



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
April 5, 2012 – 7:30 P.M.

PRESENT: Advisory Planning Commission – Mary Cook, James McFadden, Charles Smolka and Clay Gump; Planning Staff – Terry Schum and Theresheia Williams; Attorney – Sue Ford.

I. Call to Order: Mary Cook called the meeting to order at 7:45 p.m.

II. Approval of Minutes:

Charles Smolka moved to accept the minutes of March 1, 2012. Clay Gump seconded. The motion carried 4-0-0.

III. Amendments to Agenda: There were no Amendments to the Agenda.

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

V. Public Hearings:

12-0000207:	Appeal of violation notice prohibiting flag signs (continued from March 1, 2012 meeting)
<u>Appellant:</u>	Roy Cogliandolo, Friendly Computer Services
<u>Location:</u>	9205 Baltimore Avenue

Mary Cook placed witnesses under oath and stated that this hearing was continued from the March 1, 2012 meeting to allow the Department of Public Services staff to meet with Prince George's County for legal interpretation of how they define pennant, pinwheel or similar types of signs.

Sue Ford, Attorney, informed the commissioners and appellant that the citation dated January 26, 2012, in regard to Section 190.13 and 27-593(a)(3) was not the correct enforcement code section within the City of College Park regulations. The correct code reference is Section 190.18. She stated that as a preliminary matter, the commission should determine whether or not the right code section has been cited. If it has not, it should be determined if there has actually been a violation of Section 190.13, which has nothing to do with the violation scheduled for this hearing.

Jeannie Ripley, Code Enforcement Manager, stated that there was a section added to Section 190 of the City code, which caused the section to be quoted incorrectly, but Section 190.18 is correct and the City enforces it.

Sue Ford stated that if the notice that went to the appellant has the wrong section, then they haven't had adequate notice of what laws and what enforcement in the City code they are being accused of violating.

The appellants, Roy Cogliando and John Cogliandolo, stated that they would like to proceed with the hearing and waive their rights to be properly notified with the correct City code section. They understand that the hearing will proceed as if the proper code, Section 190.18 of the City Code, was cited in their correction order.

Roy Cogliando stated that he thought the reason the hearing was continued was because the commission was not clear on the definition of Section 27-593(a)(3), which staff was suppose to get clarification from the County.

Sue Ford stated that counsel has conferred with the County about their interpretation of the pennant, pinwheel or similar signs and there has not been a response from the County to date. The County code for the term “sign” in Section 27.107.01(210) reads “*Sign is defined as any letter, word numeral, figure, design project image, picture illustration, emblem, symbol, trademark, banner, pennant or other device, which is used to announce, direct attention to, identify, advertise, or otherwise make anything known.*” Also in County Code 27-596, it says “*except what is provided in this part, sign shall not be displayed unless a permit has been issued by the Department of Environmental Resources.*”

Roy Cogliandolo stated that there continues to be businesses that have pennants, flags and A-framed signs displayed on their property. He stated that they are a small business trying to get their customers to notice them. He thinks signage is what will draw people to their business.

Jeannie Ripley stated that in 2011, they wrote citations in reference to signs for 52 properties and so far this year, they have written 28.

James McFadden asked if the sign has to have a permit and if in Section 27-593 it says they are prohibited. Does the APC have the option to waive this requirement?

Sue Ford stated that the Advisory Planning Commission does not have the option to waive that requirement. There are certain sign departures that can be requested, but not during an appeal hearing.

Clay Gump asked the appellant if he made the decision that permits were not issued for flag signs, or did he speak with someone at the County office?

Roy Cogliandolo stated that after talking with an employee at the County office, it was his understanding that the County does not issue permits for flag signs.

Clay Gump asked staff out of the 80 violations that were issued, how many flag signs were there, and did they receive permits?

Jeannie Ripley stated there were maybe 4 or 5 flag signs and the property owners removed the signs. The flag signs at the IKEA property are permanently mounted and they received permits from Prince George’s County.

Terry Schum, Planning Director, stated that IKEA is a special case, because they were approved under the M-X-T zone, which required a conceptual site plan and detailed site plan. When the detailed site plan was approved, there were no underlying sign requirements that came with that zone. IKEA's site plan has the flag signs as part of their entrance signage, so when they requested permits, they were issued as consistent with the plan. Since Friendly Computer Store does not have the requirement to obtain a detailed site plan, they have to refer to the Zoning Ordinance and Sector Plan requirements.

James McFadden moved to deny the appeal of the Corrective Order and require that all signs be removed until permits are issued for the signs. Charles Smolka seconded. Motion carried 4-0-0.

12-0000319: Appeal of violation notice prohibiting flag signs/banners displayed without a permit
Appellant: Mazza Family College Park, LLC
Location: 9530 Baltimore Avenue

Mary Cook explained the hearing procedures and placed witnesses under oath. Code Enforcement Officer, Brittany Parks, summarized the staff report. A City of College Park Correction/Violation notice was issued under case number 12-0319 on February 6, 2012. A corrected notice with the correct code, Chapter 190, Section 18 was issued on February 22, 2012. The violation is for the display of flag type signs prohibited under County code 27-593(a)(3), which prohibits pennants, pinwheels, and similar circus- or carnival-type attractors which are visible from a street or from residential property. The appellant continues to display various types of prohibited signs including pennants, flags, and A-frame signs. The property is zoned M-U-I and fronts on Baltimore Avenue. An appeal was received from the appellant at the Department of Public Services within the required time.

Samantha Jones, Mazza GrandMarc Apartments, testified that the flag signs are still displayed because CEO Gilberto Cabrera gave them permission to do so until a decision was made at the hearing. Ms. Jones stated that the A-frame sign has not been displayed since they were cited, because it was close to the main thoroughfare, so she removed it. She stated that they are a contributing member of the City of College Park. They house 600 University of Maryland students and participate in other things in the community. To support their business, they need to make sure their customers can find and identify them easily, which is why they took steps to increase the visibility of their property. The flags that are displayed were just ordered in January. There is no traffic light at their entrance, so coming from the South, you can't see the entrance of the complex until you are in front of it. The flags add some color to make it easy to see. All the flags are blank, non informational and the colors match other flags on the property. She is requesting an extension to keep the signs up while they get through their leasing season with the intent that once the season is over, they will obtain permits or remove the signs.

Clay Gump asked Terry Schum what options within the code are available for the appellant.

Terry Schum stated that they have the option of amending their detailed site plan to submit a new signage plan that includes flags. She stated that they would be unable to obtain a building permit for any kind of additional signage without this amendment because they are governed by their site plan.

Charles Smolka moved to deny the appeal based on the February 22, 2012 corrective order and require the appellant to remove the signs until a permit is obtained. James McFadden seconded.

Clay Gump moved to amend the motion to allow the appellant thirty (30) days to remove the flag signs. There was no second, the amendment failed.

The original motion to deny the appeal carried 4-0-0.

Charles Smolka moved to allow the appellant forty-five (45) days to remove the banner sign on the roof, which requires a crane operator. Clay Gump seconded. Motion carried 4-0-0.

VI. Review and comment on Progress Report submitted for Dartmouth Avenue

Charles Smolka moved to have staff send a letter to Mr. Schnabel requesting that the Department of Public Services conduct an inspection of the property within the next 30 days. Mr. Schnabel should also be informed that his attendance is requested at the May 3, 2012 APC meeting, where the inspection report will be discussed. James McFadden seconded. Motion carried 4-0-0.

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

- 1) **Maryland Book Exchange** – The last date for appealing the Planning Board approval of the project to the District Council was March 29, 2012. Appellants are required to certify that they have sent every party of record a copy of their notice of appeal. Various parties filed an appeal, including the City, Old Town Civic Association, St. Andrews Church and two individuals.
- 2) **Cafritz Property** – The case is scheduled for oral argument before the District Council on Wednesday, April 11, 2012 at 10:00 a.m. in Upper Marlboro. It is a de novo hearing and everybody including the applicant, will be limited to three minutes of testimony. The City will have several people testifying. The District Council will then have 60 days to make a decision. If it is approved by the District Council, the next step would be to appeal to the Circuit Court and then Court of Special Appeals.

VIII. Other Business:

Al Huda School - Jeannie Ripley reported that it is a degree conferring University and the Use and Occupancy permit is very specific of what can occupy that space. They offer grades Pre-Kindergarten to 12. The Department of Public Services is waiting on clarification from the County whether the building is considered an accessory use. Commissioners will be updated as soon as this is confirmed.

IX. Adjourn There being no further business, the meeting was adjourned at 9:25 p.m.

Minutes prepared by Theresheia Williams