



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
Approved Minutes of Meeting
February 4, 2016 – 7:30 P.M.
City Hall – Council Chambers

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Lawrence Bleau	x	_____
James McFadden	x	_____
Rose Greene Colby	_____	x
Christopher Gill, Chair	x	_____
Kate Kennedy, Vice Chair	x	_____
Javid Farazad	_____	x
John Rigg	x	_____

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

- I. **Call to Order:** Christopher Gill called the meeting to order at 7:40 p.m.
- II. **Introduction of New Member:** Christopher Gill introduced the new member, John Rigg, from District 3 and the president of the Calvert Hills Citizens Association.
- III. **Approval of Minutes:**
 John Rigg moved to adopt the minutes of January 7, 2016. Kate Kennedy seconded. The motion carried 5-0-0.
- IV. **Amendments to Agenda:** Christopher Gill moved to hear item IX after item VI so that Suchitra Balachandran, from the Committee for A Better Environment (CBE), can participate in the discussion. Lawrence Bleau seconded. Motion carried 5-0-0.
- V. **Public Remarks on Non-Agenda Items:** There were no Public Remarks on Non-Agenda Items.
- VI. **Public Hearing:**

CPV-2016-01 Variance to Extend a Driveway
Applicant: Ahmad Dahmas
Location: 4711 Kiernan Road

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance to extend an existing driveway and add a turn-around area. The property has an area of 15,112 square feet and was constructed in 1984. The property is improved with a 2,370 square foot, split-level, frame, single-family house. The property has an odd, non-rectangular shape and is located at the end of a dead-end street.

The applicant started to extend his driveway without obtaining a building permit. A Stop Work order was posted on December 15, 2015. The applicant then went to the County to apply for a building permit. The County determined that a variance would be needed prior to obtaining a building permit due to exceeding the maximum allowable lot coverage. County and City building permits were obtained by the previous owner in 1990 to construct an addition, greenhouse and covered deck. No permit was found for the shed that previously existed prior to 1990.

There is a shared driveway between 4709 and 4711 Kiernan Road, where the parking is shared between two households. There is no permit parking on the street, and the property is located at the end of a dead-end street that has no cul-de-sac or other turn-around area.

Staff recommends approval of a variance up to 4.5% from lot coverage as shown on the submitted site plan.

Miriam Bader submitted the staff report, Exhibits 1-7 and the PowerPoint presentation (Exhibit 8) into the record. She also submitted two letters of support from adjoining property owners, which were entered into the record as Exhibits 9a and 9b.

James McFadden asked if a driveway can be built up to the property line?

Miriam Bader stated yes, there is no setback.

Youssef Dahmas, applicant's son, testified that the driveway gets congested with vehicles parked on both sides of the street. He stated that there have been several thefts on Kiernan Road because of it being a dead-end street. Mr. Dahmas submitted photos of the existing driveway, which were entered into the record as Exhibit 10.

Dina Thomas, 4709 Kiernan Road, testified that she has no problem with the variance request to extend the driveway. She stated that her only concern is about the stormwater issues. She suggested that the owners install drainage where the water can runoff.

Youssef Dahmas stated that he and Ms. Thomas agreed that if the variance is granted, they would put in 4 drainage channels to avoid drainage issues to the neighboring properties.

John Rigg asked how many cars are usually parked on the street?

Youssef Dahmas stated that the house at 4709 usually has a lot of guests and it's always crowded. Delivery and other trucks usually back into his driveway to turn around and he doesn't know if his driveway is built to withstand the tonnage of some of the trucks.

Christopher Gill asked what will the addition be used for?

Youssef Dahmas stated that the addition will be used as additional parking and a turn-around area.

James McFadden asked what is the dimension of the extension?

Youssef Dahmas stated that the addition is 40' x 15' excluding the ramp.

Miriam Bader stated that it is 16' x 36", not including the driveway.

Christopher Gill asked if there is a sign at the beginning of the street stating that it is a dead-end?

Miriam Bader stated that when you first enter the street, there is a sign that says "No Outlet."

Commissioners reviewed the evidence and testimony submitted and determined that:

1. The property has an exceptional (non-rectangular) shape. If the property was rectangular, its square footage would be 19,664 square feet, an increase of 4,552 square feet, and no variance would be needed. Further, being located at the end of a dead-end street with insufficient space to turn around creates an extraordinary condition in that the applicant's driveway is used as a turn-around area depriving the applicant use of the first 15 feet of his driveway.
2. The strict application of the County Zoning Ordinance will result in an unusual practical difficulty upon the property owner by not allowing a turn-around option on-site, by preventing him from being able to monitor and protect his vehicle from theft, vandalism and damage and by continuing to deprive applicant of the use of the first 15 feet of his driveway due to others using a portion of his driveway for turning around.
3. Granting the requested variance will not impair the intent, purpose and integrity of the applicable County General Plan or County Master Plan because the extension is in the rear yard and this property adjoins significant Open Space land.

Kate Kennedy moved to approve variance CPV-2016-01 as amended because the request meets the criteria for granting the variance for the reasons stated above. Lawrence Bleau seconded. Motion carried 5-0-0

VII. Review of Proposed Recommendations to City Council for Changes to the Fence Ordinance

Staff prepared a draft letter based on the discussion from the January 7th meeting on recommendations to the Mayor and Council from the Listening Session held on December 3, 2015.

Suchitra Balachandran, from the Committee for a Better Environment (CBE), testified that she lives in College Park Woods and has had a front yard garden for 6 or 7 years. She stated that the City supports sustainable living and in keeping with the sustainability goals, CBE is requesting that the City amend the front-yard fence

ordinance to allow garden fences to protect their vegetable and fruit gardens from unwanted animals. She stated that the City should not prevent homeowners from using their land to grow whatever they want to grow. She stated that other neighbors in her community have been cited and brought the issue to CBE for suggestions. She stated that the CBE urge APC and the City Council to not micromanage garden fences.

After reviewing the draft letter and listening to Ms. Balachandran's testimony, the APC suggested the following recommendations for simplifying and streamlining the fence ordinance regulations:

- Provide clear and concise definitions for the different types of fences.
- Clearly state what does not constitute a fence and include decorative rocks or boulders.
- Define a new fence type called "Garden Fence," with the intent of enclosing and protecting a home garden.
- If the garden has been abandoned or not maintained for a period of time, then the garden fence should be required to be dismantled.
- Simplify the definition of a general fence to be clear and concise.
- Allow garden fences in the front yard under certain circumstances.
- Put a time limit (1 year) on replacement fences that can be constructed with chain link.
- Provide a specific requirement for "incorporating openness and visibility."
- Reduce the number of criteria required to be met in order to obtain a variance.
- Include illustrative drawings and diagrams as part of the ordinance.

Kate Kennedy suggested that the letter be revised with the recommended changes and sent around for all members to weigh-in before submitting to Council.

VIII. Review of Draft Annual Report

Staff prepared a draft Annual Report to be submitted to the Mayor and Council which includes, the Purpose of the Board, Accomplishments by the Board, Goals for the Coming Year and Issues to Bring to the attention of the City Council. APC reviewed the report and added the following change to Item III:

- The APC would like to become more engaged with the planning and development review process as time permits even if this requires an additional meeting every month.

John Rigg moved that the annual report be revised to include the changes and sent to the Chair for review and approval. Lawrence Bleau seconded. Motion carried 5-0-0.

IX. Discussion of Prince George’s County Zoning Rewrite Module One

Chad Williams, Project Manager, Maryland-National Capital Park and Planning Commission (M-NCPPC) made a presentation at the Four Cities Meeting on January 27, 2016 on Module One of the Zoning Rewrite. Module 1 contains new zones, zone standards, use regulations, and some initial rules of interpretations and definitions.

Terry Schum distributed a list of Zoning Rewrite discussion questions for the commission to discuss. She stated that the Prince George’s County Zoning Rewrite process started in 2014 and was presented to the community at public meetings and forums during the last year. The rewrite will be released in three different Modules and is expected to be completed in 2017. She stated that the purpose of the Zoning Rewrite is to make development more by-right and have less public hearings on individual applications. She stated that a lot fewer zones are being recommend in the zoning rewrite than are currently in the zoning ordinance.

Commissioners went through the Zoning Rewrite discussion questions and had the following comments:

- The Old Town neighborhood should be considered for a different zone. Old Town is zoned R-55 (one-family detached) and R-18 (multi-family). Almost all of the property developed in the R-18 zone is non-conforming, which means the density that is allowed is way over what the size of the property can accommodate.
- There are a lot of houses in Old Town that were intended to be single family, but have been turned into flop houses and subdivided into multiple rooms. There should not be areas that are zoned for single-family residential along side of non-conforming uses such as apartment buildings.
- Allowing only one accessory dwelling on a single-family lot will possibly present a problem with many families providing care for additional family members on their property.
- Housing poultry in a single-family zone could be controversial. The word “poultry” under the zoning ordinance should be clearly defined. Health and safety concerns need to be taken into consideration.

The Zoning Rewrite Module 1 will be discussed at the City Council February 16 worksession. The City’s preliminary comments on Module 1 will be published online for anyone who wants to participate.

Terry Schum stated that M-NCPPC will come to any Civic Association meeting to discuss the Zoning Rewrite process. Individuals can also go online to ask questions and provide comments through the Park and Planning website.

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

RFP's – The following RFP's for development were put out over the last several months. All the deadlines have past and there are multiple proposals for each site, but there are no details available yet:

- WMATA – College Park Metro Station
- Prince George's County – Across the street from the metro station
- University of Maryland Foundation – Quality Inn property

Lidl Grocery Store – Staff met with the applicants who are in the process of submitting a Detailed Site Plan to construct a grocery store at the northeast corner of Berwyn Road and Baltimore Avenue. They have a contract on the Clarion Hotel site, 8601 Baltimore Avenue. They operate over 10,000 stores throughout Europe. They are planning to open 100 stores in the United States.

Pregnancy Aid – This existing operation is proposing a small addition at the Rt 1 and Erie Street site and is scheduled for Planning Board later this week. State Highway will construct and pay for the retaining wall and side walk that is required along Route 1.

XI. Other Business: There was no Other Business.

XII. Adjourn: There being no further business, the meeting was adjourned at 10:09 p.m.

Minutes prepared by Theresheia Williams