



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

TUESDAY, JANUARY 17, 2017

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, January 17, 2017 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Robinson led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Robinson, Councilmembers Esteve, Gardner, Glass, Marcos, Polangin and Trough; City Manager Lott, Assistant City Manager Fitzwater, City Attorney Levan, Staff, the Press, and the Public.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Mr. Robert Antonetti, representing the applicant St. Johns Property, requested a continuance of Item B under New Business Preliminary Plan #4-16006 Melford Village, for the meeting of February 6 in order to properly address the transportation concerns that was presented during the Bowie Advisory Planning Board hearing. Hearing no objections item will be placed on the February 6, 2017 Council Meeting Agenda.

PRESENTATIONS:

A. Proclamation P-1-17 Recognizing Ms. Simms for her years of service as President of the Pin Oak Association. Mayor Pro Tem Gardner made a motion to approve Proclamation P-1-17, Councilmember Trough seconded the motion. Motion carried unanimously. Mayor Pro Tem Gardner presented the proclamation to Ms. Simms.

CITY MANAGER'S REPORT:

City Manager Lott had no report.

CONSENT AGENDA:

Mayor Pro Tem Gardner moved the approval of Consent Agenda Items: A) Approval of Resolution R-4-17 Accepting Bid for the Removal and Replacement of Brick Pavers in the Northridge Section of the City; B) Approval of Letter to Maryland Department of the Environment with Updates to the City's Watershed Implementation Plan Milestones. Councilmember Marcos seconded the motion and it carried unanimously.

MAYOR G. Frederick Robinson **MAYOR PRO TEM** Henri Gardner

COUNCIL Michael P. Estève ♦ Courtney D. Glass ♦ James L. Marcos ♦ Diane M. Polangin ♦ Isaac C. Trough **CITY MANAGER** Alfred D. Lott
City Hall (301) 262-6200 FAX (301) 809-2302 TDD (301) 262-5013 WEB www.cityofbowie.org

NEW BUSINESS:

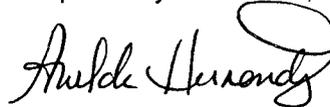
A. Prince George's County Zoning Ordinance Re-Write – Mr. Joe Meinert, Bowie Planning Director, presented recommendations for a City Council policy position regarding the project and requests a formal position statement from City Council be sent to the County Council before they begin review and testing/adoption of regulations scheduled for late 2017 or early 2018. The Zoning Ordinance Rewrite consists of three modules: Module 1 deals with zones, zone regulations and use regulations; Module 2 deals with development standards and adequate public facilities; and Module 3 deals with procedures and updates of Subdivision Regulations and the County's Landscape Manual.

Councilmember Polangin made a motion to submit recommendations (attached) to County Council with noted comments from Councilmember Truth. Mayor Pro Tem Gardner seconded the motion. Motion carried unanimously

ADJOURNMENT:

Mayor Pro Tem Gardner moved to adjourn the City Council meeting. Councilmember Truth seconded the motion and it carried 7-0. The meeting adjourned at 8:25 p.m.

Respectfully submitted,



Awilda Hernandez, MMC
City Clerk

Attachment #2 - Zoning Ordinance Rewrite – City Staff Recommendations

Module 1 – Zones and Zone Regulations

Section/page	Item	Recommendation
27-3-6	Public Land (PL) Zone	Add a new Resource Protection Zone that will preserve the Green Infrastructure Network and significant natural features on private land.
27-3-14	AR Zone	Consider increasing the lot coverage above 10% in this district.
27-3-33	Lot Coverage in SFR 6.7 Zone	Oppose any increase above the maximum 30% lot coverage.
27-3-57 27-3-87 27-3-108	Detailed Site Plans	Detailed Site Plan review should be required for all uses in the Transit Oriented/Activity Center Base Zones, Nonresidential Base Zones and Planned Development Zones.
27-3087	General Commercial and Office Zone	Floor Area Ratio maximums should be established for the GCO Zone.
27-3-174	Neighborhood Conservation Overlay	This new zoning technique is supported.

Module 1 – Use Regulations

Section/page	Item	Recommendation
Table 27-4.202.E	Use Tables	Public Uses should be listed as a specific use in the Use Tables.
27-4-3	Principal Uses	Provide a definition for flex space and list it in the table.
27-4-64	Accessory Dwellings	Accessory dwellings are supported for all zones, except within the multifamily and attached zones, such as SFR-A and MFR-12.
27-4-65	Housing for Poultry	Support the minimum threshold of 20,000 square feet to the keeping of poultry.
27-8-52	Interpretations	The appeal process for appealing Planning Director decisions should be identified.
27-8-60	Home Gardens	Home gardens should be allowed in any yard on residential properties.

Module 2 – Development Standards: Roadway Access, Mobility and Circulation

Section/page	Item	Recommendation
27-5.106	Circulation Plan	A minimum threshold should be established for requiring a Circulation Plan.
27-5.108.B.3	Other Streets	Clarify what is intended, as these are not driveways or alleys.
27-5.108.H.3	External Street Connectivity	Oppose the requirement to install a sign indicating “FUTURE STREET CONNECTION” if alternate street accesses are available.
27-5.108.J	Traffic Calming	Oppose the inclusion of this section, as the purpose of the regulations is to design a development that is not encumbered with traffic issues.

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27-5.108.K.4	Entry Points	Support this new requirement that sets a limit of no more than 80 dwelling units with a single point of access.
27-5.108.O	Stacking Spaces	Support this new requirement to analyze vehicle stacking spaces at uses with drive-throughs or auto-oriented uses.
27-5.109	Pedestrian Circulation	Modify Section 27-5.109.A.2.c to allow a complete waiver only on cul-de-sacs with 10 or fewer lots or a waiver of sidewalk only on one side of the street on cul-de-sacs with more than 10 lots.

Module 2 – Development Standards: Off-Street Parking and Loading

Section/page	Item	Recommendation
27-5.202.B.1.b	Change in Use	Oppose restricting the applicability of the incentive regarding parking requirements for changes in use, when the property involved is located within the Capital Beltway.
27-5.204	Parking Plan Required	Lower the threshold to apply to all parking facilities with 20 or more parking spaces.
27-5.205.G	Exterior Lighting	Modify this section to include additional language that reads: “Outdoor lighting should use full cut-off fixtures that are fully shielded wherever possible to reduce the amount of light needed and to reduce glare. The lighting system should include timing devices to turn off unneeded lighting during times the project is not in use. Outdoor lighting should be efficient but not excessive and should be designed to enhance safety.”
27-5.205.H.2/3	Landscaping	Delete or relocate these items to another section, as they are not landscaping.
27-5.205.J	Maintain in Good Repair	Support this new performance standard but include a provision referencing all items shown on the Parking Plan, as well as a provision detailing the consequences for being out of compliance with the approved plan.
27-5.205.K.1.a	Primary Drive Aisle	Oppose allowing parallel parking to be located on both sides of the main drive aisle, as it contradicts the principles of minimizing congestion and providing safe access.
Table 27-5.206.A	Minimum Number of Parking Spaces	Modify Table 27-5.206.A to require a minimum of 2.0 parking spaces per multifamily unit, regardless of the site’s location within the County.
27-5.206.D	Maximum Number of Parking Spaces	Support, because the new approach will ensure that excessively sized parking lots are not allowed.
27-5.206.E	Electric Vehicles	Support the designation of up to 10% of all required parking spaces which may have EV charging stations.
27-5.206.F	Driveways Used to Satisfy Parking	Should there be a different parking standard for home occupations, since the new requirement allows driveway spaces in single-family homes to be counted to satisfy parking requirements?
27-5.208.D.2.b	Location	Relocate this section to the subsequent section on Pedestrian Access.
27-5.208.E.2	Agreement to Use On Street Parking	Oppose and delete this section, as it would not be prudent in any event to contract away public parking spaces to private entities.
27-5.210.A.1.b	Bicycle Racks	Change “will” to “shall”.

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Module 2 – Development Standards: Open Space Set-Aside Standards

Section/page	Item	Recommendation
27-5.306.A	Private Yards	Oppose counting private yard spaces, even if they are subject to an open space or conservation easement, as set-asides, as the land is still privately held by the property owner and is not a true “set-aside”.

Module 2 – Development Standards: Landscape Manual

Section/page	Item	Recommendation
Section 4.11	Applicability to Other Zones	Expand the regulations to include one shade tree per 1,000 square feet of green area for several of the other new zones, including GCO, LTO, NC and SC, which currently do not have any requirements for green area.

Module 2 – Development Standards: Fences and Walls

Section/page	Item	Recommendation
27-5.202.B	Exemptions	Provide a new exemption that allows a homeowner to replace a fence in-kind, without having to comply with Section 27-5.500. Provide a definition for “ordinary repairs” and make that an exemption.
27-5.504.B	In Utility Easements	Delete the first sentence in the sub-section, as it is unrealistic to expect a homeowner to seek written authorization from a utility easement holder in order to erect a fence within an easement area.
27-5.504.E	Within Required Landscaping Areas	Delete the requirement for approval of a landscaping plan, if a homeowner wishes to install a fence within a required landscaping area.
27-5.505	Height Standards	Revise the section to return to allowing six foot high fencing between dwelling units and the street.
27-5.505.B	Exceptions	Expand to include screening walls for service areas.
27-5.508.C	Fence and Wall Landscaping	Delete the section requiring fences and walls to be landscaped to improve their appearance, as this standard for single-family homes where the lots are located within 15 feet of a designated collector or higher street, is excessive.
27-5.511	Security Exemption Plan	Support this administrative approval process to allow fence height exceptions.

Module 2 – Development Standards: Exterior Lighting

Section/page	Item	Recommendation
27-5.602.B	Exemptions	Include a sundown date in Exemption 13, which covers lighting that does not conform to the new zoning standards, rather than waiting for non-compliant fixtures to first become unrepairable before they comply.

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27-5.606	Street Lighting	Since the agency having jurisdiction for the public right-of-way determines their own lighting requirements, the standards of this section should be deemed to be advisory only.
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Module 2 – Development Standards: Environmental Protection and Noise Controls

Section/page	Item	Recommendation
27-5.707	Noise Standards	Support specific decibel standards for noise control, as new standards will assist in resolving potential code enforcement problems.

Module 2 – Development Standards: Multifamily and Townhouse Form and Design Standards

Section/page	Item	Recommendation
27-5.800	Townhouses	Revise standards to require a greater offset for individual townhouse units (four feet instead of two feet) and limit the number of townhouse units to no more than six units per linear building façade.

Module 2 – Development Standards: Nonresidential and Mixed-Use Form and Design Standards

Section/page	Item	Recommendation
27-5.900	Multi-building sites architecture	Expand standards to require that the proposed architecture relate buildings to one another and that large projects be designed with an overall architectural “theme”.

Module 2 – Development Standards: Signage

Section/page	Item	Recommendation
27-5.1302	Applicability	Support the separation of signage review out of the site plan review process to be included in the permit review process only.
27-5.1303.C.7	Temporary Real Estate Directional	Include transportation, public works and other government officials, along with police officers, as the authorized parties who may remove a sign that is a hazard to traffic.
27-5.1303.I.1/4	Sandwich Board Signs	Establish a limit on the number of these signs that can occur within a specified distance, and prohibit sandwich board signs from being attached to any pole, structure or device by chain, strip or other device.
27-5.1303.O	Campaign Signs	Include a provision requiring that all candidates of a primary election remove their signs within ten days following the primary election.
27-5.1304	Prohibited Signs	Expand this section, regarding signs that constitute a hazard to traffic, to read “a hazard to pedestrian or vehicular traffic”.

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Module 2 – Development Standards: Green Building Standards and Incentives

Section/page	Item	Recommendation
Table 27-5.1404.B	Green Building Point System	Revise the table to allot more points (add 0.5 to 1 point) for the two transit-oriented menu items, as these items are of great importance in terms of developing transit in Prince George’s County and would significantly reduce greenhouse gas emissions. Under Vegetation, add a new item that addresses native tree canopy specifically. Revise the item that says “remove lawn or turf in favor of ground cover consisting of plant material or mulch” to specify only native plant material. Add new items under Water Conservation and Water Quality that address greywater systems, reducing impervious surfaces and installing composting toilets.

Module 3 – Procedures: Division 27-2, Administration

Section/page	Item	Recommendation
27-1.400	Applicability and Jurisdiction	Provide a sub-section item dealing with the applicability of zoning within public rights-of-way.
Table 27-2.200	Summary of Review Responsibilities	Revise the table to accurately reflect the role of municipalities for each relevant process and add a detailed subsection describing the role of municipalities to Section 27-2.300. The only reference provided currently is in Section 27-2.304, Board of Appeals.
	Departures (Adjustments)	Oppose the new process for departures because it takes away functions currently assigned to some municipalities and gives the approval authority to the Planning Director. Departures from all zoning requirements, to the extent there are decisions to be made, should remain with municipalities that currently have this authority.
27-2.400 27-2.500	Standard Procedures Application Specific Review Standards	Revise the notification requirements to provide a minimum of two weeks’ notice for meetings and require mailing to all addresses within at least a 500-foot radius of the subject property. Revise Section 27-2.400 to include the current informational mailing process, as it has been a very successful method of informing the community about an upcoming development proposal.
27-2.409	Decisions	Add a new section that will allow the City’s Planning Director to serve as a Hearing Officer for adjustments, on non-contested cases.
27-2.502	Text Amendments	Support the new, more public process, which requires public notice and a Planning Board hearing. Clarify what will happen with prior approved text amendments when the new Ordinance is enacted.
27-2.504.C.7.d	Recommendations	Revise to require a Zoning Hearing Examiner public hearing in all cases as the “hearing of record” and eliminate the possibility that neither the Planning Board nor Zoning Hearing Examiner would hold a hearing.
27-2.507	Special Exceptions	Revise to restore the District Council’s review of a Zoning Hearing Examiner’s decision on its own motion, since the District Council is Prince George’s County’s zoning body and it should

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		continue to have the ability to make final decisions regarding zoning actions, like rezonings and special exceptions.
27-2.507.E	Minor Changes to Approved Special Exceptions	Revise to reference the authority delegated to municipalities and clarify if the Planning Director of a municipality with such authority will be given the same responsibility for making decisions about lower level minor changes as the County Planning Director.
27-2.508	Site Plans	Delete the following exemptions from Section 27-2.508.B.2: (l.) Construction, expansion or alteration of single-family detached, single-family attached, two-family, and/or three-family dwellings; (m.) Construction, expansion, or alteration of townhouse and/or multi-family dwelling development of less than ten units; (n.) Construction, expansion or alteration of nonresidential development of less than a total of 100,000 square feet of gross floor area; (o.) Construction, expansion, or alteration of mixed-use development with less than 50,000 square feet of gross floor area and/or 50 dwelling units.
27-2.508.C.1	Minor Site Plan	Concur with the comments of the City of Greenbelt and revise this section to lower the thresholds triggering a Major Site Plan review. Revise to include a process that says, if no one requests a public hearing within 21 days of posting, the application will be processed as a Minor Site Plan.
27-2.508.D.6	Public Hearing for Minor Site Plan	Revise to include a public hearing for a Minor Site Plan, if anyone requests one.
27-2.508.D.11	Appeal	The requirement to file an appeal within 10 days is too short. There is no deadline given for the Planning Director to mail out the decision so the appeal period could actually be shorter than 10 days.
27-2.508.E	Major Site Plan	Revise pre-application conference requirements to include invitation to municipalities to participate in the pre-application meetings.
27-2.508.12.b	Lapse of Approval	Given the “minor” nature of Minor Site Plans, the validity period should be reduced from six to two years.
27-2.508.F	Decision Standards	Delete references to the Subdivision Regulations (Subtitle 24) in #6 and #7, as they are unnecessary and may not be applicable in many instances. Revise #9 regarding conformance with the master plan (which provision appears to have been taken from the Subdivision Regulations) so that the text reflects the 2015 text amendment also referencing the General Plan as part of the decision standard. Also, revise #9 so that it applies to all types of site plans. In

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		addition, the use of the current Zoning Ordinance words “reasonable alternative” should be included somewhere in this section.
27-2.517.C	Minor Adjustment Procedure	Provide an opportunity for the public to comment and/or appeal minor adjustments.
27-2.517.C.11	Minor Adjustment	Revise to give the public (and not just the applicant) an opportunity to appeal a decision on a minor adjustment, and include persons of record and municipalities as having an automatic right to appeal.
27-2.509	Sign Permit	Revise to delete the potential for sign permits to be conditioned; if an application for permit-level review complies with the decision standards, then approval should be unconditional
27-2.510.D	Temporary Use Permit Decision Standards	Include a requirement that the use will not violate any restrictions of prior approvals. In order to ensure that prior approvals are examined, Section 27-2.510.C.5 should have a required referral to the Planning Director.

Module 3 – Procedures: Division 27-6, Nonconformities

Section/page	Item	Recommendation
27-6	Nonconformities	Support the philosophy of trying to make the best out of the situation by allowing reasonable continuation and expansion of nonconformities, because it is in the interest of continuing economic development and furthering community preservation. As such, the changes are likely to have a beneficial effect on the County. However, the effect of the Rewrite language is to take away the power the City has to make nonconforming use determinations and place it with the M-NCPPC Planning Director. With the implementation of new zoning districts and use regulations, the number of nonconforming use determinations may be significant, especially until the zoning pattern becomes more refined with a comprehensive rezoning pursuant to the update of the Bowie and Vicinity Area Master Plan. One consideration is whether the City’s Planning Director should be given this responsibility. Such action would be in keeping with the concept of keeping land use decisions at the most local level and would retain the municipal role in this process. It is unclear what the impact will be on the existing delegated authority, or whether State law must be amended to reflect the new provisions.

Module 3 – Procedures: Division 24-3, Subdivision Standards

Section/page	Item	Recommendation
24-3.703.B	Conservation Subdivision	Support the inclusion of a Conservation and Development Plan as part of a three-stage review procedure for review of conservation subdivisions, as the new process will improve the process for identifying and ensuring protection of high priority areas early in the review process.