

Case No.: A-9987-C and A-9988-C

Applicant: Timothy Brandywine One, LLC
& Timothy Brandywine Investments
Two, LLC

(Project Name – Villages at Timothy Branch)

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

ZONING ORDINANCE NO. 17 - 2008

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, by rezoning property to the R-M Zone and the L-A-C Zone, with conditions.

WHEREAS, Application No. A-9987 was filed for approximately 262 acres of land in the I-3 and E-I-A Zones, located east of U.S. 301/MD 5, on the south side of Mattawoman Drive, north of Matapeake Drive, in Brandywine, Maryland, to rezone the property to the R-M Zone; and

WHEREAS, Application No. A-9988 was filed for approximately 72 acres of land in the I-3 and E-I-A Zones, located on the south side of Short Cut Road and Brandywine Road, in Brandywine, Maryland, to rezone the property to the L-A-C Zone; and

WHEREAS, the applications were advertised and the properties posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the applications were reviewed by the Technical Staff and the Planning Board, which filed recommendations with the District Council; and

WHEREAS, the Zoning Hearing Examiner held a public hearing on the application and filed recommendations with the District Council; and

WHEREAS, having reviewed the record in both cases, the District Council has determined, based on consideration of the entire record, that the subject properties should be rezoned to the R-M (A-9987) and L-A-C (A-9988) Zones ; and

WHEREAS, to protect adjacent properties and the general neighborhood, approval of the amended basic plan is granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Zoning Hearing Examiner as its findings and conclusions in this case, except that the last sentence of paragraph (5) on page 2 is hereby modified, to read as follows: "The village center will include residential, retail commercial, office, and warehouse and distribution uses, as well as light manufacturing and industrial flex space."

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The basic plans for Application Nos. A-9987 and A-9988 are hereby amended, and, as amended, are approved, subject to the following land use types and quantities, conditions and considerations:

Land Use Types and Quantities:

A-9987:

Total area:	262± acres
Land in the 100-year floodplain:	19 acres
Adjusted gross area:	243 acres
Density permitted under the R-M Zone:	3.6–5.7 du/ac
Permitted Dwelling Unit Range	874.8–1385.1 du

Proposed Land Use Types and Quantities:

One-family detached, townhouse, one-family attached, two-family attached (two-over-two), and multifamily and recreational facilities.

A-9988:

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:

One-family attached, townhouse and multi-family (active adult community) and recreational facilities.

Residential uses, retail/commercial, office, warehousing and distribution, and light manufacturing and industrial flex space.

Conditions

1. At the time of Comprehensive Design Plan, the Transportation Planning Staff shall make Master Plan transportation facility recommendations consistent with the Subregion V Master Plan.
2. At the time of Comprehensive Design Plan and Preliminary Plan of Subdivision, the Transportation Planning Staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:
 - a. MD 5 and Brandywine Road (signalized)
 - b. US 301 and MD 381/Brandywine Road (signalized)
 - c. MD 381 and Mattawoman Drive (unsignalized)
 - d. US 301 and Mattawoman Drive (proposed)
 - e. US 301/MD 5 and proposed A-55 (future)
 - f. US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)
 - g. US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
 - h. Future Mattawoman Drive and proposed A-55 (future)”
3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

4. The applicant shall construct the eight-foot-wide Master Plan trail along the subject site's entire frontage of A-55. This trail shall include ADA-accessible curb cuts and ramps at all intersections and shall be separated from the curb by a grass planting strip.
5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.
6. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of Preliminary Plan and Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.
7. At time of Comprehensive Design Plan, the applicant shall:
 - a. Submit design standards that establish design and review parameters, including setbacks, lot coverage, and other bulk standard for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.
 - b. Provide a site-wide pedestrian circulation plan, including the possible location of a bus stop(s) and its supporting pedestrian path network, the location of pedestrian crossings, and a connection to the adjacent retail components of the site.
 - c. Show that bufferyards for residential pods generally meet the minimum requirements established in the Landscape Manual. However, in order to ensure compatibility, bufferyards shall be reviewed further during the Comprehensive Design Plan process.
 - d. Provide an indoor and outdoor recreational facility package adequate to meet the needs of the future populations.
8. At the time of Comprehensive Design Plan the applicant shall provide either:
 - a. Private recreational facilities on site consistent with the standards outlined in the Parks and Recreation Facilities Guidelines and dedication of on site a minimum 20 acres of parkland, at a mutually agreeable location, or

- b. Private recreational facilities and major off-site recreational facilities (ball field(s) and parking) consistent with the Parks and Recreation Facilities Guidelines at nearby Brandywine Area Community Park.
9. The submission package of the Comprehensive Design Plan shall contain a signed Natural Resources Inventory (NRI). The NRI shall be used by the designers to prepare a site layout that limits impacts to the Regulated Areas and Evaluation Areas of the site to the greatest extent possible.
10. Woodland conservation that is required by the Woodland Conservation Ordinance shall be provided on-site to the greatest extent possible.
11. The submission package of the Comprehensive Design Plan shall include an Inventory of Significant Visual Features for the viewshed of historic Brandywine Road.
12. The applicant shall communicate with representatives of the following adjacent projects, to coordinate its development activities with these projects: Wilmer's Park, Chaddsford, Centrex, and Brandywine Crossing. The applicant shall place in the record (with copies to the Councilmanic District 9 office) copies of the correspondence with these project representatives. One year after final approval of the Basic Plan Amendment approved herein, the applicant shall file in the record (with a copy to the Councilmanic District 9 office) a report showing steps taken and to be taken to develop the subject property consistently and harmoniously with these other projects.

Consideration

If public benefit features are needed and if the Applicant and DPR agree to a twenty acre on-site parkland dedication; the Applicant shall provide the needed recreational amenities so that the twenty acre public parkland can serve as a Community Park.

SECTION 2. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning the properties which are the subject of Application Nos. A-9987 (from the I-3 and E-I-A Zones to the R-M Zone) and A-9988 (from the I-3 and E-I-A Zones to the L-A-C Zone).

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect initially on the date of its enactment, as conditionally approved, and shall become effective when the applicant accepts in writing the conditions in Section 1.

Enacted this 16th day of June, 2008, for initial approval, by the following vote:

In Favor: Council Members: Dean, Bland, Campos, Exum, Harrison, Knotts, Olson and Turner

Opposed: Council Member Dernoga

Abstained:

Absent:

Vote: 8-1

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: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

Case No.: A-9987-C and A-9988-C

Applicant: Timothy Brandywine One, LLC
& Timothy Brandywine Investments
Two, LLC

(Project Name – Villages at Timothy Branch)

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council in approving Application No. A-9987-C and A-9988-C, to amend the approved basic plan on the subject property, attached conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. A-9987-C and A-9988-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred

to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or to

take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective July 11th, 2008, the date of receipt of the applicant's acceptance of the conditions imposed.

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: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
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