

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on March 10, 2016, regarding Comprehensive Design Plan CDP-9306-03 for Villages at Piscataway (aka The Preserve) the Planning Board finds:

1. **Request:** This application proposes to modify the previously approved layout of the development to consolidate the development pod previously shown on the west side of the Potomac Electric Power Company (PEPCO) right-of-way into the development pod on the east side of the right-of-way, to create a new tree preservation bank as part of the tree conservation plan (TCP), and to adjust the development standards to allow for smaller lots within the large-lot component (Danville Estates) of the overall project. The overall density of the comprehensive design plan (CDP) is proposed to remain unchanged.

2. **Development Data:** The following table summarizes the proposed land uses for all of the sections in the Villages of Piscataway (also known as The Preserve):

Gross Area of Site	878.90 acres
Floodplain Area	79.80 acres
Area of Bailey Village (Zoned L-A-C)	19.98 acres
20,000 to 30,000 square feet commercial	
10,000 to 15,000 square feet retail	
140 Dwelling Units (max.)	
Area of Glassford Village, Edelen Village, Lusby Village, and Danville Estates (Zoned R-L)	858.92 acres
800 Single-Family Detached (80 percent)	
200 Single-Family Attached (20 percent)	
1,000 Dwelling Units (max.)	

3. **Location:** The Villages of Piscataway is located in Planning Area 84, south of Floral Park Road, near its intersection with Piscataway Road. Danville Estates, where the lot consolidation will happen, is located on the west side of Danville Road, approximately 4,000 feet southeast of its intersection with Floral Park Road. The proposed revision to the CDP is specific to this village, which is one of five villages within the overall development.

4. **Surroundings and Uses:** The properties surrounding the Villages of Piscataway, Danville Estates specifically, are predominantly large-lot residential or agricultural parcels in the

Residential-Agricultural (R-A) and Residential Low Development (R-L) Zones.

5. **Previous Approvals:** On September 14, 1993, the Prince George's County Council, sitting as the District Council for the part of the Maryland-Washington Regional District in Prince George's County, adopted Council Resolution CR-60-1993 approving the *Master Plan and the Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B*, in Prince George's County. Zoning Map Amendments A-9869 and A-9870 rezoned 858.7 acres in the R-A Zone to the R-L Zone (1.0 to 1.5 du/acre) and 19.98 acres to the Local Activity Center Zone (L-A-C, Village Center). The rezoning was approved with 39 conditions and 11 considerations.

Comprehensive Design Plans

On March 31, 1994, the Prince George's County Planning Board approved Comprehensive Design Plan CDP-9306 for the subject property then known as the Villages of Piscataway, as described in PGCPB Resolution No. 94-98(C)(A), with 36 conditions. The CDP included the entire ±878.9 acres of land zoned R-L and L-A-C proposed to be developed as a golf course community with five distinct villages, one of which was the large-lot component of Danville Estates. A Type I Tree Conservation Plan (TCPI-009-94) was also approved.

On November 18, 2004, the Planning Board approved a request for reconsideration of a condition relating to the timing of the development of the golf course, as stated in PGCPB Resolution No. 94-98(C)(A).

On June 7, 2007, the Planning Board approved CDP-9306/01, a revision to increase the maximum permissible height of townhouses within the project to 40 feet.

On October 23, 2008, the Planning Board approved CDP-9306/02, a revision to modify the minimum allowable roof pitch of buildings from 8:12 to 7:12, and to allow rear decks on townhouses to extend up to ten feet beyond the rear building restriction lines.

Preliminary Plans of Subdivision

On June 24, 1994, the Planning Board reviewed and approved Preliminary Plan of Subdivision 4-94017, Villages at Piscataway, for the entire acreage of the site, as described in PGCPB Resolution No. 94-213. The preliminary plan was approved with 20 conditions, and a revision to the Type I Tree Conservation Plan (TCPI-009-94-01) was also approved.

Preliminary Plan of Subdivision 4-03027 was approved by the Planning Board on May 29, 2003 (PGCPB Resolution No. 03-122) for The Preserve at Piscataway. Variation requests for impacts to sensitive environmental features and revised Type I Tree Conservation Plan TCPI-009-94-02 were also include in the approval.

Specific Design Plans

Specific Design Plans (SDPs) have been approved for the development of all the lots within the project, including the Danville Estates development, of which this revision applies.

Specific Design Plan SDP-0320 for The Preserve at Piscataway, Danville Estates, and Type II Tree Conservation Plan TCPII-048-04 was approved on June 10, 2004 by the Planning Board, subject to conditions contained in PGCPB. Resolution No. 04-133.

An -01 revision to SDP-0320, Danville Estates, was subsequently approved on August 31, 2005 at the Planning Director level for the limited purpose of adding three architectural models, subject to no conditions. The record plats for a portion of the Danville Estates on the east side of the PEPCO right-of-way were subsequently recorded, grading permits were issued, and partial site grading was completed. With the downturn in the economy, all work stopped on this project, and no houses have been constructed in Danville Estates. The SDP for Danville Estates would have originally expired in 2011, but was extended by the County Council. The validity of the underlying Preliminary Plan 4-03027 was also extended through County Council legislation.

An -02 revision to SDP-0320 and the -01 revision to TCPII-048-04 was approved by the Planning Board on November 14, 2013, subject to conditions contained in PGCPB Resolution No. 13-131.

6. **Design Features:** The Villages of Piscataway consist of five separate areas or villages: Glassford Village, Bailey's Village, Edelen Village South and North, Lusby Village West and East, and Danville Estates. The villages include a mix of single-family detached, attached dwellings, and multifamily, with a larger central recreational area and commercial space located at the center of Bailey's Village. An eighteen-hole golf course was originally part of the project, but has since been deleted from the development (SDP-0608-01) and is now proposed as open space and tree preservation. The historic Edelen House is located on the western edge of Bailey's Village.

Specific to this particular revision to the CDP, the applicant is proposing to consolidate a development pod previously shown on the west side of the PEPCO right-of-way into the development pod on the east side of the right-of-way, to create a new tree preservation bank where the lots are removed, and to modify the previously approved development standards for the large-lot component of this R-L-zoned development. The overall density of Danville Estates is proposed to remain the unchanged.

The R-L Zone is a zone in which the applicant sets forth the design standards for the development and these design standards are subsequently approved by the Planning Board as part of the CDP process. In this case, the applicant is asking to allow the previously approved development standards to be adjusted, for Danville Estates only, as shown on the following chart:

TABLE 2
RESIDENTIAL LOT STANDARDS
Revised per CDP-9306-03

	Townhomes	Courtyard Townhomes	Single Family Detached Below 14,000 SF	Single Family Detached Over 14,000 SF
NET LOT AREA (MIN. S.F.)	1,500 per unit	900 per unit	4,000	14,000
FRONT YARD (MIN.)	15'	5'	15'	25'
LOT WIDTH MIN. AT STREET LINE	18'	20'	18'	25'
LOT WIDTH MIN. AT BUILDING LINE	18'	20'	40'	70'
REAR YARD MIN. (WITH REAR PERPENDICULAR PARKING)	20'	6'	25'	35'
SIDE YARDS (MIN.)				
ONE	-	-	0'	8'
BOTH	-	-	8'	17'
MIN. SPACE BETWEEN END BUILDINGS	25'	15'	-	-
MAX. HEIGHT	38'	38'	38'	38'

The Planning Board has reviewed the proposed changes to the two categories of single-family detached lots. The first change relates to the two categories of the single-family detached lots and the second change to the development standards relates to changing the minimum lot width at the building line. In the original CDP, the two single-family detached categories were proposed and approved as either above or below 20,000 square feet and the building setbacks and lot standards were designed appropriately. In this case, the applicant is proposing a new size for what will be considered the "large lots" (14,000 square feet), but also largely retaining those same development standards. Not all of the lots within the large-lot component of the overall development (Danville Estates) will be a minimum of 14,000 square feet in size. The lots located at the perimeter should be a minimum of 14,000 square feet, which is consistent with the original SDP approval. The lots at the entrance of the development and those lots around the perimeter of the development, directly abutting R-A-zoned land, are intended to be over 14,000 square feet to be compatible. The CDP was approved with the following design element, as stated in the text:

The large lots in Danville estates are located near the outer boundaries of the property. Along Danville Road, the estate areas emulate the character of the adjoining off-site residential development.

Smaller lots are a result of placing environmental features in common open space, as opposed to remaining on each individual lot. This is a positive approach to protecting natural features in the landscape. Therefore, the Planning Board has included conditions in the approval of the plans to ensure that the lots at the entrance of the development will be a minimum of 34,000 square feet. Further, the setback of the structures from Danville Road should be at least 50 feet from the right-of-way line. This will blend the new development with the existing development along the historic

Danville Road. The TCP is proposed to be changed as well. The removal of the development pod from the west side of the PEPCO right-of-way will allow for more tree preservation within the development. Discussion of this issue is contained in Finding 10 below.

7. **Basic Plan for Zoning Map Amendments A-9869 and A-9870:** The basic plan relevant to the proposed project was approved by the District Council as part of a sectional map amendment (CR-60-1993) with 39 conditions and 11 considerations. Most of the conditions are related to the golf course. The Planning Board has reviewed the subject revisions against the requirements of the basic plan and finds it to be in general conformance with the applicable conditions, as follows:

23. **All development pods shall be connected by the internal pedestrian/bike trail network.**

This revision is in conformance with the previously approved CDP regarding pedestrian connection.

32. **The two southernmost portions of the site cross-hatched area in drawing attached to Subregion V master Plan/SMA public hearing exhibit #247) which consists of approximately 253 acres, shall contain no more than 126 single family detached dwelling units.**

The above condition was added as part of the approval of the basic plan, most likely due to an attempt to fulfill the purposes of the R-L Zone, which relates to the requirement of a low-density residential development that includes a large-lot component, specifically listed below:

Section 27-514.08. Purposes.

- (a) **The purposes of the Zone are to:**

- (7) **Encourage low-density residential development which provides for a variety of one-family dwelling types, including a large lot component, in a planned development; (*emphasis added*)**

The Planning Board finds that the proposal to consolidate the pod of development to one side of the PEPCO right-of-way, which results in a smaller average lot size than that which was previously approved, is still sustainable as a large-lot component for the overall development because the largest lots are proposed at the perimeter of the development along Danville Road and the adjacent R-A-zoned properties. The total lot number for the single-family detached house after the consolidation is 124.

8. **Prince George's County Zoning Ordinance:** Prior to approving a CDP, the Planning Board must make the required findings found in Section 27-521(a) of the Zoning Ordinance:

- (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The Basic Plan (A-9869) was approved by the District Council as part of a sectional map amendment (CR-60-1993). The Planning Board has reviewed the subject CDP and finds it to be in conformance with its requirements.

- (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

The proposed revisions to the plan will allow for lot sizes smaller than what was previously approved. The applicant has stated that the larger lots are less marketable. Further, the conversion of the area in which the lots are removed becomes another tree preservation area which, from an environmental standpoint, is desirable. Further, the consolidation will result in less roadway surface and impervious area, therefore, the development will have less stormwater to manage.

- (3) **Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**

The proposed revisions will not detract from the design elements, facilities, and amenities provided as part of the project for use by the future residents. In regard to the issue of satisfying the needs of the future residents, the applicant has provided a letter from the homeowners association (HOA) indicating that the Preserve at Piscataway community understands the proposed changes to the plans, that additional land area will ultimately be conveyed and under HOA ownership, and that the area conveyed is proposed as tree bank to the benefit of the developer. The Preserve at Piscataway Board of Directors submitted a letter dated October 5, 2015 (Cynthia Battle, President, to Susan Lareuse) stating the following:

“Please accept this letter as acknowledgement that the Board of Directors of The Preserve at Piscataway Homeowners Association, during its duly held open meeting on September 16, 2016, did discuss and does support the re-subdivision of Danville Estates.

“Pursuant to the exhibit included herein, the Association understands that the developer will re-subdivide certain property within Danville Estates (west of the PEPCO right-of-way) to retain the same lot density, while subsequently creating additional open-space acreage in the area west of the PEPCO right-of-way that will be conveyed to the Association as an undeveloped tree bank area.

“Furthermore, the Association agrees to accept this open-space and is in support of the developer’s efforts to re-subdivide the aforementioned sections of the Association.”

- (4) **The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**
- (5) **Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:**
 - (A) **Amounts of building coverage and open space;**
 - (B) **Building setbacks from streets and abutting land uses; and**
 - (C) **Circulation access points;**

The proposed land uses will remain compatible. The proposed revision to allow the reduction in the lot sizes and the reduction of the minimum width of the building line, as established by the approved CDP, will have a negligible impact on building coverage, setbacks, and circulation, and will increase open space within the overall development.

- (6) **Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**
- (7) **The staging of development will not be an unreasonable burden on available public facilities;**

The proposed revision will have no impact on the staging of the development.

- (8) **Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**
 - (A) **The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
 - (B) **Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
 - (C) **The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The proposed revision does not propose an adaptive reuse of a historic site and has no impact on the Edelen House located within Bailey’s Village.

- (9) **The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

The overall plan incorporates the applicable design guidelines for site plans (Section 27-274) and for townhouses (Section 27-521(a)(11)), and this revision has no impact on them.

- (10) **The Plan is in conformance with an approved Tree Conservation Plan;**

The Environmental Planning Section has reviewed the TCPI for conformance with the CDP as revised, and concluded that this revision to the CDP is in conformance with the approved TCPI.

- (11) **The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The impacts to regulated environmental features shown on the revised CDP and TCPI are consistent with the preservation of sensitive environmental areas and minimization of impacts previously approved at the time of preliminary plan. It is further anticipated that, with the concurrent revision to the SDP and TCPII for Danville Estates, the environmental impacts previously approved for this site will be further minimized and additional existing woodlands will be preserved.

The CDP demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in that the revised CDP reduces the amount of on-site clearing and provides for greater retention of existing woodland in sensitive environmental areas.

- (12) **Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

As required under Section 27-226(f)(4), the property was placed in the comprehensive design zone through the sectional map amendment process in conjunction with the two Basic Plan applications, A-9869 and A-9870. However, Section 27-480(g) does not apply because the sectional map amendment was not intended to implement the land use recommendations of a plan approved after October 1, 2006.

- (13) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

The Villages of Piscataway are not part of a regional urban community.

9. **Comprehensive Design Plan CDP-9306 and its revisions:** Comprehensive Design Plan CDP-9306 for Villages of Piscataway was approved by the Planning Board subject to 37 conditions. The approval provided for the development of up to 1,000 dwelling units within the R-L-zoned portion of the property and up to 140 dwelling units with up to 45,000 square feet of commercial and retail space within the L-A-C-zoned portion of the property. The SDP-related conditions will be enforced at the time of SDP review, and conditions that are applicable to the review of this CDP are as follows:

7. **The master plan trail segment on or adjacent to the PEPCO right-of-way across the southeast corner of the property and the trail connection from this trail into Danville Estates shall be bonded prior to release of any building permits for Danville Estates, and shall be constructed prior to release of 50 percent of the building permits for Danville Estates. A Recreational Facilities Agreement encompassing Danville Estates shall reflect these requirements.**

This issue will be addressed with the companion case, Specific Design Plan SDP-0320-03.

24. **All structures shall be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standard 13 and 13D.**

This condition is valid and continues to apply to the subject application.

29. **A minimum of 25 percent of the single-family detached houses in each village shall have a front porch. By the time 50 percent of the permits for detached houses in any village have been released, at least one-half of the required number of porches shall have been built.**

The CDP recognized the villages of Bailey's, Lusby, Gladdford, and Edelen as classic village style and character, and Danville Estates as separate and as the large-lot component of the overall R-L Zone. The above requirement only applies to the four classic villages, as separate design standards apply to Danville Estates, and do not require a minimum percentage of the units to have porches.

30. **A minimum of 50 percent of the single-family detached lots in each village that are 50 feet or less in width shall have a hedge, fence or wall (as specified on page 25 of the CDP text) in the front yard. (This condition does not apply to Glassford Village North.) A significant percentage of all three optional treatments shall be required; however, fences are the preferred option. By the time 50 percent of the permits for the affected lots in any village have been released, at least one-half of the required hedges, fences or walls shall have been installed.**

This condition does not apply to Danville Estates for the same reason as stated above relating to Condition 29.

34. **All stormwater management (SWM) ponds shall be designed to fit harmoniously into the site by means of naturalistic and irregular contours and grading in keeping with the general topography of the area. All SWM ponds shall be designed as an amenity with special attention to appearance of inlet and outlet structures, to pond edge treatment, landscaping, location of trails, elimination of rip rap channels where possible, and other aesthetic considerations.**

The applicant will meet this requirement through environmental site design of stormwater management facilities in the future.

On June 7, 2007, the Planning Board approved CDP-9306/01 for modifying the maximum townhouse height. On October 23, 2008, the Planning Board approved CDP-9306/02, a revision to modify the minimum allowable roof pitch of buildings from 8:12 to 7:12, and to allow rear decks on townhouses to extend up to ten feet beyond the rear building restriction lines. No conditions attached to those two revisions are applicable to the review of this CDP.

10. **Prince George's County Woodland Conservation and Tree Preservation Ordinance and the Prince George's County Tree Canopy Coverage Ordinance:** This site is subject to the Woodland Conservation and Tree Preservation Ordinance because it is more than 40,000 square feet in total area, contains more than 10,000 square feet of woodland, and has a previously approved TCP. A TCPI was required for approval of CDP-9306. A forest stand delineation (FSD) was reviewed with CDP-9306, and a revised FSD was reviewed with Preliminary Plan 4-94017. A further revision to the Type I Tree Conservation Plan (TCPI-009-94-02) was last approved with Preliminary Plan 4-03027 on June 17, 2003. This TCPI was submitted for review with the current application. The current application to revise the CDP is the result of a change in the development envelope of Section F. Previous SDP approvals have already resulted in reduced limits of disturbance due to the elimination of the golf course, as reflected in the associated TCPIs. The current proposal will further reduce woodland clearing within the previously approved limits of disturbance, resulting in greater on-site woodland retention and open space. Retention of priority preservation areas of the site has been maintained.

The revised CDP can be found in general conformance with Type I Tree Conservation Plan TCPI-009-94-03. Further discussion of the TCPI is provided in Finding 11(f) below.

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, which was adopted after the CDP-9306 approval, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned R-L are required to provide a minimum of 15 percent of the gross tract area in tree canopy. During the future reviews of SDPs and building permits, the applicant must demonstrate conformance with the Tree Canopy Coverage Ordinance. A TCC schedule will be required to be added to each SDP or permit plan, whichever is applicable,

to show how the tree canopy requirement is being met.

11. **Further Planning Board Findings and Comments from Other Entities:** The summarized comments of the concerned agencies and divisions are as follows:

- a. **Community Planning**—The Community Planning Division provided the following analysis of the proposal.

The Plan Prince George's 2035 Approved General Plan designates the property within the Established Communities policy area. The proposed use is consistent with the development pattern goals and policies of the General Plan.

The Villages of Piscataway (also known as The Preserve) is located within the boundaries of the Mount Vernon Viewshed Area of Primary Concern. Line-of-sight and 3D analyses conducted by staff show existing and proposed development in the Danville Estates portion of the site, for which the review and re-approval is being sought, not being visible from Mount Vernon.

The Villages of Piscataway, for which the review and re-approval is being sought, is located approximately four miles east of the Mount Vernon national historic site located in Fairfax County, Virginia. The Villages of Piscataway is within the boundaries of the Mount Vernon Viewshed Area of Primary Concern. A sight line analysis from Mount Vernon to the Danville Estates portion of the site shows that the development will not be visible to the national historic site.

The requested changes to the CDP will result in the preservation of additional forest and tree canopy and some reduction in impervious surfaces, as well as smaller building and lot sizes, all of which will increase the development's rural character.

- b. **Transportation Planning**—The Transportation Planning Section has reviewed the CDP referenced above. The overall subject property consists of approximately 878.90 acres of land in the L-A-C and R-L Zones. The property is located at the intersection of Floral Park Road and Danville Road. The applicant proposes to revise CDP-9306 by eliminating all development on the west side of the PEPCO right-of-way within Danville Estates (Area F) and a road connection across the PEPCO right-of-way.

Record plats for the Danville Estates lots on the east side of the PEPCO right-of-way have been recorded and grading permits issued. The applicant is proposing to eliminate all development on the west side of the PEPCO right-of-way while still retaining the same number of 126 lots approved by the original CDP. A road connection across the PEPCO right-of-way from the west side and north of Gardner Road will therefore no longer be needed.

The elimination of the road connection will not affect the east side of the development.

The east side will have access to Danville Road. This revision to the CDP will not impact the original findings relating to adequate public facilities for the site, given that the same number of lots are proposed. It is also noted that the elimination of the PEPCO right-of-way crossing and planned roadway will not land lock the large adjacent parcel to the west. That parcel will have access to Gardner Road, a public roadway shown on plats with 60 feet of proposed right-of-way.

Based on the preceding comments and findings, the Transportation Planning Section concludes that the proposed CDP revision will not be an unreasonable burden on transportation facilities which exist, are under construction, or for which 100 percent construction funding is contained in the Prince George's County Capital Improvement Plan (CIP) or the Maryland Department of Transportation Consolidated Transportation Program (CTP), and that adequate transportation facilities will be available within a reasonable period of time. The original findings relating to adequate public facilities for the site are not affected, given that the same number of lots are proposed. Therefore, the Planning Board believes that the requirements pertaining to transportation facilities under Sections 27-521 and 27-528 of the Zoning Ordinance would be met. All transportation conditions remain in place and in force.

- c. **Subdivision Review**—The included properties were the subject of Preliminary Plan of Subdivision 4-03027 for a total of 794 lots. The Danville Estates portion of the preliminary plan was approved with 56 lots on the west side of the PEPCO right-of-way (Parcel 202) and 70 lots on the east side of the PEPCO right-of-way, for a total of 126 lots in Danville Estates. A portion of Danville Estates east of the PEPCO right-of-way (Parcel 137) was recorded in a series of five plats in the Prince George's County Land Records, as follows: REP 207-70, REP 207-71, and REP 207-72 on August 1, 2005, and REP 212-97 and REP 212-98 on May 25, 2006. The northwestern portion of Danville Estates, west of the PEPCO right-of-way was platted in Land Records as PM 224-57 on November 19, 2007. The remainder of Danville Estates included in this CDP, west of the PEPCO right-of-way, part of Parcel 202, remains acreage and is not the subject of a record plat.

This CDP revision proposes to consolidate the two development pods of Danville Estates, which were east and west of the PEPCO right-of-way. The remainder of the western pod is proposed to be retained as woodland preservation, potentially to be a woodland tree bank area and the land area conveyed to the HOA.

The preliminary plan showed the sole vehicular access connecting the east and west sides of Danville Estates to be via a dedicated public road extending over the PEPCO right-of-way. Because this crossing may no longer be necessary due to the proposed consolidation of lots entirely to the east side of the PEPCO right-of-way, the CDP shows this public road extension removed. The proposed land uses, the location of the proposed hiker-biker and equestrian trail, and the number of dwelling units shown on the CDP plan is consistent with the preliminary plan.

Lotting Pattern

For the layout of the subdivision to be in substantial conformance with the preliminary plan, the proposed lots along the perimeter of the eastern land bay (east of the PEPCO right-of-way) should be consistent with the platted lots in width, depth, and size, as reflected on recorded plat REP 207-70 (Lot 12, Block G; Lots 1-6, Block E). Finding 15 of PGCPB Resolution No. 03-122 discusses the Danville Estates as being the large-lot component of the subdivision, as compared with other portions of the preliminary plan such as Lusby Estates, and is provided in part below:

- f. **Lusby Village East**—The master preliminary plan and subsequent TCPI approved large lot development in this area. A single-loaded (lots only on one side) public street was provided with lots ranging in size compatible with Danville Estates (20,000 square feet). The applicant's plan now proposes ¼-acre lots along this property line, and the issue of compatibility should be addressed.

The proposed lots abutting the southern property line range in size from approximately 8,110 to 10,050 square feet. The adjacent property is zoned R-A, which requires a minimum lot size of two acres. While the location of the lots adjacent to the R-A-zoned land is considered transitional and can therefore accommodate lots that are smaller than two acres, a minimum lot size of 20,000 square feet should be provided. Specifically Lots 5-19, Block A and Lots 6, Block D and Lots 5-9, Block E, need to be made larger.

- g. **Danville Estates**—This village represents the type of large lot, single-family detached development referenced as one of the purposes of the R-L Zone (Section 27-514.08 of the Zoning Ordinance). This section is clearly compatible with the surrounding R-A-zoned land. A portion of the development is proposed to be a 25-acre school/park site that will provide a valuable community feature to the development, the surrounding community, and the county.

Lot 12, Block G, and Lots 1-6, Block E, were recorded on record plat REP 207-70 ranging in size from 20,156 square feet to 44,541 square feet. The proposed lotting shown on the future SDP should be similar in area as these platted lots in order to be consistent with the preliminary plan. Further analysis for conformance with the preliminary plan shall occur with the review of the SDP. The SDP should reflect the large-lot component along the frontage of Danville Road and along the eastern and southern extents of the eastern pod of development of Danville Estates (east of the PEPCO right-of-way).

Further analysis for conformance with the preliminary plan will occur with the review of the SDP. There are no other subdivision issues at this time.

- d. **Special Projects**—The Special Projects Section has reviewed this CDP in accordance with Section 27-521(a)(7) of the Zoning Ordinance which states that:

(7) The staging of development will not be an unreasonable burden on available public facilities.

- (1) **Police Facilities:** The proposed development is within the service area of Police District IV, Oxon Hill. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department, and the July 1, 2014 (U.S. Census Bureau) County population estimate is 904,430. Using 141 square feet per 1,000 residents, it calculates to 127,524 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

- (2) **Fire and Rescue:** The Special Projects Section has reviewed this CDP for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(E) of the Subdivision Regulations, which states that "A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month."

The proposed project is served by Silesia Fire/EMS, Company 847, a first due response station (a maximum of seven minutes travel time) located at 10900 Fort Washington Road.

- (3) **Capital Improvement Program (CIP):** There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

- (4) **Schools:** Prince George's County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings (emphasis added). Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$9,017 and \$15,458 to be paid at the time of issuance of each building permit.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

- (5) **Water and Sewerage Findings:** The 2008 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, Community System.

- e. **Historic Preservation and Archeology**—The subject application, CDP-9306-03, Villages of Piscataway, proposes to consolidate lots to the east side of the right-of way in the Danville Estates neighborhood. The Villages of Piscataway includes the Edelen House (Historic Site 84-023-06). The subject application is adjacent to the historic village of Piscataway (84-023-00) that includes Hardy's Tavern (Historic Site 84-023-05) and several other historic sites and historic resources regulated by the *Prince George's County Historic Sites and Districts Plan* and the Prince George's County Historic Preservation Ordinance (Subtitle 29 of the County Code).

A Phase I archeological survey was conducted on the property in 1996 and 1997 when Bailey's Associates, L.P. applied for a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers. The issuance of the Section 404 permit constituted an undertaking pursuant to the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended, which requires that the federal agency take into account the effects on cultural resources. Fifty-four archeological sites were identified in the Phase I survey. Eight Archeological Sites, 18PR483, 18PR484, 18PR485, 18PR486, 18PR487, 18PR488, 18PR489, and 18PR490, were identified in the area within the subject application. All of these sites were identified as prehistoric resources ranging from small lithic scatters to short-term resource procurement and base camps. Phase II investigations were conducted on Sites 18PR483, 18PR485, 18PR487, 18PR489, and 18PR490 in 1998. The Army Corps of Engineers and the Maryland Historical Trust did not require any further archeological investigations on any of these sites.

The site is adjacent to the Piscataway Village Historic District and Floral Park Road, which is a scenic road. It is just south of the St. Mary's Church and Cemetery Historic Site (84-023-10). Danville Estates, the area of the site in which the changes to the plan apply, is the furthest away from these resources.

The subject property has been previously reviewed for impacts on archeological resources or historic sites. No significant archeological resources will be impacted by the proposed development and no further archeological investigations are recommended.

- f. **Environmental Planning:** The Environmental Planning Section has reviewed the revised CDP and TCPI for the Villages of Piscataway (also known as The Preserve) and proffers the following findings.

Grandfathering

The current application is not subject to the environmental regulations contained in Subtitles 24 and 27 that came into effect on September 1, 2010 because the site has a previously approved preliminary plan and SDP.

The application is also not subject to the Woodland and Wildlife Habitat Conservation Ordinance, Subtitle 25, Division 2, which became effective September 1, 2010, because there are previously approved TCPI and TCPIIs for the site.

Site Description

The CDP for the Village of Piscataway consists of a gross tract area of 878.90 acres, and 79.80 acres of 100-year floodplain, resulting in a net tract area of 799.10 acres in the R-L and L-A-C Zones. The site is located in Planning Area 84, Subregion 5, primarily south of Floral Park Road and west of Danville Road. According to aerial photos current at the time of the original approval (1994), approximately 90 percent of the site was wooded. Floral Park Road and Piscataway Road were designated historic roads in 2001. Danville Road was designated a historic road with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). There are no nearby transportation noise sources which require regulation. The proposed use is not expected to be a noise generator. There are streams, wetlands, and floodplain associated with Piscataway Creek in the Potomac River watershed on-site. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. The *Prince George's County Soil Survey* previously indicated that the principal soils on the site are in the Aura, Beltsville, Bibb, Elkton, Galestown, Othello, and Sassafras soils series. This soil classification pre-dates the current Soil Web Survey update. Marlboro clay is known to occur on the site. The site was formerly in the Developing Tier, and is now in Environmental Strategy Area 2 (ESA 2) according to Plan Prince George's 2035. According to the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan), the Mattawoman stream valley along the southern boundary is a regulated area and approximately the lower half of the property is within an evaluation area. According to the Green Infrastructure Plan, the portion of the site east of the PEPCO right-of-way contains regulated area, evaluation area, and network gap.

Review of Previously Approved Conditions

The following text addresses previously approved environmental conditions related to the subject application. The text in **BOLD** is the actual text from the previous cases or plans.

Zoning Map Amendments A-9869 and A-9870, Council Resolution CR-60-1993, approved September 14, 1993: The District Council approved A-9869 and A-9870 subject to environmental considerations contained in CR-60-1993.

Consideration 4. Woodland conservation of 35 percent should be a Phase II design consideration as well as the preservation of a large contiguous wooded

area in the southern portion of the site.

The approved Type I Tree Conservation Plan, TCPI-009-94-01, proposed woodland conservation of 276.72 acres, which is 35.53 percent of the net tract area, exceeding the 35 percent woodland conservation threshold required for the site. Woodland conservation areas are not allowed on lots less than 20,000 square feet in area, and the use of fee-in-lieu or off-site woodland conservation are not allowed. All woodland conservation requirements are being met on-site.

Consideration 6. A wetlands report shall be approved by the Natural Resources Division prior to approval of the Phase II Comprehensive Design Plan.

A wetlands report was included as part of the CDP submission and was reviewed and approved by the Environmental Planning Section, as the successor to the Natural Resources Division.

Comprehensive Design Plan CDP-9306, PGCPB Resolution No. 94-98(C)(A), approved March 31, 1994: The Planning Board approved CDP-9306 subject to the following environmental conditions:

9. **A 100-year floodplain study or studies shall be approved by the Flood Management Section of the Department of Environmental Resources (DER) for each drainage area greater than 50 acres in size. Prior to approval of each Specific Design Plan or detailed Preliminary Plat of Subdivision, whichever comes first, a floodplain study shall be approved for any floodplain that is adjacent to or affecting the area of the plan.**

A floodplain study was approved by the Prince George's County Department of Environmental Resources (DER), and the approved 100-year floodplain is correctly shown on the plans.

10. **A Stormwater Management Concept Plan shall be approved by DER prior to approval of the first Specific Design Plan or the first detailed Preliminary Plat of Subdivision, whichever comes first.**

A Stormwater Management Concept Plan, CSD 8008470-1994-01, was approved by DER which expired June 30, 2004. Five separate stormwater management concept approvals for the site were subsequently approved on May 16, 2011, which were valid until May 16, 2014: 40424-2004-00 (Part V-A), 40425-2004-00 (Part V-B), 40427-2004-00 (Part V-C), 40449-2004-00 (Parcel V-D), and 40452-2004-00 (Part V-E).

11. **Prior to approval of the master Preliminary Plat of Subdivision, the applicant, his heirs, successors and/or assigns, shall submit a geotechnical report verifying the presence or absence of Marlboro clay in the southwest portion of the property in accordance with DER criteria. In areas where it is determined that Marlboro clay might affect structural stability, a detailed geotechnical report shall be submitted for review and verification by the Natural Resources Division prior to approval of any detailed Preliminary Plat of Subdivision.**

A soils report was submitted with Preliminary Plan 4-96047. That study indicated that Marlboro Clay occurs on the site between elevations 40 to 55. A more detailed study was submitted with Specific Design Plan SDP-9804.

Environmental Review

As revisions are made to the plans submitted, the revision box on each plan sheet shall be used to describe what revisions were made, when, and by whom.

- (1) A natural resources inventory (NRI) was not required for the subject application because approval of the preliminary plan and SDP pre-date Subdivision and Zoning requirements for submittal of an NRI. The application has a valid stormwater management concept approval letter, which pre-dates the requirement for an NRI, and which proceeded to technical approval. No further information is required with regard to the NRI.

This site contains natural features that were required to be protected under Section 24-130 of the Subdivision Regulations at time of preliminary plan review, and were addressed with appropriate development applications.

- (2) The total gross tract area of the TCPI is 878.00 acres located in the R-L and L-A-C Zones, with a net tract area of 793.20 acres. The woodland conservation threshold for this site was established by the County Council at 35 percent or a minimum of 272.88 acres, which had to be provided totally on-site. The approved TCPI proposed to meet the woodland conservation requirement with 249.72 acres of on-site preservation and 23.16 acres of on-site afforestation/ reforestation.

There are minor technical revisions to the TCPI required prior to approval. The woodland conservation worksheet incorrectly identifies that the gross tract area of the R-L-zoned property is 858.92 acres. The woodland conservation requirement for this project, based on Consideration 4 of CR-60-1999 and Condition 13 of PGCPB Resolution No. 94-213, requires that the on-site woodland conservation be at least 272.88 acres. The correct gross tract area of the overall site must be included in the woodland conservation worksheet. A TCPI approval block must also be added to the TCPI which correctly cites prior approvals and a TCPI

revision table must be added to the TCPI coversheet which includes information pertinent to tracking prior approvals of the TCPI plan and the reasons for the specific revisions.

Because there is a previously approved TCPII for this site, which will be revised to match currently proposed revisions to SDP-0320, further revisions to the TCPI beyond those stated above will not be required.

Prior to signature of the CDP, the following technical revisions should be made to the Type I Tree Conservation Plan, TCPI-009-94-03:

- (a) Revise the gross tract area of the R-L-zoned portion of the site to be 858.92 acres.
 - (b) Add a TCPI approval block on all plan sheets to include all previous approvals in a typed font.
 - (c) Add a TCPI revision table to the coversheet citing information pertinent to the purpose of each prior revision and the current revision.
 - (d) Have the revised plan signed and dated by the qualified professional who prepared the plan.
- (3) A revised CDP plan was submitted with the current application to reflect two significant changes to the conceptual development envelopes that have been approved or are proposed with the current application.

The previously approved golf course was eliminated from the development as financially unfeasible, and the resulting open space was placed in a woodland conservation easement for the benefit of developing properties. Underlying ownership of the land was proposed to be transferred to the HOA, based on the approval of SDP-0608-01, TCPII-044-07-01, and other affected SDPs and TCPIIs which are part of the overall development.

With the current application, the applicant is proposing to relocate density previously approved in the Danville Estates area (Section F) of the development from the west side of the PEPCO right-of-way to the east side of the right-of-way, reducing the amount of woodland clearing proposed. The preserved trees, which are in excess of the enhanced woodland conservation requirement for development, are proposed to be placed in an off-site woodland conservation bank as well, and also proposed to be transferred to the HOA.

Several areas on the CDP where additional woodland conservation will be provided have been labeled: "Woodland Preservation & Potential Woodland Tree Bank

Area.” These areas should be re-labeled to include “Open Space” to better reflect the proposed use of the area.

Prior to certificate approval, the CDP should be revised as follows:

- a. Areas labeled as “Woodland Preservation & Potential Woodland Tree Bank Areas” shall be re-labeled to include “Open Space.”
- (4) Danville Road was designated a historic road in the MPOT and has the functional classification of collector. Any improvements within the right-of-way of an historic road are subject to approval by the Prince George’s County Department of Public Works and Transportation (DPW&T) under the *Design Guidelines and Standards for Scenic and Historic Roads*. Because Danville Road was not designated historic until after approval of CDP-9306, this topic was not addressed in the previous application.

Conservation and enhancement of these specially designated roadways are intended to provide safe and enjoyable travel, while preserving the scenic and historic resources both within the rights-of-way and on adjacent land. The MPOT included the following policies and strategies for the conservation and enhancement of special roadways, which are applicable to the current application.

Policy 1: Conserve and enhance the scenic and historic values along special roadways.

STRATEGIES:

2. **Require submission of an inventory of scenic and historic features with all applications that propose work within the right-of-way of a designated roadway.**
3. **Utilize the “Guidelines for the Design of Scenic and Historic Roadways in Prince George’s County, Maryland” (DPW&T, 2006) when evaluating applications within the rights-of-way of scenic and historic roadways.**
4. **Consider a variety of techniques in order to protect the scenic and historic qualities of the designated roads during the review of applications that involve work within the right-of-way of a designated roadway. These techniques include alternative ways to circulate traffic; the use of the historic road section as one leg of a needed dual highway; provision of bypass roads; and limiting certain types of development and signs in the viewshed.**

Policy 2: Conserve and enhance the viewsheds along designated roadways.

STRATEGIES:

- 1. Require submission of an inventory of scenic and historic features with all applications that propose work adjacent to the right-of-way of a designated roadway.**
- 2. Require the conservation and enhancement of the existing viewsheds of designated roads to the fullest extent possible during the review of land development or permit applications, whichever comes first. Elements to be considered shall include views of structures from the roadway; design character and materials of constructed features; preservation of existing vegetation, slopes and tree tunnels; use of scenic easements; and limited access points.**

The 2010 *Prince George's County Landscape Manual* (Landscape Manual) requires that buffering of scenic and historic roads be addressed at the time of permits for all special roadways, in accordance with Section 4.6 (Buffering of Special Roadways).

Per the Landscape Manual, a designated historic road in the Developing Tier requires that a minimum 20-foot-wide buffer be provided along the frontage of the historic road. The 20-foot-wide scenic easement is required to be provided behind the public utility easement. It should be noted that the south side of Danville Road, adjacent to Danville Estates, is located in the former Developing Tier, while the north side of Danville Road, across the historic roadway, is in the former Rural Tier.

The required buffering treatment along historic Danville Road will be reviewed by the Urban Design Section for conformance with the requirements of the Landscape Manual with the revised SDP-0320-03. The design of entrance features proposed on Danville Road East will also be reviewed at the time of SDP approval to ensure that the design is in keeping with the desired visual characteristics of the historic road; integrated into an overall streetscape treatment along Danville Road with regard to signage, materials, and plant species choices; and coordinated with the entrance feature and landscape treatment being proposed for the overall development.

- (5) The property subject to the current application is entirely located in the Mount Vernon Viewshed Area of Primary Concern, which has been delineated as an evaluation tool for the protection of the Mount Vernon viewshed. Properties located within the area of primary concern are evaluated for the location and elevation of the subject property, the elevation of structures proposed on the site,

and the potential for vegetative management and screening because of the associated viewshed from the front porch of Mount Vernon as the viewing point.

As stated by the Community Planning Division, a sight line analysis from Mount Vernon to the Danville Estates portion of the site shows that the development will not be visible to the national historic site.

- (6) The *Prince George's County Soil Survey* indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Elkton, Galestown, Othello, and Sassafras soils series. Preliminary Plan 4-94017, Condition 17, PGCPB Resolution No. 94-213, was specifically included to require on-going review of areas where highly-erodible soils occur on slopes in excess of 15 percent. Aura, Beltsville, Elkton, and Othello soils are highly erodible. Soils will be addressed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) at the time of permitting.
- (7) Marlboro clay is known to occur on the site. A soils report was submitted with Preliminary Plan 4-96047 which indicated that Marlboro clay occurs on the site between elevations 40 to 55 feet mean sea level (MSL). A more detailed study was submitted with SDP-9804 and it was determined that slope failure was not an issue. However, further evaluation of safety concerns related to Marlboro clay by DPIE prior to re-platting or the issuance of permits may be required.
- (8) Stormwater Management Concept Plans CSD 40424-2004-00, CSD 40425-2004-00, CSD 40427-2004-00, CSD 40449-2004-00, and CSD 406452-2004-00 were approved by DPW&T and were valid until May 16, 2014. No further action regarding stormwater management is required with regard to the revised CDP or TCPI review, but will need to be addressed with the revised SDP.

Based on the above analysis, the revised CDP demonstrates the preservation of the regulated environmental features in a natural state to the fullest extent possible in that the CDP reduces the amount of on-site clearing and provides for greater retention of existing woodland in sensitive environmental areas.

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 the Type 1 Tree Conservation Plan (TCP1-009-94-03), and further APPROVED the Comprehensive Design Plan CDP-9306-03, Villages at Piscataway (aka The Preserve), for the above described land, subject to the following conditions:

1. The development standards for the comprehensive design plan for Danville Estates shall be modified to include the following:
 - a. The two categories of the single-family detached lots listed in Table 2 of the Residential Lot Standards shall be above and below 14,000 square feet.
 - b. The minimum lot width at the building line shall be no less than 70 feet.
 - c. The standards governing the development of Danville Estates are as follows:

	Single Family Detached Below 14,000 SF	Single Family Detached Over 14,000 SF
NET LOT AREA MIN. (SF)	8,000	14,000
FRONT YARD MIN.	15'	25'
LOT WIDTH MIN. AT STREET LINE	18'	25'
LOT WIDTH MIN. AT BUILDING LINE	40'	70'
REAR YARD MIN. (WITH REAR PERPENDICULAR PARKING)	25'	35'
SIDE YARDS MIN.		
ONE	5'	8'
BOTH	10'	17'
MIN. SPACE BETWEEN END BUILDINGS	-	-
MAX. HEIGHT	38'	38'

2. Prior to certificate of approval of the comprehensive design plan (CDP), the applicant shall:
 - a. Make the following revisions to Type I Tree Conservation Plan TCPI-009-94-03:
 - (1) Revise the gross tract area of the R-L-zoned portion of the site to be 858.92 acres.
 - (2) Add a TCPI approval block on all plan sheets which includes all previous approvals in a typed font.
 - (3) Add a TCPI revision table to the coversheet citing information pertinent to the purpose of each prior revision and the current revision.
 - (4) Have the revised plan signed and dated by the qualified professional who prepared the plan.
 - b. Revise the label on the CDP "Woodland Preservation & Potential Woodland Tree Bank Areas" to include "Open Space."

3. At the time of specific design plan, Lots 13E and 30G abutting the historic Danville Road right-of-way shall be a minimum size of 34,000 square feet to accommodate Section 4.6, Buffering of Special Roadways, of the 2010 *Prince George's County Landscape Manual* by providing a minimum 20-foot-wide side yard setback between the landscape buffer and the structure, and provide a side yard setback from Danville Road of not less than 50 linear feet.

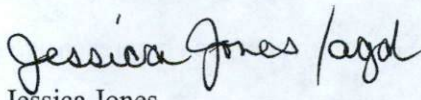
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

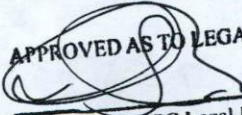
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Shoaff, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 10, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of March 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator


APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 3/17/16

PCB:JJ:SL:ydw