



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
8400 BALTIMORE AVENUE, COLLEGE PARK, MARYLAND 20740
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ADVISORY PLANNING COMMISSION
Approved Minutes of Meeting
February 4, 2021
(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>
Ben Flamm	<u> </u>	<u> x </u>
James McFadden	<u> x </u>	<u> </u>
Daejauna Donahue	<u> x </u>	<u> </u>
Vernae Martin	<u> x </u>	<u> </u>

Also Present: Planning Staff – Terry Schum, Miriam Bader and Theresheia Williams; Attorney - Susan Cook; The Children’s Guild Team – Matthew Tedesco, Duane Arbogast, Allan Arbogast, Krissie Taylor, Francisca Koduah, Rev. Fay Lundin, Luther Ghiz, Chandra Beaufort and Mike Lenhart

- I. Call to Order and Amendments to Agenda:** Stephanie Stullich called the meeting to order at 7:31 p.m. There were no Amendments to the Agenda.
- II. Approval of the Agenda:** Vernae Martin moved to approve the agenda as published. Daejauna Donahue seconded. Motion carried 5-0-0.
- III. Approval of Minutes:** Santosh Chelliah moved to adopt the minutes of January 7, 2021. Vernae Martin seconded. Motion carried 5-0-0.
- IV. Public Remarks on Non-Agenda Items:** There were no Public Remarks on Non-Agenda Items.
- V. CPV-2021-01** Variance to extend a driveway
Applicant: Anh Huynh Puong Vo
Location: 5127 Lackawanna Street

Stephane Stullich explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance to lengthen a driveway in the side yard to accommodate 2-3 cars. The property is improved with a 1,075.54 square foot, one-story frame house that was built in 1952, and a 297 square foot single-wide driveway. The property has an odd trapezoid shape due to a diagonal rear yard lot line. The property and immediate neighborhood are zoned R-55, single-family residential. Part of the driveway was extended without a permit prior to a Stop Work Order being issued. The owner would like to complete his planned extension.

In the same block as the subject property, 5 of the 12 driveways extend almost to or beyond the back of the house into the rear yard. Despite having permit parking on this street, parking is limited. There are several speed humps located on the street, which indicates a history of speeding. The new zoning ordinance will permit lot coverage in the R-55 zone to be 35% but it has not yet gone into effect.

Staff recommends approval of the requested variance of 5.9% to lengthen the driveway. Miriam Bader submitted the staff report, Exhibits 1-8, and the PowerPoint presentation into the record.

Daejauna Donahue asked when will the new zoning ordinance take effect?

Terry Schum stated that at this time, it is unknown. This is a Prince George's County process and it has been delayed. The Comprehensive Map Amendment needs to be approved first and then the Zoning Ordinance will become effective. There are efforts underway to move it along.

Santosh Chelliah asked since the driveway exceeds the current and new zoning regulations, would the driveway be grandfathered in?

Terry Schum stated that the property would be grandfathered in once the new zoning ordinance becomes effective. The variance granted goes with the property for the particular purpose stated in the application.

Bill Dang, applicant, testified that he and his mom purchased the house in August 2020. This is their first home and they are planning to turn this into a long-term project. His mom is in the process of obtaining documents to relocate their family to America to live with them. They would like to extend the driveway to accommodate two or three cars. At present, they can only park one car in the driveway. They started the extension without a permit but were issued a Stop Work Order and told to obtain a variance before continuing. Mr. Dang stated that he spoke with several of his neighbors and they had no objection to the expanded driveway. The neighbors informed him of several instances where their vehicles were damaged while parked on the street. Mr. Dang feels that it would be safer for his family to park in the driveway instead of on the street.

Santosh Chelliah asked if two cars can be parked in the driveway now?

Billy Dang stated that the old driveway only allowed parking for one car but with the extension, he will be able to get two or three cars in the driveway.

Stephanie Stulich asked how much further will the driveway be extended?

Billy Dang stated that he is planning on extending the driveway to allow three cars to park there.

Santosh Chelliah asked will there be enough room for three cars with the AC unit in the driveway?

Billy Dang stated that the AC unit is on the side, there is enough room to go around that.

Jeanne Pekny stated that she lives across the street from the applicant and has no objection to the variance request.

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

- 1) The property has an unusual trapezoid shape that reduces the useable lot area.
- 2) The strict application of the Zoning Ordinance will result in a practical difficulty for the owner by not allowing the owner to extend the driveway to accommodate the need for off-street parking similar to other nearby properties. On-street parking on Lackawanna Street is extremely limited, traffic is heavy for a residential street, and there is frequent speeding. The Applicant is concerned about the safety of herself and her son and wants to protect their vehicles.
- 3) Granting the driveway variance will not substantially impair the intent or purpose of the applicable County General Plan or County Master Plan since the location and length of the driveway is consistent with others in the neighborhood

Santosh Chelliah moved to recommend approval of variance CPV-2021-01 based on the criteria outlined in the discussion. James McFadden seconded. Motion carried 5-0-0.

- VI. CPV-2021-02** Variance to extend and widen a driveway
Applicant: Henry Gomez-Brito and Jatna Gomez
Location: 5005 Stewart Court

Stephane Stullich explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance to validate a driveway widened from a single-car to a two-car width parking pad. The homeowner has a medical condition that limits her mobility. They would like to park all three of their vehicles off-street. Currently, they can accommodate two vehicles off-street. The property is improved with a 1,307 square foot, split-foyer frame house that was built in 1970, a 151 square foot sunroom addition, a 70 square foot shed, and a 1,372 square foot driveway. The property is mostly rectangular except for the front property line which is curved to accommodate a cul-de-sac.

The driveway has a single car-width apron and was expanded to a double-width driveway pad without obtaining a building permit. The original single-width apron encroaches in front of the house. Stewart Court ends in a cul-de-sac where the subject property is located. There are 20 homes on Stewart Court all of which have driveways that encroach in the front yard. Parking demand is high and curb space is limited due to the curved cul-de-sac and number of driveway aprons. The driveway encroachment ordinance was not adopted until 2002.

Staff recommends approval of the requested variances to permit a parking area encroachment in the front yard of 330 square feet and a lot coverage variance of 7.5% or 5.80 square feet. Miriam Bader submitted the staff report, Exhibits 1-9, and the PowerPoint presentation into the record.

Jatna Gomez, applicant, testified that she had hip surgery in 2019. Because of her chronic condition, she has mobility issues that make it difficult in the winter to navigate shallow spaces. It is hard for her to access getting in and out of the car so having the ability to park close to the door prevents a lot of undue hardship. She also has two children that are usually with her. Because of her condition, they have an SUV because it is wider and higher and easier to navigate with her medical condition.

Back in April, she applied and paid for a permit through the Department of Permitting, Inspections and Enforcement (DPIE). They stamped the permit and said it was approved. She also paid for the City permit and started construction on the driveway. The County reviewer contacted them and informed them that the permit was not approved and they had to get a variance from the City of College Park before they could continue with the work.

James McFadden asked if the driveway was added to the right or left of the centerline?

Henry Gomez, applicant, stated that the old driveway was a single-car driveway and the addition was added on both sides. He also stated that before he installed the addition, when it rained, the water puddled and stayed in the driveway, it wouldn't run-off to the street. There are also a lot of cars that park in the cul-de-sac which leave limited space and the area is narrow. He stated that they never had any issues with anyone hitting their vehicle, but prefer not to take that chance.

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

- 1) The property has an extraordinary condition as it is located on a cul-de-sac where every home has a driveway with an apron thus significantly limiting the amount of curb space available for on-street parking.

- 2) The strict application of the Zoning Ordinance will result in the practical difficulty of limiting the number of vehicles that the owner can park off-site and a hardship for one of the owners who has mobility limitations.
- 3) Granting the driveway variance will not substantially impair the intent or purpose of the applicable County General Plan or County Master Plan since all the driveways in the cul-de-sac encroach in front of the house and many have two-car width driveways.

Vernae Martin moved to recommend approval of variance CPV-2021-02 based on the criteria outlined in the discussion. Santosh Chelliah seconded. Motion carried 5-0-0.

- VII. Presentation:** Special Exception SE-4836, The Children’s Guild Pre-School
- Applicant:** The Children’s Guild, Inc.
- Location:** Northeast quadrant of the intersection of Rhode Island Avenue and Hollywood Road

Matt Tedesco, Attorney for the Applicant, and members of the project team, made a presentation to explain the project which will be heard by the Prince George’s Planning Board and Zoning Hearing Examiner. The project will expand the current daycare approval for 50 children to 120 children and requires the installation of a playground. The following is a transcription of the questions, answers, and comments that were received following the presentation.

1. **Question from James McFadden:** What is the projected impact on traffic in the area?

Answer by Mike Lenhart, Lenhart Traffic Consultants: We conducted traffic counts at Rhode Island Avenue and Hollywood Road at 50th Avenue. Initially, we were considering that the drop-off would occur along Rhode Island Avenue along the frontage of the church and there would be a lead-in sidewalk location where parents would drop-off and pick-up their children. That study showed that that intersection and the streets would pass the level of services required that was identified in Park and Planning adequate facility ordinance. We then worked with staff and the City of College Park who was concerned and wanted the drop-off to be in the parking lot of the church off of 50th Avenue so that the kids are not being dropped off on the street where cars are driving by. We added the new driveway entrance on 50th Avenue where cars would pull in and drop off/pick up children next to the sidewalk then they would circulate and exit the existing driveway.

2. **Question from James McFadden:** Will there be any impact on the parking lot for special events at the church like funerals or weddings?

Answer by Luther Ghiz: I do not foresee an issue at this time, because we are not using the church that much. We will have two spots in the parking lot. For a funeral, we will have to work out something different.

Answer by Matthew Tedesco: The Zoning Ordinance requires a certain amount of parking based upon the use and size of the facility. Right now, as we have shown on our Special Exception site plan, adequate parking for the church and daycare is provided. If there was a special event or unusual circumstance that were to arise the zoning ordinance and parking may not contemplate. That would have to be coordinated between the two operators. They have a good working relationship.

Answer by Rev. Fay Lundin: Most of the funerals would probably be on Saturday, it would be rare that it would be during the week. Any church activities would be after 6:00 p.m.

3. **Question from Santosh Chelliah:** Will there be any upgrades made to the parking lot, such as marks indicating where to park?

Answer by Matthew Tedesco: We are in the process of making some minor improvements but before a Use and Occupancy Permit is issued, the City, as well as the County, everything would be striped and identified.

Answer by Duane Arbogast: We just striped it about a month ago, and we will have to restripe it.

4. **Question from Mary Ann Vaughan:** I have lived at 4923 Lackawanna Street since 1993 and I am concerned about the traffic. I used to be a member of College Park United Methodist Church. My backyard looks directly into the church side yard. I am concerned about potentially 120 cars dropping children off and picking them up when people are also trying to get home as well. Would it be possible to negotiate the number of children attending or maybe consider installing a traffic light at Hollywood Road and Rhode Island Avenue? There are a lot of accidents that occur during rush hour and non-rush hour at Hollywood Road and Rhode Island Avenue. I understand the necessity for quality childcare, and I work at a non-profit office that has a daycare in their facility. Was there a traffic study done? If it was done during COVID, there was not a lot of traffic so the study may not be accurate. Also, I received only one letter, but no one approached me before that about this project. It is a great community and the upgrades to the facility and playground are nice.

Answer by Matthew Tedesco: Thank you for the comments. We have sent several letters, but no one has contacted me to set up a meeting except for Mary Cook, the president of the North College Park Community Association (NCPCA). We are doing our outreach to include this evening and meeting with the NCPCA next week. If there are specific neighbors that have concerns and would like to meet separately, they need to contact me. The County requires us to send out notifications to all adjoining property owners. We welcome the opportunity to have an open dialogue to address all your concerns. We are understanding and empathetic concerning the potential impact that a special exception or any use has on a community. We will be better together than we will be apart. I hope the meeting tonight will open a line of communication

between us and the immediate neighbors. If we need to set up meetings privately, with you and your neighbors, we can set up Teams or Zoom invites. We will meet as much and as often as we need to make sure that your concerns are heard and addressed. I will put my email in the chat so that you will have it to contact me.

Answer from Mike Lenhart: First I will address the traffic counts. Back in March 2020 when schools started closing and people started working from home, Park and Planning issued a stop-work order on traffic counts and would not accept any new traffic counts at that time. It was watched and observed through the spring and summer. In September 2020 after working with SHA, Park & Planning and Montgomery County identified a temporary COVID traffic account policy that was instituted where they allowed new traffic counts to be taken. They identified adjustment factors that needed to be added to the traffic counts to account for the fact that schools are not in session and held virtually. It's hard to come up with a county-wide adjustment factor that would be applicable in every location. There is a traffic impact study guideline policy that was adopted by Park and Planning. We are required to follow that, it's very specific. It talks about when counts will be taken how the studies are to be done, the types of analysis that are required. In November 2020 we conducted our traffic study. As far as the vehicles that will be in the neighborhood, the daycare will open at 6:00 a.m. and the school will open at 8:30 a.m. The data shows that people do not show up all at once to drop off/pick up their children. School ends at 4:00 p.m. and the daycare closes at 6:00 p.m. It does allow for extended periods for pick up/drop off.

- 5. Question from Mary Cook:** Where will the school staff, Meals on Wheels participants and the seniors who have classes park? Also, will there still be circulation for drop-off and pick-up?

Answered by Matthew Tedesco: We have been figuring all of that out to make sure from an operational standpoint that all those things can be accommodated. We had originally contemplated drop-off and pick-ups on the surface road would be ideal to keep things moving, but in the review of this application, we have had some discussions with Park & Planning and City staff. We feel strongly about how we operate; we know what we are doing but also the reality of the people who live and deal with this community probably know it better. In our meetings and conversations, it was asked for us to look at altering our circulation pattern and focusing on an onsite proposition. We added a driveway to access 50th Avenue to come into the site drop-off and circulate out onto Hollywood Road. We do not envision any issues with this use impacting or impeding the use of the facility as it is. Parking has been a high priority of ours to make sure all those things are accommodated. We are trying to balance everyone's needs.

Answered by Duane Arbogast: Staggering openings and dismissals make a difference. We will be opening at 7:00 a.m., so that's 90 minutes swing time to arrive in the morning and a two-hour swing time in the evening. We are willing to work through our times to accommodate both the community and the use of the building. We will

always be open to conversations and nothing is never set-in-stone. Our largest school has 825 students, so we are used to moving lots of kids around. We have a lot of experience with that. Once we get the U&O and we apply for the childcare license, we are hoping to open with a reduced number of children this spring.

Comments:

Terry Schum – City staff has been working with the applicant particularly on the traffic issues that were mentioned tonight, circulation, parking, landscaping and the lack of sidewalks currently around the property. Staff will have a recommendation to go to the City Council by February 12th and the City Council will take this case up at their worksession on February 16th and take a position the following week, February 23rd. Residents and others will have an opportunity to speak on the matter before the City Council meeting on February 23rd. There will be a staff recommendation online for viewing before the Council meeting.

Chat messages:

Nokia 3.1 Plus: I love the playground it looks safe.

Matt Tedesco: Thank you.

Nokia 3.1 Plus: Traffic is everywhere, we want to have preschool here for our children. Thank you for this meeting.

Matt Tedesco: mtedesco@mhlawyers.com

Mary Ann Vaughan: Thank you, I will send my contact info.

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

Terrapin House – As a result of the public forum at the December 3rd Advisory Planning Commission meeting, the application has been continued to allow further discussion with the community and make revisions to the plans. At the end of March, the Planning Board will hold a public hearing. The City Council will hear the case at their February 16th worksession and take a position at their February 23rd regular meeting. Staff will also be submitting their recommendation before the worksession. This project adjoins the Old Town Historic District so it will also be before the Historic Preservation Commission (HPC) and Local Advisory Committee.

Aspen Maryland – This student housing project is proposed at the intersection of Guilford Drive and Knox Road. The Detailed Site Plan was accepted by Park and Planning recently but staff has not received any plans yet. This item may also be included on a future APC agenda, if time permits.

Proposed Unnamed Project – This proposed project is in the Old Town neighborhood along Rhode Island Avenue between Calvert and Knox Roads. It is a conceptual proposal – no application has been filed. The property is currently vacant and the proposed use would be market-rate apartments, three or four stories.

The applicant would like to come before the APC and the public to get feedback on the proposal before proceeding any further. There is nothing to share at this point, but it may be an interesting discussion for both Old Town and Calvert Hills and to include on a future APC agenda.

IX. Other Business:

Commissioners and staff discussed the situation that occurred at the February 4th meeting when hackers interrupted the meeting. Because this is a public meeting, an advertised link is usually sent out, so it would be hard to screen all participants. It was suggested to assign a co-host so that more than one person could work to alleviate any problems that may arise. Staff will follow up with the IT Department and seek advice on the best way to address this issue.

X. Adjourn: There being no further business, James McFadden moved to adjourn the meeting. Daejauna Donahue seconded. The meeting was adjourned at 9:30 p.m.

Minutes prepared by Theresheia Williams