



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
November 5, 2020
(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>
Llatetra Brown Esters	<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

- I. **Call to Order and Amendments to Agenda:** James McFadden called the meeting to order at 7:40 p.m.

- II. **Approval of the Agenda:** Santosh Chelliah moved to approve the agenda as published. Llatetra Brown Esters seconded. Motion carried 5-0-0.

- III. **Approval of Minutes:**
 Vernae Martin moved to adopt the minutes of June 4, 2020. Santosh Chelliah seconded. Motion carried 6-0-0.

- IV. **Introduction of New Members:** The two newly appointed members introduced themselves:

Vernae Martin – Vernae resides in District 1 and has been working in the field of community and economic development for about 20 years. She has a background in urban and regional planning.

Daejauna Donahue – Daejauna resides in District 1 and has worked in the Planning field for over 5 years. She received a bachelor’s degree in architecture and a master’s degree in real estate development and has worked with the DC government.

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

- VI. CEO-2020-02** Variance from the City Fence Ordinance to erect a 4-foot high front yard fence
Applicant: Justin Moffitt
Location: 9432 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 1 foot to permit a 4-foot-high fence in the front yard. The property is rectangular, 50-feet wide by 125-feet deep, fronting the Rhode Island Avenue access road. The property contains 6,250 square feet and is improved with a 1.5-story, single-family, frame house with a rear deck. The backyard contains a detached garage and a patio.

A 6-foot-high stockade fence encloses the back yard, and a 3-foot-high picket fence encloses the front yard. The City Fence Ordinance was first enacted in 2005 and was amended in 2017, to allow fences in the front yard up to 3 feet in height. The applicant states that a 3-foot-high fence is not tall enough to adequately restrain his growing puppy. The proposed 4-foot-high white picket fence will incorporate openness as much as practical.

Staff recommends approval of a 1-foot fence height variance to allow a 4-foot high fence in the front yard. Miriam Bader submitted the staff report, Exhibits 1-8, and the PowerPoint presentation into the record.

Justin Moffitt, applicant, testified that he would have applied for the fence permit before getting his Bernese Mountain dog, but he did not know how much attention the dog would attract. His dog is extremely friendly and the whole neighborhood knows and loves him. He stated that people congregate in the front yard to play with the dog, and he fears the dog will try to jump over the fence. He stated that a 3-foot-high fence is not high enough to restrain his dog. The 4-foot-high fence would come right to the dog's neck so he would have to get a running start to jump over it. The proposed 4-foot high fence will be a white picket and will incorporate openness and visibility. Mr. Moffitt stated that he wants to protect his dog and his neighbors.

Vernae Martin asked if the new fence will be the same type and incorporate openness like the existing fence?

Justin Moffitt stated that the existing fence will be replaced with the same type of fence except it will be 4-feet high instead of 3-feet. It will remain a white picket fence.

Santosh Chelliah asked if the 6-foot stockade fence in the rear yard will remain the same?

Justin Moffitt stated that the stockade fence will remain the same.

Stephanie Stullich asked if the dog is fully grown?

Justin Moffitt stated that he is 10 months old and is 85 lbs. now and will weigh between 90 to 100 lbs. when he is fully grown.

James McFadden asked how long has he lived at the property?

Justin Moffitt stated that he has lived at the property since February 2018.

James McFadden asked if he built the garage, patio and deck in the back yard?

Justin Moffitt stated no, the only thing he built was the raised gardens in the back yard.

Llatetra Brown Esters asked if the additional fence height would be enough to contain the dog once he is fully grown?

Justin Moffitt stated yes because this breed of dog doesn't get very tall.

Stephanie Stullich asked how long is the dog usually outside?

Justin Moffitt stated that whenever the weather is decent, he leaves the front door open so that the dog can come and go as he pleases. The dog is only allowed in the front yard when someone is home. In the back yard, there is a limited amount of grassy area because of the large garden beds, patio and garage. Mr. Moffitt stated that because of the Covid pandemic, he is unable to take the dog to the dog park or his friend's houses.

Daejuana Donahue asked if he had ever observed the dog jumping over the existing fence?

Justin Moffitt stated no, he has never observed the dog trying to jump over the fence. He stated that the dog doesn't chase cars or squirrels, he usually just runs up against the fence when playing with the children and adults in the neighborhood.

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

- 1) This property has an exceptional condition in that there is limited rear yard space to accommodate the applicant's large-breed dog due to the existing large garage, patio, deck, and extensive container and raised bed gardens. The front yard has more unencumbered grassy space.
- 2) Denial of the variance will result in an unusual practical difficulty in that it will be more difficult to adequately restrain the applicant's dog which could jump the fence and create a nuisance that could endanger the dog or other people.
- 3) The proposed 4-foot-high white picket fence is compatible with the character of the neighborhood and will not impair the intent, purpose or integrity of the Fence Ordinance because of the relatively small area of the new fencing and that it is similar in style to the fence it replaces.

- 4) The property is not located in the regulated Old Town College Park Historic District.
- 5) The picket fence incorporates openness and visibility.

Vernae Martin moved to recommend approval of variance CEO-2020-02 based on the discussion and the staff report. James McFadden seconded. Motion carried 6-0-0.

VII. Election of Chair and Vice-Chair:

James McFadden moved to elect Stephanie Stullich as Chair. Santosh Chelliah seconded. Motion carried 6-0-0.

Stephanie Stullich moved to elect Santosh Chelliah as Vice-Chair. Llatetra Brown Esters seconded. Motion carried 6-0-0.

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

The Hub – The project is located on the western side of Knox Road near the intersection of Guilford Drive. This project is for a mixed-use development consisting of 1,022 square feet of commercial use and 161 multifamily dwelling units of student housing. Part of this project is constructed on property formerly owned by the University of Maryland. The rest of the property will remove two remaining Knox Box dwellings. The Preliminary Plan and Detailed Site Plan were approved by the Prince George’s County Planning Board in October.

Aspen Maryland – This project involves two parcels located on the north and south side of Knox Road at the intersection of Guilford Drive. The proposed project will consist of 129 multifamily dwelling units and 2,462 square feet of commercial development. The Preliminary Plan application will be heard by the City Council on December 1 and the County Planning Board on December 17. The Detailed Site Plan has not been accepted yet.

Terrapin House – This project involves the redevelopment of the area east of Route One, south of R.J. Bentley’s and north of Hartwick Road and west of Yale Avenue. The proposed project requires an assemblage and rezoning which will include the existing Shopping Center, a single-family dwelling behind the shopping center and a small apartment building known as Yale House. The proposed project will be student housing with 175 dwelling units and ground-floor retail. The Route One Sector plan promotes and enables this type of development but because this is a complex project, it will go through three different entitlement phases: conceptual plan, preliminary plan of subdivision and detailed site plan. Only the conceptual site plan has been submitted.

Terry Schum suggested to the Commissioners that Terrapin House could be scheduled for an information – only presentation before the APC next month. The Old Town Civic Association, Calvert Hills Civic Association and the Downtown College Park Management Authority could also be invited to learn about the project since it will be a high-impact project. The new Zoning Ordinance, once implemented, will require developers to hold information meetings prior to their application being accepted and the APC has discussed playing a role in this process.

Commissioners discussed Terry's suggestion and unanimously agreed to invite the Applicant of Terrapin House to the December 3rd meeting for a presentation and Q&A on the project. Because of Covid-19, the meeting would be held virtually, so the commissioners went through some scenarios of the procedures and guidelines that would have to be followed. Stephanie Stulich stated that she will meet with staff to discuss the procedures further and solicit additional suggestions from the Commissioners.

- IX. **Other Business:** There was no Other Business.
- X. **Adjourn:** There being no further business, the meeting was adjourned at 9:23 p.m.

Minutes prepared by Theresheia Williams