

Case No.: A-9853/02-C

Applicant: Hampton Properties

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

ZONING ORDINANCE NO. 12 - 2006

A REVISED ORDINANCE to amend the Zoning Map for the Maryland- Washington Regional District in Prince George's County, Maryland, by amending an approved basic plan, with conditions.

WHEREAS, on May 22, 1992, the District Council approved Application No. A-9853/02-C, for R-S zoning, with basic plan, on approximately 189.32 acres of land, located on northwest side of Dyson Road approximately 600 feet north of Brandywine Road, Brandywine, Maryland; and

WHEREAS, the applicant has filed a request with the District Council to amend the basic plan and conditions of zoning for Application No. A-9853/02-C; and

WHEREAS, the applicant's request was given public notice, in accordance with all requirements of law, and a public hearing on the request was held by the District Council; and

WHEREAS, having reviewed the record in this case and the testimony and exhibits presented at the public hearings, the District Council has determined that the request to amend the basic plan meets the requirements of Section 27-197(c) and should

be approved, with conditions, as recommended by the Zoning Hearing Examiner; and

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

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The basic plan for Application No. A-9853/02-C is hereby amended, subject to the following conditions:

1. The following land use quantities shall apply:

Mixed Retirement Community

Gross acreage 36.4 acres (27.6 acres of Hampton property and 8.84 acres of the adjacent property)

Floodplain	0.36 acres
Half-floodplain:	0.18 acres
Area for density calculations	36.22 acres
Base density	8 du/acre
Dwelling units allowed	289 units
Density increment factor	0
Additional dwelling units allowed	NA
Total dwelling units allowed	289 units
Total dwelling units proposed	270 units
Actual Density	7.45 du/acre

Remainder of Hampton Property

Gross acreage	161.64 acres
Floodplain	9.39 acres
Half-floodplain	4.70 acres
Area for density calculations	157.24 acres
Base density	1.6 du/acre
Dwelling units allowed	251 units
Density increment factor	2%
Additional dwelling units allowed	5 units

Total dwelling units allowed	256 units
Total dwelling units proposed	256 units
Actual density	1.63 du/acre

2. The site plan shall be revised and submitted to the Zoning Hearing Examiner for approval, prior to the Comprehensive Design Plan approval, to include the following:
 - a. The original parcels, their areas and approved land uses.
 - b. Location of the proposed housing types.
 - c. Land use quantities and density calculations for the original Basic Plan, the Mixed Retirement Development, and the remainder of the Hampton property.
3. The Applicant shall obtain approval of a 100-year floodplain study by the Department of Environmental Resources (DER), Watershed Protection Branch, prior to the approval of the Preliminary Plat of Subdivision, unless determined by the Watershed Protection Branch, prior to submittal of the Preliminary Plan, that this study will not be required until time of Specific Design Plan.
4. The Applicant shall obtain approval of a Conceptual Stormwater Management Plan by DER's Stormwater Management Branch prior to approval of the Preliminary Plan of Subdivision.
5. A minimum 50-foot buffer shall be provided around the proposed regional stormwater management facility.
6. The Applicant shall file Comprehensive Design Plan and Preliminary Plan applications with the Planning Board's Development Review Division.
7. A Type I Tree Conservation Plan (TCP), in accordance with the County Woodland Conservation and Tree Preservation Program, shall be submitted along with the Comprehensive Design Plan and Preliminary Plan to the

Planning Board's Environmental Planning Section during the review of the Comprehensive Design Plan and the Preliminary Plan.

8. A minimum 50-foot buffer shall be shown along the banks of all streams within the property and shall be expanded to include the 100-year floodplain, nontidal wetlands, steep slopes of 25 percent and greater, and slopes of 15 to 25 percent having a soil erodibility factor of 0.35 and greater. This shall not apply to approved road crossings. The Environmental Planning Section shall approve the buffer during the review of the Comprehensive Design Plan.
9. The Applicant shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter in Condition 11 solely by paying \$1,377 per single-family detached dwelling unit and \$1,252 per single-family attached dwelling unit (townhouse unit). Payment is due at the time of issuance of any building permit(s) to the county's Department of Public Works and Transportation ("DPWT"). The rate per unit for the proposed elderly housing residences shall be determined during the review of the Specific Design Plan.
10. Once 200 dwelling units are occupied, the Applicant shall perform a signal warrant analysis for the US 301/Spine Road intersection. The Applicant shall submit the signal warrant analysis to DPWT and the State Highway Administration ("SHA") prior to the issuance of the 250th building permit. If the analysis demonstrates that at the occupancy of 300 or more dwelling units on site a traffic signal is warranted, then upon approval by the SHA and DPWT, the Applicant shall purchase and install the necessary traffic signal.
11. The off-site transportation improvements the Applicant shall contribute toward as described in Condition 9, above, are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed in sequence when sufficient funds for engineering, full design, and construction have been

collected. The off-site transportation improvements shall include:

- a. Widening US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- b. Installing a traffic signal at Spine Road/Cedarville Road intersection, provided said signal is deemed warranted by DPWT.
- c. Making minor widening/striping improvements to the US 301/MD 5 interchange ramps.
- d. Widening US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstructing the traffic signal at US 301/MD 381.
- f. Installing a traffic signal at the MD 381/Spine Road intersection, provided said signal is deemed warranted by DPWT and SHA.
- g. Providing a grade separation at the point the Spine Road crosses US 301 northeast of T.B.
- h. Reconstructing the traffic signal at MD 5/Brandywine Road.
- i. Construction of an interchange in the area of US 301/MD 5 and Cedarville Road.
- j. Construction of an interchange in the area of MD 5 and the Spine Road north of T.B.
- k. Construction of the Spine Road as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Road/McKendree Road intersection and MD 5 north of T.B.

1. Widening US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
 - m. Widening MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with the Spine Road.
12. The Comprehensive Design Plan application shall include:
- a. A cross section for Dyson Road that meets the functional requirements of a collector road (if so designated). The streetscape for Dyson Road shall propose ways to unify the eastern and western portions of the development through the use of treatments that may include techniques such as sidewalks, landscaping, lighting, signage, street furniture, street width or other design elements. The cross section shall be designed in consultation with the Planning Board's Urban Design staff and Transportation Planning staff;
 - b. An internal loop trail within the proposed development for the purpose of providing a neighborhood circuit for running, jogging, walking and biking. Development pods, schools, recreational, and historical features shall be connected into the main trail network by feeder trails. Primary trails within the proposed development shall be handicap-accessible;
 - c. The locations of the trails, paths and sidewalks proposed shall be evaluated on their interrelationship within the entire development site with respect to pedestrian movement;
 - d. A comprehensive streetscape for the industrial Spine Road. Particular attention shall be paid to landscaping, signage, lighting, and pedestrian crossings at intersections. The cross section

shall be designed in consultation with the Urban Design staff, Transportation Planning staff, and DPWT;

- e. A list of amenities and the location of amenities on the site plan;
- f. A list of design features, architectural styles, colors and materials for the Mixed Retirement Development that ensures high quality design and compatibility with the surroundings;
- g. A list of landscape materials, concepts, design elements, and street furniture that ensures high-quality design and compatibility with the surroundings;
- h. The location of the eight-foot-wide Master Plan hiker/biker trail along the subject property's entire road frontage of the east side of Dyson Road. The trail shall meander in the open space. A long, straight section of trail directly adjacent to the right-of-way shall not be permitted unless necessary to avoid wetlands or the vernal pool;
- i. The location of the eight-foot-wide Master Plan hiker/biker trail along the subject property's entire frontage of the Spine Road, west of Dyson Road, as shown on the Master Plan;
- j. A note stating that dry passage shall be assured for the entire trail system. If wet areas must be traversed, suitable structures shall be provided to ensure dry passage;
- k. A note stating that where all trails intersect with any streets, appropriate ramping, striping, and signage in accordance with DPWT's Road Ordinance, AASHTO Guidelines, and/or the Manual on Uniform Traffic Control Devices, Section 9, Bicycle Facilities shall be provided;
- l. A note stating that both Master Plan trails shall be free of all above-ground trees, utilities, and stormdrain outlets; and

m. A discussion of the proposed public benefit features.

13. All conditions of approval and CDP considerations listed in the previously approved Basic Plan Amendment (Zoning Ordinance No. 19-1992) and subsequent Preliminary Plan and Comprehensive Design Plan approvals will remain in effect unless otherwise modified herein.

14. Prior to approval of the first Specific Design Plan for the Mixed Retirement Development, the Applicant shall submit information to the Zoning Section, the Urban Design Review Section and the Transportation Planning Section of the Planning Board regarding compliance with all previous conditions of approval (unless modified or deleted by subsequent approvals) requiring various transportation improvements prior to issuance of use and occupancy permits. The previous conditions of approval shall be carried over to the Specific Design Plan if they have not been satisfied.

SECTION 2. 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 12th day of June, 2006, by the following vote:

In Favor: Exum, Bland, Dean, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent: Council Members Dernoga, Campos and Harrington

Vote: 6-0

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: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

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

FINAL CONDITIONAL ZONING APPROVAL

A REVISED 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-9853/02-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-9853/02-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 Revised Ordinance is effective _____, 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: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council