

MINUTES
Regular Meeting of the College Park City Council
Tuesday, January 10, 2012
7:00 p.m. – 11:10 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Catlin, Dennis, Stullich (arrived at 7:05 p.m.), Day, Afzali and Mitchell.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Terry Schum, Director of Planning; Elisa Vitale, Senior Planner; Marcella Morris, Student Liaison.

Mayor Fellows opened the meeting at 7:00 p.m. Councilmember Kabir led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali to adopt the minutes of the December 13, 2011 meeting. The motion passed 7 – 0 – 0.

Announcements:

Councilmember Mitchell announced the City's 21st annual tribute to Dr. Martin Luther King, Jr., would be held on Saturday, January 14 from 2 – 4 p.m. at the Clarice Smith Center.

Councilmember Catlin said the Berwyn District Civic Association would meet on Thursday, January 19 at 8:00 p.m. at Fealy Hall.

Councilmember Wojahn announced the meeting on the Greenbelt Metro Area Sector Plan would be held on Thursday, January 12 at 7:00 p.m. at the Greenbelt Middle School, and that the North College Park Citizens Association would meet the same night at 7:30 p.m. at Davis Hall.

(Councilmember Stullich joined the meeting.)

Proclamation: Mayor Fellows read the proclamation honoring Dr. Martin Luther King, Jr. – A Legacy of Peace, Hope and Joy.

Amendments to the Agenda: Add item 12-G-06 – Motion to authorize the Mayor to sign CDBG documents.

City Manager's Report: Mr. Nagro reminded everyone of the Monday holiday – City offices will be closed.

Student Liaison Report: This is Ms. Morris' final report as Student Liaison; she is studying in Italy next semester. She discussed the schedule for students returning to school.

Comments from the Audience on Non-Agenda Items: None.

Presentation: Mayor Fellows asked Ms. Morris to join him at the podium, presented her with farewell items and made comments.

Consent Agenda:

A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to adopt the Consent Agenda which consisted of the following items:

- 12-R-01** Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2011-06, 5809 Bryn Mawr Road, College Park, Maryland, Recommending Approval Of A Waiver Of The Rear And Side Yard Setback Requirements For Fences Greater Than 6 Feet In Height And A Variance Of 3 Feet From The Minimum Required Side Yard Depth Of 8 Feet To Construct A 6-Foot 10-Inch High Fence To Enclose A Swimming Pool And To Validate An Existing Carport.
- 12-G-01** Motion To Voice No Objection To The Transfer Of A Class B, Beer And Wine License From Wankoe, Inc. T/A Alario's Pizzeria Restaurant To Austin Grill Express, 8150 Baltimore Avenue, Unit E, Subject To The Applicant Entering Into A Property Use Agreement With The City Of College Park In Substantially The Form As Attached, And Authorization For The City Manager To Sign The PUA And For Staff To Testify The City's Position At The BOLC Hearing.
- 12-G-02** Approval of FY '12 Fire Department Capital Equipment Grants.
- 12-R-02** A Resolution Of The Mayor And Council Of The City Of College Park, Maryland Approving And Accepting The Ninth Amended And Restated Trust Agreement Of The Local Government Insurance Trust.

The motion carried 8 – 0 – 0.

Action Items:

- 12-G-06** Motion to Authorize the Mayor to sign CDBG documents on behalf of the City.

A motion was made by Councilmember Catlin and seconded by Councilmember Dennis that the City Council authorize the Mayor to sign and execute any and all documents required for the Community Development Block Grant (CDBG) program for grants that have been approved by the Council, including but not limited to applications, operating agreements and amendments, and that the execution of the PY37 CDBG Operating Agreement on behalf of the City of College Park be and it is hereby ratified.

There were no comments from the audience or from the Council.

The motion passed 8 – 0 – 0.

12-G-03 Appointments To Boards and Committees

A motion was made by Councilmember Kabir and seconded by Councilmember Wojahn to appoint Benjamin Mellman and Stephen Brimer to the Committee for a Better Environment. The motion passed 8 – 0 – 0.

Recess into Worksession: A motion was made by Councilmember Afzali and seconded by Councilmember Mitchell to adjourn from the Regular Meeting and to convene into a Worksession to discuss Detailed Site Plan 10028 for the Maryland Book Exchange property. Mayor Fellows convened the Worksession discussion at 7:17 p.m. with a vote of 8 – 0 – 0.

Reconvene the Regular Meeting: At 7:31 p.m., a motion was made by Councilmember Stulich and seconded by Councilmember Afzali to return to the regular meeting. Mayor Fellows reconvened the regular meeting with a vote of 8 – 0 – 0.

12-G-04 Maryland Book Exchange Detailed Site Plan 10028

A motion was made by Councilmember Stulich and seconded by Councilmember Afzali that the City Council continue to recommend disapproval of Detailed Site Plan 10028 for the Maryland Book Exchange based on the failure of the Detailed Site Plan to comply with the following standards despite revisions made to the design of the building as a result of the continuance granted by the Planning Board on December 8, 2011.

- 1. Section 27-281.01, which requires that for property adjacent to a Historic District, the Detailed Site Plan shall address building siting, setbacks, height and massing, building materials, facade treatments and architectural expression, landscaping, fences and walls, accessory structures, lighting, paving materials, and signs to ensure that the development complements the character of the Historic District.**
- 2. Sections 27-546.19(b)(3), (c)(4), and (c)(5), which require the applicant to provide a statement and demonstrate that all proposed uses will be compatible with existing or**

approved future development on adjacent properties and also require that the proposed development meets the standards for compatibility with respect to the size, height and massing; building materials and color and design; appropriate scaling and architectural detailing; and minimization of adverse impacts on adjacent properties and the surrounding neighborhood, including the hours of operation of deliveries and the location of loading and delivery spaces.

- 3. Sector Plan Development District Standards for Building Form, specifically Building Height and Step-back Transitions that require the development to step down through the block to a maximum height of 2 or 3 stories facing existing residential development.**

The applicant has prepared and submitted for review a set of revised elevations and perspective drawings, which show that the portion of the building fronting on Yale Avenue has been reduced to a height of four stories for a depth of 50 feet along College Avenue. The building as designed still fails to address the requirement to step down through the block to a height of 2 or 3 stories facing existing residential development. The City is opposed to a modification of the Development District Standard requirement for a step-back transition where walkable node areas are across the street from existing residential areas. Such a modification would substantially impair implementation of the Sector Plan. The subject application is the first development being reviewed under the new Sector Plan and the failure to enforce the Development District Standards contained in the Plan will result in a dilution of the standards for future development. This will have implications for residential neighborhoods that abut properties in the Sector Plan area, not only in this neighborhood, but for the length of the US 1 corridor in College Park.

It is our belief that there are several design alternatives available to the applicant for the development of the subject property that would meet the requirements of the Sector Plan. With the most recent revisions, the applicant has attempted to address one aspect of the design and has not met with success because they continue to develop the entire block with one building. The character of the development, which extends from site-edge to site-edge, is homogeneous. The entire site needs to be revisited to address the four issues identified which include architecture, historic district compatibility, step-back transition, and size, height, and massing compatibility.

The revisions to the Yale Avenue façade, which also extend 50 feet on College Avenue, are not adequate and this portion of the building looks like an appendage rather than a component of a cohesive whole. The proportion is wrong; the 50-foot depth in relation to the length of the Yale elevation is out of scale. Although the redesigned portion of the building is more compatible with the historic district than the previous version, it appears incongruous in relation to the rest of the building. The varied designs send a visual cue that the building masses should be distinct. The proposal would benefit from the use of multiple buildings with unique but complementary design features. The requirement for compatibility with the historic district applies to the entire building and the current proposal of one massive building, with no separation, fails to adequately address this issue.

Materials proposed for the main portion of the building, including metal panels, are not compatible with the brick, stone, and slate found in the historic district.

It appears from the College and Yale Avenue elevations that the applicant is showing a mansard roof that extends 2 stories above the 4-story building, which in effect still results in a 6-story building throughout the site. The roof overpowers the building and does not mitigate the bulk and massing of the building in relation to the existing residential development. A lower roof height would help differentiate the massing. The overall massing of the building negatively impacts significant views from the University of Maryland campus, especially those from the Chapel and across the Chapel fields.

The long elevation found on College Avenue presents an opportunity for a variety of architectural characters and elements, which requires further exploration. At building corners, the architectural style should influence several bays on the adjacent elevation. The proposed architecture exhibits “bookends,” of disparate design, at the west and east ends of the College Avenue façade. These elements do not contribute to the overall design and do not relate to one another in such a way as to tie the building together. While the design should be varied across the façades to create interest, the use of an entirely distinct design aesthetic at Yale Avenue is not successful.

The architectural bays do not read in elevation. The recesses shown on Yale Avenue should be deeper, large enough to accommodate windows. Given the strong base on Yale Avenue, the expression line between the second and third floors appears superfluous and should be removed. Furthermore, the project would benefit from additional attention to the streetscape, including a clearer delineation of entrances with vertical elements that carry through the building to connect at the ground plane.

The Old Town neighborhood is characterized by deep lawns and green space while the applicant’s proposal includes street trees and foundation plantings. A courtyard opening on to the street, along either College or Yale Avenue, would be more in keeping with the character of the neighborhood.

The project’s density is driven by a programmed number of housing units, which is too dense for the site. The applicant has not provided detailed information, beyond a revised total unit count of 311 units, regarding how the revisions would impact the unit mix, particularly with respect to the distribution of units intended for undergraduate and graduate students. However, it appears that the revisions will result in a reduction to the number of units intended for graduate students, which is of great concern.

The applicant’s attempt to address just one issue is doomed to fail and the applicant must resolve how to make the building work as a whole, if they are determined to develop the site with a single building. Focusing on individual architectural elements, independent of other criteria, will not achieve an acceptable product.

In addition, the City has concerns related to the definitions of parking found in the US Route 1 Sector Plan Development District Standards and believe they need to be clarified so that the specific requirements for parking location and screening are understood as they relate to the building form of this proposed development. The Sector Plan addresses parking lots and parking structures (a building containing two or more stories of parking above natural grade) but fails to address the parking condition found in the subject DSP – one level of at-grade parking located within a structure and one level of below grade parking. This is an oversight and the parking in the subject application should be treated as structured parking and be subject to the 50' setback requirement as well as the requirement for screening with a liner building.

Councilmember Stulich made the following comments: On October 11, 2011, the City Council voted 6-1-1 to recommend disapproval of the application. The Prince George's County Historic Preservation Commission reviewed the original application and also recommended denial because of concerns about compatibility with the Historic District. The Prince George's County Planning Board continued the case to Thursday, January 19 at 10:00 a.m. This has been a long process with many meetings and a lot of input from the neighborhood. The application has been opposed by the City, the Old Town Civic Association, St. Andrews Episcopal Church and the University of Maryland. The applicant was invited to meet with a group to develop a plan that would be more compatible, but has been reluctant to do so. The proposal is disappointing.

Comments from the audience:

John Rigg, 6807 Dartmouth Avenue: Urges the Council to adopt the motion to disapprove; it is inappropriate for the neighborhood.

Leo Shapiro, 6907 Rhode Island Avenue: Urges the Council to adopt the motion to disapprove the application.

Jim McFadden, 4800 Calvert Road: Urges unanimous support of the motion to disapprove the application.

Aaron Springer, 4622 Harvard Road: The applicant is not a good neighbor. Infill must be done carefully and thoughtfully to integrate with the community. This project does not do that.

Stephanie McLaughlin, 4605 Fordham Road: She is still opposed to the development even with the revisions that were made.

Doug Hamilton, 4605 Fordham Road: The developer has not done his homework and there should be unanimous opposition to his proposal.

Councilmember Afzali pulled up the video from last week's Worksession when the lawyer for the applicant said she would bring the architect to tonight's meeting, and couldn't understand why the applicant didn't do so. He didn't vote for the plan last time and will not vote for it this time and hopes the opposition is unanimous.

Councilmember Wojahn also expressed surprise that the architect is not here tonight to answer the questions raised last week by the Council. He will vote to approve the motion.

Councilmember Stullich said this Council is not opposed to student housing and is eager to see high quality development. This is an unusual situation and she doesn't want anyone to think otherwise. This is a project that no neighborhood would want next to them.

Student Liaison Marcella Morris said that she recognizes that the University of Maryland has concerns about the project but they have not come out in opposition to the project, nor have the students. This location is perfect for student housing.

Councilmember Afzali said that the Council is not saying they are against student housing at this location, but are just commenting on the specific details of this plan.

Councilmember Kabir said it is a good location for student housing and noted that the North College Park Citizens Association did not take a vote on the project. When the applicant came to the NCPCA meeting they did not have the Detailed Site Plan to review, just the idea of student housing. He wishes that the applicant had developed a compromise that the Council could support.

Councilmember Stullich read sections of the two letters from the University of Maryland to the Planning Board expressing their concerns about the project.

The motion carried 8 – 0 – 0.

Recess into Worksession: A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to recess into Worksession to discuss the proposed amendment to the approved Mixed Use Town Center zone for the Cafritz Property. The motion carried 8 – 0 – 0 and at 8:10 p.m. Mayor Fellows convened the Worksession discussion.

Reconvene the Regular Meeting: A motion was made by Councilmember Afzali and seconded by Councilmember Day to return to the regular meeting. Mayor Fellows reconvened the regular meeting at 9:58 p.m. with a vote of 8 – 0 – 0.

12-G-05 Amendment to the Approved Mixed Use Town Center Zone For The Cafritz Property

A motion was made by Councilmember Stullich and seconded by Councilmember Day that the City send a letter to the Prince George's County Planning Board opposing the rezoning of the Calvert Tract, also known as the Cafritz Property, as Mixed Use Town Center.

Don Jennings, 4617 Clemson Road: He wants to keep the property R-55 designation for single family housing. It shouldn't be easy to change that designation.

Christine Fortin, 4607 Guilford Place: She does not want to deal with traffic and density issues this development would bring. The circulator bus system just means that the right lane is occupied by busses so only one lane can get by, so that doesn't impress her.

Leo Shapiro, 6907 Rhode Island Avenue: Residents have felt left out of this process. This is the wrong project for this site. Rezoning the site is both technically unjustifiable and poor public policy for which we would pay the price for decades to come.

Adele Ellis, 4608 Beechwood: She doesn't want to negate all the hard work and the serious concessions that have been made by the developer, but she is still opposed to the project because of the lack of the trust she has in the developers' ability to live up to their claims and commitments, particularly the claims that it will be upscale. Another Cafritz property at Fort Totten is sitting unfinished.

Jeanne Jennings, 4617 Clemson Road: She is opposed to the development. She believes her neighborhood would disintegrate with this development and would change her life forever, and not for the better.

Joseph Grikis, 4506 Albion Road: Is opposed to the re-zoning. The concept is not smart-growth and is not the right solution for the Route 1 Corridor or for College Park.

Kathy Bryant, 7406 Columbia Avenue: She is troubled to see the property developed so densely and supports the motion. She requests that a marker be placed on the property to honor McAlpin on which the Cafritz property exists.

Christopher Gill, 4804 Calvert Road: Urged the Council to disapprove the motion and support the zoning. Most of the issues raised here are not zoning issues and can be addressed during Detailed Site Plan.

Bob Coogan, 4615 Fordham Road: The words "conception" and "deception" come from the same Latin root. He was disappointed in how poorly this group made their deception.

Anissa Sunday, 6004 Rhode Island Avenue, Riverdale Park: She is supportive of the project; it is a place where members of the greater community can gather and shop on the Route 1 corridor rather than going elsewhere.

Jim McFadden, 4800 Calvert Road: He doesn't care about the Whole Foods and says he is concerned about what would happen at the Planning Board if we don't stand up and say "No."

John Rigg, 6807 Dartmouth Avenue: He is in favor of the project and disagrees with the motion. It is unrealistic to expect that this tract will not be developed and this is an opportunity to create a development that helps our tax base, helps generate commercial activity on the Route 1 corridor that doesn't currently exist, and brings a desired anchor tenant. It is wrong to say no

just to preserve what we have now, because it will change inevitably. We have gone far with the negotiations.

Gary Lewandowski, 4607 Beechwood Road: A lot of hard work has gone into these negotiations but the issue is whether the area should remain R-55. Creating another town center is pointless – we don't need another one. Urges the Council to support the motion.

Arlene Christiansen, University Park: Why has the developer suddenly been so eager to negotiate prior to the re-zoning if they think the rezoning is a done-deal?

Stephanie McLaughlin, 4605 Fordham Road: The property is .7 mile from the metro, not .5. The property should remain R-55. Support this motion.

Cynthia Finley, 7006 Wake Forest Drive: Urges opposition to the motion and support of the re-zoning. The project provides an opportunity for our community to grow economically and to bring new residents. This is a fantastic proposal; look to the future for our community.

Doug Hamilton, 4705 Fordham Road: He supports the current R-55 zoning of the site. This is not a fantastic proposal and we do need more homes, but we can do that with single family homes. Density is too high; this is not a transit oriented development. He is concerned about the loss of trees and contiguous green space. The schools here can't handle the high density.

(A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to take a brief recess. Mayor Fellows recessed the meeting until 10:45 p.m. with a vote of 8 – 0 – 0.)

Councilmember Catlin said the City and University would benefit from access across the bridge and the development has great potential. You can always find a reason to oppose a project.

Councilmember Kabir has struggled to support the project because of the traffic issues. After seeing the agreement Cafritz has with University Park to build the CSX Bridge in Phase 1 he is now more hopeful. This is a new zoning tool but we need to stay engaged. He is concerned that if we don't support the re-zoning we might be left out and have less influence in the Detailed Site Plan process in the future. He will vote against the motion.

Councilmember Stullich does not believe we will be left out of the Detailed Site Plan process if we vote against the rezoning tonight. She believes the developer will have to continue to negotiate with College Park.

Councilmember Wojahn believes this proposal has a lot to recommend it but there are still some critical issues that would have a negative impact on the quality of life of our resident. The density is still too high so he will support the motion.

Councilmember Catlin said the objections he has heard tonight are not strong enough to sway him. MUTC rezoning was requested by Riverdale Park and gives local control to what is developed. The distance to the metro is closer than the Greenbelt South Core example. The

property can't meet LEED ND standard because it requires higher density which can't be met. It might worsen traffic but the bridge is more mitigation than we could ever get. EYA is a 20-acre project and there is no structured parking on that site; why would you need it here without the density. The City controls City streets so concern about vehicular access to Calvert Hills has been addressed.

Councilmember Afzali said he has mixed feelings but will support the motion because of his concerns about density. This project will hurt other places along Route 1 from being developed. The residents of the community are strongly opposed.

Councilmember Day said there are major issues with traffic and density. He still has a lot of questions about the impact the bridge would have on Route 1 traffic.

Councilmember Mitchell will support the motion; she is concerned about the traffic impact on Route 1 and has not seen the traffic study she was looking for.

Mayor Fellows said he would support the motion, but with mixed feelings. The three communities working together achieved a lot and this example is the future of our region. He wasn't satisfied with the discussion about how this will affect M Square, which is important to College Park.

Roll Call vote:

Aye: Wojahn, Dennis, Stulich, Day, Afzali, Mitchell

Nay: Kabir, Catlin

The motion passed 6 – 2 – 0.

ADJOURN: A motion was made by Councilmember Afzali and seconded by Councilmember Stulich to adjourn the meeting. Mayor Fellows adjourned the meeting at 11:10 p.m. with a vote of 8 – 0 – 0.

Janeen S. Miller, CMC
City Clerk

Date
Approved