



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 CDP-9306-H2 Lusby Village East, Lot 4 Block B (Gunn Deck)

REQUEST	STAFF RECOMMENDATION
Proposed 12-foot by 29-foot deck at the rear of an existing single-family detached dwelling.	APPROVAL

Location: On the north side of Hidden Forest Drive, approximately 212 feet west of Hardy Tavern Drive.	
Gross Acreage:	0.17
Zone:	R-L
Dwelling Units:	1
Gross Floor Area:	N/A
Planning Area:	84
Council District:	09
Election District:	05
Municipality:	N/A
200-Scale Base Map:	218SE03
Applicant/Address: Michelle Clancy P.O Box 310 Perry Hall, MD 21128	
Staff Reviewer: Andrew Bishop Phone Number: 301-952-4897 Email: Andrew.Bishop@ppd.mncppc.org	



Planning Board Date:	03/25/2021
Planning Board Action Limit:	04/06/2021
Staff Report Date:	03/08/2021
Date Accepted:	01/26/2021
Informational Mailing:	12/21/2020
Acceptance Mailing:	01/26/2021
Sign Posting Deadline:	02/23/2021

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: Homeowner's Minor Amendment to a Comprehensive Design Plan CDP-9306-H2
Lusby Village East, Lot 4, Block B (Gunn Deck)

EVALUATION CRITERIA

- a. The requirements of the following sections of the Prince George's County Zoning Ordinance:
 - (1) Section 27-514.09, regarding uses permitted in the Residential Low Development (R-L) Zone;
 - (2) Section 27-514.10, regarding regulations in the R-L Zone;
 - (3) Section 27-521, regarding required findings for approval of comprehensive design plan applications; and
 - (4) Section 27-524, regarding amendments to approved comprehensive design plan applications.
- b. The requirements of Basic Plan A-9869;
- c. The requirements of Comprehensive Design Plan CDP-9306; and
- d. The requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance;

FINDINGS

Based upon the evaluation and analysis of the subject application, the Urban Design Section recommends that the Planning Board make the following findings:

1. **Request:** The subject homeowner's minor amendment to a comprehensive design plan (CDP) is a request to construct a 12-foot by 29-foot open deck to the rear of an existing single-family detached dwelling within the rear yard setback.

2. Development Data Summary:

	EXISTING
Zone	R-L
Use	Residential
Lot size	7,556 square feet
Lot	1
Number of Dwelling Units	1

3. Location: The subject property is located at 14207 Hidden Forest Drive, on the north side of Hidden Forest Drive, approximately 212 feet west of Hardy Tavern Drive. The property is also located in Planning Area 84 and Council District 9.

4. Surrounding Uses: The subject property is bounded by Hidden Forest Drive to the south, by single-family detached homes to the east and west, and to the north by Parcel B, which includes a tree conservation area and 100-year floodplain. All are within the Residential Low Development (R-L) Zone.

5. Previous Approvals: The subject site was developed as part of the Glassford Village neighborhood within the larger Villages of Piscataway subdivision. The site and surrounding area were rezoned under Zoning Map Amendment (Basic Plan) A-9869, which was approved on September 14, 1993 by the Prince George’s County District Council. A-9869, and companion A-9870, rezoned approximately 858.7 acres in total from the Residential-Agricultural (R-A) Zone to the R-L Zone, and approximately 20 acres from the R-A Zone to the Local Activity Center – Village Center Zone. CDP-9306 (PGCPB Resolution No. 94-98) was originally approved by the Prince George’s County Planning Board on March 24, 1994 with 36 conditions, and later corrected and amended on October 28, 2004 (PGCPB Resolution No. 94-98(C)(A). The CDP approved 201 single-family detached units and 33 single-family attached units in Lusby Village, inclusive of the subject site.

Preliminary Plan of Subdivision (PPS) 4-94017 was approved with 20 conditions on June 23, 1994 (PGCPB Resolution No. 94-213), and subsequently expired. PPS 4-03027 was approved for 836 dwelling units with 47 conditions on June 17, 2003 (PGCPB Resolution No. 03-122), and includes the subject property. A revised Type I tree conservation plan was included in that approval. Multiple specific design plans (SDPs) were approved by the Planning Board for specific phases of the development. SDP-0401 was approved by the Planning Board on October 28, 2004, with 37 conditions for development of 176 single-family homes, inclusive of the subject property.

6. Design Features: The subject application includes a proposal for a 12-foot by 29-foot open deck attached to the rear of the existing single-family detached home, within the rear yard setback. The deck is proposed to be attached to the north side (rear) of the house and extend into the 25-foot rear yard setback by 11 to 15 feet, and is 10 to 14 feet from the rear property line.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The project conforms with Section 27-514.09 of the Zoning Ordinance, regarding uses permitted in the R-L Zone. A single-family detached dwelling is a permitted use in the R-L Zone. The project is also in compliance with the requirements of Section 27-514.10, which includes regulations applicable to the R-L Zone. The project also conforms to the requirements of Section 27-521 of the Zoning Ordinance, regarding required findings for CDP applications and Section 27-524 of the Zoning Ordinance, regarding amendments to approved CDP applications. See Findings 11 and 12 below for a more detailed discussion of this conformance.
8. **Zoning Map Amendment (Basic Plan) A-9869:** The project is in compliance with the requirements of A-9869, as the proposed deck in the rear yard setback does not alter findings of conformance with the basic plan that were made at the time of approval of the CDP.
9. **Comprehensive Design Plans CDP-9306:** The project complies with the requirements of CDP-9306, except regarding the required rear yard setback. Whereas, the CDP stipulates a 25-foot minimum rear yard setback, the proposed deck would sit approximately 10 to 14 feet from the rear property line. Condition 1c includes five design standards regarding the construction of decks, as follows:

- 1c. **No typical residential-style decks constructed of pressure-treated pine or other wood left to weather naturally shall be attached to a house, if the deck would be visible from the street, the golf course or any other public space. (This restriction does not apply to Danville Estates.)**

Open decks shall only be permitted on rears of units.

Any deck visible from the street, the golf course, or any other public space shall be stained or painted to complement the color of the house.

Any deck visible from these areas shall incorporate design features and details which are evocative of traditional town architecture.

Any deck built above ground level shall have the undercroft screened from view by decorative lattice or other screening of similar durability and visual interest, if the undercroft is four feet or less in height.

The proposed open deck conforms to the requirements of the CDP and is located at the rear of the existing single-family dwelling, approximately 11 feet above grade, and is proposed in a location that will not be visible from the street or any other public space.

10. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The subject lot does not contain any woodland conservation; the addition of the proposed deck would not alter the previous findings of conformance with the Woodland Conservation and Tree Preservation Ordinance that were made at the time of approval of the CDP.

11. Prior to approving a CDP, the Planning Board must make the required findings found in Section 27-521(a):

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

The CDP was previously found to be in conformance with A-9869, as provided for in PGCPB Resolution No. 94-98(C)(A). The proposed deck does not affect that finding.

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

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

(5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:

- (A) Amounts of building coverage and open space;**
- (B) Building setbacks from streets and abutting land uses; and**
- (C) Circulation access points**

(6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;

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

Conformance with these requirements (2-7) were found at the time of approval of the original CDP, and the proposed deck does not change those findings.

(8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:

(A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;

- (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
- (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The proposed revision does not propose an adaptive reuse of an historic site. This finding is not applicable.

- (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);**

Conformance with this requirement was found at the time of approval of the original CDP, and the proposed deck does not change that finding.

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

Conformance with this requirement was found at the time of approval of the original CDP, and the proposed deck does not change that finding.

- (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).**

There are no regulated environmental features on the subject lot.

- (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**

Conformance with this requirement was found at the time of approval of the original CDP and the proposed deck does not change that finding.

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

The subject lot is not part of a regional urban community.

- 12.** Section 27-524(b)(3) sets forth the criteria for granting minor amendments to approved CDPs for the purpose of making home improvements requested by a homeowner (or authorized representative) and approved by the Planning Director (or designee), in accordance with specified procedures, as follows:

- (A) The Planning Board shall conduct a public hearing on the requested amendments.**
- (B) Findings. The Planning Board may grant the minor amendment if it finds that the requested modifications will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.**
- (C) The Planning Board shall approve, approve with modification, or disapprove the requested amendments, and shall state its reasons for the action. The Planning Board's decision (resolution) on the minor amendment shall be sent to all persons of record in the hearing before the Planning Board and to the District Council.**

The subject CDP application is being reviewed by the Planning Board, in conformance with criterion (A) above. The Planning Board is required to make a decision on the CDP application, in conformance with criterion (C) above. In regard to criterion (B), staff believes that the proposed deck will not substantially impair the intent, purpose, or integrity of the approved CDP. The modification of the rear yard setback from 25 feet to a varied setback that is 10 to 14 feet from the property line to the proposed deck will not be detrimental to the community. The proposed deck will not negatively impact the visual characteristics of the neighborhood, and will be located to the rear of an existing single-family dwelling and not visible from the street or public space.

RECOMMENDATION

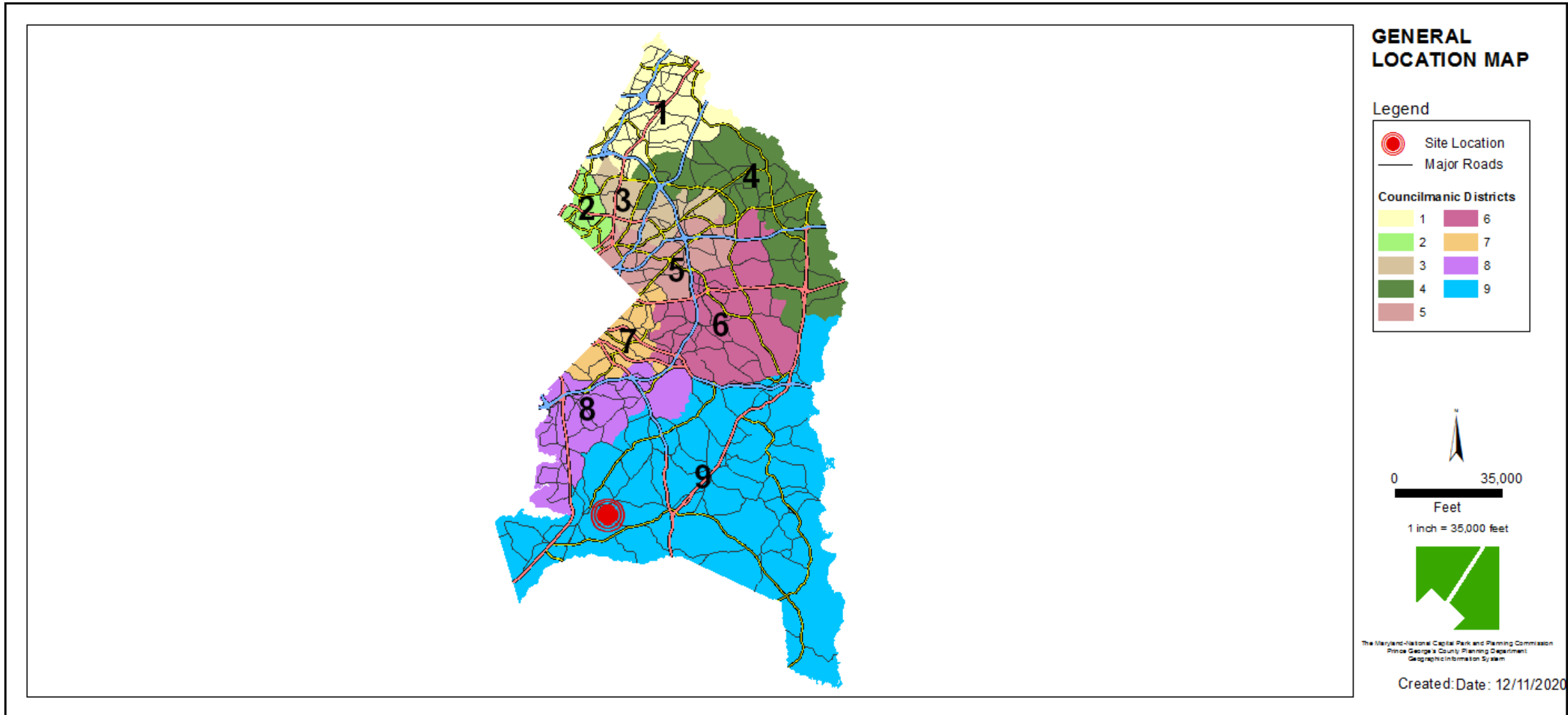
Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Homeowner's Minor Amendment to a Comprehensive Design Plan CDP-9306-H2 Lusby Village East, Lot 4, Block B (Gunn Deck).

ITEM: 7

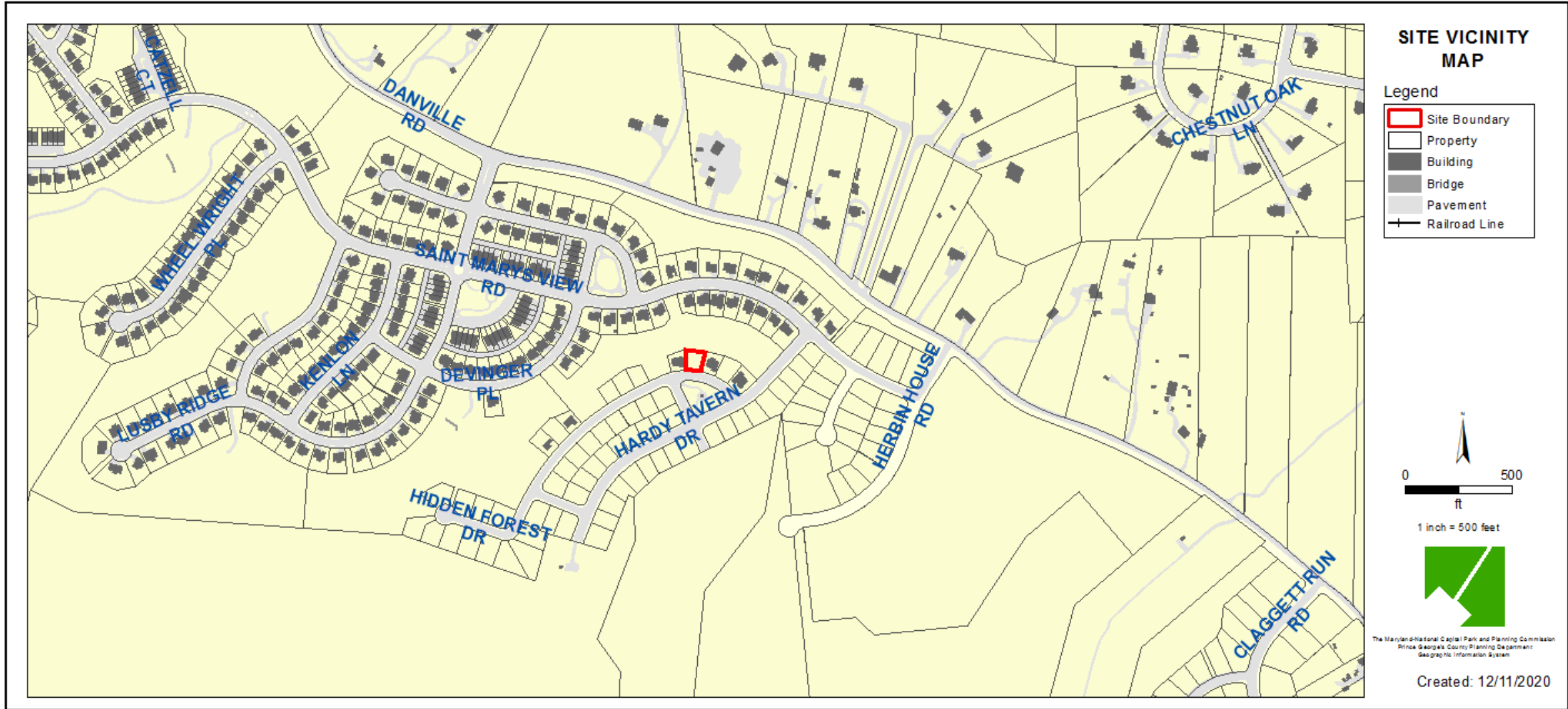
CASE: CDP-9306-H2

**VILLAGES AT PISCATAWAY, LUSBY VILLAGE EAST
LOT 4, BLOCK B - DECK ADDITION**

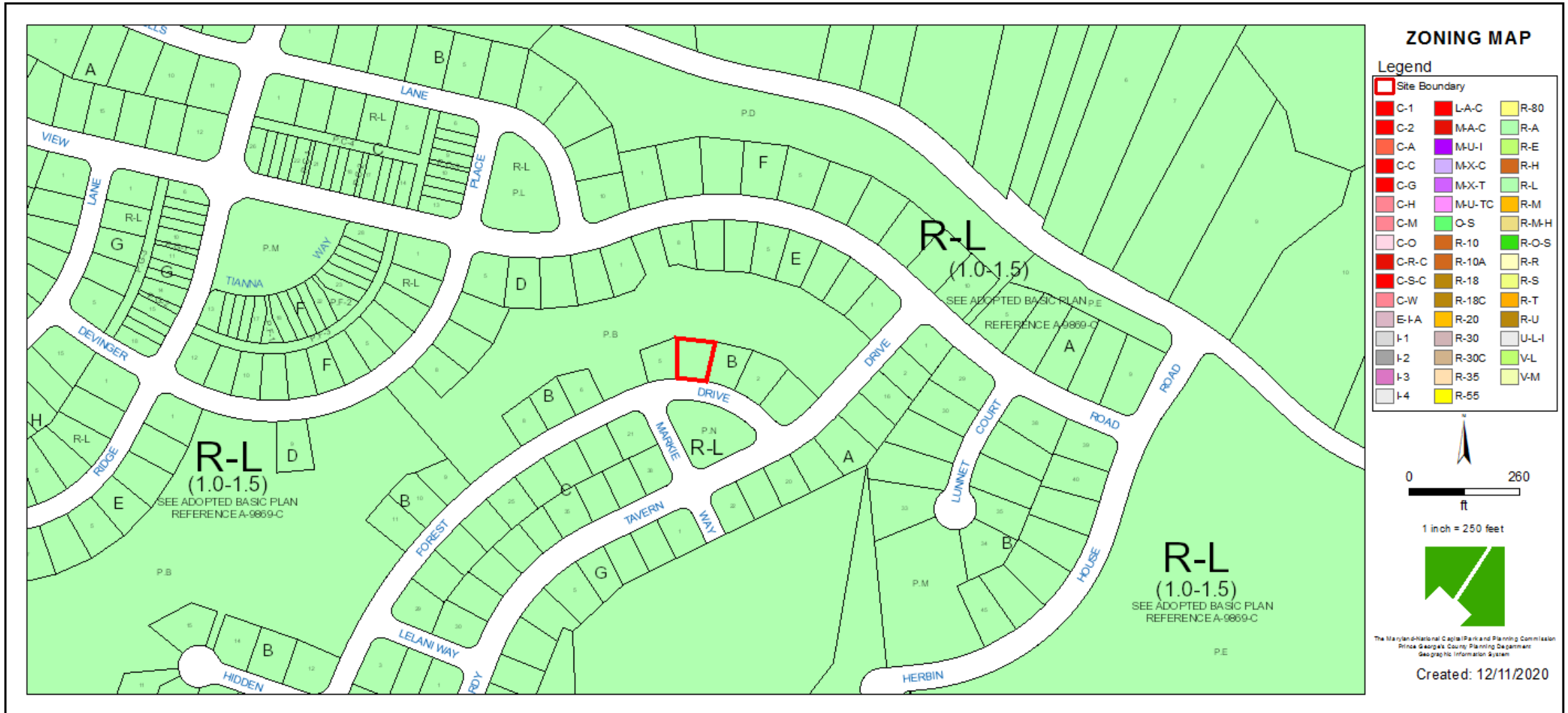
GENERAL LOCATION MAP



SITE VICINITY



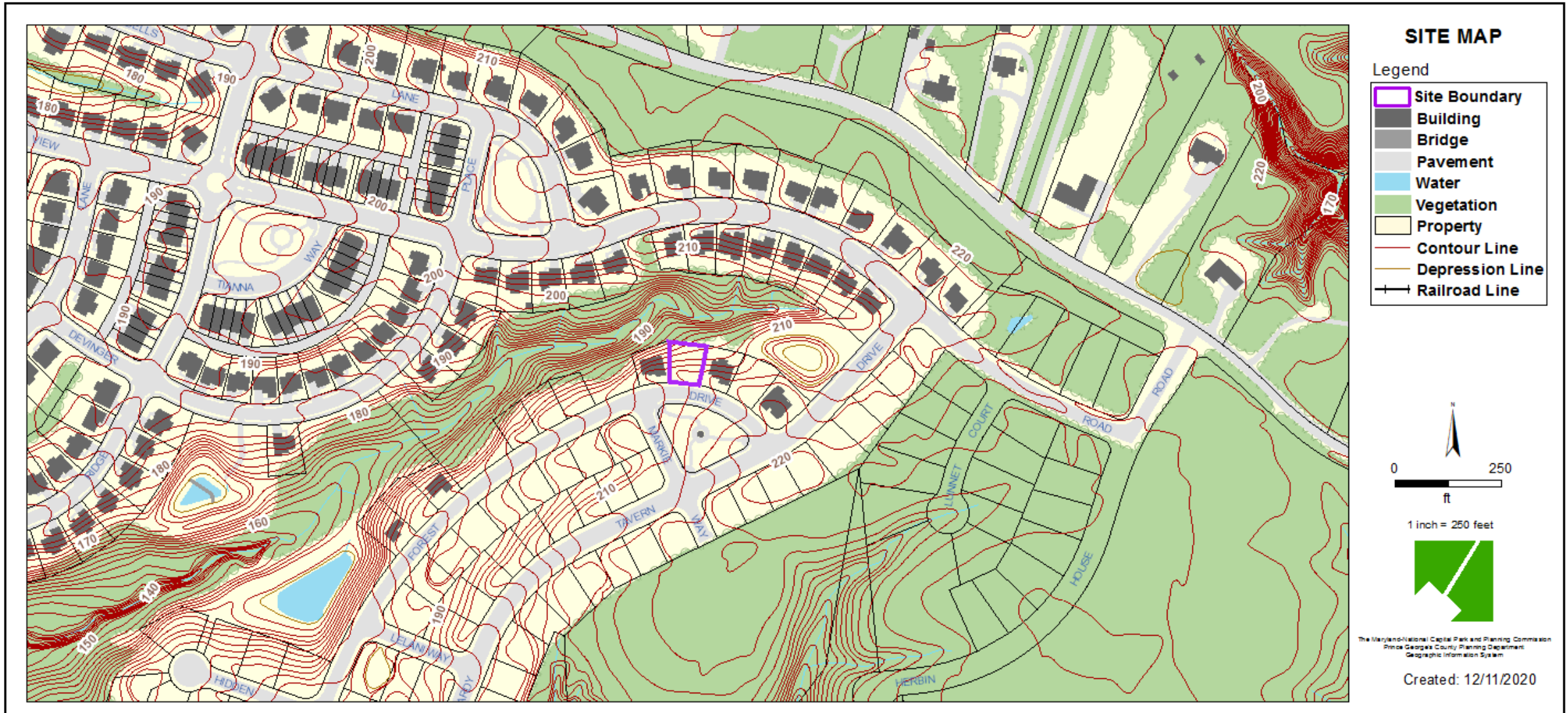
ZONING MAP



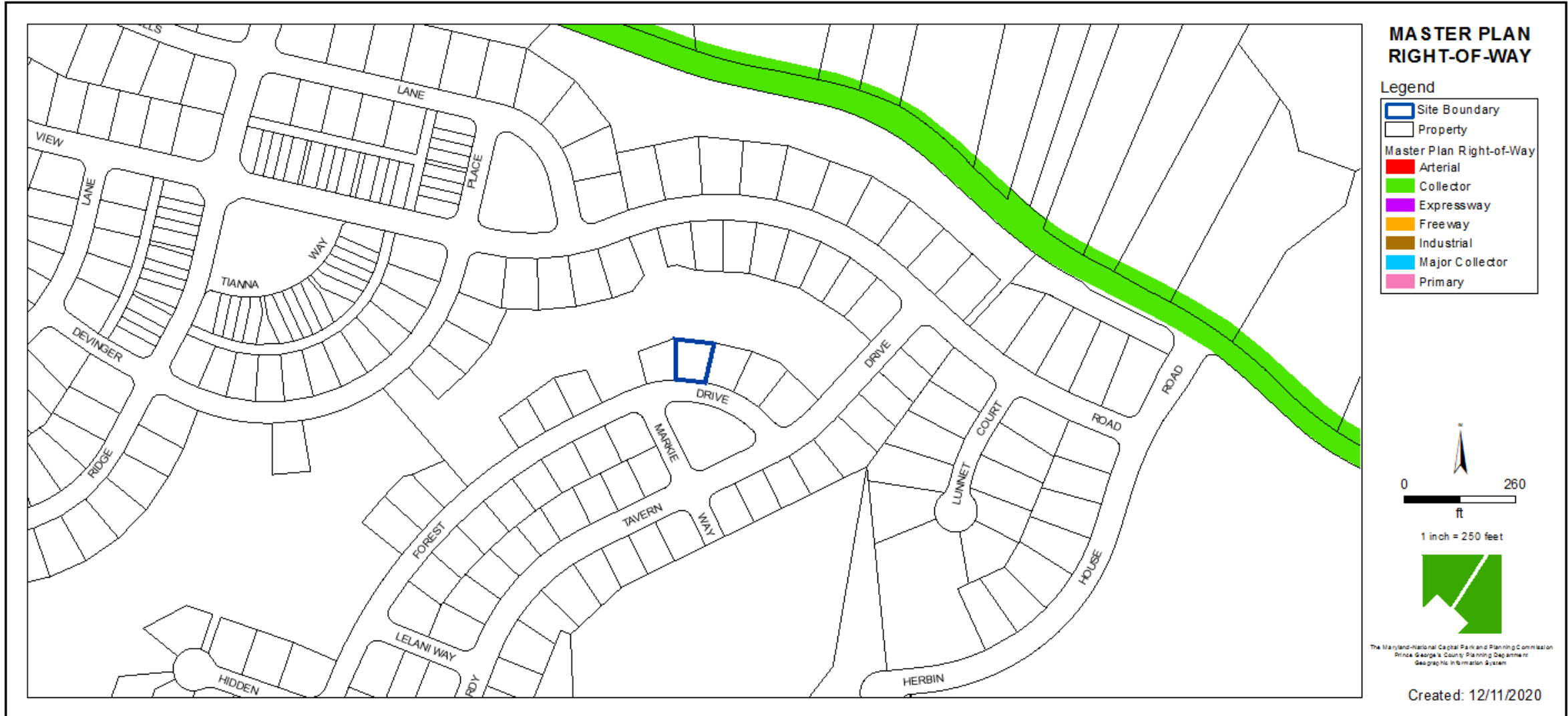
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



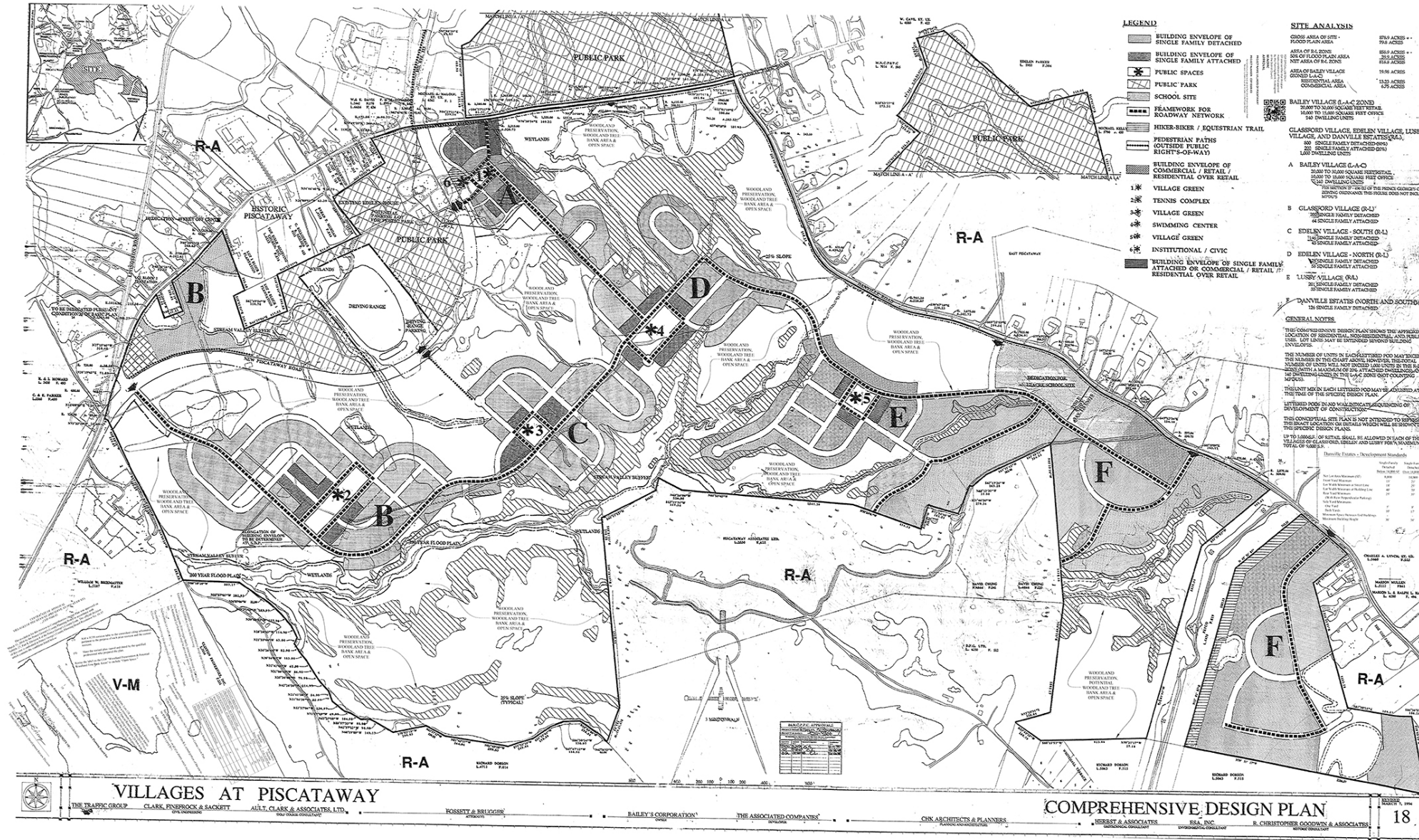
BIRD'S-EYE VIEW OF REAR OF HOUSE WITH APPROXIMATE SITE BOUNDARY OUTLINED



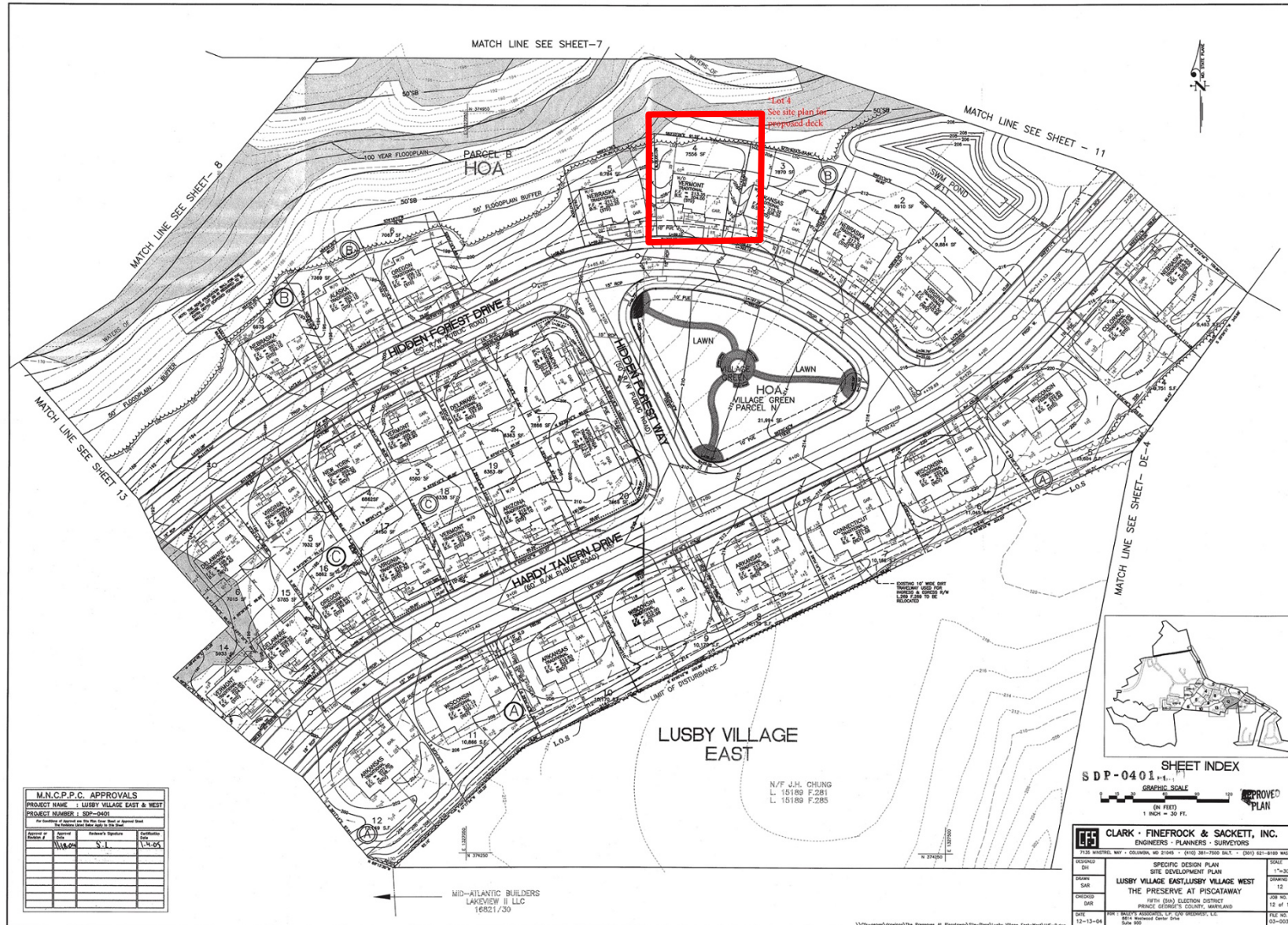
BIRD'S-EYE VIEW OF SIDE OF HOUSE



OVERALL COMPREHENSIVE DESIGN PLAN



HOUSE LOCATION



M.N.C.P.C. APPROVALS			
Project Name	Approval	Approval Date	Approval Status
LUSBY VILLAGE EAST & WEST	SDP-0401		

SDP-0401 SHEET INDEX
 GRAPHIC SCALE
 1 INCH = 30 FT.
 APPROVED PLAN

CLARK · FINEPROCK & SACKETT, INC.
 ENGINEERS · PLANNERS · SURVEYORS
 615 WEST 10TH AVENUE, SUITE 200, DENVER, CO 80202
 (303) 733-1100 FAX: (303) 733-1100

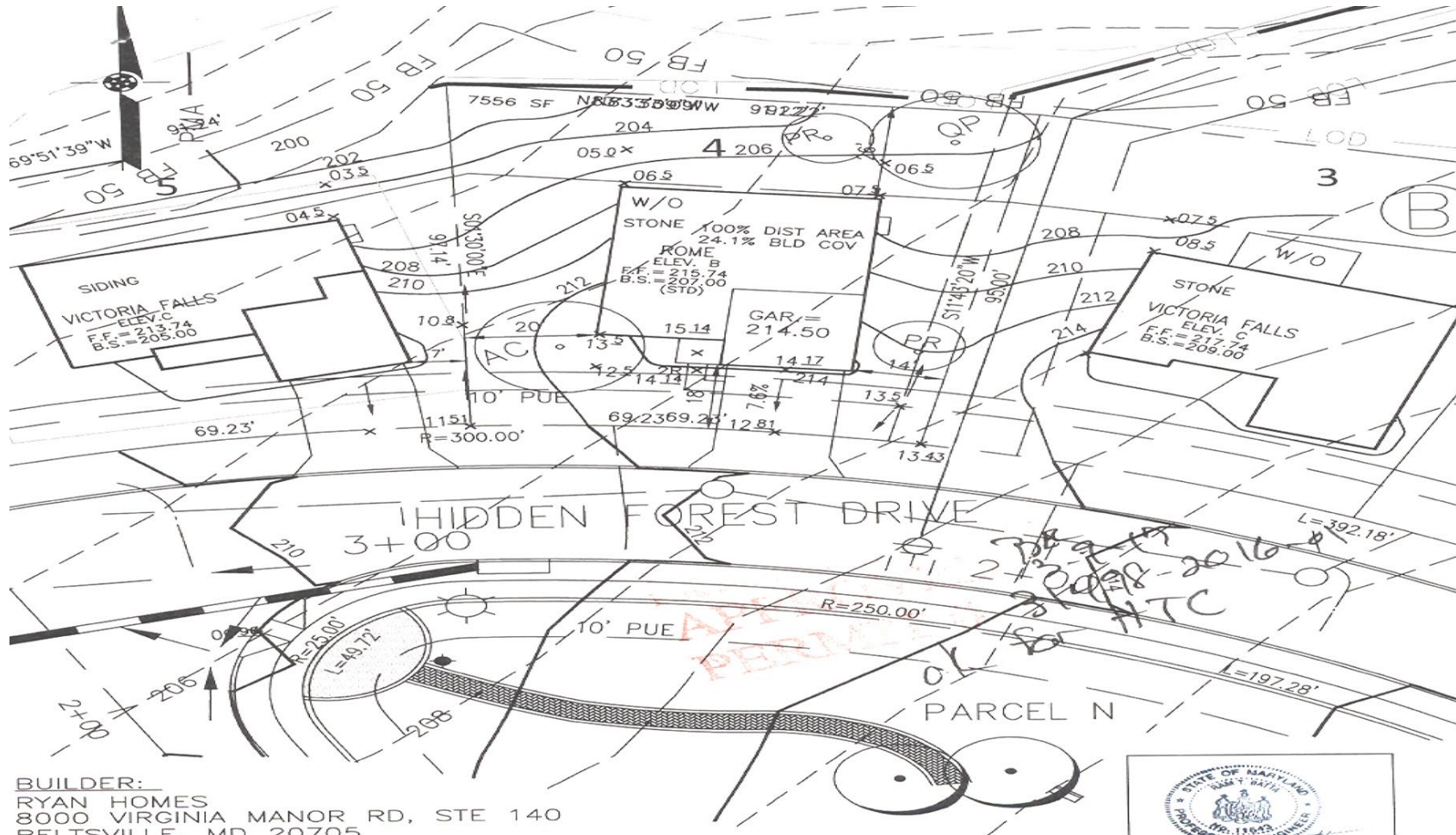
DESIGNED BY	SA	SCALE	1"=30'
DRAWN BY	SAR	CHECKED BY	12
DATE	12-13-04	PROJECT	LUSBY VILLAGE EAST/LUSBY VILLAGE WEST THE PRESERVE AT PISCATAWAY
		LOCATION	FIFTH (5th) ELECTION DISTRICT PRINCE GEORGES COUNTY, MARYLAND
		DATE	12-13-04

MID-ATLANTIC BUILDERS
 LAKEVIEW II LLC
 18821/30

\\drd-server\shared\The_Preserve_At_Piscataway\Site_Plans\Lusby_Village_East\Sheet\04-01.dwg



SITE PLAN




BUILDER:
 RYAN HOMES
 8000 VIRGINIA MANOR RD, STE 140
 BELTSVILLE, MD 20705
 240-459-1530

PROFESSIONAL CERTIFICATION:

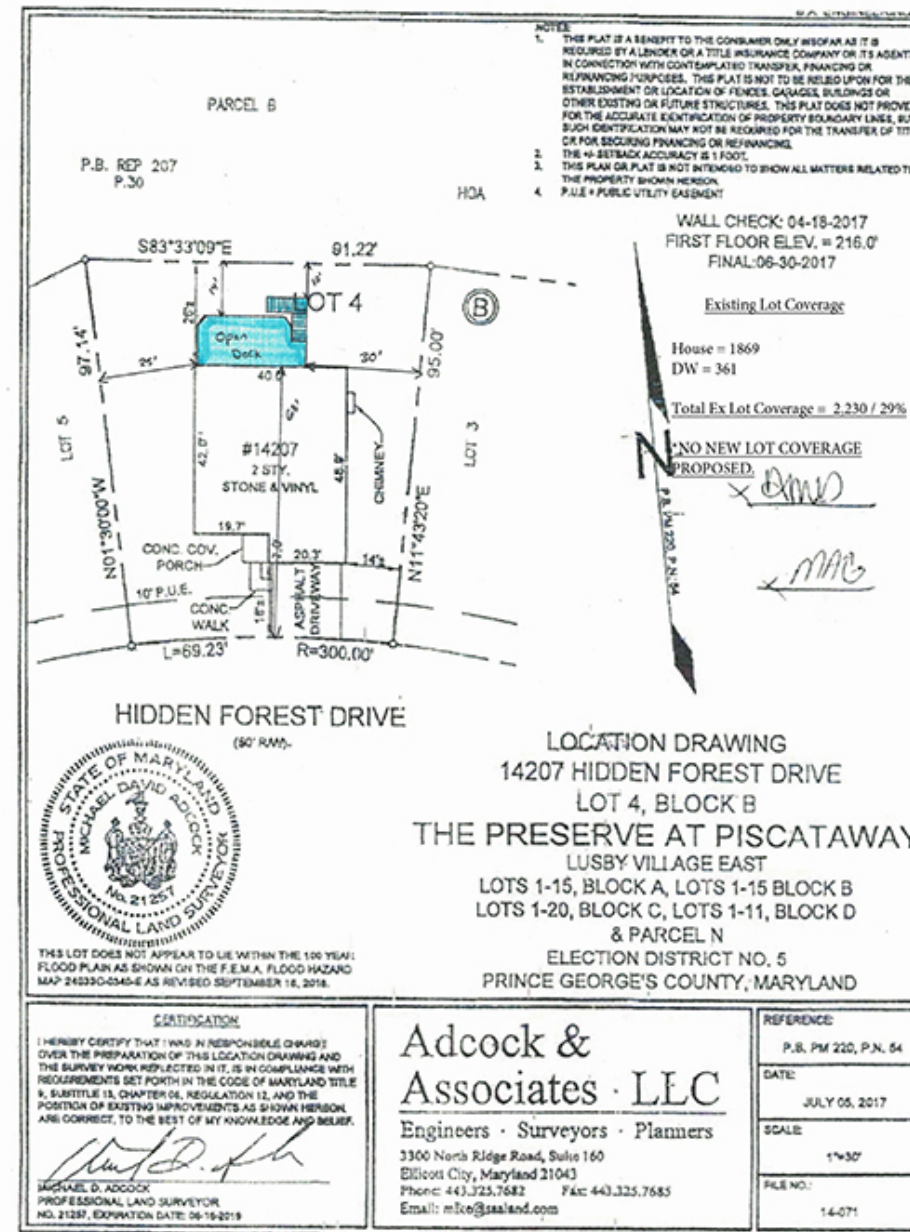
I hereby certify that these documents were prepared or approved by me and that I am a duly licensed profession engineer under the laws of the State of Maryland, License no. 11643, Expiration Date Sept. 2017."



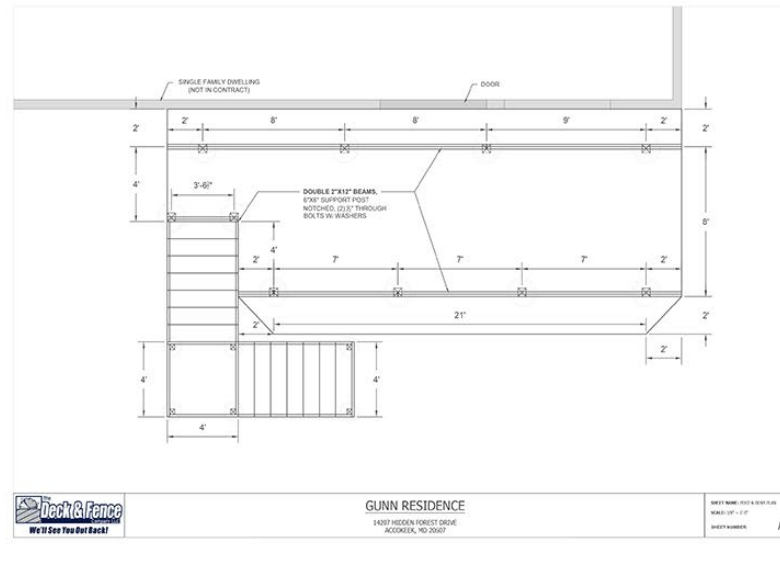
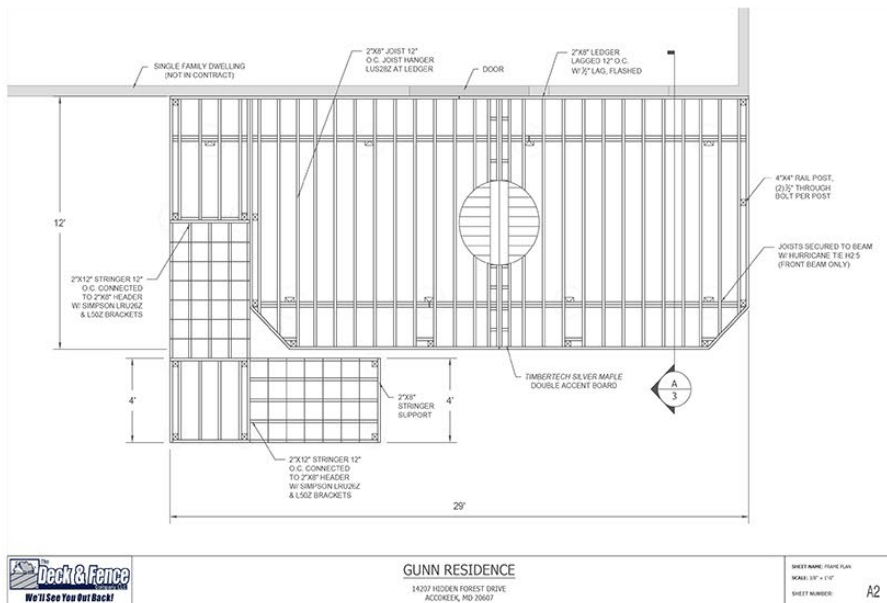
 BA ENGINEERING INC. ENGINEERS LAND PLANNERS 9705 HICKORY SPRING LANE GAITHERSBURG, MARYLAND, 20882 PHONE: (301) 391-6130	SITE & LANDSCAPE PLAN FOR LUSBY VILLAGE LOT 4, BLOCK B	DRAWN BY: GA
		SCALE: 1"=30'
		DATE: 3/7/17



LOCATION



HOUSE/DECK DRAWING



Deck & Fence
We'll See You Out Back!

GUNN RESIDENCE
1437 HIDDEN FOREST DRIVE
ACCONK, NJ 08007

SHEET NAME: FLOOR PLAN
SCALE: 1/4" = 1'-0"
SHEET NUMBER: **A2**

Deck & Fence
We'll See You Out Back!

GUNN RESIDENCE
1437 HIDDEN FOREST DRIVE
ACCONK, NJ 08007

SHEET NAME: FLOOR PLAN
SCALE: 1/4" = 1'-0"
SHEET NUMBER: **A1**

Statement of Justification

Case Name, Application Number:

Gunn Deck, SDP 0401-H5

Description of proposed use/request:

Construction of a 12'x29' irregular shaped open deck with landing and steps on the rear of an existing single-family dwelling in the subdivision of The Preserve at Piscataway. This property is in the RL zoning and is a residential lot on an SDP.

Description and location of the subject property:

The subject property is located on the north side of Hidden Forest Drive, 100 feet east of Markie Way. It is lot 4, block B, in the RL zone. This is a all residential subdivision known as The Preserve at Piscataway. All of the lots air fairly similar in shape and size, and this lot contains 7,556 square feet. There is wooded open space to the rear of this lot and all the lots on this street.

Description of each required finding:

The section of the code that requires the Homeowner's Minor Amendment is Section 27-524(b) which states:

(b) A minor amendment to a Comprehensive Design Plan for the purpose of making home improvements that are not in conformance with the approved plan may be requested by a homeowner (or authorized representative) and shall be approved by the Planning Board, in accordance with the following procedures:

- (1) Filing. The applicant shall submit a site plan and any other material deemed necessary to properly detail the requested modifications.*
- (2) Fee. At the time the application is filed, the applicant shall pay a fee to cover the costs of processing the request. The amount of the fee shall be established by the Planning Board. In cases of financial hardship, the fee may be waived by the Board.*
- (3) Public Hearing.*
 - (A) The Planning Board shall conduct a public hearing on the requested amendments.*
 - (B) Findings. The Planning Board may grant the minor amendment if it finds that the requested modifications will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.*
 - (C) The Planning Board shall approve, approve with modification, or disapprove the requested amendments, and shall state its reasons for the action. The Planning Board's decision (resolution) on the minor amendment shall be sent to all persons of record in the hearing before the Planning Board and to the District Council.*

- (4) *Appeal of Planning Board Decision.*
- (A) *The Planning Board's decision may be appealed to the District Council upon petition of any person of record. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.*
 - (B) *The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the file on the proposed revisions, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the minor amendment, and any additional information or explanatory material deemed appropriate.*
 - (C) *The District Council shall schedule a public hearing on the appeal or review. Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board.*
 - (D) *Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning Board, or return the modification request to the Planning Board to take further testimony or reconsider its decision. Where the Council approves a minor amendment, it shall make the same findings that are required to be made by the Planning Board. If the Council fails to act within the specified time, the Planning Board's decision is automatically affirmed.*
 - (E) *The Council shall give its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to all persons of record and the Planning Board.*

We have begun this process and followed the steps as outlined. This is the only section of the code that pertains to the request. As stated, the request is for a minor residential deck on a residential property and in no way will deter from the general plan. We ask that the Board conduct the subsequent step in the process and approve the request.

Variance Request/s and required findings for each request:

This lot would comply with the first requirement of a variance approval. The lot is exceptionally shallow. The house sits 26' from the rear property line, and the setback for the open deck is 25'. This application would only allow a 1' deck. The house was approved originally under the full understanding between the builder and the county, that no future improvement would be possible in the rear without a variance. The door constructed in the house on the rear façade, several feet in the air, contradicts this intent. If a variance is not approved, this door is completely pointless. Furthermore, a significant hardship would be imposed by not affording us the same enjoyment of our property as those in the neighborhood that do not have this shallowness. After meeting those first two tests, the third is simple in that as this is a residential lot, there would be no impact on the general or master plan. The proposed structure is a deck and the lot backs to open wooded space.

Summary/conclusion of request:

In closing, this deck is a modest request. The rear yard of this lot is short in nature, as is several others on this side of the street...and several others also have open decks on their dwelling. The required setback is 25' and the house is built to 26' feet to the lot line. Therefore, we would only be afforded a 1' deck if strict application of the code is applied. We will experience the hardship of no use of our rear yard without this approval. The lots across the street do not have the same struggle.

PARCEL B

P.B. REP 207
P.30

HOA

NOTES:

1. THIS PLAT IS A BENEFIT TO THE CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING PURPOSES. THIS PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS OR OTHER EXISTING OR FUTURE STRUCTURES. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR FOR SECURING FINANCING OR REFINANCING.
2. THE +/- SETBACK ACCURACY IS 1 FOOT.
3. THIS PLAN OR PLAT IS NOT INTENDED TO SHOW ALL MATTERS RELATED TO THE PROPERTY SHOWN HEREON.
4. P.U.E = PUBLIC UTILITY EASEMENT

WALL CHECK: 04-18-2017
FIRST FLOOR ELEV. = 216.0'
FINAL: 06-30-2017

Existing Lot Coverage

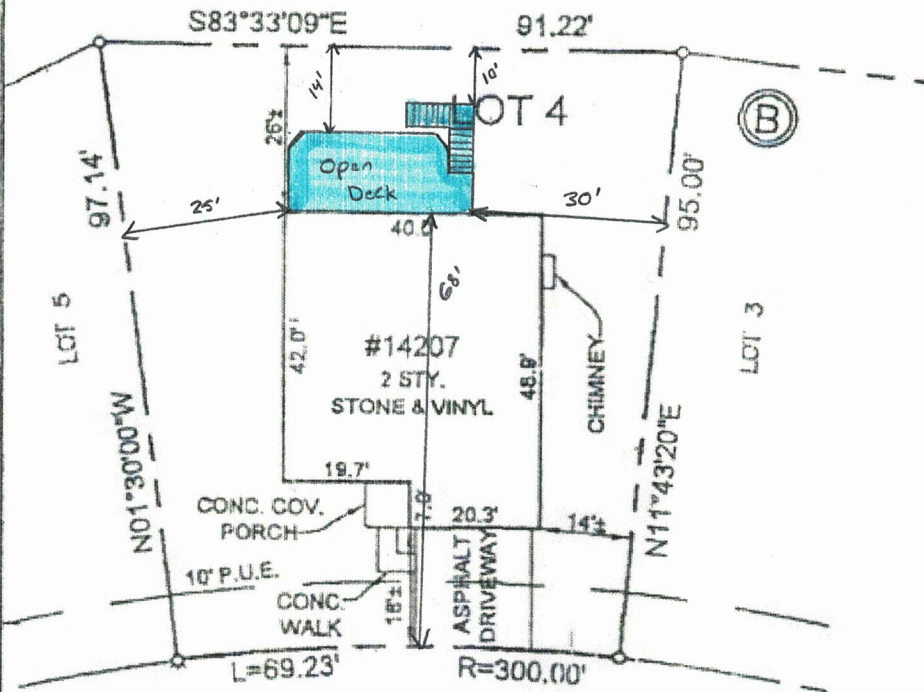
House = 1869
DW = 361

Total Ex Lot Coverage = 2,230 / 29%

*NO NEW LOT COVERAGE
PROPOSED.

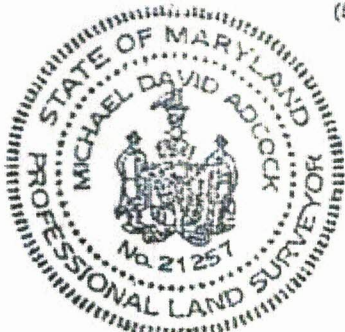
[Signature]

[Signature]



HIDDEN FOREST DRIVE

(50' R.M.D.)



THIS LOT DOES NOT APPEAR TO LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE F.E.M.A. FLOOD HAZARD MAP 24033C-0340-E AS REVISED SEPTEMBER 18, 2016.

LOCATION DRAWING
14207 HIDDEN FOREST DRIVE
LOT 4, BLOCK B
THE PRESERVE AT PISCATAWAY
LUSBY VILLAGE EAST
LOTS 1-15, BLOCK A, LOTS 1-15 BLOCK B
LOTS 1-20, BLOCK C, LOTS 1-11, BLOCK D
& PARCEL N
ELECTION DISTRICT NO. 5
PRINCE GEORGE'S COUNTY, MARYLAND

CERTIFICATION

I HEREBY CERTIFY THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS LOCATION DRAWING AND THE SURVEY WORK REFLECTED IN IT, IS IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN THE CODE OF MARYLAND TITLE 9, SUBTITLE 13, CHAPTER 08, REGULATION 12, AND THE POSITION OF EXISTING IMPROVEMENTS AS SHOWN HEREON, ARE CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

[Signature]
MICHAEL D. ADCOCK
PROFESSIONAL LAND SURVEYOR
NO. 21257, EXPIRATION DATE: 06-15-2019

Adcock & Associates · LLC

Engineers · Surveyors · Planners

3300 North Ridge Road, Suite 160
Ellicott City, Maryland 21043
Phone: 443.325.7682 Fax: 443.325.7685
Email: mlike@saaland.com

REFERENCE

P.B. PM 220, P.N. 64

DATE:

JULY 05, 2017

SCALE:

1"=30'

FILE NO.:

14-071

TABLE 2

CDP-9306

RESIDENTIAL LOT STANDARDS

	Townhomes	Courtyard Townhomes	Single Family Detached below 20,000	Single Family Detached over 20,000
NET LOT AREA (MIN. S.F.)	1,500 per unit	900 per unit	4,000	20,000
(FRONT YARD (MIN.)	15'	5'	15'	25'
LOT WIDTH MIN. AT STREET LINE	18'	20'	18'	25'
LOT WIDTH MIN. AT BUILDING LINE	18'	20'	40'	80'
REAR YARD MIN. (WITH REAR PERPENDICULAR PARKING)	20'	6'	25'	35'
SIDE YARDS (MIN.)	-	-	0'	8'
ONE	-	-	8'	17'
BOTH	25'	15'	-	-
MIN. SPACE BETWEEN END BUILDINGS	35'	35'	35'	35'
MAX. HEIGHT	35'	35'	35'	35'

M-NCPPC
P.G. PLANNING DEPARTMENT
RECEIVED
FEB 14 2020
RECEIVED
DEVELOPMENT REVIEW DIVISION

A M E N D E D C O R R E C T E D 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 March 24, 1994, regarding Comprehensive Design Plan CDP-9306 for Villages at Piscataway, the Planning Board finds:]

**WHEREAS, Comprehensive Design Plan CDP-9306 for Villages of Piscataway, was approved by the Planning Board on March 24, 1994, and PGCPB Resolution No. 94-98 (C) was adopted on March 24, 1995; and

**WHEREAS, by letter dated September 14, 2004, Andre J. Gingles, attorney for the applicant, requested a reconsideration of the of the timing of the construction of the golf course and the waiver of the rules of procedures; and

**WHEREAS, on September 30, 2004, the Planning Board granted the request to waive the rules of procedures and the request for reconsideration; and

**WHEREAS, in consideration of evidence presented at a public hearing on October 28, 2004 regarding Comprehensive Design Plan CDP-9306 for Villages of Piscataway, also known as The Preserve, the Planning Board finds:

1. On September 14, 1993, the County Council, sitting as the District Council for the part of the Maryland-Washington Regional District in Prince George's County, adopted CR-60-1993 approving the Master Plan and the Sectional Map Amendment for Subregion V in Prince George's County. Comprehensive Design Zone Amendment Three (Zoning Applications A-9869 and A-9870) rezoned 858.7□ acres in the R-A Zone to the R-L (Residential-Low Development, 1.0 to 1.5 du/acre) Zone and 19.98□ acres to the L-A-C (Local Activity Center - Village Center) Zone. The rezoning was approved with 39 conditions and 11 considerations.

On December 1, 1993, Bailey's Corporation, on behalf of Bailey's Plantation Joint Venture, filed an application for the total 878.68□ acres in accordance with Section 27-518 of the Zoning Ordinance. The application was accepted by the Development Review Division for processing on December 2, 1993.

2. The Villages at Piscataway is located in Planning Area 84 primarily south of Floral Park Road near its intersection with Piscataway Road. The site includes the historic Edelen House located on the south side of Piscataway Road adjacent to the historic Village of Piscataway. Currently, the site consists of cultivated fields with extensive woodlands and a stream valley.

**Denotes Amendment

Underlining indicates new language

[Brackets } indicate deleted language

3. The following table lists the land use quantities for the subject property established by CR-60-1993:

A. Land Use Types

R-L Zone (A-9869)

All permitted uses in the R-L Zone.

L-A-C Zone (A-9870)

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

B. Land Use Quantities

R-L Zone (A-9869)

Gross Acre 858.7 acres
Less One-Half Floodplain -39.9 acres
Adjusted Gross Acreage 818.8 acres

Base Density of Zone 1.0 du/acre
Base Residential Development 818 du

Approved Basic Plan Density 1.22 du/acre
Maximum Residential
Development* 1,000 du

In addition, a maximum of 9,000 square feet of the commercial land uses allowed in the R-L Zone may be developed in accordance with the Basic Plan.

L-A-C Zone (A-9870)

Gross Acreage: 19.98 acres

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/ac

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.

4. The following table summarizes the proposed land uses for all of the sections in the Villages at Piscataway:

A. General Site Data:

Gross Area of Site 878.9 acres
Flood Plain Area 79.8 acres

Area of Bailey Village 19.98 acres
(Zoned L-A-C)

Residential Area 13.23 acres
Commercial Area 6.75 acres

B. L-A-C and R-L Areas:

Bailey Village (L-A-C Zone)
20,000 to 30,000 square feet commercial
10,000 to 15,000 square feet retail
140 Dwelling Units

***Glassford Village, Edelen Village, Lusby Village
and Danville Estates (R-L)

800 Single-Family Detached (80%)
200 Single-Family Attached (20%)
1,000 Dwelling Units

*** Denotes Correction

C. General location of dwelling units by Villages and Estate Area, as proposed in CDP-9306:

(1) Bailey Village (L-A-C)

20,000 to 30,000 square feet retail
10,000 to 15,000 square feet office
140 Dwelling Units

Per Section 27-496(e) of the Zoning Ordinance, this figure does not include the required MPDUs.

(2) Glassford Village (R-L)

202 Single-Family Detached
64 Single-Family Attached

(3) Edelen Village - South (R-L)

146 Single-Family Detached
45 Single-Family Attached

(4) Edelen Village - North (R-L)

125 Single-Family Detached
58 Single-Family Attached

(5) Lusby Village (R-L)

201 Single-Family Detached
33 Single-Family Attached

(6) Danville Estates (North and South)(R-L)

126 Single-Family Detached

5. The Comprehensive Design Plan for Villages at Piscataway, as modified by the conditions, will be in conformance with the Basic Plan for Zoning Map Amendments A-9869 and A-9870, and with the 39 conditions and 11 considerations of CR-60-1993. Specific conditions which warrant discussion regarding conformance of the Comprehensive Design Plan with the Basic Plan are considered below:

4. Phase I archeological survey with possible Phase II and Phase III follow-up shall be undertaken prior to any ground breaking activity in the vicinity of the old village including the area of road construction. The boundaries of the area needing archeological survey can be set at the time of CDP approval.

The applicant proposed boundaries for the area proposed for a Phase I archeological survey (CDP Section II H., p. 7) and the Historic Preservation Section accepted the proposed boundaries of the area. Per Condition 4, the archeological survey(s) are to be conducted in accordance with the Basic Plan condition.

6. The architectural design guidelines to be submitted as part of the CDP application shall be subject to review and approval by the Planning Board or its designee prior to CDP approval.

The applicant's proposed architectural design guidelines were the subject of extensive discussions between the applicant and the Urban Design Review Section staff. Agreement was reached on appropriate design guidelines for many aspects of the residential, commercial and civic architecture proposed for the development. Those aspects of architectural design which require additional refinements are discussed below:

Additional standards are required for residential structures to be built in Glassford Village (northern section), the new village immediately adjacent to the historic Village of Piscataway, to insure compatibility of new homes with those in the historic village. Architectural and other Preservation Section and published in the *Piscataway Village Rural Conservation Study* (M-NCPPC, July 1991). Pages 39-44 discuss architectural standards. As stated in Condition 1.a., the staff recommended that the standards in this study be adopted as CDP requirements for any construction in the northern portion of Glassford Village adjacent to historic Piscataway.

Additional standards are required for civic and institutional buildings, for all structures in Bailey Village, and for residential structures surrounding the village greens in the various villages, particularly those at street corners, to insure that they are of sufficient visual interest and historic character to reinforce the neotraditional style required in the Villages of Piscataway.

The architectural standards considered necessary by the Urban Design Review Section and the Historic Preservation Section to achieve the necessary visual interest and historic character are shown in Condition 1.b.

Additional standards are required for the appearance of the rears of residential units which face the golf course or other public spaces. It is imperative that typical residential-style decks constructed of pressure-treated or other wood left to weather naturally not be allowed in such areas as they would dramatically undermine the image of a traditional town sought in the Villages at Piscataway. The standards considered necessary to prevent the appearance of decks from undermining the image of a traditional town are shown in Condition 1.c.

7. As a condition of Basic Plan approval, the applicant should sign an Historic Property Security Agreement which would be an agreement between the applicant and M-NCPPC, to include retention of a tenant in the Edelen House, and routine maintenance to insure the building's occupancy and good repair until it is adaptively reused or transferred to another owner.

The applicant submitted a proposed security agreement to the Historic Preservation Section for review. Discussions continue concerning the final language of the agreement. Condition 3.a. should insure that the security agreement is finalized in a timely fashion.

9. The site shall be developed using the neotraditional concepts as represented by the Basic Plan

application.

The Comprehensive Design Plan is generally faithful to the neotraditional concepts approved in the Basic Plan regarding the relationship of the new villages to historic Piscataway and to each other. Neotraditional concepts were also employed in the layout and design of individual villages and of structures in the villages. In order to reinforce the neotraditional concepts mandated by the Basic Plan, staff proposed numerous refinements to design and architectural standards throughout this Resolution. Condition 1.d. should insure that the layout of blocks does not result in a "garage-dominated" streetscape typical of suburban development but antithetical to neotraditional design.

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.

The Comprehensive Design Plan contains most of the details and standards necessary to make Bailey's Village compatible with the Edelen House and the historic village. Those additional standards thought necessary by staff to insure compatibility are shown in Conditions 1.b., 1.d. and 1.g.

11. The extension of Piscataway Road shall be carefully designed so as to lessen its impact on the surrounding rural historic setting. This may include the use of brick or stone walls, orchard plantings, etc., designed to enhance the historic context. The use of berms shall be discouraged. Pedestrian crossings shall be provided.

The applicant agreed to submit as part of the first Specific Design Plan (probably for the golf course) a plan for treating the edge of New Piscataway Road to insure that its impact on the surrounding rural historic setting is minimized. This is required by Condition 2. At the same time the location of pedestrian crossings will be evaluated.

12. A minimum 50-foot buffer shall be established between the golf course and any adjacent roadway to allow for an edge treatment compatible with the existing historic rural character of the area. The edge treatment might include areas of tree preservation, open meadows and/or orchard-type plantings.

Condition 2 is provided to insure that the required 50-foot buffer is established.

13. Prior to approval of the CDP, the composition of the Board of Trustees for the Historic Piscataway Preservation Grant and Loan Fund and details on how the Fund will be administered will be determined. One member of the board shall be a member of the Prince George's County Historic Preservation Commission.

As explained in the memorandum from the Historic Preservation Section (Rivers to Adams, February 16, 1994): "One of the requirements for Basic Plan approval was the establishment of the Historic Piscataway Preservation Fund, which allows for \$400.00 to be donated to a preservation fund for every unit built in the development. The applicant proposed that the Piscataway Preservation Corporation, which will administer the fund, be made up of two owners of property within the historic village, two

owners of property within the new development, a representative of St. Mary's Church, a member of the HPC, a representative from the County Executive's Office, and eight representatives of the owner/developer. After 60 percent of the project has been completed, the developer representatives would be reduced to two. This is an improvement over the Basic Plan language, which called for the developer to administer the fund without input from other sources until the 60 percent completion point. However, the proposed configuration is still heavily weighted towards the interests of the developer, to the point that all decisions made by the corporation prior to 60 percent completion can essentially be made by the developer. In addition, there is little in the description which ensures that the funding will actually go towards preservation and restoration; a number of possible projects are mentioned, such as street improvements, yet there is nothing which states what the priorities for funding would be.... The fund should be administered with a high priority given to the preservation and restoration of the historic structures in Piscataway. Language should be added to the proposed procedures which achieves this end. Additionally, language should be added which ensures compliance with the Secretary of the Interior's Standards for Rehabilitation and the County Historic Preservation Ordinance. Finally, language should be added to the procedures which allows for input from all interested parties."

The unanimous recommendation of the Historic Preservation Commission regarding the composition of the Board of Trustees and how the fund will be administered is shown in Condition 5.

14. Prior to CDP approval, a plan shall be developed and approved by the developer and the Urban Design staff of the Maryland-National Capital Park and Planning Commission that shall grant as a benefit to each purchaser of a home upon the property and all future purchasers some use of the golf course or an equivalent program that grants a direct benefit to all future purchasers of the homes in the Villages of Piscataway, such as preferential membership terms.

Because a golf course developer has not yet been selected, the applicant is unable to specify the exact provisions of the plan which will grant some benefit relating to the golf course to every homeowner. However, the applicant proposed the outline of a plan, shown in Condition 2.d., the exact provisions of which will be filled in at the time of Specific Design Plan for the golf course.

15. The applicant shall demonstrate at CDP that the golf balls will not present a danger to the residents or their property. Setbacks from the golf course shall be determined by the most likely direction and distance that the golf ball will travel.

The applicant adhered to and exceeded in many locations the minimum safety setbacks prescribed by the golf course industry and demonstrated, to the extent feasible at the scale of the Comprehensive Design Plan, that golf balls will not present a danger to residents or their property. However, the golf course layout on the CDP is still somewhat conceptual and will be refined and finalized on the Specific Design Plan for the golf course. Condition 2.e. should insure that the final golf course design will not result in any hazards to residents or their property.

21. The proposed master plan trail is along Piscataway Creek Stream Valley Park. In anticipation of the Department of Parks and Recreation Parkland Dedication for this stream valley, a trail connection from the R-L parcel to the planned hiker/biker/equestrian trail on the north side of the creek shall be required.

The Trails Coordinator recommended that this connection be an eight-foot-wide asphalt trail. The

applicant's plans, however, provide conflicting information regarding the width and nature of the portion of this trail connection along Floral Park Road (from Piscataway Road east to the entrance road into Bailey Village). Figure 18 describes this trail segment as "Pedestrian Paths (Outside Public Right-of-Way)." Figure 22 describes it as "4'-0" sidewalks." Condition 6 should correct this discrepancy and insure that a continuous eight-foot-wide asphalt trail is constructed from Bailey Village to the master plan trail along Piscataway Creek.

22. The applicant shall provide for and construct the proposed master plan trail on or adjacent to PEPCO's Brandywine transmission line for the entire frontage.

Condition 7 should ensure that this segment of the master plan trail is constructed in a timely fashion.

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

In order to conform to the requirement in Basic Plan Condition 9 that the site be developed in accordance with neotraditional concepts, the Villages at Piscataway is not organized into conventional suburban "development pods." It consists rather of a group of interconnected village-type neighborhoods, all of which have a modified grid street pattern which both eliminates the need for and suggests no appropriate alignments for a system of "inter-village" trails which is separate from the street system.

Pedestrian traffic is accommodated by a complete system of four-foot sidewalks on both sides of most streets. Bicycle traffic is safely accommodated on the public streets, where on-street parking and other measures are employed to slow automobile traffic as much as possible. In his memorandum dated February 3, 1994, the Trails Coordinator stated that "Where roadways are designated as part of the internal trail network, the applicant shall provide four-foot striped bike lanes in the roadway to accommodate bicycle traffic...." However, the addition of four feet of pavement to streets to accommodate an exclusive bicycle lane is both unnecessary and at variance with the narrower streets intrinsic to neotraditional design concepts. Therefore, the alternative to an exclusive bicycle lane expressed verbally by the Trails Coordinator, i.e., a series of "bikeway" signs on the major streets, is considered the most appropriate means of fulfilling the intent of Basic Plan Condition 23 within the context of a neotraditional development, and is offered in Condition 8.

28. The developer, his successors and/or assigns, shall dedicate to the M-NCPPC for public park use, about 25 acres of land located to the south of Floral Park Road where it intersects with Piscataway Road as shown on the amended Basic Plan.

The applicant agreed to dedicate approximately 36 acres on the south side of Floral Park Road to M-NCPPC for use as a future public park. Combined with the 75 acres to be dedicated on the north side of this road, the developer proposed to convey a grand total of 111 acres to The M-NCPPC for public park use. This dedication is in excess of the amount required under the mandatory dedication provisions of the Subdivision Regulations and recommended by the Preliminary Master Plan.

29. The developer, his successors and/or assigns, shall work with community representatives and M-NCPPC staff to find a suitable organization to accept responsibility for preserving and protecting the Edelen House (Bailey Mansion).

The M-NCPPC declined to accept ownership of the Edelen House. Tentative agreement was reached between the Department of Parks and Recreation, the Historic Preservation Section and the developer to sell a 3.2 acre tract of land containing the historic Edelen House to a private party who intends to preserve the property and restore it for use as a residence and a bed and breakfast.

31. The final golf course envelopes, building envelopes, and access points shall be determined at the CDP stage. The relationship of Glassford Estates and the golf links surrounding it shall be determined at CDP to create a desirable golf course configuration even if it means the deletion of Glassford Estates. In the event that it is determined that the portion of the golf course adjacent to North Danville Estates, an area not to exceed 15 acres, is not needed as golf course, the building area of North Danville Estates may be expanded into this former golf course area.

The CDP reflects the golf course envelopes, building envelopes and access points. The golf course was redesigned causing Glassford Estates to be deleted. A separate SDP will be submitted for the golf course at which time details for its design and construction shall be approved.

34. The applicant shall show a floating symbol for an elementary school site (10 acres) to be located in the general vicinity of the low-density "North/South Danville Estates" development pod. The exact location of the school site shall be decided upon consultation with the Board of Education at CDP. The applicant shall be **permitted to** transfer the displaced low-density residential units to the 20+-acre school site currently shown on the amended Basic Plan. The number of dwelling units being transferred shall not exceed the number being displaced.

The applicant agreed to dedicate approximately 12 acres for an elementary school site along Danville Road.

35. If desired by the Prince George's County Fire Department, the applicant shall dedicate a 2-4 acre site as shown on the amended Basic Plan for the location of a station for an ambulance or medic unit. If the Fire Department has no need for a station for an ambulance or medic unit at this site, it shall be devoted to open space or recreational uses or, if the adjoining 20-acre school site is devoted to residential uses pursuant to Condition 34, to residential uses.

The applicant intended to dedicate approximately 2 acres to the Fire Department for use as a station for a medic or ambulance unit; however, the Fire Department determined that there is no need for the station. The applicant, in accordance with Condition 35, intends to devote the parcel to residential uses. Because this parcel is within the historic village of Piscataway, the staff recommended specific development and architectural standards to ensure compatibility with the historic village.

38. The applicant shall be required to identify the specifics of any proposed lighting and netting for the driving range at CDP. Any such lighting or netting shall not detract from the historic character of the Village or the Edelen House.

The applicant stated that netting will not be necessary at the driving range because of the length and width of the driving range. The applicant intends to use ground mounted lighting which will not detract from the historic character of the Village, and can be shielded so as not to be intrusive into surrounding areas.

39. At the time of CDP, an environmental setting for the Edelen House shall be defined which retains the existing fields in front of the house. These should be maintained in agricultural plantings or appropriate rural character, and they should be fenced in appropriate materials to be set off from active park uses.

A 6.6 acre environmental setting was established for the Edelen House and approved by the Historic Preservation Commission. The setting includes the house, the existing fields in front of the house, the approach and circular drive around the house as well as some areas of existing trees. The fields in front of the house which are part of the environmental setting will be dedicated to the Department of Parks and Recreation. The Department of Parks and Recreation is committed to preserving the fields in an agricultural use and may in the future lease the land to the owners of the Edelen House.

BASIC PLAN CONSIDERATIONS

1. Any structure within the golf course, other than the club house and any associated buildings, shall be designed to resemble a barn or other agricultural building.

The applicant stated that there will be several such buildings proposed in conjunction with the golf course that will be designed to appear as rural farm outbuildings. At the time of the SDP for the golf course, the staff will review the architectural drawings for these buildings to ensure that this consideration has been addressed.

2. Design and exact alignment of Piscataway Road extended shall be coordinated with the developer, M-NCPPC staff and the State Highway Administration to ensure that the road itself (e.g., horizontal and vertical curvature, design speed, cross sections, number of travel lanes, and median, if any) blends in with and has the least impact on the existing historic setting to the extent possible.

The applicant's engineers are currently working on the design of the New Piscataway Road extension. At the time of the first SDP, an overall plan for the new road will be submitted with the required special landscape edge treatment which maintains the open rural image of the site; however Condition 36 was added to ensure that every effort is made in the engineering design of the road to be sensitive to the adjacent historic Edelen House and to the rural setting.

4. Woodland conservation of 35 percent should be a Phase II design consideration as well as the preservation of a large contiguous wooded area in the southern portion of the site.

The Natural Resources Division (NRD), recommended approval of TCPI/09/94. NRD stated that much more detail will be needed at the time that the TCPII is reviewed during the SDP stage.

5. High-intensity artificial lighting should not be permitted at the proposed driving range unless the applicant can show that such lighting can be directed such that it does not intrude upon the surrounding roadway, residences or historic sites.

The applicant stated that he intends to use ground mounted lighting which can be shielded from the

surrounding roadway, residences and historic sites. At the time that the SDP is submitted for the golf course, the staff will review the lighting standards and details to ensure that this consideration is addressed.

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

A wetlands report was included as part of the CDP submission and was accepted by the Natural Resources Division. The site contains 92.9 acres of non-tidal wetlands, 6.0 acres of unsurveyed forested lands and 7.2 acres of intermittent streams on the property. These areas will be verified and reviewed by the County Wetlands Unit and the Army Corps of Engineers. A joint State/Federal wetlands permit will be needed for disturbance to the wetlands and the wetland buffer.

6. The proposed plan for the Villages at Piscataway would result in a development with a better environment than could be achieved under other regulations. Approximately 35 percent of the trees presently existing on the site will be preserved. A total of 111 acres of land will be dedicated to M-NCPPC for public park use, which is considerably in excess of the amount required under the mandatory dedication requirements of the Subdivision Regulations and recommended by the Preliminary Master Plan.
7. Approval is warranted by the way in which the Comprehensive Design Plan includes design elements (e.g., the modified grid street layout and centrally located public spaces typical of neotraditional planning), moderately priced dwelling units (required only in the L-A-C portion of the site, MPDUs are proposed to be located above the retail space in Bailey Village), facilities and amenities (such as the 18-hole golf course, swim center and tennis complex), and satisfies the needs of the residents, employees or guests of the project.
8. The proposed development will be compatible with existing land use, zoning and facilities in the immediate surroundings. The design of the Villages at Piscataway, as modified by conditions, will be as compatible as possible with the adjacent historic Village of Piscataway. Proposed lot sizes along Danville Road are in character with existing properties located across Danville Road. The long, irregular southern boundary of the site is lined with open space. No lots border the R-A zoned property. Long stretches of Floral Park Road and Danville Road are lined with golf course and most of the community's development has been placed in the interior of the property to preserve the rural character of the surrounding area.
9. 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.

The setback and other standards for residential lots in combination with the large amount of open space provided in the public park area, the golf course and the village greens will create a pleasing rhythm of buildings and open space throughout the development and a compatible relationship among the various land uses and facilities in the development.

- b. Building setbacks from streets and abutting land uses.

The CDP provides a comprehensive set of standards for building setbacks from streets

and abutting land uses.

- c. Circulation access points.

The circulation system was carefully designed to include modified grid street patterns in accordance with neotraditional design principles and has adequate circulation access points to the surrounding road network.

- 10. The R-L zoned portion of the property is exempt from the requirements for moderately priced dwelling units. Residential development in the L-A-C Zone is required to include MPDUs based on 10 percent of the base residential density. This translates into a requirement for 14 MPDUs. The applicant proposes to include them within the apartment units to be provided above the retail space in Bailey Village.
- 11. 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.
- 12. The Transportation and Public Facilities Planning Division found (see memorandum, Masog to Komes, March 8, 1994) that the staging of the development proposed does not pose an unreasonable burden on available transportation facilities, as determined under the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (April 1989)*. Facts which support this finding include:
 - a. A total of 1,140 dwelling units, up to 15,000 sq. ft. of retail space, and up to 30,000 sq. ft. of professional office space is planned for the subject property at buildout.
 - b. This development would produce an estimated 925 trips (237 in, 688 out) during the AM peak hour and 1,178 trips (721 in, 457 out) during the PM peak hour with the development of the site.
 - c. The first phase of development would include Parcels A, B, C and G. The uses on these parcels would include a total of 780 dwelling units, up to 15,000 sq. ft. of retail space, up to 30,000 sq. ft. of professional office space and a golf course/driving range. This development would produce an estimated 657 trips (183 in, 474 out) during the AM peak hour and 859 trips (512 in, 347 out) during the PM peak hour under Phase I.
 - d. The second phase of development would include Parcels D, E and F. The uses on these parcels would include a total of 360 dwelling units, up to 15,000 sq. ft. of retail space, and up to 30,000 sq. ft. of professional office space. This development would produce an estimated 268 trips (54 in, 214 out) during the AM peak hour and 319 trips (209 in, 110 out) during the PM peak hour under Phase II.
 - e. The following links were programmed for improvement with 100 percent construction funding within the next six years in the Maryland Department of Transportation Consolidated Transportation Program for FY 1994-1999:
 - (1) Widen MD 210 to a 6-lane divided highway from the MD 228 connector to Old Fort Road South.

- (2) Construct a new highway connection for MD 228 from MD 210 to MD 228 at Sharperville Road in Charles County
- f. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined Level-of-Service D (LOS D) as the lowest acceptable operating condition for signalized intersections on the transportation system, and has defined a negative reserve capacity as an unacceptable operating condition for unsignalized intersections on the transportation system. The following intersections, when analyzed with the programmed improvements in d. above and future traffic under Phase I as developed using the *Guidelines*, were not found to be operating acceptably:
- Livingston Road and Farmington/Berry Roads
 - Livingston Road and Old Fort Road South
 - MD 223 and Floral Park Road
 - MD 223 and Livingston Road
 - MD 210 and Swan Creek/Livingston Roads
- g. The applicant proposed Phase I improvements to the following intersections in consideration of the findings in f. above which would provide an acceptable level of service under Phase I development:
- Livingston Road and Farmington/Berry Roads
 - MD 223 and Floral Park Road
 - MD 223 and Livingston Road
- h. The applicant proposed Phase I improvements to the intersection of MD 210 and Livingston Road/Swan Creek Road in consideration of the findings in f. and in consideration of the *Guidelines for Mitigation Action*, which would potentially allow the use of mitigation procedures at this location.
- i. The staff recommended that the applicant provide additional Phase I improvements to the intersection of Livingston Road and Old Fort Road South in consideration of the findings in f. above.
- j. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined Level-of-Service D (LOS D) as the lowest acceptable operating condition for signalized intersections on the transportation system, and has defined a negative reserve capacity as an unacceptable operating condition for unsignalized intersections on the transportation system. The following intersections and links, when analyzed with the programmed improvements in d. above and future traffic under Phase II as developed using the *Guidelines*, were not found to be operating acceptably:
- Livingston Road and Farmington/Berry Roads
 - Livingston Road and Old Fort Road South

- Livingston Road and Washington Lane
 - MD 210 and Farmington Road
 - MD 210 and Old Fort Road South
 - MD 210 and Swan Creek/Livingston Roads
 - MD 223 and Gallahan Road
- k. The applicant proposed Phase II improvements to the following intersections in consideration of the findings in j. above which would provide an acceptable level of service under Phase II development:
- Livingston Road and Farmington/Berry Roads
 - Livingston Road and Old Fort Road South
 - Livingston Road and Washington Lane
 - MD 210 and Farmington Road
- l. The applicant proposed Phase I improvements to the intersection of MD 210 and Livingston Road/Swan Creek Road in consideration of the findings in f. and j. in consideration of the Guidelines for Mitigation Action, which would potentially allow the use of mitigation procedures at this location.
- m. The staff recommended that the applicant provide additional Phase II improvements to the following intersections and links in consideration of the findings in j. above:
- Livingston Road and Old Fort Road South
 - Livingston Road and Washington Lane
 - MD 210 and Farmington Road
 - MD 210 and Old Fort Road South
 - MD 223 and Gallahan Road
- n. Due to the size of the subject property, many internal streets are very long and straight, and these characteristics may encourage speeding by users of these roads.
13. The Transportation and Public Facilities Planning Division also provided the following comments regarding transportation issues at the Villages at Piscataway:
- a. Design Issues
- As a part of the package of information which was submitted with the CDP, the applicant provided an alternative set of public street guidelines proposed to be used to establish an environmental setting for the proposed development. The applicant should be aware that the Department of Public Works and Transportation (DPW&T) has final approval on any designs proposed for public rights-of-way, and any deviations from the County road standards should be obtained on an individual basis. Meetings with DPW&T indicate that a blanket set of revised standards for this property is unacceptable. However, individual waivers from the road standards may be identified for due consideration on a case by case basis.

Due to the size of the subject property, many internal streets are very long. In particular, the roadways which extend from Glassford to Edelen North, from Edelen North to Bailey, and from Edelen North through Lusby to Danville are long and straight, and these characteristics may encourage speeding by users of these roads. The applicant should work with DPW&T and planning staff to implement strategies that will maintain lower speeds on these roadways and avoid any use of these streets as cut-through streets prior to Preliminary Plat approval.

b. Mitigation

The applicant recommended capacity improvements at the MD 210/Livingston/Swan Creek intersection as a part of a mitigation package. In 1993, the District Council amended the Subdivision Regulations to allow mitigation in certain areas of the County (CB-62-1993). However, until the District Council also approves the "Guidelines for Mitigation Action", mitigation is not law and cannot be used to demonstrate the adequacy of public facilities at the time of subdivision.

In the case of the subject application, because a set of "Guidelines for Mitigation Action" have been approved by the Planning Board (as of March 3, 1994) and it is expected that the Council will take action on them in the near future, the transportation staff believes that CDP findings based on mitigation are appropriate. The applicant should be aware that, until the Council approves the final guidelines for mitigation, the transportation staff cannot make subdivision findings of adequate public facilities when all facilities do not operate at LOS D or better under total traffic conditions.

c. Conformance With Basic Plan Approval

The approval of the Basic Plan contained several transportation-related conditions of approval. Each of these conditions is discussed briefly below for conformance between the Basic Plan and the CDP:

Condition 3 and 11: These conditions specify the alignment for the A-54 facility. The CDP, from a transportation perspective, appears to meet these conditions.

Condition 16a: This condition provides for signalization and a second southbound left-turn lane at MD 210/Farmington Road. A signal exists at the location; the recommendations include the physical improvement.

Condition 16b: This condition provides for signalization and physical improvements at Livingston/Farmington/Berry Roads. The recommendations include signalization, and they also specify physical improvements for each stage of development.

Condition 16c: This condition provides for signalization and an exclusive southbound left-turn lane at Livingston Road/Old Fort Road South. The traffic study recommendations fully address these conditions.

Condition 16d: This condition provides for signalization at MD 223/Gallahan Road. The

staff recommendations address this condition.

Condition 16e: This condition provides for signalization and physical improvements at MD 223/Floral Park Road. The recommendations include signalization, and they also specify physical improvements for each stage of development.

Condition 16f: This condition provides for signalization and physical improvements at MD 223/Livingston Road. The recommendations include signalization, and they also specify physical improvements for each stage of development.

Condition 16g: This condition provides for signalization and physical improvements at MD 223/site entrance. The recommendations specify physical improvements for each stage of development, and the requirement for a signal warrant study will be carried forward.

Condition 16h: This condition provides for additional through lanes along MD 210 and providing an exclusive westbound through lane and a westbound free right-turn lane at MD 210/Livingston Road/Swan Creek Road. The traffic study recommendations fully address these conditions.

Condition 16i: This condition provides for an additional southbound through lane at MD 210/Old Fort Road South. The staff recommendations address this condition.

Condition 17: This condition provides for phasing to construct the full section of A-54 (MD 223 Relocated) through the subject property. The applicant has gotten approval for the design of A-54 from the SHA and this Division, including the connections to existing roads at each end. The staff recommendations address the staging of construction of the facility.

Condition 18: This condition provides for showing appropriate dedication along A-54, Livingston Road, Floral Park Road and Danville Road. The submitted CDP is consistent with this condition.

Condition 19: This condition sets a trip cap for development on the subject property. The CDP shows development levels which are within the trip cap.

d. Supplementary Memorandum (Masog to Komes, March 15, 1994)

"As a consideration in this case, it should be noted that the traffic study was funded cooperatively by the Villages at Piscataway property and the neighboring Clinton Estates property. Both properties have assumed that they would cooperatively fund the needed road improvements in the area to serve the two developments. However, the March 8, 1994 memo did not adequately discuss the improvements which would be required in the event that one of the

properties, either the Villages at Piscataway properties or the Clinton Estates property, does not develop at the time that the other does."

"If the Villages at Piscataway property develops first, the improvements required under Conditions 1c, 2c, 2d, and 2g of the March 8, 1994 memo would not be needed until the Clinton Estates property develops. If the Clinton Estates property develops first, the improvements required under Conditions 1d, 1,e, 2a, 2b, and 2f of the March 8, 1994 memo would not be needed until the Villages at Piscataway property develops. This consideration does not preclude other properties in the area from contributing to or fully funding these improvements in accordance with findings of adequate public facilities."

14. The staff of the Transportation and Public Facilities Planning Division also reviewed the Comprehensive Design Plan for adequacy of existing and programmed public facilities other than transportation facilities (see memorandum, Harrell to Adams, March 9, 1994). The following comments were received regarding public facilities:
- a. Engine, ambulance, medic and ladder truck services are beyond the recommended travel standards for the proposed residential/commercial land use. In addition, the current Capital Improvement Program does not contain projects which would mitigate these inadequacies. Hence, in order to alleviate the negative impact on fire and rescue services, a sprinkler system should be provided throughout all structures. Therefore, as a condition of approval, all structures should be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standard 13 and 13D.
 - b. The subject site is served by the Surratts-Clinton Branch Library, which has a collection capacity of 125,000 volumes. According to the response issued by the Prince George's County Memorial Library System, existing and programmed library facilities can provide adequate services.
 - c. The Villages at Piscataway tract is projected to yield 278 elementary students, 116 middle school students and 153 high school students. The affected elementary and high school do not have the capacity to support the proposed development. Also, the approved Capital Improvement Program does not provide a solution to the problem.

With regard to the issue of school capacity, staff determined that over capacity does not become an issue (re: Adequate Public Facilities) unless the projected enrollment is over 120 percent of the rated capacity of the affected school. In this regard, the assigned proposed elementary school (Henry Ferguson) is projected to be over this level including the subject yield by 1998.

However, school capacity was based upon the six stages of development proposed by the applicant. Based on this analysis, the deficiency of school seats does not occur until the middle of stage four. The total cumulative deficiency created through stage six (using 1998 school capacity figures) amounts to a total overall shortage of 143 seats. When the deficiency is multiplied by \$4,000 (the current fee proposed for mitigation), the grand total is \$532,000. Based on the number of units creating the deficiency, a contribution of approximately \$905 per dwelling unit would be necessary to mitigate the "unreasonable burden on available public facilities." (Sec. 27-520 (a)(8)).

Secondly, the Approved Basic Plan for Villages at Piscataway recommends that an elementary school site be located in the subject development. This school site has most recently been identified in the newly submitted Preliminary Plat of Subdivision (4-94017). The location identified along Danville Road and proposed Road B1 meets the preliminary requirements of Prince George's County Public Schools staff with regard to location, access, site size (12 acres) and shape (rectangular). However, Public Schools staff reserves final acceptance of the site upon such criteria as soils analysis, tree conservation plan and State approval.

- d. According to the Health Department, the subject use will have a negligible impact on Health Department Services. In addition, the agency has determined that they can house the necessary staff in its existing facilities.
 - e. According to the Adequate Public Facility Guidelines, the District IV Station will be adequate to accommodate the proposed development. However, it will require allocation of additional officers.
 - f. In a supplementary memorandum (Harrell to Komes, March 14, 1994), this Division also addresses the proposed fire station site:

"In this regard, while the site plan identifies a two- to four-acre site for a fire station (east of the intersection of Livingston Road and Piscataway Road) it is staff's understanding that as of today the Fire Department is no longer interested in the site. Furthermore, staff cannot recommend the site because the location is in direct conflict with the recommendation of the *Public Safety Master Plan*."
15. The Comprehensive Design Plan does not contain a formal proposal for an adaptive use of the Edelen House historic site, therefore it is premature to make specific findings concerning the effect any particular use would have on the historic site. The Department of Parks and Recreation and the Historic Preservation Section have expressed support for allowing a private party to acquire the house for use as a residence and a bed and breakfast, but the subject CDP does not include an official request for this adaptive use.
 16. The CDP incorporates all applicable design guidelines set forth in Section 27-274 of the Zoning Ordinance.
 17. The Natural Resources Division (Metzger and Miller to Adams, February 24, 1994) made the following observations, among others, regarding the environmental features of the site:
 - a. "From our preliminary research, if Marlboro clays are on the site they would occur in the southwest portion of the property at the top elevation of 55-60 feet, and be about 10-15 feet thick. We request that the presence or absence of Marlboro clay in that area be verified by borings prior to Preliminary Plat approval."
 - b. "Based on Mount Vernon Viewshed Analysis Study, areas of critical vegetation should be

preserved to the extent possible."

- c. "The applicant has proposed a surface and groundwater monitoring program for the golf course, for which a baseline will be established soon. They have proposed other measures to reduce the transport of nutrients and pesticides into the watershed, such as 'waste bunkers,' an underground charcoal filtering system around the greens, minimization of sheet flow across the course, large wooded buffers, and an integrated pest management program. It is extremely important that these measures be followed through."
 - d. "Natural Resources Division ...believes there may be an opportunity to incorporate wildlife habitat enhancement through the HOA or recreational facilities plan for this property."
 - e. "The current stormwater proposal includes 20 ponds which provide quality and 2-10 attenuation. There is insufficient information on these ponds (computations, grading, access) to determine their ultimate size, and it appears that a number of lots will be lost to accommodate the ponds."
 - f. "A Type I Tree Conservation Plan (TCPI/09/94) has been received and undergone preliminary review by NRD.... We basically agree with the proposed TCP I, subject to approval by the Department of Parks and Recreation of any WCAs proposed for any acreage to be dedicated to the Department of Parks and Recreation."
18. The Villages at Piscataway development is located south of the Piscataway village (Historic Survey Area No. 84-23), which includes five Historic Sites and four Historic Resources. One of the Historic Sites, the Edelen House (No. 84-23-6), is included in the subject application. The subject site also fronts on Floral Park Road, which is designated as a Scenic and Historic Road. The Historic Preservation Section memorandum (Rivers to Adams, February 16, 1994) recommended several findings and conclusions, including the following:
- a. "The Villages at Piscataway development calls for the construction of 1,140 residential units concentrated in four 'villages.' In addition, a small mixed use village will be located at the southeast quadrant of the Piscataway Road/Floral Park Road intersection. The development has been planned according to neotraditional design principles, which imitate traditional methods of town development: a grid street pattern, clustering of houses into villages, surrounding open space, and an emphasis on architectural detail. The plan has several components which relate specifically to historic preservation issues: an extension of Piscataway Road which diverts traffic away from the historic village; the adaptive reuse of the Edelen House Historic Site, and the maintenance of the rural setting of its Environmental Setting; the establishment of a Piscataway Preservation Fund, which will assist preservation efforts in the historic village; archeology; and the preservation of the rural setting for the historic village through the establishment of a surrounding park."
 - b. "The application does not specify an adaptive reuse for the Edelen House. However, since the application was submitted, the applicant has been negotiating with a local family regarding the conversion of the house to a bed-and-breakfast. This use would require several minor alterations to the house and its setting, but is a clearly compatible use. It is planned for the applicant to turn over the ownership of the house and an accompanying 3.1 acres of land (Parcel M3), to the

family. In accordance with the proposed use, and after negotiations with the Department of Parks and Recreation, the proposed Environmental Setting has been changed slightly. In addition to Parcel M3, the proposed Environmental Setting includes a 3.5 acre parcel immediately north, between the house and Floral Park Road (Parcel M2), for a total acreage of 6.6 acres. This proposed setting includes the house, the approach drive and circular drive, as well as associated vegetation. It should be noted that a requirement of the Basic Plan approval is that the fields in front of the Edelen House, which are included in the Environmental Setting, are to be maintained in agricultural plantings or appropriate rural character."

- c. "The County Council approval of the Basic Plan required that the school site, which was formerly located just to the west of the historic village, be relocated to the far eastern side of the development, along Floral Park Road. In the old location, the applicant was permitted to provide additional housing. In addition, the applicant is permitted to provide housing on the site dedicated for a fire station (west of the former school site), should the County decide that a fire station is not needed there. For both sites, the applicant has proposed that design guidelines prepared for the four residential villages be utilized. These guidelines do not address the historic context which would be impacted by the construction of housing in these areas."
- d. "The applicant has proposed a mixed-use village, Bailey Village, to be located at the southeast quadrant of the Piscataway Road/Floral Park Road intersection. This village will feature a combination of retail uses, as well as apartment units, townhouses and single-family detached houses, centered on a village green. This site is a particularly sensitive location, because it is not only the focal point and main entrance feature of the development, but it is also situated between the historic village and a designated Scenic Road - Floral Park Road." (The Urban Design Review Section staff proposes Condition 29 in response to this concern.)
- e. "As the link between the historic village and Floral Park Road (a designated Scenic Road) to the east, the design of Bailey Village - especially its frontage along Floral Park Road - should provide an appropriate transition. Specifically, the design of the village (massing, materials, landscaping, siting, etc.) should not detract from the rural context of the historic village and the Scenic Road. Staff will work with the Urban Design Review Section in recommending appropriate language to address the need for Bailey Village to be designed in a way that is complementary to the area's rural character."

The Historic Preservation Section memorandum also reported the following actions and recommendations made by the Historic Preservation Commission at its meeting on February 15, 1994:

- a. "Approval of the proposed 6.6-acre Environmental Setting for the Edelen House Historic Site as submitted."
- b. "Recommendation that the Planning Board incorporate the following as conditions of approval:
 - (1) The design guidelines for Glassford Village shall apply to the houses permitted in Conditions 34 and 35 of the Basic Plan approval. These guidelines shall be applied so that the new houses are compatible with the existing historic structures in Piscataway in

terms of scale, setback, massing, detail, use of materials, and variety. The new houses shall be reviewed by the Historic Preservation Commission, in accordance with Condition 37 of the Basic Plan approval." (Condition 1.a. addresses the concern about the design of the new houses in the northern portion of Glassford Village.)

- c. "The Environmental Setting for the Edelen House Historic Site (#84-23-6) shall be 6.6 acres, as approved by the Historic Preservation Commission. All improvements within this setting shall be reviewed by the Historic Preservation Commission in accordance with the County Historic Preservation Ordinance."
19. The Department of Parks and Recreation memorandum (Anderson to Komes, February 16, 1994) made the following statements regarding the subject application:
- a. "County Council approval of Basic Plan A-9869/9870 as reflected in CR-60-1993 calls for the developer to dedicate to The M-NCPPC for public park use, 75 □ acre and 25 □ acre tracts of land on the north and south sides of Floral Park Road respectively as shown on the Amended Basic Plan. Regarding the Edelen House (Bailey Mansion) which is located on the 25-acre tract, the developer is required to find a suitable organization to accept responsibility for preserving and protecting the historic house."
 - b. "In compliance with zoning conditions of the approved Basic Plan, the submitted CDP shows two tracts of land on the north and south sides of Floral Park Road to be dedicated for public park use. The southern tract borders the historic village of Piscataway and includes the historic Edelen House (Bailey Mansion). Staff representatives of the Department of Parks and Recreation have informed the developer and the HPS that The M-NCPPC was not prepared to accept ownership of the Edelen House. This Department is supportive of the private party (Rod and Beth Parker) who has expressed an interest in acquiring the house for use as a residence and a bed and breakfast. The developer, the Parkers and the staff of the Park Planning and Development Division have reached agreement on the boundaries of a parcel to be created for the Edelen House site. This 3.2 acre parcel (M3) will be bordered on the east by New Piscataway Road and to the south by an access road to be shared with the future park. This access road will be an extension of Road BB from the point where it intersects with New Piscataway Road. The residual land in this tract to be dedicated for public park use is 22.52 acres. Although the Parkers expressed an interest in a larger site that included the 3.5 acres of fields in front of the house extending to Floral Park Road, the Parks Department is intent on keeping this land (parcel M3) in public park ownership. A lease arrangement between the Parkers and the Parks Department will be entertained at an appropriate time in the future."
 - c. "In compliance with zoning condition number 39 which calls for these front fields to remain in a rural character as part of a defined environmental setting, the Parks Department intends that this portion of the site would not be developed in active park uses. It was further noted during discussions with the developer that recreational development on the remaining portion of the site would not involve any active uses that were visually uncomplimentary to the historic house setting."
 - d. "Based on information from the developer that the proposed stormwater management facility

shown on the future public parkland located north of Floral Park Road will be a dry pond, this feature should be deleted from the dedication area. This request is based on the Parks Department's current policy of not allowing dry ponds on parkland. The developer has also indicated the possibility that the existing pond on the proposed 36-acre park dedication may be needed as a stormwater management (wet) pond for the development. Should this need arise, the pond shall be designed as an amenity feature with recreational accents such as trails and benches. The design and construction of the pond shall meet the Parks Department's technical and aesthetic guidelines for these amenities and be reviewed and approved by this agency."

- e. "With the exception of tree conservation plan impacts on proposed public parkland, the submitted CDP and subsequent revisions committed to by the developer are in conformance with relevant planning guidelines and zoning and subdivision requirements pertaining to public parks, recreation and open space. The developer proposes to dedicate a total of about 111 acres for public parkland. This exceeds the requirements for mandatory dedication and will make a valuable contribution towards implementing Master Plan goals for acquiring parkland in the Piscataway/Accoceek community and the Piscataway Stream Valley."

In a supplementary memorandum (Anderson to Komes and Adams, March 9, 1994), the Department of Parks and Recreation provided revised comments regarding proposed tree conservation areas on land to be dedicated for public park use:

"Representatives of the applicant and this Department met recently to discuss the potential conflicts with the future development of active and passive public recreation amenities posed by the submitted Tree Conservation Plan (TCP) I. Based on these discussions, the DPR has agreed to support the TCP I subject to the following revisions to the Plan to be made by the applicant prior to CDP approval:

- (1) Revise forest conservation areas north of Piscataway Road to show tree save areas only on steep slopes. This would provide additional unrestricted developable land area for future active recreation improvements.
- (2) Remove finger of forest preservation area shown along swale extending between Historic Piscataway and New Piscataway Road, immediately east of its intersection with Livingston Road. This will create additional unrestricted developable land for future active recreation improvements."

"The DPR's support for the TCP I is also subject to approval by the Natural Resources Division (NRD) of management criteria to guide the potential development of passive recreation improvements (like trails) within tree save areas. These criteria will be developed in conjunction with the applicant at the time of TCP II submission. Should these management criteria not be approved by NRD, these areas may not be counted toward required tree preservation for this application. The Department of Parks and Recreation would therefore be allowed to develop passive recreation amenities in these locations."

20. The Trails Coordinator's memorandum (Hancock to Adams, February 3, 1994), made recommendations regarding an internal pedestrian/bike trail network which are evaluated in Finding 5 under discussion of

Basic Plan Condition 23. The Trails Coordinator also stated that the *Subregion V Master Plan* recommends that Floral Park Road and Danville Road be designated as rural collectors and Class III bikeways, and recommended that where the applicant is required to make any roadway improvements along these roads, the applicant shall construct an open road cross-section including 7- to 10-foot-wide hard-surface shoulders.

21. The Information Management Division (Valenza to Adams, March 8, 1994), stated that "While ...the projected population can support the total amount of [retail] space that is being proposed in the plan, the distribution of this space among four different sites may not lend itself to a viable operation." This Division concluded its comments with the remark that "...the portion [of retail space] in the L-A-C Zone seems too large and that in the three R-L Zones too small. Three or four centers, each no larger than 10,000 square feet, may be more viable."
22. The Community Planning Division (Rovelstad to Adams, February 3, 1994), made extensive comments concerning the Village at Piscataway proposal, among which appear the following points:
 - a. "The Master Plan recommends a neighborhood level activity center for the `Villages at Piscataway' property to emphasize the limited scope of commercial development appropriate for this area. While the village level L-A-C Zone was approved in the SMA, approved development conditions tend to limit it to the neighborhood level function. According to the description on page 16 of the CDP submittal, the amount of commercial development actually proposed is even less than that allowed by zoning restrictions and corresponds closely to that described for a neighborhood center on page 54 of the Plan text."

"More important, however, is the design of the proposed activity center. It is a uniquely designed focal point for the surrounding community, both new and old. This kind of design concept, sensitive to relationships between public and private space, conforms to objectives of the master plan for development of new commercial centers and helps to establish community identity."
 - b. "... Development policies for the Suburban Estate/Low Density Planned Neighborhood Development category encourage use of traditional village development themes to achieve distinctive, well designed neighborhoods and even more effectively preserve the open, rural character of the landscape. Thus, the `village' design theme of this proposal, which is achieved by utilizing the flexibility of comprehensive design zone techniques, is fully supported by Plan concepts for this area. The proposed use of public spaces and community facilities as a focal point for each village is especially interesting and should help to foster neighborhood identity."
 - c. The Community Planning Division also expresses reservations in their memorandum concerning the design of the Danville Estates portion of the plan in light of the Master Plan recommendation that this area remain in Semi-Rural land use. Subsequent discussions with the applicant resulted in refinement of design standards which should result in a more rural character for Danville Estates.
23. The following tables have been taken from the CDP text and represent the applicant's density calculations based on the provision of public benefit features in accordance with Section 27-496 for development in the L-A-C Zone, and Section 27-514.10 for development in the R-L Zone.

L-A-C Zone Density Calculations/
 Public Benefit Features

<u>Total Acreage:</u> 19.98 acres		
<u>Density</u>	<u>Residential</u>	<u>Commercial</u>
Base	10 DU/Gross Acre	0.20 FAR/Gross Acre
Maximum Allowable	15 DU/Gross Acre	0.31 FAR/Gross Acre
Base Number of Units/ Base Commercial sq. ft.	132.3 Dus	47,044 sq. ft.
The Villages at Piscataway Proposal (140 DUs and 30,000-45,000 commercial sq. ft.)		
* Per Section 27-496(e) of the Prince George's County Zoning Ordinance this figure does not include MPDUs.		

Density Increment Factors				
PUBLIC BENEFIT FEATURES	MAXIMUM ALLOWABLE INCREMENT FACTOR	EARNED INCREMENT FACTOR	INCREASE ALLOWED IN BASE DENSITY	INCREASE ALLOWED IN DWELLING UNITS
2. For improved common recreational space/private open space	10%	10%	1.0 DUs/acre	13.23
3. For pedestrian system separated from public right-of-way	10%	10%	1.0 DUs/acre	13.23
4. For public facilities	20%	20%	2.0 DUs/acre	26.46
5. For distinctive streetscape design	5%	5%	.5 DUs/acre	6.61
6. For preserving irreplaceable features	5%	5%	.5 DUs/acre	<u>6.61</u> 66.14

R-L Zone Density Calculations/
 Public Benefit Features

Total Acreage: 818.8 acres (including 50% of 100-year floodplain)				
<u>Density</u>	<u>Residential R-L 1.0</u>		<u>Total Dwelling Units</u>	
Base	1.0 DUs/Gross Acre		818 DUs	
Maximum Allowable in R-L Zone	1.5 DUs/Gross Acre		1,228 DUs	
The Villages at Piscataway Proposal (1,000 Dwelling Units)	1.22 DUs/Gross Acre		1,000 DUs	
Density Increment Factors				
PUBLIC BENEFIT FEATURES	MAXIMUM ALLOWABLE INCREMENT FACTOR	EARNED INCREMENT FACTOR	INCREASE ALLOWED IN BASE DENSITY	INCREASE ALLOWED IN DWELLING UNITS
1. For open space land at ratio of 3.5 acres/100 DUs	25%	25%	.25 DUs/Acre	204.5
2. For enhancing existing physical features	2.5%	2.5%	.025 DUs/Acre	20.4
3. For pedestrian system separated from public right-of-way	5%	5%	.05 DUs/Acre	40.9
4. For recreational development of open space	10%	10%	.10 DUs/Acre	81.8
5. For creating activity centers with space provided for quasi-public services	10%	5%	.05 DUs/Acre	<u>40.9</u> 388.5

In the L-A-C zone area of the site known as Bailey Village, the base residential density is 132 units. The applicant proposed 140 residential units plus 14 required moderately priced dwelling units. The additional 8 units over the base density are easily justified by the public benefit features proposed by the applicant; however the staff disagreed with the total increase (66.14 units) which the applicant felt would be allowed based on the public benefit features proposed.

The applicant should be given full credit for the open space provided in the village squares in Bailey Village, approximately 21,600 square feet, but not for the open space at the corner of New Piscataway Road and Floral Park Road as it will not meet the requirement for recreational use. This modification would permit an increase of 10.21 units.

There is no pedestrian system separated from the public right-of-way in Bailey Village and therefore there is no justification for a density increase included in the applicant's proposal.

Under the current proposal the Edelen House will be sold to a private party and therefore no longer meets the criteria or definition of a public facility. The staff does agree with the density increase obtained by providing a distinctive streetscape design and for the willingness to ensure that the Edelen House will be preserved in its historic environmental setting. The total increase in density based on the provision of these public benefit features would be a total of 23.43 units. Several conditions have been included to ensure that these public benefit features will be provided.

The current proposal for commercial space within Bailey Village is under the base .20 floor area ratio per gross acre allowed in the L-A-C zone and therefore does not require further justification. The applicant proposed 30,000-45,000 square feet which is .10-.15 F.A.R. per gross acre.

In the R-L portion of the site, the base residential density permits 818 dwelling units. The application proposed a maximum of 1,000 dwelling units and up to 9,000 square feet of commercial space. The applicant provided the justification for an additional 388.5 units over the base residential density. The staff disagreed with this justification and included several conditions of approval which address these discrepancies.

In the R-L and in the L-A-C portions of the development, the sidewalks within the right-of-way form the basis for the pedestrian system. There are, however, several short segments of trail separate from the sidewalk system that the developer will be responsible for constructing. This includes the hiker/biker trail in the Pepco right-of-way, a trail along the west side of old Piscataway Road from the bridge to the intersection with Floral Park Road, and a section of trail along the south side of Floral Park Road across the Bailey Village frontage. The applicant should receive an increase in the base density of 3 percent or 24.54 units.

The applicant should receive full credit for open space land provided at a ratio of 3.5 acres/100 DU's. The proposal included an 18-hole championship golf course, a swim center/community building, a tennis complex and five neighborhood parks, several of which will have play areas. This recreational development of open space justifies the requested increase in density. The applicant stated that the swim center will be developed as a community center with a meeting room for civic activities. The staff agrees with the applicant that the five percent density increase is justified through the provision of this facility.

The total density increase in the R-L portion of the development based on the provision of these public benefit features is 372.14 dwelling units, and therefore the applicant's proposal for 182 units over the base density is clearly justified.

A letter dated January 17, 1994, was received from Mary Forsht-Tucker, a county resident involved with the Subregion V Coalition, which evaluates the Public Benefits and Density Determinations contained in the CDP. The letter contained some important points which the staff incorporated into its Conditions.

24. The Comprehensive Design Plan does not propose standards for tree-planting requirements on individual lots with detached houses. In order to insure that trees in addition to those in the public right-of-way are planted to improve the appearance and air quality of residential areas, the requirements of the *Landscape Manual* should be applied for plantings on lots with detached houses. Because of space restrictions in areas of attached housing, the on-lot plantings in those areas should be determined at the time of Specific Design Plan.
25. At the intersection of Livingston Road, New Piscataway Road and Floral Park Road, Parcel M-4 (as identified on the master Preliminary Plat of Subdivision) in the northeast quadrant will be a highly visible "gateway" from the south and west into both historic Piscataway Village and the new Villages at Piscataway. The applicant's proposal to dedicate land for a fire station at this location recognized the need for a significant civic building or other "statement" there. As reported in Finding 14.f., a fire station will not be built in this location, and in accordance with Basic Plan Condition 35 it will be lotted for residential uses instead, but the need for a physical acknowledgement of the "entrance" character of this intersection remains. Accordingly, the applicant should be required to provide an entryway "landmark" at this location on a separate parcel to be dedicated to the homeowners' association. This "landmark" should consist of a statue, monument, obelisk or other architectural or artistic statement, combined with complementary earthwork and landscaping if appropriate.
26. The applicants provided the following private recreational facilities in addition to the golf course:
 - A Village Green in Bailey Village.
 - A Tennis Complex in Glassford Village South (four tennis courts and a multipurpose court).
 - A Village Green in Edelen Village South.
 - A Swimming Center in Edelen Village North.
 - A Village Green in Lusby Village.

Each of the Village Greens will contain a focal point, as described in the revised CDP text: "Focal points may be buildings (i.e., the swim center), pavilions, flag poles, statues, fountains or similar elements." Insufficient information is provided in the application regarding the nature of the Swimming Center, the timing of construction of this and the other facilities, and the character of certain other facilities such as children's play areas. Therefore, Conditions 32, 33 and 34 are provided.

27. The plan does not provide sufficient guarantees that the required porches and fences will be constructed in phase with the development as a whole. Therefore, Conditions 30 and 31 are provided.
28. An important character-lending feature of traditional and neotraditional towns is the regular planting of street trees. Street trees define the pedestrian space and provide visual separation between the public right-of-way and private lots. The application includes numerous illustrative drawings which acknowledge the importance of street trees in neotraditional town planning. It is the applicant's intention to build the development in phases with potentially numerous builders involved in different phases. Therefore it is critical that a master landscape plan be established which identifies the recommended street tree spacing and tree species for all of the streets within the villages and in Danville Estates.
29. The original landscape concept for Danville Estates was for a "rural image." Although the lots in Danville Estates will be generally larger and wider than the lots in the villages, the staff was informed that a rural open ditch section type road will probably not be possible because of the extremely level nature of this portion of the site. Therefore even if it will be possible to save trees in many of the front yards, a regular street tree planting may still be preferable in order to provide continuity with the villages and to reinforce the desired image for this portion of the site.
30. The applicant's proposal for Bailey Village (the L-A-C portion of the site), includes a prominent building "for a major institutional or civic building, such as a church". At this time, the responsibility to build, operate and maintain this important building is uncertain. The developer stated that he may donate the property to an individual or entity who will agree to build the building, using the approved architectural standards, and maintain and operate it. Because the L-A-C portion of the project will probably be the last phase to be built, and because the disposition of this critical element in this portion of the site will most likely be uncertain for some time, it is imperative that some general standards for the building be established at this time. (See Condition 35).
31. The proposed 18-hole championship golf course is a unique feature of the development proposal. The applicant stated that the golf course clubhouse is intended to be an important building within the community and will be "placed to create a focus for sight line vistas." The applicant also stated that the golf course will be sold to a golf course developer and will most likely be the first part of the project to be developed. To ensure that the vision for the clubhouse as held by the developer, the staff, and the community is realized, it is important at this time to create some general standards for the clubhouse architecture and site grading and development, including landscaping and parking lot screening.

32. A fundamental aspect of neotraditional town planning is the creation of a pedestrian-friendly environment with all destinations located within comfortable walking distance. The applicant proposed sidewalks on both sides of all roads within the development, except in Danville Estates, where a rural image is proposed. The use of a special paving material, characteristic of traditional towns, such as concrete unit pavers or brick, should be used in highly visible areas with intense pedestrian use such as along the spine road, throughout Bailey Village, and around the inside and outside of the village greens, if acceptable to the Department of Public Works and Transportation.
33. 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 640th 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.

The applicant 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 818th 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.’”

The staff basically agreed with the applicant’s proposal and recommended that the Planning Board include an additional condition to be added to the previous conditions of approval. The staff recommended the following language to the Planning Board;

Prior to the issuance of the 818th residential building permit for the entire project, and prior to the issuance of any commercial 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.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type I Tree Conservation Plan (TCPI/9/94) and further APPROVED the Comprehensive Design Plan for the above-described land, subject to the following conditions:

1. Prior to signature approval of the Comprehensive Design Plan, the following revisions shall be made or information supplied:
 - a. The architectural and design standards for Glassford Village (northern section) shall be as specified in the *Piscataway Village Rural Conservation Study* (M-NCPPC, July 1991), primarily as shown on pp. 39-44, and shall also include the following:
 - (1) All new housing shall have facades constructed of natural materials such as brick, stone, wood clapboard or board and batten, or stucco. No vinyl or aluminum siding shall be permitted.
 - (2) All units shall have detached garages.
 - (3) No decks or fences constructed of pressure treated or other wood left to weather naturally shall be permitted.
 - (4) All units shall have their front yards fenced with a decorative fence.
 - (5) The lots in Glassford Village (northern section) shall not be of uniform size and shape, and shall have street frontages that are similar to those in the historic village (except for flag lots, which shall be allowed if determined to be appropriate at the time of the detailed Preliminary Plat for Glassford Village).
 - b. The following architectural standards for civic and institutional buildings, for structures in Bailey Village, and for all residential and commercial structures surrounding village greens shall be added to the text:
 - (1) All commercial structures in Bailey 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 foundations and/or lead walks, 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) Screening of off-street parking areas within Bailey Village from public and private streets (except alleys) and from the play areas of 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.

c. The following standard shall be added to the text:

No typical residential-style decks constructed of pressure-treated pine or other wood left to weather naturally shall be attached to a house, if the deck would be visible from the street, the golf course or any other public space. (This restriction does not apply to Danville Estates.)

Open decks shall only be permitted on rears of units.

Any deck visible from the street, the golf course, or any other public space shall be stained or painted to complement the color of the house.

Any deck visible from these areas shall incorporate design features and details which are evocative of traditional town architecture.

Any deck built above ground level shall have the undercroft screened from view by decorative lattice or other screening of similar durability and visual interest, if the undercroft is four feet or less in height.

- d. No fences constructed of pressure-treated or other wood left to weather naturally shall be permitted in North Glassford Village, Bailey Village or where visible from public streets, parkland or the golf course. Chain-link fences generally used to enclose recreation facilities shall be black vinyl-coated. All fences shall be painted or stained.
- e. The following standard shall be added to the text: All detached residential lots 50 feet wide or less at the street line shall be provided with one of the following: (1) an alley (if allowed by the Subtitle 24, Subdivisions, and other applicable provisions of the County Code) providing access to a garage (one- or two-car, detached or attached) to prevent garage doors from becoming an overly dominant element of the streetscape; or (2) a one-car garage accessed from the front street, with the front edge of the garage set back a minimum of 10 feet from the most recessed front facade plane of the house.
- 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.
- g. The following revisions shall be incorporated into the Architectural Guidelines Section of the CDP text:

- 1. Residential Architectural Guidelines for the Villages and Danville Estates

(The following are revisions to various Sections on pp. 33-37 of the CDP text.)

Architectural Elements

Facade Modulation/Articulation: Facade Modulation/Articulation shall reference the historic scale, facades and details in the historic architecture of the region. Architectural details or elements such as reverse gables, offsets, front, rear and side porches, both screened and unscreened, sunrooms, bay windows, and multiple wall planes should be combined and utilized to provide architectural character within the community.

Front and side facades of any one building on a corner lot shall be made of the same materials, similarly detailed. Corner lots are those at the intersection of streets with alleys, the golf course and parkland.

Gables atop brick facade walls shall be finished in brick, wood, stucco or a dryvit type material.

Architectural Materials

Building walls may be built of:

1. Smooth cut cedar shingles (4"-6" exposed to the weather)
2. Wood Clapboard (4"-6" inches exposed to the weather)
3. Wood beaded siding (7" exposed to the weather)
4. Wood board and batten siding
5. Masonite Superside hardboard siding, or equal, with smooth or textured pine finish, (not more than 7" exposed to the weather)
6. Brick in a horizontal running band pattern with no more than $\frac{1}{4}$ " raked joints
7. Fieldstone set in an uncoursed ledgerstone pattern.
8. Dryvit or equal
9. Restoration Series vinyl siding, or equal (4"-6" exposed to the weather)
10. Alcoa Aluminum siding, or equal (4"-6" exposed to the weather)

Rooflines: Roofs shall be simple and symmetrically pitched (except in the case of a true salt box). The roof pitch on the main structure shall be between 8:12 and 14:12. Intermixing of gable and hipped roofs is required to promote a visually exciting and animated streetscape. Roofs shall overhang a gable end a minimum of 8"; however, larger overhangs shall be provided on larger houses in the development. Skylights, solar panels, vent stacks, and other roof protrusions shall not be placed on a roof facing a street nor shall they be visually obtrusive from nearby streets.

Roofs may be built of cedar shakes, standing seam, slate, copper, artificial slate or asphalt composition shingle in black, dark brown, dark grey or grey/green colors.

Architectural Material Detail

(item numbers below refer to Sections on page 35 of CDP text).

3. Retaining walls shall be brick or stone in all yards which face a street or public area (excluding the golf course, except the area near the clubhouse). All other retaining walls not within view of a public area may be built of brick, stone, new timbers or finished concrete modular units.
5. Chimney enclosures which protrude from a facade shall be brick, stone or stucco.
6. A consistent vocabulary of window types shall be used for each house or building. For the most part, windows will be square or vertical in proportion. No more than one semi-circular, circular, octagonal, or hexagonal shall be used in any one facade. Bay windows on facades which face a street shall not be permitted on the second floor.
9. House foundation walls may be built of brick, fieldstone, parged block, or painted brick-form poured concrete. House foundation walls built of parged block, or painted brick-form poured concrete that are within public view from a street, or within view of the golf clubhouse, may be exposed up to 2 feet above the ground.

Porches

Location: Porches may be located on the front, side and rear of units.

Scale and Style: Porches should be of a scale and style that is compatible with the house. All sitting porches shall be functional and be a minimum of six feet deep. The undercroft of porches shall be skirted with wood or vinyl lattice.

Material: Porches shall be made of wood, concrete faced on three sides with stone or brick or be a combination of brick or stone piers and wood.

Color: Porches should utilize simple color schemes which are compatible with the colors of the house.

Garages and Outbuildings

All single-family detached lots shall have garages. Garage doors shall not exceed 9 feet in width if accessed from a street or 18 feet if accessed from an alley. Garage openings onto an alley shall be provided with a light fixture and a photocell.

Patios, Fences, Walls and Walks

Fences may be built of wood pickets, wood lattice, wood board, steel or wrought iron. The use of chain-link fencing on any lots other than those with community recreational facilities shall be prohibited. Fences shall be constructed so that the right side faces outward. All terminal posts in fences (corners, openings, ends, etc.) shall be more substantial in height and width than typical posts.

All fences shall be painted or stained when facing streets, the golf course, parks or other public open spaces. Fences built of steel or wrought iron shall be painted black. No board on board or stockade type fences, or unpainted fences built of pressure treated or other wood left to weather naturally shall be permitted.

Fences along streets on neighboring lots are encouraged to be of different designs.

Patios on single-family detached lots may only be located in side and rear yards not facing a public street.

The use of hedges to define lot lines shall be encouraged.

Lead walks shall be brick when connecting to a public brick sidewalk. Other walks and paths (other than those on park land or golf cart paths which may be asphalt) shall be brick, stone or concrete.

2. a. As part of the first Specific Design Plan for the Villages of Piscataway, the applicant, his heirs, successors and/or assigns, shall include the entire length of the New Piscataway Road within the boundaries of the Comprehensive Design Plan, and shall show how the road edge will be treated with elements such as walls, orchard plantings, other plantings of trees, native shrubs, grasses, and wildflowers, and preservation of existing trees or of unplanted open vistas.
- b. In those areas where New Piscataway Road is adjacent to the golf course, the full width of the required 50-foot golf course buffer shall be shown and full details shall be provided for landscape treatment of the buffer.
- c. When the Specific Design Plan for the golf course is submitted, the required 50-foot buffer shall also be shown along Danville Road and Floral Park Road, and shall be treated as described above for New Piscataway Road.
- d. The Specific Design Plan for the golf course shall also include information on the exact provisions of the plan which shall grant to each purchaser of a home and all future purchasers in the Villages at Piscataway some preferential membership terms at the golf course. This plan shall include one or more of the following or items similar to the following:

- (1) Discount on initiation fees
- (2) Discount on green fees
- (3) Preferential right to become member
- (4) Preferential starting times
- (5) Discount on yearly membership
- (6) Discount on lockers and/or other services

The plan shall be set forth in recorded covenants that run with the land and are noted on all record plats for the Villages at Piscataway.

- e. The Specific Design Plan for the golf course shall show the location of proposed streets and of all residential lots (as approved on the Comprehensive Design Plan) which are located adjacent to or in close proximity to the golf course. The Specific Design Plan shall show overlaid on the golf course and adjacent streets and lots a graphic study, prepared by a certified golf course architect, of the most likely direction and distance of the errant golf shots expected from all tee locations of all holes except Numbers 12, 13 and 14, and from all other locations on these holes from which errant shots may be expected.

If, in the judgment of the Planning Board, the layout of the golf course presents too great a hazard to residents or their property, the golf course layout shall be revised or, if this is not possible, the affected areas of residential lots shall be prohibited for residential use and shall become homeowners' open space or part of the golf course.

- f. The Specific Design Plan for the golf course shall set forth the detailed design of the proposed surface and groundwater monitoring program for the golf course, all measures proposed to reduce the transport of nutrients and pesticides into the watershed, exact operational details of the integrated pest management system, and proposed measures for incorporating wildlife habitat enhancement into the golf course design.
- g. The Specific Design Plan for the golf course shall illustrate the entire network of golf cart paths and demonstrate that they are completely separate from all other proposed trails.

3. Prior to approval of any Final Plat for the Villages of Piscataway, the following shall be accomplished:

The Historic Property Security Agreement between the applicant and M-NCPPC shall be executed and recorded, and a note referencing the agreement shall be placed on the Final Plat.

4. Prior to approval of any grading permit for the golf course, for the construction of New Piscataway Road, or for any development north and west of New Piscataway Road within the boundaries of the Comprehensive Design Plan, the following shall be accomplished:

- a. The applicant, his heirs, successors and/or assigns, shall complete the Phase I archeological survey for the entire archeological survey area.
- b. The Phase I archeological survey shall be reviewed and accepted by staff of the Historic Preservation Section.
- c. The exact boundaries of any areas where Phase II and Phase III surveys will be required will be mapped and agreed upon by the applicant and the Historic Preservation Section.

Prior to any grading permits for any area where a Phase II or Phase III archeological survey is agreed upon, that survey shall be completed by the applicant, his heirs, successors and/or assigns, and shall be reviewed and accepted by staff of the Historic Preservation Section.

5. The Historic Piscataway Preservation Fund shall be administered according to the following:
 - a. Funds shall only be given for projects associated with the historic village, which shall be defined as those parcels located on Floral Park Road, between Livingston Road and Piscataway Road, and not included in this application. Significant consideration shall be given in the administration of the fund to preserving historic structures.
 - b. Projects requiring a Historic Area Work Permit in accordance with the County Historic Preservation Ordinance (Subtitle 29) shall receive approval by the Historic Preservation Commission prior to disbursement of any funds, and shall comply with the Secretary of the Interior's Standards for Rehabilitation and the County's Historic Preservation Ordinance.
 - c. All meetings of the Piscataway Preservation Corporation shall be open to the public; input from interested parties shall be encouraged.
 - d. The membership of the Piscataway Preservation Corporation shall be changed to delete a representative of the Prince George's County Executive and to add a representative of Prince George's Heritage, Inc.
 - e. The Articles of Incorporation, Bylaws, or any other documents which formally establish the rules of procedure for the Piscataway Preservation Corporation shall be reviewed by the Planning Board, or its designee, prior to the disbursement of any funds.
6. An eight-foot-wide asphalt trail connection shall be shown (instead of a 4'-0" sidewalk) on CDP Figure 22 along Floral Park Road from Piscataway Road east to the entrance road into Bailey Village. This trail segment and the connecting segment extending north along Piscataway Road to the master plan trail along Piscataway Creek shall be bonded prior to release of any permits for Bailey Village, and shall be constructed prior to release of 50 percent of the residential building permits in Bailey Village, or permits for the first 20,000 square feet of retail or office in Bailey Village, whichever comes first. The Recreational Facilities Agreement encompassing Bailey Village shall reflect these requirements.

If the applicant, his heirs, successors and/or assignees, is unable to obtain easements necessary to construct this trail, the trail or alternative arrangements approved by the Trails Coordinator and the Department of Public Works and Transportation (DPW&T) shall be built in the public right-of-way.

7. The master plan trail segment on or adjacent to the PEPCO right-of-way across the southeast corner of the property and the trail connection from this trail into Danville Estates shall be bonded prior to release of any building permits for Danville Estates, and shall be constructed prior to release of 50 percent of the building permits for Danville Estates. A Recreational Facilities Agreement encompassing Danville Estates shall reflect these requirements.
8. Prior to approval of each Specific Design Plan, the Trails Coordinator shall determine which streets, if any, shall be designated "bikeways." The applicant, his heirs, successors and/or assigns, shall indicate on the plan, following consultation with the Trails Coordinator and the Department of Public Works and Transportation (DPW&T), at which locations along the "bikeway" streets appropriate signs (or other appropriate treatment) shall be installed.
9. A 100-year Floodplain Study or Studies shall be approved by the Flood Management Section of the Department of Environmental Resources (DER) for each drainage area greater than 50 acres in size. Prior to approval of each Specific Design Plan or detailed Preliminary Plat of Subdivision, whichever comes first, a floodplain study shall be approved for any floodplain that is adjacent to or affecting the area of the plan.
10. A Stormwater Management Concept Plan shall be approved by DER prior to approval of the first Specific Design Plan or the first detailed Preliminary Plat of Subdivision, whichever comes first.
11. Prior to approval of the master Preliminary Plat of Subdivision, the applicant, his heirs, successors and/or assignees, shall submit a geotechnical report verifying the presence or absence of Marlboro clay in the southwest portion of the property in accordance with DER criteria. In areas where it is determined that Marlboro clay might affect structural stability, a detailed geotechnical report shall be submitted for review and verification by the Natural Resources Division prior to approval of any detailed Preliminary Plat of Subdivision.
12. The master Preliminary Plat shall include a conceptual layout of water and sewerage services including off-site connections and evaluation of alternations.
13. Prior to submittal of each Specific Design Plan, the applicant, his heirs, successors and/or assigns, shall field locate the specimen trees specified by the Natural Resources Division.
14. Prior to submission of each Specific Design Plan, the applicant, his heirs, successors and/or assignees, shall confer with the Natural Resources Division regarding appropriate wildlife management measures to be employed in the portion of the development which is the subject of that Specific Design Plan.

15. The applicant, his heirs, successors and/or assignees, shall dedicate 72□ acres of land located on the north side of Floral Park Road, to the M-NCPPC for future park use as shown on DPR staff Exhibit B.
16. The applicant, his heirs, successors and/or assignees, shall dedicate 36□ acres of land located in the southwest quadrant of Floral Park Road and New Piscataway Road, to the M-NCPPC for future park use as shown on DPR Staff Exhibit B. This dedication excludes the 3.1□ acre parcel created around the Edelen House which will be acquired by a private interest.
17. In the event that the developer determines a need to use the existing pond on the land to the south of the Edelen House as a stormwater management facility for the development, the design and construction of the pond shall conform with the Department of Parks and Recreation's technical and aesthetic guidelines for these features. The Department of Parks and Recreation shall review and give final approval of the pond.
18. The land to be dedicated to the M-NCPPC shall be subject to the conditions of DPR Staff Exhibit A.
19. The applicant, his heirs, successors and/or assignees, shall work with the DPR to develop management criteria to guide the possible future development of passive recreation facilities within required tree conservation areas designated on land to be dedicated to The M-NCPPC for public park use. These criteria will be subject to the approval of the DPR and the NRD of the Planning Department at the time of TCP II submission. Should these criteria not receive final approval by the NRD, the applicant, his heirs, successors and/or assigns, shall not be allowed to count these areas as tree conservation and the Department of Parks and Recreation shall be allowed to develop passive recreation facilities in these locations. The precise location of these areas will be determined by the DPR at the time of TCP II submission.
20. Prior to the issuance of any building permit for Stage I (780 dwelling units, up to 30,000 square feet of office, and up to 15,000 square feet of retail, but not including Parcel G and the Edelen House for the staging of transportation improvements), the following improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:
 - a. MD 210 and Livingston/Swan Creek Road:
 - Provide a 200-foot westbound channelized right-turn lane along Livingston Road.
 - Provide a fourth northbound shared through/right-turn lane along MD 210 beginning 500 feet south of Livingston Road and extending approximately 2,800 feet north of Livingston Road.
 - Provide a fourth southbound through lane along MD 210 beginning 500 feet north of Swan Creek Road and extending approximately 2,800 feet south of Swan Creek Road.

- Provide exclusive through and a shared through/left-turn lane on the westbound approach of Livingston Road
- b. MD 223 and Livingston Road/site access
 - Provide, at least, exclusive through, right-turn, and left-turn lanes on all approaches to the intersection.
 - Install a signal, provided it is deemed warranted by SHA.
- c. Livingston Road and Farmington/Berry Road
 - Provide an exclusive 250 foot left-turn lane along eastbound Farmington Road.
 - Provide an exclusive 450-foot left-turn lane along southbound Livingston Road.
 - Install a signal, provided it is deemed warranted by DPW&T.
- d. MD 223 and Floral Park Road
 - Provide an exclusive 110-foot left-turn lane along westbound Floral Park Road.
 - Provide an exclusive 150-foot left-turn lane along southbound MD 223.
 - Install a signal, provided it is deemed warranted by SHA.
- e. Livingston Road and Old Fort Road South
 - Install a traffic signal, provided said signal is deemed warranted by DPW&T.

All improvements shall be constructed in accordance with the design standards of the responsible highway agency. The applicant, his heirs, successors and/or assigns, shall submit acceptable signal warrant studies for all proposed signals prior to the approval of Specific Design Plans for any portion of Phase I (except for Parcel G), with the signals to be installed by the applicant, the applicant, his heirs, successors and/or assigns, at any time during Phase I or II of this project that the responsible highway agency deems the signal to be warranted.

- f. The applicant, his heirs, successors and/or assignees, shall construct the initial half section of the relocation of MD 223 (A-54) through the subject property along the right-of-way shown on the CDP in accordance with SHA design standards.

21. Prior to the issuance of any building permit for Stage II (360 dwelling units, up to an additional 15,000 square feet of retail, up to an additional 30,000 square feet of office), the following improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with SHA or DPW&T:
- a. Livingston Road and Old Fort Road:
 - Provide an exclusive 225-foot left-turn lane along southbound Livingston Road.
 - Provide an exclusive 225-foot right-turn lane along northbound Livingston Road, if a traffic signal is installed at this location.
 - b. Livingston Road and Washington Lane:
 - Provide a southbound through lane along Livingston Road beginning 300 ft. north of Washington Lane and extending approximately 800 feet south of Washington Lane.
 - Widen the northbound approach to provide a left-turn bypass lane along Livingston Road, if a traffic signal is installed at this location.
 - Install a signal, provided it is deemed warranted
 - c. MD 210 and Farmington Road:
 - Provide a free-right lane along westbound Farmington Road with a 700-foot acceleration lane along northbound MD 210.
 - Provide an exclusive 160-foot left-turn lane along eastbound Farmington Road.
 - Provide a second left-turn lane on southbound MD 210.
 - d. Livingston Road and Farmington/Berry Road
 - Provide an exclusive 225-foot left-turn lane and a 225-foot right-turn lane along northbound Livingston Road.
 - Provide an exclusive 250-foot right-turn lane along southbound Livingston Road.
 - Provide an exclusive 315-foot right-turn lane along eastbound Farmington Road.
 - Provide an exclusive 350-foot right-turn lane along westbound Berry Road.
 - e. MD 223 and Gallahan Road
 - Install a traffic signal, provided said signal is deemed warranted by the SHA.

- f. MD 223 and the site entrance
 - Install a traffic signal, provided said signal is deemed warranted by the SHA.
- g. MD 210/Old Fort Road South
 - Provide a fourth southbound through lane shared with the right-turn lane on MD 210, and extend this lane 800 feet south of Old Fort Road South.

All improvements shall be constructed in accordance with the design standards of the responsible highway agency. The applicant, his heirs, successors and/or assigns, shall submit signal warrant studies for all proposed signals prior to the approval of Specific Design Plans for any portion of Phase II, with the signals to be installed by the applicant, his heirs, successors and/or assigns, at any time during Phase II of this project that the responsible highway agency deems the signal to be warranted.

- 22. The applicant, his heirs, successors and/or assignees, shall dedicate the following facilities in accordance with DPW&T or SHA requirements:
 - a. MD 223 (A-54)--arterial--120-foot right-of-way.
 - b. Floral Park Road (east of A-54)--collector--80-foot right-of-way.
 - c. Livingston Road--collector--80-foot right-of-way.
 - d. Danville Road--rural collector--80-foot right-of-way.
- 23. The applicant, his heirs, successors and/or assignees, shall, in cooperation with DPW&T and Planning Department staff, implement strategies that will maintain lower speeds on certain internal streets within the subject property. These include:
 - a. The roadway which connects Parcels B, C, and D.
 - b. The roadway which connects Parcels D and A.
 - c. The roadway which connects Parcels D, E, and F.
- 24. All structures shall be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standard 13 and 13D.
- 25. a. Prior to the approval of Final Plats that contain individual residential lots except for the Edelen House lot, a developer contribution not to exceed the amounts calculated below shall be paid. This developer contribution shall be calculated as follows:

- (1) At the time of approval of Final Plats for the first 508 residential units, there shall be no contribution.
- (2) Prior to the approval of Final Plats for the 509th residential unit and all remaining residential units, a developer contribution of \$905.07 (adjusted to 1994 dollars using the consumer price index) per unit shall be paid.
- (3) At the time of approval of Final Plats for the MPDUs, there shall be no contribution required.

The \$905.07 per unit developer contribution is based upon current Prince George's County Public Schools student projections. If this development becomes subject to a school facility surcharge or other exaction (monetary or otherwise) in whole or in part for the benefit of schools, the developer contribution required by this condition shall be reduced by the amount of the surcharge or exaction.

- b. With regard to the proposed elementary school site, the 12-acre site as shown on the Comprehensive Design Plan shall be dedicated at such time as the Board of Education requests. Such dedication shall occur no later than the time when the residential lots are approved for Final Plat for North/South Danville Estates. Such dedication is subject to State approval. If in the event, the State wished to adjust the exact configuration or location, such adjustments shall be made during review of the Preliminary Plat for the individual lots in the North/South Danville Estates area.
26. Prior to certificate approval, the following additional standards and requirements shall be added to the CDP text or plans:
- a. On all single-family detached lots, on-lot tree planting requirements shall be based on the size of the lot as stated in Section 4.1 of the *Landscape Manual*. Planting requirements for attached housing shall be determined at the time of Specific Design Plan.
 - b. The applicant, his heirs, successors and/or assignees, shall deed to the homeowners association a minimum 10,000-square-foot-parcel in the southwest corner of Parcel M4 (in the northeast corner of the intersection of New Piscataway Road and Livingston Road). On this parcel the applicant, his heirs, successors and/or assigns, shall construct a "gateway feature" which shall consist of a statue, marker, monument, obelisk or other architectural or artistic statement (combined with complementary earthwork and landscaping, if appropriate) which commemorates some person, group, event or activity which is significant in the history of the Piscataway area or Prince George's County. The Specific Design Plan for Glassford Village North shall include plans and renderings for the proposed gateway feature, which shall be subject to review and recommendation by the Historic Preservation Commission as well as the Planning Board. This gateway feature shall be constructed prior to release of 50 percent of the building permits for Glassford Village North.

- c. A master street tree planting framework shall be provided which specifies a street tree type and typical tree spacing for each street in the villages and in Danville Estates.
 - d. Architectural standards shall be provided for the golf course clubhouse as well as general standards for site grading and development including landscape planting and parking lot screening. This will also include standards for how the tunnel under new Piscataway Road will be constructed and the proposed treatment of the tunnel endwalls.
 - e. A note shall be added to the plans which states that if acceptable to the Department of Public Works and Transportation, special sidewalk paving, characteristic of traditional towns, such as concrete unit pavers or brick, shall be used along the main spine roads (Road A, AA, AAA, B1, BB, BBB and DD), throughout Bailey Village and around the interior and exterior of the village greens. At the time of the first SDP which contains any one of these areas, the paving material shall be selected and approved for the rest of these areas.
 - f. A section shall be added to the text which includes general standards for special decorative lighting (if acceptable to DPW&T), and street furnishings which shall be used throughout Bailey Village, around the village greens and at the tennis and swim centers.
 - g. The density increment tables shall be revised in accordance with Finding 23.
27. Prior to submission of the first SDP for the Danville Estates section, a plan with the proposed grading shall be submitted to Urban Design for review which identifies the tree save areas, the proposed units, and the street network in order to determine whether a street tree planting scheme and sidewalks would be desirable.
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.
29. A minimum of 25 percent of the single-family detached houses in each village shall have a front porch. By the time 50 percent of the permits for detached houses in any village have been released, at least one-half of the required number of porches shall have been built.
30. A minimum of 50 percent of the single-family detached lots in each village that are 50 feet or less in width shall have a hedge, fence or wall (as specified on page 25 of the CDP text) in the front yard. (This condition does not apply to Glassford Village North.) A significant percentage of all three optional treatments shall be required; however, fences are the preferred option. By the time 50 percent of the permits for the affected lots in any village have been released, at least one-half of the required hedges, fences or walls shall have been installed.

31. The Swimming Center shall be equipped with a meeting room that will accommodate a minimum of 100 people, and a kitchen, as well as the normal bathhouse facilities. The swimming pool itself should include the following features:
 - a. Zero depth entrance: wide ramps and/or recessed stairs to provide easy access for young children, the disabled and seniors.
 - b. Adequate shallow water: an area of water depths from two to three feet for children learning to swim.
 - c. Lap swimming lanes: a noncompetitive pool should have at least three lap lanes with a minimum 20-meter length and minimum depth of 3.5 feet.
32. The private recreational facilities shall have bonding and construction requirements as follows, all of which shall be incorporated in recreational facilities agreements (as specified in the *Parks and Recreation Facilities Guidelines*) prior to Final Plat of Subdivision.

Facility	Bond Posted (or other suitable financial guarantee, suitability to be judged by the General Counsel's Office of M-NCPPC)	Construction Completed
Village Green in Bailey Village (including "focal point" and any children's play area).	Prior to release of any building permits in Bailey Village.	Prior to release of 50% of the residential building permits in Bailey Village, or permits for the first 20,000 square feet of office or retail, whichever comes first.
Tennis Complex in Glassford Village South	Prior to release of any building permits in any village.	Prior to release of the 500th residential building permit for the development as a whole.
Village Green in Edelen Village South (including "focal point" and any children's play areas)	Prior to release of any building permits in Edelen Village South	Prior to release of 50% of the building permits in Edelen Village South
Swimming Center in Edelen Village North	Prior to release of the 250th building permit in any village.	Prior to release of the 500th residential building permit for the development as a whole.
Village Green in Lusby Village (including "focal point" and any children's play areas).	Prior to release of any building permits in Lusby Village.	Prior to release of 50% of the building permits for Lusby Village.

33. At the time of Specific Design Plan, the applicant, his heirs, successors and/or assignees, shall demonstrate that the proposed pre-school and school-age play areas comply with the following:
- a. The play areas shall be designed to be as harmonious as possible with the neotraditional design theme in terms of design, details, color and other characteristics.
 - b. A minimum of one-third of the features in each play area shall be usable by handicapped children and shall be accessible to the handicapped by means of smooth resilient surfacing which is flush with the edges of the play area. (Prior to submission of any affected Specific Design Plan, the applicant shall confer with the Urban Design Review Section on means for fulfilling this condition.)
34. All stormwater management (SWM) ponds shall be designed to fit harmoniously into the site by means of naturalistic and irregular contours and grading in keeping with the general topography of the area. All SWM ponds shall be designed as an amenity with special attention to appearance of inlet and outlet structures, to pond edge treatment, landscaping, location of trails, elimination of rip rap channels where possible, and other aesthetic considerations.

35. The developer will provide free of charge a parcel of land within the 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 not exceed thirty-six (36) feet in height. The building shall contain a spire, clocktower, bell tower or similar architectural feature, which may exceed the thirty-six (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 the 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 in Bailey's Village in accordance with the CDP conditions. Efforts to find such a group to 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 first building permit in Bailey's 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.
36. Prior to approval of the master Preliminary Plat for the Villages of Piscataway, the applicant, his heirs, successors and/or assignees, shall submit the conceptual plans for the design and alignment of Piscataway Road extended which show the road and its relationship with the Edelen house and the historic setting. Information including the horizontal and vertical curvature, design speed, number of travel lanes, median width (if any), and typical cross-sections shall be submitted in order to ensure that the road design is sensitive to, blends in with and has the least impact on the historic setting.
37. Prior to the issuance of the 818th residential building permit for the entire project, and prior to the issuance of any commercial 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.

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 @, seconded by Commissioner @, with Commissioners @ voting in favor of the motion, at its regular meeting held on Thursday, October 28, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of November 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:SA/LK:SL:rmk