



City of Bowie

Special City Council Meeting

Monday, May 8, 2023
Council Chambers - 8 p.m.

AGENDA

- I. CALL MEETING TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. QUORUM**
- IV. NEW BUSINESS**
 - A. Bowie Marketplace Consolidated Storage and Car Wash (DET-2022-018)**
- Eligible for Action
- V. ADJOURNMENT**
- VI. BUDGET WORKSESSION #5**
 - A. Planning and Sustainability, Information Technology, Equipment Acquisition, General Fund Summaries, Appendix, Wrap-up**

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 5/10/23 and 5/13/23 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, MAY 15, 2023 - COUNCIL CHAMBERS - 8:00 P.M.



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Detailed Site Plan DET-2022-018
Bowie Marketplace Consolidated Storage and Car Wash

DATE: 05/04/2023

At the May 1st City Council meeting, Council conducted a public hearing on the Detailed Site Plan and decided to table action until the May 15th meeting. Subsequently, City Council decided to hold a Special Meeting on May 8th to consider this issue. During Council's review, several items of concern were expressed by City Councilmembers. The City Council requested that the applicant meet with residential to have additional dialogue about:

1. The nature of the height and stair stepping of structures;
2. Addressing noise mitigation; and
3. The provision of nonprofit space within the consolidated storage buildings.

In addition, City Council requested that the City Attorney review arrangements with previous transfer of property in the redevelopment proposal, specifically regarding parking.

Staff provides the following response to City Council's concerns:

Height and Setback of Proposed Storage Buildings – The Zoning Ordinance, in Section 27-61200, establishes requirements for the height and setbacks of commercial buildings located adjacent to residential neighborhoods. As demonstrated in the applicant's Powerpoint presentation, the storage buildings' height and setbacks meet these standards.

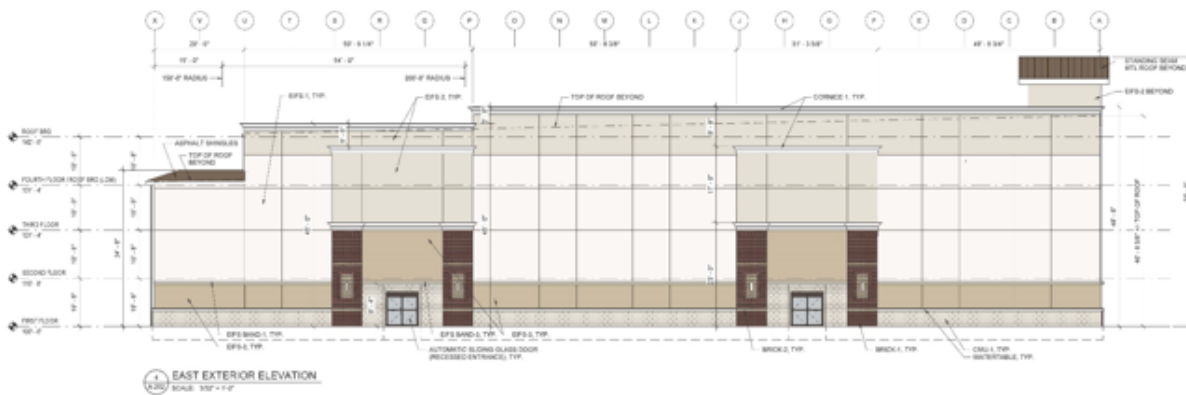
Table 27-61203(a)(2): Maximum Height in Transitional Areas

Distance from Single-Family Dwelling, Two-Family Dwelling, or Vacant Land in a Single-Family Zone (1)	Maximum Height	
	Parcels Fronting US 1 Between the Northern Corporate Boundaries of the City of College Park and the County's Boundary with the District of Columbia, and Parcels Fronting 34th St between Sheperd St and Otis St	All Other Areas
50 feet or less	Lesser of: 3 stories or 35 feet	Lesser of: 3 stories or 35 feet
Greater than 50 feet but less than 150 feet	Lesser of: 6 stories or 65 feet	
150 to 200 feet	No requirement	Lesser of: 4 stories or 45 feet

NOTES:

(1) The distance from an existing single-family dwelling, two-family dwelling, townhouse, or vacant land in a single-family zone is to be measured from the closest portion of the dwelling (in the case of single-family and two-family dwellings and townhouses) or from the minimum front yard setback line (in the case of vacant land).

Applicant's Powerpoint Presentation showing stepped building design:



View from residential neighborhood to the south:



Noise from Car Wash Tunnel – The Zoning Ordinance, in Section 27-6800 includes regulations for noise impacts. Additionally, the City Code includes noise standards that must be met by property owners in the City.

Prince George's County Zoning Ordinance:

Table 27-6810: Maximum Allowable Noise Levels for Receiving Lands		
Type of Use	Time of Day	
	Day (7:00 A.M. to 10:00 P.M.)	Night (10:00 P.M. to 7:00 A.M.)
Residential Uses	65 dBA Leq	55 dBA Leq
Commercial and Mixed Uses	67 dBA Leq	62 dBA Leq
Industrial Uses	75 dBA Leq	75 dBA Leq

Bowie City Code, Chapter 13, Environmental Noise Control:

(b) The noise prohibited in subsection (a) of this section shall include noise exceeding the following standards:

Land Use of Receiving Property	Maximum Decibel Level
Industrial	75 dBA, daytime or nighttime
Commercial	67 dBA, daytime 62 dBA, nighttime
Residential	60 dBA, daytime 50 dBA, nighttime

If a property owner is found in violation, appropriate noise control will be required.

Provision of Nonprofit Space – Staff addressed this matter in an email dated May 2, 2023. CB-11-2023 exempts property located outside of the I-495 Beltway if a Pre-Application Neighborhood Meeting was held prior to April 1, 2023. There is no obligation for Berman to agree to provide non-profit space within the storage buildings. At the hearing, Mr. Berman stated that they would follow the law (CB-11-2023).

Parking for Acorn Hill Park – There is no agreement with the Berman company to provide parking for Acorn Hill Park. In fact, as part of the redevelopment incentive package, the City Council declared in O-1-15 that the portion of the Sage Lane public right-of-way used for shopping center parking spaces (known as Parcel “A”) was surplus property. The Ordinance states that the Sage Lane right-of-way was not maintained by the City and always maintained by the shopping center owner.

Additional Meetings - In an email message dated 5/2/23, Mr. Brian Berman declined to participate in further meetings with the City, stating that all processes and regulations, including the City’s, have been followed in the production of the Detailed Site Plan. Mr. Berman offered a response to each of the requests made by City Councilmembers.

Recommendation

Staff recommends that City Council adopt the staff recommendation presented at the May 1st meeting. With the conditions set forth below, staff finds the Detailed Site Plan proposed for Bowie Marketplace will meet the findings for approval set forth in Section 27-3605 (e)(1). Specifically, the proposed Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

Therefore, staff recommends **APPROVAL** of Detailed Site Plan DET-2022-018, with the

following conditions, which are intended to improve the site design and address conformance with the County Zoning Ordinance and City Development Review Guidelines:

1. The DSP shall be revised to create appropriate pavement striping and markings for safety between the proposed consolidated storage building and the existing retail building.
2. The applicant shall examine the use of pervious paving in the less heavily traveled portions of the site, such as between the storage buildings and the southern property line, where stormwater bioretention is proposed. Another possible location might be in the parking area located east of the Phase 2 building, between the storage building and the car wash, where grass pavers could be used to enhance the green space and eliminate pavement in this portion of the parking lot.

ATTACHMENTS: None