



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
October 6, 2011 – 7:30 P.M.

PRESENT: Advisory Planning Commission – Lawrence Bleau, Robert Day, James McFadden, Charles Smolka and Timothy Dennée; Planning Staff – Terry Schum, Elisa Vitale and Theresheia Williams; Attorney – Sue Ford

I. Call to Order: Lawrence Bleau called the meeting to order at 7:35 p.m.

II. Approval of Minutes:

Charles Smolka moved to accept the minutes of September 1, 2011. Robert Day seconded. The motion carried 5-0-0

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:

CPD-2011-01:	Departure from the number of required parking spaces and design standards
<u>Applicant:</u>	Delta Delta Delta, NHC University of Maryland
<u>Location:</u>	4604 College Avenue

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Elisa Vitale summarized the staff report. The applicant, Delta Delta Delta Sorority, located at 4604 College Avenue is requesting two departures. 1) A departure of 10 parking spaces from the required 27 spaces. 2) A departure from Design Standards for the required parking space sizes and the requirement that no more than one-third of the parking spaces in a parking lot be compact spaces. The subject property is located in the Old Town neighborhood on the north side of College Avenue occupying the block of Princeton Avenue and Dickinson Avenue. The property is a contributing resource to the Old Town Historic District. It is zoned R-18 and is half an acre in size. The property is improved with at 13,500, square-foot 2-story brick building with loft. The house was built in the mid 1930's prior to zoning in Prince George's County. The subject property currently features two off-street parking lots providing a total of 18 spaces. The lot that is accessed from Princeton Avenue has 8 spaces and the lot accessed from Dickinson Avenue provides 10 parking spaces. In 1962, the sorority applied for a building permit to construct an addition. The City of College Park appealed that permit because they felt that an error was made in calculating the required number of off-street parking spaces.

The City's appeal was not successful and the Maryland-National Capital Park and Planning Commission (M-NCPPC) determined that 18 spaces provided on site were adequate for the 49 residents living there at the time. Over the years, the resident population of the sorority has increased. In 1999 there were 65 residents at the sorority. The applicant has indicated that number has not since increased, and they don't anticipate any further increases in the number of residents at the sorority. The City conducts annual inspections at the property and at the last inspection on January 12, 2011, they were issued a violation notice for not having a valid Use and Occupancy permit. The applicant did receive a Use and Occupancy permit in 1963, a copy was entered into the record as Exhibit 11. The Old Town neighborhood is zoned for permit parking and the sorority can obtain up to 27 on-street parking permits from the City. Residents can also purchase monthly parking permits for the City's parking garage for \$60.00 per month. There have not been any complaints from the community with respect to overflow parking. The applicant will be proposing a total of 17 parking spaces; they will be losing one space because they will be restriping the lot to provide one van accessible handicapped space. Princeton Avenue lot will feature a total of 8 spaces and the Dickinson Avenue lot will include 9 spaces. Staff recommends approval of the requested departure for 10 parking spaces from the required 27 parking spaces from Section 27-558(a)(2) and in accordance with Section 190-9 (8)(a), (b) and (e) of the City's Code, approval of the requested departure from the required parking space dimensions of the Prince George's County Parking and Loading Design Standards (Section 27-558(a)), and the requirement that no more than one-third of the total spaces in any parking lot be compact in size (Section 27-559(a)), with the condition that the existing lots be restriped to comply with the proposed parking arrangement shown in Exhibit 5.

Elisa Vitale submitted the staff report and Exhibits 1-10 into the record. Commissioners accepted unanimously.

Timothy Dennée asked if the population in the sorority increases, will it be necessary to add more off-street parking spaces?

Elisa Vitale stated that it has not been a problem in the community and the City's parking garage, transit and other transportation options provide other alternatives.

Timothy Dennée asked if there are any limitations on the parking spaces?

Elisa Vitale stated that it is established by the City and is specific to the property depending on the number of residents at the property. The property would also be subject to an annual inspection.

Terry Schum stated that it is possible to place conditions on departure applications where the number of residents could be "capped" to what it is today.

Charles Smolka asked how would that figure be determined, since the last count was in 1999?

Terry Schum stated that the best source for that information would be the code enforcement department since they inspect on an annual basis.

Lawrence Bleau asked how many permits are available for this zone?

Terry Schum stated that Old Town is in permit zone 6. There are a total of 1,359 permits that are allocated for that area. It is based on street capacity and demonstration of need over the years.

Matthew Tedesco, Attorney for the applicant, testified that he concurs with the findings in the staff report. He stated that he does not know why Use and Occupancy permits were not filed for as the occupancy of the sorority increased. He stated that his client is aware of that now and would obtain a new Use and Occupancy permit if the number of occupants increased. He also stated that the sorority is not planning to add bedrooms or increase the number of residents. In the last 12 years, there has been an increase of 1 or 2 sorority members.

Commissioners reviewed the criteria that need to be met before the departure can be granted in reference to a Departure from Parking and Loading Standards and determined that:

- 1) The applicant is meeting the parking needs of the 67 residents through a combination of the 17 on-site parking spaces and the 27 on-street parking permits issued by the City. Each of the two parking lots has a single point of access, which minimizes traffic congestion. The surface parking lots are located behind the front façade of the sorority and are screened from College Avenue by landscaping. The fact that there are two small parking lots rather than one large lot contributes to the success of the existing site layout in a residential neighborhood.
- 2) The departure of 10 parking spaces is the minimum necessary. There is no room on the site to add any additional parking spaces, which would comply with the standards established in Section 27-558 (a) of the Zoning Ordinance.
- 3) The departure is necessary to alleviate circumstances that are special to the subject use, given its nature at this location. The sorority house predates Zoning and there was no parking requirement at the time of construction. When the sorority house was expanded in 1962, the M-NCPPC determined that 18 spaces were sufficient for 49 residents. To build additional parking would increase lot coverage and is not feasible given the building's configuration. Students living in housing in close proximity to the University of Maryland have other transportation options and often do not have cars.
- 4) All methods of calculating the number of spaces have been explored. Even though the number of residents has steadily increased, there has not been an adverse impact on the adjacent residential community. The applicant is able to obtain 27 on-street parking permits. There are more than 140 on-street spaces within 500 feet of the subject property designated for permit parking.

The property is not located within the boundaries of the *2010 Central US 1 Corridor Sector Plan and Sectional Map Amendment*. The City's public parking garage is located approximately 700 feet from the subject property. Monthly parking permits are available in the City garage at a rate of \$60 per month.

The College Park Metro/MARC Station is located approximately one third of a mile from the sorority. Metrobus, TheBus, and Shuttle UM have stops in close proximity to the sorority along US 1, Paint Branch Parkway and at the Metro.

There are no alternative design solutions available that will yield additional spaces.

Commissioners reviewed the criteria that need to be met before the departure can be granted in reference to a Departure from Design Standards and determined that:

1) The purposes of the applicable provisions of the Prince George's County Zoning Ordinance will be equally well or better served by the applicant's proposal. Granting the Applicant departures from 1) the minimum size of a compact space and 2) permitting the number of compact spaces to exceed one third of all spaces provided on the two lots off of Princeton Avenue and Dickinson Avenue maximizes the number of parking spaces provided, thereby providing additional relief from traffic congestion. Granting the departures will also allow the applicant to provide additional parking spaces that are of maximum convenience to residents of the sorority.

2) Granting a departure from the minimum width requirement of a compact space (8') to 7' and 7.4' respectively is the minimum departure necessary for the applicant to provide 8 spaces in the Princeton Avenue Lot.

Granting a departure from the requirement that limits the number of compact spaces on a lot to no more than one third of all parking spaces (permitting an additional 11 compact spaces) is the minimum necessary, given the specific circumstances of the request: the fact that applicant's property is non-conforming and to provide a van accessible handicapped space and HVAC equipment leaves the applicant with less space.

3) The applicant's available parking area has been reduced with the requirement to meet Americans with Disability Act standards and the Applicant is maximizing the space available for parking.

4) For departure from design standards, the departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood. The requested departures from the minimum width of compact spaces and the percent of compact spaces permitted on the two lots will not impact the visual, functional or environment quality of the site or the surrounding neighborhood. The proposed lots will look and function similarly to that of the existing lots.

- 5) A departure from the design standards for parking facilities for the physically handicapped shall not be granted. The applicant will be providing a van accessible parking space in the Princeton Avenue Parking lot that meets the dimensions required by the Prince George's County Zoning Ordinance.

James McFadden moved to accept the departure based on staff's report and testimony because the request meets the criteria for granting the departure for the reasons stated above, with the condition that the existing lots be restriped to comply with the proposed parking arrangement shown in Exhibit 5. Robert Day seconded. Motion carried 5-0-0.

CPV-2011-04: Variance to validate existing conditions and to construct a 1-foot by 8-foot addition

Applicant: Neil Ordiers
Location: 9603 53rd Avenue

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Elisa Vitale summarized the staff report. The applicant is proposing to remove an area of concrete existing on the site that connects the gravel driveway to the garage to construct a 1-foot by 8-foot addition to square off the southwest corner of the house. The property was rezoned from single-family detached residential zone (R-55) to the open space zone (O-S) in 1990. Now that the property is zoned O-S, two variances are required. The applicant needs a variance of 27.3% or 2,496 square feet from the maximum allowable lot coverage of 5% or 457.5 square feet and a variance of 13 feet from the 20-foot minimum required side yard depth. When the property was rezoned, the existing improvements were grandfathered; therefore, it is not necessary to validate the existing conditions. The permit for the construction of the garage was issued in 1982. The subject property is irregular in shape and has an area of 9,150 square feet. The home dates to 1960 and the subdivision dates to 1906. The property is improved with a one-story single family home, detached garage and driveway. The improvement will result in a decrease in the total lot coverage and the addition will not result in an increase in the side yard encroachment. The property is located in the Addition to Daniel Park subdivision, Lots 42 & 43 and part of Lots 44-46, Block 7. The property is adjacent to the Davis Field Playground and City-owned property that feature a stormwater management pond. The surrounding neighborhood is single-family residential and is zoned R-55 and O-S. The properties at 9601 53rd Avenue and 5300, 5301 and 5303 Kenesaw Street were also rezoned to O-S in 1990. There was no input from the North College Park Citizens Association Variance Committee or any communication from notified property owners. Staff is recommending approval of a variance of 27.3% or 2,496 square feet from the maximum allowable lot coverage of 5% or 457.5 square feet to allow the applicant to construct a 1-foot by 8-foot addition with the condition that the applicant remove the concrete that connects the gravel driveway to the garage.

Elisa Vitale submitted the staff report and Exhibits 1-5 into the record. Commissioners accepted unanimously.

Timothy Dennée asked if the property was not zoned O-S, what zone would apply?

Elisa Vitale stated that the R-55 zone would apply.

Lawrence Bleau asked what is the distance from the side of the house to the property line?

Elisa Vitale stated that it is 7 feet.

Neil Ordiers, applicant, testified that the staff report was correct and indicated what he is proposing to do with the property. He purchased the property in January of this year. He stated that the garage is huge and he intends to use it for storage. He also stated that he plans to remove the concrete walks that adjoin the driveway and replace them with stone.

Lawrence Bleau asked if the walkway will be replaced?

Neil Ordiers stated yes, it's part of the concrete removal process.

Timothy Dennée asked where will the new retaining walls be placed?

Neil Ordiers stated he has not removed the concrete so he can't answer that yet.

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

- 1) The property has an extraordinary situation in that the existing home is located in the O-S zone and does not conform to any requirements of the zone. The existing improvements were constructed before the property was re-zoned to O-S. The O-S zone provides for areas of low-intensity residential (5 acre) development; promotes the economic use and conservation of land for agriculture, natural resource use, large-lot residential estates, and nonintensive recreational use. The standard lot size is 5 acres and the maximum number of dwelling units per net acre is 0.20. This development pattern is not characteristic of the surrounding neighborhood.
- 2) The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to the applicant. O-S zoning and its associated low intensity residential development is not characteristic of the neighborhood and the property could not be developed as it is today under these requirements. The subject property and the existing improvements do not comply with the requirements of the zone, which limits the applicant's ability to improve the Property. The side yard setback of 20 feet in the O-S zone could only be met if the applicant's entire house were moved 13 feet to the northeast, which would be an unusual practical difficulty. The applicant is proposing to eliminate a portion of the existing lot coverage on the property, which more than offsets the 8 square feet of lot coverage proposed by the small addition.

- 3) Granting the requested variances will not impair the intent and purpose of the applicable County General Plan or County Master Plan. It is clear that the O-S zoning was placed on the Property after it was subdivided and improvements were constructed. The applicant is proposing a small addition to square off a corner of the house and is offsetting this addition with the removal of impervious surface. The subject property is consistent with other houses on the street, including the three other properties in the O-S zone. The side yard setback variance for the 1' X 8' addition to the southwest wall of the house allows the house to be squared off, it does not increase intrusion into the side yard.

Lawrence Bleau moved to approve the variance because the request meets the three criteria for granting the variance for the reasons stated above. Timothy Dennée seconded. Motion carried 5-0-0. The APC also recommends that the subject property be rezoned to R-55 should there be an opportunity to do so in the future through a Sectional Map Amendment.

11-0002760: Appeal of violation notice prohibiting A-framed signs at the street

Applicant: Roy Cogliandolo, Friendly Computer Services

Location: 9205 Baltimore Avenue

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Code Enforcement Officer, Joyce Dent-Shuler, summarized the staff report. The violation is for the display of two A-frame and one flag-type sign on the right-of-way near the entrance to the subject property. A City of College Park Correction Order was issued on August 23, 2011. An appeal was received from the appellant within the required time. The subject property is zoned Mixed-Use Industrial-commercial (M-U-I). The surrounding properties (north & south) are also in the M-U-I zone and developed with other commercial establishments. Single-family homes are found to the rear of the subject property. The property fronts on Baltimore Avenue between Erie Street to the north and Delaware Street to the south. Code enforcement officer Joyce Dent-Shuler submitted a photo showing where the property is located, which was entered into the record as Attachment 7.

Robert Day asked how does this code apply to other entities in the City, like the Boys and Girls Club and civic associations?

Robert Ryan, Director of Public Services, stated that the City does reserve the right to give permission for certain signs. Temporary signs are usually issued with a permit for different events and campaign signs.

Lawrence Bleau asked if there was anywhere on the property where a sign could be placed that would not block traffic?

Joyce Dent-Shuler stated yes.

Robert Ryan stated that the photos were taking on a different day than the violation was written, so the signs appear to be out of the right-of-way.

Roy Cogliando, appellant, testified that when they were cited, they had just moved in and were trying to find an appropriate place to put the signs. He stated that his business was in Riverdale, MD for 10 years and he had no problem with using A-frame signs. He stated that a lot of the signs on Route 1 are prohibited. There are a lot of apartment complexes and real estate agencies that have flags and signs outside of their businesses. He thinks that it is unfair that they have been targeted. They are just trying to advertise their business.

Timothy Dennée asked if he was aware of the procedure to obtain permits for a sign?

Roy Cogliando stated yes for a permanent sign, but not for A-frame signs.

Joyce Dent-Shuler stated that after issuing the violation for the A-frame sign a commercial annual inspection was conducted on the property and she also cited for the pole mounted sign because a permit was not obtained.

Lawrence Bleau asked if the signs were placed at the edge of the property near one of the parking spaces, would that still be a violation of the code?

Robert Ryan stated yes it would still be a violation.

The APC voted 5-0-0 to affirm the corrective order and require abatement of the violation contained within the notice of violation dated August 30, 2011. The appellant shall remove the A-frame signs until such time that a proper permit is obtained.

11-00002846: Appeal of violation notice for basement stair tread width
Applicant: Gregory Teal
Location: 9104 Rhode Island Avenue

Sue Ford, Attorney, informed commissioners that the Code citation that was given in Attachment 3 was an error. It referenced Section 1009.1, 2 & 3 from the International Building Code, but the correct citation that should have been referenced is Section R-311.5.3.2 of the International Residential Code of 2006. Sue Ford informed the appellant that since he was not given advanced notice of the applicability of the International Residential Code, as opposed to the International Building Code, he has the option of continuing the hearing to review the code section or consult with someone. The appellant indicated that he wanted to go ahead and proceed with his case as scheduled.

Correct copies of the building code Section R.311.5.3.2 was distributed to commissioners and the appellant and entered into the record as Attachment 9.

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Robert Ryan, Public Services Director, testified that the property was built in 1941. The City was aware that it was being used as a rental property around 1985-1986. The only history that he has for that time is a sketch that shows the basement in a slightly different configuration than exists now. He stated that there is no record that any building permit was obtained for the renovation of the

basement. The home was purchased by Mr. Teal in the condition that it is in and is being used as a rental. He stated that code enforcement officer Joyce Dent-Shuler is a very thorough inspector and determined that the stair tread presents a tripping or falling hazard, that's why the notice of violation was issued.

Timothy Dennée asked if the property received or required a new Use and Occupancy permit within the last 5 years?

Robert Ryan stated no. The City issues rental occupancy permits a Use and Occupancy permit would have been issued by Prince George's County and they have no record of that.

Code Enforcement Officer, Joyce Dent-Shuler, summarized the staff report. The subject property is zoned R-55. The surrounding properties are also in the R-55 zone and developed with single-family homes. The property fronts on the Rhode Island Avenue service road between Delaware Street to the north and Cherokee Street on the south. There are two bedrooms, laundry facilities, etc. in the basement of the subject property. The stairs are used frequently to provide continuous flow from the first floor to the basement of this single-family dwelling. The treads measure six and one half inches (6-1/2") in depth and the risers measure (8-1/2").

Gregory Teal, appellant, testified that he has been a homeowner in College Park for 10 years and this is his first time he has been before the Appeals Board. He stated that he would like to contest the violation notice because he does not believe that he is in violation of Section 125-27, stairway and porches, because his property has been inspected for 10 years and the stairs have not been altered. After he received the violation notice, he contacted the code enforcement officer and the supervisor several times to get a better understanding of what he was in violation of. When he talked to Officer Dent-Shuler, she stated he was in violation of Section 87-2, which confused him because it refers to Prince George's County Code. He then filed an appeal to the commission for the violation. The property has been inspected for approximately 10 years. There was a turn-over in 2001 at which point the City did a full detailed inspection of the property and he was issued a new occupancy permit. There were 19 other issues on the inspection report from August 10, 2011, all of which have been resolved. Code enforcement officer Joyce Dent-Shuler has been back to the property and confirms that they have been resolved. The only outstanding issue is violation 20, stair tread. The stairway has been deemed safe for 10 years by 10 different inspectors by the City of College Park. In fact, Officer Joyce Dent-Shuler was at the property in 2008 and inspected the property and deemed it safe.

Robert Day asked if this violation poses a safety hazard, since it is an egress issue?

Robert Ryan stated that the code enforcement officer determined that it was a safety hazard because of the width of the tread.

Lawrence Bleau asked if there are any other exits from the basement other than the stairway?

Gregory Teal stated that there are two exits as required by the City code. There are also windows that open.

Officer Joyce Dent-Shuler stated that the stairs give access to the basement, and there are two rooming units in the basement. There is a door that leads to the exterior; however, the code does require that they be continuous flow from the first floor to the basement.

Gregory Teal stated that there is also a door in the back with free flow from both of the rooms.

Timothy Dennée asked if the stairs can be lengthened?

Office Joyce Dent-Shuler stated that the only thing that can be done is to reduce the tread and riser.

Charles Smolka moved to grant waiver 11-00002846 based on the evidence presented and the staff's report submitted by Code Enforcement Officer Joyce Dent-Shuler with the condition that the appellant install a second hand rail along the stairs. Robert Day seconded. Motion carried 5-0-0.

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

- 1. M Square** – The Detailed Site Plan was scheduled before the Mayor and Council a month ago and staff recommended disapproval of the application. The applicant continued the Planning Board hearing on the application so it is not currently scheduled before City Council or Park and Planning, but will be sometime in the future.
- 2. Cafritz Property** – The developers are considering filing an application for the Mixed-Use Riverdale Park Town Center Zone. They would extend the town center boundaries that already exist and include this property and request rezoning, which would require a new plan to be developed for the site.
- 3. Maryland Book Exchange** – James McFadden moved that the commission support the position taken by staff in their presentation on October 4, 2011 to the City Council and send a letter to the Mayor and Council to disapprove the Detailed Site Plan for the Maryland Book Exchange. Timothy Dennée seconded. Motion carried 5-0-0.

To access the staff report or watch a video of the presentation, go to the City's website at www.collegeparkmd.gov.

VI. Other Business: There was no other business.

VIII. Adjourn: There being no further business, the meeting was adjourned at 9:45 p.m.