

Case No.: A-8589-C-04
Bowie New Town Center
(Former “Sears Parcel”)
(Basic Plan Amendment)

Applicant: Seritage SRC Finance, LLC

COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 1 –2021

AN ORDINANCE to amend the Basic Plan, previously approved in Zoning Map Amendment A-8589-C, for property located on the northwest side of Evergreen Parkway and the south side of Collington Road (MD 197), known as Lot 6 of Bowie Town Center, recorded in Plat Book VJ 190, Tax Map 55, Grids B-2 and C-2, Bowie, Maryland, Councilmanic District 4.

WHEREAS, in 2001, the subject property was improved with a 125,000-square-foot Sears department store, which has since closed; and

WHEREAS, the Sears department store building will be razed for new development square-footage reallocated towards future commercial development; and

WHEREAS, the subject property is also improved with a 7,522-square-foot freestanding restaurant, which will remain; and

WHEREAS, in 1975, prior to development of the subject property, the District Council placed the property in the M-A-C (Major Activity Center) Zone through approval of the Master Plan for Bowie-Collington and Sectional Map Amendment and therein established the Basic Plan for the Bowie New Town Center; and

WHEREAS, in 1982, the District Council amended the Basic Plan through enactment of Zoning Ordinance No. 47-1982; and

WHEREAS, in 1988, the District Council approved another amendment to the Basic Plan through enactment of Zoning Ordinance No. 35-1988, which established the maximum land use quantities still in effect today; and

WHEREAS, in 2019, the instant application request was filed to further amend the Basic Plan as approved and amended in Zoning Ordinance No. 35-1988; and

WHEREAS, in 2020, the application was accepted for review by the Planning Department Development Review Division; and

WHEREAS, the 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 Preliminary Plan of Subdivision (PPS) 4-03121; and

WHEREAS, the application request 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 Zone of the subject property; and

WHEREAS, the application request was advertised and the property was posted for the application request prior to any public hearing; and

WHEREAS, the Planning Department Staff and Planning Board Commissioners recommended that the application request should be modified and approved subject to certain conditions and considerations; and

WHEREAS, the subject property is within the municipal boundaries of the City of Bowie and the City also recommended that the application request should be modified and approved subject to certain conditions and considerations; and

WHEREAS, the applicant has accepted that the application request should be modified and approved subject to certain conditions and considerations; and

WHEREAS, on November 18, 2020, the Zoning Hearing Examiner held an evidentiary hearing on the application request; and

WHEREAS, there was no opposition at the evidentiary hearing before the Examiner; and

WHEREAS, on December 18, 2020, the Examiner filed a written recommendation to the District Council that the application request, as modified, should be approved subject to certain conditions and considerations; and

WHEREAS, on January 25, 2021, the District Council requested preparation of this Ordinance to approve the application request in accordance with the Examiner's written recommendation; and

WHEREAS, as a basis of this final decision, the District Council adopts and incorporates by reference the Examiner's written recommendation to approve, as modified, the application request subject to certain conditions and considerations.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The application request as modified and accepted by the applicant to amend the Basic Plan for Bowie New Town Center, as it pertains to the former Sears Parcel, also identified as Lot 6 in Preliminary Plan of Subdivision (PPS) 4-03121, to remove/revise 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, for the subject property located on the northwest side of Evergreen Parkway and the south side of Collington Road (MD 197) in Bowie, Maryland, Councilmanic District 4, is APPROVED.

SECTION 2. Use of the subject property shall be subject to all requirements in the applicable zones and to the requirements in the conditions and considerations herein. Failure to comply with any stated condition or consideration shall constitute a zoning violation and shall constitute sufficient grounds for the District Council to annul the Basic Plan as conditionally approved; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; and/or to take any other action deemed necessary to obtain compliance.

Amendment -04 to the Basic Plan is 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 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 treestand.
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.

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

SECTION 3. The Ordinance shall become effective upon enactment.

ENACTED this 9th day of February, 2021, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained:

Absent:

Vote: 11-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Calvin S. Hawkins, II, Chair

ATTEST:

Donna J. Brown
Clerk of the Council