



**CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION**  
**4500 KNOX ROAD COLLEGE PARK, MARYLAND 20740**  
**TELEPHONE: (240) 487-3538 • FACSIMILE: (301) 887-0558**

**ADVISORY PLANNING COMMISSION**  
**MINUTES OF MEETING**  
**September 1, 2011 – 7:30 P.M.**

**PRESENT:** Advisory Planning Commission – Lawrence Bleau, Robert Day, Timothy Dennée, Heidi Jones-Huffman and Mary Cook; Planning Staff – Terry Schum, Dorothy Friedman and Theresheia Williams; Attorney – Sue Ford

**I. Call to Order:** Lawrence Bleau called the meeting to order at 7:30 p.m.

**II. Approval of Minutes:**

The August 11, 2011 minutes were amended to reflect the following change:

On page 2, paragraph 3, add to the paragraph that Heidi Jones-Huffman and Mary Cook were not aware that it was mandatory for them to listen to the tape recording of the July 7, 2011 hearing in order to participate in the vote.

Timothy Dennée moved to accept the minutes of August 11, 2011 as amended. Robert Day seconded. The motion carried 6-0-0

**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:**

<b>CPV-2011-02:</b>	<b>Variance to construct a new dwelling</b>
<b><u>Applicant:</u></b>	<b>Faramarz Sabouri, on behalf of James Allen</b>
<b><u>Location:</u></b>	<b>9505 49<sup>th</sup> Place</b>

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The subject property, 9505 49<sup>th</sup> Place, is located in the Hollywood on the Hill subdivision, lots 36 and 37 in Block 19. The applicant is requesting a variance of 20% from the maximum allowable lot coverage of 30% to construct a new dwelling and attached garage. The property owner, Lori Dinkins, is deceased. Hattie Dinkins, who is administering the estate, has given James Allen, the applicant, power of attorney to obtain a building permit for construction of a new structure to replace the house that was demolished. The property is rectangular in shape and measures 50 feet by 125 feet. The area of the property is 6,250 square feet and is currently unimproved. The property is a single-family home, which was constructed in 1949 and demolished in 2009, but the foundation still remains. The proposed dwelling includes an attached garage that is located behind the house. The applicant proposes to construct a driveway with pervious concrete pavers. The surrounding

neighborhood is single-family residential, consisting of one-and-two story dwellings. The Prince George's County Zoning Ordinance requires two off-street parking spaces for new single-family homes. Staff recommends that the applicant's 20% variance request be denied.

Dorothy Friedman submitted the staff report and Exhibits 1-7 into the record. Commissioners accepted unanimously.

Lawrence Bleau asked if the Zoning Code allows the use of pervious pavers when making a decision on variances?

Dorothy Friedman stated that Prince George's County Zoning Ordinance does not accept it as a mitigating factor.

Timothy Dennée asked if the Zoning Ordinance distinguishes between types of pavings?

Dorothy Friedman stated no, it defines lot coverage as anything that is under roof, whether pervious or non pervious.

Terry Schum stated that the County Zoning Ordinance dates to 1949, and there have been no amendments to the Zoning Ordinance to date to deal with these issues.

James McFadden asked if staff had heard from any adjoining neighbors or the civic association?

Dorothy Friedman stated that the civic association only inquired about the proposed dimensions, but took no position.

Lawrence Bleau asked if there were any requirements for retaining storm water run-off on residential properties?

Dorothy Friedman stated yes.

Mary Cook asked if there were any other houses in the neighborhood that had a garage in the back?

Dorothy Friedman stated no.

James Allen, applicant, stated that he is requesting a variance to construct a new dwelling that he intends to live in with his family. He stated that there are at least 3 houses with detached garages on the block and also some properties that have a lot more concrete than he is proposing. He stated that he informed his architect that he wanted the design of the house to fit in with the neighborhood. He also stated that if the variance request is denied, it would be a financial burden because he would have to go through the permitting process again. Mr. Allen submitted letters from property owners at 9507 and 9503 49<sup>th</sup> Place supporting the variance request, which were entered into the record as Exhibits 8 and 9.

Timothy Dennée asked the applicant if he reviewed the Zoning Ordinance to see what was permissible prior to developing the plans and submitting the permit application?

James Allen stated that he discussed it with his architect, who indicated that what he was proposing was applicable.

Mary Cook asked if the variance is not approved, will he still proceed with the plans?

James Allen stated yes he would. The house was demolished in 2009, and it has been a long process, which he would like to complete.

Timothy Dennée asked had he considered just putting in a driveway so that he would not need to obtain a variance?

James Allen stated that he may have to consider that because he would like to move forward.

Lawrence Bleau asked what would be the hardship if the requested variance was not granted?

James Allen stated that it would be a burden financially and mentally, because right now, he is paying two mortgages. He would have to go through the permitting process again, which would entail additional cost.

Lawrence Bleau asked if he can comment on the technical aspects of the project?

James Allen stated that, unfortunately, his architect would have to speak on that and he is not present at the meeting tonight.

James McFadden asked what is the lot coverage for just the driveway?

Dorothy Friedman stated that it is .193, about 20% with just the driveway

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

- 1) With a width of 50 feet, the property is narrow. Properties in new subdivisions must meet a 65-foot minimum width requirement. However, the original Hollywood on the Hill subdivision dates to 1913 and the lot size is typical for the neighborhood.
- 2) The strict application of the County Zoning Ordinance will not result in a peculiar and unusual practical difficulty for the property owner. The applicant can meet the off-street parking requirements and maintain lot coverage of 29.9% by removing the garage and reducing the length of the driveway to 47 feet.

- 3) Granting the requested variance will substantially impair the intent, purpose, and integrity of the County's Zoning Ordinance. Fifty percent lot coverage is excessive.

Lawrence Bleau moved to accept the staff report with changes and to deny the variance because the request does not meet the three criteria for granting the variance for the reasons stated above. Timothy Dennée seconded. Motion carried 4-2-0, with James McFadden and Mary Cook voting nay.

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

1. **M Square Research Park** – This project is proposed by the University of Maryland and COPT Development and Construction Services, LLC. It will consist of three identical buildings at 1500 square feet each and a 3-story parking garage. The project will be built in 3 phases. Two of the buildings will be in College Park, but everything built to-date has been in Riverdale Park. The design will be consistent with the rest of the research park. The City Council will hear this project on September 20 and it will go to the Planning Board on October 20, 2011. Staff's main objection to the applicant proceeding is that they are proposing more development density than they are allowed under the current subdivision. Park and Planning accepted the application and subdivision amendment. However, they are allowing the Detailed Site Plan to go first. Staff will recommend that only one building be approved until the subdivision is approved.
2. **Maryland Book Exchange** – This project will consist of reconstruction of the Maryland Book Exchange site to include 341 units of student and academic related housing with 1,000 beds and 14,300 square feet of retail. Staff is reviewing this plan and meeting with Park and Planning to fully understand the standards outlined in the new sector plan. The applicant will have to revise the architecture to reflect a step-back transition before it can be approved by Park and Planning. The deadline to submit any new information regarding the application is September 14. They will be before the City Council on October 4 and the Planning Board on October 20.
3. **Cafritz Property** – This property is not in the City of College Park, it is in the Town of Riverdale Park on the east side of Rt. 1 approximately 1400' north of MD 410 intersection. The developers are considering amending the existing Riverdale Park Town Center Plan, which has its own zone called Mixed-Use Town Center. Under this plan, they can write their own standards as part of the amendment. The proposed project includes a Whole Foods grocery, over 100,000 sf. of retail and restaurants and 22,000 sf. of general office space.
4. **Koons Ford** – There are preliminary plans for a 150-room hotel and restaurant for the site on the east side of Rt. 1. On the west side, a parking garage and student housing is being proposed.

**VI. Other Business:**

At the August 11, 2011 meeting, APC approved a postponement for the Departure from the required Parking Spaces submitted by Delta Delta Delta (CPD-2011-01) until September 1, 2011. They are now requesting another postponement until the October 6, 2011 meeting to revise their Statement of Justification. Commissioners approved unanimously to postpone the hearing until the October 6 meeting.

**VIII. Adjourn:** There being no further business, the meeting was adjourned at 9:10 p.m.

Minutes prepared by Theresheia Williams