



**WORK SESSION OF THE GREENBELT CITY COUNCIL held Wednesday, September 22, 2004, for the purpose of discussing boundary lines at Buddy Attick Park, proposed plans for the former nursing home site, and strategy for planning and zoning legislation.**

The meeting began at 7 p.m. with a walk around the southeast quadrant of Greenbelt Lake.

PRESENT WERE: Councilmembers Konrad E. Herling, Leta M. Mach, Edward V. J. Putens, Rodney M. Roberts, and Mayor Judith F. Davis.

STAFF PRESENT WERE: David E. Moran, Assistant City Manager; Terri Hruby, Assistant Director, Planning and Community Development; and Kathleen Gallagher, City Clerk.

ALSO PRESENT WERE: Thomas X. White, Greenbelt News Review, and Sanford Hinkal.

Ms. Hruby said although there were a number of points where residents' yards were encroaching on City property, staff found no instances of City encroachment on private property. She located stakes along the walk and pointed out several different categories of problem. Sometimes constructions, such as planters and fences, had been placed on City property. In other situations, only plantings or landscaping were involved. In some cases, brush and yard waste had been dumped on City property.

At 8 p.m., the meeting continued in the Senior Classroom of the Community Center. Mr. Hinkal did not attend.

#### Lake Boundary Lines

Referring to Ms. Hruby's memo of September 15, 2004, Mayor Davis asked for clarification on what it would mean to treat the encroachment as the City currently treats sheds placed on City property. Ms. Hruby said with sheds the City notifies the property-owner of the encroachment but does not generally require correction of the situation unless the person moves. No further encroachment is permitted, nor would replacement of the structure be permitted.

Mr. White asked if the City Solicitor had been consulted about how the laws of adverse possession might affect a decision about allowing an ongoing use once the encroachment was discovered. It was generally agreed that this matter should be raised promptly with Mr. Manzi.

Mr. Roberts said since there did not appear to be major encroachments, he thought it would be preferable to require people to correct them now. Ms. Hruby said some are fairly significant. Mr. Roberts replied that if the City allows the continued use, it will likely go on forever, since the City will lose track of it. Ms. Hruby said it had seemed reasonable to staff to use the same principles that were used for sheds. Mr. Roberts

replied that the shed policy was a staff one, since Council had not been consulted on it, and that he did not agree that sheds should be allowed to continue either.

Mr. Putens said he agreed with Mr. Roberts that the City could easily lose track of the issues if there is not an enforcement plan when property is sold. He said he believed the county could flag properties for notification to the City upon sale so that the City could take action immediately with the new owner if the prior owner did not take care of the matter before moving. Mayor Davis asked staff to look into whether the county can flag properties. Mr. Roberts said he was against waiting until sale regardless of whether the county could flag it.

Mayor Davis said it should be possible to send some of the letters right away: e.g., where yard debris had been dumped on City property. Mr. Putens said, pending legal advice, it might be worthwhile to send letters on all of them to notify people there was an issue and offering to have staff walk their boundary with them.

There was then discussion of whether the City should offer to remove structures or objects if people request it. Ms. Hruby noted it should be kept in mind that this question and other aspects of this entire issue have implications for other parts of the City and other boundary issues as well.

Proposed Condominium at 7010 Greenbelt Road (Baier Properties, Inc.)

At 8:40 p.m. the next work session topic was addressed. Steve Varga of Enterprise Realty Services, Thomas H. Haller of Gibbs and Haller, and Barry Schlesinger were present.

A detailed letter from Mr. Haller had been provided on issues raised at the August 30 work session.

Site Coverage: Mr. Varga said the reorientation of the building to preserve the existing trees and buffer had worked very well. As currently depicted, the site coverage would be 35%, compared with the existing coverage by the nursing home of 41.5%. There was discussion of the fact that the drawing made it appear that the proposed project would cover more of the site. Mr. Moran discerned that the apparent discrepancy was because the westernmost parking area of the existing nursing home was not portrayed on the map.

Guest Parking: Ten additional guest parking spaces were added on the outside of the facility. There would also be 20 inside the garage.

Ownership Structure: Mr. Varga said the broader market was not very familiar with the cooperative form of ownership. He said there could be a marketing and financing risk to them in setting up a co-op, and they perceived no offsetting advantage to it. Ms. Mach said one advantage from the standpoint of both the residents and the City is that under a co-op, rentals are usually restricted. She added that many of the potential buyers would be likely to be Greenbelt residents, who are quite familiar with co-ops. Mr. Varga said they had not closed their minds to this possibility and that they would include this in a marketing study to see what consumer preferences would be.

Building materials: Mr. Putens had suggested masonry construction as being superior from the standpoints of both fire- and sound-proofing. Mr. Varga said the costs of doing masonry construction are prohibitive but sprinkler systems would take care of the fire issue and there are better ways to sound-proof. He said many of the problems Council might be familiar with in Greenbelt were issues in older buildings that do not meet current codes. Ms. Hruby also said she had discussed the suggested methods of sound insulation with Jim Sterling in her office, and he agreed they would be acceptable. Mr. Varga confirmed that they were very aware of the need for effective sound insulation to make the units marketable and that while they could not commit to the use of specific materials described in the letter, they would commit to the result. Mr. Haller added that they could put something in the covenants to cover all aspects of noise.

Access/Traffic Issues: It was reiterated that there needed to be a traffic study and that the access issues were State Highway Administration concerns. Mayor Davis said Council was aware that adding a bus stop on Greenbelt Road, as had previously been mentioned, was not practicable.

Zoning Text Amendment: Mr. Haller said he had talked with County Councilmember Doug Peters, who in last year's CB-67-2003 introduced language to change the required bedroom percentages for condos in the R30 zone. The text amendment proposed by Baier would simply extend that change to R18, and Mr. Peters is willing to do that. There was consensus among Council that this change would be acceptable.

With regard to the proposed amendment on height restrictions, Ms. Hruby said Baier Properties cannot make commitments until becoming the owner of the property but will not become the owner of the property unless the text amendment is made. As a result, staff is concerned about having the City support changes that would be more liberal than those the City would agree to in covenants with Baier. Mr. Varga said they fully understood the City's concern. He said the problem is that the county does not want to make the changes by variance. He said the City's risk in fact would be small because there are very few areas of less than five acres in the City to which the amendment could apply. Mr. Haller said they could in theory further restrict the change in the text amendment, but the county had encouraged them to make it as broadly useful as possible. Ms. Hruby added that staff had since backed off the idea proposed in the staff memo that this matter could be handled by variance rather than text amendment.

Mr. Haller said what they wanted to propose was that the covenants be prepared and that they would sign an agreement with the City to authorize the City to file them as soon as the property changed hands. This way, everything could be agreed upon in advance, and the City could be assured there would be no delays.

Mr. Roberts said he was still not convinced that they could not operate on the basis of the existing zoning limitations. Other Councilmembers were supportive of the effects that could be achieved in the quality and attractiveness of the project with the changes the text amendment would allow, and they also cited the advantage to the City in having approval of such components as the site plan, landscaping plan, and noise abatement.

Mr. Haller pointed out the timing restrictions. He said the deadline for filing the legislation with the county without seeking exceptions is Tuesday, September 28. Mr.

Peters is willing to file it but to pull it if the City is not ultimately supportive. Council generally approved of this approach. Mayor Davis said it did not appear that Council as a whole has any major issues with the proposal, although individual Councilmembers may have specific items.

Mr. White asked what the schedule of events would be if the September 28 deadline is met. Mr. Haller said it need to get to introduction by the end of October.

Ms. Mach said Mr. Peters' legislation should be broadened to include cooperatives, as well as condominiums, regardless of what form this particular project takes. Everyone agreed with this.

Mr. Roberts said he wanted to protest the fact that the City Council was agreeing to take a certain course of action at a work session rather than at a regular Council meeting. Mayor Davis responded that Council had not made a decision. Mr. Roberts said, "It sounds like one to me." Mr. Putens said this is a county issue and that the City is being consulted and asked for an opinion as a courtesy.

It was agreed the goal would be to have an agreement on the October 11 Council agenda, since drafting it for the September 27 meeting did not appear feasible.

Mr. Schlesinger said he was there as a resident of University Square and that his primary concern was that there be adequate parking facilities so that guests would not spill over into the undesignated parking at his complex.

Mr. Haller and Mr. Varga left at about 10:15 p.m. Mr. Schlesinger left a little later.

#### Municipal Planning and Zoning Authority

The Mayor said the question was whether the City wanted to ask its state delegation to introduce this legislation again this year or not. Mr. Moran suggested consultation with Bowie, College Park, and the delegation to consider sitting out this year and working on formulating new strategies to advance the effort. He noted there is a heavy work burden attached to this effort that tends to fall on Greenbelt. Mayor Davis said her understanding was that the mayors of the other two cities were interested but did not have the full support of their Councils. She said she thought the cause was losing ground in PGCMA, since they have been listening to Park and Planning, and the MML has come to think of it as a local issue. Mr. Putens said he would like to broaden the effort to other cities in Greenbelt's district, such as University Park, Hyattsville, and Riverdale Park. It was agreed to consult with the others as Mr. Moran proposed and, if there was agreement, pursue other approaches in the new year.

#### Other Business

Mr. Moran distributed handouts for next week's work session and noted there was an ATHA meeting scheduled for September 23.

Ms. Mach said she had been contacted by Eleanor Roosevelt High School requesting a support letter from Council for their nomination of Principal Conyers for the Washington

Post's Educational Leadership Award. Council agreed to do this. Ms. Mach also asked that a copy of the proposed revision to the by-laws of COG's Air Quality Committee be distributed to the rest of Council. Mayor Davis remarked this revision was a significant one, since it would give states more authority regarding standards.

Mr. Putens said there were complaints that not everyone had received the flier for the public hearing on towing issues in Greenbelt East. The Public Safety Advisory Committee will now have to decide whether to schedule another one.

Mr. Putens also said he wanted a report on the removal of the red-light camera southbound on Kenilworth at Cherrywood. Mayor Davis said she would like to extend the request to include information explaining the delay on the new technology and finding a new location for this camera. Mr. Putens concurred, saying this light was supposed to stay on Kenilworth till a new location could be found.

The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Kathleen Gallagher

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