



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
7401 BALTIMORE AVENUE, COLLEGE PARK, MARYLAND 20740
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ADVISORY PLANNING COMMISSION

Approved Minutes of Meeting

February 3, 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> x </u> | <u> </u> |
| Kiersten Johnson | <u> x </u> | <u> </u> |
| Malaika Nji-Kerber | <u> x </u> | <u> </u> |
| Michael Meadow | <u> x </u> | <u> </u> |

Also Present: Planning Staff – Terry Schum, Miriam Bader and Theresheia Williams; Department of Public Services staff, Robert Ryan, and Jim Miller; Attorney – Suellen Ferguson

- I. **Call to Order and Amendments to Agenda:** Stephanie Stullich called the meeting to order at 7:35 p.m and introduced the newly appointed APC member, Michael Meadow, who resides in District 3, the Old Town neighborhood.
- II. **Approval of the Agenda:** The agenda was approved as posted.
- III. **Approval of Minutes:** Kiersten Johnson moved to approve the minutes of January 6, 2022. Santosh Chelliah seconded. Motion carried 6-0-0.
- IV. **Public Remarks on Non-Agenda Items:** There were no Public Remarks on Non-Agenda Items.
- V. **CPV-2022-02** Variances to construct an addition
Applicant: Eric and Rachel Gregory
Location: 6909 Rhode Island Avenue

Stephanie Stullich explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance of 10.0% or 922.40 square feet from the maximum allowable lot coverage of 30% to construct a one-story, 225 square-foot screened-in porch addition. The Prince George’s County Zoning Ordinance prescribes a maximum lot coverage of 30 percent in the R-55 zone.

The house was built in 1946 and is located in the Calvert Hills neighborhood with a total lot area of 9,190 square feet. The property is improved with a 1,131.1 square foot, two-story frame house, a freestanding garage, rear deck, and a 1,980.4 square foot brick paver driveway.

The proposed, 225 square foot screened-in porch will not increase existing lot coverage because the applicants propose to remove at least 225 square feet of the driveway at the rear of the house. The screened porch will replace an existing deck that is not used, because of mosquito infestation and exposure to severe weather conditions.

Staff recommends approval of a lot coverage variance to allow the construction of a 225 square-foot screened-in porch subject to the removal of 225 square feet of driveway. Miriam Bader submitted the staff report, Exhibits 1-10, and the PowerPoint presentation into the record.

Isabel Ahman, Architect, testified that once the new zoning ordinance becomes effective, the addition will only be over lot coverage by 5%. She stated that the letters of support and the applicant's willingness to reduce the lot coverage by 225 square feet help to support the criteria. She feels that the variance request is reasonable and requests that it be approved.

Eric Gregory, applicant, testified that the brick pavers were installed at the beginning of the COVID-19 pandemic when they were spending more time outside. Unfortunately, they have rarely used it because of the mosquito infestation. He stated that removing some of the patio areas to turn into a screened-in porch is a win for them.

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

- 1) The property is exceptionally deep with a driveway that connects to a detached garage at the rear property line, which is a historic characteristic of the neighborhood. The resulting long driveway adds significantly to lot coverage. These longstanding improvements preceded the Zoning Ordinance, and already cause lot coverage restrictions to be exceeded by 10.3%.
- 2) The strict application of the Zoning Ordinance will result in a practical difficulty for the applicants by preventing them from replacing an existing deck with a screened-in porch, a reasonable and common residential use. The rear yard is mosquito-infested, and a screened porch will allow increased use of this area.
- 3) Granting the lot coverage variance will not substantially impair the intent or purpose of the applicable County General Plan or County Master Plan because lot coverage will not be greater than the existing lot coverage due to applicants' removal of a portion of the existing driveway/patio.

Santosh Chelliah moved to recommend approval of variance CPV-2022-02 based on staff recommendation and the criteria outlined in the staff report. Malaika Nji-Kerber seconded. Motion carried 6-0-0.

VI. Discussion of Ordinance 21-0-15 with Department of Public Services Staff

The Department of Public Services staff, Robert Ryan and Jim Miller, gave a brief overview and answered questions from commissioners about Zoning Ordinance 21-0-15, which pertains to City Code Section 184-8, “Prohibited Vehicles, Permits Required for Certain Vehicles.” The City Council amended the Ordinance, and the changes became effective on December 28, 2021. The changes include eliminating the weight and load capacity limits for vehicles that do not exceed 21 feet in length or 6 feet in width and authorizing 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 amendment also authorizes 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.

The last amendment to this ordinance was back in 2011 when the City Code required vehicles that were over 8,500 pounds gross vehicle weight or 350 cubic feet of load space and over 21 feet in length and 6 six feet in width to request an exemption. The City Manager in the past had the authority to grant permission for 24 hours for an individual that violated this code. The City Council heard about 5 or 6 cases shortly after the 2011 amendment and those individuals were grandfathered in and granted an exemption. Between 2011 and December 2021, there were around 20 different requests for exemptions filed.

The application process for this exemption request will remain the same. The applicant will complete an application form request for an exemption, provide photographs of the vehicle in question and submit the packet to Public Services. Once the exemption request is submitted by the applicant, parking enforcement puts a hold on issuing further citations until the matter can be heard. Public Services staff will gather information, which will include the applicant information and street and aerial photographs of the area in question. If needed, staff also obtains information from the city Engineer regarding the width of the street in question where the trailer or vehicle would be parking. Letters will be sent to properties on the same City block where the request is being made to allow the residents to attend the meeting and speak if they wish. The staff report and evidence will be submitted to the APC for the hearing and to make a recommendation to the Mayor and Council. The Mayor and Council would then decide as to whether the application is granted or denied. If APC recommends granting the application, and the council agrees, the exemption will be for two years.

Stephanie Stulich asked if there has been more exemption requests in the past couple of years?

Jim Miller stated yes, they were receiving exemption requests for the larger vans. A lot of residents own these types of trucks as their personal vehicles that are parked at their homes. Very few come in for an exemption because it is a vehicle that is required from their employer to bring home, such as an HVAC or electrician that is on call.

Stephanie Stullich asked if there will be a staff recommendation in each case?

Jim Miller stated that in the past, a report was prepared for any request that went before Council, which would include any concerns that they have such as the overall width of the vehicle or trailer that may present safety issues.

Kiersten Johnson asked if only design standard guidelines were being considered or just the dimension of the vehicle standards within the community?

Suellen Ferguson, attorney, stated that there are specifications that you can use that are in the statute. These requests must show “good cause” and whether parking on the street is necessary and how much it impacts the right-of-way. Design standards are not part of that.

Stephanie Stullich stated that she finds the criteria for “good cause” to be a little challenging. What if someone drives a tractor-trailer and would like to park on their street, which is not intended for a residential street, how would that be addressed under “good cause”?

Suellen Ferguson stated that the burden is on the applicant to show you that there is good cause and you as a commission deciding would apply an objective person standard to the information that you are given. The fact that the person thinks that something is necessary or not is not standard. It is whether you, an objective body can see that it is a good cause.

Jim Miller stated that heavy commercial vehicles like a tractor-trailer or dump truck, would not be recommended by staff even if they request an exemption because they are not permitted on residential streets. We have not seen anything close to that size of vehicle request an exemption.

Santosh Chelliah asked what is an obstruction for an emergency vehicle? Is there a criterion for that? What are the specific ratios?

Robert Ryan stated when in doubt, they work with the city engineer and use road design standards that are adopted. When it is necessary, we would request a report of the findings from the city engineer

Santosh Chelliah asked if a case comes before the APC, would all that information be presented at that time?

Robert Ryan stated yes.

Malika Nji-Kerber asked if since the new changes have been implemented, there have been any changes in the number of vehicles and applications? How are they usually reported and how long would it be before you are notified?

Jim Miller stated that they become aware of these violations when the officers patrol the streets. Since the ordinance changed in December 2021, there has been a significant drop in applications, which is due to the weight and load capacity which eliminates the oversized vehicle. Ultimately, it's the owner of the vehicle or apparatus that will request an exemption, which is only when they call to inquire about why they received a warning or a citation. There have been no tickets or violations since December 28, 2021, when the ordinance became effective. The amendments to the ordinance will make a huge difference in the number of vehicles that we find on the street that we are citing and ultimately coming before the APC for an exemption.

Malaika Nji-Kerber asked if there had been an increase in the number of residents complaining about vehicles no longer being cited?

Jim Miller stated no, we have received zero complaint calls. We usually get a call when there are work vans left on the street. It depends on where the vehicle or trailer is located.

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

Potential New Project – This property is located between Cherokee Street and Delaware Street and North of MD 193. The properties currently located on the site are Red Roof Inn, Days Inn, and Howard Johnson. These motels have been on the property for a very long time. The site is under contract by a developer from Montgomery County, RST Development. They have retained a land-use attorney. The proposed site is for a multi-family building approximately 6 stories high. The intent is for it to be affordable rental apartments, some limited retail, and amenities space on the ground floor level. No plans have been filed and there are no architectural renderings.

VIII. Other Business:

There will be a virtual community meeting on March 14, 2022, at 7:00 pm on developing an age-friendly plan for the entire City under the AARP program to encourage more livable communities for people of all ages. A consultant has been retained through a grant from the Park and Planning Commission and they are assisting the City of College Park Seniors Committee to sponsor this planning effort. Registration will be required through an Eventbrite invitation where you can register if you are interested. It will cover important areas of the city including housing, transportation, health, and economic development. Community input is being sought to find out what will make College Park better for young people and seniors.

XII. Adjourn: There being no further business, Kiersten Johnson moved to adjourn the meeting. Vernae Martin seconded. The meeting was adjourned at 8:48 p.m.