

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Comprehensive Design (LCD) Zone; and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, projects which received development or permit approval prior to the effective date of the current ordinance may continue to be reviewed and decided in accordance with the Zoning Ordinance under which it was approved; and

WHEREAS, therefore, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, an application was submitted by A.R. Builders, Inc., on behalf of Ternberry Development, for approval of a specific design plan; and

WHEREAS, in consideration of evidence presented at a public hearing on June 22, 2023, regarding Specific Design Plan SDP-8945-08 for Ternberry Development, the Planning Board finds:

- Request:** The subject application approves a specific design plan (SDP) for development of seven single-family detached dwelling units and four single-family attached dwelling units.
- Development Data Summary:**

| | EXISTING | EVALUATED |
|--|----------|-------------------------------------|
| Zone(s) | LCD | Prior R-S |
| Use(s) | Vacant | Single-Family Detached and Attached |
| Acreage | 1.6 | 1.6 |
| Area within existing 100-year floodplain | 0 | 0 |
| Number of lots | 11 | 11 |
| Minimum lot area (square feet) | | |
| Single-Family Attached | 1,300 | 1,300 |
| Single-Family Detached | 8,000 | 8,000 |

Other Development Data–Parking:

| Dwelling Unit Type | Required* | Approved |
|----------------------------|------------------|-----------------|
| Single-Family Attached (4) | 8 | 9 |
| Single-Family Detached (7) | 14 | 28 |
| Total: 11 | 22 | 36 |

Note: *This is a minimum amount, as the plans did not include a parking table specifying how many parking spaces are provided for each unit type. The Planning Board has conducted the analysis based upon the applicant’s statement of justification regarding the number of garages provided for each unit type, and each driveway is large enough to accommodate at least one parking space. Therefore, a condition is included herein, requiring clarification.

3. **Location:** The subject properties are located within the Ternberry development, whose entrance is located on the north side of MD 214 (Central Avenue), approximately 2,300 feet west of southbound US 301 (Robert Crain Highway) and is within Planning Area 71B and Council District 4.
4. **Surrounding Uses:** The subject properties are surrounded by a mix of single-family detached dwellings and single-family attached townhomes in the Legacy Comprehensive Design (LCD) Zone, under the current Prince George’s County Zoning Ordinance; and within the Residential Suburban Development (R-S) Zone, under the prior Zoning Ordinance. The subject SDP amendment is within the existing Ternberry development.

The specific area of the subject SDP amendment, for 11 units, is located within the Ternberry development, along Pennsbury Drive, Pengrove Court, and Pasadena Place.

The townhomes adjacent to the approved townhomes offer red brick and light-colored siding façades, uncovered stoops, bay windows, shutters, and single-car garages with single-car driveways. The existing detached dwellings, in the vicinity, also have a mix of red brick and light-colored siding. They also have cross-gabled roofs, covered porches, two-car garages, and multi-car driveways.

5. **Previous Approvals:** The previous approvals are as follows:

Zoning Map Amendment (Basic Plan) A-9490—The development, known as Ternberry, which consists of approximately 51.32 acres, was rezoned R-S on January 14, 1985, pursuant to adoption of Basic Plan A-9490.

Comprehensive Design Plans CDP-8310 and CDP-8810—The initial CDP-8310 was approved by the Prince George’s County Planning Board on February 21, 1985. It proposed 167 lots, including 41 single-family detached units and 126 single-family attached units. In 1988, an application to amend CDP-8310 was filed and assigned a new number (CDP-8810). CDP-8810 was approved by the Planning Board on June 1, 1989 (PGCPB Resolution No. 89-261), with 16 conditions. All applicable conditions from the resolution are evaluated within this resolution. CDP-8810 carried over the approval of 167 lots for single-family attached and detached dwellings. However, the unit mix was changed to allow 45 single-family detached and 122 single-family attached units.

Preliminary Plan of Subdivision (PPS) 4-89077 was approved by the Planning Board on June 1, 1989, and reconsidered on June 29, 1989 (PGCPB Resolution No. 89-260), subject to five conditions. All of the applicable conditions of the resolution are further evaluated within this resolution.

Specific Design Plan SDP-8945 was approved by the Planning Board on October 5, 1989 (PGCPB Resolution No. 89-510), with 14 conditions. All of the applicable conditions from the resolution are evaluated within this resolution. There have been seven previous revisions to SDP-8945, none of which impact the 11 lots subject to this resolution.

Stormwater Management (SWM) Concept Plan 01-0123-202NE14 was approved by the City of Bowie Public Works Department on January 30, 2023, and has an expiration date of January 30, 2026.

6. **Design Features:** The subject properties are located within the existing Ternberry development. Three of the single-family detached homes are located within an existing cul-de-sac that contains eight other single-family detached homes. Five single-family detached homes are located along Pennsbury Drive. The remaining lot (Lot 2) is located further west within the Ternberry development and is approved to be developed with a single-family detached dwelling.

All four of the single-family attached units have frontage along Pennsbury Drive, while one of the end units is accessed from Pasadena Place.

Existing open space and a recreation facility are north of Pennsbury Drive, across from the approved townhomes.

Architecture

This SDP approves two single-family detached dwelling models and one row of townhomes. The first single-family detached dwelling model is the “Magnolia.” It offers a façade mix of red brick and light-colored siding, with shutterless windows. It features a covered porch with railings, and a cross-gable roof. The offset two-car garage has a brick façade and two separate garage doors.

The second single-family detached dwelling model is the “Spruce.” It offers a façade mix of red brick and light-colored siding, with shuttered windows. It has a covered porch with no railing, and a cross-gable roof with vertical siding accent. The offset two-car garage has a brick façade and one double-wide garage door.

The townhomes have a façade mix of brick and light-colored siding, with shuttered windows. Each unit features a covered stoop, bay window, cross-gable roof, and an offset one-car garage.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-9490:** The development known as Ternberry, which consists of approximately 51.32 acres, was rezoned R-S on January 14, 1985, pursuant to the adoption of Basic Plan A-9490. This application was approved, subject to four comprehensive design considerations. The Planning Board has evaluated these four considerations and found none to be applicable to this SDP.
8. **Comprehensive Design Plan CDP-8810:** CDP-8810 was approved by the Planning Board on June 1, 1989 (PGCPB Resolution No. 89-261), with 16 conditions. CDP-8810 carried forward the approval of 167 lots from CDP-8310, as previously discussed in this report. However, the unit mix was changed to allow 45 single-family detached and 122 single-family attached units. The Planning Board has evaluated the 16 conditions. Only Condition 5 is applicable, as follows.

5. **Prior to the issuance of the final building permit(s) for the 167 dwelling units, the applicant, his heirs, or assigns shall design and construct a 500-foot acceleration lane along the northbound median of US 301 at the intersection of US 301 and Pennsbury Drive.**

With the development of this SDP, the applicant will be required to meet this condition, prior to issuance of the final building permit.

9. **Preliminary Plan of Subdivision 4-89077:** The project is subject to PPS 4-89077, which was originally approved by the Planning Board on June 1, 1989, and reconsidered on June 29, 1989 (PGCPB Resolution No. 89-260). This PPS approved 167 lots and 10 parcels for development of 45 single-family detached dwellings and 122 single-family attached dwellings. The subdivision was platted, in accordance with the PPS; and most of the development's approved dwelling units were constructed, in accordance with prior SDP approvals. The approved development of three sites with single-family detached and attached units is consistent with the approved PPS.

PPS 4-89077 was approved, subject to five conditions and one SDP consideration. The following are relevant to the approval of this SDP amendment:

CONDITION

1. **Conformance with all conditions of approval for CDP-8810.**

Comprehensive Design Plan CDP-8810 was approved, subject to 16 conditions. The Planning Board reviewed the conditions and determined that this SDP is in conformance with CDP-8810, per the analysis provided in Finding 8 above.

CONSIDERATION

1. **Attention shall be paid to ensure the adequate provision of parking for Blocks A2 and A3. In particular, units should either be garage units or should be provided with adequate parking facilities in very close proximity to these units.**

The subject SDP provides garage parking for each dwelling unit, as well as driveway parking. The Planning Board finds this consideration to have been met.

10. **Specific Design Plan SDP-8945:** SDP-8945 was approved by the Planning Board on October 5, 1989 (PGCPB Resolution NO. 89-510), with 14 conditions. The Planning Board evaluated these conditions and determined that Condition 5, which is identical to Condition 5 of the CDP, is applicable and previously addressed in this resolution, within Finding 8 above.
11. **Prince George's County Zoning Ordinance:** The subject application was reviewed for compliance with the requirements in the prior R-S Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject specific design plan is in conformance with the requirements of Section 27-515(b) of the prior Zoning Ordinance, which governs permitted uses in the R-S Zone. The proposed single-family detached dwellings and single-family attached townhomes are permitted uses within the prior R-S Zone.
 - b. The subject application is in conformance with the requirements of Section 27-511 of the prior Zoning Ordinance, which states the purposes of the R-S Zone.

Section 27-511 - Purposes.

- (a) **The purposes of the R-S Zone are to:**
 - (1) **Establish (in the public interest) a plan implementation zone, in which (among other things):**
 - (A) **Permissible residential density is dependent upon providing public benefit features and related density increment factors;**
 - (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; and**
 - (C) **Applicable regulations are satisfied for uses authorized pursuant to Section 27-515(b) of this Code.**

- (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, or Section Map Amendment Zoning Changes) can serve as the criteria for judging individual 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;**
- (4) Encourage amenities and public facilities to be provided in conjunction with residential development;**
- (5) Encourage and stimulate balanced land development;**
- (6) Improve the overall quality and variety of residential environments in the Regional District; and**
- (7) Allow qualifying properties in the R-S Zone to develop with uses in the E-I-A Zone pursuant to Section 27-515(b) of this Code.**

This specific design plan (SDP) is located in the Established Communities Growth Policy Area, which envisions context-sensitive infill and low- to medium-density development. Single-family detached and single-family attached dwellings are permitted uses. The approved development of the infill lots, by this SDP, is compatible with existing surrounding land uses. Existing amenities and public facilities serve the approved development, in the form of open space and recreational facilities.

- c. The subject application is in conformance with the requirements of Section 27-512 of the prior Zoning Ordinance, which governs uses in the R-S Zone.

Section 27-512. - Uses.

- (a) The general principle for land uses in this zone is that uses shall be either residential in nature, or necessary to serve the dominant residential uses. These latter uses shall be integrated with the residential environment without disrupting the residential character or residential activities. The land uses in the zone may also consist of any uses authorized pursuant to Section 27-515(b) of this Code.**
- (b) The uses allowed in the R-S Zone are as provided for in the Table of Uses (Division 3 of this Part).**

This approval is for single-family detached and single-family attached dwellings, which are permitted uses, as discussed prior.

- d. The subject application is in conformance with the requirements of Section 27-513, of the prior Zoning Ordinance, which addresses Regulations for the R-S Zone. Compliance to these regulations have been previously found and this SDP is in conformance.
12. **2010 Prince George's County Landscape Manual:** The approved development is subject to Section 4.1, Residential Requirements, of the Landscape Manual.
 - a. Section 4.1(c)(1)(C) requires single-family detached lots 9,500 to 20,000 square feet to plant three major shade trees and two ornamental or evergreen trees. Section 4.1(c)(2)(A) requires townhouses to plant 1.5 major shade trees per dwelling and 1 ornamental or evergreen tree per dwelling. The landscape plan submitted with this SDP meets the requirements of the Landscape Manual.
 13. **2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site has three approved Natural Resources Inventory (NRI) Equivalency Letters (NRI-109-2022, NRI-110-2022, and NRI-111-2022), which were issued on May 24, 2022. The lots have been previously graded and are not associated with any regulated environmental features. The site also has three valid Standard Letters of Exemption (S-110-2022, S-111-2022, and S-112-2022), from the Woodland and Wildlife Habitat Conservation Ordinance (WCO), that expire on May 24, 2024.
 14. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Prince George's County Code requires a minimum 15 percent tree canopy coverage on projects that require a grading or building permit for more than 5,000 square feet of disturbance. The schedule found on sheet 12 of the SDP shows that the requirement will be met on-site through approved landscaping.
 15. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Historic Preservation**—In a memorandum dated April 26, 2023 (Stabler, Smith, Chisholm to Price), Historic Preservation stated that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites, indicates that the probability of archeological sites within the subject property is low. A Phase I archeology survey was not recommended. The subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources. Historic Preservation staff recommended approval of SDP-8945-08, Ternberry Development, with no conditions.

- b. **Community Planning**—In a memorandum dated April 28, 2023 (Sams to Price), the Community Planning Division found that, pursuant to Subtitle 27, Part 8, Division 4, Subdivision 2, of the prior Zoning Ordinance, master plan conformance is not required for this application.

This application is located in the Established Communities Growth Policy Area, which envisions context-sensitive infill and low- to medium-density development.

- c. **Transportation Planning**—In a memorandum dated May 22, 2023 (Yang to Price), Transportation staff found that the site is subject to Condition 5 of CDP-8810 which states that “Prior to the issuance of the final building permit(s) for the 167 dwelling units, the applicant, his heirs, or assigns shall design and construct a 500-foot acceleration lane along the northbound median of US 301 at the intersection of US 301 and Pennsbury Drive.” Analysis regarding conformance with Condition 5 has been provided within Finding 8 above.

The Transportation Planning Section found that the subject property is in general conformance with prior approvals, and recommended approval of SDP-8945-08.

- d. **Subdivision Review**—In a memorandum dated May 22, 2023 (Diaz-Campbell to Price), Subdivision staff found this SDP to be in conformance with approved PPS 4-89077, as embodied in Resolution No. PGCPB 89-260. The Subdivision Section provided recommended conditions to address technical corrections to the submitted SDP.
- e. **Environmental Planning**—In a memorandum dated May 9, 2023 (Rea to Price), Environmental Planning recommended approval of the application, with no conditions.
- f. **Prince George’s County Fire/EMS Department**—The Fire/EMS Department did not provide comments for the subject application.
- g. **Prince George’s County Department of Permitting, Inspections, and Enforcement (DPIE)**—In a memorandum dated March 23, 2023 (Branch to Price), DPIE offered referral comments that are incorporated herein by reference.
- h. **Prince George’s County Police Department**—The Police Department did not provide referral comments for the subject application.
- i. **Permit Review**—In a memorandum dated May 3, 2023 (Meneely to Price), the Permit Review Section offered no comments regarding SDP-8945-08.
- j. **City of Bowie**—The City of Bowie did not provide referral comments for the subject application. Joseph Meinert, Director of Planning and Sustainability for the City of Bowie, appeared at the Planning Board hearing and testified that the Bowie City Council voted in favor of the application at its hearing held on June 20, 2023.

16. Based on the foregoing analysis, and as required by Section 27-527 of the prior Zoning Ordinance, the SDP demonstrates adequate attention to building and landscape design, and engineering factors.
17. As required by Section 27-528(a)(5) of the prior Zoning Ordinance, prior to approving an SDP, the Planning Board shall find that:

(5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

This SDP is for the remaining infill lots in the Ternberry subdivision: Lots 28–31, Block B; Lot 2, Block B; and Lots 49–54, Block B. The lots have been previously graded and are not associated with any regulated environmental features. The site has three approved NRI Equivalency Letters (NRI-109-2022, NRI-110-2022, and NRI-111-2022), which were issued on May 24, 2022. The site also has three valid Standard Letters of Exemption (S-110-2022, S-111-2022, and S-112-2022) from the WCO, that expire on May 24, 2024.

18. **Community Feedback:** The Planning Board did not receive any community feedback regarding SDP-8945-08.
19. **Planning Board Hearing:** No members of the community testified in opposition to the application. However, the City of Bowie, represented by Joseph Meinert, Director of Planning and Sustainability, testified that the Bowie City Council voted in favor of the application at its hearing on June 20, 2023.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Specific Design Plan SDP-8945-08 for the above-described land, subject to the following conditions:

1. Prior to certification of the specific design plan, on the existing conditions plan sheets, label each subject lot with its lot area in square feet, consistent with their respective record plats.
2. All bearings and distances must be clearly shown on the specific design plan and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected.
3. Prior to certification of the specific design plan, the applicant shall provide the parking schedule to specify garage parking spaces and driveway parking spaces.
4. Prior to certification of the specific design plan, the applicant shall provide plans that show the townhomes with offset garages.

5. Prior to certification of the specific design plan, the applicant shall provide plans that show the elevations for the townhomes to be constructed on Lots 29 and 30, Block B, with a vertical separation between the roofline for the two units.


BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *


This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Doerner, with Commissioners Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioners Washington and Geraldo absent at its regular meeting held on Thursday, June 22, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of July 2023.

Peter A. Shapiro
Chairman


By Jessica Jones
Planning Board Administrator

PAS:JJ:TP:jah


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 7/12/23