



City of Bowie

2614 Kenhill Drive
Bowie, Maryland 20715

MEMORANDUM

TO: City Council

FROM: David J. Deutsch, *[Signature]* City Manager

SUBJECT: Hall Road Property A-9838-C
Proposed Revision to Conditions

DATE: July 25, 2007

At the conclusion of last week's Zoning Hearing Examiner meeting regarding proposed amendments to the approved conditions of approval, Examiner Joyce Nichols agreed to give parties of record until August 10, 2007 to provide comments on the developer's requested revisions. A copy of the proposed changes is attached.

Staff sent the following Status Report, which summaries the situation, by email to Councilmembers last Wednesday:

"On Wednesday, July 18, 2007 staff attended the Zoning Hearing Examiner (ZHE) hearing regarding a proposed amendment to Condition #5 of Zoning Map Amendment A-9838-C. The ZHE previously ruled in favor of a revised condition that unlinked the timing of construction of the County library from the rest of the project. In January, the District Council remanded the case back to the ZHE to take additional testimony regarding the details of the library construction schedule and funding. After granting several continuances since April, ZHE Joyce Nichols opened the hearing. Mr. Dan Lynch, attorney for the applicant, explained that a letter was expected from the Office of Central Services concerning purchase of the library site but it had not yet been received. Mr. Lynch asked that the record be kept open until July 31, 2007 for receipt of the information. Mr. Lynch further requested that some of the conditions of A-9838-C be amended, and he submitted a proposed approving ordinance revising several conditions (see attached). While most of the changes are minor or clarifying in nature, one new, substantial change was proposed to Condition #5. The applicant's reworded Condition #5 states that if Prince George's County has not acquired the library site from the applicant within six months, the applicant may delete the library site and increase the total amount of commercial square footage by up to 50,000 square feet. Six (6) City residents attended and several spoke at the hearing, including Dr. Isaac Truth, Dr. Frank Enty, and Mr. Russ Ideo. Each of the speakers, as well as the City's Planning Director, asked that additional time be provided for community comment on the revisions prior to close of the record. Examiner Nichols concluded the hearing by granting the applicant's request to leave the record open until July 31st for receipt of the County letter and until August 10th for receipt of comments from the community on the proposed amendments to the conditions."

Upon reviewing the information, Council members suggested that a letter be drafted to the Hearing Examiner indicating the City's opposition to any revisions to the conditions that would allow the development to proceed without the County library. Attached is the draft for Council's review and approval.

Attachments

Case No.: A-9838-C

Applicant: Cenhall, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. - 2007

AN ORDINANCE to amend conditions attached to a conditional rezoning, and to reapprove the conditional rezoning, as amended.

WHEREAS, on November 14, 2005, the District Council approved Application No. A-9838-C, for the L-A-C Zone, with basic plan, and with conditions, on approximately 14.6 acres of land, located on the north side of Central Avenue (MD Route 214) and the south side of Hall Road, Bowie, Maryland; and

WHEREAS, the applicant has filed a request to revise condition 5, which provides as follows:

Construction of the library shall proceed concurrently with construction of the first phase of the project. If the applicant constructs the library, the construction shall conform to the building program approved by the Prince George's County Memorial Library System.

WHEREAS, the applicant's request was referred to the *Office of the Examiner*, and the *Zoning Hearing Examiner* held a public hearing on the request and filed recommendations with the District Council; and

WHEREAS, having reviewed the record, the District Council has determined that it should approve the applicant's request, as authorized in the Zoning Ordinance; and

WHEREAS, as the basis for this action, the District Council hereby adopts the report and recommendations of the Examiner as its findings and conclusions on the applicant's request to amend conditions.

square feet. In addition, all conditions of approval in this Ordinance relative to the public/quasi-public and commercial land uses shall be revised accordingly.

6. The Basic Plan shall be revised to show a total commercial square footage of not more than 42,000 square feet.

7. The following uses shall not be permitted in the commercial envelope:

- Adult bookstore
- Pawnshop
- Laundromat
- Massage parlor
- Consolidated storage
- Nail salon
- Drug paraphernalia
- Drug treatment center
- Automobile, boat, trailer rental
- Automobile sales, new or used
- Shooting range, rifle, pistol or skeet
- Liquor store
- Tattoo parlor
- Gas station
- Vehicle repair and service station
- Pet grooming shop
- Funeral parlor or undertaking establishments
- Repair shop
- Hobby shop
- Photographic supply store
- Seafood market
- Seasonal decoration display and sales
- Buying of items within guest rooms and vehicles
- Firewood sales
- Wayside stand as a temporary use
- Church or similar place of worship
- Day care center for children
- Family day care
- Small group childcare center
- Eleemosynary or philanthropic institution
- Nursing or care home
- Collection of recyclable materials
- Warehouse
- Mobile home, with use for which amusement taxes collected
- Ambulance service
- Voluntary fire, ambulance, or rescue station
- Arena or stadium
- Basketball courts

Carnival, circus, fair or similar use
Theatre
Club or lodge
Golf course
Skating facility
Assisted living facility
Flag lot development
Group residential facility
Agricultural uses
Surface mining
Public utility or wireless telecommunications use or structure
Satellite dish antenna
Tower, pole or antenna for commercial and noncommercial purposes

8. Automated teller machines shall be permitted as an accessory use. All automated teller machines shall be located within the building envelope secure of the principal use, so that the automated teller machine area is secure.

9. The Basic Plan shall be revised to show a building height restriction of 50 feet.

10. The Comprehensive Design Plan shall show bicycle lanes and a bicycle parking area on the subject property. The Plan should also indicate links with adjacent communities.

11. The design concepts and architectural style embodied in Exhibit 210 shall be the basis for future architectural design approvals for the library and commercial uses in the Comprehensive Design Plan and Specific Design Plan.

12. All buildings shall be constructed so that the facades visible from Hall Road and Central Avenue are designed with equal attention to design details and building materials.

13. The Comprehensive Design Plan shall include a detailed proposal concerning quantity, location, height, size, and materials of proposed freestanding signs and building-mounted signs, to assess compatibility with the architectural design concept.

14. All structures shall be fully equipped with an automatic fire suppression system, in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable County regulations.

15. The Basic Plan shall be revised to show one access point on MD 214 and three access points on Hall Road, subject to approval by the State Highway Administration.

16. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

A. Provide an additional continuous westbound through lane on Central Avenue, from east of Devonwood Drive to west of Church Road. At the intersections, this lane shall be striped to allow through and right-turn movements.

B. Provide a traffic signal, if warranted, on Central Avenue at the access into the subject property. Warrants shall be determined by the submittal of an acceptable traffic signal warrant study to SHA for this intersection. The Applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal is deemed warranted by SHA at that time, the Applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by SHA.

C. Provide exclusive southbound right-turn and left-turn approach lanes, an exclusive eastbound left-turn lane, and an exclusive right-turn lane, on Central Avenue, at Hall Road, in accordance with SHA access requirements.

17. Prior to Comprehensive Design Plan approval, a limited forest stand delineation shall be reviewed and approved by the M-NCPPC Natural Resources Division, to determine whether the subject property is subject to County Woodland Ordinance requirements.

18. Prior to the issuance of any permit which impacts wetlands buffers, streams, waters of the U.S., or waters of the State, the applicant shall provide the Natural Resources Division with evidence that all Federal and State approvals have been obtained.

19. Prior to the approval of a Preliminary Plat of Subdivision, the applicant shall secure approval of a Conceptual Stormwater Management Plan by the County Department of Environmental Resources (DER), Watershed Protection Branch.

20. Prior to the approval of a Comprehensive Design Plan, the applicant shall secure approval of a variation for wetland and buffer impacts from the appropriate agencies. Particular attention shall be given to documenting all efforts to avoid and minimize impacts.

Considerations:

1. A cohesive design for vehicular access, circulation, parking and pedestrian circulation. Auto, truck, and pedestrian traffic shall be separated to the extent possible. Pedestrian access shall be provided throughout the site, such that pedestrians can safely and conveniently access the entire site without the use of an automobile.

2. Common pedestrian space and common focal points should be provided.

3. The stormwater management pond to be constructed on the adjacent property, should be designed as an amenity. To the extent possible, passive recreational facilities around the stormwater management pond and wetlands located along the eastern property line should be explored at the time of Specific Design Plan.

4. Signage shall be consistent in terms of location for both building-mounted and freestanding signs, shall be easy to read and shall provide clear internal direction and an uncluttered external appearance. Signage should be designed in a manner that is consistent and compatible with the proposed architecture for the site.

5. All views of trash and loading areas should be completely screened from the road. Parking should be screened from the road with either a masonry screen wall or evergreen shrub material.

6. Clustered buildings discretely sited and screened parking is encouraged.

SECTION 3. This Ordinance shall take effect on the date of its enactment.

Enacted this ____ day of _____, 2007, by the following vote:

In Favor:

Opposed:

Abstained:

Absent:

Vote:

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL DISTRICT
IN PRINCE GEORGE'S COUNTY, MARYLAND

By:

Camille A. Exum, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

D R A F T

August 2, 2007

Ms. Joyce Nichols
Zoning Hearing Examiner
Prince George's County Office of the Zoning Hearing Examiner
County Administration Building
Upper Marlboro, Maryland 20772

RE: Zoning Map Amendment A-9838-C
Hall Road Local Activity Center Revised Conditions

Dear Examiner Nichols:

The Bowie City Council has reviewed the proposed amendments to the conditions of A-9838-C and wishes to provide comments. The City Council is very concerned with the developer's request to amend Condition #5 in such a way as to allow up to 50,000 square feet of additional commercial development on the Hall Road site, if Prince George's County does not acquire the proposed library site within six (6) months of the District Council's revised zoning decision.

The community consensus that was achieved regarding rezoning of this 14.6 acre property from the R-R (Rural Residential) zone to the L-A-C (Local Activity Center) zone has always been premised on the inclusion of a public library as part of the project. This use is an integral part of the project and helps to satisfy the purposes of the L-A-C zone, which include the developer providing public benefit features, encouraging balanced land development and grouping uses serving public, quasi-public and commercial needs together for the convenience of the population they serve. The City Council strongly opposes any amendments that would allow the project to proceed absent a public library.

We thank you for your willingness to hold the record open until August 10, 2007 for receipt of public comments on this very important matter.

Sincerely,

Bowie City Council
G. Frederick Robinson
Mayor

cc: Mr. Kenneth H. Michael
Mr. Daniel Lynch, Esq.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby further amended to show that the property that is the subject of application No. A-9838-C is placed in the L-A-C Zone, subject to the modified conditions in Section 2.

SECTION 2. The L-A-C Zone on the subject property is hereby made subject to the following land use types and quantities, conditions, and considerations:

Land Use Types and Quantities:

Up to 42,000 square feet of commercial uses including without limitation offices for professionals, real estate firms, or travel agencies; at least 25,000 square feet of public or quasi-public (library or other) uses; and 10-15 units per gross acre of residential uses. Residential density and commercial intensity shall be based upon actual land area and shall be subject to the conditions below.

Conditions:

1. The Basic Plan use list shall be amended to include public and quasi-public uses, and the Plan should identify the general location of the proposed community meeting room facility.
2. The Basic Plan text (Exh. 213) shall be revised in part by deleting all references to the 125,000 – 150,000 square feet of retail commercial activities. The Basic Plan text shall make reference to the proposed mix of commercial retail/office, public/quasi-public, and residential uses cited in condition 3, as well as the revised access points referenced in condition 15.
3. The Basic Plan shall be revised to show three development envelopes. One development envelope shall be designated as commercial retail/office, one envelope shall be designated library, and one envelope shall be designated as residential.
4. The Basic Plan shall be revised to show a minimum library floor area of 25,000 square feet, with future vertical expansion.
5. It is the intention of the Applicant for the construction of the library to proceed concurrently with the construction of the first phase of the project. To this end, the Applicant shall diligently pursue the negotiation of the sales contract for the library site with Prince George's County. In the event Prince George's County has not acquired the library site from the Applicant within six months of the date of this Ordinance, the Applicant may, in its discretion, delete the public/quasi-public uses and increase the commercial square footage by up to 50,000