

MEMORANDUM

TO: City Council

FROM: John L. Fitzwater
Acting City Manager

SUBJECT: ***Status Report***

DATE: September 29, 2016

1. Tree Rebates and Compost Bin Program Begin Again

Tree rebates up to \$100 are available for City of Bowie residents that would like to purchase up to two trees to plant in their yards. Trees can be purchased at any Maryland nursery or store this year, and there are 11 species of trees eligible for rebates. Applications and program details can be found at www.cityofbowie.org/treerebate. Also, the Compost Bin Program kicked off at the Fall Plant Sale on September 24th with 11 discounted bins being sold at that event. The bins are now available again at City Hall for purchase. Each bin is \$20 and a resident of the incorporated City can purchase up to two bins per household. Payment is by cash or check at the Finance window during the City's business hours (Monday-Friday 8:30 a.m. to 5 p.m.) and by check only at the reception desk during City Hall's night and Saturday hours (Monday-Thursday until 10 p.m., Saturday 8:30 a.m. - 12 p.m.). The bins will also be available on select dates at the Bowie Farmers' Market. More information at www.cityofbowie.org/compost.

2. Amber Ridge Conceptual Site Plan CSP-16007

Late last week, the City received notification that the owner of the Amber Ridge property, which is located on the west side of southbound U.S. Route 301, will be filing the Conceptual Site Plan for the site within approximately 30 days. The property contains 19 acres, and was the subject of a Zoning Map Amendment (ZMA) approval (A-11031-C) by the District Council in September 2014, which rezoned the site from C-S-C (Commercial Shopping Center) to M-X-T (Mixed Use – Transportation Oriented). At this time, the plan proposes between 165 and 170 dwelling units and two to three commercial/retail pad sites for users who have not been identified. No City hearing dates have been established at this time. However, Council will be advised when those dates are determined.

3. Electronics Recycling Event

The Public Works Department has scheduled an electronics recycling event at the Public Works Recycling Building parking lot on Saturday, October 22, 2016 from 8 a.m. – 2 p.m. Residents can bring their electronics for recycling at no charge (attached is a list of acceptable items). In addition, the Contractor will also provide on-site hard drive

destruction at a cost of \$10 each that can be paid directly to the Contractor. The City received a Grant from the Maryland Department of the Environment which will assist in the funding of this event.

4. Sustainability Plan Available for Public Comment

In September 2015, the Planning Department began work with the Maryland-National Capital Park and Planning Commission and a team of consultants on the creation of a Sustainability Plan, a Plan that would bring the City's new and existing sustainability-related initiatives and programs into one overarching document. That document is now complete and ready for public review on the City's website: cityofbowie.org/DocumentCenter/View/4579. Notably, the proposed plan had significant community involvement in its development. From December 2015 to May 2016, 14 engagement activities were completed; in total, more than 1,000 community members participated in some form. The community is now encouraged to continue to be involved during the 30-day public comment period for the plan and any comments should be submitted by October 28th to the City's Sustainability Planner (klarson@cityofbowie.org, or 301-809-3044). Community members may also continue to use mySidewalk, an online forum, to discuss thoughts on the plan with other stakeholders at greenbowie.mysidewalk.com. A public hearing for the plan is tentatively scheduled for the November 7th Council Meeting, and Council will then be asked at a later meeting to adopt the plan.

5. Stakeholders Meeting – Whitemarsh/Jesuit Property

A staff memo about the Stakeholders Meeting held on Monday, September 26th is attached.

Attachments

Electronics Recycling Event

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**Answering Machines
Batteries (all types)
Cables/Wire
Camcorders
CDs/DVDs
Cell Phones
CD Players
Computer Equipment
Computers
Copiers
Cords
Duplicators
DVD Players
Electronic Typewriters
Electronic Games
Fax Machines**

**Keyboards/Mice
Projectors
Ink/Toner
Lab Equipment
Laptops
Laptop Batteries
Mainframe Equipment
Media
Microwave Ovens
Modems
Monitors
Networking Equipment
Pagers
PDA's
Printers
Circuit Boards**

**Remote Controls
Scanners
Hard Drives
Stereos
Tapes
Tape Players
Telephones
Telecom Equipment
Televisions
Testing Equipment
Toasters
Two-Way Radios
UPS -Power Supplies
VCRs
Word Processors
Scrap Metals**

MEMORANDUM

TO: City Council

FROM: John L. Fitzwater
Acting City Manager

SUBJECT: Stakeholders Meeting
Whitemarsh/Jesuit Property

DATE: September 29, 2016

A Stakeholders Meeting was held on Monday, September 26th to review the proposed residential development envisioned on the northern and southern sides of MD Route 450, owned by the Corporation of Roman Catholic Clergyman (also known as the Jesuits). The applicant, Elm Street Development, is proposing to develop approximately 155 acres with a mix of single-family attached and detached residential dwelling units. In order to accomplish this, a zone change, or Zoning Map Amendment (ZMA) request is needed. The 74.6 acres on the northern side of MD Route 450 are zoned R-E (Residential-Estate), while the 80 acres on the southern side are zoned R-A (Residential-Agricultural). The applicant is seeking to have the property rezoned to R-S (Residential Suburban), which is a Comprehensive Design Zone. (Examples of R-S development in the City include Northridge and Highbridge Park.) Attendees at the meeting included: over 200 area residents; Delegate Geraldine Valentino-Smith; City Councilmember Michael Esteve; several members of the developer's team; and, City staff. It was mentioned that, since so many folks present were standing around the Council Chambers, the meeting was being broadcast in Room 243 in City Hall, and seating was available there. The meeting was also being telecast live on the City's cable channel.

Staff opened the meeting by providing a background of the nature of the request, and the purposes of a Stakeholders Meeting. It was stressed that the meeting is not public hearing and that no decisions would be made. A Stakeholders Meeting is an informational meeting, which involves presentations by staff and the applicant, followed by a question and answer session. To advertise the Stakeholders Meeting, more than 300 letters were mailed to area residents (including all of the "I" section) and the properties were posted with nine signs. Mention was made of the ZMA process, and that Prince George's County has the final say in making zoning and land use decisions. The City plays a recommendation role. Attendees were advised that, if they wanted to become informed of this application by the County, they should become a Person of Record.

Staff referred to the flow chart on the back of the public hearing letter, which described the ZMA process. This is a process that will take approximately eight months. Review of the entire application includes several steps; the developer is at the very beginning of the first step. Those steps include: a ZMA; Comprehensive Design Plan (CDP); Preliminary Plan of Subdivision; and, Specific Design Plan (SDP). For each step, the City will conduct a Stakeholders Meeting, and public hearings by the Bowie Advisory Planning Board (BAPB) and by the Bowie City Council. Staff briefly reviewed some relevant sections of

**Stakeholders Meeting
Whitemarsh/Jesuit Property**

the City's Development Review Guidelines and Policies, and the criteria of approval for a ZMA. It was further noted that, in 2014, a Resolution (CR-26-2014) was passed by the County moving the subject property from the Rural Tier to the Developing Tier, which resulted in a conflict in policies between the County's General Plan and the 2006 Bowie and Vicinity Master Plan.

Under the current zoning, approximately 80 dwelling units could be built on the northern side of MD Route 450 (R-E zone) (Pod B), while about 40 dwellings could be constructed on the southern side of MD Route 450 (R-A zone) (Pods A and C).

With respect to the improvement of public facilities, the Maryland State Highway Administration (SHA) is not moving forward with the MD Route 450 widening project from Stonybrook Drive to MD Route 3, despite this project being #5 on the County's transportation priority list. Regarding schools, each new dwelling unit is assessed a County School Surcharge. The developer will be requesting the extension of City water and sewer to the property. At this time, a study of the City's system is underway, which should be completed within the next 30 to 60 days. Public hearings will be conducted on the potential water/sewer category change and required annexation into the City.

Mr. Jude Burke, with Elm Street Development, the applicant, addressed the audience. Mr. Burke noted that his company has been in business for 39 years, and has developed several projects in Prince George's County and the Washington, D.C. region, including Glenn Dale Forest, The Ridings at Upper Marlboro and Stonegate Estates. He continued by explaining the project, the ZMA process and the development concept employed. His company has approximately 155 acres under contract to purchase from the Corporation of Roman Catholic Clergymen, who have owned the property for more than 300 years. At one time, the owners held more than 1,000 acres of property in the area; now they have approximately 800 acres. Mr. Burke continued by noting that his company is proposing a mix of attached and detached single-family dwellings in three pods (development areas) on both sides of MD Route 450. The detached dwellings are proposed in Pods A (south side) and B (north side), while the attached units (townhouses) are proposed in Pod C (south side). To his knowledge, there are no historic settings in any of the pods proposed to be developed. The process now underway is the review of the Basic Plan, which is part of the ZMA/rezoning process. The applicant is seeking R-S zoning on the property, with a density range of 2.7 to 3.5 dwelling units/acre. Testing for Adequate Public Facilities (APF) takes place during review of the Preliminary Plan of Subdivision, which is the third step in the multi-step review process. During APF review, features such as roads, school capacity, water and sewer capacity, stormwater management, tree conservation/preservation, archeological resources and police/fire/EMS facilities and response times are reviewed. (The property is now in the WSSC service area, but the applicant would prefer to connect to the City's water/sewer system.) In reviewing the Basic Plan, Mr. Burke noted that major access points need to be shown, and that a once-proposed vehicular extension of Ivy Way into the subject property has been removed. (That area is now shown as open space.) Regarding the MD Route 450 project, Mr. Burke stated that his company is trying to get the SHA to move the road improvements forward. However, Elm Street Development will be requesting a new traffic signal along MD Route 450 at the exit from the Sacred Heart Church property. Pedestrian trails are envisioned to connect the property with Whitemarsh Park.

Mr. Dan Avrit, a registered landscape architect with Parker Rodriguez, addressed the group, noting that the residential density proposed by this development is similar to what exists in the area. The future houses, however, may look different from the current dwellings because they would be more reflective of today's housing market. Mr. Avrit referred to an Illustrative Plan, which generally identified tree preservation on Pods A and C in areas abutting property on which the Sacred Heart Church and Chapel are located.

Mr. Chris Hatcher, an attorney with Rifkin, Weiner and Livingston, reviewed the zoning and development processes for the audience. He noted that the process starts with the acceptance of the ZMA application by Park and Planning. A minimum of nine public hearings will be conducted at various levels during the review process. Transportation analyses are done at various phases of the development review process, with each subsequent analysis being more detailed than the previous one. The APF test is done at the Preliminary Plan of Subdivision stage. If the project does not pass the APF test, it will not be approved or may be approved with conditions. Lastly, there may be multiple Specific Design Plans (SDPs) reviewed for the development of each pod. Mr. Hatcher stated that the applicant would prefer to go through the annexation process.

Questions from those in attendance included the following:

- **Will the removal of access to Ivy Way be guaranteed?** (RESPONSE: The Basic Plan will need to show all proposed access points to the property. If it is not shown on the Basic Plan, it is extremely unlikely that a vehicular connection will be allowed.)
- **Can the density be expanded beyond the 2.7 – 3.5 dwelling units per acre using a zoning “shortcut” like what happened at Bowie Marketplace? Can this density be guaranteed, so a zoning “shortcut” does not happen?** (RESPONSE: This cannot be guaranteed.)
- **A 1991 study recommended an 800-foot wide buffer along the church property. What is the width of the buffer now proposed?** (RESPONSE: The proposed buffer width is approximately 35 feet.)
- **What percent of Bowie residents will it take to kill this project?** (RESPONSE: The residents will have to present technical information and evidence to the Zoning Hearing Examiner, who will issue the official decision on the ZMA request. The Examiner’s decision is appealable to the District Council. The Zoning Hearing Examiner often accepts petitions signed by residents, but the focus of their hearing is on whether the rezoning technically complies with the criteria for approval.)
- **Does the Bowie City Council support this project?** (RESPONSE: The City Council has not developed a position on this case yet; they have had no public hearings.)
- **Can this matter be placed on a referendum for the public to vote on it?** (RESPONSE: No. Zoning cases are decided on an individual basis by the Zoning Hearing Examiner.)
- **Are there any plans to improve Race Track Road?** (RESPONSE: The applicant has no plans to improve Race Track Road, which is a County road. However, Prince George’s County has funded improvements to Race Track Road, from Marquette Lane to Clearfield Drive.)
- **What types of dwelling units will be built, and what will be the price points?** (RESPONSE: The builder will construct market rate units that are compatible with

those in the area. It is too early to say what the asking prices will be for the new homes.)

- **What is the impact of the new single-family homes on the resale potential for the existing homes in the adjacent neighborhoods?** (RESPONSE: The impact is expected to be generally positive.)
- **The public hearing signs were not readable. How can that be remedied?** (RESPONSE: Signs with larger print can be placed for subsequent meetings.)
- **Could there be an access to Sylvan Drive, to give residents there an option to dealing with traffic on Route 3?** (RESPONSE: Elm Street works with adjacent neighbors and communities in all of their projects. There are different traffic reviews that take place during the different stages of the review process, and this could be examined as part of the review.)
- **What can be done with the property? Can the property be sold after the zoning change is approved?** (RESPONSE: At this time, the property can be developed with residential dwellings. After the zoning change, the property can be sold, but it would have to be developed in accordance with the decision of the Zoning Hearing Examiner.)
- **If the City does not provide water and sewer to the property, will the project proceed?** (RESPONSE: The applicant is investigating other alternatives, such as water and sewer service provided by WSSC, or large lots with on-site systems.)
- **How can a copy of the Master Plan be obtained?** (RESPONSE: Copies are available on the Park and Planning website. The City will put a link to that website on its own website.)
- **Has an archeology study been done on the property?** (RESPONSE: A Phase I archeology study will be done during the Preliminary Plan stage of the review process. If features are found to justify it, a Phase II archaeology study would be done. The Jesuits are aware of the historical significance of the property.)
- **What benefits will the existing residents be receiving from the development of the property?** (RESPONSE: Right-of-way for the future widening of MD Route 450 will be dedicated to the SHA as a result of the approval of this project, which will save the State the expense of purchasing it from the property owner. The construction of new homes will add to the sense of community.)
- **Can the City hold another meeting with the residents?** (RESPONSE: The Planning Department is willing to meet with residents to review the rezoning process and requirements.)
- **Where will children living in this development attend school?** (RESPONSE: That is determined each year by the County Board of Education's Office of Pupil Accounting. The County public schools are in clusters, and the Board of Education

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shifts resources within clusters to the schools that most need them. The closest elementary school is the Yorktown Elementary School.)

- **Is it possible that townhouses could be developed in Pods A and B?** (RESPONSE: Yes, but the density would have to be with the range of 2.7 to 3.5 units/acre.)
- **Who is paying for impacts to the local fire department and public safety?** (RESPONSE: A Public Safety Surcharge is collected by the County for each new dwelling unit and used to offset impacts to public safety services like the Fire Department.)
- **Have toxins been found in the soils on the property?** (RESPONSE: A geo-technical study is being performed on the site, primarily checking for the presence of Marlboro Clay. The study may look into the presence of soil toxins. The developer is not purchasing the former landfill site.)
- **Will grading plans for the future stages of development be available for review?** (RESPONSE: Yes. Future plans will be more refined and detailed, and will show grading details.)
- **Who reviews the various studies being prepared?** (RESPONSE: The studies are submitted to the State, Prince George's County and the City to be reviewed by their respective team of professionals.)
- **When will the rezoning decision be made?** (RESPONSE: It takes approximately eight to 10 months for an application to go through the ZMA process.)
- **Are there any trees on the property that have been designated to be protected?** (RESPONSE: Tree protection will be addressed by a Tree Conservation Plan, which is required to be provided during the review of the Preliminary Plan phase.)

Throughout the meeting, stakeholders expressed their concern and opposition based on traffic, school and neighborhood impacts.

At the conclusion of the question and answer session, the developer's team and City staff remained to continue a dialogue with interested residents.

No public hearing dates for the project have been set yet.

Subsequent to the Stakeholders Meeting, a written list of questions was submitted by Mr. Carl Gliniak, who was unable to attend the meeting (see attached).

Stakeholders Meeting September 26, 2016 at Bowie City Hall 301-809-3047

For north/south sides of MD 450 east of Racetrack Road

Rezoning residential estate and residential agriculture

to

Residential suburban

To allow 440

Single family detached and townhouse dwelling units on approximately 155 acres.

We would like to become a party of record and as a start have some concerns:

Carl Gliniak
Veronica Gliniak
13403 Oxhill Court
Bowie, Md 20715

1. How close is this currently proposed development going to be to our property in the Overbrook Section?

How will potential residential owners and the developers be held accountable for disobeying parameters of the plans, encroaching on community paths or public access areas, and/or putting up physical barriers or deer blinds?

2. Environmental

This property is rich in trees and animal life. We believe that these trees are over 70 years old and that most if not all will be removed. What are your plans to minimize the destruction of this established forest, which contains indigenous trees such as dogwoods, and wildlife, including box turtles. Saddlebrook East took out over 90 percent of established trees, including trees in the designated buffer zone adjacent to Race Track Road.

The wildlife that is present includes many animals such as red fox, deer and small mammals, at least six species of woodpeckers among the birds that habituate at different heights among the trees, reptiles, amphibians and insects as well as vegetation that feed and support this eco-system. The wildlife will be forced to move out, or even worse they will die. What kind of mitigation are we talking about here? Where will this wildlife go?

3. Lay of the land. This land is not flat. What are your plans to maximize this contour?

4. Community paths through the property under consideration have been used for several years that connect to White Marsh Park.

5. Traffic congestion on entering 450 and possibly Race Track Road. How will Route 450 be improved for flow, safety, and the traffic issues on Race Track Road already experienced by Route 450 backups.

6. School capacity. Yorktown elementary could not handle a double in student enrollment.

7. Police: Will this development cause an increase in crime and response time for our own development and the nearby Yorktown elementary school?

8. Fire: Can the Freestate Bowie Volunteer Fire station take on 440 new units? What will be the reduction in our present response time to minimize fire destruction of our property or life-threatening medical emergencies?

9. Watershed into the little Patuxent. How will this be impacted?

Wetlands attract many seasonal birds and add buffers to mitigate creek and river flooding. The United States wetlands are used at by nearly half of threatened and endangered wildlife at some point in their lives and wetlands support more than a third of threatened and endangered species that live only in the wetlands, according to the EPA.

10. How will this new development impact our water supply, sewer systems, and electrical grid?

11. What impact will this have on Bowie's carbon footprint and air pollution?

12. What can we expect for increased noise pollution? We've already experienced increased noise from the Saddlebrook East development, particularly nights, weekends and holidays.

Public Informational Meeting

September 26, 2016

Contact : Jude Burke, Elm Street Development
703-734-9730 or jburke@elmstreetdev.com

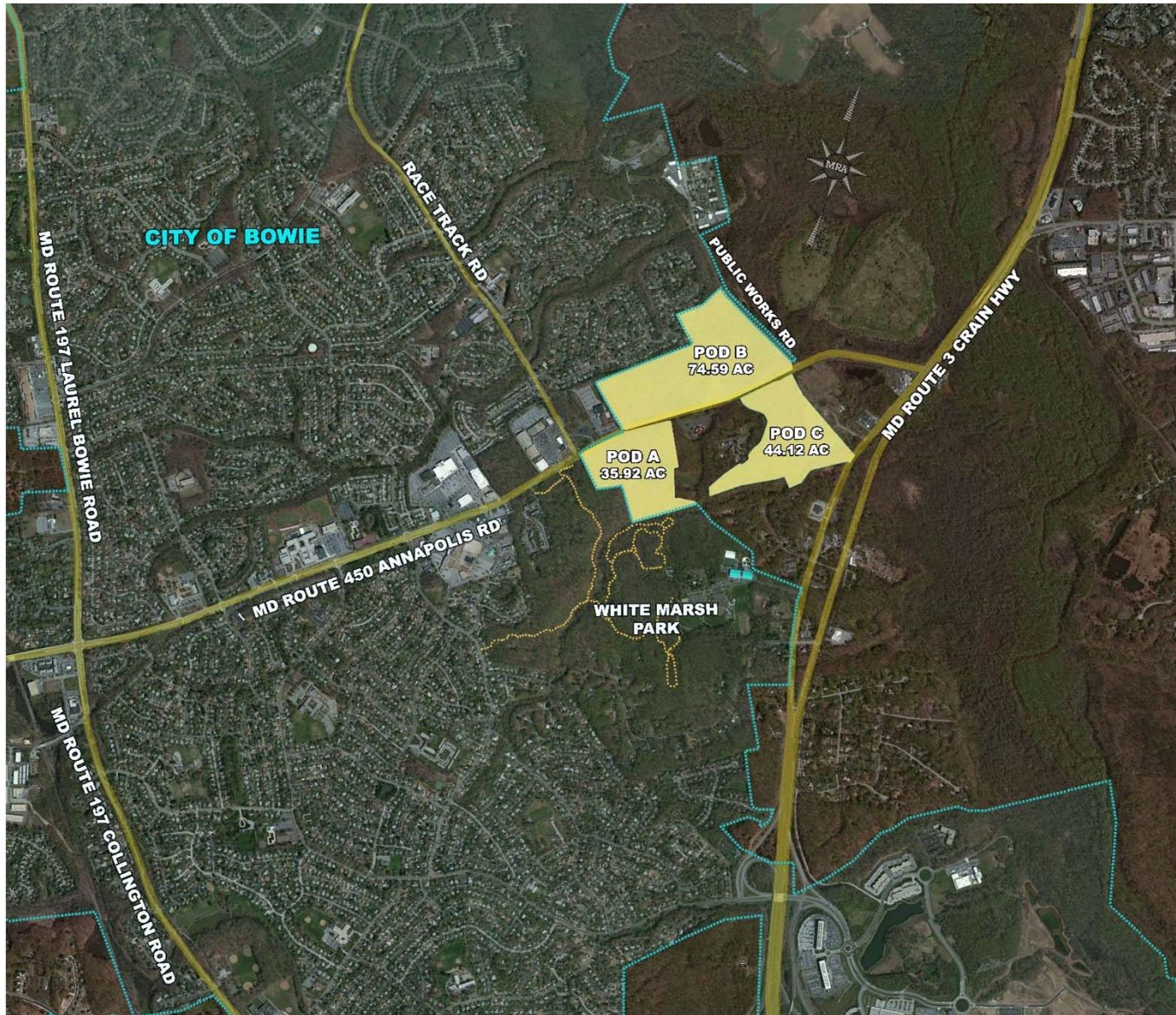
WHITEMARSH PROPERTY

Team

- Owner: Corp. of Roman Catholic Clergymen
- Developer: Elm Street Development
- Civil Engineers &
Land Planners: Morris & Ritchie Associates
- Land Planners: ParkerRodriguez
- Traffic Engineers: Street Traffic Studies
- Land Use Counsel: Rifkin, Weiner, Livingston

WHITEMARSH PROPERTY

Location



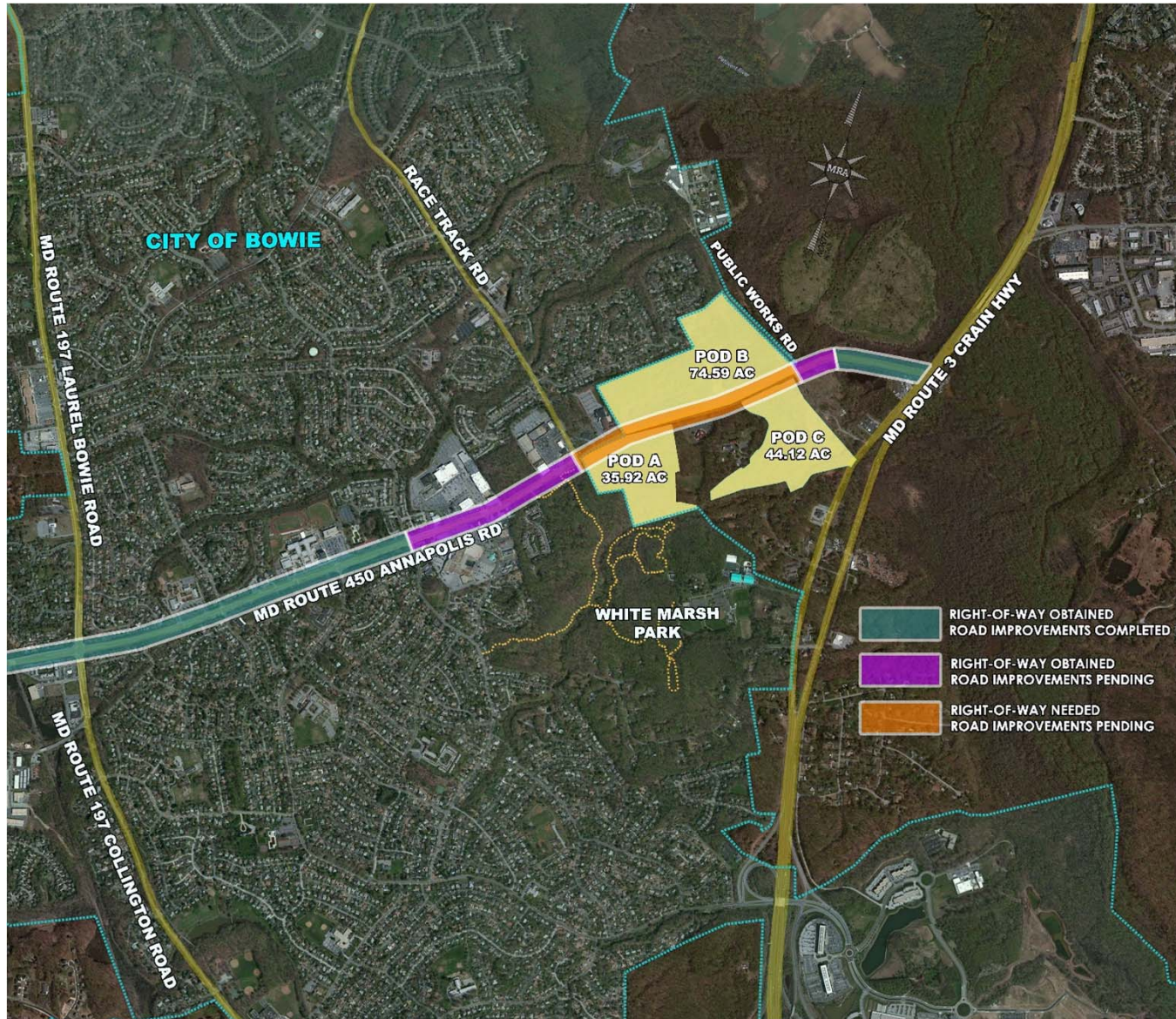
WHITEMARSH PROPERTY

Basic Plan



WHITEMARSH PROPERTY

Roads



WHITEMARSH PROPERTY

Community Context



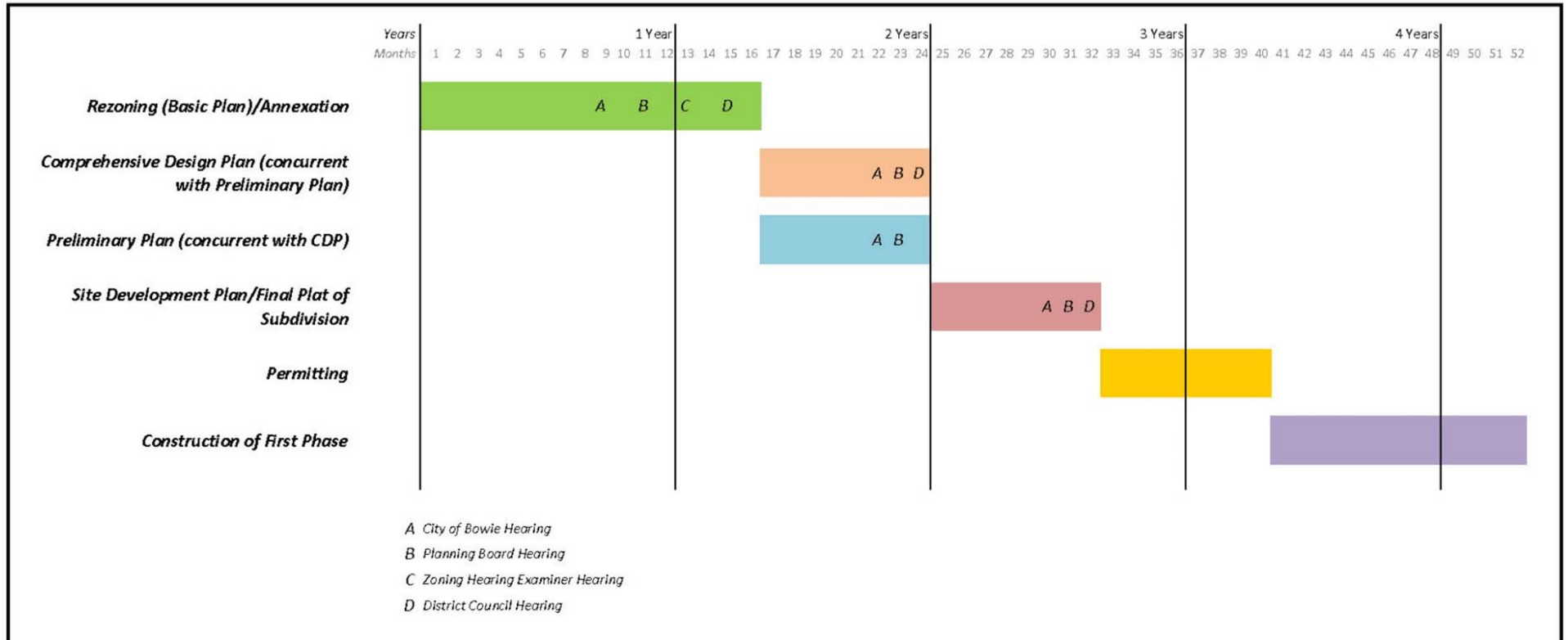
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Illustrative Plan



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Process



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