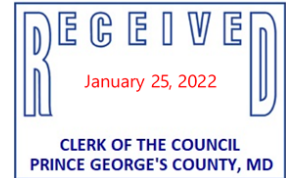


January 25, 2022

NVR MS Cavalier Preserve, LLC
11700 Plaza America Drive, Suite 310
Reston, VA 20190



Re: Notification of Planning Board Action on
Comprehensive Design Plan CDP-9306-05
Preserve At Piscataway (Bailey's Village)

Dear Applicant:

This is to advise you that, on **January 20, 2022**, the above-referenced Comprehensive Design Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-523, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

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

Very truly yours,
James R. Hunt, Chief
Development Review Division

By: Henry Zhang 1/21/2022
Reviewer

Attachment: PGCPB Resolution No. **2022-02**

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

R E S O L U T I O N

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 January 6, 2022, regarding Comprehensive Design Plan CDP-9306-05 for Preserve at Piscataway (Bailey’s Village), the Planning Board finds:

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	APPROVED
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. At the time of this resolution, 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 dwellings (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 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 developments with more than one use that include, among other things, public, quasi-public, and commercial uses 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 generally intended to provide for solely residential developments which are provided for within conventional residential zoning districts.

CR-60-1993 for A-9870 approved proposed 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 was intended to be a "Neighborhood Activity Center for commercial and residential land use..." and its 19.98 acres were rezoned L-A-C to allow 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). The L-A-C zoning provides an appropriate location for commercial uses to serve the larger development, which is primarily 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 6.75-acre area marked commercial, which currently includes some single-family attached residential development previously approved by the Planning Board.

This approval allows for the development of only residential land uses 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. The proposal to add 26 additional units is within the residential development density range established by CR-60-1993 and the number of residential dwelling units approved by CDP-9306 for Bailey's Village.

The mix of land use types and quantities approved by A-9870 allowed for the creation of a local activity center and fulfilled the purposes of the L-A-C Zone. However, the Planning Board finds the requested CDP amendment conforms with the Basic Plan in this case because the number of dwellings proposed by the applicant does not exceed the number of dwellings approved by CDP-9306 for Bailey's Village, the surrounding properties, including properties within Bailey's Village and the L-A-C Zone, have been approved and developed for residential uses, CR-60-1993 specified that the actual amount of residential and commercial development would be determined at Comprehensive Design Plan, and CR-60-1993 did not mandate a minimum amount of commercial development.

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 in general conformance with the land use types and quantities shown on the approved basic plan.

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

This condition is applicable if any commercial uses from the L-A-C Zone were being proposed.

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 fulfill all of the purposes of the L-A-C Zone, as stated in Section 27-494(a) of the Prince George's County Zoning Ordinance, but the Planning Board finds that the constructed development is of high quality and fulfills the vision approved for the subject property. The developable area left is only 1.65 acres in size and will not be economically viable for any commercial development.

This CDP amendment eliminates the possibility for commercial development within the L-A-C-zoned Bailey's Village, but will still maintain a centrally located open space that meets the intent of its designation as a local focus as stated in CR-60-1993. Given the size limitation, the current proposal to make Bailey's Village exclusively for residential uses will be the least detrimental to the existing owner-occupied homes.

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. Section 27-495(a) 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 applicant's Statement of Justification and testimony have evidenced a nearly 20-year attempt to attract desirable retail, including during the recent pandemic, and that all attempts have been unsuccessful. As such, the Planning Board finds commercial development would not likely occur in this development.

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 Planning Board finds that the subject CDP amendment is in conformance with the approved Basic Plan, as discussed in

Finding 7 above.

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

CDZs provide much greater flexibility in design, compared with regulations in conventional Euclidean zones. This CDP amendment provides for a development that is permitted within the L-A-C Zone. The CDP amendment proposes to make an L-A-C-zoned site exclusive for single-family development, which has been the use for over 15 years, inclusive of the village square. No commercial development has occurred during the build-out of the community, which is now over 95 percent complete; therefore, the Planning Board finds that the proposed plan yields a better environment than could have been achieved under other regulations. This CDP amendment is also supported by the Homeowners Association of the Preserve At Piscataway that has been included in the record of this case.

(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 Planning Board finds that approval is warranted, as this CDP amendment simply removes design elements, specifically undevelopable commercial uses, from the area to which such uses were limited, if they were to occur. This CDP amendment will make Bailey's Village a residential neighborhood which is permissible in the L-A-C Zone.

(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 as no such need exists 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 the surrounding built environment. The applicant contends and the Planning Board agrees 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 that is not adjacent to the 1.65-acre site in question.

- (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 amends 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 Planning Board 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 the 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 removes all nonresidential uses from Bailey's Village and utilizes 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. The applicant noted its outreach to organizations in 2004 and again in 2013 that generated no response with interest in locating at Bailey's Village. The Planning Board finds that this condition is no longer applicable.

- 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 that will be addressed at time of Preliminary Plan of Subdivision (PPS).

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. Further Planning Board Findings and Comments from Other Entities: 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**—The Planning Board adopts a memorandum dated December 20, 2021 (Irminger to Kosack), which noted that pursuant to Section 27-521(a)(1), this application generally conforms 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**—The Planning Board adopts a memorandum dated December 8, 2021 (Smith to Bossi), which noted that the submitted application is 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**—The Planning Board adopts a memorandum dated

December 6, 2021 (Reiser to Bossi), and approved TCPI-009-94-04.

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-bioretenion facilities. This stormwater approval expires on September 16, 2024.

- d. **Transportation Planning**—The Planning Board adopts a memorandum dated December 2, 2021 (Masog to Bossi), which 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**—The Planning Board adopts a memorandum dated December 3, 2021 (Vatandoost to Bossi), which 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, this CDP amendment is required to approve the proposed residential-only use.
- f. **Parks**—The Planning Board adopts 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.

- g. **Historic**—The Planning Board adopts a memorandum dated November 4, 2021 (Stabler/Smith to Bossi), which 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**—Special Projects did not provide comments on this application.
- i. **Prince George’s County Police Department**—The Police Department did not provide comments on this application.
- j. **Fire/EMS Department**—The Fire Department did not provide comments on this application.
- k. **Department of Permitting, Inspections and Enforcement**—The Planning Board adopts a memorandum dated November 1, 2021 (Giles to Bossi), in which 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**—The Planning Board adopts a memorandum dated October 27, 2021 (Adepoju to Bossi), in which 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.

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 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.


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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Doerner, seconded by Commissioner Bailey, with Commissioners Doerner, Bailey and Hewlett voting in favor of the motion, with Commissioner Washington opposing the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, January 6, 2022, in Upper Marlboro, Maryland.

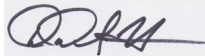
Adopted by the Prince George's County Planning Board this 20th day of January 2022.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:HZ:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: January 19, 2022