

Case No.: A-9988-C-01
The Villages at Timothy Branch

Applicant: Timothy Brandywine Investments
One, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 5 –2020

AN ORDINANCE to amend the Basic Plan previously approved by the District Council in Zoning Map Amendment A-9988.

WHEREAS, the undeveloped subject property is located east of US Route 301 (Crain Highway) and MD 5 (Branch Avenue) on the south side of Brandywine Road, in the eastern and western quadrants of its intersection with Mattawoman Drive; and

WHEREAS, the Application is consistent with the recommendations of the current approved General Plan for Prince George's County (Plan 2035), that placed the subject property within the Established Communities Growth Policy Area, which recommends "context-sensitive infill and low to medium-density development;" and

WHEREAS, the Subregion 5 Master Plan, approved after the original A-9988 approval of the L-A-C Zone, delineated the limits of the Core and Edge areas of the Brandywine Community Center; and

WHEREAS, the defined center included a portion of the R-M zoned component of the overall Villages at Timothy Branch development, but did not extend the limits as far as the subject L-A-C zoned portion; and

WHEREAS, however, the land use recommendation for the subject property is for Mixed Use land use, consistent with the Brandywine Community Center core area, and the edge areas north of the planned A-55 alignment; and

WHEREAS, the Master Plan text describes the area of the subject property as follows:

The northeastern community center edge includes a portion of the Villages at Timothy Branch community. This community would include a mix of residential uses, predominately single-family attached and detached housing. The developer concept for the northern portion of the Villages at Timothy Branch community includes a mixed commercial and residential node near the intersection of A-63 and MD 381 (Brandywine Road); and

WHEREAS, the property is surrounded by the following uses:

North:	Across Brandywine Road is undeveloped land in the M-X-T (Mixed Use Transit) Zone, single-family detached homes to the northeast in the R-R (Rural Residential) Zone, and medical office building (Medstar Health at Brandywine) in the 1-1 (Light Industrial) Zone
East:	Single-family detached homes in the R-R Zone and Timothy Branch Stream Valley
South:	The developing Timothy Branch Community in R-M (Residential Medium Development) Zone
West:	Industrial uses in the 1-3 (Planned Industrial/Employment Park) and E-1-A (Employment and Industrial Area) Zones, and vacant land in the R-M Zone; and

WHEREAS, the approved neighborhood of A-9988 encompassed all property within one mile of the subject property; and

WHEREAS, given the land and infrastructure development that has occurred since its initial approval and the subsequent delineation of the Brandywine Community Center by the July,

2013 Subregion 5 Master Plan, a more specific delineation of the neighborhood is useful, which Applicant has proposed more specifically as:

North:	SMECO right-of-way on the north side of Dyson Road, running east to the railroad
East:	Pope's Creek Branch Railroad
South:	Timothy Branch, as it runs south of Brandywine Crossing
West:	Maryland Route 5; and

WHEREAS, the overall property is split zoned between the Local Activity Center (L-A-C) Zone portion to the north and the Residential Medium Development (R-M) Zone to the south; and

WHEREAS, the Application to amend the previously approved Basic Plan (A-9988) is limited to the L-A-C Zoned portion of the property, and is filed to facilitate a Mixed Retirement Development; and

WHEREAS, conceptually, the new Mixed Retirement Development component may include single family semidetached, multifamily and single family attached residential units because the previously approved retail/commercial, office, warehousing and distribution, and light manufacturing land uses are no longer proposed or viable for this development; and

WHEREAS, the L-A-C Zoned portion of the Timothy Branch development has a Gross Tract Area of 72.4295 acres and is located along Brandywine Road with access from existing Mattawoman Drive, which was reviewed and approved as Zoning Map Amendment A-9988-C, with a density of 10-15 dwelling units per acre, a dwelling unit range of 640-960 dwelling units, proposed 220,000-270,000 square feet of commercial uses; and

WHEREAS, with this amendment to the Basic Plan, A-9988-01, Applicant is proposing a Mixed Retirement Development with a density of 2.8-7.5 dwelling units per acre, and a dwelling unit range of approximately 180-480 units; and

WHEREAS, the development proposed with the original approval envisioned this area as a mixed-use village center of commercial office, retail uses, light industrial flex space, and a mix of residential unit types that included a multifamily active adult community, however, the Brandywine Crossing development to the south of the Timothy Branch community was reviewed, approved, and constructed after the original approval of the Basic Plan; and

WHEREAS, Brandywine Crossing encompasses approximately 500,000 square feet of commercial retail space and currently serves as the center of activity in the General Plan and Master Plan's defined Brandywine Community Center; and

WHEREAS, adjacent to the Brandywine Crossing development, there exists an additional 48,000 square feet of office/retail uses in its immediate surroundings; and

WHEREAS, the addition of more commercial space within a mile of Brandywine Crossing would be duplicative, and warrants a new look at the L-A-C portion of the Timothy Branch development; and

WHEREAS, additionally, the Southern Area Aquatics and Recreation Complex was recently completed to the north of the subject property, on the west side of Missouri Avenue; and

WHEREAS, this facility, the first multigenerational recreation complex in Prince George's County, serves as a significant locus of public activity to support the Brandywine Community Center, and the subject property is a part of the direct link between the commercial center and this important public facility; and

WHEREAS, the requested amendment to the Basic Plan will help to support the existing retail center to the south instead of competing with it, and at the same time will provide population to support the activity at the Southern Area Aquatics and Recreation Complex; and

WHEREAS, the proposed active adult use would create a better balance of land use areas around the Brandywine Community Center; and

WHEREAS, the approved Basic Plan reflects the following land uses, types and quantities:

Total area:	72± acres
Land in the 100-year floodplain:	8 acres
Adjusted gross area:	64 acres
Density permitted under the L-A-C Zone:	10 - 15 du/ac
Permitted Dwelling Unit Range: -	640 - 960 du
Floor area ratio:	0.2 - 0.4 FAR
Proposed commercial/employment:	220,000 - 270,000 sq. ft.

Proposed Land Use Types and Quantities:

Commercial/office, retail, light industrial flex space
for office, manufacturing, warehousing and distribution uses; and

WHEREAS, Zoning Map Amendment Application No. 9988-C-01 (A-9988-C-01) is a request to amend the Basic Plan for the Villages at Timothy Branch to expand the Mixed Retirement Development and remove all non-residential uses, and amend the conditions of approval, pursuant to §27-197(c) of the Zoning Ordinance, on approximately 72.43 acres of land in the L-A-C (Local Activity Center Zone), located on the south side of Brandywine Road in the eastern and western quadrants of its intersection with Mattawoman Drive, also known as 14200, 14211 and 14300 Mattawoman Drive, Brandywine, MD, Councilmanic District 9; and

WHEREAS, the Application was advertised and the property was posted prior to public hearings, in accordance with all requirements of law; and

WHEREAS, the Planning Department's Technical Staff recommended approval of the instant Application; and

WHEREAS, the Planning Board elected not to hold a hearing on the Application and adopted the recommendation of the Technical Staff; and

WHEREAS, on September 30, 2020, the Zoning Hearing Examiner held an evidentiary hearing on the Application, which was unopposed; and

WHEREAS, on September 30, 2020, the Examiner closed the record; and

WHEREAS, on October 16, 2020, the Examiner issued a recommendation that the Application request, to amend the Basic Plan for the Villages at Timothy Branch to expand the Mixed Retirement Development and remove all non-residential uses, and amend the conditions of approval, pursuant to §27-197(c) of the Zoning Ordinance, be approved subject to conditions; and

WHEREAS, on October 22, 2020, the Examiner issued an Errata Sheet to clarify that the decision was a disposition recommendation of approval subject to final decision of the District Council; and

WHEREAS, on October 26, 2020, the Examiner's disposition recommendation appeared on the District Council's agenda for action as a new case; and

WHEREAS, on October 26, 2020, the District Council directed staff to prepare an order in accordance with the Examiner's disposition recommendation to approve the Application with conditions; and

WHEREAS, on October 30, 2020, the Examiner issued a second Errata Sheet to clarify certain recommended conditions of approval; and

WHEREAS, the District Council's final decision adopts and incorporates by reference, as if fully stated herein, the Examiner's disposition recommendation issued October 16, 2020, and modified by Errata Sheets issued October 22nd, and 30th, 2020.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The request to amend the Basic Plan for the Villages at Timothy Branch to expand the Mixed Retirement Development and remove all non-residential uses, and amend the conditions of approval, pursuant to §27-197(c) of the Zoning Ordinance, on approximately 72.43 acres of land in the L-A-C (Local Activity Center Zone), located on the south side of Brandywine Road in the eastern and western quadrants of its intersection with Mattawoman Drive, also known as 14200, 14211 and 14300 Mattawoman Drive, Brandywine, MD, Councilmanic District 9, is conditionally APPROVED.

SECTION 2. Subject to the conditions of approval herein, use of the subject property shall comply with all other requirements in the applicable zone or zone for the property. Failure to comply with any condition herein shall constitute a zoning violation and shall constitute sufficient grounds for the District Council to annul the amendment of the Basic Plan; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; and/or to take any other action deemed necessary to obtain compliance.

SECTION 3. Amendment of the Basic Plan in A-9988-C-01, is subject to the following:

Land Use Types and Quantities:

Total area:	72± acres
Land in the 100-year floodplain:	8 acres
Adjusted gross area:	64 acres
Density permitted under the L-A-C Zone:	10 -15 du/ac
Permitted dwelling unit range:	640 - 960 du
Floor area ratio:	0.2-0.4 FAR

Proposed Land Use Types and Quantities: Mixed Retirement
Development

Conditions

1. Prior to certification the Basic Plan Map shall be revised to:
 - a. Delineate the M-I-O-Z-Intensity Zone and note on the plan that residential construction within the M-I-O-Z shall conform to Section 27-548.55(b) of the Prince George's County Zoning Ordinance.
 - b. Clarify the land use as either conventional residential, or Mixed-Use Retirement, in accordance with Subtitle 27.

SECTION 4. The Ordinance shall become effective upon enactment.

ENACTED this 9th day of November, 2020, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained:

Absent:

Vote: 11-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Todd M. Turner, Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council