

November 22, 2022

A Determined Seed, LLC  
13308 Big Cedar Lane  
Bowie, MD 20720



Re: Notification of Planning Board Action on  
**Departure From Design Standards DDS-685**  
**The Promised**

Dear Applicant:

This is to advise you that, on **November 17, 2022**, the above-referenced application was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-3417 of the Prince George's County Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice **November 22, 2022** of the Planning Board's decision, unless:

Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Sincerely,  
James R. Hunt, Chief  
Development Review Division

By:   
Reviewer

Attachment: PGCPB Resolution No. **2022-119**

cc: Donna J. Brown, Clerk of the County Council  
Persons of Record



PGCPB No. 2022-119

File No. DDS-685

## RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 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 Neighborhood Activity Center (NAC) Zone; and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance allows an application for a project with an existing approval under the prior Zoning Ordinance or Subdivision Regulations to be reviewed and approved under the prior Zoning Ordinance; 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, in consideration of evidence presented at a public hearing on November 17, 2022, regarding Detailed Site Plan DSP-19071 for The Promise, the Planning Board finds:

1. **Request:** This departure from design standards (DDS) is for approval to Section 27-558(a) of the prior Prince George's County Zoning Ordinance, for a reduction in the size of standard parking spaces to 9 feet by 18 feet for both structured and surface parking spaces; to allow loading spaces to be located 36 feet and 42 feet from residential uses; and to allow a reduction in the number of street trees from 162 required shade trees to 17 shade trees provided along a private road, in accordance with Section 4.10 of the 2010 *Prince George's County Landscape Manual*. In conjunction with this DDS, the Planning Board approved a Detailed Site Plan, DSP-19071 (PGCPB Resolution No. 2022-118), for a mixed-use development containing 481 multifamily residential units, 504 units for the elderly or physically handicapped, and 37,810 square feet of commercial space. The applicant is proposing to phase the indoor and courtyard recreational facilities.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	NAC	NAC (Prior M-X-T/D-D-O)
Use(s)	Vacant	Multifamily and Commercial
Gross and Net Acreage	15.10	15.10
Gross Floor Area (sq. ft.)	0	1,278,170 sq. ft.
Of which commercial/retail	-	37,810 sq. ft
Parking Garage	-	284,613 sq. ft *
Floor Area Ratio (FAR)	0	1.495

**Note:** \*The parking garage area was not tabulated on the DSP. A condition has been provided herein to include a column in the Development Use Summary for building area devoted to vehicular parking and parking access.

**Parking and Loading Data**

<b>Parking Requirements</b>	<b>PROVIDED</b>
Surface parking spaces	78
On-street parallel parking spaces	31
Garage parking spaces	751
<b>Total Parking Spaces</b>	<b>860</b>

<b>Loading Spaces</b>	<b>Requirement</b>	<b>Required</b>	<b>Approved</b>
Multifamily dwelling	1 per 100 to 300 residential units	3	3
Apartment housing for the elderly or physically handicapped	1 per 100 to 300 residential units	4	4
Grocery	1 per 2,000 to 10,000 square feet	1	1
Retail	1 per 2,000 to 10,000 square feet	2	2
<b>Total Loading Spaces</b>		<b>10</b>	<b>10</b>

3. **Location:** The subject property is located on the south side of Southern Avenue, 2,100 feet north of its intersection with Wheeler Road, in Planning Area 76A and Council District 7, in Temple Hills. The site is also within the prior Development District Overlay (D-D-O) Zone designated by the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* (Southern Green Line Station Area Sector Plan and SMA), as adopted in Prince George’s County Council Resolution CR-10-2014.

4. **Surrounding Uses:** The subject site is bounded on the north by a wooded buffer to the Southern Avenue Metro Station, in the Neighborhood Activity Center (NAC) Zone; on the east by an

undeveloped, former surface mining site in the Residential, Multifamily-20 (RMF-20) Zone; to the south by a multifamily community in the RMF-20 Zone; and to the west by Southern Avenue, with an institutional use in the District of Columbia beyond.

5. **Previous Approvals:** The 15.10-acre property, known as Lot 1, Byrne Manor, is recorded in the Prince George's County Land Records in Plat Book WWW 50, page 57. The property is currently vacant and partially wooded but was formerly developed with a commercial use.

The Southern Green Line Station Area Sector Plan and SMA retained the underlying prior M-X-T Zone for the property, but also established a D-D-O Zone over the entire sector plan boundary. The sector plan focuses on subareas surrounding the four Metrorail stations within the plan area, with design concepts, standards, and guidelines to ensure transit- and pedestrian-oriented redevelopment in the urban form. However, the Southern Avenue station area does not contain any specific standards.

Preliminary Plan of Subdivision (PPS) 4-19052 was approved by the Planning Board on November 18, 2021 (PGCPB Resolution No. 2021-141), for nine parcels.

6. **Design Features:** The applicant proposes to develop this site with 985 residential units, including 481 multifamily units and 504 units for the elderly or physically handicapped. The site is also proposed to contain 18,946 square feet of grocery store, 9,411 square feet of retail space, and a 9,453-square-foot, 150-student daycare center. Both indoor and outdoor amenities will be provided, allowing residents and guests access to public and private social areas, outdoor benches and plazas, rooftop gathering, indoor fitness centers, playgrounds, and a Capital Bikeshare station.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Departure from Design Standards DDS-685:** The applicant has submitted a DDS to allow the following:
  - a. A reduction of the standard, nonparallel parking space size from 9.5 feet by 19 feet to 9 feet by 18 feet, pursuant to Section 27-239.01 of the prior Zoning Ordinance.
  - b. Relief from Section 27-579 of the prior Zoning Ordinance, to allow loading spaces less than the required 50 feet from residential uses. On Parcel 1, the applicant proposes to accommodate a grocery store footprint with two enclosed loading areas. The distance from the grocery loading access on Parcel 1 is 36 feet from the property line, and thus, the departure request is for 14 feet. In addition, a combined total of three loading spaces on Parcels 2, 3, and 4 are proposed at 42 feet from the residential use, thus requiring a departure of 8 feet. The loading areas will be interior, within the parking garages, and completely screened.

- c. A reduction in the street trees along the private roads, as required in the 2010 *Prince George's County Landscape Manual* (Landscape Manual), Landscape Section 4.10(c)(2). The applicant provides that, with the limited space within the private rights-of-way for the placement of necessary utilities, stormwater management (SWM) devices, the required shade trees, and the topographical challenges of the site, the applicant is seeking relief for Private Roads A and B and Alley. This request, in Alternative Compliance AC-22002, was recommended for disapproval by the Planning Director on November 1, 2022.

The applicant submitted a statement of justification to address the required findings for a DDS, as indicated in Section 27-239.01(b)(7)(A) of the prior Zoning Ordinance.

**(A) In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The applicant intends to develop a vibrant, pedestrian-oriented, mixed-use site, and due to site constraints such as size, configuration, topography, and regulated environmental features, the applicant is seeking relief from the strict conformance to the Prince George's County Code. The purposes of this Subtitle will be better served by fulfilling the purposes of the sector plan and concentrating development with a mix of uses within one-half mile of the metro station. Specifically, the reduced parking space size allows for a more compact and efficient structured parking design, while providing off-street parking sufficient to serve the needs of the project. The reduction in the distance from the loading spaces to the residential uses is an inevitable byproduct of consolidating a mix of uses on a site. To counter the reduction in the shade trees, the applicant is providing several other amenities, and extra evergreen and ornamental trees.

- (ii) The departure is the minimum necessary, given the specific circumstances of the request;**

The departure is necessary to fulfill the vision of the sector plan by providing a compact, vibrant, mixed-use community close to the metro station, while preserving the regulated environmental features on the property.

- (iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The Planning Board agrees that the departure is necessary to alleviate circumstances specific to the site. In addition to the topographical and environmental conditions of the site, consideration should also be given to the

fact that the proposed development is in an urban setting, situated along the border of the District of Columbia. Developing in an urban setting often requires a more compact approach to the layout.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

The Planning Board finds that the departures will enhance the visual and functional quality of this community and the surrounding neighborhoods by providing a walkable community in close proximity to the Southern Avenue Metro Station and will be providing several retail amenities for the surrounding communities. The departure will allow for a more efficient yet fully functional parking and circulation design that will serve the needs of the community and includes extra evergreen and ornamental trees to enhance environmental quality.

Based on the analysis above, the Planning Board approves Departure from Design Standards DDS-685, for a departure to allow standard, nonparallel parking space size of 9 feet in width by 18 feet in length; to allow loading spaces to be located 36 feet and 42 feet from residential uses; and to allow a reduction in the number of street trees provided along a private road, in accordance with Section 4.10 of the Landscape Manual.

8. **2010 Prince George's County Landscape Manual:** Per Section 27-544(a) of the prior Zoning Ordinance, landscaping, screening, and buffering for property zoned M-X-T are subject to the provisions of the Landscape Manual. Specifically, this application is subject to the requirements of Section 4.1, Residential Requirements; Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets. The required plantings and schedules are provided, in conformance with the Landscape Manual and are acceptable, except for Section 4.2.

The Planning Board reviewed Alternative Compliance AC-22002 with DSP-19071 and did not find the applicant's proposal to be equally effective as normal compliance with Section 4.10, Street Trees on Private Streets, as discussed in the DSP resolution (PGCPB No. 2022-118). Therefore, the Planning Board DISAPPROVED that section of AC-22002 and finds this DDS-685 application acceptable, as discussed in Finding 7 above.

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 Departure from Design Standards DDS-685 for The Promise, to allow standard, nonparallel parking space size of 9 feet in width by 18 feet in length; to allow loading spaces to be located 36 feet and 42 feet from residential uses; and to allow a reduction in the number of street trees from 162 required shade trees to 17 shade trees provided along a private road, in accordance with Section 4.10 of the 2010 *Prince George's County Landscape Manual*.


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 Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, and Shapiro voting in favor of the motion, and with Commissioners Bailey and Geraldo absent at its regular meeting held on Thursday, November 17, 2022, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 17th day of November 2022.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:TB:jah

APPROVED AS TO LEGAL SUFFICIENCY

  
David S. Warner  
M-NCPPC Legal Department  
Date: November 16, 2022