



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
UNIVERSITY PARK ELEMENTARY SCHOOL
4315 UNDERWOOD STREET
7:00 PM**

**THURSDAY
December 8, 2011**

SPECIAL SESSION AMENDED

1. CALL TO ORDER: Mayor Tabori at 8:10 pm

Present: Mr. Brosch, Mr. Gekas, Ms. McPherson, Mr. Carey, Ms. Toscano, Mr. Cron,
Ms. Bradley Chacón
Excused: None
Absent: None

2. PLEDGE OF ALLEGIANCE was led by Ms. Toscano

3. APPROVAL OF THE AGENDA

Moved by: Mr. Carey

Yea: 7

Seconded by: Ms. McPherson

Nay: 0

Abstain: 0

4. AN EXECUTIVE SESSION WILL BE CALLED TO CONSULT WITH THE TOWN ATTORNEY TO CONSIDER MATTERS CONCERNING THE CAFRITZ DEVELOPMENT PROPOSAL AND DISCUSS MATTERS THAT RELATED TO NEGOTIATIONS AND/OR CONDUCT COLLECTIVE BARGAINING NEGOTIATIONS

Motion: To approve closing the meeting to consult with the Town Attorney to consider matters concerning the Cafritz Development Proposal A-10018 and discuss matters related to negotiations and/or collective bargaining negotiations

Moved by: Mr. Carey

Yea: 6 (Ms. Toscano had not arrived in time for the vote)

Nay: 0

Seconded by: Ms. McPherson

Abstain: 0

The Council entered into executive session at 7:05 pm and left executive session at 8:05 pm

5. CONTINUING BUSINESS

A. COUNCIL DISCUSSION ON CAFRITZ PROPERTY A-10018, STATEMENT OF POSITION; AND CONDITIONS

Mayor Tabori asked the Council to consider a motion for a continuance of the scheduled

planning board hearing. The staff report from the Maryland-National Capital Parks and Planning Commission (M-NCPPC) was released a day later that legally required to hold a planning board hearing on December 15. Attorney Ferguson had drafted the appropriate letter, which Mayor Tabori reviewed with the Council. Mayor Tabori thanked Mr. Jason Amster, a resident of Pineway, for bringing the matter to the attention of the Council.

Motion: To approve sending a letter to the planning board, requesting a continuance of the planned hearing on zoning A-10018, Cafritz Property.

Moved by: Ms. McPherson

Seconded by: Ms. Bradley Chacón

Yea: 7

Nay: 0

Abstain: 0

Attorney Ferguson provided a summary of the zoning request and the discussions surrounding that request. Attorney Ferguson said that what is before the planning board is to change the property's zoning from R-55 to MUTC, and to extend the existing Riverdale Park MUTC zone to incorporate the Cafritz property. A re-zoning request does not normally engage in the level of detail seen in this zoning application. There is a constraint on the level of certainty the law will allow under this process. However, there is not a constraint on the level of certainty that can be obtained by agreement among the interested parties. On that basis, the applicant's attorney, Mr. Chip Reed, has made proffers of conditions. In addition, the University Park Council has identified several conditions that the Town views as absolutely necessary, including the CSX railroad bridge to provide additional access to the property.

Attorney Ferguson continued on to say that the Council has in front of it for their consideration a first draft of a letter identifying the Town's conditions. Attorney Ferguson said that this does not mean that the Council has made up their minds on the development. It means that the letter represents the best conditions that the Town can feel comfortable with.

She said the Town has the alternatives of approval, approval with conditions, or disapproval of the zoning application. She noted that certain of the conditions are sufficiently important to the Town that a failure to reach agreement with the developer would result in a disapproval from the Town.

Attorney Ferguson led a point-by-point discussion of the draft letter with the Council, Mayor Tabori, and Attorney Chip Reed participating.

On the matter of green roofs for the parking structures, the language was changed to indicate green roofs on parking structures or comparable coverage on other structures.

On the matter of refining the traffic study requirements, there was discussion of the transportation alternatives. The private shuttle at peak hours is aimed at residents living in the property. The circulator bus is to help people living externally to get into and out of the development. The key to transportation is to create an integrated transportation network. Attorney Ferguson said there is no existing Traffic Demand Management District (TDMD).

Mayor Tabori read the letter the Town had received today from the University of Maryland. The University of Maryland does not want the location of the access bridge over the CSX tracks to definitively identified at this time. Attorney Reed said that the developers are considering three

possible locations for the railroad crossing. One location is onto Rivertech Court in front of the ERCO building; a second location is to continue Van Buren Street through the property to exit on the backside of the ERCO building; and a third potential location is to exit to the Physics Institute property.

Attorney Reed said the developer would commit to not having gas stations in the development, nor any car repair businesses.

Mr. Brosch asked for a topographic site plan. Attorney Ferguson said this was not normally shown until the Detailed Site Plan (DSP). Attorney Reed said the Tree Conservation Plan (TCP) and the preliminary site plan would indicate some of the grading contours. They discussed preserving specimen trees, and the possible requirements for some retaining walls.

Mr. Cron raised questions about signage standards. Attorney Reed said the MUTC has quite restrictive standards. Attorney Ferguson said she would review the pertinent section(s) of the MUTC.

Attorney Ferguson and Attorney Reed discussed the LEED-ND standard in detail. Attorney Reed said the proposed development does not meet the standard for LEED-ND because the proposed development does not have a high enough density. The developer also expressed concerns because the standards continue to evolve. The Council discussed the differences between LEED Gold and LEED Silver levels. The Council agreed to follow Riverdale Park's specification on this point.

Attorney Ferguson will review item 10 in the draft letter to develop a trigger for the condition.

Item 11 in the letter requires further refinement.

Item 13, the requirement for a traffic light and the traffic channelization shown on the development plan, is a must-have requirement that will have to be covered by a covenant. The traffic warrant study, was discussed in some detail. The Council asked how soon one could be conducted. The development team reported that an initial meeting has been held with the State Highway Administration, and a twelve hour traffic count has been performed. There is sufficient spacing from the nearest traffic lights to allow for a new traffic light at the Van Buren intersection. Attorney Ferguson identified this item as a central point that is critical for University Park's approval of the development plan. The development team said the traffic warrant would be submitted with the preliminary site plan.

Item 14, the CSX crossing, is a must-have, make-or-break requirement. Mr. Gekas emphasized this point, as well as College Park Council member Stephanie Stulich. There was general agreement on the Council that there should be triggers [for traffic studies] related to commercial development as well as residential development with respect to the CSX crossing.

6. ADJOURNMENT at 10 p.m.

Submitted by: _____

John Rogard Tabori
Mayor