

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**OFFICE OF ZONING HEARING EXAMINER**

**AMENDMENT OF BASIC PLAN  
A-8589-C-04**

**DECISION**



Application: Amendment of Basic Plan  
Applicant: Seritage SRC Finance, LLC  
Opposition: None  
Hearing Dates: October 21, 2020 and November 18, 2020  
Hearing Examiner: Maurene Epps McNeil  
Recommendation: Approval with Conditions

**NATURE OF REQUEST**

- (1) This Application requests an amendment of the Basic Plan for Bowie New Town Center as it pertains to the former Sears Parcel, also identified as Lot 6 in PPS 4-03121. In particular Applicant seeks: removal/revision of certain conditions of approval and considerations set forth in A-8589-C; affirmance of the available/unallocated commercial and office square footage approved in A-8589-C; and, an increase to the permitted residential density cap in the M-A-C (Major Activity Center) Zone. The subject property is located on the northwest side of Evergreen Parkway and the south side of Collington Road (MD 197) in Bowie, Maryland.
- (2) The Technical Staff and Planning Board reviewed the Application and recommended approval. (Exhibits 2 and 6(c)) The property lies within the municipal boundaries of the City of Bowie, and the City recommended approval with certain conditions that were accepted by the Applicant. (Exhibit 28)
- (3) No one appeared in opposition at the hearing held by this Examiner.<sup>1</sup>

**FINDINGS OF FACT**

- (1) The subject property is approximately 10.8 acres and is part of the 274.7 acres subject to A-8589-C – the Basic Plan for Bowie New Town Center. The entire site includes 246.4 acres in the M-A-C Zone and 28.3 acres in the R-S (Residential Suburban Development) Zone. The property is improved with a 125,000-square-foot two-story Sears department store which was constructed in 2001 and is now closed, a 7,522-

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<sup>1</sup> The first hearing scheduled on October 21, 2020 was continued due to an error in posting the notice thereof.

A-8589-C-04

square-foot freestanding restaurant (slated to remain if request is approved), and paved surface parking area and drive aisles.

(2) The subject property has street frontage along Collington Road (MD 197) to the north and Evergreen Parkway to the east and south. Direct vehicular access to the site is provided via Evergreen Parkway.

(3) The site is grandfathered from the environmental regulations set forth in Subtitles 24, 25 and 27 of the Prince George's County Code that were enacted subsequent to 2010 because it has a previously approved preliminary plan of subdivision and an approved and implemented Type II Tree Conservation Plan. (Backup to Exhibit 3, p. 126)

### **Surrounding Uses**

(4) Applicant provided a revised Basic Plan drawing that depicts the overall Basic Plan area with the subject property highlighted in red, and one that details the requested amendment. (Exhibit 21) The subject property is surrounded by the following uses:

- North – Collington Road (MD 197) and single-family, multifamily and office development in the M-A-C Zone, just beyond
- South - Evergreen Parkway and stormwater management pond and Bowie City Hall, just beyond, in the M-A-C Zone
- East – Commercial development in the M-A-C Zone and Evergreen Parkway; beyond Evergreen Parkway are multifamily and townhouse development in the M-A-C Zone
- West - Commercial development in the M-A-C Zone

(5) The neighborhood, in which the subject property is located, is defined by John Hanson Highway (US 50) to the north; Mount Oak Road to the south; Robert Crain Highway (US 301) to the east; and, the Collington Branch Stream Valley to the west.

### **Master Plan/Zoning**

(6) The subject property was placed in the M-A-C Zone when the District Council approved the Master Plan for Bowie-Collington and Sectional Map Amendment in 1975. (Exhibit 27) The Basic Plan for the Bowie New Town Center was established therein.<sup>2</sup> An amendment to the Basic Plan approved by the District Council upon its adoption of Zoning Ordinance No.35-1988 (A-8589-C) established the maximum land use quantities still in effect at this time. Applicant's requested amendments are to conditions/considerations imposed in this Ordinance. (November 18, 2020 T. 7) The

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<sup>2</sup> Detailed explanations of the zoning history and the approved development are set forth in the Technical Staff Report, Planning Board resolution and a table of development approvals. (Exhibits 2, 6(c) and 17)

A-8589-C-04

Technical Staff explained that there are no conditions of approval imposed in the preliminary plan of subdivision or subsequent Comprehensive Design Plan (“CDP”) or Specific Design Plan (“SDP”) approvals for the subject property that must be addressed at this time. (Exhibit 2, p. 4)

(7) The 2006 Master Plan for Bowie and Vicinity (the “Master Plan”) places the property within the Bowie Regional Center and included a goal to “[m]aintain low- to moderate- density land uses (except in the Bowie Regional Center....) (Master Plan, p. 8) It also stated that the base residential and maximum residential density for a New Town or City Corridor Center would range from 10 du per gross residential acre to 47.9 du per gross residential acre. (Master Plan, p. 166)

(8) The Master Plan recognized a vision for the Bowie Regional Center of “a diverse mix of moderate- to high-density and intensity residential, commercial, and information technology employment uses... [and explained] to achieve the desired vision, the types of uses, density, intensity, and character will need to be defined over time.” (Master Plan, p. 30) A specific goal for the Bowie Regional Center was to “[e]ncourage high-quality infill and redevelopment of existing commercial and parking areas over time.” (Master Plan, p. 31)

### **General Plan**

(9) The 2014 General Plan (“Plan Prince George’s 2035”) identifies the Bowie Local Center along US 50 and MD 301. (2014 General Plan, Map 1, p. 18) The General Plan envisions Local Centers “as focal points for development and civic activity based on their access to transit or major highways” and encourages “medium-to medium-high residential development, along with limited commercial uses [at] these locations, rather than scattering them throughout the Established Communities.” (2014 General Plan, p. 19) The General Plan further noted that Local Centers should include a new housing mix of “[l]ow-rise apartments and condos [and] townhomes” and an average net housing density for new development of “10-60 [d]welling units /acre.” (2014 General Plan, p. 108)

### **Applicant’s Request**

(10) There were fourteen conditions of approval and thirteen considerations imposed by the District Council in its approval of the Bowie New Town Center Basic Plan in A-8589-C. (Exhibit 25) The Applicant’s initial Statement of Justification requested amendments to that approval for the following reasons:

A-8589-C-04

### **Purposes of Request**

The purposes of this application[A-8589-C-04] is to amend the current basic plan for the Bowie New Town Center to allow for the redevelopment of the Sears Parcel as follows:

1. To increase the permitted residential density cap in the M-A-C Zone to specifically allow for a maximum of 800 residential dwelling units on the Sears Parcel. The residential units on the Sears Parcel will be in the form of multifamily dwellings, town house units (not to exceed 150 units), AND/OR beds in an assisted living facility. The final combination of these use types will be determined as part of subsequent development approvals. Regardless of the final residential mix, the total density of the Sears Parcel will not exceed 800 units.

A total of 1,420 dwelling units (1,005 multifamily units and 415 townhouses) were approved for the M-A-C Zone by the District Council on June 13, 1988 on the M-A-C portion of Bowie New Town Center as part of basic plan A-8589-C. At this time, 1,290 of those dwelling units have been constructed in the M-A-C portion of the project (consisting of 903 multifamily units and 387 townhouses). This leaves 130 dwelling units remaining under the cap of the prior basic plan approval for the M-A-C Zone (consisting of 102 multifamily units and 28 townhouses). If the instant application is approved, the resulting maximum density for multifamily units (for the M-A-C Zone portion) would be 1,703 dwelling units (1,005 MF units (per A-8589-C) – 102 remaining/available MF units = 903 MF units + 800 new MF units on Sears Parcel = 1,703 max MF units). The resulting maximum density for townhouse units (for the M-A-C Zone portion) would be 537 dwelling units (415 TH units (per A-8589-C) – 28 remaining/available TH units = 387 TH units + 150 new TH units on Sears Parcel = 537 max TH units). Regardless, the maximum density proposed for the Sears Parcel will **not exceed 800 dwelling units**. The total maximum density for the M-A-C Zone portion of the Bowie New Town Center (as increased through the instant application) would be 2,090 units (1,420 units (approved in A-8589-C) – 130 remaining/available units = 1,290 units + 800 max residential units on Sears Parcel = 2,090 max units).

2. To revise prior conditions of approval and considerations in the approved basic plan (A-8589-C) that either have been satisfied or are no longer appropriate in light of existing or proposed development within the Bowie New Town Center project.
3. To reaffirm the amount of available/unallocated commercial square footage approved in the previous basic plan (A-8589-C). The District Council's approval on June 13, 1988 (per A-8589-C) included 1,225,000 sq.ft. of commercial retail of which 441,468 sq. ft.<sup>3</sup> remains available to be allocated within the Bowie New Town Center (including on the Sears Parcel). No changes are being requested from the prior approved commercial retail land use quantities.

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<sup>3</sup> Includes 125,000 sq. ft. of the existing SEARS building (which will be demolished) plus 30,000 sq. ft. SEARS expansion (approved via SDP-9711 but not constructed).

A-8589-C-04

4. To reaffirm the amount of available/unallocated office square footage approved in the previous basic plan (A-8589-C). The District Council's approval on June 13, 1988 (per A-8589-C) included 900,000 sq. ft. of office space of which 640,864 sq. ft. remains available to be constructed within the Bowie New Town Center (including on the Sears Parcel). No changes are being requested from the prior approved office land use quantities.

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Based on the rationale provided in this statement of justification the Applicant requests the following land use quantities:

Land Use Quantities

**Commercial**

M-A-C

Retail	1,225,000 square feet – (of which 441,468 sf remains available)
Office	<u>900,000 square feet</u> – (of which 640,864 sf remains available)
Total	2,125,000 square feet

**Residential**

M-A-C

Multifamily	903 dwelling units (Existing/Constructed)
Townhouses	387 dwelling units (Existing/Constructed)
Sears Parcel (Lot 6)	800 dwelling units*
Total	2,090 dwelling units

\*Maximum density for Sears Parcel shall not exceed 800 units and may consist of multifamily units, townhouses (not to exceed 150 units), and/or beds in an assisted living facility.

**Conditions**

1. *The applicant shall present to the City of Bowie a revised transit study addressing the Bowie Regional Business Center's effect on Routes 197, 50, and 3 (U.S. Route 301), and their intersections. Until an alternate traffic study is accepted, the conclusions of the A-28 Bowie Special Treatment Area Traffic Study, are included herein, as follows:*
  - a. *A maximum of 245,000 square feet of office space development shall occur at the office space development shall occur at the Center with the existing transportation system. This should be the first stage of the Bowie Center construction.*

A-8589-C-04

- b. The proposed regional shopping center shall not be constructed until Stage II, when highway improvements are programmed and funded.*

**COMMENT/REVISION:** This condition should be deleted as development within the Bowie New Town Center has been substantially completed. Nonetheless, the Applicant has submitted a transportation impact study which analyzes the project's impact on Routes 197, 50 and 3 (U.S. Route 301) and their intersections.

1. *Residential development shall not be included in Stage I, due to limitations on traffic capacity, as outlines in the Maryland-National Capital Park and Planning Commission A-28 Study.*

**COMMENT/REVISION:** This condition should be deleted as the Stage I development of the Bowie New Town Center has already occurred.

2. *At the second phase of the CDZ proves, the applicant shall delineate an adequate buffer of not less than 50 feet (unless reduced by Bowie City Council) on the perimeter of the site for protection of neighboring lower-density residential areas and vacant land.*

**COMMENT/REVISION:** This condition should be deleted as all buffers on the perimeter of the Bowie New Town Center have been constructed.

3. *Any development beyond the conditioned Stage I office space shall be tied closely to the funding of anticipated highway improvements by the Maryland State Highway Administration. If such improvements are not funded, the level of development in the M-A-C area shall be re-examined by the Planning Board.*

**COMMENT/REVISION:** This condition should be deleted as the funding for the highway improvements has been provided by the State Highway Administration and the contemplated development within the M-A-C zone was approved by the Planning Board.

4. *If fire protection facilities are not adequate at the time of development of any mid-rise or high-rise residential units, those units shall be equipped with sprinkler systems approved by the Fire Department.*

**COMMENT:** The applicant agrees with this condition and all new residential construction shall be built with sprinkler systems.

5. *The Comprehensive Design Plan staging shall assure that the regional mall is developed concurrent with the peripheral commercial areas.*

**COMMENT/REVISION:** This condition should be deleted as the regional mall and the peripheral commercial areas have been substantially completed.

6. *The Specific Design Plan for Parcel 9 shall provide significant alternative landscape treatment to mitigate the loss of the 7.5+ acre tree stand.*

A-8589-C-04

**COMMENT:** This condition has been largely satisfied because the landscape treatment for Parcel 9 (the retail core) has been determined and constructed according to subsequent entitlement application requirements. Nonetheless, the Sears Parcel redevelopment (which is part of the area formerly denoted as “Parcel 9”) will include appropriate landscape treatment for its proposed mix of uses.

7.
  - a. *The revised Basic Plan shall show a floating symbol within Parcel 9 to indicate a possible public transportation right-of-way or station facilities either on, through, or in the general area of Parcel 9 (PT-1; public transportation mode to be determined).*
  - b. *A note shall be added on the Basic Plan indicating the following: The floating transit symbol does not commit the owner to provide such a right-of-way or facility. Land acquisition and design will be negotiated at such time as the facility is determined necessary by government.*

**COMMENT/REVISION:** This condition should be deleted because “Parcel 9” has been constructed without a transit facility within its boundaries. Nonetheless, the Applicant will design the Sear Parcel redevelopment to allow for appropriate bus stops/shelters to accommodate public bus service.

8. *All commercial building shall be fully sprinkled in accordance with NFPA Standard 13 and all applicable County laws.*

**COMMENT:** The Applicant agrees with this condition and will include sprinkler systems within commercial buildings in accordance with NFPA Standard 13 and/or County law.

9. *The owner shall dedicate 73,000+ square feet of the westernmost portion of the Parcel R to the City of Bowie for tree preservation prior to approval of the Specific Design Plan.*

**COMMENT/REVISION:** This Condition should be deleted as the required dedication has likely already occurred.

10. *Landscaping and tree plantings shall be provided and maintained on both sides of Maryland Route 197 within State Highway Administration right-of-way for the entire frontage of Parcel N in an amount equal to a minimum of three acres.*

**COMMENT:** The Applicant is not proposing any changes to this condition as it does not directly impact the Sears Parcel.

11. *Landscaping, berming and tree plantings shall be provided and maintained within the parking area depicted on the Illustrative Site Plan for Parcel N in a location immediately South of the eastern mall entrance.*

**COMMENT/REVISION:** This condition should be modified to state that **“appropriate landscaping should be provided for any surface parking area south of the eastern mall entrance”**. It is anticipated that residential buildings may be located in the southern portion of

A-8589-C-04

the Sears Parcel (south of the eastern mall entrance) and may likely utilize structured parking facilities.

12. *Conditions concerning additional landscaping, screening, or buffering being provided and maintained, and/or dedication of land by the owner, which conditions are mutually agreed upon by the owner and the City by September 6, 1988, shall be attached as conditions of this Ordinance.*

**COMMENT:** The Applicant is not proposing any changes to this condition.

13. *A 100-foot buffer shall be maintained along the Stratton Property and access shall be constructed on the subject property in order to provide public access to the Stratton Property. This condition shall remain in effect until such time as (1) the residential use of the Stratton Property ceases; or (2) the Stratton property is purchased by the applicant in this case.*

**COMMENT:** The Applicant is not proposing any changes to this condition as it does not directly impact the Sears Parcel.

### **Considerations**

1. *There shall be no grading of the site and no cutting of trees until approval has been obtained at the Comprehensive Design Plan stage. Major stands of trees shall be delineated on the Comprehensive Design and Specific Plans and the developer shall demonstrate to the satisfaction of the Planning Board (or the District Council upon review) why it is necessary to remove any mature or specimen trees.*

**COMMENT/REVISION:** This Consideration should be deleted as the Bowie New Town Center has been substantially developed and the appropriate grading and clearing has occurred in conformance with existing approvals. It should also be noted that there are no major stands of trees on the Sears Parcel.

2. *No historic building, structures, or uses shown on the approved Basic Plan shall be removed or altered, nor shall any site related thereto be altered, unless such removal or alteration is approved in either the Comprehensive Design Plan or the Specific Design Plan.*

**COMMENT:** The Applicant agrees with this Consideration. It should be noted that there are no historic buildings or structure on the already developed Sears Parcel.

3. *Given the magnitude of this project, it is essential that the public facilities required to service this project be examined by the Planning Board at the Comprehensive Design Plan stage. The entire project shall be reviewed, in order to assure that many public facilities as are economically feasible for both the developer and the public agencies are included at the first stage of development, and also that other existing or planned public or private facilities, such as schools, recreation areas, water and sewerage systems, libraries, fire stations,*



A-8589-C-04

*cultural art facilities, health facilities, or municipal facilities necessary to serve the proposed development are adequate for the uses proposed.*

**COMMENT:** The Applicant agrees with this consideration. Nonetheless, there are ample public facilities that have been constructed as part of the construction of the vast majority of the Bowie New Town Center. There are ample public facilities that surround the Sears Parcel that will be able to serve residents and visitors of the future development.

4. *The mixture and balance of land use types and quantities at any given stage of development, shall generally reflect the mixture and balance that will be in place at the time of ultimate development, to the extent deemed reasonable, in view of market conditions.*

**COMMENT/REVISION:** This Consideration should be deleted as the Bowie New Town Center has been substantially developed and the mix/balance of the vast majority of uses has already been determined. It should also be noted the mix of uses planned for the Sears Parcel represents the only known phase of new development available within the M-A-C Zone portion of the Bowie New Town Center.

5. *Residential development should be designed to meet needs resulting from proposed major employment centers such as the Maryland Science and Technology Center.*

**COMMENT/REVISION:** This Consideration should be revised to delete specific reference to the Maryland Science and Technology Center. Said project was zoned E-I-A at the time of the approval of A-8589-C and was intended for only employment-types uses. Since that time, the Maryland Science and Technology Center has been rezoned (as part of the 2006 Master Plan) to the M-X-T Zone and has been renamed "Melford". Melford has also been redesigned as a mixed-use component of the Bowie Local Town Center (as designated in the 2035 General Plan) and includes a residential component to complement the existing and future employment uses within said project. As such, this Consideration should be revised to state the following: ***"Residential development should be designed to meet the housing needs resulting from prevalent use patterns existing and proposed within the Bowie Local Town Center as designated in the current General Plan."***

6. *As part of Phase II, the entire Mill Branch Stream shall be incorporated into an open space system.*

**COMMENT/REVISION:** This Consideration should be deleted as the Bowie New Town Center has been substantially developed and the appropriate grading and clearing has occurred in conformance with existing approvals. It should also be noted that there are no major stands of trees on the Sears Parcel.

7. *As part of Phase II, the concentration of steep (over 25 percent) and moderate (over 15 percent) slopes located north of relocated Route 197 shall be incorporated into an open space system.*

A-8589-C-04

**COMMENT:** The Applicant has no objection to this Consideration, however, it should be noted that the open space system for the Bowie New Town Center has already been determined and substantially dedicated/preserved. The redevelopment of the Sears Parcel will create open space opportunities within its property boundaries (as a design element of any new mix of uses) but said opportunities will not likely include any development of steep slopes along existing MD 197.

8. *As part of the Phase II CDP, that segment of Mill Branch Road located on the southeast sector of the property should be located on the south side of the concentration of moderate slopes.*

**COMMENT/REVISION:** This Consideration should be deleted as the Bowie New Town Center has been substantially developed and proposed roadways have already been constructed. It is also unclear from available records related to A-8589-C where proposed "Mill Branch Road" was located within the Bowie New Town Center. (it was likely renamed as part of subsequent development approvals).

9. *The Phase II submittals shall include a conceptual erosion and sediment control plan for the entire property.*

**COMMENT/REVISION:** This Consideration should be deleted as the Bowie New Town Center has been substantially developed and the appropriate sediment and erosion controls have been constructed in conformance with existing approvals. It should be noted that any redevelopment of the Sears Parcel will include all City, County and State mandated sediment and erosion controls required by law.

10. *The Phase III submittals shall include a 100-year floodplain study, with calculations based upon ultimate development.*

**COMMENT/REVISION:** This Consideration should be deleted as the Bowie New Town Center has been substantially developed and the appropriate 100-year floodplain studies have previously been provided. It should also be noted that the Sears Parcel has already been developed including buildings and a large expanse of surface parking. It is highly likely that any redevelopment would actual reduce the impervious area that currently exists within the Sears Parcel.

11. *As part of Phase II, a stormwater management plan shall be submitted which considers the following:*

- a. *A stormwater management concept plan should be provided for the entire property.*
- b. *Calculations should be based upon ultimate land use development in the basin.*
- c. *For those sectors of the parcel located north and northwest of Mill Branch, consideration should be given to utilizing infiltration measures.*
- d. *The study should address the status of the off-site lake approved on Mill Branch as part of the Enfield Chase (CPD) proposal located southeast of the property.*

A-8589-C-04

e. *Should the off-site lake on Mill Branch be considered as part of the stormwater management plan, the study should address the possibility of dam failure.*

f. *Water quality enhancement and the minimization of non-point pollution should be a major consideration in developing the stormwater management plan.*

**COMMENT/REVISION:** This Consideration should be deleted as the Bowie New Town Center has been substantially developed and the required stormwater management plans for the overall project have already been obtained. It should be noted that any redevelopment of the Sears Parcel will have all required stormwater management approvals prior to construction/grading.

12. *Plans for collection and disposal of solid waste should be addressed during Phase II.*

**COMMENT:** The Applicant agrees with this Consideration and the appropriate facilities for the disposal of solid waste will be provided as part of the redevelopment of the Sears Parcel (and will be reflected in the appropriate SDP for the Sears Parcel).

13. *As part of the Phase II submittals, noise attenuation measures should be included in the design of the residential components.*

**COMMENT:** The Applicant agrees with this Consideration and the appropriate noise attenuation for residential uses will be provided as part of the redevelopment of the Sears Parcel.

(Exhibit 12, pp. 8-9 and 18-25)

(11) By the time of the hearing held by this Examiner, and after consultation with the Technical Staff and the City of Bowie, Applicant agreed to amend its request to a maximum of 600 dwelling units to include any combination of townhouses, multifamily units, or rooms at an assisted living facility, with the proviso that a maximum of 150 townhouses may be constructed. (November 18, 2020 T. 9)

(12) Applicant's witness, Michael Lenhart, was accepted as an expert in the area of transportation planning. Mr. Lenhart prepared two traffic impact analyses in support of the request. Mr. Lenhart's second analysis was revised to reflect a change in the remaining office development (in Appendix C) and a reduction in the requested number of residential dwelling units (600 instead of the 800 originally proposed). He found that the Application would not adversely impact the signalized transportation facilities in the area (MD 197 & WB US 50 Off Ramp; MD 197 & EB US 50 Off Ramp; MD 197 & Northview Drive; MD 197 & Town Center Boulevard; and MD 197 & Evergreen Parkway) or the two unsignalized intersections

A-8589-C-04

(Evergreen Parkway & Shopping Center/Emerald Lane and Evergreen Parkway & Excalibur Road) reasoning as follows:

The Bowie Town Center site has a previously approved Basic Plan that includes 1,225,000 of retail space, 900,000 of office space, 415 townhouse units, and 1,005 multifamily units. There are still 28 townhouse units and 102 multifamily units from the original Basic Plan approval for a total of 130 approved but unbuilt residential units. The Basic Plan is proposed to be increased to include an additional 122 townhouse units and 348 multifamily units which would result in a maximum of 600 dwelling units remaining to be built on this site. Further, there remains unconstructed but approved square footages from the prior Basic Plan approval consisting of 441,468 square feet of retail and 529,500 square feet of office that is available to be developed anywhere within any portion of the M-A-C-zoned portion of the Bowie New Town Center. Based on the analyses in this report:

- All of the signalized intersections all operate acceptably based on the CLV requirement of 1,450 or better for signalized intersections under all conditions. Also, these intersections will operate between 1% and 8% better based on the reduction to a maximum of 600 dwelling units, as compared to the 800 dwelling units that were originally proposed in the December 19, 2019 version of this traffic study.
- Intersection 6 passes the three-tiered test for adequacy by meeting the first-tier delay requirements during the AM peak hour and meeting the CLV test of  $CLV < 1,150$  during the PM peak hour.
- Intersection 7 passes the first tier of the three-tiered test for adequacy during both the AM and PM peak hours.
- Section 27-195 (b)(1)(C) requires that transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The results of this Traffic Impact Analysis confirm that the transportation facilities are adequate to carry the anticipated traffic generated by the maximum proposed density of this development; therefore the proposed application satisfies 27-195 (b)(1)(C) of the zoning ordinance.

In light of the results of this study, the updated unit totals as revised in this traffic study will result in improved traffic conditions, and the proposed Basic Plan Amendment will not have a significant impact on the transportation network.

(Exhibit 24, pp. 17-18)

(13) Mark Ferguson, accepted as an expert in the area of land use planning, provided a detailed land planning analysis in support of the Application. (Exhibit 22) Mr. Ferguson concluded that the request satisfied the applicable provisions of Section 27-195 (b) of the Zoning Ordinance, pertaining to conformance with the General and Master Plans:

A-8589-C-04

The proposed amended Basic Plan is located in an area recommended for mixed-use development by the Area Master Plan Map.

While conformance to the first clause of [Section] 27-195(b)(1)(A)(i) is sufficient to make a finding of approval, the proposed amendments conform to the principles and guidelines of the plan text which address the physical development of the property as well.

The 2006 *Bowie and Vicinity Master Plan* contains an extensive discussion of the Bowie Regional Center in its Development [Pattern] Element. In the Master Plan, Bowie Town Center is only a part of the larger Bowie Regional Center. The Master Plan quotes the 2002 General Plan, which described the Bowie Regional Center as ...“located on the north and south sides of US 50 and both sides of US 301/MD 3. The Center included the University of Maryland Science and Technology Center (Melford), an M-X-T-zoned property in the southeast quadrant, and the Bowie Town Center and Bowie Gateway Center....”

The Master Plan goes on [to] ... designate Bowie Town Center as “Subarea 4” of the overall Bowie Regional Center. The plan states that, ...“In response to its ideal location midway between Washington, D.C., Baltimore, and Annapolis, the Bowie Regional Center should continue to grow and intensify as a mixed-use, transit-oriented center with residential, commercial, office, and recreational development complemented by ample open spaces such as public plazas and parks. This plan recognizes that to achieve the desired vision, the types of uses, density, intensity, and character will need to be defined over time. As envisioned, the regional center will draw residents, businesses and visitors from throughout the region and provide the opportunity for the creation of a major transit hub....”

The approval of the requested amendments will help to implement the Master Plan’s recommendation of intensification of the Center.

The first of the Goals that the Plan lays out to meet this vision is:“Promote compact, mixed-use development at moderate to high densities;”

The first Policy which the Plan lays out to implement this Goal is, “Promote development of mixed residential and nonresidential uses at moderate to high densities and intensities with a strong emphasis on transit-oriented development....” With the approval of the requested amendment, the residential density within the area of A-8589 would be approximately 7.7 units per gross acre of the entire M-A-C area, which falls within the moderate density range of 3.5 to 8 units per acre. If all of the 600 remaining residential units were realized within the subject property, this would correspond to high density development at 55 units per acre, with both ranges in keeping with the Plan’s intent.

In this context it is to be particularly noted that the 2014 General Plan recommends average net densities of 10-60 dwelling units per acre within Local Town Centers, which is the classification of the Bowie Center under the currently-adopted General Plan. While the overall density of A-8589 would fall below the General Plan’s density recommendation even with the requested amendment, the achievable density on the subject property of approximately 55 units per acre would fall within the General Plan’s recommended density range.

A-8589-C-04

While these density ranges are useful as an illustration of conformance to the Master Plan's intent for residential land use densities, it is understood that neither of these illustrative calculations actually correspond to the density calculation mandated by the Zoning Ordinance, which instead requires a calculation based on "gross residential acres" throughout the entire M-A-C area. The best available historic information is the plan map of CDP-8504/01, which describes 89.7 gross residential acres out of 246.4 total gross acres in the M-A-C area of A-8589. Adding to that the 10.8 acres of the subject property would yield a new total of 100.5 gross residential acres, and a corresponding residential density of 18.8 units per gross residential acre with the requested amendments. This density also corresponds to the Master Plan's recommendation, and falls well within the M-A-C Zone's 47.9-unit-per-gross-residential-acre maximum residential density for centers designated as a "new town" or "corridor city" center.

A need would exist to provide for density increments through the use of Public Benefit Features to achieve the density cap provided for under the requested amendments. The Applicant's Statement of Justification outlines that many (if not all) of the public benefit features required to meet the requested amended density cap were already approved by CDP-8504; in any case, the final accounting of any additional required density increments would occur during the review of a subsequent CDP amendment.

One of the implementing Strategies of this Policy is to, "concentrate compact, high-density, pedestrian- and transit-oriented development in the core of the center, with less-intensive uses at the edge...." The approval of the requested amendments would allow the implementation of this condition by concentrating high density development at the core of the Bowie Town Center area.

The second of the Goals that the Plan lays out to meet its vision for the Bowie Regional Center is to:..."Encourage high-quality infill and redevelopment of existing commercial and parking areas, over time...."

The redevelopment of the subject property will very specifically constitute the redevelopment of existing commercial and parking areas, and as such represents a direct implementation of the Plan's intent as laid out in this second Goal.

In summary, the proposed amendments conform to both the contents of the Master Plan Map and the principles and guidelines in its text with respect to land use, number of dwelling units and even the location of land uses.

(Exhibit 22, pp. 6-8)

(14) Mr. Ferguson's Analysis also concluded that the request satisfies the purposes of the Zoning Ordinance, in general, and those of the M-A-C Zone, in particular. (Exhibit 22, pp.10-14) Finally, the witness opined that the request met all applicable requirements, and recommended approval thereof:

A-8589-C-04

[T]he applicant is only seeking to amend the land uses permissible at the site as well as the total ...residential land use quantities....[T]he commercial retail and commercial office caps are not proposed to be amended....

So this M-A-C [Zone] is considered to be a new town center and therefore it has a base density of 10 units per residential acre and 47.9 units is the maximum residential density or the maximum density permitted per residential acre.... [A]pproximately 90 ... residential acres have been already approved. This would add 10.8 more residential acres for a total of 100.5 gross residential acres out of the 242 total gross [acres] ... in the whole of the M-A-C area.... [Y]ou would get a new density for the entire M-A-C Zone of 18.8 units per acre , which is more than the base density but well ... less that the maximum density....

The Master Plan Map does recommend mixed-use development and that is ... exactly what is being requested.... This amendment would allow for mix used development within the limits of Lot 6. Right now the land use for Lot 6. Right now the land use for Lot 6 on the existing Basic Plan is called regional retail center and so the land use amendment to mixed-use would be necessary to allow residential development. And that is in fact very much in keeping with the text recommendations of the Bowie Master Plan which do seek ... high quality infill and redevelopment of existing commercial and parking areas over time....

[T]he 2014 General Plan kept in place the recommendations of a number of plans going back in time that there be a center at this location. So this is in fact the Bowie Center. It's designated as a local center which is an auto accessible center. They're less dense than certainly the regional downtowns, but less dense means that they seek a net housing density for the entire development of 10 to 60 dwelling units per acres.... [E]ven if you put all 600 potential residential units on the subject 10.8 acres, you would be in the neighborhood of 55 units per acre which is still within what the General Plan seeks for development for centers....

For zoning compliance you have to do the gross residential calculation and for that ... the residential density would be 18.8 for purposes of compliance with the M-A-C Zone's provisions....

There are five [criteria of approval]. [I've discussed conformance ] to the specific recommendations of a General Plan Map or an Area Master Plan Map....[Another requirement] is for an economic analysis if for a proposed retail commercial area, [but] we're not proposing any change to the retail or office quantity.... Mr. Lenhart testified to transportation requirements. There is a requirement for other public facilities to be in place. Staff did an analysis ... indicating that it's in the correct water and sewer category[,] that police and fire response times are adequate[,] and that the ordinances ... provide for the school facilities surcharge.... And then the final criterion... is the environmental relationships reflect compatibility between the proposed general land use types and the surrounding land uses to promote the health [,]safety [,] and welfare and ... I would note that staff had proposed a consideration to talk about compatibility regarding the transition of land use density between ... the residential uses to the east and those on this property and of course to the mall beyond. And I would argue that this, the opportunity to have a residential use will actually provide for a better transition. Right now right across the street from those apartments is the parking lot for the Sears and of course the Best Buy which is a separate property. So being able to make a more gradual transition I think will end up improving the quality of the Bowie Town Center environment.... [P]roposed Condition Number 10 [ in the Staff Report

A-8589-C-04

will ensure that] at the time of Comprehensive Design Plan and the Specific Design Plan development for Lot 6 shall be reviewed in context with surrounding development including but not limited to density, scale, massing in order to provide appropriate transitions to the proposed development....<sup>4</sup>

(November 18, 2020 T. 44-49, 54)

### Agency Comment

(15) The Technical Staff recommended approval with conditions, after a review by various divisions/sections within the Maryland-National Capital Park and Planning Commission.

(16) The Countywide Planning Division, after review of referrals from the applicable agencies, noted that the water and sewerage system and the police and fire facilities are all adequate to serve the requested amendment, and that Applicant will be required to pay any applicable school facilities surcharge at the time of building permit issuance. (Exhibit 12, Backup pp. 134-136 and 151)

(17) The Environmental Planning Section provided the following analysis:

The site is currently grandfathered from the environmental regulations contained in Subtitles 24, 25, and 27 ... because the site has previously approved preliminary plans and an approved and implemented TCPII....

The area of this amendment is limited to Lot 6, located 1,600 feet east of the MD 197 and Northview Drive intersection and consists of 10.81 acres in the M-A-C [Z]one....

According to PGAtlas.com current available information indicates that streams, wetlands, 100-year floodplain and steep slopes are no longer found to occur within the limits of this application. The predominant soils found to occur ... include Urban land Adelpia complex (0 to 5 percent slopes), and Urban Land-Collington-Wist complex, (0 to 5 percent slopes)[.] Marlboro clay or Christiana complexes do not occur on or in the vicinity of this property. A review of available mapping information indicates the subject area is not within a Sensitive Species Project Review Area (SSPRA) and does not contain potential forest interior dwelling species (FIDS) habitat. The site is located within the Middle Patuxent Watershed, a stronghold subwatershed within the Patuxent River basin. The *Countywide Resource Conservation [P]lan* of the *Approved Prince George's County Resource Conservation [P]lan* (2017) shows an evaluation area located on Lot 6, but the impervious surface layer shows the site to be fully developed with impervious surfaces.

(Exhibit 12, Backup p. 126)

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<sup>4</sup> This became Condition 8 in the Planning Board's recommended conditions of approval. (Exhibit 6 (c))



A-8589-C-04

(18) The Transportation Planning Section noted that the subject property lies within Transportation Service Area 2 as defined in the 2014 General Plan, and explained the standard for determining adequacy in this service area. (Exhibit 2, p. 11) It reviewed the impact of the Application before the number of residential units proposed was reduced, considering existing conditions, the effect of background traffic including residual (unbuilt) developments, and applying a growth factor of 0.5% for six years. Staff ultimately agreed with Mr. Lenhart that the five signalized and two unsignalized intersections impacted by the request (and described *supra*) continue to operate within limits considered acceptable in Transportation Service Area 2.

(19) The Subdivision and Zoning Section, Development Review Division, reviewed Applicant's proposed revisions to the land use quantity table and the conditions and considerations imposed by the District Council in its approval of A-8589-C and agreed with the City of Bowie that the available office space calculation was incorrect and should be 529,500 square feet. (Exhibit 14, Additional Backup p. 10) It also agreed to the deletion of obsolete conditions concerning CDP staging for the regional mall, and a buffer for the Stratton Property which has since been developed as part of the Macy's Department Store's parking lot. (Exhibit 14, Additional Backup p. 10) Finally, it agreed that a condition concerning sufficiency of public parkland and public recreational facilities should be revised to solely reference Lot 6 "to keep it from inadvertently being applied to another property, should one redevelop under the provisions of A-8589" (Exhibit 14, Additional Backup p. 11)

(20) The Planning Board Resolution recommending approval of the instant request included the following synopsis of the Application:

1. **Development Proposal Analysis:** The applicant has filed this basic plan amendment and included an SOJ dated December 3, 2019 (Antonetti to Conner), which sets forth four specific amendments sought by this application (described previously in this resolution). The following findings provide further detail and analysis of the applicant's requested amendments.

1. The applicant proposes to increase the permitted residential density cap in the M-A-C Zone to 2,090 DUs in order to allow a maximum of 800 DUs which may be constructed on Lot 6. The following table represents the prior approved DU types and development maximums for the M-A-C Zone, and the amendments proposed by the applicant:

A-8589-C	APPROVED	PROPOSED
Zone(s)	M-A-C	M-A-C
Total Acreage:	246.40	246.60
Commercial		
Retail	1,225,000 sq. ft.	1,225,000 sq. ft (of which 441,468 sq. ft remains available)

A-8589-C-04

Office	900,000 sq. ft	900,000 sq. ft (of which 529,500 sq. ft remains available)
<b>Total</b>	<b>2,125,000</b> <b>sq. ft.</b>	<b>2,125,000 sq. ft.</b>
Residential		
Multifamily	1,005 DUs	903 DUs (existing/constructed)
Townhouse	415 DUs	387 DUs (existing/constructed)
Sears Parcel (Lot 6)	----	800 DUs*
<b>Total</b>	<b>1,420</b> <b>DUs</b>	<b>2,090 DUs</b>

**Note:** \*Maximum density for Sears Parcel shall not exceed 800 units and may consist of multifamily units, townhouses (not to exceed 150 units), and/or beds in an assisted living facility.

The table above appears to reallocate 130 available/unconstructed dwelling units from the prior approved residential areas in the M-A-C Zone to Lot 6. However, the basic plan notes are slightly different in that they reflect an additional 670 dwelling units specifically for Lot 6, and that the 130 dwelling units previously applying to the overall development are not exclusively allocated to Lot 6. The basic plan notes do not preclude the 130 DUs from being located on Lot 6 but also do not preclude their development elsewhere within the residential areas of the M-A-C Zone, as originally intended. The notes as provided on the basic plan are therefore appropriate, save that per the accepted request from the City of Bowie, an additional 470 units should be reflected for Lot 6 for a total of 600 possible units.

The applicant proposes that Lot 6 may be developed with residential, retail, and/or office uses and provides that the redevelopment of Lot 6 has the potential to reinvigorate the Bowie New Town Center. The applicant believes the mixes of uses and opportunity for compact development on Lot 6 will support the retail center and be conveniently proximate to recreational, walking, and biking facilities. At the time of CDP, when the land uses are further specified, the applicant will be required to demonstrate that the acreage allocated for commercial and residential development will meet the density and intensity regulations for the M-A-C Zone.

2. There are 14 conditions of approval and 13 considerations of A-8589-C. As set forth in the SOJ, the applicant proposes revision to 8 of the conditions of approval and 8 of the considerations. The applicant also proposed revision to

A-8589-C-04

one additional condition at the Planning Board hearing. Conformance with A-8589-C is addressed in a separate finding below, and the applicant's proposed revisions are addressed therein.

3. As presented in the table above, 441,468 square feet of the allowable retail square footage is unbuilt and will continue to be available for development within Bowie New Town Center, including on Lot 6. No changes are proposed as part of this request. The density and intensity regulations for the M-A-C Zone are addressed by the applicant within their SOJ and are further analyzed in this resolution in light of the potential development of residential land uses on Lot 6. This proposal conforms with the applicable M-A-C Zone requirements and will be analyzed further at the time of CDP and SDP when the land uses to be constructed are specified.
4. As presented in the table above, 529,500 square feet of the allowable office square footage is unbuilt and will continue to be available for development within Bowie New Town Center, including on Lot 6. No changes are proposed as part of this request.  
The density and intensity regulations for the M-A-C Zone are addressed by the applicant within their SOJ and are further analyzed in this resolution, in light of the potential development of residential land uses on Lot 6. This proposal conforms with the applicable M-A-C Zone requirements and will be analyzed further at the time of CDP and SDP when the land uses to be constructed are specified

(Exhibit 6 (c), pp. 5-6)

(21) The Planning Board analyzed all of Applicant's requested changes to the existing conditions/considerations mandated by the District Council in A-8589-C and provided its responses thereto, generally in agreement with the request. (Exhibit 6 (c), pp. 16-23)

(22) The City of Bowie recommended approval with three considerations "intended to enhance the goals of the County's General Plan, ... Comprehensive Housing Strategy, ... Zoning Ordinance, the Council of Government's 2019 housing study, and the Bowie and Vicinity Master Plan" :

- (1) A maximum of 600 dwelling units are to be provided within the development.
- (2) Workforce and active adult housing are to be included as part of the project. The percentage of workforce housing units within the development will be established at the time of Comprehensive Design Plan review.
- (3) The utilization of a high-quality design that fully integrates the proposal with existing uses within the retail component of the Bowie Town Center, including the application of

A-8589-C-04

multi-modal and place-making techniques, green and open space and the use of local and native plant species.

(Exhibit 28)

(23) Applicant's agent, Robert Ursini, and its counsel accepted the proffered considerations and the recommendations of the Planning Board. (November 18, 2020 T. 5 and 14-16) The Planning Board's recommendation of approval included each of the City's considerations but slightly changed Number 2 by not mandating the inclusion of active adult housing on the site. However, the City's representative testified that "the concerns of the Council in the letter ... to the Planning Board [and to the ZHE] have been included in the Planning Board resolution...." (November 18, 2020 T. 58) Accordingly, I conclude that the City agrees to the slight modification.

(24) The State Department of Assessment and Taxation has certified that Applicant is in good standing to transact business within the State of Maryland. (Exhibit 26)

### **APPLICABLE LAW**

(1) The instant request, which involves the amendment of an approved Basic Plan and an increase in the overall land use density must satisfy applicable provisions of Sections 27-195 and 27-197 of the Zoning Ordinance. Section 27-197(a)(1) states as follows:

If an amendment of an approved Basic Plan involves a change in land area or an increase in land use density or intensity for the overall area included in the approved Basic Plan, the Plan shall be amended only in accordance with all the provisions of this Subdivision which apply to the initial approval of the Basic Plan by Zoning Map Amendment application, except as provided in this Section.

(2) Section 27-195(b) sets forth the criteria for the initial approval of the Basic Plan, and provides, in pertinent part, as follows:

(b) **Criteria for approval.**

(1) Prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:

(A) The proposed Basic Plan shall either conform to:

(i) The specific recommendation of a General Map plan, Area Master Plan map, or urban renewal plan map; or the principles and guidelines of the plan text which

A-8589-C-04

address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties;

- (ii) The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses; or
  - (iii) The regulations applicable to land zoned R-S and developed with uses permitted in the E-I-A Zone as authorized pursuant to Section 27-515(b) of this Code.
- (B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan;
- (C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal plans;
- (D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries, and fire stations) will be adequate for the uses proposed;
- (E) Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District.
- (2) Notwithstanding subparagraphs (C) and (D), above, where the application anticipates a construction schedule of more than six (6) years (Section 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.

\* \* \* \*

(3) The Application must also satisfy the purposes of the M-A-C Zone found in Section 27-489(a) of the Zoning Ordinance:

A-8589-C-04

- (a) The purposes of the M-A-C Zone are to:
- (1) Establish (in the public interest) a plan implementation zone, in which (among other things):
    - (A) Permissible residential density and building intensity are dependent on providing public benefit features and related density/intensity increment factors; and
    - (B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, public urban renewal plan, or Sectional Map Amendment Zoning Change;
  - (2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, public urban renewal plans, and Sectional Map Amendment Zoning Changes for Major Metro Centers, New Town Centers, and Corridor City Centers) can serve as the criteria for judging individual physical development proposals;
  - (3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District; and
  - (4) Encourage and stimulate balanced land development.

### **CONCLUSIONS OF LAW**

(1) This request to amend the Basic Plan for Bowie New Town Center must be found to comport with the above-referenced requirements of the Zoning Ordinance. The request generally satisfies the applicable purposes of the Zoning Ordinance found in Section 27-102 (a), for the following reasons:

- (1) *To protect and promote the health, safety, morals comfort, convenience, and welfare of the present and future inhabitants of the County;*

The request will bring vibrant uses to an abandoned retail site and provides a smoother land use transition between the remainder of the commercial mall and the adjacent residential uses, thereby furthering this purpose.

- (2) *To implement the General Plan, Area Master Plans, and Functional Master Plans;*

As noted in greater detail, *supra*, the request promotes the type of mixed-use, compact development at densities encouraged in the 2006 Master Plan and the 2014 General Plan.

- (3) *To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;*

Preliminarily, applicable staff have noted that the property is within the proper water and sewer service category, police and fire response times are currently adequate, school capacity will be ensured by

A-8589-C-04

payment of the appropriate surcharge, and transportation facilities will be adequate to serve the proposed development. Adequacy of public facilities and services will be reexamined at the time of CDP and preliminary plan of subdivision review/approval.

- (4) *To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;*

This purpose is fulfilled by the request since it will provide housing and commercial uses and will do so in a manner complimentary to the existing adjacent uses.

- (5) *To provide adequate light, air, and privacy;*

The request will also require the approval of a CDP and a SDP which will further ensure that the site is designed in a manner that will satisfy this purpose.

- (6) *To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;*

The District Council found this purpose to be met when it approved the M-A-C Zone for the entire site. The instant request will enhance the buffers between the Bowie Town Center mall and the adjacent development, further ensuring minimal impact on existing development.

- (7) *To protect the County from fire, flood, panic, and other dangers;*

The site will be developed in accordance with applicable provisions of the Building Code and Zoning Ordinance which ensure that these dangers are avoided.

- (8) *To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;*

The request will allow additional residences to be constructed in the area and is, therefore, in harmony with this purpose.

- (9) *To encourage economic development activities that provide desirable employment and a broad, protected tax base;*

Approval will result in a certain number of new jobs (construction, etc.) and new residents that may provide further support of the commercial component of the mall. Accordingly, this purpose is met.

- (10) *To prevent the overcrowding of land;*

The Master Plan and General Plan recommended increased density in this area and less in others. Since the Application satisfies the goals of those plans it is in harmony with this purpose.

- (11) *To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;*

Affected rights-of-way continue to function at an acceptable level if this request is approved; the request is, therefore, in harmony with this purpose.

- (12) *To insure the social and economic stability of all parts of the County;*

The site is primarily vacant at this time. Approval of a mix of residential and commercial uses in a manner suggested by the applicable plans and the regulations of the Zone will bring a vibrancy to the area and increase the tax base, thereby furthering this purpose.

- (13) *To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;*

- (14) *To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and*

A-8589-C-04

The redevelopment of this “fully-developed” site will have little to no impact on natural and/or environmental features, and adding development to a County Center may decrease the likelihood of negatively impacting such features elsewhere in the County. Additionally the existing Bowie town Center area has a large network of existing recreational space and more will be considered when the property undergoes plan review. Therefore, these two purposes are met.

- (15) *To protect and conserve the agricultural industry and natural resources.*

This purpose is not directly affected by the request.

(2) The request must also comport with the purposes of the M-A-C Zone. The District Council has already determined that the M-A-C Zone is the proper zone for the property, and that the location is in accordance with the applicable adopted and approved Plans; and the redevelopment will fall within the range of densities suggested in the Master Plan’s land use recommendations. (Section 27-489 (a)(1)) Since the request is in conformance with the Master Plan’s land use recommendations and the General Plan’s vision for such centers, the application satisfies the criteria set forth for development within the M-A-C Zone. (Section 27-489 (a)(2)) The conditions and considerations recommended for development will ensure compatibility between the proposed land uses and existing/proposed surrounding land uses, and the District Council already determined that the existing M-A-C acreage met this requirement. (Section 27-489(a)(3)) Finally, the instant request will create new residential development that will provide a variety of housing and an influx of consumers, while removing a large expanse of vacant commercial space that detracts from balanced land development. (Section 27-489 (a)(4))

(3) The request must satisfy the strictures of Section 27-195 (b). As noted, *supra*, the request conforms with the recommendations of the 2014 General Plan and the 2006 Master Plan since the subject property lies within a Local Town Center shown on the General Plan’s Growth Policy Map and the Bowie Regional Center discussed within the Master Plan, and the requested density and mix of uses are within the parameters of those discussed in the principles and guidelines of both Plans. (Section 27-195 (1)(A)(i) and (ii)) No changes are proposed to the retail commercial area within the Bowie New Town Center, thereby negating the need for a new economic analysis. (Section 27-195 (1)(B)) Applicant’s expert transportation planner and the expert Transportation Section of the Technical Staff both agreed that there is unbuilt capacity for the previously approved land uses within the Center that have not come to fruition, and the Traffic Impact Analysis of the seven intersections in the area found that each would still operate in an acceptable manner, even after the inclusion of the unbuilt capacity, the instant Application and an 0.5% growth factor. Accordingly, the existing transportation facilities are adequate to carry the anticipated traffic and the request will not generate traffic which would lower the level of serve anticipated by the land use and circulation systems shown on the General or Master Plans. (Section 27-195 (1)(C)) The Technical Staff analyzed applicable provisions of law and received some referral comments and has opined that water and sewer, and police and fire facilities will be adequate to serve the requested uses; a school surcharge will be applied, if required, at the time of building permit; and a consideration noted, *infra*, will require that adequacy of all public facilities be reexamined



A-8589-C-04

as part of Comprehensive Design Plan review. (Section 27-195 (1)(D)) The recommended conditions and considerations will ensure compatibility of the proposed uses with the surrounding land uses. (Section 27-195 (1)(E)) Finally, Applicant proposes all construction to occur within six years or less. (Section 27-195 (b)(2))

### RECOMMENDATION

It is recommended that the request be Approved, subject to the following land use quantities, conditions and considerations:

#### Land Use Quantities:

Commercial	
M-A-C	
Retail	1,225,000 square feet (of which 441,468 sq. ft. remains available)
Office	900,000 square feet (of which 529,500 sq. ft. remains available)
Total	2,125,000 square feet
Residential	
Multifamily	903 dwelling units (existing/constructed)
Townhouse	387 dwelling units (existing/constructed)
Residual Capacity	130 dwelling units (unbuilt units)
Sears Parcel (Lot 6)	470 dwelling units*
Total	1,890 dwelling units

[Note: \*Maximum density for Sears Parcel shall not exceed 600 residential units that may consist of multifamily units, townhouses (not to exceed 150 units), and/or beds in an assisted living facility.]

#### Conditions:

1. A buffer of not less than 50 feet (unless reduced by the Bowie City

A-8589-C-04

Council) shall be provided on the perimeter of the site for protection of neighboring lower-density residential areas and vacant land.

2. If fire protection facilities are not adequate at the time of development of any midrise or high-rise residential units, those units shall be equipped with sprinkler systems approved by the Fire Department.
3. The specific design plan for Parcel 9 shall provide significant alternative landscape treatment to mitigate the loss of the 7.5+ acre tree stand.
4. All commercial buildings shall be fully sprinkled in accordance with NFPA Standard 13 and all applicable County laws.
5. Landscaping and tree plantings shall be provided and maintained on both sides of MD 197 within the Maryland State Highway Administration right-of-way for the entire frontage of Parcel N, in an amount equal to a minimum of three acres.
6. Appropriate landscaping shall be provided and maintained for any surface parking area south of the eastern mall entrance.
7. Conditions concerning additional landscaping, screening, or buffering being provided and maintained, and/or dedication of land by the owner, which conditions are mutually agreed upon by the owner and the City by September 6, 1988, shall be attached as conditions of this Ordinance.
8. At the time of comprehensive design plan and specific design plan, development for Lot 6 shall be reviewed in context with surrounding development, including but not limited to, density, scale, and massing, in order to provide appropriate transitions to the proposed development.
9. If a determination is made at the time of comprehensive design plan review, based on the proposed total density on Lot 6, that the dedication of public parkland and public recreational facilities are insufficient, additional on-site and/or off-site dedication of public parkland and/or public recreational facilities shall be provided to satisfactorily meet the recreational needs of the additional dwelling units on Lot 6.
10. The redevelopment of Lot 6 shall include connections to existing open space and trails systems.

A-8589-C-04

**Considerations:**

1. No historic building, structures, or uses shown on the approved basic plan should be removed or altered, nor should any site related thereto be altered, unless such removal or alteration is approved in either the comprehensive design plan or the specific design plan.
2. Given the magnitude of this project, it is essential that the public facilities required to service this project be examined by the Prince George's County Planning Board at the comprehensive design plan stage. The entire project shall be reviewed, in order to assure that many public facilities as are economically feasible for both the developer and the public agencies are included at the first stage of development, and also that other existing or planned public or private facilities, such as schools, recreation areas, water and sewerage systems, libraries, fire stations, cultural art facilities, health facilities, or municipal facilities necessary to serve the proposed development are adequate for the uses proposed.
3. Residential development should be designed to meet the housing needs resulting from prevalent use patterns, existing and proposed, within the Bowie Local Town Center, as designated in the current General Plan.
4. As part of Phase II, the concentration of steep (over 25 percent) and moderate (over 15 percent) slopes located north of relocated MD 197 should be incorporated into an open space system.
5. Plans for collection and disposal of solid waste should be addressed during Phase II.
6. As part of the Phase II submittals, noise attenuation measures should be included in the design of the residential components.
7. Workforce housing should be included as part of the project on Lot 6. The percentage of workforce housing units within the development on Lot 6 should be established at the time of comprehensive design plan review.
8. The development of Lot 6 should utilize a high-quality design that fully integrates the proposal with existing uses within the retail component of the Bowie New Town Center, including the application of multimodal and placemaking techniques, green and open space, and use of local and native plant species.

A-8589-C-04

9. The applicant shall consider the viability of active adult housing on Lot 6 at the time of comprehensive design plan review.