City of Bowie
Memorandum

Thursday, November 16, 2023
Alfred D. Lott, ICMA-CM, CPM,
City Manager

STATUS REPORT

1. Bowie Town Center

The retail center we call 'Bowie Town Center' is comprised of several properties with multiple owners. Washington Prime Group (WPG) owns most of the retail property but Macy's owns their building; Santay Realty owns the former Sears; Best Buy owns their building; and several of the restaurants are owned by individual investors or companies. The WPG owned portions, known as **Bowie Town Center and Bowie Towne Center Strip** are part of a major refinancing that WPG has undertaken. One step in that refinancing is to get an independent inspection of the subject properties. This is an extract from a larger report about all of the WPG properties to be refinanced:

Morningstar conducted an exterior site inspection accompanied by property management for both subject collateral properties on October 10, 2023, at approximately 11:30 a.m. Based on the site inspection and management tour, DBRS Morningstar found the property quality to be Average. The subject collateral is located off of Collington road in the town of Bowie, MD, approximately 18.4 miles east of the Washington D.C. CBD. Collington is an arterial thoroughfare that intersects U.S. Highway 50 which provides direct east/west access to the Washington D.C. CBD as well as U.S. Route 301 which runs north/south through greater Maryland into Virginia. The properties are located adjacent to Collington Road and are an open-air shopping mall characterized by one commercial avenue with a Macy's and a vacant anchor store [now the Regency Furniture Store] located on opposite ends. Additionally, the Bowie Towne Strip Center is located across the avenue via a large surface parking lot and features several other inline tenants and restaurants. The immediate area surrounding the property consists primarily of small office buildings and other small strip centers. DBRS Morningstar noted moderate foot traffic throughout the complex during the tour and the availability of parking appeared suitable for much larger capacity requirements that the shopping center might require during a busier shopping period. Deferred maintenance observed was limited and consisted of the occasional cracked surface pavement or landscaping blemishes. DBRS Morningstar toured the interior of one inline space, which was currently in use by the Bowie police department as a community center. ***Overall, the property presented well and exhibited modest curb appeal and should benefit from its visibility from Collington road to draw prospective shoppers to a wide range of stores/services available throughout the complex.***

2. Election of New Bowie Advisory Planning Board Chair

On Tuesday, November 14th, the Bowie Advisory Planning Board unanimously elected Mr. Robert W. Day, Sr. to the position of Chair. The former Chair, Mr. Michael Byrd, chose not to renew his term on the committee, which expired on June 30, 2023. Mr. Terry Rogers nominated Mr. Day, and Mr. Ron Skotz seconded the nomination. The BAPB also voted to re-elect Mr. Carl Schuetter, the current Vice-Chair, to the position of Vice-Chair for the next cycle.

3. Bowie Advisory Planning Board Action of November 14, 2023

Please see the attached memo and decision regarding Bowie Variance Application BV-1-23 for property located at 1302 Pennypacker Lane.

City of Bowie
15901 Fred Robinson Way
Bowie, Maryland 20716

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, ICMA-CM, CPM
City Manager

SUBJECT: Bowie Advisory Planning Board Resolution #BV-1-23
1302 Pennypacker Lane

DATE: November 15, 2023

Attached please find a copy of the Bowie Advisory Planning Board's resolution for BV-1-23. At the conclusion of the November 14, 2023 BAPB public hearing, a motion was made by Mr. Terry Rogers to recommend **APPROVAL** of the Variance request, per the staff recommendation. The motion was seconded by Mr. Robert W. Day, Sr. and passed unanimously. The City sent notice of the Variance request to seven adjacent property owners. On October 30th, staff received a telephone call from the property owner of 1300 Pennypacker Lane regarding BV-1-23. The resident said he had no problem with the request. The City also received an email message on November 9th from Tom and Shannon Jarrett of 1211 Pennypacker Lane, who recommend approval of the request.

Pursuant to the City Code: "Not less than fifteen (15) days after receipt of a recommendation of the Planning Board regarding a variance, a majority of the City Council may adopt the recommendation of the Planning Board by consent, unless within that fifteen (15) day period, a councilmember requests oral argument on the matter..." Oral argument may only be requested by a Councilmember when either: (1) a recommendation of the Planning Board is not unanimous, or, (2) it is alleged that the recommendation fails to comply with the criteria established in the City Code.

Assuming there are no appeals by parties of record or requests for oral argument from City Councilmembers, this application may be placed on your consent agenda of December 4, 2023.

Attachment

MAYOR Timothy J. Adams **MAYOR PRO TEM** Roxy Ndebumadu
COUNCIL Michael P. Estève • Henri Gardner • Jarryd Hawkins • Clinton Truesdale, Sr. • Dufour Woolfley **CITY MANAGER** Alfred D. Lott
City Hall (301) 262-6200 FAX (301) 809-2302 TDD (301) 262-5013 WEB www.cityofbowie.org

RESOLUTION
OF THE BOWIE ADVISORY PLANNING BOARD
REGARDING VARIANCE APPLICATION BV-1-23, A REQUEST BY MIKE AND LAUREN LAGUA FOR A VARIANCE TO VALIDATE EXISTING LOT COVERAGE AT 39.6% AT 1302 PENNYPACKER LANE WHEN, ACCORDING TO THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, LOT COVERAGE IN THE RR ZONE SHALL NOT BE MORE THAN 30%

WHEREAS, the City of Bowie (hereinafter the "City"), pursuant to Ordinance O-24-98 (hereafter the "Ordinance"), is authorized to hear requests for Variances from the terms of the Prince George's County Zoning Ordinance (hereafter the "Zoning Ordinance") with respect to building setbacks, height, etc., and to make recommendations to the Bowie City Council in connection therewith; and,

WHEREAS, the City is authorized by the Ordinance to grant an application for a Variance if the Bowie Advisory Planning Board (hereinafter the "BAPB") makes the following findings pursuant to Section 27-230 of the Zoning Ordinance:

(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions; and,

(2) The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and,

(3) The variance will not substantially impair the intent, purpose, or integrity of the General or Master Plan.

WHEREAS, on or about October 19, 2023, Mike and Lauren Lagua ("the Applicants"), owners of property located at 1302 Pennypacker Lane in the Pointer Ridge section of the City ("the Property"), submitted an application for a Variance from Section 27-442 (c) (Table II) of the Zoning Ordinance to validate existing lot coverage at 39.6%, above the 30% maximum prescribed by the Zoning Ordinance; and,

WHEREAS, the Property was posted with a public hearing advertisement on October 26, 2023 in accordance with the adopted Ordinance; and,

WHEREAS, the technical staff report recommended **APPROVAL** of the request validating existing lot coverage of 39.6%; and,

WHEREAS, on November 14, 2023, the BAPB heard testimony and accepted evidence with respect to whether it can make the necessary findings set forth in the Ordinance to grant a Variance; and,

WHEREAS, the Board voted to recommend **APPROVAL** of the request validating existing lot coverage of 39.6% in accordance with the staff recommendation; and,

WHEREAS, the BAPB's recommendation was based on the findings and analysis found in the technical staff report and testimony provided during the hearing; and,

WHEREAS, the BAPB hereby makes the following findings of fact:

1. The lot is zoned RR (Rural Residential) and contains 11,362 square feet.

2. The lot is currently improved with a single-family detached dwelling, a 98 square foot shed, and a driveway.

3. The driveway widening was constructed many years before the Applicants purchased the home. It appears that the previous homeowner widened the driveway in 1982 and increased lot coverage to 37.2% and later expanded it further, resulting in lot coverage of 39.6%. Although the Applicants recently replaced the driveway with pervious pavers, they did not expand the driveway. All the excess lot coverage predates the Applicants' ownership of the Subject Property.

4. Section 27-442 (c) (Table II) of the Zoning Ordinance prescribes that lots in the RR zone shall not have lot coverage in excess of 30%.

5. The City sent notice of the Variance request to seven adjacent property owners. On October 30th, staff received a telephone call from the property owner of 1300 Pennypacker Lane regarding BV-1-23. The resident said he had no problem with the request. The City also received an email message on November 9th from the owners of 1211 Pennypacker Lane, who recommended approval of the request.

WHEREAS, the BAPB hereby makes the following conclusions of law:

1. **"A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions."**

   The BAPB concludes that an extraordinary situation exists because the previous owner received a permit from Prince George's County in 1982 for a garage addition and driveway that resulted in a lot coverage of 37.2%. That same owner further widened the driveway between 2000 and 2005, resulting in a total lot coverage of 39.6%. The BAPB concurs that the parcel of land has an extraordinary situation by virtue of the previous owner increasing the lot coverage beyond the maximum allowed, and because of the number of years the current lot coverage has existed, without any known complaints. The BAPB therefore finds that this criterion has been met with respect to validating the existing lot coverage of 39.6%.

2. **"The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property."**

The BAPB finds that strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty to the Applicants since having to remove a portion of the existing building or driveway to comply with the maximum 30% lot coverage requirement would result in a substantial inconvenience and cost to the property owners. The BAPB concludes that having to remove the existing improvements would constitute a practical difficulty upon the owners of the property and therefore finds this criterion to be met with respect to validating existing improvements on the Subject Property.

3. **"The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan."**

The Approved 2022 Bowie-Mitchellville and Vicinity Area Master Plan includes the following policy regarding Housing and Neighborhoods:

> **Policy HN 3**
> Encourage exterior home improvements that enhance the appearance and perceived safety of neighborhoods.

The BAPB finds that the Applicants' widened driveway is not out of character with the neighborhood. Their improvement of the driveway with permeable pavers has improved the aesthetic quality and functionality of the driveway.

The BAPB further finds that the existing lot coverage has been in place for many years and pre-dates the Applicants' acquisition of the Subject Property, and concurs that the driveway addition is not out of character with what currently exists in the neighborhood. From a review of the aerial photography in PGAtlas, the BAPB confirmed that numerous properties in the immediate neighborhood, including the lot located directly across the street from the Subject Property, have driveways that have been widened to at least a double car width. Based on these factors, the BAPB concludes that approval of the Variance request to validate existing lot coverage at 39.6% will not substantially impair the intent, purpose or integrity of the Master Plan or the General Plan. Therefore, this criterion has been met.

NOW, THEREFORE, BE IT RESOLVED by the Bowie Advisory Planning Board that:

1. The foregoing Whereas clauses are, by this reference, incorporated herein as operative provisions of this Resolution.

2. **The BAPB hereby recommends,** for Variance BV-1-23, **APPROVAL** of a variance to validate existing lot coverage at 39.6% at 1302 Pennypacker Lane.

The following members were present and voted as follows:

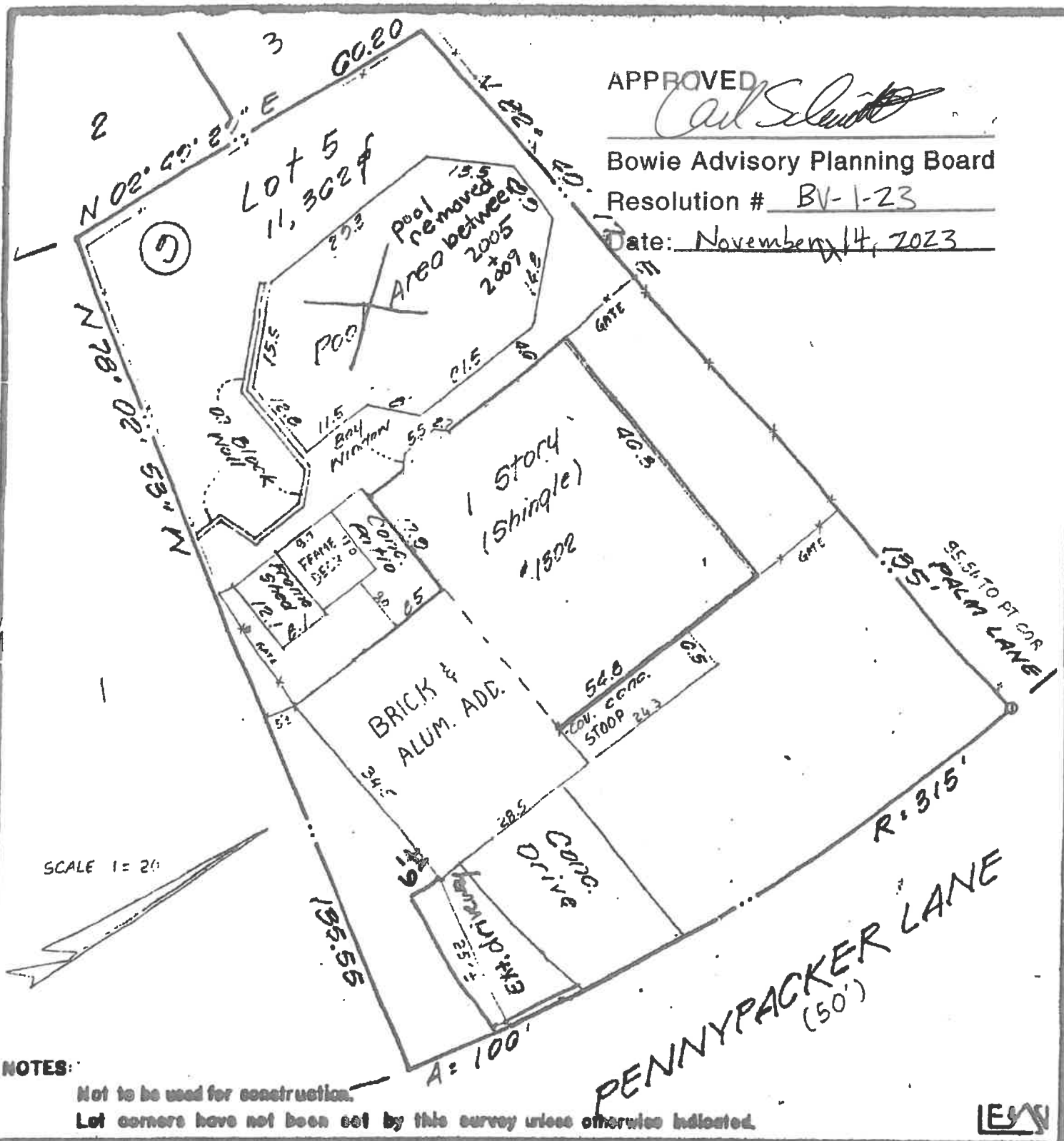
	Vote	
Name of BAPB Member	**In Favor**	**Opposed**
Carl Schuettler, Vice-Chair	✓	
Robert W. Day, Sr.	✓	
Lisa Frison	(Excused)	
James Golato	✓	
Terry Rogers, Jr.	✓	
Ronald G. Skotz	✓	

So recommended this 14th day of November, 2023.

BOWIE ADVISORY PLANNING BOARD

Carl Schuettler

Mr. Carl Schuettler
Vice-Chair


APPROVED
Bowie Advisory Planning Board
Resolution # BV-1-23
Date: November 14, 2023
Lot 5
11,362 ±
Pool removed Area between 2005 + 2009
POB
1 Story (Shingle)
1502
BRICK & ALUM. ADD.
Conc. Drive
Ext. Driveway
Front Shed
Conc. Pad
Frame Deck
Brick Wall
Bay Window
Cov. Conc. Stoop
GATE
N 78° 02' 53" W 195.55
N 02° 40' 21" E 60.20
S 22° 40' 11" E 195.51' TO PT ON PALM LANE
R = 315'
A = 100'
PENNYPACKER LANE (50')
SCALE 1 = 20'
NOTES:
Not to be used for construction.
Lot corners have not been set by this survey unless otherwise indicated.
I hereby certify that I have carefully located the improvements shown hereon in accordance with the property description, title instructions or other instructions furnished by the client.
12/27/86
Date
LIGHT, ELLIOTT & ASSOCIATES, INC
ENGINEERS, PLANNERS, SURVEYORS
8906 ADELPHI ROAD
ADELPHI, MARYLAND
20783
422-6080
Book H 1315-15
Job No. J9487
HOUSE LOCATION SURVEY
1302 PENNYPACKER LANE
Lot 5 Block 9 Section 3
POINTER RIDGE @ COLLINGTON
QUEEN ANNE Election District
PRINCE GEORGE'S County, Maryland
Tax Book WWW-62