



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
Approved Minutes of Meeting
October 6, 2016 – 7:30 P.M.
City Hall – Council Chambers

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

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

I. Call to Order: Christopher Gill called the meeting to order at 7:31 p.m.

II. Approval of Minutes:

Kate Kennedy moved to adopt the minutes of September 1, 2016. John Rigg seconded. The motion carried 7-0-0.

III. Amendments to Agenda: Kate Kennedy moved to add discussion of fence ordinance incentive program as item IV.

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

V. Public Hearings:

CPV-2016-11 Variance to Lengthen a Driveway that Encroaches in the Front Yard

Applicant: Lalrin Tluanga Chhakchhuak

Location: 9221 Limestone Place

Christopher Gill 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 front yard by 7-feet and relocate a retaining wall in order to accommodate two vehicles. The subject house was constructed in 1962 prior to the adoption of the 2002 driveway encroachment restriction. The property has steep slopes in the front yard that require retaining walls around the driveway and along the front street line. The property has a concrete parking pad that is 10-feet wide by 17-feet long that accommodates one vehicle. Nine adults live at the house, each with their own car.

Two of the vehicles are for business use. The applicant would like to park two vehicles, one behind the other, on the property. There is no permit parking on Limestone Place and on-street parking is very limited. The applicant's vehicle was broken into and a police report was filed with Prince George's County Police. Miriam Bader stated that four people sent in statements, which were part of the staff report supporting the applicant's request to lengthen the driveway.

Staff recommends approval of the requested variance with the condition that the driveway retaining wall not exceed one foot above finished grade in height and 10-feet in width and that the materials used match the existing retaining wall or house.

Miriam Bader submitted the staff report, Exhibits 1-8 and the PowerPoint presentation into the record.

Kate Kennedy asked if one of the variance requests is for the retaining wall?

Miriam Bader stated that there is no variance required for the retaining wall, but a determination is required for the materials that will be used.

Lawrence Bleau asked what is the distance between the left side of the driveway and the property line?

Miriam Bader stated that the distance is two feet and no variance is required because it is existing.

Christopher Gill asked if there are any lot coverage issues?

Miriam Bader stated that there are no lot coverage issues.

James McFadden asked if a fence is required at the top, since the retaining wall is going to be approximately 4-feet from grade from top to bottom?

Susan Cook, attorney, stated that the regulations for retaining walls state 1-foot above grade, no fence is required.

Lal Bochung, applicant, testified that he wanted to add more length to the driveway to park two vehicles one behind the other.

Denise Mitchell asked if the driveway would be used to park the two business vehicles?

Lal Bochung stated yes. They need quick access to the business vehicles in order to respond to service calls quickly. He stated that most of the time, they park at least 2 blocks away.

John Rigg asked if the nine adults living in the house are related?

Lal Bochung stated yes.

John Rigg asked how many cars are located at the property?

Lal Bochung stated that there are six cars and two business trucks.

Lawrence Bleau moved to approve staff recommendation for the variance request for CPV-2016-11 as amended. Kate Kennedy seconded. Motion carried 7-0-0.

CPV-2016-12 **Variance to Construct a House, Garage and Driveway**
Applicant: **Robert Kidwell**
Location: **4707 Howard Lane**

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting two variances, a variance up to 43% or 795 square feet from the maximum allowable lot coverage and a variance up to 3-feet from the minimum front yard setback to construct a house, detached garage and driveway. The property has an area of 6,100 square feet that is currently undeveloped. Proposed improvements include: a two-story house with a 1,525 square foot footprint, a 400 square foot detached garage and a 700 square foot driveway. The proposed covered front porch is 22-feet from the front property line. The property and surrounding neighborhood are in the Old Town College Park Historic District, which guidelines recommend that detached garages be built in the rear or side yard and promotes front porches in new construction. Howard Lane is a newly built road, previously known as Randolph-Macon Avenue. It is one-way and has only 30-feet of dedicated right-of-way. A recommended standard for local streets is 60-feet of right-of-way. Due to this limited right-of-way, on-street parking is only permitted on one side of the street. This property is the first of seven properties to be developed on Howard Lane under a memorandum of understanding with the City that requires homes to be owner-occupied for a minimum of 10 years in exchange for City assistance with construction of the road.

Staff recommends approval of the requested variance with the condition that pervious pavers/porous paving be used for the driveway and walkways around the house as proposed by the contract purchasers.

Miriam Bader submitted the staff report, Exhibits 1-6 and the PowerPoint presentation into the record.

James McFadden asked if Howard Lane will automatically be designated as permit parking?

Terry Schum stated no, that would depend on the new residents.

Lawrence Bleau asked what is the rear yard setback?

Miriam Bader stated that the rear yard setback is 20 feet.

Robert Kidwell, applicant, testified that his mother's estate owns 6 of the lots and the 7th lot is owned by someone else. He stated that he has been working closely with the other owner to make it a 7 lot project. He stated that he grew up in College Park and moved away in the early 1970 but visits regularly because his daughter owns a home adjacent to the proposed lot. He has been trying to settle his mother's estate for the past 10 years. Mr. Kidwell stated that he has been working with the City to get the road built and feels that the properties would contribute to the City's goal of rebalancing the population in Old Town. He stated that although he is the owner, the variance request is from the first purchasers of the lot, Carol Joan Poor and Robert Swanson, who lived in College Park, moved away and decided to move back.

David Kacar, Architect, testified that he is with Classic Design and Build and will be the architect for all seven of the houses. He has been working with Mr. Kidwell for the last two years on this project. He stated that he did a lot of research and likes the historic design with the long driveway and garages in the rear. He stated that he thinks that they have met the criteria for unusual condition and hardship and this project will become a catalyst for things to happen in College Park. David Kacar stated that in reference to the water run-off, most of the water will be running in the street, and absorbed by the pervious pavers.

Kay Dunn & Robert Colish, 4607 Harvard Road, testified that they have been in College Park for many years. They own two properties near the proposed house. Kay Dunn stated that she is concerned with the water run-off because her property sets low. She stated that any water that runs from the new property will come directly to her property and may flood. She stated that she has never had a water problem. Mr. Colish stated that there has to be some way to get the water from the back of the lot.

Miriam Bader stated that when she measured the lot coverage, the driveway counts for 11 percent. Storm water regulations require that no water is allowed to leave the property.

John Rigg asked Mr. Kacar if he could speak on the permitting process for this property?

David Kacar stated that the permitting process will be with Prince George's County, but must comply with the State of Maryland regulations with regard to storm water management.

Robert Kidwell stated that the storm water would have to be managed on the lots, which will be done through drywell or rain guards so that the water runs down the road, not sideways. As part of the construction of the road, there was infiltration testing done and the results were that the infiltration rate, once you get below the disturbed top layer is very graded, 13" of rain per hour.

John Rigg asked Mr. Kidwell if his daughter, who owns the property adjacent to the proposed lot, has had any material changes in her property with regard to drainage in her basement?

Robert Kidwell stated that his daughter has never had a water problem in her basement.

Kate Kennedy moved to approve staff recommendation for variance CPV-2016-12 as amended. Rose Green Colby seconded. Motion carried 7-0-0.

VI. Brief Discussion on the Fence Ordinance:

Terry Schum stated that the Fence Ordinance is scheduled for the City Council October 18, 2016 worksession for discussion, but it can be moved to a later date if APC prefers.

Kate Kennedy stated that she researched the difference for installing a chain link fence versus a picket fence and contacted the local Lowes Store to find out more information. She will distribute her findings to the commission via E-mail and would like to include it on APC's November 3rd agenda for more discussion.

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

Howard Lane – The undeveloped lots are proposed for seven properties to be developed on Howard Lane. The houses are not designed yet, so it is not clear if the other houses will need a variance. James McFadden stated that Mr. Kacar, the Architect, will be meeting with the Local Advisory Committee (LAC) to present other designs and express his recommendations for the other houses to be built.

Lidl – Located at 8601 Baltimore Avenue at the existing Clarion Hotel. The developers are proposing a new grocery store and surface parking. The City Council will take a position at their October 18, 2016 worksession and the Planning Board hearing date is proposed for October 20, 2016. The City will be drafting a separate agreement with language stating that should there be issues regarding noise and late hour deliveries, that Lidl will work with the City to resolve the issues.

Quality Inn Site – Staff will be meeting next week with the developers. The University Foundation has a contract to purchase the site, which includes Plato's Diner and FedEx Kinkos, but not the Applebee's site.

College Park Metro - Prince George's County soon will be announcing their developer for the College Park Metro Station area (open parking lot). There are three proposals, 2 are hotels and one is a residential product that includes land assembly. The County hired a development firm to do an assessment of the proposals they received.

VII. Other Business:

The Maryland Planning Commissioners Association Conference is being held in Frederick, MD on October 27 & 28th. The first day of the conference includes the Planning Commissioners Training Course that satisfies the requirements of the law. Commissioners should contact staff if they would like to attend either day.

IX. Adjourn: There being no further business, the meeting was adjourned at 9:36 p.m.