




City of Bowie

2614 Kenhill Drive
Bowie, Maryland 20715

MEMORANDUM

TO: City Council

FROM: David J. Deutsch,  City Manager

SUBJECT: Amendments to Prince George's County Ten-Year Water and Sewer Plan
April 2008 Cycle of Amendments (CR-63-2008)

DATE: June 30, 2008

I. Background

The Prince George's County Water and Sewer Plan categories represent different planning levels for the provision of public water and sewer service. The County has been using water and sewer categories, also known as "service areas" and "system areas", since the adoption of the first Comprehensive Water and Sewer Plan in 1977. The process of changing categories allows public water and sewer service to be staged according to development proposals and supports high quality development by the landowner consistent with County policies.

The policy of linking water and sewer categories to stages of the development process assures that the water and sewer systems will expand appropriately to reach new development as it comes on line. Conversely, this system assures that when new developments are built, adequate water and sewer service will be available. The Water and Sewer Plan categories and their respective criteria are shown on Attachment #1.

Prince George's County has developed special policies to govern water and sewer planning in a manner consistent with the County's goals for development review. The policies governing changes to a designated category must take into account environmental factors, economic concerns, planning requirements, regulatory policies, engineering constraints, and public health concerns (see Attachment #2). An application may be rejected if these policies and criteria are not met, unless a hardship in meeting the policies and criteria is demonstrated by the applicant.

The County Council's public hearing for this amendment cycle is scheduled for July 23, 2008.

II. Proposal/Analysis

One (1) application of interest has been referred to the City (see Attachment #3).

Water and Sewer Plan Amendments

A. Prince George's County Water and Sewer Plan Amendment, Walker Pontiac Outparcel A – Request change from Category 4 to 3 for a 7,700 square foot, one-story auto dealership on 5.58 acres, zoned C-M (Commercial Miscellaneous), located on the west side of US 301, approximately 1,600 feet north of Mitchellville Road (behind Bowie Honda).

The subject property, which is located outside the City limits, is currently in Category 4 and only an administrative approval is necessary to move it to Category 3. However, during the course of the County's review, it was discovered that the City Council previously recommended disapproval of Preliminary Plan #4-04046 in May, 2004. The County Executive is withholding support for an administrative amendment absent the City's support for the project. The County determined that the request should be added to the April Cycle of amendments so it could be referred to the City for a public hearing. A copy of the minutes of the May 17, 2004 City Council public hearing and the City's May 20, 2004 position statement regarding the Preliminary Plan are provided as Attachments #4 and #5.

The 2004 request was to convert Outparcel A to a commercial building lot for a proposed 35,000 square foot storage building. The purpose of the storage building was vague, and residents from the adjacent neighborhood were opposed to additional development based on their experience with some negative impacts associated with the existing Bowie Honda dealership, such as noise from loudspeakers and intrusive lighting at night. In addition, the residents were opposed to additional traffic on US 301. City Council approved a Preliminary Plan for Bowie Nissan, proposed north of Walker Pontiac, which was also on the May 17, 2004 agenda, but chose to disapprove Preliminary Plan #4-04046. Ultimately, the Prince George's County Planning Board approved Preliminary Plan #4-04046 on October 21, 2004.

The proposed development is consistent with the Commercial Land Use classification in the *2006 Approved Bowie and Vicinity Area Master Plan*. The proposal also conforms to the existing C-M (Commercial Miscellaneous) zoning, which establishes car dealerships as a permitted use in the zone. A Preliminary Plan of subdivision was approved and Stormwater Management Concept Plan (#8247-2004-01) approval was obtained on May 13, 2004.

Public water and sewer service are available in the adjacent Amber Meadows subdivision and Honda dealership. In addition, the Mills property located to the south has been approved for water and sewer facilities. The property is located within a developing portion of the County and meets the County's development policies. The site meets all of the criteria for advancement to Category 3.

In reviewing the reasons given by residents for their opposition to the project in 2004, including the impacts of noise, lighting, security and the general level of activity on this commercial parcel on their property values and quiet enjoyment of their neighborhood, staff concluded that most, if not all, of these issues can be addressed through review of a Detailed Site Plan. As a condition of approval of Preliminary Plan #4-06046, Detailed Site Plan approval is required prior to any development of the property.

Recommendation (Walker Pontiac Outparcel A): Approval of Category 3

III. Recommendation

It is recommended that a letter containing the above recommendation be sent to the County Council regarding the April 2008 Water and Sewer Plan amendment cycle.

Water and Sewer Plan Categories and Approval Criteria

<u>Category</u>	<u>Criteria</u>
Category 3 - Community System	<ul style="list-style-type: none">A) Approved Preliminary Plan or Comprehensive Design Plan (CDP).B) Development proposal is consistent with County's development policies and the State Growth ActC) Adequate capacity existsD) Projects for necessary system improvements are included in the approved WSSC CIPE) Approved Stormwater Management Concept Plan and Detailed Site Plan (if applicable)
Category 4 - Community System Adequate for Development Planning	<ul style="list-style-type: none">A) Proper ZoningB) Service is adequate and available to site.C) The development proposal includes an adequate description
Category 5 - Future Community System	<ul style="list-style-type: none">A) The proposed development complies with applicable zoningB) Water and sewer service is ultimately planned for the areaC) Property is in conformance with the Master Plan
Category 6 - Individual System No Community Service	<ul style="list-style-type: none">A) Community service is not planned for the areaB) Rural sanitation and rural water supply requirements applyC) Property is located outside the sewer envelope

2001 WATER AND SEWER PLAN POLICIES

September 7, 2001

A. *Environmental factors*

Under this criterion, the proposal must:

- Protect the integrity of the water supply and the receiving waters;
- Protect and effectively utilize natural resources; and
- Preserve and protect environmental quality.

B. *Economics and general fiscal concerns*

- New development shall be analyzed for its fiscal impact related to location, community needs, services and infrastructure.
- New development shall not unduly burden the existing taxpayers or the WSSC ratepayers.
- No water and sewer category change request shall be approved for development that would significantly increase the real estate vacancy rates.
- Retail development and employment opportunities shall be increased throughout the County.

C. *Planning, zoning, and subdivision requirements*

- No Water and Sewer Category Change Request shall be processed or approved for land for which a change in zoning is proposed in:
 1. A Preliminary Area Master Plan adopted and transmitted by the Planning Board to the District Council;
 2. A Sectional Map Amendment adopted and transmitted by the Planning Board to the District Council;
 3. A Zoning or Special Exception application pending before the Prince George's County Planning Board or the District Council.

Once the District Council has adopted a zoning change, the processing of a water and sewer category change can proceed.

- All preliminary plats of subdivision must show a conceptual alignment of all proposed onsite and offsite water and sewer facilities before DER may deem the public water and sewer facilities adequate for the proposed development.
- All final plats of subdivision must be approved by DER for public water and sewer service, or by the Health Department for individual systems.

D. *Federal, State, Regional, County, and Municipal land use plans and planning policies*

- Water and sewer service shall be provided in concert with the availability of other public facilities, and in accordance with the General Plan and applicable Master Plans.
- Public water and sewer service extensions are not generally made in rural areas of the County or in areas where low-density development is planned, except when these areas are specifically identified in an approved Area Master Plan as appropriate for public water and sewer service.

Att 2
cont'd

2001 WATER AND SEWER PLAN
September 7, 2001

- The proposed development shall be in conformance with the Biennial Growth Policy Plan and Smart Growth policies.
 - The proposed development may not hamper the County's ability to provide adequate public services to the County and its residents.
 - An Adequate Public Facilities test may not be more than six years old.
- E. *Water and sewer facility plans, engineering constraints, and the availability of transmission and treatment capacity*
- Public water and sewer service extensions shall not be allowed in the area outside the limit of planned sewer services – also called the Sewer Envelope.
 - No development shall be approved for the sole use of grinder pumps.
 - A development proposal must meet any conditions of an allocation policy set for the specific sewershed or water pressure zone.
 - Water and sewer systems must have adequate transmission and treatment capacities to serve the proposed development.
- F. *The need to alleviate public health problems*
- The County's primary responsibility is to protect public health and safety.
 - Water and sewer service is restricted by any moratorium orders issued by MDE and WSSC.
 - No new developments will be approved that may impose a water and sewer moratorium on the County.
 - The County Health Department may request a category change for a community based on findings of a sanitary survey.

The County, by its adopted Plan, has a reasonable expectation that service will be available in accordance with the specific category designation. The designation, however, does not constitute a guarantee, a binding promise, a firm offer or a representation that water or sewer service will actually be provided. It is important to emphasize that the Water and Sewer Plan, as interpreted by the Maryland courts and by its nature as a planning tool, provides considerable flexibility in its implementation to accommodate growth within the County. Furthermore, the ability of the County to provide service must be secondary to the responsibility of the County to protect public health and safety, including the prevention of wastewater overflows and the pollution of the County's waters.

The developer must also be aware that actual water and sewer service is further dependent on:

- The transmission and treatment capacities of the water and sewer systems;
- Moratorium orders issued by MDE and WSSC and Federal and State Planning processes;
- An extension approval for the project from the WSSC before construction can begin;
- The acquisition of any necessary rights-of-way and the completion of engineering feasibility studies;

IV. PROPOSED DEVELOPMENT

<u>Residential</u>	<u>Total Acreage</u>	<u># of units</u>	<u>Minimum livable space*</u>	<u>Minimum sales/rent \$ per unit</u>
Single-family detached	_____	_____	_____	_____
Townhouse	_____	_____	_____	_____
Multi-family ___ floors	_____	_____	_____	_____
Other _____	_____	_____	_____	_____

<u>Non-Residential</u>	<u>Total Acreage</u>	<u># of bldgs.</u>	<u># of floors</u>	<u>Total floor area</u>	<u>Minimum sales/rent \$ per sq. ft.</u>
Retail space and office	<u>5.58</u>	<u>1</u>	<u>1</u>	<u>7,700 SF</u>	<u>\$30/SF</u>
Office	_____	_____	_____	_____	_____
Warehouse	_____	_____	_____	_____	_____
Church	_____	_____	_____	_____	_____
Other _____	_____	_____	_____	_____	_____

Contract Purchaser: _____

Architect/Engineer: Loiederman Soltesz Associates, Inc.

Confirmed Builder(s): DL LIA

(Required for all Administrative Amendments - Category 4 to 3)

1. Is the commercial/industrial space designed for a certain business? If yes, please explain.
Yes, the commercial space is designed for an automobile dealership.

2. What type of business will occupy the space?
Automobile dealership

Estimated number of employees/contractors 30

3. If relocating from within Prince George's County, please provide the current location/address of the business:

4. Describe how the proposal will enhance the surrounding community, including what initiatives are offered to improve roads, public facilities, community services and environmental concerns. Provide any information that would facilitate the review of this proposal on separate 8 1/2 x 11 sheet(s).

V. **LAND DEVELOPMENT REVIEW**

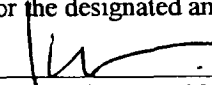
(Some responses may not be applicable to small, residential developments or projects in the early stages of development)

1. Subdivision name: Walker Pontiac
Preliminary subdivision #: 4-04046 Submittal date: 4/2/04
Date of Preliminary approval: 10/26/06 Date plat recorded: _____
2. Comprehensive Design Plan, Phase II, name: _____
CDP #: _____ Submittal date: _____ Approval date: _____
3. Detailed Site Plan name: Walker Pontiac
DSP #: 07016 Submittal date: 6/1/07 Approval date: 9/6/07
4. Stormwater Management Concept Plan #: 8247-2004-00 Approval date: 5/30/07
5. Is this project a Designated Priority Project? yes _____ no x _____
6. Are Low Impact Development (LID) techniques proposed? yes _____ no x _____ If yes, please attach a description on a separate sheet.
7. Please check the applicable Growth Policy Plan Tier designation from the 2002 General Plan:
____ Developed x Developing ____ Rural
8. Explain how this development meets or will meet the tier-specific policies established in the 2002 General Plan? (Please attach a separate sheet)
9. Is the development within a Corridor or Center overlay as defined in the 2002 General Plan? yes _____ (Identify the overlay) _____ no x _____ Describe how the proposal will meet the overlay policies. (Please attach description on a separate sheet)
10. Does water and sewer service to the property necessitate a project in the WSSC Capital Improvement Program (CIP)? yes _____ no x not certain _____

PLEASE NOTE: The latest edition of DER Form 2.01 may be downloaded at:
[www.cp.pg.md.us/Government/AgencyIndex/DER/ESD/water-sewer.asp?nivel=foldmenu\(7\)](http://www.cp.pg.md.us/Government/AgencyIndex/DER/ESD/water-sewer.asp?nivel=foldmenu(7))

The original application form and requested attachments and six copies are required upon submittal to the Legislative Cycle of Amendments. Only the original application form with original signatures and requested attachments are required for submittal to the Administrative Amendment cycle.

The application may be rejected by DER if any part of the submittal criteria is not satisfied by the application deadline for the designated amendment cycle.

Signature of Correspondent: 
Name, Title, Company Ken Dunn, Vice President, Loiederman Soltész Associates, Inc.
Telephone: (301) 794-7555 Email Address: kdunn@LSAssociates.net

VI. OWNER/CONTRACT PURCHASER DISCLOSURE STATEMENT

PLEASE NOTE: A separate ownership Disclosure Statement is required for the Property Owner and Contract Purchaser. Legal addresses must be disclosed. Post Office boxes are not acceptable. Attach a separate sheet, if necessary, in the format presented below:

All individuals having at least 5% interest in the subject property or in the Corporation owning the property (not needed for a corporation listed on the national stock exchange)

<u>Name</u>	<u>Home Address</u>	<u>Business Address</u>
DON LIA	2786 Linenmere Drive Merric, N.Y. 11566	1055 E.Jerricho Tpke Huntington, N.Y. 1174

Officers of the Corporation

<u>Names</u>	<u>Corporate Address</u>	<u>Office and Date Assumed</u>
Don Lia	1055 E. jerricho Tpke Huntington, N.Y. 11743	President 4/28/03
Wayne Hall	1055 E. jerricho Tpke Huntington, N.Y. 11743	Sec.Tre

Members of the Board of Directors

<u>Name</u>	<u>Address</u>	<u>Date Assumed</u>	<u>Term Expires</u>
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Statement Prepared by: _____ Owner _____ Applicant _____ Correspondent
(Please check as appropriate)

Date _____ Signature _____
Telephone _____ Email Address _____



**THE PRINCE GEORGE'S COUNTY GOVERNMENT
DEPARTMENT OF ENVIRONMENTAL RESOURCES
ENVIRONMENTAL SERVICES DIVISION**

VII.

**NOTARY PAGE FOR OWNER SIGNATURE (S) TO ACCOMPANY
APPLICATION FOR WATER AND SEWER PLAN AMENDMENT
(If more than three owners attach a separate sheet in the format presented)**

Owner LIA Bowie, LLC (1)

Tax Map # 63 Grid D2 Parcel/Lot # Outparcel A

Signature of Owner
Paula J. Sessoms
Notary Seal, Signature, Commission Expiration

Owner LIA Bowie LLC (2)

Tax Map # 63 Grid D2 Parcel/Lot # Outparcel A

Signature of Owner
Paula J. Sessoms
Notary Seal, Signature, Commission Expiration

Owner LIA Bowie LLC (3)

Tax Map # 63 Grid D2 Parcel/Lot # Outparcel A

Signature of Owner
Paula J. Sessoms
Notary Seal, Signature, Commission Expiration



Walker Pontiac
Water and Sewer Service Category Change

Walker Pontiac is located on the west side of US 301/Robert Crain Highway, approximately 1600 ft. north of the intersection with Mitchellville Rd.

Goals of the Developing Tier are to:

Goal: Maintain low to moderate-density land uses (except in Centers and Corridors)

Response: The proposed use, as an integrated multi-dealer auto sales park and service complex, is moderate-density.

Goal: Reinforce planned commercial centers as community focal points.

Response: The Bowie-Collington-Mitchellville & vicinity master plan on pages 120 & 121 of the Commercial Chapter recommends miscellaneous commercial land use and placement in the C-M Zone for this area in recognition of its roadside commercial nature, the existence of incompatible residentially zoned enclaves and properties' juxtaposition with surrounding land uses and the highway. Furthermore, limited expansion of miscellaneous commercial use is recommended.

Goal: Develop compact, planned employment areas.

Response: Per PGCPB No. 4-210 File No. 4-04046, the planning board finds that "(the) application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The site is subject to the recommendation of the 1991 Bowie-Collington-Mitchellville and vicinity master plan, which calls for a service-commercial use. This site is addressed specifically in the master plan as part of the "Walker Pontiac Area." This application conforms to the master plan recommendation for service-commercial use."

Goal: Preserve and enhance environmentally sensitive areas

Response: No streams, wetlands, floodplain, steep slopes, nor highly erodible soils are found on the property. Although US 301 is a noise generator, the proposed use of this site will not be adversely impacted by the noise. According to available information, Marlboro Clay is not found to occur on this property. According to the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property.

Goal: Increase utilization of transit.

Response: Metro bus lines c28 and c29 run less than ½ mile south of the subject property.

Goal: Balance the pace of development with the ability of the private sector to provide adequate transportation and public facilities.

Response: Conditions of approval of the Preliminary Plan of Subdivision require the applicant to provide for any necessary turn lanes and frontage improvements as required by SHA, along US 301. These may include turn lanes for deceleration and acceleration of vehicles and additional improvements at the site entrance to maintain traffic safety along US 301, as well as road improvements to US 301, Mitchellville Road and Queen Anne Bridge Road. This will meet the demand generated by the development of the subject property.

Goal: Encourage contiguous expansion of development where public facilities and services can be more efficiently provided.

Response: The existing access point to the property, fronting on Rt. 301 is a shared access point, provided under the ingress & egress easement L.15006 L.347. This results in a consolidated, efficient access for both properties to the public right of way.

Policy 1

Encourage low- to moderate-density, transit- and pedestrian-oriented development.

Strategies

Goal: III. Discourage new isolated commercial activities and promote new commercial development primarily in designated Centers and Corridors. Encourage the revitalization and redevelopment of existing, underutilized commercial areas.

Response:. The subject property zoned C-M and is bounded on three sides by commercially zoned properties. It is part of a cluster of not less than nineteen commercially zoned properties. The properties immediately to the east and to the north of the subject property share the use of automobile sales park and service center

Policy 2

Preserve and enhance environmental features and green infrastructure elements.

Strategies

Goal: I. Continue to implement all applicable environmental regulations to protect sensitive environmental features and implement the green infrastructure recommendations.

Response: There are no environmentally sensitive areas, such as wetlands, floodplain, steep slopes, highly erodible soils, Marlboro Clays nor threatened or endangered species on the site.

Goal: II. Evaluate the effectiveness of current ordinance and regulations regarding stream and wetland buffer widths within the context of the development pattern.

Response: This is not relevant to the development of the subject property, since no wetlands nor streams are present on site.

Policy 3

Provide as many multi-modal options as possible for new development to reduce the need for new arterial or major collector roads.

Strategies

Goal: I. Ensure that the road and street capacity improvements proposed in Developing Tier area/sector plans outside Centers and Corridors improve the transportation system's ability to support the desired development pattern.

Goal: III. Assign medium priority in the county CIP and the Maryland CTP to highway facilities or improvements needed to accommodate the preferred development pattern.

Goal: IV. Encourage private sector financial support of the transportation system facilities or services that accommodate the preferred pattern of development.

Response: Per PGCPB No. 4-210 File No. 4-04046, prior to building permits within the subject property, the requirement for a free-right-turn lane on eastbound Mitchellville Road at US 301, and change from signal controlled movement to free-flow right turn movement, has been provided and is the existing condition. The Planning Board also requires as a condition of approval, improvements to be made to the westbound approach of Queen Anne Bridge Road at US 301, and a widening of the median-through lanes, to include signal, signage and pavement marking modifications.

Policy 4

Plan and provide public facilities to support the planned development pattern.

Strategies

Goal: V. Revise water and sewer category change criteria to require that new development in the Developing Tier must meet three criteria: (1) be adjacent to an existing urban or suburban development, (2) be located within 1,500 feet of existing or funded public water and/or wastewater systems, and (3) have roadways capable of supporting demands from the proposed development.

Response: The subject property is

1. adjacent to an existing suburban development
2. within 1,500 feet of existing public water and wastewater systems
3. has access to public roadway and will provide improvement to the public roadway to ensure it is capable of supporting the proposed development.



City of Bowie

2614 Kenhill Drive
Bowie, Maryland 20715

May 20, 2004

The Honorable Elizabeth M. Hewlett, Chairman
Prince George's County Planning Board
County Administration Building
Upper Marlboro, Maryland 20772

RE: Preliminary Plan #4-04046, Crain Highway Development

Dear Chairman Hewlett:

On Monday, May 17, 2004 the Bowie City Council conducted a public hearing on the proposed Preliminary Plan for Crain Highway Development subdivision. The subject property includes 5.57 acres of land located on the west side of US 301, approximately 2,000 feet south of Mount Oak Road, behind Bowie Honda. The property is zoned C-M (Commercial Miscellaneous).

At the conclusion of the public hearing, the City Council voted unanimously to recommend DISAPPROVAL of Preliminary Plan #4-04046. The City Council is very concerned about additional traffic on US 301 and the lack of specificity about the proposed 7,700 square foot car dealership intended for the subject property. At the City's public hearing, the City Council heard testimony of several residents who live adjacent to the site. The residents were very worried about the impacts of noise, lighting, security and the general level of activity associated with a dealership on their property values and the quiet enjoyment of their neighborhood. For all of these reasons, the City Council recommends DISAPPROVAL.

The opportunity to comment on this application and your consideration of the recommendation are appreciated.

Sincerely,

JLF

G. Frederick Robinson

Bowie City Council
G. Frederick Robinson
Mayor

cc: The Honorable Douglas J.J. Peters
Mr. Norman Rivera, Esq.
Mr. Jagdish Mandavia, P.E.
Mr. Robert Al Richardson

**REGULAR CITY COUNCIL MEETING
MONDAY, MAY 17, 2004**

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, May 17, 2004 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:00 p.m.

QUORUM:

In attendance were Mayor Robinson, Mayor Pro Tem Jenkins, Councilmembers Aleshire, Bennett, Booker Jones, Brady and Lyles; City Manager Deutsch, Asst. City Manager Fitzwater, City Attorney Elissa Levan, Members of the Staff, the Press and the Public.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Council led the Pledge of Allegiance to the Flag.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Mayor Robinson announced that the order of Old Business and New Business would be reversed.

CITIZEN PARTICIPATION:

1. Mr. Irv Resnick, 16207 Audubon Lane, spoke about speed control and heavy traffic on City streets in South Bowie. He also spoke about the traffic exiting from Rte. 50 onto Rte. 197 southbound.
2. Mr. Benjamin Woolery, President of the Greater Bowie Chamber of Commerce, referred to a letter he had previously given to Council regarding the City's efforts.

PRESENTATIONS:

A. Teacher of the Month Recognition – Ms. Marlene Tennier, Bowie Education Committee, announced that the Teacher of the Month for March is Terry Giese of Pointer Ridge Elementary School and presented her with a savings bond compliments of Washington Bank of Bowie. Mayor Robinson congratulated Ms. Giese and presented her with a Certificate of Recognition on behalf of the Council.

Ms. Tennier then announced the Teacher of the Month for April is Lynn Maydag from Yorktown Elementary School. She presented Ms. Maydag with a savings bond compliments of Washington Bank. Mayor Robinson congratulated Ms. Maydag and presented her with a Certificate of Recognition on behalf of the Council.

CITY MANAGER'S REPORT:

City Manager David Deutsch reported on ongoing water testing of public facilities. He said all schools in the community have been tested and some tested above the limits, however, the vast majority were in the water that is not used for drinking. The City Water System remains safe and staff is staying in touch with WSSC as well as Board of Education staff.

CONSENT AGENDA:

A. Councilman Brady moved approval of Consent Agenda Items A. Approval of Minutes of April 5, 2004 Council Meeting; B. Approval of Minutes of April 19, 2004 Council Meeting; C. Approval of Proclamation P-8-04, Celebrating Memorial Day 2004, By Honoring Those Whose Lives Were Given in Service to Their Country; and D. Introduction of Ordinance O-5-04, To Establish a Homestead Property Tax Credit Percentage for the Fiscal Year Beginning July 1, 2005. Councilman Aleshire seconded the motion and it carried 6-1 (Jenkins absent).

NEW BUSINESS:

A. Preliminary Plan #4-04047 – Nissan Car Dealership – Mr. Joseph Meinert, City Planning Director, presented the revised staff recommendation. He said staff is recommending approval with 5 conditions rather than disapproval; the revised recommendation is consistent with the Bowie Master Plan; a stakeholders meeting was held and the main concern was traffic.

Mr. Norman Rivera, attorney for the applicant, said they concur with the staff recommendation of approval with 5 conditions. He added that the applicant would work with adjoining property owners to see if a common theme can be developed. Mr. Rivera said that the applicant would be back before Council for approval of a Detailed Site Plan.


Public Hearing:

1. Mr. Russ Ideo, 16403 Pointer Ridge Drive, spoke in opposition to the Preliminary Plan. A copy of Mr. Ideo's statement is attached hereto.

2. Mr. Richard Schroder, 1305 Port Echo Lane, also spoke in opposition to the Preliminary Plan.

Councilman Lyles moved for approval of Preliminary Plan #4-04047, Nissan Car Dealership with the 5 conditions recommended by staff. He added that staff should work with the applicant on the items presented by Mr. Rivera, including acceptable access to the 2 adjacent residences, adequate buffering, reduced lighting, implementation of safety conditions on Rte. 301. Councilman Aleshire seconded the motion and it carried with a vote of 4-3 (Robinson, Booker Jones, Brady).

Councilman Brady asked for consensus to direct staff with contacting State Highway Administration, the State Delegates, the County, and the owners of the properties on the segment from Mt. Oak Road to Mitchellville Road to establish a task force to look at the issue of roads which would be separate from the applicant moving forward in the Park and Planning approval process. Council concurred.

 B. Preliminary Plan #4-04046 – Storage Building, Mount Oak Road Behind Bowie Honda – Mr. Joseph Meinert, summarized the staff report dated May 13, 2004. He reported that the Bowie Advisory Planning Board voted for disapproval in accordance with the staff recommendation. He added that the staff recommendation of disapproval to approval and the revised conditions are similar to the ones reviewed in the previous case: Condition #1 relates to the mitigation improvements; #2 relates to a trip cap which equates the number of peak hour trips for this site; #3 relates to approval of a DSP shall be required.

Mr. Norman Rivera, attorney for the applicant, oriented Council to the site and noted that this proposal has many of the traffic issues as the Nissan Car Dealership, but that traffic mitigation is possible at this location. He said that at the time of the stakeholders meeting, they had initially proposed a warehouse use in the C-M zone which would be affiliated with Nissan and/or used for auto related uses; they since reevaluated and decided that another smaller, high quality dealership would be more appropriate. He described the buffering and noted there will be no vehicle or pedestrian connection to the property behind the subject property, and a fence may be erected. Mr. Rivera said his client is willing to plant trees in the open spaces so that there will be less maintenance of those areas and offered this as a condition of approval.

Public Hearing:

1. Mr. Eric Davis, 16405 Andrea Court, said that there have been changes since the initial stakeholders meeting and he would like to see something more specific.

2. Mr. Al Richardson, 16407 Andrea Court, said he was bothered by lack of specificity.

Councilman Lyles moved approval of the staff recommendation with the conditions noted in the revised staff recommendation, copy attached. The motion failed due to lack of a second.

Councilman Aleshire moved disapproval of Preliminary Plan #4-04046. Councilwoman Booker Jones seconded

the motion and it carried unanimously.

OLD BUSINESS:

A. Ordinance O-4-04 – Approving and Adopting a Budget for the Fiscal year Beginning July 1, 2005 and Ending June 30, 2006 – Councilman Aleshire moved for adoption of Ordinance O-4-04. Mayor Pro Tem Jenkins seconded the motion and following comments from several councilmembers regarding the budget process, the motion carried unanimously.

B. Resolution R-22-04 – Adopting a Capital Improvement Program for Fiscal Years 2005-2010 – Mayor Pro Tem Jenkins moved for approval of Resolution R-22-04. Councilman Aleshire seconded the motion and it carried unanimously.

ADJOURNMENT:

Mayor Pro Tem Jenkins moved to adjourn the meeting into Executive Session for the purpose of discussing legal and personnel matters with counsel. Councilman Aleshire seconded the motion and it carried unanimously. The meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Pamela A. Fleming, CMC
City Clerk