of the development until a Detailed Site Plan for Phase 2 has been approved.**
- 9. Preserve a substantial number of existing trees in the landscaped buffer along US 1 to preserve the existing wooded image as recommended in the 1994 Master Plan.**
- 10. Submit the following:**
 - a. Revised Forest Stand Delineation; and**
 - b. Grading plan for the site.**
- 11. Clearly delineate the 65 dBA Ldn from noise generators.**
- 12. Submit a Preliminary Plan of Subdivision for the entire site prior to the release of any building permits to include the following:**
 - a. Revised SWM Concept Plan that complies with CB-15-2011 and provides Environmental Site Design to the Maximum Extent Practicable;**
 - b. Revised Natural Resources Inventory;**
 - c. Revised Traffic Impact Study that:**
 - i. Accurately reflects the development proposal and anticipated phasing;**
 - ii. Eliminates corridor averaging for the Route 1 intersections included in the Study;**
 - iii. Analyzes midday and weekend traffic impacts;**
 - iv. Analyzes all proposed connections, including a CSX crossing and Maryland Avenue; and**
 - v. Provides for mitigation of traffic impacts through measures such as bikeshare, enhanced transit service such as shuttle service, and the CSX crossing.**
- 13. The first building permit for Phase 1 of the development may not be issued until an approved design and funding commitment have been secured for an overhead bridge crossing of the CSX railroad tracks that has been determined to be appropriate and feasible by the Transportation Planning Section of M-NCPPC and that is designed to be usable by trucks, buses, and emergency vehicles as well as cars, bicycles and pedestrians, and including written agreement from CSX and the owners of any property that would need to provide rights-of-way for the crossing.**

These recommended conditions do not preclude the City's right to comment on development plans at subsequent stages of review and to request additional conditions, including more stringent conditions regarding traffic should we deem they are warranted by future traffic studies or other information.

Councilmember Stullich commented that the Cafritz property is a roughly 37 acre site that is primarily in the Town of Riverdale Park with a small portion in College Park. The applicant is proposing a mixed-use development with office, retail (including a Whole Foods Market and fitness center), various types of residential housing, and a 120-key hotel. The Planning Board will hear the case on Thursday, December 15 at 1:00 p.m. in the County Council Hearing Room at the County Administration Building. She clarified a statement she made in an e-mail to members of the Mayor and Council that the adequacy of transportation facilities is not required to be reviewed for an MUTC re-zoning application, but would be required for an MUI re-zoning application. The City's Planner disagrees with that statement, and it was not possible to consult with the County's transportation planner to clarify the exact requirements. In any case traffic impacts are a major concern. Councilmember Stullich then read the developer's proffer regarding the CSX crossing that was provided to Council tonight.

Comments from the audience:

Developer Jane Cafritz: Ms. Cafritz applauds the community input on this project and is sensitive to the traffic issues. She believes that an acceptable design will be reached. They will not have the density to qualify for gold LEED ND but they are committed to a sustainable plus development. The entire community will have a say in every decision going forward. They intend to develop and continue to maintain the property and are proud to be held accountable and continue the dialog.

Attorney Richard Reed: Many of College Park's conditions align with Riverdale Park's. He believes we are very close to reaching an agreement and they are committed to the community input.

Eve Müller, 4710 College Avenue: She would like a Whole Foods in downtown College Park but the developers are using that lure as a strategy to convince the residents to overcome their doubts about the project. She is opposed to the proposed rezoning because of the enormous scale of the development and believes the traffic counts have been underestimated by the developer's consultant. The retail component would draw tenants away from existing retail spaces on Route 1 and exacerbate blight. Clear cutting the property and replacing it with surface parking is at odds with smart urban infill. There are already many abandoned lots on Route 1 where a Whole Foods could go. She believes a MUTC designation reduces the amount of community input so she prefers MUI because it provides maximum oversight.

Adele Ellis, 4608 Beechwood Road: Her experience when the Metro went in was that when they worked together with the civic association they developed conditions that benefited Calvert Hills. At earlier meetings the developer was considering MUI, not MUTC. The project needs maximum oversight.

Michael Smith, 4605 Drexel Road: He is not in favor of the change to MUTC because the development fails on five of the seven criteria. MUTC designation diminishes community input. He read concerns that were included in the City's staff report. He thinks MUI is the appropriate rezoning designation.

Jim McFadden, 4800 Calvert Road: Fully supports the motion. We would be bargaining away our rights with an MUTC zone. He is concerned with cut through traffic through Calvert Hills to escape US 1 back-ups.

Douglas Hamilton, 4605 Fordham Road: We need more single family homes, not high density development. At R-55, the property is already zoned properly. We need to have input into the process at all stages.

Stephanie McLaughlin, 4605 Fordham Road: Concerned about traffic on Route 1 and the loss of green space. Would prefer single family homes.

Justin Clarke, 4506 Beechwood Road: Referred to a letter he submitted expressing support for the MUTC zoning change with conditions. Think about how this project will relate to surrounding sites in the long term.

Frances Korbly-Canter, 4601 Beechwood Road: She enjoys the birdsong and the privacy and shade provided by the trees. She foresees heavy use of the Rhode Island Avenue right of way and is concerned about connection between the new development and Calvert Hills and cut through traffic. There are already three health food stores in the area. Is not sure that the CSX bridge would really have that much of an impact, and feels the bulk of the traffic will be on Route 1. Is in favor of the motion. Wants to protect the trees and the animals and down size the development.

Leo Shapiro, 6907 Rhode Island Avenue: Supports the motion. This should not be a referendum on how much people want a Whole Foods. Doesn't support the MUTC. The CSX crossing is critical but it has to be in writing. Scale back the proposal – it is too much. Don't ignore the other developments coming in on Route 1.

Allison Hughes, 6705 Rhode Island Avenue: Supports the motion. She is the third house from the Cafritz property.

Cameron Easter, 4700 Drexel Road: We don't need another strip mall or high density housing – wouldn't benefit any of us. This development would take away from other new developments in the area.

Mary Jane Boatman, 4711 Amherst Road: Opposed to the clear cutting. Nearby businesses are failing; retail on the ground floor of new university housing is still vacant. Whole Foods is expensive. There is a fitness center at nearby Prince George's Plaza starving for clients. Residences could become rentals for UMD students. If they build this and the economy does not improve we will have lost 37 acres. Vote no on this and put the Whole Foods at the old Ford dealership on Route 1.

Carol Nezzo, 4600 Amherst Road: She submitted a letter from people on Amherst and Beechwood addressing traffic, crime, and wildlife. The developer should look at what has happened at the nearby University Town Center and see how to address and avoid the problems they are facing – that development is going bankrupt. Housing is too dense. More research needs to be done. Put the Whole Foods in the Koons Ford property. Consider community gardens and rooftop gardens.

William Montgomery, 4614 Harvard Road: Preserve our way of life – we can't hold back progress but we can control it.

Cynthia Finley, 7006 Wake Forest Drive: Supports the development of this property not only for the Whole Foods but also for the type of housing that might appeal to a professor. Don't let the perfect be the enemy of the good; everyone would look at this differently. Need to be reasonable about what we ask of the developer. Not reasonable to make the bridge part of Phase 1. The project needs to be practical and economically viable for the developer. LEED certification is a good thing, but it is severely lacking in stormwater management techniques. Don't approve the motion as it is written tonight. She submitted a letter last week signed by over 100 people who support the development and don't want to place too many restrictions on the motion.

Miranda Martin, 4800 Guilford Road: It is wonderful that the Cafritz's want to work with the community so they should welcome the MUI which will allow them to work closely with the community. She is sensitive to the "Whole Foods as bait" issue. Take the idea of Whole Foods out of the equation in considerations.

Leo Shapiro: The reason Riverdale Park wants the MUTC is because it gives them complete control over the zoning.

Aaron Springer, 4622 Harvard Road: He is in support of the motion. Appreciates what Cafritz is saying but things must be up front and on the table first. This is the time to push hard.

Mayor Vernon Archer, Town of Riverdale Park: Much of the motion is compatible with the position of Riverdale Park. Regarding MUTC vs. MUI – the fundamental difference is the public review under the Detailed Site Plan (DSP) process. The development team originally came in with MUI and it was Riverdale Park that asked the developer to consider the MUTC for the pedestrian orientation and high architectural standards. When the developer first came in, he told them to go to University Park to work out the traffic issues. One of the things that University Park came back to them with later is that a MUTC board would be the only one who would review future activity on this property so Riverdale Park, University Park and the developer added a condition that with MUTC rezoning, the DSP process would be a part of all building on the property. If all the municipalities agree, the County wouldn't vote no to that condition. Take time to consider the MUTC with the DSP review condition, some protections are left out of the MUI. Don't take a fundamentally different position from Riverdale Park and University Park; it is best for the towns to stay together. The elected officials should have been talking about these issues earlier.

Jonathan Ebbeler, Ward 1 Councilmember, Town of Riverdale Park: The Cafritz property is in his ward. MUTC zoning was his idea, not the developers, because it is the only mixed use that has a true pedestrian orientation between MXT, MUI and MUTC. The vision is to reconnect a vacant town center. Two issues need to be addressed as part of MUI v. MUTC: the DSP and the traffic study. M-NCPPC views that the referral process will be the same between MXT, MUI and MUTC. The MUTC committee is advisory to the town council but is not a party of record with M-NCPPC. The three municipalities are in agreement on a majority of the points. MUTC is more pedestrian oriented and has an 80% parking requirement; MUI has a more vehicular-centric zoning. The MUTC zone has highly delineated design standards; MUI language is much looser and more open to interpretation. Look at surrounding developments: University Town Center didn't have MUTC review; EYA had MUTC review.

Richard Reed, Attorney for Cafritz: The applicant started with MUI and changed to MUTC at Riverdale Park's request. MUTC has a lot of controls. They believe they comply with the 80% structured parking requirement. They agree to showing the CSX crossing, continuing the hiker-biker trail up to Albion, and precluding vehicular access to Calvert Hills. More time is needed to discuss the meaning of the Detailed Site Plan review. There is a Preliminary Plan process that is unrelated to zoning. Encourages the City to consider the MUTC.

Councilmember Afzali and other members of the Council asked the applicant if they would delay their Planning Board date beyond December 15 to allow the Council more time to consider these issues.

At 10:06 p.m., a motion was made by Councilmember Stulich and seconded by Councilmember Mitchell to table this motion for 15 minutes. The motion carried 7 -0 - 0.

A motion was made by Councilmember Stulich and seconded by Councilmember Afzali to take the item off the table. The motion carried 7 - 0 - 0 and discussion of this agenda item resumed at 10:21 p.m.:

Developer Calvin Cafritz, 1642 29th Street, NW: They will hold on to the project, not sell it off. They want to develop a quality project that will benefit the residents, County and University. They are different from other developers. They take the objections they have heard from the community very seriously and believe they can work through them, but time is of the essence. Interest rates are very low now. To have the project deferred will work against them. They decline the request to delay the date.

Councilmember Stulich asked about the ownership of the property. Mr. Cafritz said the property is owned by him and his wife Jane.

Councilmember Catlin requested staff's opinion on the MUI v. MUTC zones.

Ms. Schum explained the implications of moving to the MUI zone. It is not a simple zoning change. The application would have to be withdrawn and refiled as an Amendment to the

College Park Riverdale Park Transit District Development Plan. MUI is not a standalone zone. MUI can only go with a Development District Overlay Zone or a Transit District Overlay Zone – neither of which is there now. It would be possible to amend the boundary of the TDOZ which is just across the tracks. We would have to talk about how MUI would work because the applicant is so far down the MUTC path. There is not much difference between the MUI zone and the MUTC zone with the many proposed conditions and the proffer of the DSP, so she believes we could probably come to agreement pretty quickly.

Councilmember Wojahn asked if the MUTC committee could include representation from the Calvert Hills neighborhood. Ms. Schum said that is a question for Riverdale Park but that a MUTC review committee is not as rigorous as the DSP process, so the question is how to meld the two together, which we haven't yet discussed. By agreeing to a Detailed Site Plan review the City would have greater oversight.

Mr. Reed said that the MUTC committee could be modified to add seats for College Park. Riverdale Park preferred the Detailed Site Plan proffer because it gives full participation on the DSP from start to finish and on appeal. The MUTC committee is advisory only.

Riverdale Park Councilmember Ebbeler said that asking for a seat on the MUTC committee would weaken College Park's position and that the DSP review is a stronger process.

Councilmember Stullich didn't see it as an either-or situation - that asking for a seat on the MUTC committee would be instead of the DSP review.

Councilmember Wojahn said having a seat on the MUTC committee could also be advisory to the College Park City Council.

Riverdale Park Mayor Archer reviewed the purpose and role of the MUTC committee and how the nominations are made.

Ms. Schum said there is not a MUTC committee process per se as there is a permit process and a special permit process. It is the special permit process that is attached to uses in the development plan that requires the Planning Board to have a 4/5 vote to overturn a recommendation from Riverdale Park, so that special permit process would have to be revised in the development plan to be a Detailed Site Plan process. That is where there is a disconnect. The Detailed Site Plan process is a great thing to have. A special permit that goes to the Planning Board can be appealed only to the Circuit Court. In a Detailed Site Plan process a decision of the Planning Board can be appealed to the District Council (which is the County Council). This would all need to be spelled out and has not yet been addressed.

A motion was made by Councilmember Catlin and seconded by Councilmember Nagle to table this item until December 6. The motion passed 5 – 2 – 0 (Councilmembers Stullich and Cook opposed).

11-G-106 Approval of a Letter of Intent to Prince George's County Public Schools for College Park Academy Public Charter School

A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali that the City Council approve a Letter of Intent to the Prince George's County Public Schools for the College Park Academy Public Charter School.

Councilmember Mitchell said the College Park Academy is being proposed by the College Park City-University Partnership as a public charter school in Prince George's County. Many of the details, such as the physical location of the school, remain to be determined, but this Letter of Intent is intended to get the ball rolling with the County school board. There is a possible opening date for the school in the fall of 2013.

There were no comments from the audience.

Councilmember Catlin said this is an exciting proposition. High quality public education is a priority for our residents. Over the last few years the University of Maryland has become involved in public education in the City and he is hopeful that this collaboration will improve public education.

Councilmember Mitchell thanked the County Council and the 21st Delegation for their collaboration.

The motion passed 7 – 0 – 0.

11-G-107 Amendment to the Agreement with Creative Outdoor Advertising

A motion was made by Councilmember Nagle and seconded by Councilmember Wojahn that the City Council approve an amendment to the agreement with Creative Outdoor Advertising for outdoor public space recycling containers that was approved by the City Council on October 25.

Councilmember Nagle said that Council approved an agreement with Creative Outdoor Advertising of America (COA) for Public Space Trash and Recycling Containers on October 25, 2011 (item 11-G-96). When COA was sent the approved agreement to sign, they added another clause to the Agreement, as follows: "*#43: COA recycling stations are powder coated, not painted. Changing colors is a very expensive process. The City agrees to pay COA \$800 per unit in the event the City wishes to change colors.*" This represents a substantive change to the Agreement that requires Council approval. Per the discussion with Council at the October 18 Worksession, Public Works Director Bob Stumpff plans to order black refuse containers and blue recycling containers for within the COA stations. These colors are the same as the current refuse and recycling containers that are in use in downtown College Park, so no color change is anticipated. But COA has written it into their contract as a precaution to make clear that any color change would be at the City's expense.

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

The motion passed 7 – 0 – 0.

11-G-108 Comcast Franchise Renewal

Ms. Ferguson said Comcast has requested that formal franchise renewal negotiations begin. In response, under federal law, we need to respond with a certain process and procedure to determine cable related needs and interests in the future. She read the proposed motion.

A motion was made by Councilmember Catlin and seconded by Councilmember Nagle that in response to a request for formal Cable Franchise renewal negotiations from Comcast dated June 1, 2011, the City commence a proceeding under 47 USC 546 to determine cable related needs and interests. The process shall include public notice and participation. To begin, the issue is referred to the City's Cable Commission for review. City staff is authorized to send a letter notifying Comcast of this action.

There were no comments from the audience.

Councilmember Catlin said that a similar process was used with Verizon. Since the Council does not have expertise on this, the matter is referred to our Cable Commission and will come back to Council for updates.

The motion passed 7 – 0 – 0.

Council Comments:

Councilmember Mitchell said she is getting questions from residents about why the City doesn't have a police department and requested a future Worksession to discuss doing another study.

Councilmember Afzali raised the issue of the University District Vision 2020 document. The CPCUP has requested feedback on the document by December 15 which does not allow enough time for public input. He requested that the deadline for feedback be pushed back. Council agreed that they want time to discuss this with their residents. A January time frame was discussed.

Councilmember Cook said that Saturday is small business shopping Saturday, and that January 14 is the Martin Luther King tribute at the Clarice Smith Center.

Councilmember Wojahn asked for two future Worksession discussions: 1) a follow-up on Saturday's Route 1 visioning session and 2) to discuss the process for public input and when to engage a consultant for the new streetscape plan for the Hollywood commercial district.

Councilmember Nagle said that last Thursday there was a presentation by the Prince George's County 9-1-1 Call Center that unfortunately was only attended by 4 residents. She said it was very informative.

Councilmember-elect Kabir reminded everyone to shop locally this holiday season.

Comments from the Audience: None.

Adjourn: A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali to adjourn the meeting. Mayor Fellows adjourned the meeting at 11:07 with a vote of 5-0.

Janeen S. Miller, CMC	Date
City Clerk	Approved