



City of Bowie

Regular City Council Meeting

Monday, March 20, 2023
Council Chambers - 8 p.m.

AGENDA

- I. CALL MEETING TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. QUORUM**
- IV. AGENDA ADDITIONS/DELETIONS/AMENDMENTS**
- V. CITIZEN PARTICIPATION**
- VI. PRESENTATIONS**
 - A.** Irish American Heritage Month Presentation by the Diversity Committee
- VII. CITY BOARDS AND COMMITTEES**
- VIII. COUNCIL ANNOUNCEMENTS**
- IX. CITY MANAGER'S REPORT**
- X. CONSENT AGENDA**
 - A.** Approval of February 6, 2023 Meeting Minutes
 - B.** Approval of February 7, 2023 Special Meeting Minutes
 - C.** Adoption of Resolution R-17-23 Awarding a Contract for Audio Visual Technology Update at the Bowie Senior Center
 - D.** Adoption of Resolution R-19-23 Authorizing the Issuance of a Purchase Order to Gant Brunnett Architects, Inc. for Task Order/RFP#7-14 in accordance with the Master Contract Approved on January 7, 2019
 - E.** Adoption of Resolution R-20-23 Awarding a Contract for Removal and Replacement of Sixteen (16) Roof Top HVAC Units at Kenhill Center
 - F.** Adoption of Resolution R-21-23 Waiving the Competitive Bidding Requirements of Section 61 "Purchasing and Contracting" of the Charter of the City of Bowie Authorizing the City Manager to Enter Into a Three-Year Enterprise Agreement with Microsoft Through SHI.
 - G.** Introduction of Ordinance O-3-23 Amending The Code Of The City Of Bowie, Chapter 26 "Zoning," Article I "In General" To Reference Updates To The Prince George's County Zoning Ordinance, To Amend Various Definitions Contained In § 26-1 "Definitions", To Amend § 26-2 "Fences" To Clarify Where Fences May Be Located; To Amend § 26-4 "Permitted Vehicle Parking In The R-R And R-E Zones" And Repeal § 26-5 "Vehicle Parking In The R-55, R-80 And R-T Zones", § 26-6 "Vehicle Parking In The R-30-C Zone" And § 26-7 "Vehicle Parking In The O-S Zone" To Consolidate City Code Provisions Regarding The Types Of

Vehicles That May Be Parked In Residential Zones In The City; And Other
Miscellaneous Nonsubstantive Changes

XI. OLD BUSINESS

XII. NEW BUSINESS

- A.** Consolidated Storage – City Council will discuss proposed County legislation restricting the location of consolidated storage facilities in the County and a recent proposal to construct a consolidated storage facility on Elder Oaks Boulevard in the Covington neighborhood.
- B.** Code Enforcement Fines for HOAs - Staff to present to Council on existing fines that can currently be issued to HOAs. Council is looking to learn the upside/downside to increasing fines related to HOAs to establish accountability of neighborhood upkeep. This presentation/discussion can include identifying new areas that can be added to code enforcement fines pertaining to HOAs.

XIII. ADJOURNMENT

Note: The Ethics Commission has advised that under certain circumstances, members of the public may qualify as lobbyists when they testify before the City Council. If so, the Bowie Ethics Ordinance requires that certain information be filed with the Ethics Commission. Please review the information about lobbying that is provided with the City Clerk. If you have any questions about lobbying, please contact the Ethics Commission or the Assistant City Manager.

This meeting will be televised live on Verizon Channel 10 and Comcast Channel 71 and 996, repeated on 3/22/23 and 3/25/23 at 7:00 p.m., and [web-streamed live](#).

For a closed-captioned version of the meeting video, please go to <https://www.youtube.com/user/cityofbowiemd/playlists> and select the 2023 Council Meetings list. Once the meeting video opens, be sure to click on “CC” button to turn on closed captioning.

NEXT REGULAR MEETING OF THE BOWIE CITY COUNCIL - MONDAY, APRIL 3, 2023 - COUNCIL CHAMBERS - 8:00 P.M.



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Irish American Heritage Month Presentation

DATE: 03/16/2023

A member of the Diversity Committee will give a presentation on Irish American Heritage Month.

ATTACHMENTS: None

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, FEBRUARY 6, 2023

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, February 6, 2023, in the Council Chambers at City Hall. Mayor Adams called the meeting to order at 8:01 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Adams led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Adams, Councilmembers Esteve, Gardner (arrived 8:13 p.m., left 10:27 p.m.), Ndebumadu and Woolfley, City Manager Lott, City Attorney Levan, City Clerk Hernandez, and Staff.

CITIZEN PARTICIPATION:

1. David Roland, Jones Fall Ct. – Spoke in regard to the crimes happening around the city.
2. Leslie Kaunitz, Rambling Ln – Spoke in regard to public safety and first responders.
3. Ann Johnson, 9th Street – Spoke in support of Old Town Bowie Revitalization.
4. William Greene, 7th Street – Spoke in support of Old Town Bowie Revitalization.
5. Karl Caton, 10th Street – Spoke in support of Old Town Bowie Revitalization.
6. Verna Teasdale, Midwood Ln – Spoke for continue City support of the Old Bowie Festival to be held in October of 2023 in conjunction with the International Festival.

PRESENTATIONS:

Councilmember Ndebumadu motioned to approve Proclamation P-2-23 Recognizing Keivonn Woodard for His Many Achievements. Councilmember Gardner seconded the motion. Motion passed 5-0. Councilmember Gardner presented the proclamation to Keivonn Woodard.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-In:

1. Councilmember Woolfley motioned to appoint Kone Faulkner to the Diversity Committee for a 2-year term. Councilmember Ndebumadu second the motion. Motion passed 5-0.
2. Mayor Adams swore in the appointee to his respective committee.

COUNCIL ANNOUNCEMENTS:

Mayor Adams commented on Black History Month.

Councilmember Ndebumadu commented that the City does not vet the type of businesses that comes to the City, the County handles all zoning regulations.

CITY MANAGER'S REPORT:

No report.

CONSENT AGENDA:

Councilmember Woolfley made a motion to approve Consent Agenda items: A) Approval of January 17, 2023 Meeting Minutes; B) Approval of January 21, 2023 Special Meeting Minutes; C) Approval of January 28, 2023 Special Meeting Minutes; D) Approval of January 30, 2023 Special Meeting minutes; E) Adoption of Proclamation P-1-23 Proclaiming February 2023 as Black History Month in the City of Bowie; F) Adoption of Resolution R-10-23 Supporting an Application to the Prince George's County Planning Department's Planning Assistance to Municipalities and Communities (PAMC) Program for a State of Place Analysis. Councilmember Gardner seconded the motion. Motion passed 5-0.

OLD BUSINESS:

A. Adoption of Ordinance O-1-23 Amending Bowie City Code, Chapter 13, "Environmental Noise Control", to Amend Sec. 13-1 "Definitions" to Alter the Hours for Daytime and Nighttime, to Add Definitions of "Owner", "Plainly Audible", "Unreasonably Loud Noise" and "Receiving Property", and to Amend the Definition of Other Terms to Conform to the Definitions Thereof in State Regulations; to Amend Sec. 13-3 "Additional Noise" to Clarify Those Noises Emanating From Cars and Loud Speakers That are Violations of the Section; to Create Sec. 13-5 "Commercial Establishments Adjacent to Residential Property", and to Amend Sec. 13-6 "Penalty" to Increase Certain Fines for Violations of Chapter 13 – Code Enforcement Supervisor, Ms. Jamie Braun summarized the Ordinance to Council. The Ordinance is amending City Code Chapter 13 to address issues with noise complaints received from residents due to loud speakers from vehicles as well as businesses that have been opened near residential neighborhoods.

Public Hearing:

City Clerk Hernandez stated that one comment was received via email and it is attached for the record.

Since there was no one signed up to speak, Mayor Adams declared the Public Hearing to have been held.

Councilmember Woolfley asked how the fines are being allocated. Ms. Braun responded that they are \$100 for the first offense to \$500 for second offense. He then asked if the citations being issued to the hosting group or the property owner. Ms. Braun responded that they are being issued to the property owner.

Mayor Adams asked what the new quiet times will be. Ms. Braun responded that they will be 9:00 p.m. to 7:00 a.m. which follows the County times. He then asked what the decibel noise level is. Ms. Braun responded that if the noise is louder than a lawnmower then it is violating the noise ordinance.

Councilmember Esteve asked why the change exempting County and State agencies. Ms. Braun responded that there will be times when loud noise will be emanated by them, mostly safety alerts.

Councilmember Gardner asked how residents will know of this change. City Manager Lott responded that staff will follow the City's Communication Plan.

Councilmember Woolfley motioned to adopt Ordinance O-1-23. Councilmember Gardner seconded the motion. Motion passed 5-0.

B. Adoption of Ordinance O-2-23 Amending Bowie City Code, Chapter 12, "Cable Communications," to Provide that the City may, by Ordinance, Approve a Cable Franchise Agreement That Varies From the Requirements of this Chapter and That, in Such Case, the Terms of the Franchise Agreement Shall Take Precedence Over the Terms of This Chapter Where There is an Irreconcilable Conflict – Business Operations Manager, Ms. Mati Bazurto summarized the Ordinance.

Public Hearing:

Since there was no one signed up to speak, Mayor Adams declared the Public Hearing to have been held.

Councilmember Esteve motioned to adopt Ordinance O-2-23. Councilmember Gardner seconded the motion. Motion passed 5-0.

NEW BUSINESS:

A. EDC on Old Town Bowie – Economic Development Director, Mr. John Henry King, briefed Council on several meetings and events that the Economic Development Committee has participated in with relation to revitalizing Old Town Bowie. Mr. Andrew Roud, former Chair of the EDC, presented the recommendations from the committee with eight steps the City should consider to help in the revitalization (list attached).

Councilmember Esteve asked what it will entail to get the revitalization started similar to the Town of Kensington. Mr. Roud responded that it will depend on volunteers/associations that can assist with programs and putting the word out.

Councilmember Esteve then asked City Manager Lott if this items would be included in the proposed budget that will be presented in April. City Manager Lott responded that it is, there currently already includes funding for the festival and could have a discussion for additional funding for other events.

Mayor Adams thanked Mr. Roud for his presentation.

B. Auditor's Presentation of the City of Bowie's FY 2022 Annual Comprehensive Financial Report – Assistant Finance Director Ms. Lola Ogunremi, introduced Ms. Aires Coleman with Clifton Larsen who presented the City's report. The City received an unmodified "clean" opinion and no material weaknesses or significant deficiencies identified. The City has received GFOA Certification.

Mayor Adams thanked Ms. Coleman for her presentation.

C. Adoption of Resolution R-1-23 Adopting the Citizen Participation Plan (CPP) for the Consolidated Plan for Housing and Community Development for Fiscal Years 2024-2028 (HUD FY23-27) – Ms. Kay Starr, Grant Writer, summarized the report and the resolution. The City of Bowie receives Community Development Block Grant (CDBG) funds from the US Department of Housing and Urban Development through an entitlement. The City of Bowie's Consolidated Action Plan for Housing and Community Development (Plan), Fiscal Year 2024-2028 (HUD FY23-27) will analyze housing, human services, and

non-housing community development needs throughout the City, identify and prioritize community needs, and include a strategy to address those needs. The U.S. Department of Housing and Urban Development (HUD) requires the Five-Year Consolidated Plan for all Entitlement Communities receiving HUD funding.

Public Hearing:

Since there was no one signed up to speak on this item, Mayor Adams declared the Public Hearing to have been held.

D. Police Department Update – Chief Nesky briefed Council on various matters in the Police Department. The Department is authorized at 67 officers and currently are at 57 with 2 on medical status. The department will begin the Citizen's Academy, as well as the RAD Classes in the next week. All classes are completely full and the Chief thanks the citizens for their interest in these classes. Chief Chats continue weekly via social media and numbers of viewers have increased. Assault reports unfortunately have increased as well as theft reports both from autos and others. The department continues to strategize for ways to increase staffing.

Mayor Adams thanked Chief Nesky for his presentation.

ADJOURNMENT AND MOVE TO CLOSE SESSION:

Councilmember Woolfley motioned to adjourn the Regular City Council meeting and move to Closed Session under the statutory authority of the Md. Annotated Code, General Provisions Article §3-305(b)(7): "To consult with counsel to obtain legal advice." Councilmember Esteve second the motion. Motion passed 4-0. The meeting adjourned at 10:58 p.m.

Respectfully submitted,

Awilda Hernandez, MMC
City Clerk

From: eilene_b@aol.com
To: [cityclerk](#)
Cc: [Jamie Braun](#)
Subject: {EXTERNAL}: Today's city council meeting - Noise Ordinance
Date: Monday, February 6, 2023 4:57:45 PM

Good afternoon:

I hope I am not too late to write in support of the noise ordinance bill.

The early morning trash pickups of the heavy loud metal commercial dumpsters is alarming and disturbing as a resident and homeowner that lives directly behind the commercial building. These loud noises frequently shock me out of my sleep and disturb my rest for the next day of work. Often leaving me with a headache and inability to fall back to sleep.

It's my understanding that the proposed noise ordinance is supposed to assist with getting the commercial property at The Bowie Town Center Shoppes and the neighboring hotel to adhere to the time restrictions and also provide the possibility of imposing fines.

Thank you for your attention.

(I am also hoping to attend the meeting this evening)

E. Brown

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



City of Bowie

15901 Fred Robinson Way
Bowie, Maryland 20716

January 11, 2023

City Council
City of Bowie
15901 Fred Robinson Way
Bowie, MD 20716

Dear Council:

The City of Bowie Economic Development Committee (EDC) focused several meetings on the revitalization of Old Town Bowie. We have eight (8) recommendations for the City Council, in priority order:

1. Have City staff take the lead now with County and State agencies that own the infrastructure to repair and maintain roads, curbs, the bridge, and street lighting on the bridge and in the neighborhoods. The City staff should aggressively lead their counterparts in other agencies to find and fix infrastructure problems.
2. Provide budget funding in FY 2024 for a city staff person to coordinate the 13 plus stakeholders' groups and the various district-designation applications necessary for revitalization success.
3. Continue budget funding to support an annual festival.
4. Continue budget funding to support robust concert programming and to create a second farmer's market on the same day as the concert programming.
5. Actively pursue Main Street Maryland designation with an action plan draft ready by September 2023.
6. Actively pursue Art & Entertainment District designation with an action plan draft ready by September 2023.
7. Provide budget funding in FY2024 for a commercial building façade program.
8. Schedule biannual briefings from staff and community leaders on actions and results to date.

FOR THE ECONOMIC DEVELOPMENT COMMITTEE:


Andrew M. Roud
Chair, EDC

cc: EDC

MAYOR Timothy J. Adams

COUNCIL Michael P. Esteve • Henri Gardner • Roxy Ndebumadu • Dufour Woolfley CITY MANAGER Alfred D. Lott
City Hall (301) 262-6200 FAX (301) 809-2302 TDD (301) 262-5013 WEB www.cityofbowie.org

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. Complete items 1 – 4 before closing the meeting.

1. **Recorded vote to close the meeting:** Date: 2-6-23; Time: 11:00pm; Location: City Hall;
Motion to close meeting made by: Woodley Seconded by Esterve;
Members in favor: 4; Opposed: _____;
Abstaining: 0; Absent: 0

2. **Statutory authority to close session (check all provisions that apply).**
This meeting will be closed under General Provisions Art. § 3-305(b) only:

(1) ☐ "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2) ☐ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3) ☐ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4) ☐ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5) ☐ "To consider the investment of public funds"; (6) ☐ "To consider the marketing of public securities"; (7) ☒ "To consult with counsel to obtain legal advice"; (8) ☐ "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9) ☐ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10) ☐ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11) ☐ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12) ☐ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13) ☐ "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14) ☐ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process." (15) ☐ "To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

Continued →

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) ☒	Opioid Litigation	CA needed to ask a question of the CC as to to proceed (Hear)
§3-305(b) ☒	Property Compliance Litigation	CA needed to ask CC a question as how to proceed
§3-305(b) ☐		
§3-305(b) ☐		
§3-305(b) ☐		

4. This statement is made by Samuel J. Adams, Presiding Officer. ✓

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION FOR SUMMARY TO BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING. (See also template for summary.)

- For a meeting closed under the statutory authority cited above:

Time of closed session: 11:15 pm
 Place: City Hall
 Purpose(s): Consult with CA
 Members who voted to meet in closed session: Adams, Ndeburadu, Adams, Estev
 Persons attending closed session: Same
 Authority under § 3-305 for the closed session: 7
 Topics actually discussed: Opioid Litigation & Property Litigation
 Actions taken: Decision to CA on both Cases
 Each recorded vote: _____

- For a meeting recessed to perform an administrative function (§ 3-104): Time: _____
 Place: _____
 Persons present: _____
 Subjects discussed: _____

(Form Rev.10/1/2018)

SPECIAL CITY COUNCIL MEETING MINUTES

TUESDAY, FEBRUARY 7, 2023

CALL MEETING TO ORDER:

The Special Meeting of the Bowie City Council was held on Tuesday, February 7, 2023, in the Council Chambers at City Hall. Mayor Adams called the meeting to order at 8:03 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Adams led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Adams, Councilmembers Estève (arrived 8:05 pm), Gardner, Ndebumadu and Woolfley, City Manager Lott, and Assistant to the City Clerk Fifer.

MOVE TO CLOSE SESSION:

Councilmember Woolfley motioned to adjourn the Special City Council meeting and move to Closed Session under the statutory authority of the Md. Annotated Code, General Provisions Article §3-305(b)(1): "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals. Councilmember Ndebumadu seconded the motion and it carried 4-0 (Estève not yet present). Council went into closed session at 8:04 p.m. where they deliberated on their selections for the At-Large and District 3 Councilmember vacancies, and the selection for Mayor Pro Tem.

RECONVENE TO OPEN SESSION:

Mayor Adams reconvened to Open Session where he thanked all of the candidates for their time and interest in serving and announced that Council had selected Jarryd Hawkins to serve as the At-Large Councilmember, Clinton Truesdale, Sr. to serve as the District 3 Councilmember, and Roxy Ndebumadu to serve as Mayor Pro Tem.

Councilmember Ndebumadu made a motion to select Jarryd Hawkins as At-Large Councilmember, Clinton Truesdale, Sr. as District 3 Councilmember, and Roxy Ndebumadu as Mayor Pro Tem. Councilmember Gardner seconded the motion. The motion carried 5-0.

ADJOURNMENT:

Councilmember Ndebumadu motioned to adjourn the Special City Council meeting. Councilmember Gardner seconded the motion. Motion passed 5-0. The meeting adjourned at 8:37 pm.

February 7, 2023

Respectfully submitted,

Carolyn Fifer, CMC
Assistant to the City Clerk

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. Complete items 1 – 4 before closing the meeting.

1. **Recorded vote to close the meeting:** Date: 2/7/23; Time: 8:04; Location: Chambers;
Motion to close meeting made by: Woolfley Seconded by Ndebumadu;
Members in favor: Adams, Gardner, Woolfley, Ndebumadu; Opposed: 0;
Abstaining: 0; Absent: Esteve.

2. **Statutory authority to close session (check all provisions that apply).**
This meeting will be closed under General Provisions Art. § 3-305(b) only:

(1) ☒ "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2) ☐ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3) ☐ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4) ☐ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5) ☐ "To consider the investment of public funds"; (6) ☐ "To consider the marketing of public securities"; (7) ☐ "To consult with counsel to obtain legal advice"; (8) ☐ "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9) ☐ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10) ☐ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11) ☐ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12) ☐ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13) ☐ "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14) ☐ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process." (15) ☐ "To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

Continued →

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) ☒	Council vacancies - Selection of Candidates	Selection of candidates to fill the At-Large and District 3 Council member vacancies, Selection of Mayor Pro Tem
§3-305(b) ☐		
§3-305(b) ☐		
§3-305(b) ☐		
§3-305(b) ☐		

4. This statement is made by Samuel J. Adams, Presiding Officer.

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION FOR SUMMARY TO BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING. (See also template for summary.)

- For a meeting closed under the statutory authority cited above:

Time of closed session: 8:05 pm

Place: City Hall Room 181

Purpose(s): Selection of candidates for At-Large and District 3 vacancies, and select Mayor Pro Tem

Members who voted to meet in closed session: Adams, Gardner, Ndebumadu, Woolfley

Persons attending closed session: Adams, Gardner, Ndebumadu, Woolfley, Esteve

Authority under § 3-305 for the closed session: 1

Topics actually discussed: Selection of candidates for At-Large, District 3, and Mayor Pro Tem

Actions taken: Selected person for At-Large, District 3, and Mayor Pro Tem

Each recorded vote: _____

- For a meeting recessed to perform an administrative function (§ 3-104): Time: _____

Place: _____

Persons present: _____

Subjects discussed: _____



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Contract Award for Bowie Senior Center Audio/Visual Technology Update Project
Resolution R-17-23

DATE: 03/16/2023

On December 7, 2022, the Department of Community Services issued a Request for Proposals to update the audio/visual technology in the Great Room at the Bowie Senior Center.

On February 2, 2023, seven (7) proposals were received and opened. The results were as follows:

Bidder's Name	Total Bid
Applied Video Technology	\$158,758.00
ESHA Corp	\$151,125.33
Ford Audio-Video	\$189,828.98
Inter Technologies	\$138,751.24
Pishon River IT Solutions	\$50,302.00
Sandy Audio Visual	\$137,518.91
Syst-Com	\$84,500.00

The FY2023 Budget Appropriation for this project is \$95,000.00.

When evaluating the proposals received, staff considered the expertise and experience of each firm, successful completion of similar audio/visual technology projects, as well as experience with the City of Bowie or other municipal agencies.

The two lowest proposals submitted by Pishon River IT Solutions and Syst-Com were not considered because their proposals were non-responsive.

The proposal from Sandy Audio Visual LLC provides the specifics to update the audio/visual technology and meets the needs outlined in the Request for Proposals. An additional budget appropriation of \$42,518.91 will be necessary to complete this technology update.

Upon confirming the understanding of the scope of work, completion timeline, and verifying references for Sandy Audio Visual LLC, the Department of Community Services recommends a contract be awarded to Sandy Audio Visual LLC of Laurel, Maryland in the amount of \$137,518.91.

I concur with the recommendation of the Department of Community Services and request your approval of R-17-23.

ATTACHMENTS: 1. 20230320 - Resolution R-17-23

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AWARDING A CONTRACT FOR AUDIO VISUAL TECHNOLOGY UPDATE AT
THE BOWIE SENIOR CENTER

WHEREAS, the City of Bowie owns and operates the Bowie Senior Center; and

WHEREAS, the City intends to update the audio/visual technology in the Great Room; and

WHEREAS, a request for proposals was issued for the work that had a closing date of December 7, 2022 at 11:00 a.m., at which time seven proposals were received, that ranged from \$50,302.00 to \$189,828.98; and

WHEREAS, staff has reviewed the seven proposals received and determined the \$137,518.91 proposal submitted by Sandy Audio Visual, LLC of Laurel, Maryland is the lowest most responsive and responsible bid; and

WHEREAS, a budget appropriation of \$42,518.91 is necessary to complete the technology update as specified in Request for Proposals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland that the City Manager is hereby authorized to enter into an Agreement with Sandy Audio Visual LLC in the amount of \$137,518.91 to update the audio/visual technology at the Bowie Senior Center.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on March 20, 2023.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez, City Clerk

Timothy J. Adams, Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Architect/Engineering Open End Contract Category 7-Architectural Design RFP/Task Order #7-14 - Resolution R-19-23

DATE: 03/16/2023

On January 7, 2019, the City entered into an Architect/Engineering Open End Agreement with Gant Brunnett Architects, Inc. (GBA), Frederick Ward Associates (FWA), Wheeler Goodman Masek & Associates, Inc. (WGMA), Buchar-Horn, Inc. (BH), and Bignell Watkins Hasser Architects, PC (BWHA) for Category 7-Architectural Design. Professional Services delivered through this Agreement are negotiated and procured on a Task Order basis as the City's needs arise.

On October 13, 2022, the Department of Community Services advertised a Notice of Intent to Negotiate for Task Order/RFP#7-14– Architectural/Engineering design and construction management/inspection for repairing the Golf Course clubhouse foundation under the Architect/Engineering Open End Agreement. Proposals were accepted from firms BWHA, FWA, and GBA which have Open End Professional Services Agreements with the City for Architectural Design. For this task, the proposal from GBA was selected based on cost, capacity to perform in a timely manner and understanding of the project.

In accordance with City Charter Section 61(b)(4), a fee of \$59,361.31 for the required services was negotiated. However, it came to the City's attention that GBA had made a mistake in the calculation of its pricing to the City.

Upon investigation by the City, the mistake in the calculation of the price for this required work was confirmed. The correct amount for the required work is \$86,317.80. Even with the mistake in the calculation of the costs, GBA still has the lowest price for this work.

The Department of Community Services recommends that Council authorize the issuance of a Purchase Order to GBA for Task Order/RFP#7-14 pursuant to the Master Contract approved on January 7, 2019.

I concur with the recommendation of the Department of Community Services and request your approval of Resolution R-19-23.

ATTACHMENTS: 1. 20230320 - Resolution R-19-23

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO
GANT BRUNETT ARCHITECTS, INC. FOR TASK ORDER/RFP#7-14
IN ACCORDANCE WITH THE MASTER CONTRACT APPROVED ON
JANUARY 7, 2019

WHEREAS, on January 7, 2019, the City entered into an Architect/Engineering Open End Agreement with Gant Brunnett Architects, Inc. (GBA), Frederick Ward Associates (FWA), Wheeler Goodman Masek & Associates, Inc. (WGMA), Buchart-Horn, Inc. (BH), and Bignell Watkins Hasser Architects, PC (BWhA) for Category 7-Architectural Design; and

WHEREAS, on October 13, 2022, the Department of Community Services advertised a Notice of Intent to Negotiate for Task Order/RFP#7-14– Architectural/Engineering design and construction management/inspection for repairing the Golf Course Clubhouse foundation under the Architect/Engineering Open End Agreement; and

WHEREAS, proposals were accepted from the three (3) firms BWhA, FWA, and GBA which have Open End Professional Services Agreements with the City for Architectural Design; and

WHEREAS, for this task, the proposal from GBA was selected based on cost, capacity to perform in a timely manner and understanding of the project; and

WHEREAS, on January 3, 2023, the Council of the City of Bowie approved a resolution to award a purchase order to GBA in the amount of \$59,361.31; and

WHEREAS, GBA notified the City that there was an error in their calculations for the cost of the Work to be performed under this contract. The correct amount of the cost of the Work is \$86,317.80; and

WHEREAS, the City investigated and reviewed the proposed new cost of this Work and has agreed that GBA made a mistake in the calculation of its proposed price; and

WHEREAS, the next lowest price for this work is \$88,381. GBA is still the lowest cost offeror.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Bowie, Maryland that the Council authorizes the issuance of a Purchase Order to GBA for Task Order/RFP#7-14 in accordance with the Master Contract approved on January 7, 2019.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Meeting on March 20, 2023.

ATTEST:

Awilda Hernandez, City Clerk

Timothy J. Adams, Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Contract Award for Kenhill Center Removal and Replacement of Sixteen (16) Roof Top HVAC Units Project - Resolution R-20-23

DATE: 03/16/2023

On December 22, 2023, the Department of Community Services issued an Invitation for Bids for the removal and replacement of sixteen (16) roof top HVAC units at the Kenhill Center.

On February 3, 2023, nine (9) bids were received and opened. The results were as follows:

Firm	Total Bid
Nova Facility Solutions, Inc.	\$549,889.00
Fresh Air Concepts, Inc.	\$631,000.00
AAA Complete Building Services, Inc.	\$725,380.00
Horizon Mechanical Services, LLC	\$781,062.00
Patapsco Mechanical, LLC	\$539,358.00
Temp Air Company	\$552,000.00
Remington Construction	\$750,000.00

The FY2023 Budget Appropriation for this project is \$492,000.00.

When evaluating the proposals received, staff considered the expertise and experience of each firm, successful completion of similar commercial HVAC projects, as well as experience with other governmental agencies.

The low bid submitted by Patapsco Mechanical LLC was found to be both responsive and responsible.

An additional budget appropriation of \$47,358.00 will be necessary to complete this project.

Upon confirming the understanding of the scope of work, completion timeline, and verifying

references for Patapsco Mechanical, LLC, the Department of Community Services recommends a contract be awarded to Patapsco Mechanical, LLC of Hanover, Maryland in the amount of \$539,358.00.

I concur with the recommendation of the Department of Community Services and request your approval of Resolution R-20-23.

ATTACHMENTS: 1. 20230320 - Resolution R-20-23

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AWARDING A CONTRACT FOR REMOVAL AND REPLACEMENT OF
SIXTEEN (16) ROOF TOP HVAC UNITS AT KENHILL CENTER

WHEREAS, the City of Bowie owns and operates the Kenhill Center; and

WHEREAS, the City intends to remove and replace sixteen (16) roof top HVAC units that have outlived their useful life; and

WHEREAS, an Invitation for Bids was issued for the work that had a closing date of February 3, 2023 at 11:00 a.m., at which time nine bids were received that ranged from \$539,358 to \$781,062; and

WHEREAS, staff has reviewed the nine bids received and determined the \$539,358 bid submitted by Patapsco Mechanical, LLC of Hanover, Maryland is the lowest most responsive and responsible bid; and

WHEREAS, a budget appropriation of \$47,358 is necessary to complete the improvements as detailed in the Invitation for Bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland that the City Manager is hereby authorized to enter into an Agreement with Patapsco Mechanical, LLC in the amount of \$539,358.00 to remove and replace sixteen (16) roof top HVAC units at the Kenhill Center.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on March 20, 2023.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

Timothy J. Adams
Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Waive Bidding for Microsoft Enterprise Agreement - Resolution R-21-23

DATE: 03/16/2023

In 2014, the Information Technology Department entered into a three-year Enterprise Agreement with Microsoft to provide licensing for Office, Exchange, and Windows operating systems. This agreement provided lower volume pricing and simplified license management with a single company-wide agreement. This contract has been renewed every three years since then.

The City is dependent on the use of Microsoft products to license operating systems for our servers and desktop systems. Microsoft also provides desktop productivity software and collaboration tools through the Office 365 platform. It would be cost prohibitive and no benefit to the City to change products at this time.

The State of Maryland Department of Information Technology has established a Master Contract (001B0600408) with Software House International (SHI) on which we can piggyback. This is a three-year contract with an annual cost of \$152,689.39. There is funding allocated in the FY23 Budget for the Microsoft Enterprise Agreement.

In accordance with City Charter Section 62, we are requesting that Council waive bidding requirements and allow for the issuance of a Purchase Order to SHI in the amount of \$152,689.39.

ATTACHMENTS: 1. 20230320 - Resolution R-21-23

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
WAIVING THE COMPETITIVE BIDDING REQUIREMENTS OF SECTION 61
“PURCHASING AND CONTRACTING” OF THE CHARTER OF THE CITY OF
BOWIE AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE-
YEAR ENTERPRISE AGREEMENT WITH MICROSOFT THROUGH SHI

WHEREAS, the Charter of the City of Bowie, Maryland (hereinafter, “the City”) requires, in section 61, that all expenditures for inter alia, materials, construction of public improvements or contractual services involving more than twenty-five thousand dollars be made by written contract upon sealed bids to the lowest responsible bidder, except where the City Council by two-thirds vote waives the bidding requirement for good cause shown; and

WHEREAS, the City initially signed a three-year Enterprise Agreement in 2014 and renewed that agreement in 2017 and 2020; and

WHEREAS, the new agreement will continue licensing for Office 365, SQL, and Windows Operating Systems; and

WHEREAS, the City’s FY2023 budget allocates funds for the Microsoft Enterprise Agreement; and

WHEREAS, SHI has provided a quote for an annual cost of \$152,689.39 for the three-year contract using the State of Maryland Department of Information Technology Master Contract 001B0600408; and

WHEREAS, the proposed contract price for the services to be procured will exceed twenty-five thousand dollars and the City Council deems the aforesaid economic efficiencies to constitute good cause to waive the bidding requirements otherwise required by the Charter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, by at least a two-thirds vote, that:

Section 1. The competitive bidding requirements of Section 61 of the Bowie City Charter are for good cause shown, hereby waived.

Section 2. The City Manager is hereby authorized to enter into an agreement with the said company for the above mentioned services.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a meeting on March 20, 2023 by a vote of at least two-thirds of the members of the Council.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

Timothy J. Adams
Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Ordinance O-3-23 Amending Chapter 26, Zoning.

DATE: 03/16/2023

The attached Ordinance O-3-23 has been prepared by the City Attorney, in conjunction with the Code Compliance staff, to amend Chapter 26 of the Bowie City Code. The amendment as proposed will clarify and uniformly format the definitions of yards, decrease setback requirements for fences on corner lots, and clarify what constitutes repair of nonconforming fences. It will also bring the language of the City Code into conformity with the current County Zoning Ordinance that was effective as of 4/1/2022.

The most impactful change in this amendment is for residents with corner lots. Currently, the City Code requires most fences on corner lots, including replacement fences, be located twenty-five (25) feet from the property line and thirty-six (36) from the curb along the side street. See Exhibit A. This section of City Code was originally created to maintain a clear line of sight for drivers and pedestrians. This amendment will reduce the setback to fifteen (15) feet from the property line and twenty-six (26) from the curb of the side street. This will allow property owners use of more of their rear yards while still preserving line of sight. See Exhibit B.

The amendment will also remove any setback requirement for corner lots where the houses are situated back-to-back or that abut undeveloped or preserved open space owned by a government or Homeowner's Association. See Exhibits C and D.

Your approval is requested.

ATTACHMENTS:

1. 20230320 - Exhibit A - existing law
2. 20230320 - Exhibit B - new law for Levitt lot
3. 20230320 - Exhibit C - new law back to back marked
4. 20230320 - Exhibit D - new law abutting land
5. 20230320 - Ordinance O-3-23





Exhibit B





Exhibit D

AN ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AMENDING THE CODE OF THE CITY OF BOWIE, CHAPTER 26 “ZONING,”
ARTICLE I “IN GENERAL” TO REFERENCE UPDATES TO THE PRINCE
GEORGE’S COUNTY ZONING ORDINANCE, TO AMEND VARIOUS
DEFINITIONS CONTAINED IN § 26-1 “DEFINITIONS”, TO AMEND § 26-2
“FENCES” TO CLARIFY WHERE FENCES MAY BE LOCATED; TO AMEND § 26-4
“PERMITTED VEHICLE PARKING IN THE R-R AND R-E ZONES” AND
REPEAL § 26-5 “VEHICLE PARKING IN THE R-55, R-80 AND R-T ZONES”, § 26-6
“VEHICLE PARKING IN THE R-30-C ZONE” AND § 26-7 “VEHICLE PARKING IN
THE O-S ZONE” TO CONSOLIDATE CITY CODE PROVISIONS REGARDING
THE TYPES OF VEHICLES THAT MAY BE PARKED IN RESIDENTIAL ZONES
IN THE CITY; AND OTHER MISCELLANEOUS NONSUBSTANTIVE CHANGES

WHEREAS, in 2018, the Prince George’s County Council Sitting as the District Council (“the District Council”) adopted Council Bill CB-13-2018, which comprehensively repealed and replaced the Prince George’s County Zoning Ordinance (“Zoning Ordinance”); and

WHEREAS, the Zoning Ordinance rewrite process concluded on November 29, 2021, when the Prince George’s County Council adopted CR-136-2021 approving a Sectional Map Amendment and making the Zoning Ordinance, subdivision regulations, and Landscape Manual effective on April 1, 2022. It should be noted, however, that there is a two-year transition period (through April 1, 2024); and

WHEREAS, the Code of the City of Bowie, Chapter 26 (“Chapter 26”) contains references to the prior Prince George’s County Zoning Ordinance that must be updated with references to the new Zoning Ordinance; and

WHEREAS, the City also desires to amend various definitions contained in Chapter 26 and clarify the types of vehicles that may be parked in the City; and

WHEREAS, after requests from City residents to allow fences on corner lots in locations that are currently not allowed, the City Council directed staff to review the issue, and City staff recommends that the City Council amend the required setbacks for fences located on corner lots, and

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WHEREAS, the City Council desires to make the proposed amendments, as well as to clarify the permissible location of fences in all yards of a residential lot.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland, that Chapter 26 of the Code of the City of Bowie, Article I “In General” is hereby amended to read as follows:

Article I. In General.

Sec. 26-1. Definitions.

*

*

*

2. "Inoperative Vehicle." A motor vehicle that is missing any of the following: its engine, tires, steering wheel, transmission, windows, fender, bumper, hood, or IS not displaying valid license plates for that vehicle or is partially dismantled or wrecked or ~~having~~ HAS one or more flat tires or that is otherwise unable to be moved under its own power.

3. "Vehicle, commercial." Any motor vehicle not qualifying as a camping vehicle or passenger vehicle as defined in this Section THAT IS designed or used for HAULING OR carrying freight, merchandise, passengers, EQUIPMENT, SUPPLIES or tools of a trade for compensation or in furtherance of any commercial enterprise OR ANY MOTOR VEHICLE ADVERTISING A COMMERCIAL ENTERPRISE WITH LETTERING EXCEEDING FOUR (4) INCHES IN HEIGHT.

4. "Vehicle, passenger." Any motor vehicle licensed by the State of Maryland as a Class A or Class D motor vehicle, or ~~an~~ A panel van under three hundred (300) cubic foot load space capacity, and any ~~pick-up~~ PICKUP truck with a capacity of three-quarters (3/4) of a ton or less, which has no lettering on the vehicle exceeding four (4) inches in height.

5. "Camping Vehicle." A vehicle, originally ~~sold to the consumer by a manufacturer or dealer~~ MANUFACTURED for recreational purposes, which is self-propelled or capable of being towed by a passenger motor vehicle and which provides facilities for temporary camping or sleeping or both including a unit designed to be carried by an open pickup truck. The term

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camping vehicle includes "travel trailer," "camper," "recreational vehicle," "motor home," and "truck camper."

* * *

9. "Controlled hazardous substance." Any hazardous substance that the Maryland Department of the Environment or any successor department or agency identifies as a controlled hazardous substance or ~~low-level~~ LOW-LEVEL nuclear waste.

10. "Storage Shed or Shed." Any NON-INHABITABLE small structure, either free-standing or attached to a larger structure, PROVIDED IT IS FULLY ENCLOSED, ~~serving as~~ USED OR DESIGNED TO BE USED FOR THE storage ~~for~~ OF TOOLS AND OTHER ITEMS residential uses.

* * *

12. "New Development". Any development proposed within the City of Bowie for which building permit applications are submitted subsequent to the effective date of Ordinance No. O-02-90 of the City of Bowie, MARCH 6, 1990.

13. "Accessory Building" OR "ACCESSORY STRUCTURE." A building OR STRUCTURE subordinate AND INCIDENTAL to, and located on the same lot AS THE ~~with a main building~~ PRINCIPAL STRUCTURE and used for an accessory use; structures used for the benefit of a ~~main building~~ PRIMARY STRUCTURE.

* * *

15. "Private Parking Garage." A building used for housing private ~~motor~~ PASSENGER vehicles, only one of which may be a commercial vehicle OF THE TYPE ALLOWED TO BE PARKED IN THE ZONE IN WHICH THE GARAGE IS LOCATED. A PRIVATE PARKING GARAGE IS ALSO KNOWN AS A RESIDENTIAL GARAGE. THE GARAGE SHALL BE EITHER AN ACCESSORY BUILDING (DETACHED) OR PART OF OR ATTACHED TO THE PRINCIPAL BUILDING OR STRUCTURE BY A COMMON WALL.

16. "Residential Storage: The keeping or storing of items relating to, or items which are suitable for use in connection with, the place where one lives.

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17. “PRINCIPAL STRUCTURE.” FOR THE PURPOSE OF ESTABLISHING SETBACKS, THE PRIMARY OR PREDOMINANT STRUCTURE ON ANY LOT OR PARCEL. FOR RESIDENTIAL PARCELS OR LOTS, THE PRINCIPAL STRUCTURE IS THE PRIMARY DWELLING.

~~17~~**18.** "Apparent Front Yard." The area of a residential lot between that part or parts of the PRINCIPAL building-STRUCTURE which THAT appear(s) to be its front because of its architectural features and orientation to a publicly dedicated street or private street or private parking area and the dedicated street.

~~18~~**19.** "Front Yard." ~~Front yard area shall be that~~ THE area OF A RESIDENTIAL LOT between the front of a PRINCIPAL structure and the publicly dedicated right-of-way, private right-of-way or parking area, extending the full width of the lot.

~~19~~**20.** "Rear Yard." ~~Rear yard area shall be that~~ THE area OF A RESIDENTIAL LOT between the rear of a THE PRINCIPAL structure and the rear lot line, extending ACROSS THE WIDTH OF A LOT between the side yards LOT LINES. ~~Except, if a rear lot line abuts a publicly dedicated right-of-way, private right-of-way or parking area (excluding through corner lots as defined herein) the rear yard shall extend the entire width of the rear lot line.~~

~~20~~**21.** "Side Street Yard." ~~Side street yard shall be that~~ THE area of a lot on a corner or through corner lot which THAT is not the apparent front yard, but which abuts a publicly dedicated right-of-way, private right-of-way or parking area.

~~21~~**22.** "Side Yard." ~~Side yard shall be that area between the side of a structure and the side lot line, extending from the front yard to the opposite (back) lot line.~~ THE AREA BETWEEN THE SIDE LOT LINE OR SIDE STREET LINE AND THE NEAREST PART OF A PRINCIPAL STRUCTURE (OR ITS ENCLOSED OR COVERED PROJECTION), EXTENDING FROM THE FRONT YARD TO THE REAR YARD OR, IN THE ABSENCE OF EITHER OF THESE YARDS, TO THE FRONT STREET LINE AND REAR LOT LINE. IN THE ABSENCE OF A FRONT STREET LINE, ALL YARDS ARE SIDE YARDS.

~~22~~**23.** "Through Corner Lot." A lot which abuts a publicly dedicated right-of-way, private right-of-way or parking area on three sides.

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24. “RESIDENTIAL BASE ZONE.” RESIDENTIAL BASE ZONES SHALL BE THOSE ZONES IDENTIFIED IN PRINCE GEORGE’S COUNTY CODE, SUBTITLE 27 ZONING ORDINANCE, PART 27-4 ZONES AND ZONE REGULATIONS, SECTION 27-4202 RESIDENTIAL BASE ZONES AS RESIDENTIAL BASE ZONES.

25. “RURAL AND AGRICULTURAL BASE ZONES.” RURAL AND AGRICULTURAL BASE ZONES SHALL BE THOSE ZONES IDENTIFIED IN PRINCE GEORGE’S COUNTY CODE, SUBTITLE 27 ZONING ORDINANCE, PART 27-4 ZONES AND ZONE REGULATIONS, SECTION 27-4201 RURAL AND AGRICULTURAL BASE ZONES AS RURAL AND AGRICULTURAL BASE ZONES.

Sec. 26-2. Fences.

* * *

b) Rule of construction. In applying the fence restrictions contained in this Section 26-2, the term “Front Yard” shall mean the “Apparent Front Yard” and the side, side street and rear yards of any lot shall be determined by their relationship to the apparent front yard of the lot. For through corner lots, one yard abutting a publicly dedicated right-of-way, private right-of-way or parking area shall be determined to be the apparent front yard as defined herein, and the other two yards abutting publicly dedicated rights-of-way or parking areas shall be side street yards.

C) GENERAL STANDARDS.

1) FENCES AND WALLS SHALL BE LOCATED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY.

2) UNLESS OTHERWISE PROHIBITED, FENCES ARE ALLOWED ON THE PROPERTY LINE BETWEEN TWO OR MORE PARCELS OF LAND HELD IN PRIVATE OWNERSHIP.

3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE INSTALLATION OF A REQUIRED GUARD OR FENCE ON A RETAINING WALL OR OTHER STRUCTURE.

4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE INSTALLATION OF TEMPORARY FENCING TO PROTECT EXISTING TREES, LIMIT SEDIMENTATION OR CONTROL EROSION.

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5) FENCES LOCATED WITHIN UTILITY EASEMENTS OR SURFACE DRAINAGE EASEMENTS SHALL RECEIVE WRITTEN AUTHORIZATION FROM THE EASEMENT HOLDER, THE CITY OR THE COUNTY, AS APPROPRIATE. THE CITY SHALL NOT BE RESPONSIBLE FOR DAMAGE TO, OR THE REPAIR OR REPLACEMENT OF, FENCES THAT MUST BE REMOVED TO ACCESS UTILITY EASEMENTS OR FACILITIES.

e-D) Front Yard Fences.

1) Except as hereinafter provided, fences are prohibited between the front building line of any residential dwelling and any publicly dedicated street, private street or parking area.

2) Notwithstanding the provisions of Subsection **e-D)1)** of this Section, front yard fences may be constructed beyond the front building line of those dwellings located in the Huntington Section of the City which were constructed prior to January 1, 1960, provided however, that said fences:

A. Shall not exceed four (4) feet in height;

B. Must be constructed of wood, cast iron or wire fencing materials, or other materials that are consistent with historic guidelines as established by the City and, to the ~~extend~~ **EXTENT** permitted by those guidelines, may incorporate stone and brick features; and

C. Are subject to a City building permit.

dE) Side Street Yard **INCLUDING CORNER LOT Fences**

1) Except as hereinafter provided, **ON CORNER LOTS WHERE THE BUILDING RESTRICTION LINE OF THE SIDE STREET YARD IS LOCATED TWENTY-FIVE (25) FEET FROM THE PROPERTY LINE,** fences are prohibited **IN THE SIDE YARD.** ~~between the side street yard building restriction line of any residential dwelling and any publicly dedicated street, private street or private parking area~~ **FENCES IN THE REAR YARD ON THESE CORNER LOTS SHALL BE AT LEAST FIFTEEN (15) FEET FROM THE PROPERTY LINE AT ANY GIVEN POINT ALONG OR ABUTTING THE SIDE STREET;** however, a fence may be located in any part of the side street yard of a lot where the side street yard lot line is a continuation of the rear yard lot line of the adjoining lot.

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2) EXCEPT AS HEREINAFTER PROVIDED, ON CORNER LOTS WHERE THE BUILDING RESTRICTION LINE OF THE SIDE STREET YARD IS LOCATED FIFTEEN (15) FEET FROM THE PROPERTY LINE OR THE ABUTTING PROPERTY IS A DEDICATED OPEN SPACE OR IS SUBJECT TO A CONSERVATION EASEMENT, IS UNDEVELOPED AND IS OWNED BY THE FEDERAL, STATE, COUNTY OR CITY GOVERNMENT OR A HOMEOWNER'S ASSOCIATION, FENCES ARE PROHIBITED BETWEEN THE BUILDING RESTRICTION LINE AND THE SIDE STREET; HOWEVER, A FENCE MAY BE LOCATED IN ANY PART OF THE SIDE STREET YARD OF A LOT WHERE THE SIDE STREET YARD LOT LINE IS A CONTINUATION OF THE REAR YARD LOT LINE OF THE ADJOINING LOT AND A FENCE MAY BE LOCATED IN ANY PART OF THE REAR YARD.

3) Notwithstanding the provisions of subsection ~~(d)(1)~~ (E)(1) of this section, side yard fences may be constructed between the side street yard building restriction line of any residential dwelling and any publicly dedicated street, private street or private parking area of those dwellings located in the Huntington section of the City which were constructed prior to January 1, 1960, provided however, that said fences:

A. Shall not exceed four (4) feet in height;

B. Must be constructed of wood, cast iron or wire fencing materials, or other materials which replicate fence types which were consistent with historic guidelines as established by the City and, to the extent permitted by those guidelines, may incorporate stone and brick features; and

C. Are subject to a City building permit.

e F) Rear Yard Fences. Fences in rear yards where the rear lot line is a continuation of the front yard line of the adjacent lot shall be set back 25 feet from the property line.

f G) All fences legally existing on NOVEMBER 24, 1992, the effective date of O-19-92, which do not comply with this Section shall be deemed non-conforming uses. All fences ~~which~~ THAT are erected subsequent to the effective date of O-19-92 that are intended to replace those fences deemed to be non-conforming uses shall conform to the requirements of this Section.

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A fence deemed to be a non-conforming use under this subsection that has been removed or destroyed through no fault of the owner and due to circumstances beyond the owner's control may be replaced or repaired in a manner substantially identical in all material respects to the fence so removed or destroyed. Consideration shall be given to the similarity of such factors as materials, height, length and fence location between the original fence and the replacement fence. Nothing contained in this subsection ~~hall~~SHALL be construed to prohibit the maintenance and repair of a non-conforming fence ~~as long as~~ PROVIDED THAT NEITHER THE FENCE POSTS NOR THE HORIZONTAL STRUCTURAL MEMBERS OF the fence RUNNING PARALLEL TO THE GROUND ARE REPLACED, THE FENCE is not changed in character, and THE repairs are made with materials substantially the same as the materials requiring maintenance or repair. REPAIR SHALL MEAN ORDINARY REPAIRS, TO INCLUDE THE REPLACEMENT IN KIND OF POST CAPS, GATES, GATE HARDWARE, AND VERTICAL PICKETS. NEITHER MAINTENANCE OR REPAIR SHALL INCLUDE THE RELOCATION OF ANY PORTION OF A FENCE, A CHANGE IN DIMENSIONS, DESIGN OR MATERIALS.

~~g~~H) Variance. The Board of Appeals may allow a variance from the strict application of this Section according to the procedures and standards set forth in Section 26-15. VARIANCES GRANTED PRIOR TO THE EFFECTIVE DATE OF ORDINANCE O-3-23, SHALL REMAIN IN FULL FORCE AND EFFECT.

~~h~~I) Temporary Fences; Model Homes. The provisions of this section do not prohibit the temporary placement of fences between the building restriction line of a model home and a dedicated street during the period of initial sales for a new residential development provided the following conditions are met:

* * *

J) Fences and walls (including retaining walls) more than six (6) feet high may not be located in any required yard and shall meet the setback requirements for main buildings.

* * *

Sec. 26-3A. Commercial Vehicles.

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Except as may otherwise be permitted in this chapter, no owner, occupant, or lessee of property within the city that is residentially zoned or improved with a residential structure, including but not limited to single-family dwellings, townhouses condominiums, and apartments may permit the storage, parking, or repair of a commercial vehicle exceeding the manufacturer's gross vehicle weight specifications of seventy-five hundred (7,500) pounds, or containing advertising or lettering that exceeds four (4) inches in height, or with over three-hundred (300) cubic feet of load space, or with dual rear wheels AXLES, or stake platform trucks, or crane or tow trucks, on said property, at any time except within a private parking garage.

Sec. 26-4. Permitted Vehicle Parking in the ~~R-R and R-E~~ **RESIDENTIAL BASE ZONES AND THE RURAL AND AGRICULTURAL BASE** Zones.

The parking or storing of vehicles in the ~~R-R (Rural Residential) and R-E (Residential Estate)~~ **RESIDENTIAL BASE AND THE RURAL AND AGRICULTURAL BASE** zones shall be limited to the following vehicles owned or used by the occupants of the premises and their bona fide guests:

- (a) Private passenger motor vehicles;
- (b) One (1) unoccupied camping vehicle;
- (c) One (1) watercraft and trailer designed to carry watercraft;
- (d) One (1) commercial vehicle, provided that such vehicle;
 - 1. Does not exceed the manufacturer's gross vehicle weight specifications of seventy-five hundred (7500) pounds,
 - 2. Contains no ~~advertising other than a firm name or similar designation in~~ lettering **OR BUSINESS LOGO** ~~not~~ exceeding four (4) inches in height,
 - 3. ~~but excluding vehicles exceeding~~ **DOES NOT EXCEED** three-hundred (300) cubic feet of load space, **AND**
 - 4. **IS NOT A** stake platform ~~trucks~~**TRUCK**, crane or tow ~~trucks~~**TRUCK**, and **OR A** ~~vehicles~~**VEHICLE** with dual rear wheels AXLES.

UNDERLINED BOLD SMALL CAPS: Indicate language added to the Bowie City Code.

Strikethrough: Indicates language deleted from the Bowie City Code.

***** Asterisks:** Indicate language in the Bowie City Code that remains unchanged, and which is not reflected in this Ordinance.

(e) Farm vehicles and farm machinery used on the premises, in conjunction with a permitted agricultural use;

(f) Buses, on the same lot with, and as an accessory use to, principal uses as private schools or churches, or other places of worship, provided that:

1. Such parking or storage area shall be in addition to any automobile parking compound on the premises, and shall be connected to a public street by means of a driveway, constructed in compliance with the CITY'S minimum standards AS SET FORTH IN THE GENERAL SPECIFICATIONS AND STANDARDS FOR STORM DRAIN AND STREET DESIGN AND CONSTRUCTION of the Prince George's County Department of Public Works and Transportation, having a minimum width of eleven (11) feet for each lane.

2. Such parking or storage area shall be screened from any adjoining land in any residential zone by a slightly, opaque wall, fence, or planting strip, or combination thereof; and

3. No repairs, service, maintenance, or gasoline dispensing or storage facility shall be permitted on the premises.

~~Sec. 26-5. Vehicle Parking in the R-55, R-80, and R-T Zones.~~

~~—The parking or storing of vehicles in the R-55/R-80 (one-Family, Detached Residential) and R-T (Residential Townhouse) zones shall be limited to the following vehicles owned or used by the occupants of the premises and their bona fide guests:~~

~~—(a) Private Passenger motor vehicles;~~

~~—(b) One (1) unoccupied camping vehicle;~~

~~—(c) One (1) watercraft and trailer designed to carry watercraft;~~

~~—(d) One (1) commercial vehicle subject to the restrictions and conditions described in the parking and storage of commercial vehicles in the R-R/R-E zones.~~

~~—(e) Buses subject to the restriction and conditions described under the parking and storage of buses in the R-R/R-E zones.~~

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~~Sec. 26-6. Vehicle Parking in the R-30-C Zone.~~

~~— The parking or storing of vehicles in the R-30-C zone (Multifamily, Low Density Residential Condominium) shall be limited to the following vehicles owned by the occupants of the premises and their bona fide guests.~~

- ~~— (a) Private passenger motor vehicles;~~
- ~~— (b) Unoccupied camping vehicles;~~
- ~~— (c) Watercraft and trailers designed to carry watercraft; and~~
- ~~— (d) Commercial vehicles subject to the restrictions and conditions described under the parking and storage of commercial vehicles in the R-R/R-E zones.~~

~~Sec. 26-7. Vehicle Parking in the O-S Zone.~~

~~— The parking or storing of vehicles in the O-S zone (Open Space) shall be limited to the following vehicles owned or used by the occupants of the premises and their bona fide guests:~~

- ~~— (a) Private passenger motor vehicle;~~
- ~~— (b) Unoccupied camping vehicles;~~
- ~~— (c) Watercraft and trailers designed to carry watercraft;~~
- ~~— (d) Commercial vehicles subject to the restrictions and conditions described under the parking and storage of commercial vehicles in the R-R/R-E zones;~~
- ~~— (e) Buses subject to the restrictions and conditions described under parking and storage of buses in the R-R/R-E zones.~~

SEC. 26-5. RESERVED.**SEC. 26-6. RESERVED.****SEC. 26-7. RESERVED.**

* * *

Sec. 26-11. Residential Storage.

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* * *

(h) The limitations on accessory buildings contained in ~~Section 27-442~~ of the Prince George's County Zoning Ordinance, **PART 27-4 ZONES AND ZONE REGULATIONS AND PART 27-5 USE REGULATIONS, SECTION 27-5200 ACCESSORY USES AND STRUCTURES** (i.e. setbacks, and total lot coverage) apply to accessory buildings within the City of Bowie, except as otherwise provided in this Chapter.

Section 26-12. Residential Parking.

* * *

(e) The limitations on private parking garages contained in ~~Section 27-442~~ **PART 27-4 ZONES AND ZONE REGULATIONS** of the Prince George's County Zoning Ordinance (i.e. setbacks and total lot coverage) apply to private parking garages within the City of Bowie, except as otherwise provided in this Chapter.

* * *

Sec. 26-12A. Signs.

(a) The provisions of Subtitle 27, “Zoning **ORDINANCE**”, Part ~~12~~, “~~Signs~~”, ~~Division 1, “General;” Division 2, “Administration”, Subdivision 1, “Permits”, and Subdivision 2, “Nonconforming use signs and nonconforming signs;” and Division 3 “Design standards”~~ **27-6 DEVELOPMENT STANDARDS, SECTION 27-61500** of the Code of Prince George’s County, Maryland as amended from time to time, are hereby adopted and incorporated herein by reference.

* * *

Sec. 26-14. Board of Appeals.

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* * *

(c) Powers.

1. The Board of Appeals may grant a variance from the strict application of a section within **ARTICLE I OF** this Chapter only where specifically so provided in that section and only pursuant to the standards and procedures set forth in Section 26-15 of this Chapter.

* * *

BE IT FURTHER ORDAINED that after the enactment of this Ordinance it shall be forwarded to the Prince George's County Council Sitting as the District Council ("District Council") for approval in accordance with Prince George's County Code, Subtitle 27 Zoning Ordinance, Part 27-3 Administration, Sec. 27-3300 Advisory and Decision Making Bodies, 27-3308 Municipalities.

BE IT FURTHER ORDAINED that, this Ordinance shall become effective upon its approval by the District Council, which shall be at least thirty (30) days after its enactment by the Council of the City of Bowie, Maryland, provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in the newspaper having general circulation in the City.

INTRODUCED by the Council of the City of Bowie, Maryland at a regular meeting on the ____ day of _____, 2023.

PASSED by the Council of the City of Bowie, Maryland at a regular meeting on the ____ day of _____, 2023.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez, City Clerk

By: _____
Timothy Adams, Mayor

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APPROVED AS TO FORM AND SUFFICIENCY:

Elissa D. Levan, City Attorney

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Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Consolidated Storage

DATE: 03/16/2023

On the agenda Monday night is an item concerning consolidated storage. City Council will discuss proposed County legislation restricting the location of consolidated storage facilities in the County (CB-11-2023, Draft #2) and a recent proposal to construct a consolidated storage facility on Elder Oaks Boulevard in the Covington neighborhood. Some facts about the legislation and the Elder Oaks proposal are provided below:

CB-11-2023

- 12/12/2022 – County Council presented Draft #1 of the bill and referred it to the Council's Planning, Housing and Economic Development (PHED) Committee.
- The original version of the bill prohibited Consolidated Storage in the CS, CGO, NAC, TAC Edge, and LTO Edge Zones of the Prince George's County Zoning Ordinance. There was no grandfathering included. According to the drafters of the bill, Consolidated Storage serves a purpose but does not generate economic activity. As such, Consolidated Storage should not be permitted to be built in areas where the land could be used to better benefit the County and its residents.
- 1/3/2023 – City Council conducted a public hearing on County legislation and directed staff to prepare a letter supporting CB-11-2023. A letter was sent to the PHED Committee recommending a FAVORABLE vote on the legislation.
- 1/19/2023 and 2/2/2023 – The PHED Committee held the bill in Committee.
- 2/7/2023 – The PHED Committee voted out Draft #2 of CB-11-2023 FAVORABLY. Draft #2 included amendments to require that all future facilities provide a minimum 1,500 square foot area for community non-profit (including business incubator) use, as well as access to one storage unit to serve the non-profit use. The second draft also included grandfathering for projects that have, or will have, conducted the required Pre-Application Neighborhood Meeting for a Detailed Site Plan by April 1, 2023.
- 2/21/2023 – The County Council amended CB-11-2023, Draft #2, with certain amendments affecting Special Exceptions and the Industrial Employment (IE) zone, then introduced the bill for public hearing.
- 3/10/2023 - City Council decided to send a letter supporting Draft #2 of CB-11-2023, with the recommendation that two specific properties (3610 Elder Oaks Boulevard, Bowie, MD 20716

and 16200 Old Central Avenue Bowie, MD 20774) be eliminated from the grandfathering provisions.

- The public hearing is scheduled for 2/28/2023.

Consolidated Storage Proposal at 3610 Elder Oaks Boulevard

- The applicant proposes the construction of a consolidated storage facility consisting of 115,500 square feet of gross floor area. The building will be three stories (36 feet) in height and provide approximately 959 individual storage units. Approximately 456 square feet will be devoted to office space. The building will front on, and be accessed by, Elder Oaks Boulevard.
- The site includes 2.34 acres and is zoned Commercial General Office (CGO).
- 11/14/2022 – The City received notice of a Pre-Application Neighborhood Meeting.
- 12/14/2022 - A Pre-Application Neighborhood Meeting (virtual) was held, with only two attendees (one being the City's Planning Director).
- 2/21/2023 – Two residents of Covington addressed City Council under Citizen Participation regarding their opposition of the Consolidated Storage facility proposed at 3610 Elder Oaks Boulevard.
- 3/8/2023 – Covington resident meeting was held at the Covington Recreation Center. Over 50 residents attended the meeting to hear from County Council Member Ingrid Watson, Mr. Edward Gibbs (attorney for the developer) and City staff. Attendees repeatedly expressed their dissatisfaction with a proposed storage facility and the existing commercial zoning.
- 3/10/2023 – The City received a public notice of a rescheduled Joint Public Hearing by the Prince George's County Council and Planning Board concerning the Sectional Map Amendment associated with the Approved Bowie-Mitchellville and Vicinity Area Master Plan. The Joint Public Hearing is now scheduled for May 9, 2023.

ATTACHMENTS: 1. 20230320 - Back Up Material - Consolidated Storage Discussion



City of Bowie

15901 Fred Robinson Way
Bowie, Maryland 20716

March 10, 2023

The Honorable Thomas Dernoga, Chair
Prince George's County Council
Wayne K. Curry Administration Building
1301 McCormick Drive, 2nd Floor
Largo, Maryland 20774

RE: CB-11-2023 (Draft #2), Consolidated Storage

Dear Chair Dernoga:

On Tuesday, January 3rd, the Bowie City Council conducted a public hearing and considered CB-11-2023. The City Council strongly supports the direction taken by the new County Council regarding the County Zoning Ordinance. The City Council agrees that consolidated storage uses are not appropriate for the County's commercial zoning districts, as they are often unsightly, out of character with surrounding development and take away valuable land area that should be reserved for quality retail opportunities.

Regarding Draft #2 of CB-11-2023, the City Council recommends that 3610 Elder Oaks Boulevard, Bowie, MD 20716 and 16200 Old Central Avenue Bowie, MD 20774 be removed from the grandfathering in CB-11.

The City Council urges your APPROVAL of CB-11-2023 (Draft #2), with the above noted revisions. Thank you for the opportunity to provide input on County zoning legislation and for your serious consideration of the City's recommendation.

Sincerely,

Bowie City Council
Timothy J. Adams
Mayor

cc: The Honorable Ingrid S. Watson

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2023 Legislative Session

Bill No. CB-011-2023
 Chapter No. _____
 Proposed and Presented by Council Members Ivey, Dernoga, Blegay, Burroughs, Olson, Oriadha
 Introduced by _____
 Co-Sponsors _____
 Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Consolidated Storage

3 For the purpose of prohibiting Consolidated Storage in certain Non-Residential and Transit-
 4 Oriented/Activity Center Base Zones of Prince George's County; providing a limited transition
 5 period subject to additional development requirements; defining community non-profit space;
 6 and specifying that existing uses shall not be deemed nonconforming.

7 BY repealing and reenacting with amendments:

8 Sections 27-2500, 27-5101, 27-5102, and 5402,

9 The Zoning Ordinance of Prince George's County, Maryland,

10 being also

11 SUBTITLE 27. ZONING.

12 The Prince George's County Code

13 (2019 Edition; 2022 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 15 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
 16 District in Prince George's County, Maryland, that Sections 27-2500, 27-5101, 27-5102, and 27-
 17 5402 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of

the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 27-2. INTERPRETATION AND DEFINITIONS.

SECTION 27-2500. DEFINITIONS.

Sec. 27-2500. Definitions.

(a) The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this Section.

* * * * *

Community Non-Profit Space

Building space leased to a non-profit community service agency, social service, or arts organization that is primarily available to the public for educational, recreational, community service, social service, or other civic purposes, and not operated for profit.

* * * * *

PART 27-5. USE REGULATIONS.

SECTION 27-5100. PRINCIPAL USES.

27-5101. Principal Use Tables

(d) Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones

Table 27-5101(d): Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones																	
P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited																	
Principal Use Category	Principal Use Type	Nonresidential Base Zones					Transit-Oriented/Activity Center Base Zones								Other Base Zones	Use-Specific Standards	
							NAC	TAC		LTO		RTO-L		RTO-H			
		CN	CS	CGO	IE	IH			Core	Edge	Core	Edge	Core	Edge	Core		Edge
Industrial Uses																	
Warehouse and Freight Movement Uses	Cold storage plant or distribution warehouse	X	X	X	SE	P	X	X	P	X	X	X	X	X	X	X	Refer to special exception standards.
	Consolidated storage	X	[SE]X	[P]X	P	P	[SE]X	X	[SE]X	X	[SE]X	X	X	X	X	X	27-5102(f)(4)(A) and refer to special exception standards
	Motor freight facility	X	X	X	SE	P	X	X	X	X	X	X	X	X	X	X	Refer to special exception standards <u>27-5400</u>
	Outdoor storage (as a principal use)	X	SE	X	P	P	X	X	X	X	X	X	X	X	X	X	27-5102(f)(4)(B) and to refer to special exception standards
	Storage warehouse	X	SE	X	P	P	X	X	P	X	X	X	X	X	X	X	Refer to special exception standards
	Warehouse showroom	X	SE	X	P	P	X	X	P	X	X	X	X	X	X	X	27-5102(f)(4)(C) and refer to special exception standards
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

Sec. 27-5102. Requirements for Permitted Principal Uses

(a) General

(1) Standards for a specific principal use shall apply to the particular individual principal use regardless of the zone in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This Section sets forth and consolidates the standards for all principal uses for which a reference to this Section is provided in the "Use-Specific Standards" column of the principal use tables in Section 27-5101, Principal Use Tables. These standards may be modified by other applicable standards or requirements in this Ordinance.

* * * * *

(f) Industrial Uses

* * * * *

(4) Warehouse and Freight Movement Uses

(A) Consolidated Storage

* * * * *

(vii) In the CGO Zone, the property owner shall set aside of minimum of 1,500 square feet of gross floor area of commercial/retail/office space at ground level or above ground level at zero base rent to be leased as a business incubator or Community Non-Profit Space, as defined in Section 27-2500 of this Code, subject to the following:

(aa) If the Community Non-Profit Space is located above ground level, the property owner shall ensure that space is handicapped accessible, and shall provide adequate signage so that the public can locate the space.

(bb) Occupancy and use of the Community Non-Profit Space shall be subject to a Community Benefit Agreement executed by the property owner and Community Non-Profit Organization, as approved by the District Council. Said Community Benefit Agreement shall be binding on all successors, heirs, and assigns of the property.

(cc) The property owner shall ensure that the Community Non-Profit tenant access to at least one (1) large storage unit on the property.

* * * * *

SECTION 27-5400. SPECIAL EXCEPTION USES.

Sec. 27-5402. Additional Requirements for Specific Special Exception Uses.

* * * * *

(u) Consolidated Storage

(1) Consolidated storage may be permitted, subject to the following:

* * * * *

(I) in the CS, NAC, TAC-E, and LTO-E Zones, the property owner shall set aside of minimum of 1,500 square feet of gross floor area of commercial/retail/office space at ground level or above ground level at zero base rent to be leased as Community Non-Profit Space, as defined in Section 27-2500 of this Code, subject to the following:

(i) If the Community Non-Profit Space is located above ground level, the property owner shall ensure that space is handicapped accessible, and shall provide adequate signage so that the public can locate the space.

(ii) Occupancy and use of the Community Non-Profit Space shall be subject to a Community Benefit Agreement executed by the property owner and Community Non-Profit organization. Said Community Benefit Agreement shall be binding on all successors, heirs, and assigns of the property.

(iii) The property owner shall ensure that the Community Non-Profit tenant access to at least one (1) large storage unit on the property.

* * * * *

SECTION 2. BE IT FURTHER ENACTED that, for proposed uses inside I-95/I-495 (the “Capital Beltway”), no Detailed Site Plan for a consolidated storage use in a non-industrial zone shall be approved after March 1, 2023, except for any proposed development of consolidated storage which has completed a Pre-Application Conference pursuant to Section 27-3401 before April 1, 2023; provides Community Non-Profit Space; and is adjacent to an existing consolidated storage use.

SECTION 3. BE IT FURTHER ENACTED that any proposed development of a consolidated located outside I-95/I-495 (the “Capital Beltway”) that has completed a Pre-Application Neighborhood Meeting for a Detailed Site Plan pursuant to Section 27-3402, prior to April 1, 2023, may be reviewed and decided in accordance with the use regulations in effect prior to the effective date of this Ordinance.

SECTION 4. BE IT FURTHER ENACTED that all uses in existence on the effective date of this Ordinance may continue and shall be permitted and not deemed nonconforming uses.

1 SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
2 (45) calendar days after its adoption.

Adopted this ____ day of _____, 2023.

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: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2023 Legislative Session

Amendment Introduced by Council Members Ivey and Burroughs

Bill No. CB-011-2023 (DR-2)

Amendment No. 1

Amendment Introduced by Council on February 21, 2023

PROPOSED AMENDMENT

- 1 1. On Page 5, in Line 12, insert "business incubator or" before "Community Non-Profit".
- 2 2. On Page 6, in Line 9, insert "Special Exception or" before "Detailed Site Plan".
- 3 3. On Page 4, after Line 26, insert the following:
- 4 "(viii) Property in the IE Zone that was rezoned from the I-3 Zone, and that is adjacent
- 5 to land in the RE Zone, shall not develop with Consolidated Storage uses."



Prince George's County Council

Agenda Item Summary

Meeting Date: 2/21/2023

Effective Date:

Reference No.: CB-011-2023

Chapter Number:

Draft No.: 2

Public Hearing Date:

Proposer(s): Ivey, Dernoga, Blegay, Burroughs, Olson and Oriadha

Sponsor(s): Ivey, Dernoga, Blegay, Burroughs, Olson and Oriadha

Item Title: AN ORDINANCE CONCERNING CONSOLIDATED STORAGE for the purpose of prohibiting Consolidated Storage in certain Non-Residential and Transit -Oriented / Activity Center Base Zones of Prince George's County; providing a limited transition period subject to additional development requirements; defining community non-profit space; and specifying that existing uses shall not be deemed nonconforming.

Drafter: Dinora Hernandez, Legislative Officer

Resource Personnel: Michelle Garcia, Chief of Staff, District 2
John Sheridan, Policy Director, District 5

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
12/12/2022	County Council	presented and referred	PHED
	Action Text: This Council Bill was presented by Council Members Ivey, Dernoga, Blegay, Burroughs, Olson, and Oriadha and referred to the Planning, Housing and Economic Development Committee.		
01/19/2023	PHED	Held in Committee	
	Action Text: This Council Bill was Held in Committee		
02/02/2023	PHED	Held in Committee	
	Action Text: A motion was made by Chair Ivey, seconded by Council Member Blegay, that this Council Bill be Held in Committee. The motion carried by the following vote: Aye: 5 Ivey, Olson, Blegay, Dernoga and Oriadha		
02/07/2023	PHED	Favorably recommended with amendments	County Council

Action Text:

A motion was made by Chair Ivey, seconded by Vice Chair Olson, that this Council Bill be Favorably recommended with amendments to the County Council. The motion carried by the following vote:

Aye: 5 Ivey, Olson, Blegay, Dernoga and Oriadha

AFFECTED CODE SECTIONS:

BACKGROUND INFORMATION/FISCAL IMPACT:

This bill will prohibit Consolidated Storage in the CS, CGO, NAC, TAC Edge, and LTO Edge Zones of the Prince George's County Zoning Ordinance. Consolidated Storage serves a purpose, but does not generate economic activity. As such, Consolidated Storage should not be permitted to be built in areas where the land could be used to better benefit the County and its residents.

Document(s): B2023011, CB-011-2023 Summary, CB-011-2023 Report, CB-011-2023 OOL Comment updated 02-01-2023, CB-011-2023 Planning Board Votes Letter, CB-011-2023 Planning Board Analysis_, CB-011-2023 MNCPPC_Consolidated Storage List and Map, IE-CD5-PGC

PRINCE GEORGE'S COUNTY COUNCIL
COMMITTEE REPORT
2023 Legislative Session

Reference No.: CB-011-2023

Draft No.: 2

Committee: PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

Date: 2/7/2023

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Ivey, Blegay, Dernoga, Olson and Oriadha)

The Planning, Housing and Economic Development (PHED) Committee convened on January 19, 2023, February 2, 2023, and February 7, 2023, to consider CB-11-2023. At the January 19 Committee work session, the Planning, Housing and Economic Development (PHED) Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. As presented on December 12, 2022, this legislation amends the Zoning Ordinance to prohibit Consolidated Storage in the CS, CGO, NAC, TAC Edge, and LTO Edge Zones.

The Planning Board voted to take no position on the legislation with amendments as explained in a January 12, 2023, letter to the Council Chairman as follows:

“The Planning Board understands that the limitation of consolidated storage facilities is a policy decision of the District Council. There are no major Planning Board objections to removing these facilities from the NAC, TAC-E, LTO-E, and CGO Zones. Consolidated storage facilities are currently allowed in the CS Zone with the approval of a special exception, but this bill would prohibit the use in the CS Zone.

Still, this bill proposes to make a substantive change to the new Zoning Ordinance without a complete analysis of the impact of the change. The Planning Board does note that this bill will create at least twenty-one nonconforming uses should it pass as drafted. Also, the Planning Board notes for District Council’s consideration that changing the transitional and grandfathering provisions for certain uses and not others could lead to an inequity among businesses in the County.

These facilities are typically quiet, low investment uses with high returns. There are countywide implications for limiting “consolidated storage” uses to industrial zones and placing an unnecessary burden on residents who may need these facilities closer to their homes. It also will contribute to increases in vehicle miles traveled and truck miles. Consolidated storage facilities serve a valid community need.

Additionally, the new Zoning Ordinance includes design standards that promote attractive, high-quality consolidated storage facilities wherever they may be built.

If the District Council decides to move forward with this legislation, the Planning Board would like to recommend amendments to the bill.”

The Planning Board’s recommended amendments are as follows:

“On page 1, lines 3 through 4, revise the purpose statement to read as follows: “For the purpose of prohibiting Consolidated Storage in certain Non-Residential [,] and Transit-Oriented/Activity Center Base[d] Zones of the Zoning Ordinance of Prince George's County.”

On page 2, the proposed revisions to the table of uses to replace the term "Refer to special exception standards" with a specific reference to Section 27-5400 should be removed from the bill. There was a conscious decision to use the phrase "refer to special exception standards" for special exception (SE) references because there are two aspects of standards that apply to all SEs: the general standards of Section 27-5401 and whatever specific standards apply to a specific use within Section 27-5402. It was thus easiest to refer at a high level to the SE standards instead of codifying links to separate Sections for each use requiring SE approval. The Planning Board also notes that changing a very small portion of the use tables represented by this column, in this bill, creates an inconsistency with the rest of the use tables in the new Zoning Ordinance and is inappropriate.”

PHED Committee Chair Ivey, the bill sponsor, indicated that the Committee meeting was an opportunity to receive and review comments for pending amendments and no action by the Committee was expected at that time. Ms. Ivey commented on a map prepared by M-NCPPC Planning staff at her request to show all the I-1 Zone property in the County where consolidated storage uses would still be allowed. M-NCPPC Planning Department Intergovernmental Liaison Rana Hightower summarized the Planning Board’s position and recommended amendments. Chief Zoning Hearing Examiner Maurene McNeil concurred with the Planning Board recommended amendment to the purpose clause. Deputy County Attorney Joe Ruddy reserved comment on the bill until amendments were finalized. Deputy Chief Administrative Office for Economic Development Angie Rodgers stated that the County Executive had no position at the time also noting concerns with removal of zones intended for commercial uses. Ms. Rodgers commented that the Administration appreciates the policy intent of the legislation; however, a core tenet of their economic development platform is more commercial uses to support the residential community.

Several speakers who registered to speak via the eComment portal and in person testified regarding their concerns with the legislation as drafted and requested the bill include grandfathering provisions for pending applications and to allow the use to remain in commercial zones by special exception.

Council Member Burroughs offered an opportunity for individuals who testified to attend civic association meetings in his district to hear residents’ concerns with the increasing number of liquor stores, storage and gas station uses in their communities.

The legislation was held in Committee to allow time for preparation of amendments.

During the February 2 meeting, PHED Chair Ivey indicated that she was continuing to work on the bill with the industry and her intent to have a revised draft discussed during a PHED Committee meeting to be held on February 7. Ms. Ivey spoke to the positive feedback she has received from residents who support her goal to locate these facilities only in industrial areas and

not popping up all around them.

Jose Sousa, Assistant Deputy Chief Administrative Officer for Economic Development, indicated the Administration's concurrence with the Planning Board analysis, support of the bill and awaiting the proposed amendments.

The Committee voted to hold the legislation until the February 7 PHED Committee meeting.

During the February 7 meeting, the Committee reviewed a Proposed DR-2 with shaded amendments that were summarized by the Council's Zoning and Legislative Counsel as follows:

On page 1:

AN ORDINANCE concerning

Consolidated Storage

For the purpose of prohibiting Consolidated Storage in CERTAIN Non-Residential AND Transit-Oriented/Activity Center Based Zones of ~~the Zoning Ordinance of~~ Prince George's County ; PROVIDING A LIMITED TRANSITION PERIOD SUBJECT TO ADDITIONAL DEVELOPMENT REQUIREMENTS; DEFINING COMMUNITY NON-PROFIT SPACE; AND SPECIFYING THAT EXISTING USES SHALL NOT BE DEEMED NONCONFORMING.

BY repealing and reenacting with amendments:

Sections 27-2500, 27-5101, 27-5102, and 5402,

On page 2:

PART 27-2. INTERPRETATION AND DEFINITIONS.

SECTION 27-2500. DEFINITIONS.

Sec. 27-2500. Definitions.

(a) The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this Section.

* * * * *

COMMUNITY NON-PROFIT SPACE

BUILDING SPACE LEASED TO A NON-PROFIT COMMUNITY SERVICE AGENCY, SOCIAL SERVICE, OR ARTS ORGANIZATION THAT IS PRIMARILY AVAILABLE TO THE PUBLIC FOR EDUCATIONAL, RECREATIONAL, COMMUNITY SERVICE, SOCIAL SERVICE, OR OTHER CIVIC PURPOSES, AND NOT OPERATED FOR PROFIT.

On page 3, remove the brackets that were in Draft-1 so that the following phrases remain in the table:

	{Refer to special exception standards} 27-5400
27-5102(f)(4)(A) {and refer to special exception standards}	27-5402
	{Refer to special exception standards} 27-5400
27-5102(f)(4)(B) {and refer to special exception standards}	27-5400
	{Refer to special exception standards} 27-5400
27-5102(f)(4)(C) {and refer to special exception standards}	27-5400

On pages 4 and 5:

Sec. 27-5102. Requirements for Permitted Principal Uses

(a) General

(1) Standards for a specific principal use shall apply to the particular individual principal use regardless of the zone in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This Section sets forth and consolidates the standards for all principal uses for which a reference to this Section is provided in the "Use-Specific Standards" column of the principal use tables in Section 27-5101, Principal Use Tables. These standards may be modified by other applicable standards or requirements in this Ordinance.

* * * * *

(f) Industrial Uses

* * * * *

(4) Warehouse and Freight Movement Uses

(A) Consolidated Storage

* * * * *

(vii) IN THE CGO ZONE, THE PROPERTY OWNER SHALL SET ASIDE OF MINIMUM OF 1,500 SQUARE FEET OF GROSS FLOOR AREA OF COMMERCIAL/RETAIL/OFFICE SPACE AT GROUND LEVEL OR ABOVE GROUND LEVEL AT ZERO BASE RENT TO BE LEASED AS COMMUNITY NON-PROFIT SPACE, AS DEFINED IN SECTION 27-2500 OF THIS CODE, SUBJECT TO THE FOLLOWING:

(aa) IF THE COMMUNITY NON-PROFIT SPACE IS LOCATED

ABOVE GROUND LEVEL, THE PROPERTY OWNER SHALL ENSURE THAT SPACE IS HANDICAPPED ACCESSIBLE, AND SHALL PROVIDE ADEQUATE SIGNAGE SO THAT THE PUBLIC CAN LOCATE THE SPACE.

(bb) OCCUPANCY AND USE OF THE COMMUNITY NON-PROFIT SPACE SHALL BE SUBJECT TO A COMMUNITY BENEFIT AGREEMENT EXECUTED BY THE PROPERTY OWNER AND COMMUNITY NON-PROFIT ORGANIZATION. SAID COMMUNITY BENEFIT AGREEMENT SHALL BE BINDING ON ALL SUCCESSORS, HEIRS, AND ASSIGNS OF THE PROPERTY.

(cc) THE PROPERTY OWNER SHALL ENSURE THAT THE COMMUNITY NON-PROFIT TENANT ACCESS TO AT LEAST ONE (1) LARGE STORAGE UNIT ON THE PROPERTY.

* * * * *

SECTION 27-5400. SPECIAL EXCEPTION USES.

Sec. 27-5402. Additional Requirements for Specific Special Exception Uses.

* * * * *

(u) Consolidated Storage

(1) Consolidated storage may be permitted, subject to the following:

* * * * *

(I) IN THE CS, NAC, TAC-E, AND LTO-E ZONES, THE PROPERTY OWNER SHALL SET ASIDE OF MINIMUM OF 1,500 SQUARE FEET OF GROSS FLOOR AREA OF COMMERCIAL/RETAIL/OFFICE SPACE AT GROUND LEVEL OR ABOVE GROUND LEVEL AT ZERO BASE RENT TO BE LEASED AS COMMUNITY NON-PROFIT SPACE, AS DEFINED IN SECTION 27-2500 OF THIS CODE, SUBJECT TO THE FOLLOWING:

(i) IF THE COMMUNITY NON-PROFIT SPACE IS LOCATED ABOVE GROUND LEVEL, THE PROPERTY OWNER SHALL ENSURE THAT SPACE IS HANDICAPPED ACCESSIBLE, AND SHALL PROVIDE ADEQUATE SIGNAGE SO THAT THE PUBLIC CAN LOCATE THE SPACE.

(ii) OCCUPANCY AND USE OF THE COMMUNITY NON-PROFIT SPACE SHALL BE SUBJECT TO A COMMUNITY BENEFIT AGREEMENT EXECUTED BY THE PROPERTY OWNER AND COMMUNITY NON-PROFIT ORGANIZATION. SAID COMMUNITY BENEFIT AGREEMENT SHALL BE BINDING ON ALL SUCCESSORS, HEIRS, AND ASSIGNS OF THE PROPERTY.

(iii) THE PROPERTY OWNER SHALL ENSURE THAT THE COMMUNITY NON-PROFIT TENANT ACCESS TO AT LEAST ONE (1) LARGE STORAGE UNIT ON THE PROPERTY.

On page 6:

SECTION 2. BE IT FURTHER ENACTED that, for proposed uses inside I-95/I-495 (the “Capital Beltway”), no Detailed Site Plan for a consolidated storage use in a non-industrial zone shall be approved after March 1, 2023, except for any proposed development of consolidated storage which has completed a Pre-Application Conference pursuant to Section 27-3401 before April 1, 2023; provides Community Non-Profit Space; and is adjacent to an existing consolidated storage use.

SECTION 3. BE IT FURTHER ENACTED that any proposed development of a consolidated located outside I-95/I-495 (the “Capital Beltway”) that has completed a Pre-Application Neighborhood Meeting for a Detailed Site Plan pursuant to Section 27-3402, prior to April 1, 2023, may be reviewed and decided in accordance with the use regulations in effect prior to the effective date of this Ordinance.

SECTION 4. BE IT FURTHER ENACTED that all uses in existence on the effective date of this Ordinance may continue and shall be permitted and not deemed nonconforming uses.

Mr. Ruddy, Mr. Sousa, Ms. Hightower and Ms. McNeil reserved comments on Proposed DR-2 indicating that additional time was needed to review the revisions.

On a motion by Council Chair Dernoga and second by PHED Committee Chair Ivey, the Committee voted, 5-0, for an additional amendment on page 4, line 28 to insert “AS APPROVED BY THE DISTRICT COUNCIL” at the end of the sentence.

On a motion by PHED Committee Chair Ivey and second by Council Member Oriadha, the Committee voted, 5-0, for an additional amendment to include “BUSINESS INCUBATOR”. Council’s Zoning and Legislative Counsel suggested including the term in the definition of “Community Non-Profit Space”. Upon consideration, Counsel determined that the term “business incubator” connotes for-profit businesses; as such, the term appears within the regulation language added to proposed new Section 27-5102(f)(4)(A)(vii) of the legislation.

On a motion by PHED Committee Chair Ivey and second by Council Member Olson, the Committee voted favorable, 5-0, on CB-11-2023 Proposed DR-2 as amended.

After discussion, on a motion by Committee Chair Franklin and second by Council Member Hawkins, the Committee voted favorable, 4-1, on CB-78-2022 Proposed DR-2.



Ingrid S. Watson
Council Member
District 4

People-Powered, People-Engaged

CB-011-2023

Bill Number: CB-011-2023

Name of Bill: Consolidated Storage Bill

Sponsors: Dernoga, Blegay, Burroughs, Ivey, Olson, Oriadha

Co-Sponsors: Hawkins

Bill Type: Storage Bill

Status: On February 21, 2023, the bill was read by the Chair in full County Council Committee. A Committee Report was read by CM Ivey from the Planning, Housing, Economic Development (PHED) Committee. A motion was made to move the Amendment 1 and it was seconded by VC Blegay. The motion carried 10-0. CB-011-2023 as amended stands introduced.

Bill Overview: This bill will prohibit Consolidated Storage in the CS, CGO, NAC, TAC Edge, and LTO Edge Zones of the Prince George's County Zoning Ordinance. Consolidated Storage serves a purpose but does not generate economic activity. As such, Consolidated Storage should not be permitted to be built in areas where the land could be used to better benefit the County and its residents.

Rationale for the Bill: The bill prohibits the "consolidated storage" principal use in the Commercial Service (CS), Commercial General Office (CGO), Neighborhood Activity Center (NAC), Town Activity Center (TAC-E) Edge, and Local Transit-Oriented (LTO-E) Edge Zones. There are 21 existing consolidated storage facilities that this legislation would impact. The consolidated facilities are located as follows: twelve in the CS, four in the CGO, three in the NAC, zero in the TAC-Edge, and two in the LTO-Edge Zones. The bill would allow consolidated storage in only three zones: the Industrial Employment (IE), Industrial Heavy (IH), and Industrial/Employment Planned Development (IE-PD) Zones. This bill was presented two years ago as CB-100-2021.

Impact to D4: This bill would specifically affect District 4's storage units that are currently allowed in the CS Zone with the approval of a special exception, but this bill would prohibit the use in the CS Zone. There are four sites in D4 that are grandfathered in and allowed to move forward. Special exception status retains a balance between the general undesirability of the use and the need to mitigate adverse impacts on adjacent communities to allow this use to be provided in areas where industrial zoning may not be commonly found, but where the CS Zone may exist in closer proximity to County residents.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2023 Legislative Session

Bill No. CB-011-2023
Chapter No. _____
Proposed and Presented by Council Members Ivey, Dernoga, Blegay, Burroughs, Olson, Oriadha
Introduced by _____
Co-Sponsors _____
Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning
2 Consolidated Storage
3 For the purpose of prohibiting Consolidated Storage in Non-Residential, Transit-
4 Oriented/Activity Center Based Zones of the Zoning Ordinance of Prince George's County.
5 BY repealing and reenacting with amendments:

6 Section 27-5101,
7 The Zoning Ordinance of Prince George's County, Maryland,
8 being also
9 SUBTITLE 27. ZONING.
10 The Prince George's County Code
11 (2019 Edition; 2022 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
14 District in Prince George's County, Maryland, that Section 27-5101 of the Zoning Ordinance of
15 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
16 be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 27-5. USE REGULATIONS.

SECTION 27-5100. PRINCIPAL USES.

27-5101. Principal Use Tables

(d) Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones

Table 27-5101(d): Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones																		
P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited																		
Principal Use Category	Principal Use Type	Nonresidential Base Zones					Transit-Oriented/Activity Center Base Zones										Other Base Zones	Use-Specific Standards
		CN	CS	CGO	IE	IH	NAC	TAC		LTO		RTO-L		RTO-H				
								Core	Edge	Core	Edge	Core	Edge	Core	Edge	RMH		
Industrial Uses																		
Warehouse and Freight Movement Uses	Cold storage plant or distribution warehouse	X	X	X	SE	P	X	X	P	X	X	X	X	X	X	X	[Refer to special exception standards.] 27-5400	
	Consolidated storage	X	[SE]X	[P]X	P	P	[SE]X	X	[SE]X	X	[SE]X	X	X	X	X	X	27-5102(f)(4)(A) [and refer to special exception standards] 27-5400	
	Motor freight facility	X	X	X	SE	P	X	X	X	X	X	X	X	X	X	X	[Refer to special exception standards] 27-5400	
	Outdoor storage (as a principal use)	X	SE	X	P	P	X	X	X	X	X	X	X	X	X	X	27-5102(f)(4)(B) [and refer to special exception standards] 27-5400	
	Storage warehouse	X	SE	X	P	P	X	X	P	X	X	X	X	X	X	X	[Refer to special exception standards] 27-5400	
	Warehouse showroom	X	SE	X	P	P	X	X	P	X	X	X	X	X	X	X	27-5102(f)(4)(C) [and refer to special exception standards] 27-5400	
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	

1 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
2 (45) calendar days after its adoption.

Adopted this _____ day of _____, 2023.

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: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

* * * * * * * *

PRE-APPLICATION NEIGHBORHOOD MEETING

WRITTEN SUMMARY

DETAILED SITE PLAN (DET-2022-013)

Pursuant to Section 27-3402 of the new Zoning Ordinance, a Pre-Application Neighborhood Meeting was held on December 14, 2022 at 6:30 p.m. regarding Detailed Site Plan DET-2022-013. The Applicant, JSF Elder Oaks, LLC, is proposing the construction of a 116,100± square foot consolidated storage facility on certain property located at 3610 Elder Oaks Boulevard, Bowie, Maryland 20716. The property comprises approximately 2.34 acres and is depicted as Parcel 7C on Tax Map 55, Grid D-3. It is located within the municipal limits of the City of Bowie. Because the proposal involves nonresidential development in excess of 25,000 square feet of gross floor area, a Detailed Site Plan must be approved in accordance with Section 27-3605 of the Zoning Ordinance.

As required by Section 27-3401, the applicant attended a Pre-Application Conference with staff on July 1, 2022. Thereafter, staff provided comments as well as a mailing list and Zoning Sketch Map for the Pre-Application Neighborhood Meeting. Section 27-3402(c) requires the applicant to provide mailing notice and post the property at least 30 days in advance of the Pre-Application Neighborhood Meeting. On November 14, 2022, the applicant provided mailing notice of the Pre-Application Neighborhood Meeting utilizing the sample mailing letter provided by the Maryland-National Capital Park and Planning Commission ("M-NCPPC"). The mailing notice was sent to all recipients identified on the mailing list provided by staff. Copies of the affidavit of mailing, the mailing letter, Zoning Sketch Map, list of recipients and mailing list receipt are attached collectively as Exhibit "A." Signs were also posted on the property on November 14, 2022. The signs were prepared utilizing the sign template provided by M-NCPPC. Section 27-3407(b)(6)(A) sets forth the posting requirements. In accordance therewith, two signs were posted in a "v" shape along the property's Elder Oaks Boulevard frontage. A photograph depicting the signs is marked Exhibit "B" and attached hereto. The applicant confirmed with Cheryl Summerlin that a sign posting affidavit is not required for Pre-Application Neighborhood Meetings.

The applicant was unable to secure a neutral location to host the Pre-Application Neighborhood Meeting in person. Therefore, the Pre-Application Neighborhood Meeting was hosted virtually via Zoom. As seen on Exhibits "A" and "B," a Zoom meeting link was provided in the mailing letter as well as on the sign posting. The meeting began promptly at 6:30 p.m. The applicant's attorney, Edward C. Gibbs, Jr., provided a detailed description of the development proposal. The meeting also featured a visual presentation. The visual presentation included several documents, such as maps depicting the site vicinity, aerial photography and zoning. The site plan, as well as renderings and elevations, were also presented. Finally, a summary of the development review process, and a development fact sheet, were also provided. Each of these documents were required to be presented pursuant to Section 27-3402(c)(3)(B). Copies of all documents presented during the meeting are attached as Exhibit "C."

Despite the public notice provided, the meeting was sparsely attended. Aside from members of the applicant's development team, the only additional attendees were: a representative from the current property owner; Joe Meinert (Planning Director, City of Bowie); and Calisa Smith, a resident of the nearby Summerfield in Covington community. Due to the virtual nature of the meeting, a traditional sign in sheet could not be utilized. Instead, the applicant's representative requested that each attendee provide their contact information via the Zoom chat feature. Ms. Calisa Smith provided her email address but declined to include her address and phone number. As an employee of the City of Bowie, Mr. Meinert's contact information is publicly available. A list of meeting attendees is marked Exhibit "D" and attached hereto.

Following the presentation, attendees were offered the opportunity to ask questions and provide comments. Ms. Calisa Smith was the first to provide input. Ms. Smith's questions, and the applicant's responses, are highlighted below:

Smith Question 1: In conjunction with the consolidated storage operation, will the applicant be providing U-Haul truck rentals and storage?

Applicant's Response: U-Haul trucks will not be provided. Parking will only be available to patrons who are accessing their individual storage units.

Smith Question 2: Are the applicant's other consolidated storage projects located in residential areas such as the instant proposal?

Applicant's Response: The applicant has constructed three other consolidated storage facilities in Prince George's County. Two of these facilities abut residential development. In those cases, measures have been taken to reduce the building viewshed through landscaping and other screening techniques. Similar techniques are proposed in this application.

Smith Question 3: How long will building construction take?

Applicant's Response: Based upon construction timelines of other similar projects constructed by the applicant, it is estimated that this project could take 12-13 months to complete construction. However, supply chain issues and the ability to source building materials could cause construction time to increase.

Smith Question 4: Given that the majority of parking will be located behind the building, are there any steps that can be taken to mitigate the risk of criminal/mischief behavior in the parking area?

Applicant's Response: The property will be heavily monitored with extensive use of video surveillance. Substantial lighting will also be provided in the evening hours throughout the parking area to discourage unwanted activity on the premises. In response to Ms. Smith's concerns, the applicant is now proposing ornamental fencing around the rear parking area. The parking area will be secured behind a pivot gate which can only be opened by patrons via a secure keypad access.

In addition to Ms. Smith's questions, Mr. Meinert with the City of Bowie also provided comments. Mr. Meinert noted that the City of Bowie will require an additional stakeholder meeting to review the proposal. Among other things, Mr. Meinert noted that green features will be reviewed by the City's Environmental Committee. Mr. Meinert discussed the history of the property. He also noted that the proposal may represent an appropriate use of the property.

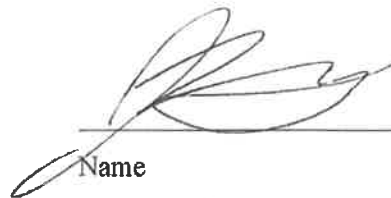
In sum, while attendance and comments were minimal, it appears that there is general support for this proposal and no express opposition. The Applicant endeavors to develop a high-quality facility which will provide a needed service to community residents. Sound planning concepts will be utilized to ensure that a quality product is delivered and that impact to the surrounding neighborhood is minimized.

AFFIDAVIT

The purpose of this affidavit is to certify that, pursuant to *The Process Guidelines for Development Review Applications*, Pre-Application Neighborhood Meeting Informational Mailing letters regarding Detailed Site Plan (DET-2022-013), 3610 Elder Oaks Boulevard, Bowie, Maryland 20716, were mailed to all adjoining property owners, registered associations, municipalities within a mile, and previous parties of record. The letters, dated November 14, 2022, were mailed on November 14, 2022.

A copy of the letter and a list of those parties receiving the letter are attached and marked as Exhibits "A" and "B."

I, Justin S. Korenblatt, solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.



Name

11/14/22

Date

STATE OF MARYLAND

COUNTY OF PRINCE GEORGE'S,

ss:

I HEREBY CERTIFY that on this 14th day of November, 2022, before me, the subscriber, a Notary Public, for the State and County aforesaid, personally appeared Justin S. Korenblatt, being authorized to execute this Affidavit in accordance with the requirements of the Prince George's County Zoning Ordinance for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: _____

[NOTARIAL SEAL]



Notary Public
Colleen L. Brinkman
Notary Public
Prince George's County, Maryland
My Commission Expires: 06/06/2023

"Exhibit "A"

Notice of Pre-Application Neighborhood Meeting

December 14, 2022 at 6:30 p.m.
(Developer Representative will be available to answer questions)

November 14, 2022

Dear Neighbor:

You are invited to a Pre-Application Neighborhood Meeting to review and discuss the development proposal at 3610 Elder Oaks Boulevard, Bowie, Maryland 20716. The property consists of 2.34± acres located on the north side of Elder Oaks Boulevard, approximately 250 east of its intersection with Excalibur Road. It is depicted as Parcel 7C on a Final Plat of Subdivision entitled "Pin Oak Village" and recorded among the Land Records of Prince George's County in Plat Book VJ 178, Plat 20. The property is zoned CGO (Commercial General Office). A copy of a Zoning Sketch Map depicting the boundaries of the property is attached. The Applicant is Johnson Development Associates, Inc. This Pre-Application Neighborhood Meeting is scheduled in accordance with the Prince George's County Planning Department's Pre-Application procedures for Application Number DET-2022-013.

Meeting Location

This meeting will be held virtually on December 14, 2022 at 6:30 p.m. Please join the meeting from your computer, tablet or smartphone at the link below:

<https://us02web.zoom.us/j/81109197826>

If you wish to schedule an in-person meeting, please contact the Applicant's attorney, Edward C. Gibbs, Jr., by email at egibbs@gibbsshaller.com.

Purpose of the Meeting

The Pre-Application Neighborhood Meeting is intended as a way for the Applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Prince George's County Planning Department. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is submitted for the Planning Department's review. Once a development application has been submitted to the Planning Department, you may track its status at <http://www.mnccpcapps.org/planning/DAMSWEB/default.cfm>.

What Happens During a Pre-Application Neighborhood Meeting?

During the Pre-Application Neighborhood Meeting, the applicant's representatives will present the proposed development to the community. This presentation will provide the applicant an opportunity to hear comments and concerns about the development proposal in order to resolve conflicts and outstanding issues, where possible. Pre-Application Neighborhood Meetings are opportunities for informal communication between applicants and the landowners and occupants of nearby lands, and other residents affected by development proposals. Participation in any preliminary, Pre-Application Neighborhood Meeting is for informational purposes only. **Any resultant participation and/or written summary of same shall not be part of the administrative record for any development application that may be filed and accepted.**

A Pre-Application Neighborhood Meeting is required because this project includes (check all that apply):

- ☐ A rezoning of a property (including ZMAs, Planned Developments, and CBCA)
- ☐ An application for Special Exception use
- ☐ A major departure per Section 27-3614(b)(2)
- ☐ A Preliminary Plan of Major Subdivision
- ☐ Construction, expansion, or alteration of townhouse and/or multifamily dwelling development of greater than ten (10) units
- ☒ Construction, expansion, or alteration of nonresidential development consisting of greater than a total of 25,000 square feet of gross floor area.

- ☐ Construction, expansion, or alteration of mixed-use development with greater than ten thousand (10,000) square feet of gross floor area and/or greater than ten (10) dwelling units
- ☐ A Pre-Application Neighborhood Meeting is option for this application, but the applicant has opted to hold one

The Applicant proposes the construction of a consolidated storage facility consisting of 115,500 square feet of gross floor area. The building will be 3 stories (36 ± feet) in height and provide approximately 959 individual storage units. Approximately 456 square feet will be devoted to office space. The building will front on, and be accessed by Elder Oaks Boulevard.

Existing number of dwelling units	0	Permitted	N/A	Proposed	N/A
Existing building square footage	0	Permitted	0	Proposed	115,500 sf
Existing number of stories	0	Permitted	0	Proposed	3
Existing building height	0	Permitted	0	Proposed	36± feet
Existing building depth	0	Permitted	0	Proposed	140±
Current zone	CGO		Proposed Zone	CGO	

Meeting Information:

Applicant: c/o Edward C. Gibbs, Jr.

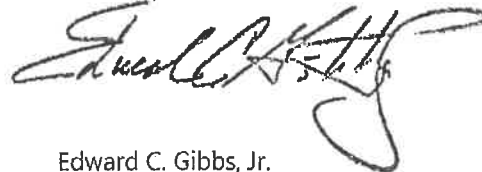
Contact information (email/phone): egibbs@gibbshaller.com / (301) 306-0033

Developer/Builder Information (if different from Applicant): Johnson Development Associates, Inc.

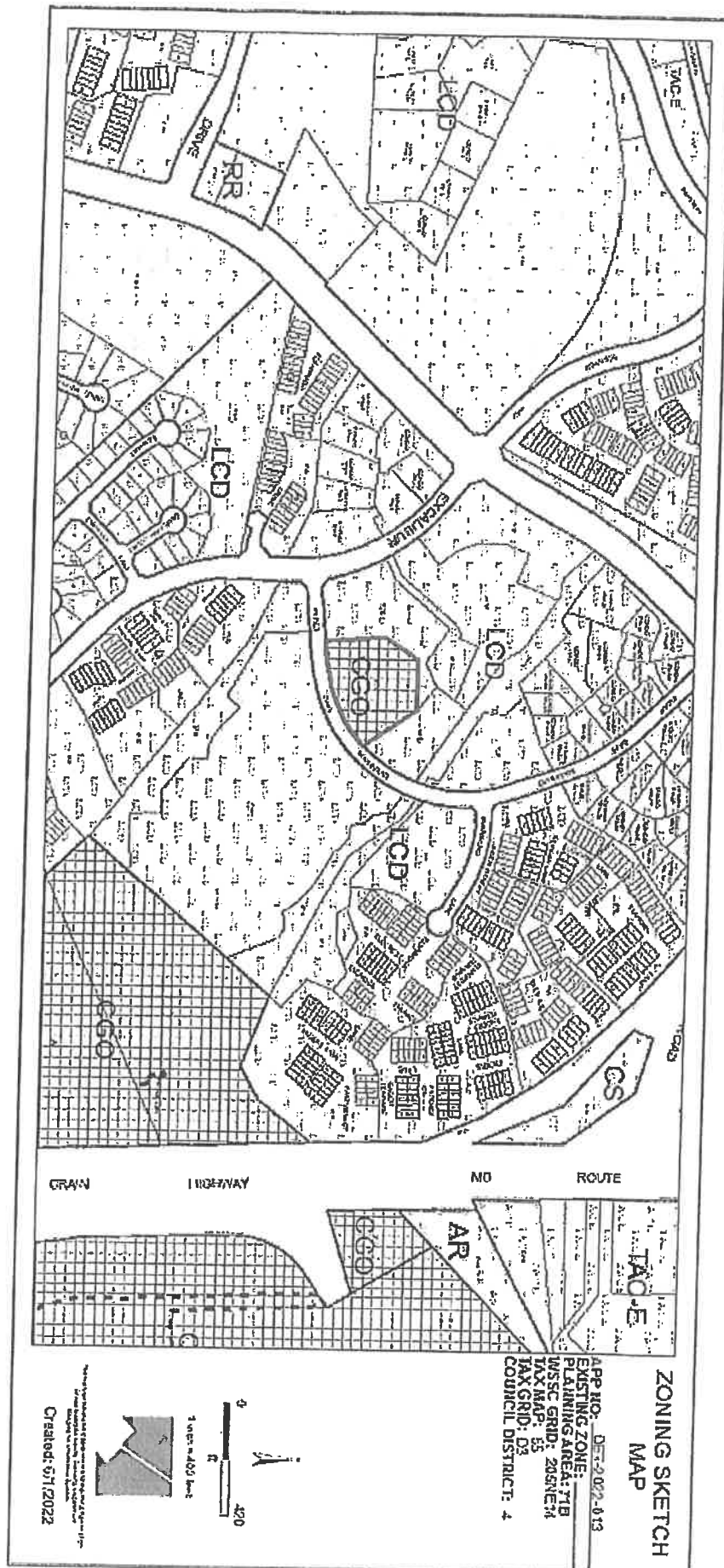
No government agency has reviewed this application. If you have questions about the Prince George's County Zoning Ordinance, Subdivision Regulations or general development process in the County, please call the Public Information Services Counter at 301-952-3195, or contact the Planning Department via email at PPD-Infocounter@ppd.mncppc.org. You may also find information about the Prince George's County Planning Department and on-going planning efforts at www.pgplanning.org.

If you wish to become a person of record to this application, you may submit your request online at <http://www.pgplanning.org/1586/Become-a-person-of-record> or by mail to M-NCPPC, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please reference the subject application number.

Sincerely,



Edward C. Gibbs, Jr.
Gibbs and Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774
301-306-0033
egibbs@gibbshaller.com
Attorney for the Applicant



The Maryland National Capital Park & Planning Commission Results
Prince George's County Planning Department

Date: 6/1/2022

Time: 3:51:29 PM

Total Records(s): 4

Layer: Non ACCOUNT LOT	BLOCK	PARCEL	PLAT	PROPERTY	HOUSE_IN	HOUSE_S	STREET_N	STREET_T	STREET_D	CONDO_U	CITY	ZIP5	MAIL_VND	OWNER_NAME	ICO_NAME	MAIL_STREET	MAIL_CITY	MAIL_STN	MAIL_ZIP5	MAIL_ZIP4
Property 2821773	<null>	<null>	7171037	PARCEL	3650	<null>	ELDER OAK BLVD	<null>	<null>	<null>	BOWIE	20716 0	20716 0	BOWIE 348 OWNER LLC	<null>	551 MADISON AVE 8TH FLOOR	NEW YORK	MD	10012	<null>
Property 3070670	<null>	<null>	7178020	PARCEL	3650	<null>	ELDER OAK BLVD	<null>	<null>	<null>	BOWIE	20716 0	20716 0	BOWIE CITY OF	WASHINGTON	2634 KENHILL DR	BOWIE	MD	20715	2634
Property 3070686	<null>	<null>	7178020	PARCEL	3650	<null>	ELDER OAK BLVD	<null>	<null>	<null>	BOWIE	20716 1	20716 1	CONNINGTON RECREATION ASSN I	FL 10	1602 BRIGHTESKAT MD	LANDOVER	MD	20785	4232
Property 2921782	<null>	<null>	7171037	PARCEL	0	<null>	ELDER OAK BLVD	<null>	<null>	<null>	BOWIE	20716 1	20716 1	EXCALIBUR ROAD HOMEOWNERS ASSN		11785 BELTSWALE DR	BELTSVILLE	MD	20705	5121

Exhibit "B"

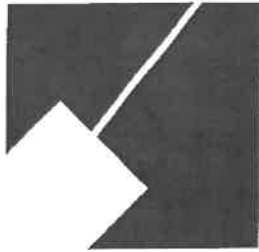
The Maryland-National Capital Park & Planning Commission Results
Prince George's County Planning Department

Date: 6/1/2022

Time: 3:50:09 PM

Total Record(s): 1

Layer_Non	OBJECTID	NAME	MUNICIPAL	DAMS	UN	OFFICIALS	NAME	TITLE	ADDRESS	CITY	ZIP_CODE	EXECUTIVE	EXEC_TER	ACREAGE	BUFF_DIST	ORIG_PID	TELEPHON	EMAIL	SHAPE	SHAPE.ARI	SHAPE.LEN
Municipal	2107	BOWIE	77	77	Timothy	Adams	Mayor	13901	Excalibur Road	Bowie	20716	Elected	#####	35045.01	5280	1050	301-262-6	alott@city	Polygon	1.53E+09	163117.2



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department (301) 952-3530
Development Review Division
14741 Governor Oden Bowie Drive www.mncppc.org
Upper Marlboro, MD 20772

Date: 6/1/22

MAILING LIST - RECEIPT

- ☒ DRD application DET-2022-013
☐ County application

This receipt is to acknowledge that Edward Gibbs, Esq. of (name
of company, if applicable) Gibbs & Haller
received the following lists as described by the categories below:

☒ Registered community organization list	Total Record(s):	<u>26</u>
☒ Adjoining property owners list	Total Record(s):	<u>4</u>
☒ Municipalities within one mile list	Total Record(s):	<u>1</u>

This list is valid for 180 days from the date referenced above. Applicants shall obtain an updated mailing list if notifications are not sent within 180 days.

This property is located on WSSC Grid: 205NE14

Amber Krivitsky

Development Review Division Staff

NOTE: Copy of this form must be included with Application submittal package.

Edward C. Gibbs, Jr.

From: Edward C. Gibbs, Jr.
Sent: Monday, November 14, 2022 3:25 PM
To: Wade Collinson; Christine Jackson
Cc: Al Jones; Jonathan Puher
Subject: RE: Elder Oaks Sign Printing

Thanks, Wade.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Wade Collinson <wcollinson@bendyer.com>
Date: 11/14/22 3:03 PM (GMT-05:00)
To: "Edward C. Gibbs, Jr." <egibbs@gibbshaller.com>, Christine Jackson <cjackson@bendyer.com>
Cc: Al Jones <ajones@bendyer.com>, Jonathan Puher <jpuher@bendyer.com>
Subject: RE: Elder Oaks Sign Printing

Ed,
Confirming the sign has been posted. Christine confirmed with Cheryl we don't need to do the affidavit.



From: Edward C. Gibbs, Jr. <egibbs@gibbshaller.com>
Sent: Monday, November 14, 2022 1:05 PM
To: Christine Jackson <cjackson@bendyer.com>
Cc: Al Jones <ajones@bendyer.com>; Jonathan Puher <jpuher@bendyer.com>; Wade Collinson <wcollinson@bendyer.com>
Subject: RE: Elder Oaks Sign Printing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Christine,

Attached is the Section form the new Ordinance describing how the signs need to be posted. There are two signs and they need to be posted in a "V" shape to be visible to two way traffic on the street.

DEVELOPMENT FACT SHEET
DETAILED SITE PLAN (DET-2022-013)

- **Applicant:**
 - JSF Elder Oaks, LLC
- **Property Information:**
 - Address: 3610 Elder Oaks Boulevard, Bowie, Maryland 20716
 - Parcel 7C, Tax Map 55 / Grid D-3
 - 2.34± acres
 - Zoning: CGO (Commercial, General Office)
- **Project Details:**
 - Total gross floor area – 89,056 square feet
 - Consolidated storage facility – 88,600 square feet
 - Office component – 456 square feet
 - Building height – 3 stories (approximately 36 feet)
 - Parking:
 - Required – 30 spaces
 - Provided – 36 spaces (including 2 van accessible handicapped spaces)
 - Loading:
 - Required – 3 spaces
 - Provided – 4 spaces

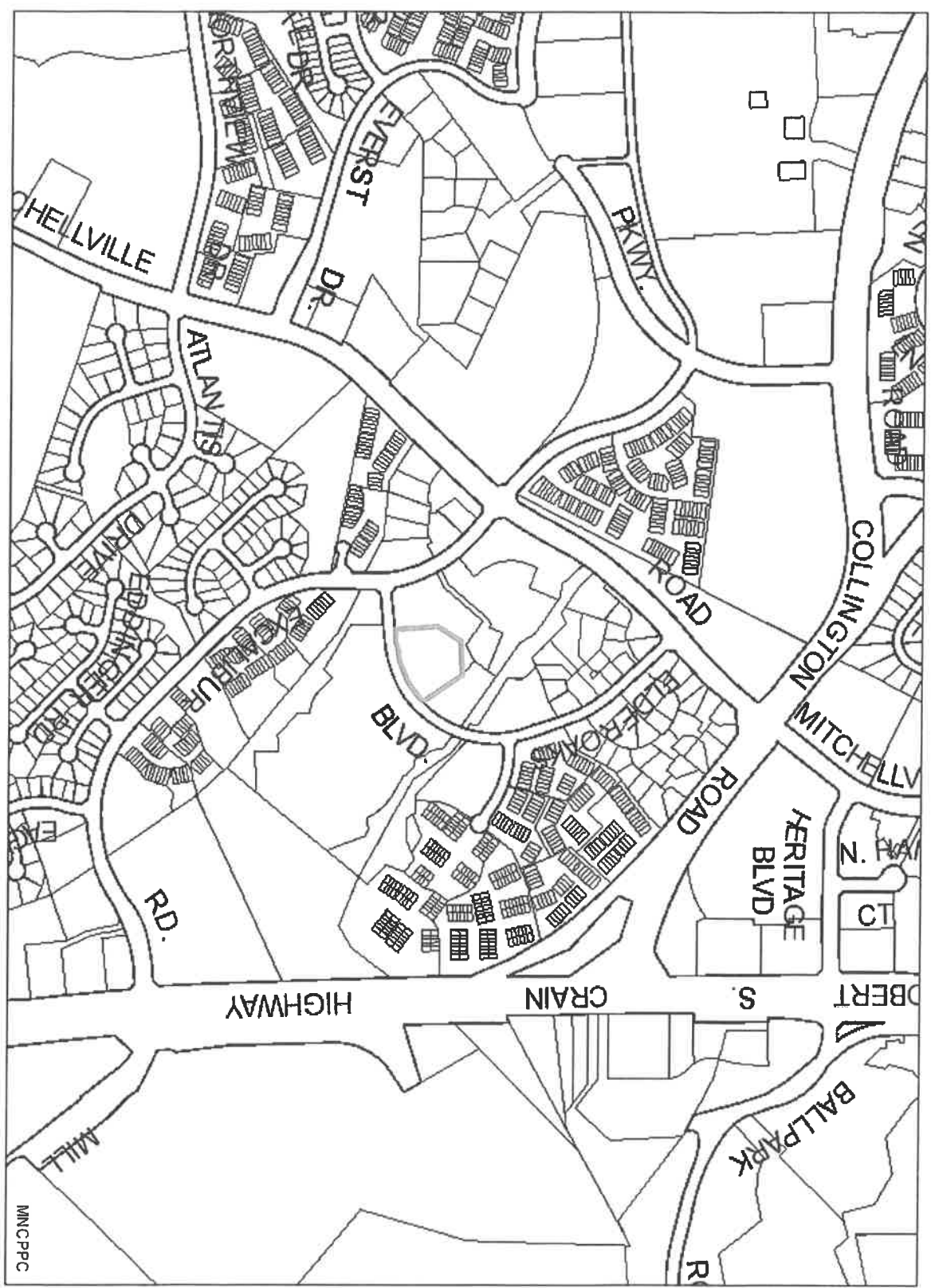
Exhibit "C"

DEVELOPMENT REVIEW PROCESS
DETAILED SITE PLAN (DET-2022-013)

- 1) Pre-Application Conference with M-NCPPC Staff**
 - Held on July 1, 2022.
- 2) Pre-Application Neighborhood Meeting**
 - December 14, 2022 at 6:30 p.m. (virtual meeting).
- 3) Application Submittal for Pre-Acceptance Review**
 - The application may be submitted to M-NCPPC for pre-acceptance review at any time after the Pre-Application Neighborhood Meeting.
- 4) Application Accepted for Review**
 - Once the application has been determined to be complete, it will be accepted for review.
- 5) Planning Board**
 - The Planning Board must hear the case and render a decision within seventy (70) days from the date on which the application is accepted.
 - Within seven (7) days of the Planning Board's decision, notice must be mailed to all parties of record.
- 6) District Council**
 - Within thirty (30) days from the date on which notice of the Planning Board's decision has been mailed to all parties of record:
 - Any party of record may appeal the Planning Board decision to the District Council; or
 - The District Council may, on its own motion, elect to review the case.
 - The District Council must hear the case and render a decision within sixty (60) days from the date on which an appeal is filed, or the date on which the District Council elects to review the case.



Site Vicinity Map



Data provided by Prince George's County Planning Department - 1

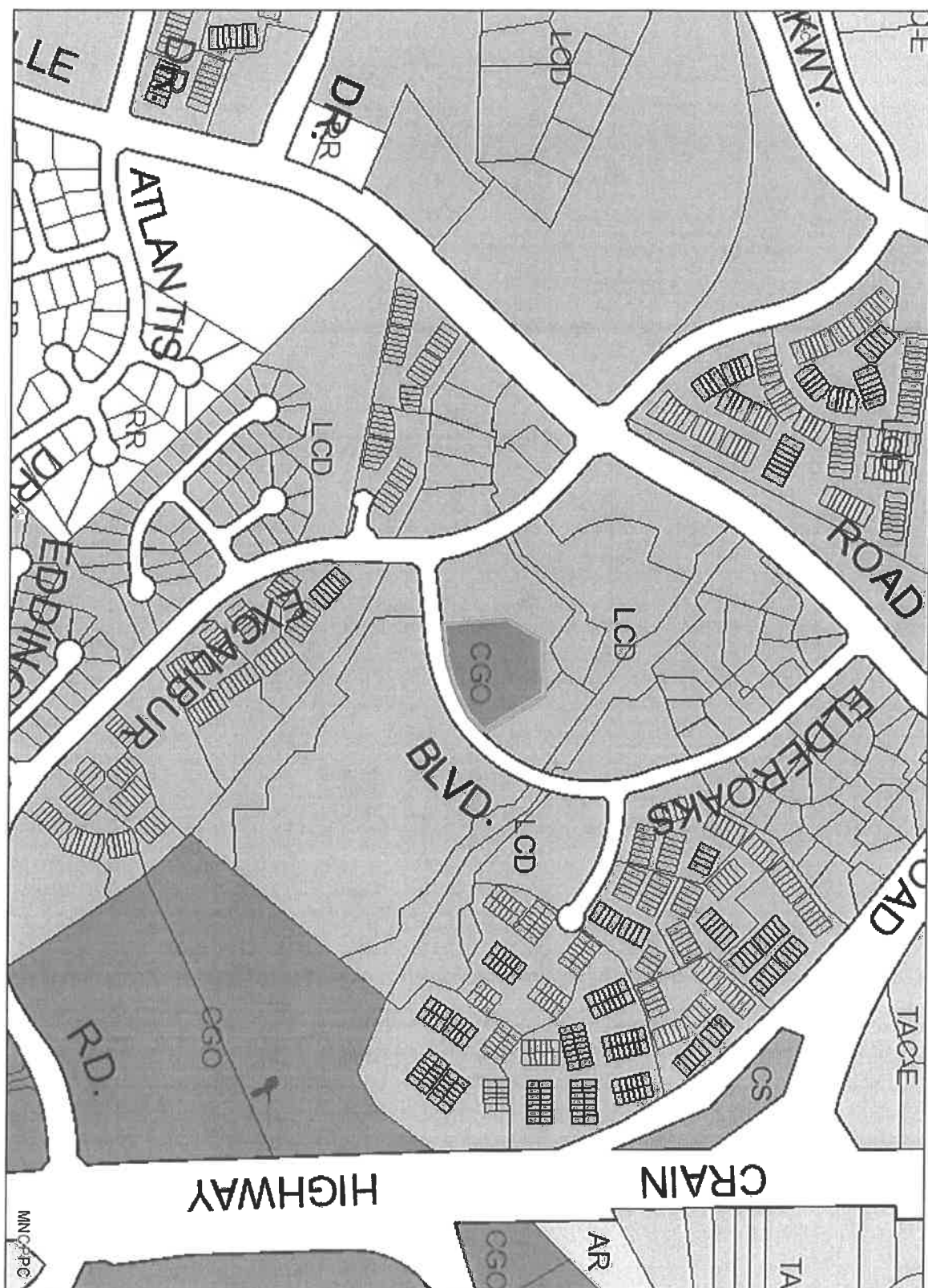


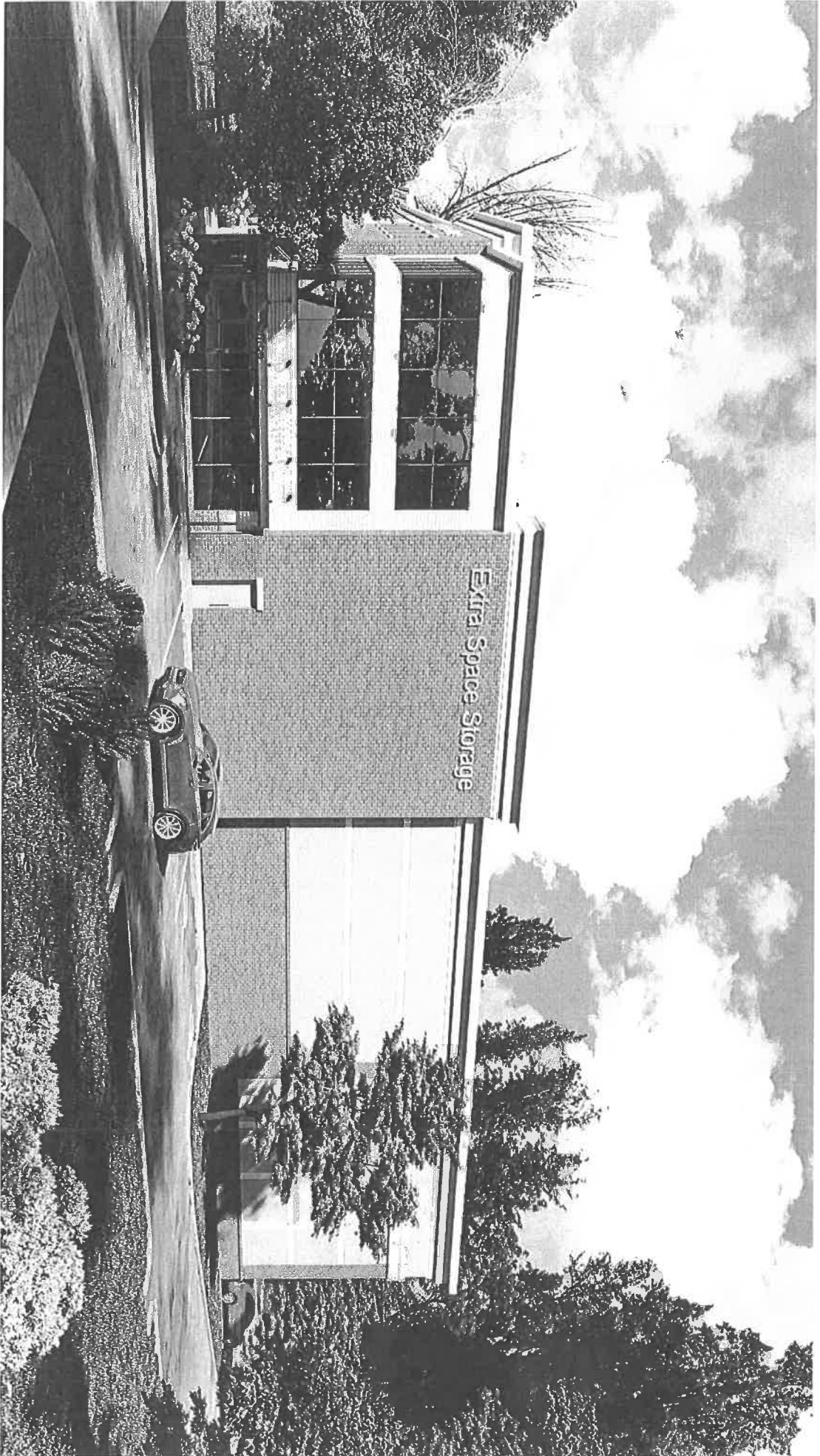
Aerial Map

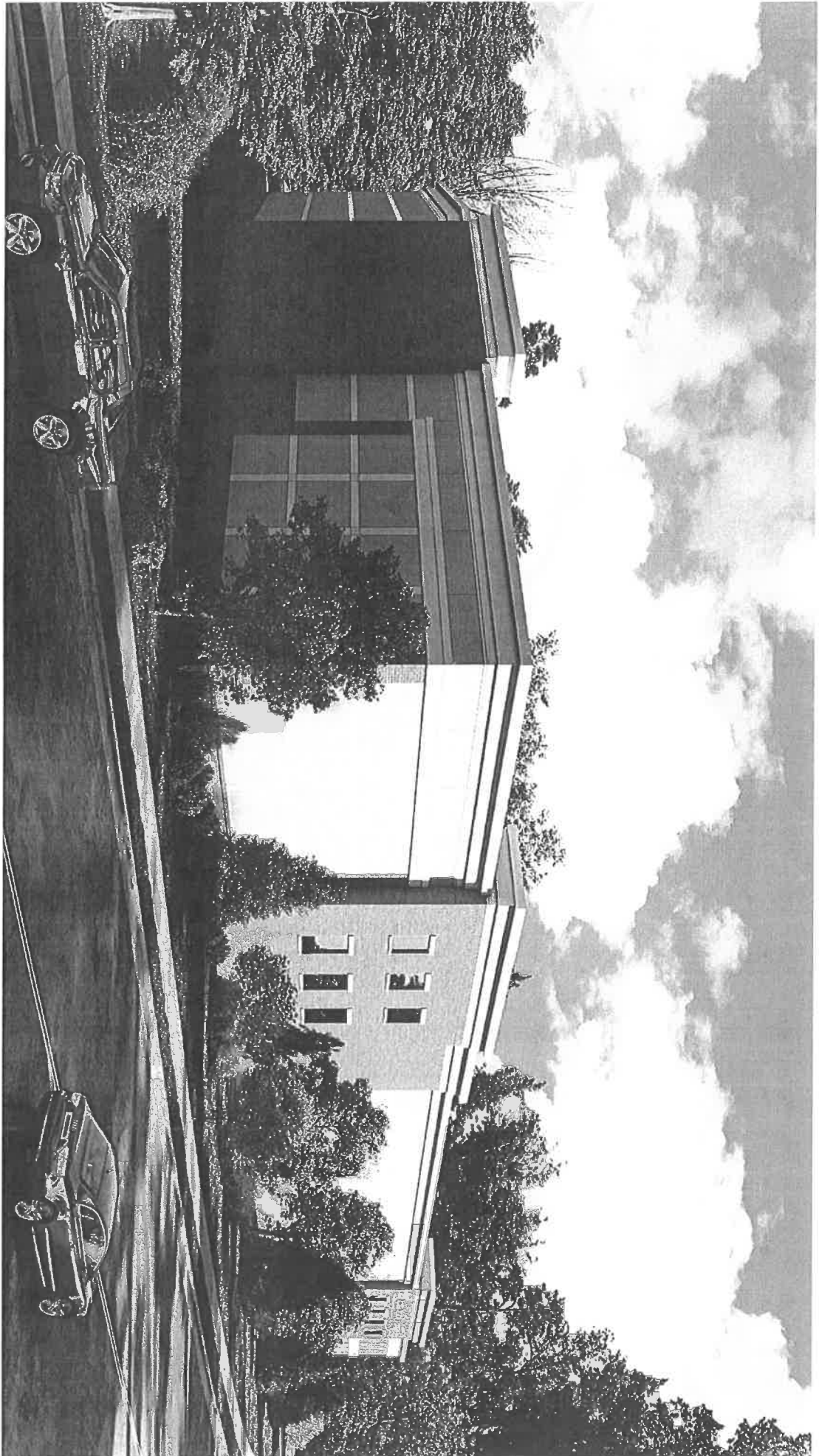


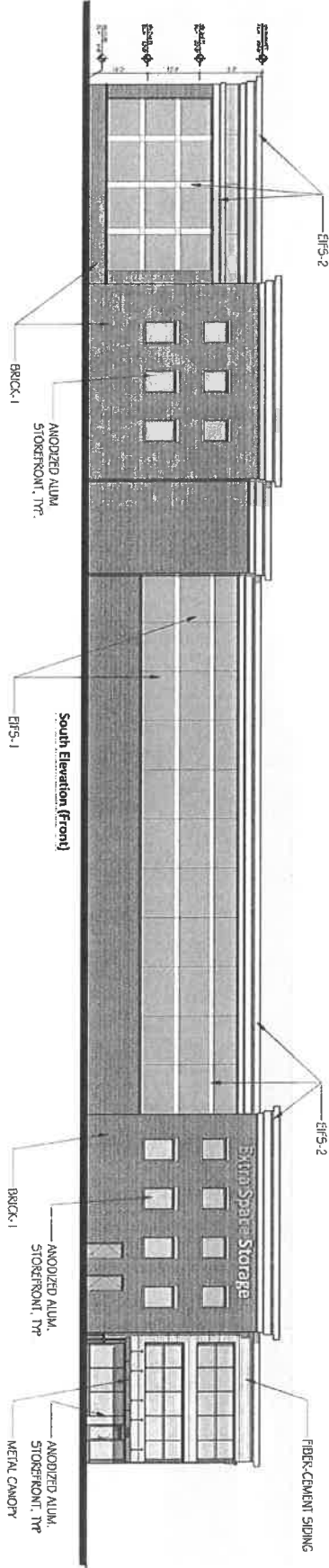


Zoning Map



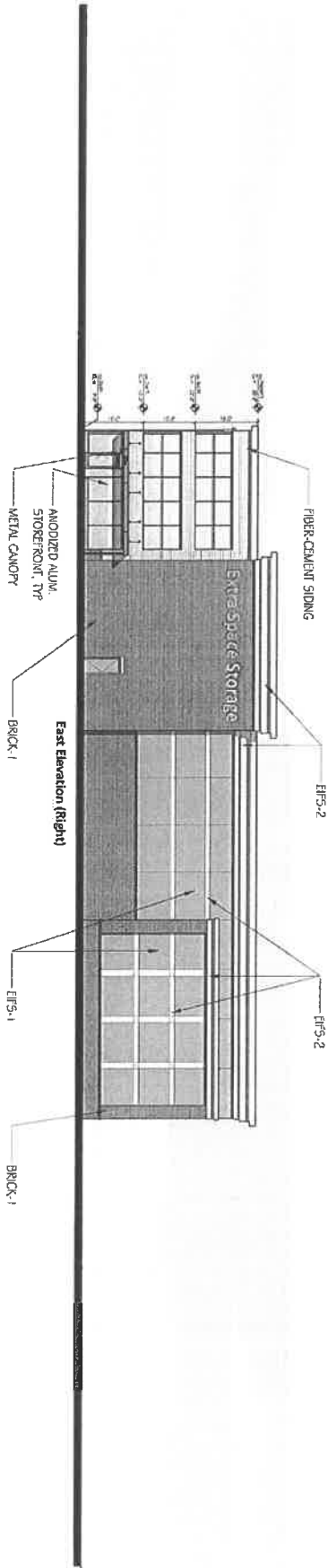






BOWIE SELF STORAGE- Concept Design- September 26, 2022

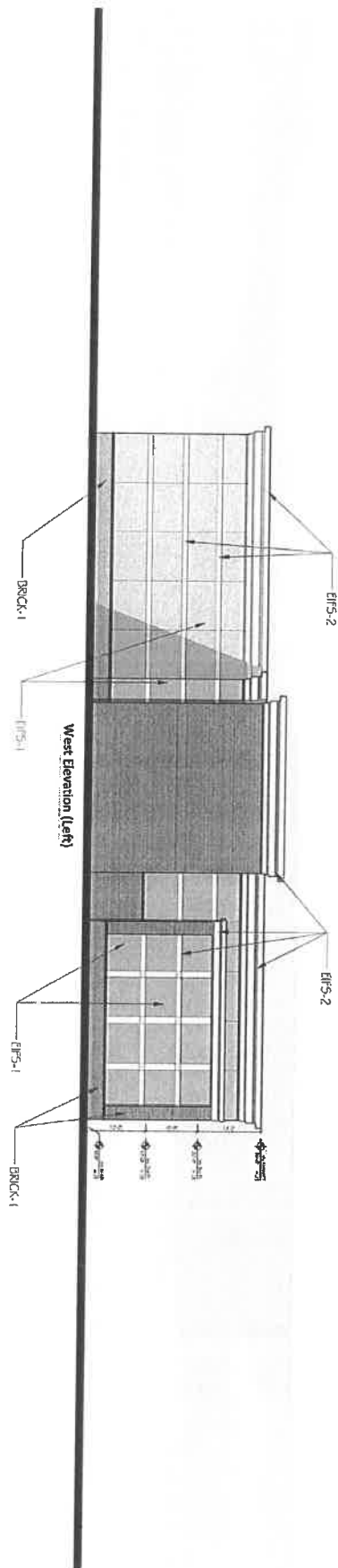
Elevations



BOWIE SELF STORAGE- Concept Design- September 26, 2022

Elevations

BOWIE SELF STORAGE - Concept Design- September 26, 2022



Pre-Application Neighborhood Meeting Sign-In Sheet

Meeting Date: December 14, 2022

Meeting Time: 6:30 p.m.

Meeting Address: The meeting was held virtually via Zoom.

Project Application Number(s): DET-2022-013

Project Address: 3610 Elder Oaks Boulevard, Bowie, MD 20716

Property Owner Name(s): Collington Place, LLC

Applicant Name and Contact Information (email/phone): JSF Elder Oaks, LLC

Project Sponsor/Representative: Edward C. Gibbs, Jr.

Please print your name below, state your affiliation with a neighborhood group (as applicable), and provide your address, phone number, and email. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

If you attend the meeting and sign the attendance sheet provided by the applicant and would also like to become a Person of Record, you are encouraged to request to become a Person of Record (see instructions on the written invitation for this meeting). As a Person of Record, you will be entitled to certain rights under the Zoning Ordinance or Subdivision Regulations such as notice of upcoming meetings, actions, and decisions rendered at certain stages of application process, as well as relevant appeals procedures.

Name/Organization	Address	Phone	Email
Edward C. Gibbs, Jr. (Gibbs and Haller)	1300 Caraway Court, Suite 102 Largo, MD 20774	301-306-0033	egibbs@gibbshaller.com
Justin S. Korenblatt (Gibbs and Haller)	1300 Caraway Court, Suite 102 Largo, MD 20774	301-306-0033	jkorenblatt@gibbshaller.com
Wade Collinson (Ben Dyer Associates, Inc.)	11721 Woodmore Road, Suite 200 Mitchellville, MD 20721	301-430-2000	wcollinson@bendyer.com
Megan Horey (Johnson Development Associates, Inc.)	1655 N. Ft. Myer Drive, Suite 850 Arlington, VA 22209	703-609-1060	mhorey@johnsondevelopment.net
Joshua Sherman (Johnson Development Associates, Inc.)	86 Summit Avenue, Suite 201 Summit, NJ 07901	908-705-0436	jsherman@johnsondevelopment.net
Matt Janes (Johnson Development Associates, Inc.)	1655 N. Ft. Myer Drive, Suite 850 Arlington, VA 22209		mjan@johnsondevelopment.net
Calisa Smith			cmsmd@outlook.com
Kevin Setzer (Collington Place, LLC)	14408 Old Mill Road Upper Marlboro, MD 20774		ksetzer@hogancompanies.com
Nick Conte Jr. (Collington Place, LLC)	14408 Old Mill Road Upper Marlboro, MD 20774		NJConteJr@contehomes.com
Joe Meinert (City of Bowie)	15901 Fred Robinson Way Bowie, MD 20716	301-809-3047	jmeinert@cityofbowie.org



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Fines related to HOAs to establish accountability of neighborhood upkeep

DATE: 03/16/2023

The Bowie City Code regulates exterior property maintenance for all residential and commercial properties within the City limits. Property owned by Homeowner's associations (HOA) are zoned for residential use and the current penalty for property maintenance violations are One Hundred Dollars (\$100.00) for the first violation, Two Hundred Dollars (\$200.00) for the second violation, and Five Hundred Dollars (\$500.00) for each subsequent violation.

In townhouse and condominium communities HOA's, and managers in most cases, are responsible for maintaining parking spaces and common areas, such as walking paths, grassy areas abutting the community sidewalks and parking areas, and property behind and between rows of townhouses or between condo buildings. Single-family home communities with HOA's have common areas that include walking paths, playground or recreation equipment, pool or clubhouse facilities and greenspace or stormwater management areas they are responsible to maintain.

The most common violation Code Compliance addresses within HOA's is trash or items being left out because they are not items the City collects. Homeowners are supposed to put trash out for collection in front of their homes or in the designated areas such as the trash corrals in condominium communities. If homeowners put their trash out for collection in one pile on HOA property, the City must hold the HOA responsible for removing any items that are not acceptable for collection. Thankfully, the managers are extremely cooperative so, in most instances when Code Compliance encounters this situation, we are able to contact the property manager for the HOA and they have it removed within 24 to 48 hours.

All that being said, the last time the City raised the fines for municipal infractions was 2005 and Code staff feels the penalties for violation of the City Code are no longer a deterrent for the residents as a whole, not just the HOA's. In comparison to local cities, Code staff is suggesting Two Hundred and fifty Dollars (\$250.00) for the first violation, Five Hundred Dollars (\$500.00) for the second violation, and One Thousand Dollars (\$1,000.00) for each subsequent violation.

ATTACHMENTS: None