



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
Approved Minutes of Meeting
July 11, 2013 – 7:30 P.M.
City Hall Council Chambers

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Mary Cook, Chair	<u> x </u>	<u> </u>
Clay Gump, Vice-Chair	<u> x </u>	<u> </u>
Lawrence Bleau	<u> x </u>	<u> </u>
James McFadden	<u> x </u>	<u> </u>
Charles Smolka	<u> x </u>	<u> </u>
Rose Greene Colby	<u> x </u>	<u> </u>

Also Present: Planning Staff- Terry Schum, Miriam Bader and Theresheia Williams; Public Services Staff – Jeannie Ripley; Attorney – Sue Ford.

I. Call to Order: Mary Cook called the meeting to order at 7:45 p.m.

II. Approval of Minutes:

Lawrence Bleau moved to accept the minutes of June 6, 2013. Charles Smolka seconded. The motion carried 5-0-0.

III. Amendments to Agenda: There were no Amendments to the Agenda.

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

V. Public Hearing:

**CPD-2013-01: Departure of 9 parking spaces from the required
24 parking spaces**

Applicant: Alpha Xi Delta Sorority

Location: 4517 Knox Road

Mary Cook explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a departure of 9 parking spaces from the required 24 parking spaces. The property is located in the southwest corner of Knox Road and Princeton Avenue in the Old Town College Park Historic District. The property is improved with a 15,342 square-foot, 2.5 story brick building. The Old Town neighborhood is comprised of a mix of single-family homes, small multifamily apartment buildings, and a number of fraternities and sororities. The sorority house was originally built in 1938 and predates zoning and off-street parking requirements. It was enlarged in 1964 to nearly double its size. In 1990 the sorority closed due to lack of enrollment, but during the last five years, the house has been leased to the University to use for student housing. The lease was up last August. In 2011-2012, the National Chapter decided to re-colonize the house. In order to do this, the house needed to be upgraded. Part of the new code requirements

require that a handicapped accessible bedroom be provided including a handicapped accessible parking space and an accessible route from the space to an accessible entrance. The applicant needed to reconfigure the parking lot and ensure compliance with the County standards. The parking lot had 18 parking spaces, however, when it was reconfigured to meet the County standards, the lot could only support 15 parking spaces, including one handicapped accessible parking space. The sorority house will house 47 residents; therefore, 24 parking spaces are required. The property is a contributing resource to the Old Town Local Historic District. Modifications to the exterior require a Historic Area Work Permit. The sorority house went before the Local Advisory Committee (LAC) on July 3, 2013 to discuss changes to the exterior of their building.

During the construction of the improvements to the sorority house, the fence belonging to the adjoining property owner, Larry Swartzlander, 7306 Princeton Avenue was inadvertently pushed so that it is now leaning. In an e-mail dated July 9, 2013, Stephanie Morton, President of Alpha Xi Delta Building Corp. assured Mr. Swartzlander that the fence would be repaired and returned to its original condition at no cost to him.

Staff recommends approval of the requested departure of 9 parking spaces from the required 24 parking spaces with the following conditions:

- 1) The chain link and wooden fence located along the southern property line shall be repaired or replaced to the condition it was in prior to construction.
- 2) Landscaping and other encroachments along Knox Road located in the City right-of-way shall be trimmed in coordination with the City Engineer, to accommodate the proposed widening of the sidewalk.
- 3) The applicant shall provide a landscape plan and plant schedule to be reviewed and approved by the City's Horticulturist.

Miriam Bader submitted the staff report, Exhibits 1- 10 and PowerPoint presentation into the record. Commissioners accepted unanimously.

Sue Ford, attorney, suggested that the condition about having the fence repaired by the Sorority House be removed because it is a legal dispute between the property owners and not a decision made by the Commission.

Mary Cook asked why would the applicant have to include an additional stairwell in the sorority house?

Miriam Bader stated that it is a means of egress to get out in case there is a fire.

Donald Smith, Architect, testified that the configuration in the basement only has one stairway. It runs through the kitchen and the code doesn't allow you to exit through the kitchen. The dining room in the new plans will be used for the sorority meetings, which will hold at least 100 people in the room. The City Code requires two means of egress for safety reasons and that's the reason why a stairwell is needed. Mr. Smith testified that the applicant will be meeting the needs of the 47 residents by providing 15 off-street parking spaces and using 14 on-street parking

permits issued by the City. The existing parking lot will be re-striped to bring it into compliance. He stated that there is a hedge that runs along the driveway that is about 12 feet long. It has to be removed to make space for the handicapped space. They were hoping to use the hedge as part of the landscaping along the back 6 foot buffer. He stated that this type of hedge makes a better buffer than the trees because of the natural slope. The property slopes down, so it's hard to alleviate the green area from getting wet. Any planting in that area will have to be resilient to having the natural flow of water come through.

Mr. Smith stated that the chain link fence was shown on the drawings from 1964, but he has no knowledge of who installed it. They assumed that the fence belonged to the sorority. Mr. Smith stated that the sorority has indicated in writing and verbally to Mr. Swartzlander that they are fully prepared to have their contractor repair the fence to its prior condition.

Mary Cook stated that for safety reasons, any choice of planting should not be high enough for someone to hide behind.

Lawrence Bleau asked if the City would cite the property owners if the fence was not repaired?

Sue Ford stated that she could not answer that; it would be up to the City's Code Enforcement Division.

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

- 1) The applicant is proposing to meet the parking needs of the 47 residents (including an on-site management couple) through a combination of providing 15 off-street parking spaces and using 14 on-street parking permits issued by the City. These 29 spaces, in effect, exceed the 24 spaces required by the Prince George's County Zoning Ordinance. Of the 45 women who have signed contracts to live in the house next year, only 15 have requested parking accommodations.
- 2) The existing parking lot is being modified and re-striped to bring it into compliance with the requirements of the Zoning Ordinance for parking space sizes and required drive lanes. The existing lot has a single point of ingress off Knox Road with a one-way traffic pattern behind the house and a single point of egress onto Princeton Avenue, a minor street, which should minimize traffic congestion, by dividing circulation between two streets. Despite the re-configuration of the lot, the entrance access widths and locations are maintained without change.

- 3) The departure of 9 parking spaces is the minimum necessary. There is no room on the site to add any additional parking spaces which would comply with the standards established in Section 27-558(a) of the Zoning Ordinance. The only other area where parking could conceivably be located would be in front of the house but this is not advised because it would destroy the existing landscaping and be contextually undesirable.
- 4) The departure is necessary to alleviate circumstances that are special to the subject use, given its nature at this location. The sorority house was originally built in 1938 on land donated by the Knox family and was enlarged in 1964. The site plan included with the record documents of the 1964 addition, for which a building permit is presumed to have been issued at the time, is generally consistent with the paving extant today, and the basis for the revised configuration.
- 5) During the last 50 years some parking was added, and 18 spaces are currently marked on the site pavement. One of these spaces is not useable due to the roots of a major street tree, which has uprooted the paving. One space is only 5' wide and three are on a drive too narrow to comply with Prince George's County standards. Only 13 of the current marked spaces are compliant with the County standards.
- 6) The impetus for modifying the parking lot is the mandate to bring the house into compliance with the Federal and State ADA Guidelines, under the Building Code. These Guidelines require one accessible parking space for the physically challenged, and an accessible route from the parking space to an accessible entrance. Several options were considered, and several reconfigurations evaluated, before settling on the proposed scheme. The resultant scheme produces 15 spaces, including one universal accessible space and drive lanes in compliance with the County Standards. Concurrently, the applicant has removed some existing pavement to balance the new pavement added for the accessible space and route, producing a net impervious loss of 8 square feet of paving.
- 7) All methods of calculating the number of spaces were explored. The applicant evaluated several parking options, and did not find an alternative that would be more efficient or yield more spaces than the one proposed. Prince George's County standards require a much wider drive lane when parking is at 90 degrees (22 feet wide), and the resultant configuration for such alternative design would necessarily eliminate the parallel parking spaces along the other side of the drive.
- 8) The City's public parking garage is located approximately 250 feet from the subject property and offers monthly parking permits for residential use. In addition, many of the residents park in Lot 1 at the University, and walk to classes or to campus activities or do not have a car. Also, the City may issue up to 17 on-street residential permit parking permits.

- 9) The College Park Metro/Marc Station is located approximately 2000 feet or less than a half mile from the sorority. Metrobus, TheBus, and Shuttle UM have stops in close proximity to the sorority along US 1 and at the Metro. In fact, Shuttle UM has a stop right in front of the sorority house at the intersection of Knox Road and Princeton Avenue.

James McFadden moved to approve the variance because the request meets the criteria for granting the departure for the reasons stated above, with the conditions number two and there recommended by staff. Charles Smolka seconded. Motion carried 5-0-0.

VI. Request by College Park Homes for a waiver of application fee for CNU-2013-04

Sue Ford explained the legal standards from the City of College Park Code, Section 190-11(2)(a) Certification, revocation and revision of nonconforming uses. Filing fees, which states *“Upon filing the application, the applicant shall pay to the city a filing fee as established by Council to help defray the costs of processing the application. A reduction in the fee may be permitted by the Commission when it finds the payment will cause undue hardship upon the applicant.”*

Terry Schum entered an updated Financial Hardship Waiver Request form and justification statement she received from the applicant into the record.

Larry Taub, attorney for applicant, testified that they submitted a letter request originally, but didn't know that there was also a form to be completed, which they completed and submitted to Terry Schum. They have been pursuing certification for nonconforming use for College Park Homes. There are 7 homes on Fordham Court and 1 home on Carleton Terrace. These homes are all owned by the Watkins family. They were built by Shannon Watkins grandfather. Shannon Watkins father Robert Watkins and her mother owned the homes until she passed several years ago. Her father left the area and left the management and expenses to his daughter Shannon Watkins. The apartments do not generate a large profit for the owners; the expenses for the apartments are, in fact, barely met by the income received from the operations. Recently, a violation notice was issued for failure to have a use and occupancy permit. Because of this, she has been forced to seek certification for the apartment buildings, which involve obtaining legal counsel. There is a \$1,000 filing fee for each property for a total of \$2,000, not including the \$30 fee for each posted sign. The applicants are requesting a waiver for the Carleton Terrace property because the additional \$1,000 would really be a hardship for the family.

Jeff Watkins, Shannon's husband, testified that Shannon has been working with her mom for the past 25 years with the renting and upkeep of the properties. When her mom passed away a year ago, she left everything to Shannon. Her dad lives in another state and she has no contact with him. With the property taxes, mortgages and number of vacancies, it's hard to keep the apartments rented. They have been contemplating selling the property. Mr. Watkins stated that the \$1,000 filing fee is really minimal to what they are paying in legal counsel .

James McFadden asked if the properties are a corporation or individually owned?

Larry Taub stated that they are owned by the family.

Mary Cook asked if the properties could be sold since Shannon's name is not on the deed?

Larry Taub stated yes, because she was given Power of Attorney by her father.

Rose Colby asked what is the current occupancy of the two buildings?

Jeff Watkins stated that out of 40 units, about 9 are vacant. With the new homes and condos in the area, they have more vacancies.

Mary Cook asked if there is still a mortgage on the homes?

Jeff Watkins stated yes.

Charles Smolka asked why are there two fees?

Terry Schum stated that the strict reading of the code and application process require a separate fee for every address. There will have to be Use and Occupancy permit issued for each address. There are seven U&O's that need to be issued for the Fordham Court properties and a U&O for Carleton Terrace. The Fordham Court apartments were built at the same time and have a similar history. It's not a great a burden on staff to the review because of the similarities. The City would be justified in taking 7 different fees for Fordham Court but we made a judgment call not to do that. We could not justify including the Carleton Terrace address.

Lawrence Bleau asked about how difficult the staff work is involved with Fordham Court is?

Terry Schum stated staff has to research the data and information that the applicant provides for the 7 individual properties. The burden is on the applicant to provide the proof. The full application has not been submitted yet, so we really don't know how much time it will involve. Based on what we have received and the conversation with the applicant's attorney, Carlton Terrace will be different. The apartments on Fordham Court will probably be similar and the data tracks together. We have tentatively accepted the application for Fordham Court and the one for Carlton Terrace has not been accepted yet.

James McFadden asked if this waiver request is something new?

Sue Ford stated that the commission has not been doing nonconforming uses for very long. The standard is not how difficult it is for the staff to process the application it is whether this payment will cause undue hardship upon the applicant.

Charles Smolka moved to grant the waiver for the Certification of Nonconforming Use application fee of \$1,000 for the property at 6923 Carlton Terrace. Lawrence Bleau seconded. Motion carried 5-0-0.

Commissioner Clay Gump entered the hearing at 8:35 p.m.

VII. Review and Discussion of status report for 7400 Dartmouth Avenue

The applicant, Robert Schnabel, along with Stephanie Stulich, testified that they have been working steadily since 2008 to complete the work identified by Code Enforcement for their historic site, including their house, carriage house, and shed. She stated that they have invested many thousands of hours, labor and over \$100,000 of savings to make the site compliant. She stated that the house is looking very good, and they have received dozens of enthusiastic compliments about how great the house looks. They are requesting that the APC acknowledge that they have resolved the items identified by Code Enforcement and request that they be released from continued monitoring by the APC.

Commissioners reviewed and discussed the July 10, 2013 status reports submitted by the applicant and Code Enforcement Officer Robert Cofske.

Lawrence Bleau moved to adopt the schedule for completion of work remaining to be completed for 7400 Dartmouth Avenue set forth in the July 10, 2013 Progress Report, and to close Housing Code Violation case number APC-CEO-0013-2004 due to the fact that the property is currently substantially code compliant. James McFadden seconded. Motion carried 6-0-0.

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

Cafritz- The Preliminary Plan of Subdivision has been appealed to the Circuit Court. The Town of University Park and residents of University Park voted to appeal the Preliminary Plan, but the City of College Park did not. The City of College Park and The Town of University Park both filed appeals on the Detailed Site Plan. This appeal will be going to the District Council for a request for oral argument.

Maryland Book Exchange – There was an appeal filed with the Circuit Court. A hearing was held but no decision was made. Staff met with the contractor, Clarke Construction, and heard details on the preparation for the project. They are anticipating an October 1 construction start date.

New Development - Staff was contacted this week by Metropolitan Developers who purchased JPI East on Route 1 and Cherokee Road. They have submitted a request to Park and Planning to amend the Detailed Site Plan for the property. As soon as it gets accepted, there will be a Planning Board date set and staff will set a date with the City Council to review the project. They have been several community presentations. Staff will set up another meeting once the full package is received.

College Park-Riverdale Park Metro Area Transit District - The development plan is being updated and has officially been initiated by the County Council. It will probably be a 6-month planning process with no extensions. There was a community listening session held on May 9, 2013. Staff participated in a kick-off meeting on July 11 and went on a tour of the study area with the planning team and consultants. There will be three or four community meetings with the first meeting tentatively scheduled for sometime in August.

IX. Other Business:

- 1) Sirak & Meseret Teffera applicant for variance CPV-2013-04 has filed oral argument before the Mayor and Council. The hearing is scheduled for August 13, 2013 at 7:00 p.m. in the City Hall Council Chambers.
- 2) Commissioner Mary Cook made a suggestion to recruit new members for City committees by attending the local Farmers Markets held at North College Park and the City Hall.

X. Adjourn: There being no further business, the meeting was adjourned at 9:39 p.m.

Minutes prepared by Theresheia Williams