



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
March 1, 2012 – 7:30 P.M.

PRESENT: Advisory Planning Commission – Lawrence Bleau, James McFadden, Timothy Dennée, Mary Cook and Clay Gump; Planning Staff – Terry Schum and Theresheia Williams; Attorney – Suellen Ferguson

I. Call to Order: Lawrence Bleau called the meeting to order at 7:35 p.m.

II. Approval of Minutes:

Timothy Dennée moved to accept the minutes of December 1, 2011. Lawrence Bleau seconded. The motion carried 5-0-0.

III. Amendments to Agenda: The agenda was amended to add discussion of State Bill PG-411-12, Planning and Zoning Authority and discussion of the property at 9511 49th Place.

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

V. Public Hearing:

12-0000207:	Appeal of violation notice prohibiting flag signs
<u>Appellant:</u>	Roy Cogliandolo, Friendly Computer Services
<u>Location:</u>	9205 Baltimore Avenue

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Code Enforcement Officer, Gilberto Cabrera, summarized the staff report. A City of College Park Correction Order/Violation Notice was issued under case number 12-027 on January 26, 2012. The violation is for the display of flag type signs prohibited under County Code 27-593(a)(3), which prohibits pennants, pinwheels, and similar circus-or carnival-type attractors which are visible from a street or from residential property. The appellant continues to display various types of prohibited signs including pennants, flags, and A-Frame signs. The appellant was previously cited under case number 11-2760 on August 23, 2011, for the display of two A-frame and one flag type sign in the right-of-way, near the entrance to the subject property. The case was appealed and heard by the Advisory Planning Commission on October 6, 2011, at which time the APC rendered a decision affirming the corrective order and requiring all signs be removed.

Gilbert Cabrera entered the following attachments into the record: Attachment 7a-photo of original sign; 7b-photo of sign on building wall, which has to be removed; 7c-photo of permitted sign over the doorway; and Attachment 8-copy of County building permit.

Timothy Dennée asked if fines are associated with the corrective order?

Gilbert Cabrera stated not at this time, because the appellant filed an appeal.

Roy Cogliandolo, appellant, testified that they moved to College Park five months ago and opened their business. They were previously located in Riverdale, MD. He stated that they received several notices from the City inspectors telling them to remove their signs because they were displayed illegally. He stated that they were before the APC in October for the violation of two A-frame and one flag sign in the right-of-way and there was some confusion as to what made the signs illegal. Mr. Cogliandolo stated that they were under the impression that it was the location of the signs, not the type of sign that caused them to be cited. He stated that Jeannie Ripley, Code Enforcement Supervisor, had given him misleading information stating that Prince George's County does not issue permits for the type of signs they have. He stated that there are a lot of businesses in College Park that have the same type of signs as their business. He stated that their signs are clean and professional and he thinks they are being targeted. He is requesting that the APC allow them to keep their A-framed and flag signs, or that the City inspectors work with them in obtaining permits.

The appellant submitted the following photos into the record;

- 1) Attachment 9a-8700 Baltimore Avenue showing banner flag and A-frame signs
- 2) Attachment 9b-9600 Milestone Way showing banner flag signs
- 3) Attachment 9c-9540 Baltimore Avenue showing flag sign
- 4) Attachment 9d-10100 Baltimore Avenue

Commissioners accepted the staff report and exhibits into the record.

Timothy Dennée asked if they had applied for permits?

Roy Cogliandolo stated that they had applied for permits from the County, but they do not issue permits for A-framed signs.

Lawrence Bleau asked if Attachment 3, a photo showing the signs posted outside of the property is a current photo?

Gilbert Cabrera stated that the photo was taken on January 26, 2012, the day the first warning was issued to the appellant.

Suellen Ferguson stated that in Attachment 4, the correction order, the reference is not to an A-framed sign, but to flag signs that are not permitted. Also there is a reference to the Code section that the violation is related to 27-593(A)(3), which states that *Pennants, pinwheels, and similar circus- or carnival-type attractors which are visible from a street or from residential property.*

Roy Cogliandolo stated that their signs are flag signs not pennants, so it does not apply. The appellant submitted a photo showing what a pennant sign looks like, which was entered into the record as Attachment 10.

Jeannie Ripley testified that the properties shown in Attachments 9a, 9b, and 9c are all under citation for their signs and the property in Attachment 9d obtained a permit for their sign (IKEA).

Roy Cogliandolo stated that their signs are just like the signs at the IKEA property, but they were never cited.

Jeannie Ripley stated that IKEA signs are permanently mounted and they had permits from Prince George's County.

Terry Schum, Planning Director, stated that the Rt. 1 corridor has its own set of standards and guidelines, including regulations for signs. All signs must be attached to the façade. So if you are a new business coming in requesting a sign, you cannot have a pole or monument sign. If it is determined by the County that your sign is not permitted, then you can get exceptions to the sign regulations for size, type, etc., which is called a Departure from Sign Design Standards, which will be heard before the APC. The regulations governing the Rt. 1 corridor are stricter in regard to signs, so IKEA could not get permits today for the type of signs they have on their property.

Suellen Ferguson stated that there seems to be a question to how Prince George's County is interpreting what signs this applies to. We want to make sure that the Department of Public Services cite these correctly. She suggested that the case be continued and the Department of Public Services have a conference with the County staff in terms of the legal interpretation of how they interpret this type of sign.

Timothy Dennée moved to continue the case to allow Department of Public Services to meet with Prince George's County staff to find out if the sign in Attachment 7a is a permitted sign or if it needs to be removed. Mary Cook seconded. Motion carried 5-0-0. The appellant will be allowed to keep the signs displayed on his property until a decision is made.

VI. PG-411-12 – Qualifying Municipal Corporations -Land Use Decision

This is a State Bill that enables any municipality within Prince George's County to make their own decisions regarding zoning. The bill was submitted during this legislation session by the City of Bowie. This bill is just enabling legislation; it would still have to be taken up by each individual municipality. It doesn't give municipalities the right to enact their own zoning code. We still are required to use the Prince George's County Zoning Ordinance.

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

- 1) **Maryland Book Exchange** – The City opposed the Detailed Site Plan, but the Planning Board approved it with conditions. The resolution from the Planning Board was received and the City has until March 29, 2012 to appeal the Planning Board decision. The City Council has discussed and decided that they want to file an appeal just to ensure that the District Council holds oral argument on the case. No hearing date has been set yet.
- 2) **Cafritz Property** – The Public hearing was held for two days. The City worked with University Park and Riverdale Park, trying to arrive at a set of consensus conditions in support of the project, however, the City Council decided not to be a party to the conditions and opposed the rezoning and the plan. The Town of Riverdale Park and University Park supported the rezoning with these consensus conditions. The Planning Board approved the application with these conditions. The District Council will have a public hearing and make the final decision.
- 3) **M Square** – A Detailed Site Plan was filed proposing three 150,000 sf identical buildings to be phased in over time. The first and second building will include surface parking. The third building will not have enough surface parking, so there will be a parking garage built in back of the building. There will be a public hearing before the Planning Board on March 8, 2012. The revisions made reflected a lot of the City's concerns, so the City supported it with design-related conditions. This case was before APC about a year ago to review the site plan, which was subsequently revised. The County staff is recommending approval, so we expect it's going to be approved by the Planning Board.

VIII. Other Business:

- 1) **9511 49th Place** - Commissioners asked staff to address the variance approved by Mayor and Council for this property. Staff explained that this application was heard by the APC on July 7, 2011 and was appealed by the applicant to Mayor and Council. Oral argument was held on September 27, 2011 where the Mayor and Council upheld APC's decision. Valid permits have been issued for the 6' fence, 12x30 rear addition, the second floor pop up with dormers and the covered front porch. A variance was denied for the attached garage. The applicant scaled back the size of the attached garage so that they were not encroaching in the side yard setback and was able to obtain a building permit to proceed. All the work that is being done is in conformance with the action that the Council took on the variance.
- 2) Bob Schnabel and Stephanie Stulich submitted their progress report for February 3, 2011 thru March 1, 2012, which was handed out to the commissioners. Commissioners voted unanimously to add it to the April 5, 2012 agenda for discussion.

IX. Election of Chair and Vice-Chair:

Timothy Dennée moved to elect Lawrence Bleau as Chair and Lawrence Bleau moved to elect Mary Cook as Vice-Chair. James McFadden seconded. Motion carried 5-0-0.

X. Adjourn: There being no further business, the meeting was adjourned at 9:15 p.m.

Minutes prepared by Theresheia Williams