



City of Bowie

2614 Kenhill Drive
Bowie, Maryland 20715

MEMORANDUM

To: City Council

From: David J. Deutsch *DJD*
City Manager

Subject: Resolution #R-24-09 (Consent Agenda)
Departure #BD-02-09
Parcel A, Hilltop Plaza
6800 Race Track Road
MD Route 450/Race Track Road Intersection

Date: April 30, 2009

I. Background

Attached is Resolution #R-24-09 recommending approval of a Departure from Design Standards (Section 27-558 (a) of the Prince George's County Zoning Ordinance) to provide Universal Sized Parking Spaces (non-handicap spaces) measuring 9 feet wide and 18 feet long, and forego the use of Standard Sized Parking Spaces (non-handicap), measuring 9.5 feet wide and 19 feet long, and the use of Compact Sized Parking Spaces (non-handicap), measuring 8 feet wide by 16 feet long in the reconfiguration of the parking lot on Parcel A (C-S-C, Commercial Shopping Center zone) of the Hilltop Plaza Shopping Center. Section 27-558 (a) requires that non-parallel, standard-sized parking spaces have minimum dimensions of 9.5 feet by 19 feet.

The Bowie Advisory Planning Board (BAPB) conducted a public hearing on this case on April 14, 2009, and voted unanimously to recommend approval of the requested Departure.

The City Council is authorized to adopt this Resolution via the Variance and Departure procedures granted to the City.

No appeal or oral argument has been filed with the City, nor has any City Council member called up the action of the BAPB recommending approval of the Departure.

II. Recommendation

It is recommended that the City Council approve the attached Resolution #R-24-09.

Attachment

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RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
ADOPTING THE RECOMMENDATION OF THE
BOWIE ADVISORY PLANNING BOARD IN THE
CASE OF #BD-02-09

WHEREAS, the City of Bowie (hereinafter the "City"), pursuant to Ordinance O-24-98 (hereafter the "Ordinance"), is authorized to hear requests for Departures from the terms of the Prince George's County Zoning Ordinance (hereafter the "Zoning Ordinance") with respect to parking and loading requirements, sign design standards, landscaping requirements and building setbacks; and,

WHEREAS, the City is authorized by the Ordinance to grant an application for a Departure from Design Standards if the Bowie Advisory Planning Board (hereinafter "BAPB") makes the following findings pursuant to Section 27-239.01 of the Zoning Ordinance:

- (1) The purposes of Chapter 27, Zoning, of the Prince George's County Code will be equally well or better served by the applicant's proposal; and,
- (2) The Departure is the minimum necessary given the specific circumstances of the request; and,
- (3) The Departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949; and,
- (4) The Departure will not impair the visual, functional or environmental quality of the site or of the surrounding neighborhood; and

WHEREAS, on March 11, 2009, Thomas H. Haller, Attorney for the applicant, Hannah Storch, submitted an application for a Departure of Design Standards from Section 27-558 (a) of the Prince George's County Zoning Ordinance for an 11.77-acre site, known as Parcel A, located at 6800 Race Track Road (Hilltop Plaza Shopping Center), Bowie, Maryland, specifically requesting a Departure from the Required Size of Standard Parking Spaces (non-handicap), in order to reconfigure the existing parking lot as part of the redevelopment of Hilltop Plaza. The applicant is seeking a Departure of the Size of Standard Parking Spaces (non-handicap), required by Section 27-558 (a) to measure 9.5 feet wide and 19 feet long, and to forego the use of providing Compact Sized Parking Spaces, measuring 8 feet wide by 16 feet long, to use Universal Sized Parking Spaces measuring 9 feet wide and 18 feet long; and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the Ordinance on March 27, 2009 and a legal notice advertising the public hearing appeared in the local newspaper on April 2, 2009; and,

WHEREAS, the technical staff report recommended **APPROVAL**; and,

WHEREAS, on April 14, 2009, the BAPB conducted a public hearing on the merits of the Departure application, at which the BAPB heard testimony and accepted evidence with respect to whether it can make the necessary findings set forth in the Ordinance to grant a Departure from Design Standards; and,

WHEREAS, at the conclusion of the public hearing on April 14, 2009, the BAPB voted unanimously to approve Departure #BD-02-09, transmitting their recommendation in Resolution #BD-02-09 on April 15, 2009; and,

WHEREAS, the BAPB's recommendation considered the findings and conclusions found in the technical staff report and testimony presented at the hearing; and,

WHEREAS, pursuant to the City Code, within 15 days of the BAPB's decision, persons of record may file an appeal or a member of the City Council may request oral argument if the BAPB's recommendation either fails to comply with the criteria for approval, or if the recommendation is not unanimous; and,

WHEREAS, no appeal or oral argument has been filed with the City within the 15 day period; and,

WHEREAS, the City Council accepts the following findings of fact recommended by the BAPB, specifically as follows:

1. The Applicant is the owner of certain real property consisting of 11.77 acres, known as Parcel A, located at 6800 Race Track Road, Bowie, Maryland (the "Subject Property").
2. The Subject Property is located in the C-S-C (Commercial Shopping Center) Zone.
3. The Applicant is proposing to reconfigure the existing parking lot on Parcel A in conjunction with the redevelopment of the Hilltop Plaza Shopping Center.
4. The 2006 Approved Master Plan and Sectional Map Amendment (SMA) for Bowie and Vicinity discussed and recognized the future redevelopment of the Bowie Main Street corridor, which includes Hilltop Plaza Shopping Center. Although the SMA retained the site in its current zoning category (C-S-C), the Master Plan recommended that the Subject Property, as well as the adjoining property to the north (Parcel 19), be designated for Mixed-Use land use redevelopment. One goal cited in the Master Plan for the Bowie Main Street corridor is to create attractive streetscapes. In conjunction with the reconfiguration of the parking lot on the Subject Property, the amount of landscaped green space will increase from 8.3% to 10.3%, which is in keeping with one of the goals discussed in the Master Plan.

WHEREAS, the City Council accepts the following conclusions of law, recommended by the BAPB, specifically as follows:

Departure from Design Standards

1. The purposes of Subtitle 27 of the County Zoning Ordinance will be equally or better served by the applicant's proposal. While there are 15 purposes of the County Zoning Ordinance, the most applicable in this case are to protect and promote the health, safety, convenience and welfare of current and future County residents, promote beneficial relationship between uses of land and buildings and encourage economic development activity. Granting the Departure requested, in conjunction with the redevelopment of the Hilltop Plaza Shopping Center, will serve the purposes of the County Zoning Ordinance.
2. The Departure is the minimum necessary, given the specific circumstances of the request. To remove the 11 existing compact parking spaces, and to surrender using any compact spaces in the new parking lot layout/reconfiguration in favor of universal sized spaces, the Departure is the minimum necessary. Additionally, under the current parking lot layout and configuration, 413 standard and compact (non-handicap) parking spaces exist; under the new arrangement, 505 universal (non-handicap) spaces will be provided. Therefore, granting the minimum Departure necessary will eliminate the use of compact parking spaces, while providing 92 more non-handicap spaces within the same parking field.
3. The Departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949. The site was not developed prior to November 29, 1949. Circumstances unique to the subject site include the renovation to and redevelopment of the existing shopping center. This redevelopment has already commenced with the construction and opening of a new, free-standing bank building (Bank of America). Additionally, further redevelopment of the shopping center will be taking place.

The redesign of the eastern-most ingress/egress point along MD Route 450 impacts the reconfiguration of the parking lot layout and leading to a more efficient on-site traffic flow, and the opportunity to provide more landscaped islands within the parking lot, increasing the amount of green/landscaped area within the parking lot from 8.3% to 10.3%.

4. The Departure will not impair the visual, functional, or environmental quality or integrity of the site or the surrounding neighborhood. Approval of the Departure will result in a visually and functionally improved site and parking layout, and enhanced environmental quality.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Bowie hereby accepts the findings, conclusions and recommendations of the BAPB as to the Departure Application, and adopts Resolution #R-24-09 for #BD-02-09, to **APPROVE** a Departure from Section 27-558 (a) of the Prince George's County Zoning Ordinance from Design Standards, in order that the Applicant be permitted to reconfigure the existing parking lot on Parcel A as part of the redevelopment of the Hilltop Plaza Shopping Center to use Universal Sized Parking Spaces (non-handicap spaces) measuring 9 feet wide and 18 feet long, and forego the use of Standard Sized Parking Spaces (non-handicap), measuring 9.5 feet wide and 19 feet long, and the use of Compact Sized Parking Spaces (non-handicap), measuring 8 feet wide by 16 feet long.

INTRODUCED AND PASSED on this Fourth day of May 2009, by the City Council of the City of Bowie.

G. Frederick Robinson
Mayor

Pamela A. Fleming
City Clerk