



**CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION**  
**7401 BALTIMORE AVENUE, COLLEGE PARK, MARYLAND 20740**  
**TELEPHONE: (240) 487-3538**

**ADVISORY PLANNING COMMISSION**

**Approved Minutes of Meeting**

**January 6, 2022**

**(Due to COVID-19 Pandemic, this was a Virtual Meeting)**

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Stephanie Stullich, Chair	<u>    x    </u>	<u>          </u>
Santosh Chelliah, Vice-Chair	<u>    x    </u>	<u>          </u>
Daejauna Donahue	<u>          </u>	<u>    x    </u>
Vernae Martin	<u>          </u>	<u>    x    </u>
Kiersten Johnson	<u>    x    </u>	<u>          </u>
Malaika Nji-Kerber	<u>    x    </u>	<u>          </u>

Also Present: Planning Staff – Terry Schum, Miriam Bader and Theresheia Williams;  
 Attorney – Suellen Ferguson

**I. Call to Order and Amendments to Agenda:** Stephanie Stullich called the meeting to order at 7:33 p.m. Terry Schum asked that the agenda be modified to move item VIII to item VI.

**II. Approval of the Agenda:** Santosh Chelliah moved to approve the agenda as amended. Kiersten Johnson seconded. Motion carried 4-0-0.

**III. Approval of Minutes:**  
 Stephanie Stullich suggested amending the minutes to change paragraph 1 on page 3 to read, “Miriam Bader stated that according to the fence ordinance, the applicants are allowed to have a six-foot fence up to the front property line.” Kiersten Johnson moved to approve the November 4, 2022 minutes as amended. Malaika Nji-Kerber seconded. Motion carried 4-0-0.

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

**V. CPV-2022-01** Variances to construct a rear deck  
Applicant: Dr. Victoria-Maria MacDonald  
Location: 5007 Quebec Street

Stephanie Stullich explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. *(A modified staff report was provided to the commissioners and applicant prior to the meeting and should be used for this case)* The applicant is requesting a variance of 15.8 feet from the minimum street side yard setback of 25 feet to construct a deck off the back entrance of her house. The house was constructed in 1903 before zoning regulations started in 1928. The property is improved with a 2-story, single-family frame house with an addition in the western side yard and a shed.

The property has an odd-shape, is generally triangular but with 5 sides, and is a corner through lot with street frontage on three sides, Pontiac Street has not been improved. The rear entrance to the house exits to an open porch. The deck will be located adjacent to the open porch and will not be visible from the street due to a 6-foot-high board-on-board fence that runs along Patuxent Avenue and the unimproved Pontiac Street right-of-way.

Staff recommends that the variance for the proposed deck be approved with the following condition: The open porch shall not be enclosed and/or under a roof as specified in Section 27-442(c)(4) unless another variance is granted for such a request.

Stephanie Stullich asked when the fence was constructed?

Miriam Bader stated that a variance was approved in 2015 for the fence.

Kiersten Johnson asked if the rear side yard is setback 25 feet?

Miriam Bader stated that the house was constructed in the early 1900s before zoning so that location was probably not setback 25 feet.

Terry Schum, Planning Director, stated that because the addition is an existing condition, we do not need to validate it by approving another variance. Technically, it is in violation, but not part of the request for the proposed deck.

Dr. Victoria MacDonald, Applicant, testified that when she constructed the addition in 2012, the plan was to have the deck added at the same time, but the project was a little more expensive than she planned so she didn't include the deck. She stated that a deck would allow her to be outside more especially now during the pandemic. The porch in the front is kind of small for entertaining more than a couple of people at one time. She stated that she is not planning on moving and this project is part of an age-in-place improvement to better her quality of life.

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

- 1) The lot has an unusual shape (generally triangular but with 5 sides) and has an extraordinary condition in that it was located on the lot in 1903, many years before front and side yard setback regulations were adopted including the designation of all yards facing a street as front yards.
- 2) The strict application of the Zoning Ordinance will result in a practical difficulty for the property owner by preventing the deck from being located at the back entrance of the house, which is a reasonable location for the use.

- 3) Granting the setback variance for an open deck will not substantially impair the intent, purpose and integrity of any applicable County General Plan or County Master Plan. The deck will be constructed behind a 6-foot-high board-on-board fence and will not be visible to the public.

Malaika Nji-Kerber moved to recommend approval of variance CPV-2022-01 based on staff recommendation and the criteria outlined in the staff report. Kiersten Johnson seconded. Motion carried 4-0-0.

## **VI. Formerly item VIII: Review of Ordinance 21-0-15 and Implications for APC**

Suellen Ferguson, Attorney, briefed commissioners on the changes to Ordinance 21-0-15 and the implications to the APC. This Ordinance of the Mayor and Council amends Chapter 184 “Vehicles and Traffic,” Article II “Parking Regulations” to define “good cause,” eliminate weight, length, and load and authorize the City Manager to grant permission for good cause to allow a prohibited vehicle to park on a City street for no more than 30 days. The Council authorized the Advisory Planning Commission to hear and make recommendations to the Council with respect to requests for permission for good cause to park prohibited vehicles for longer than 30 days.

Ms. Ferguson stated that a lot of the applications that were coming in for special parking permits had vehicles no bigger than 21 feet but had more weight or storage space. The City is trying to protect a resident's ability to park in their own neighborhood. With the restriction removed, the number of people asking for an exemption would decrease.

Ms. Ferguson stated that this ordinance is written like the other appeals that come before the APC. The nature of the request would be an appeal for a resident who cannot get permission to park in front of their house for more than 2 years. The recommendation would go to Council for final approval.

Stephanie Stulich asked, based on past experience, how many cases may come before the APC?

Suellen Ferguson stated that there may be one application a year if that.

Terry Schum stated that the planning staff is just getting familiar with the ordinance. There are some practical issues to address like what form would the application take, is a staff report required, does the decision need to be in the form of a resolution, and would these applications be the result of a code enforcement violation for vehicles parked more than 30 days. She stated that it would be a good idea to have the Director of Public Services and the Parking Manager join the next APC meeting to talk about the Ordinance because this is not a planning issue.

**VII. Review and Discuss Draft 2021 Annual Report**

Commissioners reviewed and discussed the draft 2021 Annual Report. Stephanie Stulich suggested for future agendas to include the draft report on the November agenda to give the commissioners more time to review the report and comment. Once the commission returns to in-person meetings, the commissioners would like for the residents to still have an option to participate in the development forums as they have in the past. There needs to be some type of structure for online participants to speak.

Terry Schum stated that the city is not prepared to go to a hybrid format for boards and commissions at this time. They are still working with IT on finalizing the technical solutions. Also, the City relies on outside AV support to make hybrid meetings possible. It is under discussion whether that kind of support would be available for APC.

Stephanie and Santosh will draft additional language for the annual report and share it with staff.

**VIII. Discussion of In-Person, Virtual and Hybrid Meetings**

Terry Schum stated that the clerk's office is requiring boards and commissioners to move to a webinar format, which is what the City Council uses. Since the APC sets up their own meetings, our situation is different, but we will eventually be transitioning to a webinar format. One negative feature is that when you are an attendee of a meeting that has a webinar format, you cannot be seen. Even when you are unmuted to speak, there is no visual.

The commission would like the City Council to identify and implement technological solutions that facilitate hybrid meetings, in which participants can participate in person or remotely. They would also like for the Council to use a platform that would allow participants to be seen during the meeting if they choose. Other hybrid models should be researched.

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

**Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan**

This is a sector plan that includes a Sectional Map Amendment, which means a comprehensive rezoning of the plan area. This plan is based around one purple line stop that is under construction at the intersection of University Blvd., Adelphi Road and Campus Drive. It is located South of Campus Drive, East of Adelphi Road (behind St. Marks Church) and West of Mowatt Lane. It includes the area known as Guilford Woods. The entire area is predominantly zoned for single-family. The plan calls for more transit-oriented, mixed-use development.

On January 4<sup>th</sup>, the City Council heard a briefing from the Park and Planning Commission on the plan. They also reviewed the City's staff report on the plan. There is an upcoming public hearing on January 18<sup>th</sup> and public comments can be submitted until February 2<sup>nd</sup>.

If you are interested, you can go to the City’s website and review the backup, which includes the PowerPoint presentation from the County, the link to the full plan and staff recommendations. The City will ask Park and Planning to delay the adoption of this plan so that additional studies can be done. The City Council will take its position at a regular meeting on January 25, 2022.

**American Rescue Plan Act (ARPA)** – This federal program delivers funds to state, local and tribal governments to aid in recovery from the COVID-19 emergency. The city has a total allocation of 22 million dollars. Half of the funds have been received and the remaining funds will be received in about a year. A community forum was held on November 30, 2021, to get community comments on how funds should be spent. The City Council will be reviewing the comments. There is also a City-wide survey to solicit input. The Council will be making decisions in the coming months on how the funds should be spent. The funds need to be spent on Pandemic-related needs. The funds are to help the most impacted, members of the community but also infrastructure within the community.

**AARP Age-Friendly Livable Community Effort** – The City’s Senior Advisory Committee, is working along with staff and a consultant to develop a plan in the next 6 months to be implemented over 5 years. This effort addresses housing, transportation, economic development, health, and communication. The next step will be a City-wide community meeting to be scheduled for mid-February to get input from the community on what should be in this plan and what the City needs to do to better take care of all its residents regardless of age.

**X. Election of Chair and Vice-Chair**

Santosh Chelliah moved to nominate Stephanie Stullich for Chair.

Stephanie Stullich moved to nominate Santosh Chelliah for Vice-Chair.

Motion passed 4-0-0.

**XI. Other Business:**

Stephanie Stullich reported that MEOR Maryland, which was on the November 4, 2001 APC agenda for a Departure from Parking and Design Standards, was approved by the APC for 5 parking spaces with conditions. The Local Advisory Committee (LAC) had major concerns about the scale and that the addition would be larger than the current footprint of the house. They voted to recommend that the Historic Area Work Permit (HAWP) be denied. The case then went to the County Historic Preservation Commission who voted to approve the HAWP. There was also an Alternative Compliance Application for Landscaping filed. This decision was made by the City Planning Director, who approved subject to conditions. The next step will be to apply for a building permit.

**XII. Adjourn:** There being no further business, Santosh Chelliah moved to adjourn. Daejauna Donahue seconded. The meeting was adjourned at 8:47 p.m.