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## Reconsideration of a Comprehensive Design Plan CDP-9306

Application	General Data
<b>Project Name:</b> The Preserve (formerly known as Villages of Piscataway)  <b>Location:</b> Located south of the intersection of Floral Park Road and Piscataway Road  <b>Applicant/Address:</b> BAILEY'S ASSOCIATES, L.P. C/O GREENVEST, L.C. 8614 WESTWOOD CENTER DR., SUITE 900 VIENNA, VA 22182	Date Received: 09/16/04
	Planning Board Action Limit: N/A
	Plan Acreage: 878± acres
	Zone: R-L and L-A-C
	Square Footage: N/A
	Dwelling units: 1,140 units
	Planning Area: 84
	Tier: Developing
	Council District: 09
	Municipality: N/A
200-Scale Base Map: 217SE03	

Purpose	Notice Dates
RECONSIDERATION- This Comprehensive Design Plan (CDP) was approved by the Planning Board on March 24, 1994. On September 30, 2004, the Planning Board granted a request by Andre Gingles, attorney for the applicant, for a reconsideration of the CDP, relating to the timing of the construction of the golf course contained within the approved CDP text.	Previous Parties of Record: 10/18/04
	Sign(s) Posted on Site: 09/28/04

Staff Recommendation		Staff Reviewer: Lareuse	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

October 19, 2004

**MEMORANDUM**

TO: Prince George's County Planning Board  
VIA: Steve Adams, Urban Design Supervisor  
FROM: Susan Lareuse, Planner Coordinator  
SUBJECT: Reconsideration  
Comprehensive Design Plan CDP-9306  
The Preserve (formerly known as Villages of Piscataway)

The Urban Design Section has reviewed the applicant's proposal for the construction timing of the golf course at the Preserve and offers the following evaluation and findings leading to a recommendation of APPROVAL with one condition.

1. On March 24, 1994, the Prince George's County Planning Board reviewed and approved a comprehensive design plan (CDP-9306) for the subject property known as The Preserve (formerly Villages at Piscataway), as described in PGCPB No. 94-98(C). The comprehensive design plan (CDP) was approved with 36 conditions. The CDP included the entire 878.7 acres of land zoned R-L and L-A-C to be developed as a village community with a golf course component. The plan was approved with 1,000 dwelling units in the R-L Zone and 140 dwelling units in the L-A-C Zone, for a total of 1,140 dwelling units.
2. On September 9, 2004, the Planning Board reviewed the Specific Design Plan (SDP-0401) for Lusby Villages, East and West. At that hearing, the applicant argued against the following recommended condition of the approval:

**“25. Prior to the issuance of the 640<sup>th</sup> building permit for the entire project, one of the following shall be accomplished:**

- a. **The golf course shall be fully constructed and open for use.**
- b. **The Basic Plan shall be amended to delete the golf course and eliminate all conditions relating to the golf course.**
- c. **Revise the Comprehensive Design Plan to modify the timing of the completion of the golf course.”**

The Planning Board considered the applicant's request to eliminate the condition and advised the applicant that because the requirement is contained within the text of the CDP, it would be necessary for the applicant to seek a reconsideration of the CDP for the purpose of revising the timing of the construction of the golf course. The applicant submitted a request to waive the rules of procedure and to request a reconsideration in letter dated September 14, 2004, Gingles to Chairman Hewlett. On September 30, 2004, the Planning Board granted the request to waive the rules of procedure and granted the request for reconsideration.

3. The applicant has submitted the following justification statement for the Planning Board's review:

“At the Planning Board, the applicant presented information relative to its ongoing development and construction of homes and other improvements at the Preserve property. Relative to that construction, the applicant believes agreement with a golf course developer/operator, design and approval via a Detailed Site Plan for a golf course and ultimate construction and opening would take a minimum of 3-4 years. The applicant remains desirous of constructing the golf course and asserts its continuing development of the Preserve with homes, infrastructure and other community recreational facilities is greatly beneficial to ultimately getting a golf course developer and operator. In this manner, much of the grading—which is a significant cost—can be accomplished for the course and an immediate market for potential rounds can be put in place.

“The CDP for the Preserve, formerly the Villages of Piscataway, includes a ‘Staging and Construction Schedule’ for its development. The schedule includes the mandatory recreational facilities and public road improvements, which were statutorily required as well as a golf course which was proffered by the developer in order to get increased density. A density increment was granted in the CDP for providing open space (204 dwelling units) and developing the open space as a recreational amenity, the golf course (81 dwelling units).

“It is noted, at the time of CDP and approval of the schedule, the Planning Board actually approved 1,140 dwelling units. In subsequent approvals, the Planning Board's actions have resulted in a reduction in the total number of dwelling units to 985, with no corresponding modification of the schedule. All of the lost dwelling units (155) have occurred in the R-L portion of the property, which is the area burdened with the provision of the open space and development of the golf course. Assuming 140 dwelling units are ultimately approved for the SDP in the LAC portion of the property, then only 15 dwelling units have been granted—as regards increased density—pursuant to the provision of open space and recreational development of the open space with a golf course.

“The applicant would propose the schedule be modified so as to provide the base density of 818 dwelling units (exclusive of any increment associated with the provision of open space or the golf course) as the time by which the golf course would need to be constructed and operational. Permits for the remaining 155 dwelling units could only be released upon construction and operation of the golf course or a revision to the CDP that might otherwise change the requirement.

“The proposed condition would read: ‘Prior to the issuance of a building permit for the 818<sup>th</sup> dwelling unit for the R-L portion of the property or any building permits within

Bailey's Village, the golf course shall be constructed and open for operation unless deleted or modified pursuant to a revision of the CDP.'''

4. The staff agrees with the applicant's proposal and recommends that the Planning Board include an additional condition to be added to the previous conditions of approval. However, the exact language should be modified slightly as stated in the recommendation section.

#### RECOMMENDATION

Based on the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE CDP-9603 with the following additional condition:

1. Prior to the issuance of the 818<sup>th</sup> building permit for the entire project, and prior to the issuance of any building permits within Bailey's Village, one of the following shall occur:
  - a. The golf course shall be fully constructed and open for use.
  - b. The Basic Plan shall be amended to delete the golf course and eliminate all conditions relating to the golf course.