



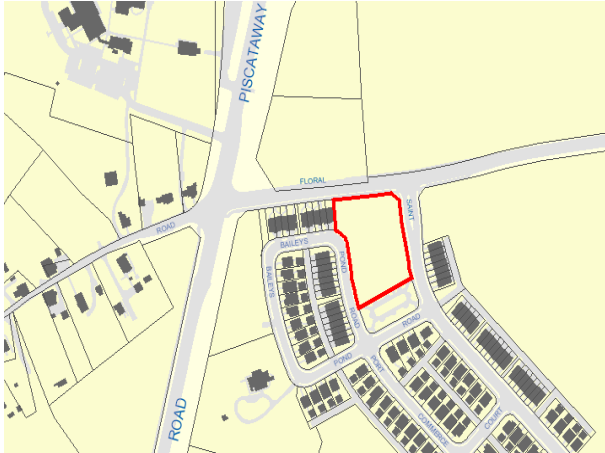
The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Comprehensive Design Plan Preserve at Piscataway (Bailey's Village)

CDP-9306-05

REQUEST	STAFF RECOMMENDATION
Amendment to remove commercial, retail, office, and multifamily uses and replace with 26 single-family attached dwelling units within the L-A-C Zone.	DISAPPROVAL

Location: South of Floral Park Road at its intersection with St. Mary's View Road.			
Gross Acreage:	19.98		
Zone:	L-A-C		
Dwelling Units:	26		
Gross Floor Area:	N/A		
Planning Area:	84		
Council District:	09	Planning Board Date:	01/06/2022
Election District:	05	Planning Board Action Limit:	01/12/2022
Municipality:	N/A	Staff Report Date:	12/22/2021
200-Scale Base Map:	218SE03	Date Accepted:	10/19/2021
Applicant/Address: NVR MS Cavalier Preserve, LLC 11700 Plaza America Drive, Suite 310 Reston, VA 20190		Informational Mailing:	07/14/2021
Staff Reviewer: Henry Zhang, AICP, LEED AP Phone Number: 301-952-4151 Email: Henry.Zhang@ppd.mncppc.org		Acceptance Mailing:	10/14/2021
		Sign Posting Deadline:	12/07/2021

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Comprehensive Design Plan CDP-9306-05
 Type I Tree Conservation Plan TCPI-009-94-04
 Preserve at Piscataway (Bailey's Village)

The Urban Design Section has completed its review of the subject application and agency referral comments concerning the Comprehensive Design Plan, CDP-9306-05, and recommends DISAPPROVAL of the application for failure to conform with the basic plan, as stated in the Recommendation section of this report.

EVALUATION CRITERIA

- a. The requirements of Zoning Map Amendment (Basic Plan) A-9870.
- b. The requirements of Part 8, Division 2, Subdivision 2, of the Prince George's County Zoning Ordinance, governing development in the Local Activity Center (L-A-C) Zone; and Part 8, Division 4, governing the approval of a comprehensive design plan.
- c. The requirements of Comprehensive Design Plan CDP-9306 and its amendments.
- d. The requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance and Tree Canopy Coverage Ordinances.
- e. Referral comments.

FINDINGS

Based upon the evaluation and analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** To amend the previously approved comprehensive design plan (CDP) to remove commercial, retail, office, and multifamily uses and replace with 26 single-family attached dwelling units within the Local Activity Center (L-A-C)- Zone, known as Bailey's Village, Preserve at Piscataway.

2. **Development Data Summary:**

	PREVIOUSLY APPROVED	PROPOSED
Zone(s)	L-A-C	L-A-C
Use(s)	Commercial, retail, office, residential	Residential
Gross Acreage	19.98	19.98
Number of Dwelling Units*	140*	132*
Commercial Office gross floor area (sq. ft.)	10,000–15,000	0
Commercial Retail gross floor area (sq. ft.)	20,000–30,000	0

Note: *Within the L-A-C Zone (Bailey’s Village), CDP-9306 approved development of up to 140 dwelling units. As of the writing of this staff report, only 106 single-family detached (57) and attached (49) dwelling units have been constructed on approximately 18.33 acres of the L-A-C Zone, pursuant to Specific Design Plan SDP-0319, as amended. With this CDP amendment, an additional 26 single-family attached dwelling units are proposed for the remaining, undeveloped 1.65 acres, known as Lot 10.

3. **Location:** The subject property is located south of Floral Park Road, at its intersection with St. Mary’s View Road, in Planning Area 84, and Council District 9.
4. **Surrounding Uses:** The subject of this application is Bailey’s Village, an L-A-C-zoned area that is part of the larger development known as the Preserve at Piscataway (formerly the Villages at Piscataway). Bailey’s Village is bounded to the north by the right-of-way of Floral Park Road, with undeveloped land in the Residential-Agricultural (R-A) and Residential Low Development (R-L) Zones beyond; to the east by undeveloped land in the R-L Zone; to the south by single-family attached and detached residential dwellings and undeveloped land in the R-L Zone; and to the west by land in the R-L Zone developed with a portion of a stormwater management (SWM) facility and portion of the property of the Edelen House, an historic structure, with the right-of-way of Piscataway Road beyond.
5. **Previous Approvals:** On September 14, 1993, the Prince George’s County Council, sitting as the Prince George’s County District Council for the part of the Maryland-Washington Regional District in Prince George’s County, adopted Prince George’s County Council Resolution CR-60-1993, approved the *Master Plan and the Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B*. 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 dwelling units/acre) and 19.98 acres to the L-A-C Zone, as included in CR-60-1993. The rezoning was approved with 39 conditions and 11 considerations.

On March 31, 1994, the Prince George’s County Planning Board approved 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 Bailey’s Village. 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 (PGCPB Resolution No. 07-116), an amendment 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 (PGCPB Resolution No. 08-143), an amendment 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 10 feet beyond the rear building restriction lines.

On March 10, 2016, the Planning Board approved CDP-9306-03 (PGCPB Resolution No. 16-37), an amendment 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 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 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 CDP remained unchanged.

CDP-9306-04 was approved by the Planning Board on July 29, 2021 (PGCBP Resolution No. 2021-90) to amend two conditions relative to design standards governing 14 specific lots in the northern section of Glassford Village.

CDP-9306-H1 (PGCPB Resolution No. 2020-45) and CDP-9306-H2 (PGCPB Resolution No. 2021-35) were approved by the Planning Board in 2020 and 2021. Each approval amended setback requirements to permit construction of decks attached to these two specific single-family dwellings.

On June 17, 2003, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-03027 (PGCPB Resolution No. 03-122) for 794 lots and 66 parcels subject to 47 conditions. This approval also included up to 16,000 square feet of commercial/retail uses, up to 6,500 square feet of institutional uses, 57 single-family detached, 49 single-family attached, and 34 multifamily dwelling units in the L-A-C-zoned Bailey's Village area. Additional PPS have been approved by the Planning Board for other villages within the Preserve at Piscataway.

Multiple specific design plans (SDPs) have been approved by the Planning Board, which facilitated the development of the Preserve at Piscataway. SDP-0319, as amended, was approved for the existing development within Bailey's Village.

6. **Design Features:** This CDP amendment proposes to remove the previously approved commercial, retail, office, and multifamily uses and replace them with 26 single-family attached (townhouse) dwelling units within Bailey's Village in the Preserve at Piscataway development. Bailey's Village consists of 19.98 acres of land in the L-A-C Zone and is the only portion of the development with this zoning designation. It is located at one of the main entrances of the development, at the intersection of Floral Park Road and St. Mary's View Road. The majority of Bailey's Village is currently developed with 106 single-family

dwelling (56 attached, 49 detached), a village green, and the preexisting Edelen House, an historic structure being used as a dwelling unit. The focus of this CDP amendment is the 1.65-acre Lot 10, which is the only remaining undeveloped area within Bailey's Village. This lot was previously cleared and graded and is presently an open lawn area situated between the village green to the south and Floral Park Road to the north. This requested CDP amendment to remove previously approved uses for Bailey's Village is to facilitate the development of 26 additional single-family attached units on Lot 10, which will require a new PPS and amendment to SDP-0319. By doing such, it eliminates the possibility of commercial, retail, office, and/or multifamily uses in the L-A-C-zoned Bailey's Village and from the entirety of the larger Preserve at Piscataway development, which is almost entirely developed.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9870:** A-9870 was approved by the District Council on September 14, 1993, rezoning the subject property to the L-A-C Zone (see CR-60-1993). The L-A-C Zone is intended for mixed-use developments that include, among other things, public, quasi-public, and commercial needs grouped together for the convenience of the populations they serve, and dwellings integrated with activity centers in a manner that retains the amenities of the residential development and provides the convenience of proximity to an activity center. L-A-C Zones are not intended for solely residential developments which are provided for within conventional residential zoning districts.

CR-60-1993 for A-9870 approved land use types, quantities, and acreage that could be devoted to commercial (6.75 acres) and residential (13.23 acres) uses along with 39 conditions and 11 considerations as discussed in Finding 5. A-9869 approved the R-L-zoned portion and A-9870 approved the L-A-C-zoned, Bailey's Village portion of the Preserve at Piscataway, which is discussed herein. Applicable conditions, considerations, land use types and quantities, and land use relationships approved that are relevant to this CDP amendment are as follows:

Land Use Types

L-A-C Zone (A-9870)

All permitted uses in the L-A-C Zone.

Land Use Quantities

L-A-C Zone (A-9870)

Gross Acreage	19.98
Commercial Acreage:	6.75 acres
Base Intensity of Zone	0.2 FAR
Base Commercial Development	58,806 square feet
Approved Basic Plan Intensity	0.238 FAR
Maximum Commercial Development*	70,000 square feet
Residential Acreage:	13.23 acres
Base Density of Zone	10 du/acre
Base Residential Development	132 dwelling units
Approved Basic Plan Density	10.6 du/acre
Maximum Residential Development*	140 dwelling units

***The actual number of dwelling units and commercial square footage will be determined during review of the Comprehensive Design Plan (CDP) on the basis of adjusted gross acreage in the CDP application, the approved development density or intensity, and the proposed public benefit features.**

As approved by CR-60-1993, Bailey's Village is to be a "Neighborhood Activity Center for commercial and residential land use..." and its 19.98 acres were purposefully rezoned L-A-C for the creation of an integrated activity center, with a mix of uses, at the main entrance of the larger Preserve at Piscataway (formerly Villages of Piscataway). This area of the development was separately and purposefully rezoned L-A-C, to provide commercial uses to serve the larger development, which is entirely residential. The Basic Plan designated areas within Bailey's Village as exclusively high-density residential or commercial. The subject property is located entirely within the area marked commercial.

The requested CDP amendment requests only residential land uses and quantities, and no commercial uses, as provided by A-9870 within Bailey's Village. As is noted in Finding 6, the land area of Bailey's Village has been built-out with single-family dwellings, except for a 1.65-acre area where the applicant now proposes to develop 26 single-family attached units. While the proposal to add 26 additional units is within the residential development density range established by the Basic Plan, it would entirely eliminate the commercial acreage approved in A-9870.

The mix of land use types and quantities approved by A-9870 is intentional and approved to foster the creation of a local activity center and fulfill the purposes of the L-A-C Zone. While flexibility to determine the actual number of dwelling units and final commercial square footage at the time of CDP is provided, the complete elimination of commercial

development from Bailey's Village undermines the intent of its L-A-C zoning and is not in conformance with the Basic Plan.

Of the 31 conditions of approval contained in CR-60-1993, the following three conditions relate to the proposed CDP amendment:

1. The land use types, quantities, conditions, and considerations of approval shall be printed on the approved Basic Plan.

The proposed CDP amendment is not in conformance with the land use types and quantities shown on the approved basic plan, as it does not include the commercial uses.

8. The majority of the commercial uses proposed for the L-A-C shall be retail.

The CDP amendment proposes to remove commercial uses from the L-A-C Zone and not include any retail development.

10. The L-A-C portion of the project known as Bailey's Village shall be designed so as to be compatible with the adjacent Historic Bailey's Plantation (Edelen House) and the historic village. Specific details pertaining to the building mass, height, scale and construction materials and details shall be provided as part of the CDP submission.

Specific details pertaining to the building mass, height, scale, construction materials, and details have been provided as part of previous CDP submissions. The lots adjacent to and visible from Edelen House have already been developed and the proposed lots in the subject application will not be visible from the historic site.

8. Prince George's County Zoning Ordinance: As one of the comprehensive design zones (CDZs), the L-A-C Zone allows the applicant to establish its own design standards and to earn additional density if certain criteria have been met in the development review process, subject to Planning Board approval.

- a. The CDP amendment does not conform with the following purposes of the L-A-C Zone, as stated in Section 27-494(a) of the Prince George's County Zoning Ordinance:

(5) Group uses serving public, quasi-public, and commercial needs together for the convenience of the populations they serve; and

(6) Encourage dwellings integrated with activity centers in a manner which retains the amenities of the residential environment and provides the convenience of proximity to an activity center.

The CDP amendment eliminates the possibility for commercial development within the L-A-C-zoned Bailey's Village and proposes the area to be exclusively for residential development. This is contrary to the above noted purposes of the L-A-C Zone, which recommends integrating commercial and residential uses to foster the creation of an area where people can live, work, play and shop. Bailey's

Village was designated as a “Village Center” in CR-60-1993, to provide convenient commercial uses to serve the approximately 1,000 residences within the Preserve at Piscataway. The current proposal to make Bailey’s Village exclusively for residential uses precludes the creation of an activity center, in accordance with the purposes of the L-A-C Zone.

- b. The proposed single-family attached dwellings are permissive in the L-A-C Zone, per Section 27-495(b) and Section 27-515 of the Zoning Ordinance. However, the CDP amendment is not in conformance with Section 27-495(a), which provides:

The general principle for land uses in this zone shall be the need for the uses or services in a residential area of a given size.

The CDP amendment removes the “uses or services” from this master-planned neighborhood activity center, resulting in the creation of an exclusively residential neighborhood, which conflicts with the intended purpose of the zone.

- c. Section 27-521(a) of the Zoning Ordinance requires the Planning Board make each of the following findings, in order to approve a CDP amendment:

(1) The plan is in conformance with the Basic Plan approved by application per Section 27-195;

A-9870 was approved by the District Council as part of the 1993 *Master Plan and the Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B* (CR 60 1993). The subject CDP amendment is not in conformance with the approved Basic Plan, as is discussed in Finding 7 above. The Basic Plan specifically designated the area within which the subject property is located as only commercial, and the proposed development is entirely residential. The appropriate process for addressing a nonconforming CDP application is to seek approval of an amendment to the Basic Plan, pursuant to Section 27-197(c) of the Zoning Ordinance. Other developments have sought and received approval of similar Basic Plan amendments, such as A-9988-01 for the Villages at Timothy Branch and A-9775-01 for Springdale Estates, under this section of the Zoning Ordinance.

The District Council’s intended design for the Basic Plan is clear in their inclusion of specified ranges of commercial and residential development to be provided in Bailey’s Village, the L-A-C Zone portion of the Preserve at Piscataway. The CDP amendment proposes to eliminate all commercial uses from Bailey’s Village, which is not consistent with the land use types, commercial intensities, and land use relationships shown on the approved basic plan. The basic plan established a base commercial development density of 58,806 square feet and base commercial development intensity of 0.238 floor area ratio. The CDP amendment provides for zero square feet of commercial development and negates the possibility for its future provision in Bailey’s Village. This is not consistent with the basic plan.

The applicant's statement of justification (SOJ) erroneously contends that the approved basic plan is simply illustrative and asserts that "neither the basic plan nor the zoning mandate that all or some portion of the allowable uses be incorporated into the Preserve at Piscataway community." Staff disagrees. The Basic Plan sets forth the general land use types, range of dwelling unit densities, commercial intensities, etc., approved by the rezoning and designates the location where such uses will be developed as part of the comprehensive planning process approved when the property was granted a CDZ. In addition, the purposes of the L-A-C Zone as an activity center grouping uses together for convenience comports with the idea that the rezoning of property to the L-A-C Zone should include a mix of uses.

Staff recommended the applicant seek an amendment to the approved basic plan, prior to moving forward with this CDP amendment. The applicant's SOJ incorrectly states that, "the Applicant's amendment is not a circumstance for which the Zoning Ordinance prescribes a Basic Plan Amendment." Staff asserts that Section 27-197(c) of the Zoning Ordinance provides a clear means for the applicant to seek an amendment to the basic plan as it provides a procedure for, "If an amendment of an approved Basic Plan does not involve a change in land area or an increase in land use density or intensity, is for the purpose of adding a Planned Environmental Preservation Community, or is for the purpose of allowing uses permitted in the E-I-A Zone on land in the R-S Zone pursuant to Section 27-515(b) of this Code..." This application would be an amendment to the basic plan that does not involve a change in land area or an increase in land use density or intensity.

The applicant contends that multiple previous CDP amendments and SDP approvals adjusted the development's scope without any requirement to amend the Basic Plan. Previous approvals for the Preserve at Piscataway have altered development and architectural standards, shifted the location of land uses, due to engineering and subdivision issues, and modified conditions of approval. However, the complete elimination of a use, in this case commercial, is a zoning decision that falls within the jurisdiction of the District Council, not the Planning Board.

The applicant also contends that the Basic Plan included a golf course as part of the Preserve at Piscataway development, which was previously eliminated, pursuant to the approval of only an SDP. This is correct to the extent that the elimination of the golf course in the R-L-zoned portion was done, pursuant to Section 27-514.10(d)(4) of the Zoning Ordinance (Prince George's County Council Bill CB-57-2009), which allows for this to be done with only the approval of an SDP.

As the CDP amendment does not conform with the applicable basic plan and cannot be reasonably conditioned to conform, this required finding cannot be made, leading to a recommendation of disapproval.

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

The CDZs provide much greater flexibility in design, compared with regulations in conventional zones. This CDP amendment provides for a development that is not in line with the purposes of the L-A-C Zone. The CDP amendment proposes to make an L-A-C-zoned site exclusive for single-family development, which could have been achieved through the R-L zoning, as approved for the remainder of the Preserve at Piscataway. Therefore, the proposed plan does not yield a better environment than could have been achieved under other regulations.

- (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;**

Approval is not warranted, as this CDP amendment removes design elements, specifically all commercial uses, which were originally planned to provide employment opportunities and services to the residents and guests of the Preserve at Piscataway. By removing commercial uses from the L-A-C-zoned section of the development and replacing them with 26 single-family attached units, the CDP amendment drastically changes the nature of the L-A-C design concept approved for Bailey's Village in A-9870. The CDP amendment will make Bailey's Village a residential neighborhood only.

- (4) The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**

This CDP amendment provides a significant update to the mixed-use development concept for Bailey's Village, the L-A-C-zoned portion of the Preserve at Piscataway. Commercial uses have been removed and the entirety of the subject area is now proposed to include additional single-family attached residential development, which is an approved use in the L-A-C Zone, and compatible with surrounding development. The applicant contends that market conditions have not been supportive of commercial development in Bailey's Village and that the originally approved mixed-use development concept is no longer viable for the site.

- (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 additional single-family attached dwelling units are proposed to adhere to the same standards applicable to the existing townhouses in Bailey's Village.

- (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;**

The 26 additional single-family attached units will be developed in a single phase. The remainder of Bailey's Village has already been developed.

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

The proposed amendment will not impact the previous findings relative to public facilities. The scale of development proposed by the CDP amendment is minor in comparison to the remainder of the Preserve at Piscataway, most of which has been previously developed.

- (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;**

This CDP amendment proposes no changes to plans or previous findings of conformance relative to the Edelen House, an historic site, located on the western side of 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 plan is consistent with this requirement, by incorporating the applicable site design guidelines in the development standards for the residential dwellings proposed for Bailey's Village. This CDP amendment proposes townhouses and therefore, the requirements of Section 27-433(d) of the Zoning Ordinance are applicable. The CDP amendment does not provide sufficient detail regarding the layout or details of the proposed townhouse units to determine conformance with Section 27-433(d), which will need to be shown at the time of PPS and SDP.

- (10) The Plan is in conformance with an approved Type 1 Tree Conservation Plan;**

The overall Preserve at Piscataway subdivision is almost completely constructed with several open areas that remain for development. A TCP1, of only the subject CDP plan view area, with the overall numbers used in the woodland conservation worksheet, was submitted. The subdivision has already met the overall woodland conservation requirement with previous applications. The submitted TCP1 is in conformance with the proposed CDP amendment.

- (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).**

This CDP amendment does not contain nor affect regulated environmental features and makes no changes to previous findings of conformance with Subtitle 24-130(b)(5) of the Subdivision Regulations.

- (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**

Section 27-226(f)(4) of the Zoning Ordinance is the District Council procedure for approving a CDZ application as part of an SMA. This provision is not applicable. While the rezoning of the property to the CDZ was done through an SMA (CR-60-1993, CDZ Amendment 3 for Villages at Piscataway, A-9869 and A-9870), this approval predates the October 1, 2006 applicability date for Section 27-480(g)(1) and (2) of the Zoning Ordinance.

- (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.**

This provision is not applicable to the subject application because the subject site not a regional urban community.

- 9. Comprehensive Design Plan CDP-9306:** This application proposes to amend the CDP by removing the previously approved nonresidential uses for the subject site and expanding the residential use. All findings and conditions of CDP-9306 (PGCPB Resolution No.94-98(C)(A)) remain valid and govern the development of the L-A-C-zoned section of the Preserve at Piscataway. The applicant contends that no conditions of CDP-9306 or its subsequent amendments are applicable to this CDP amendment and specified that no conditions of prior CDP approvals are requested to be deleted or modified by the subject application. Staff finds the following conditions of CDP-9306 applicable to review of this CDP amendment, as follows:

- 1. Prior to signature approval of the Comprehensive Design Plan, the following revisions shall be made or information supplied:**

- b. The following architectural standards for civic and institutional buildings, for structures in Bailey Village, and for all residential and commercial structures surrounding villages shall be added to the text:**
- (1) All commercial structures in Bailey's Village and all structures on lots adjoining Piscataway Road and Floral Park Road or on lots facing Piscataway Road and Floral Park Road with no intervening structures shall have facades constructed of natural materials (wood, brick, stone, stucco, split-face block, etc.). No vinyl or aluminum siding shall be permitted.**
 - (2) All civic and institutional buildings and all structures facing a village green in any village and those structures in Bailey Village not covered by (1) above, shall have facades constructed of the natural materials mentioned in (1) above, or may have facades constructed of Restoration Series vinyl siding, or equal, provided that at the time of Specific Design Plan the applicant submits for approval a special package of architectural details for use on all vinyl-sided buildings. The architectural details in this package shall exceed in number, detail and visual interest the details used on other houses in the Villages and shall include items such as brick foundation walls, bracketed cornices, decorative window caps, brick porch foundation and/or lead walls and cupolas or belfries.**
 - (3) All buildings shall be designed with special attention to architectural details which evoke the image of a traditional town. At least half of the structures located facing a village green in any village which are also located at the intersection of two streets shall include special architectural details or special treatment of the corners which will distinguish them visually from adjacent houses, such as round turrets, bay windows or wrap-around porches.**
 - (4) All buildings within Bailey Village shall be designed so as to be compatible with Historic Piscataway Village.**
 - (5) Screen of off-street parking areas within Bailey Village from public and private streets (except alleys) and from the play areas or the golf course shall be accomplished through the use of masonry or stone walls, or where appropriate, existing vegetation, landscaping or painted fences.**
 - (6) Significant architectural elements such as cupolas, towers, bays, etc., shall be provided on the facades of buildings which act as focal points to terminate vistas in conformance with sheet 19, Illustrative Bailey Village Plan, and Sheet 16, Potential Public Space and View Corridors.**

- f. The provision of alleys with access to detached garages shall be encouraged (if allowed by Subtitle 24, Subdivisions, and other applicable provisions of the County Code) for single-family attached units. If alleys are allowed, the use of front-loaded garage townhouse units shall be prohibited on the main spine roads, the village greens, and in Bailey Village. If alleys are not allowed, the use of front-loaded garages shall be prohibited on the village greens and within Bailey Village.**

Conformance with these requirements was previously determined at the time of SDP review for existing development. This CDP amendment does not change that finding of conformance. Future development within Bailey's Village will be subject to the same criteria.

- 28. The design of Bailey Village should be compatible with the height, scale, building mass, directional expression, roof shapes, building materials and architectural details found in the historic village of Piscataway. Particular attention should be given to the view of Bailey Village from Floral Park Road and Piscataway Road. The view from this area shall not be exclusively the view of large blocks of townhouse units, either fronts or backs.**

The existing view of Bailey's Village from Floral Park Road is of blocks of townhouse units. The CDP amendment will provide additional townhouse units directly adjacent to, and highly visible to, Floral Park Road. Any future SDP for these units will have to demonstrate conformance to this condition.

- 35. The developer will provide free of charge a parcel of land within Bailey Village to a religious group or other non-profit organization. The land shall be conveyed subject to covenants requiring that the building contain a sanctuary or meeting room large enough to accommodate a minimum of 200 persons seated and that the building have the following characteristics:**
 - a. The building shall no exceed 36 feet in height. The building shall contain a spire, clocktower, bell tower or similar architectural feature, which may exceed the 36-foot height limit.**
 - b. The exterior of the building shall be constructed entirely of natural materials and shall be of a scale, color and architectural style which is compatible with the structures in the Bailey Village and existing village of Piscataway.**
 - c. Any parking for the institutional/civic use, located along new Piscataway Road, shall be carefully and thoroughly screened from new Piscataway Road with walls and landscaping and shall also be screened per the standards for any other parking lot located in Bailey Village.**

The applicant, his heirs, successors and/or assignees, shall diligently search for a group, organization or entity that will be willing and able to construct a civic/institutional building Bailey's Village in accordance with the CDP

conditions. Efforts to find such a group and construct and own the civic/institutional building in Bailey's Village shall be documented as follows:

At the time of SDP submittal for the Bailey's Village, at the time of application for the first building permit in Bailey Village, and again at the time of application for the 70th building permit in Bailey's Village, or 20,000 square feet of retail or office, whichever comes first, the applicant shall provide evidence of:

- (1) Its efforts to find a group, organization, or entity to construct and own the civic/institutional building, or**
- (2) The efforts of the group, organization, or entity to raise money, get permits and complete construction.**

The CDP amendment proposes to remove all nonresidential uses from Bailey's Village and utilize the remaining developable area for additional residential units. At the time of PPS 4-03027, it was approved that the applicant would accommodate this use within a building to be shared with religious or other nonprofit uses with architecture, to be evaluated at the time of SDP. None of the approvals of SDP-0319, as amended, included any reference to this condition and none ever proposed any use other than residential. However, if the CDP amendment were to be approved, this condition would require modification.

- 10. Prince George's County Woodland Conservation and Tree Preservation Ordinance and the Tree Canopy Coverage Ordinance:** This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. A TCPI revision was required for review of CDP-9306-05.

TCPI-009-94 was approved with CDP-9306, TCPI-009-94-01 was revised with the approval of PPS 4-94017, TCPI-009-94-02 was approved with PPS 4-03027, and TCP1-009-94-03 was approved with CDP-9306-03. The -04 revision to the TCPI was submitted for review with the current application. The subject CDP application area is part of an overall approved TCPII plan area that was approved, and the woodland conservation requirement has been met. No woodlands are located within the subject CDP application area.

Minor technical revisions to the TCP1 are required if the CDP were to be approved.

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 on projects that require a grading permit for more than 5,000 square feet of disturbance or gross floor area. Properties that are zoned L-A-C are required to provide a minimum of 10 percent of the gross tract area in tree canopy. During the future reviews of an SDP, the applicant must demonstrate conformance with the Tree Canopy Coverage Ordinance.

- 11. Referral Comments:** The subject application was referred to the concerned agencies and divisions, which was limited due to the scope of the amendment. The referral comments are incorporated herein by reference, and major findings are summarized, as follows:

- a. **Community Planning**—In a memorandum dated December 20, 2021 (Irminger to Kosack), the Community Planning Division noted that pursuant to Section 27-521(a)(1), this application does not conform to the design guidelines or approval conditions intended to implement the development concept reflected in the approved Basic Plan for this development or the commercial land use recommended at this location in the 2013 *Approved Subregion 5 Master Plan* (Subregion 5 Master Plan).

The predominant future land use for this development in the Subregion 5 Master Plan (CR-80-2013) is residential (residential low), but the Future Land Use Map designates commercial land use at the location of the L-A-C Zone, consistent with the approved development concept.

- b. **Pedestrian and Bicycle Facilities**—In a memorandum dated December 8, 2021 (Smith to Bossi), the Transportation Planning Section noted that they find the submitted application to be acceptable. There are no modifications made to the prior approved pedestrian or bicycle facilities that alter or impact the overall circulation of the site. The pedestrian and bicycle facilities and amenities proposed with the development support separating pedestrian and vehicular transportation routes within the site, pursuant to Section 27-274 of the Zoning Ordinance. There are no additional recommendations at this time and the sidewalk network will be further evaluated with subsequent applications.

- c. **Environmental Planning**—In a memorandum dated December 6, 2021 (Reiser to Bossi), the Environmental Planning Section recommended approval of the TCPI-009-94-04 subject to two technical revisions.

An approved Natural Resources Inventory (NRI-037-2021) was submitted with the application. This NRI was only completed on the subject CDP application area and not the whole subdivision. The site was graded and cleared when the original development occurred. The current CDP application does not include natural features (streams, wetlands, floodplain, steep slopes), woodlands, or specimen trees, only maintained lawn grass.

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. In November 2021, a viewshed analysis was conducted by Maryland-National Capital Park and Planning Commission staff on the proposed Bailey's Village development. A maximum building elevation of 39.9 feet and a ground base of 44.33 feet were provided by the applicant for the finished building heights of the various townhouse locations. The viewshed analysis determined that the proposed townhouse finished height elevation is significantly lower and would have to be over 150 feet to impact or be visible from Mount Vernon.

A Stormwater Management Concept Approval Letter (31844-2021-00) and associated plans were submitted with the application for this site. This approval was issued for only the proposed 26 townhouse units, not the entire Preserve at Piscataway subdivision, on September 17, 2021, from the Prince George County Department of Permitting, Inspections and Enforcement (DPIE). The concept plan

approved that the “...applicant must treat the minimum 1-inch runoff on-site and retrofit the existing Pond #2 to provide the 1-inch water quality volume, channel protection volume and 100-year Dam Safety.” An SWM fee of \$6,500.00 for on-site attenuation/quality control measures is required. The concept plan proposes to construct two micro-bioretenment facilities. This stormwater approval expires September 16, 2024.

- d. **Transportation Planning**—In a memorandum dated December 2, 2021 (Masog to Bossi), Transportation Planning staff indicated that all transportation-related conditions in A-9870 and CDP-9306 have been met. The revisions proposed by this CDP amendment involve Lot 10, Block E of Preserve at Piscataway. Per traffic information supplied by the applicant, the original PPS approval allowed 12,000 square feet of retail/office space and 34 multifamily residences. This revision would replace this development with 26 townhouse residences. The trip differences for Lot 10 are summarized in the table below:

Trip Generation Summary, CDP-9306-05, Preserve at Piscataway, Lot 10, Block E								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Current Proposal								
Townhouse residences	26	Units	4	14	18	14	7	21
Total Trips: Current Proposal			4	14	18	14	7	21
Previous Approval								
Multifamily residences	34	Units	3	15	18	13	7	20
Office/retail	12,000	Square feet	7	4	11	54	59	113
Less Pass-By (50 percent AM and PM)			-3	-2	-5	-27	-30	-57
Net office/retail trips			4	2	6	27	29	56
Total Trips: Previous Approval			7	17	24	40	36	76
Difference in Trips: Current Proposal versus Previous Approval					-6			-55

Given that the current proposal would generate fewer trips than the original proposal within Lot 10, Block E, it is determined that the proposal would be within the trip cap established by the underlying CDP and PPS. Also, by generating fewer trips than the original proposal for this site, the required traffic-related finding that the staging of development will not be an unreasonable burden on available transportation facilities can be made.

Access and circulation are acceptable. At later stages of review, the plan will need to reflect adequate width for private streets and adequate fire access. Floral Park Road is a master plan primary roadway; the plan shows adequate dedication consistent with master plan needs. From the standpoint of transportation and in consideration

of the findings contained herein, it is determined that this plan is acceptable if the application is approved.

- e. **Subdivision**—In a memorandum dated December 3, 2021 (Vatandoost to Bossi), it was noted that if approved, Lot 10 will need to be subdivided into lots and parcels for the proposed townhomes and associated private streets and alleys, which requires a new PPS. The applicant has filed PPS application 4-21030, which is currently in pre-acceptance review, but in order to accept the PPS submittal, a basic plan amendment and this CDP amendment is required to approve the proposed residential-only use.
- f. **Parks**—In a memorandum dated November 19, 2021 (Burke to Bossi), the Parks Department provided a discussion of previous approvals on the property and a previous dedication and existing private recreational facilities within the Preserve at Piscataway. The issue of mandatory dedication of parkland will be addressed at the time of the required PPS, should this CDP amendment be approved.
- g. **Historic**—In a memorandum dated November 4, 2021 (Stabler/Smith to Bossi), it was noted 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. The subject 1.65-acre parcel does not contain, is not adjacent to, and will not be visible from any designated Prince George's County historic sites or resources.
- h. **Special Projects**—At the time of writing of this staff report, Special Projects did not provide comments on this application.
- i. **Prince George's County Police Department**—At the time of writing of this staff report, the Police Department did not provide comments on this application.
- j. **Fire/EMS Department**—At the time of writing of this staff report, the Fire Department did not provide comments on this application.
- k. **Department of Permitting, Inspections and Enforcement**—In a memorandum dated November 1, 2021 (Giles to Bossi), DPIE stated they had no objection to CDP-9306-05 and it is consistent with the approved Site Development Concept Plan No. 31844-2021-0, with an expiration date of September 16, 2024.
- l. **Prince George's County Health Department**—In a memorandum dated October 27, 2021 (Adepoju to Bossi), the Health Department provided comments regarding pedestrian access and construction requirements that will need to be addressed in future applications. They also noted there is no existing carry-out/convenience store food facilities or markets/grocery stores within a 0.5-mile radius of this location.

RECOMMENDATION

Based upon the preceding evaluation and analysis, the Urban Design Section recommends that the Prince George's County Planning Board adopt the findings of this report and DISAPPROVE Comprehensive Design Plan CDP-9306-05 and Type I Tree Conservation Plan TCPI-009-94-04 for Bailey's Village at the Preserve at Piscataway.