

Case No.: CDP-0901
VD-0901

Applicant: Timothy Brandywine
Investments One, LLC

Timothy Brandywine
Investments Two, LLC

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

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 10-111, to approve with conditions a comprehensive design plan consisting of 131 residential units, and 305,000 square feet of commercial space, with a variance from the maximum percentage of multifamily dwelling units in a comprehensive design zone, on property described as 72.26 acres of land in the L-A-C Zone, for a project referred to as The Villages at Timothy Branch, on the east side of US 301, southeast of its intersection with MD 5, and south of MD 381, Brandywine, is:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions.

1. All conditions of approval of Basic Plan A-9988 shall remain in full force and effect.
2. The multifamily component of the project shall be developed for active adults in accordance with the Land Use Types table of the basic plan.
3. The proposed mixed-use development on this property shall include a maximum of 100,000 square feet of retail commercial uses, a minimum of 205,000 square feet of office, service commercial, institutional and educational uses, and a minimum of 131 residential units.

4. The total areas within the L-A-C Zone (CDP-0901) and the R-M Zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C Zone or the R-M Zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.
5. At the time of preliminary plan and SDP, the applicant may increase the residential density beyond the 131 dwelling units shown on the CDP, preferably through the addition of a multistory, mixed-use structure. However, the plans must conform to the maximum development allowed as stated in Condition 4 above. Revisions to the CDP for this purpose will not be required so long as the basic design requirements are adhered to in the proposed layout.
6. A minimum 50-foot building restriction line (BRL) as measured from the ultimate right-of-way of Mattawoman Drive shall be provided on the Specific Design Plan (SDP) unless it is determined that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway.
7. Prior to certificate approval of the comprehensive design plan:
 - a. The TCP 1 shall be revised as follows:
 - (1) Show the provision of the total of the woodland conservation threshold for the site plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site, and add a note indicating that this standard shall be maintained on all future tree conservation plans.
 - (2) Provide a ten-foot-wide clear access zone on the sides and to the rear yards of all townhouse and multifamily units. This clear access zone should be free of woodland conservation areas or noise mitigation measures that would block access.
 - (3) Provide the minimum required widths and areas for preservation and afforestation areas.
 - (4) Meet the requirements of the Environmental Technical Manual with regard to standard notes.
 - (5) Revise the specimen tree table to add a note stating the method of specimen tree location (field or survey located).
 - (6) Eliminate woodland conservation from the proposed ultimate rights-of-way and easements.
 - (7) Eliminate woodland conservation credits from the areas within the trail and the associated clear areas on each side.

- (8) Revise the approval blocks on all sheets to reflect correct plan numbering nomenclature.
 - (9) Revise the woodland conservation worksheet to reflect all of the revisions included above.
 - (10) Revise the TCP and have it signed and dated by the qualified professional who prepared it.
 - (11) Revise the TCP 1 to conform to the ultimate rights-of-way for the CDP as determined by the Transportation Planning Section based on the Subregion 5 Master Plan. All conditions associated with the rights-of-way assume the ultimate rights-of-way as approved on the CDP.
 - (12) Provide a tree canopy coverage (TCC) requirement schedule on the TCP 1 indicating how the TCC requirement has been fulfilled.
- b. The CDP plan and text shall be revised as follows:
- (1) The on-site private recreational facilities list contained in the CDP text and plan shall include a swimming pool and a tot-lot.
 - (2) The community building and swimming pool shall be relocated to either the southern end of the residential use area, adjacent to the existing stormwater management (SWM) pond, or central to the pod of development. A six-foot-wide trail shall be provided around the SWM pond, if possible.
 - (3) Add a note to the plan and text that the residential development will be limited to no more than three different residential unit types, which may include two-family attached (two-over-two), single-family semidetached, single-family attached (townhouse), or multifamily units, in order to create a more cohesive development.
 - (4) The CDP text and plan notes shall be corrected to reflect 131 residential units, a residential density of 4.3 dwelling units per acre, and a commercial floor-to-area ratio of 0.17.
 - (5) Revise the development standard chart in the text and on the plan pursuant to Condition 13.
 - (6) Revise the “Residential Architecture: Design Parameters” within the CDP text as follows:
 - (a) A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) and

all highly-visible endwalls, which shall be identified at the time of SDP, shall be brick, stone or stucco, or other masonry materials of equivalent quality.

- (b) Townhouses and single-family semidetached dwellings facing a public street and the side elevation of the same unit facing a public street (corner lots) shall be faced up to 100 percent with high-quality materials such as brick, stone or stucco (excluding gables, bay windows, trim, and doors).
 - (c) All residential buildings with front elevations facing Mattawoman Drive shall have a full front façade of brick, stone or stucco (excluding gables, windows, doors, and trim), or other masonry materials of equivalent quality.
 - (d) Front elevations of townhouses and two-family attached units facing Mattawoman Drive shall have dormers or gables to reduce the single plane of roof.
 - (e) Front elevations of townhouse and two-family attached units facing Mattawoman Drive shall be offset by a minimum of two feet.
 - (f) Architecture for multifamily buildings shall be faced with at least 60 percent brick, stone, stucco or equivalent, or other masonry materials of equivalent quality. Elevations of multifamily buildings facing Mattawoman Drive shall be faced with 100 percent brick, stone or stucco (excluding gables, bay windows, trim, and doors), or other masonry materials of equivalent quality.
 - (g) Side and rear walls of all residential buildings shall be articulated with windows, recesses, chimneys, or other architectural treatments. All residential endwalls shall have a minimum of two architectural features, except endwalls in highly visible locations, which shall be identified at the time of SDP, shall have additional architectural features creating a well-balanced composition.
- (7) Revise the “Commercial Architecture: Design Review Parameters” within the CDP text as follows:
- (a) Commercial building elevations shall incorporate a minimum of 60 percent, high-quality building materials which are durable and attractive, such as brick, stone, stucco or other masonry materials of equivalent quality.

- (b) Architecture of all of the commercial structures shall be cohesively designed, pedestrian oriented, and compatible in scale with the overall design of the Timothy Branch village center.
 - (c) The design of retail buildings of two or more stories, if proposed, should emphasize the division between ground level and upper stories through design features such as, but not limited to, aligned windows, awnings, patterned bands, and cornices.
 - (d) Drive-through facilities shall be designed with adequate space for queuing lanes that do not conflict with traffic circulation or pedestrian access.
 - (e) All building façades facing major roads shall be designed with equal attention to design details and building materials.
 - (f) Trash enclosures made of high-quality building materials shall be used to screen trash dumpsters.
- (8) Include the following phasing for the on-site private recreational facilities within the CDP text and plan.

CDP-0901 - PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
One gazebo/seating area - LAC	Prior to the issuance of any residential unit permit	Complete by 100th overall* residential unit permit
2,500 sq. ft. tot-lot - LAC	Prior to the issuance of any residential unit permit	Complete by 100th overall residential unit permit
Min. 2,200 square-foot Community building and swimming pool - LAC	Prior to the issuance of 200th overall* residential unit permit	Complete by 300th overall residential unit permit
Double Tennis Court - LAC	Prior to the issuance of 200th overall residential unit permit	Complete by 300th overall residential unit permit
Timothy Branch ¹ Stream Valley Trail (approx. 1,800 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod development
<p>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</p> <p>* “Overall” means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)</p> <p>¹ Unless the District Council amends the Basic Plan condition requiring the same</p>		

- c. The CDP and the TCP 1 shall be revised to show a minimum of a 40-foot-wide scenic easement and landscaped buffer, outside of the ultimate right-of-way and any public utility easements, along the southern frontage of historic Brandywine Road. A reduction in width of the scenic easement may be permitted at the time of SDP if additional design elements are implemented.
8. Prior to the approval of a specific design plan, the following shall be provided:
 - a. On both corners at the intersection of Mattawoman Drive and Brandywine Road, landmark buildings shall be provided within the retail/office use areas at the entrance into the development. These buildings shall have a maximum build-to-line of 100 feet from both rights-of-way, be a minimum of 26 feet high, be faced with a minimum of 60 percent brick, stone or stucco, or other masonry materials of equivalent quality, and have enhanced architecture on all building elevations, to include, but not limited to, balanced fenestration, ornamentation, and dimensional articulated roofs. Additionally, both buildings shall include a special architectural feature, such as, but not limited to, a portico, cupola, or

belvedere located at the corner of the building closest to the intersection. The area in front of the proposed landmark buildings shall be designed to enhance visual interest provided through variation in building materials and color at the street level, pedestrian-scaled signage, awnings, outdoor seating areas, and high-quality pedestrian amenities. Specific details of the retail façades shall be provided and reviewed with the specific design plan application.

- b. A cohesive relationship shall be created between the retail, office, and residential components by using similar landscape elements, paving materials, etc. throughout the development. The landscape elements and paving materials shall be reviewed during the specific design plan stage.
- c. The design of the landscape bufferyard treatment proposed adjacent to the land use envelope for the development pods fronting on Brandywine Road should complement the landscape and buffer treatments proposed on Lots 21 and 22, Stephen's Crossing, located on the north side of Brandywine Road, or any other development thereon approved by the Planning Board, and shall be addressed with the approval of the SDP.
- d. The architectural design and front setback treatments for any commercial buildings fronting on Mattawoman Drive should be complementary in design and character with the Stephen's Crossing development to the north, unless it can be proven impractical, in order to create a consistent visual appearance along the entire Mattawoman Drive road frontage.
- e. Location, details, and specifications of the proposed bus stop shelters and associated amenities, as appropriate, shall be submitted for review and approval.
- f. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view and residential areas with materials harmonious to the building, or they shall be located so as not to be visible from any public ways.
- g. Refuse and waste removal areas, service yards, and large loading areas shall be screened from view from public ways and residential areas with masonry screening materials that are harmonious to the nearby buildings.
- h. An employee amenity area shall be provided in association with the office/employment component of the development and shall include seating areas, landscaping, and decorative paving, at a minimum.
- i. No rear elevations of residential buildings shall be oriented toward Mattawoman Drive. Any side elevations of residential buildings oriented toward Mattawoman Drive shall be designed with the same attention to detail as the front elevation.

- j. No rear elevations of commercial buildings shall be oriented toward Brandywine Road or Mattawoman Drive. Any side elevations of commercial buildings oriented toward Brandywine Road or Mattawoman Drive shall be designed with the same attention to detail as the front elevation.
- k. An appropriate landscape bufferyard shall be provided between the commercial and residential uses unless a street is located between them with single-family homes fronting the road. This bufferyard shall be specifically designed to screen and buffer undesirable views and activities, while also creating defined, direct pedestrian circulation between the uses.
- l. Trails shall be shown no less than 20 feet from all private residential lot lines and/or 25 feet from all residential buildings, excluding where trails connect with the internal road network, unless such environmental constraints/impacts exist that make this impractical.
- m. All community and commercial buildings shall have enhanced architectural design, to include, but not limited to, high-quality materials, such as brick, stone and stucco, or other masonry materials of equivalent quality, ornamentation, varying roof lines, and balanced fenestration.
- n. A site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, unless other stormwater management design approvals and/or waivers are granted by DPW&T.
- o. The TCP 2 for the subject property demonstrating that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.
- p. A variance for the removal of Specimen Tree No. 3 shall be applied for and approved with the appropriate SDP application and associated TCP 2.
- q. The use of full cut-off optics to ensure that light intrusion into residential and environmentally-sensitive areas is minimized. At the time of SDP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on all future SDPs:

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”

- r. A tree canopy coverage (TCC) schedule on the SDPs and associated TCP2s indicating how the TCC requirements have been fulfilled for the subject application.
 - s. A Phase II noise study for any residential units along Mattawoman Drive shall be submitted for review. The Phase II noise study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at the time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommended in the Phase II noise report for interior residential uses.
 - t. Buildings compatible in terms of exterior materials and colors, scale and massing, and style.
 - u. Eating and drinking establishments with drive-through service and gas stations, if any, shall be designed so that the drive-through area and gas pumps are located behind the building, not directly adjacent to the street, and do not impede pedestrian circulation.
 - v. A 30-foot landscape buffer, inclusive of any public utility easement, between the right-of-way of Mattawoman Drive and any commercial development.
 - w. The residential development shall be designed to minimize the use of public streets ending in cul-de-sacs in order to promote vehicular circulation.
9. At the time of the first SDP for any office or retail/commercial use, an overall cohesive signage plan for all of the retail and office uses within CDP-0901 shall be submitted for review. This plan shall include unifying design standards, including, but not limited to, signage amount, size, location, color, purpose, and style for all freestanding and building-mounted signage.
10. Prior to acceptance of an SDP, a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.
11. Prior to approval of any TCP 2 which proposes to credit as woodland conservation planting occurring within a stormwater management easement, a site development stormwater management plan shall be submitted to the Prince George's County Planning Department which indicates that the planting areas proposed have been reviewed by the Department of Public Works and Transportation (DPW&T) with regard to the location, size, and plant stocking proposed. No afforestation or preservation areas should be shown within 15 feet of the toe of the pond embankment, or as determined by DPW&T or the Soil Conservation District reviewers.

12. Construction/building shells for all office buildings, fronting on Mattawoman Drive, proposed within the 65dBA LDN noise contour or higher, should be designed to reduce noise levels.
13. The following standards shall apply to the development. (Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

RESIDENTIAL USES—L-A-C ZONE¹

	Two-family attached	Single-family semidetached ⁸ , ⁹	Single- family attached ^{3, 8, 9}	Active- Adult Multifamily ⁴
Minimum Net Lot Area	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	35 ¹⁰	35	35 ¹⁰	50 ¹⁰
Minimum building setback from Mattawoman Drive ¹¹	50 feet	50 feet	50 feet	50 feet
Minimum front setback ⁵	N/A	20 feet	3, 6	7
Minimum side setback ⁵	N/A	10 feet	6	7
Minimum rear setback ⁵	N/A	20 feet	6	7
Minimum side setback to street ⁵	N/A	20 feet	6	7
Maximum residential building height ¹²	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	40	45.8 ²

¹ All parking is governed by Part 11 of the Zoning Ordinance.

² Variance approved from the maximum multifamily dwelling unit percentage, which allows a maximum 30 percent of multifamily dwelling units in the L-A-C Zone.

³ Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 30-foot front yard setback in order to reduce the length of the driveway.

⁴ To be developed as condominiums and as an active adult community, per A-9988.

⁵ Stoops and/or steps may encroach into yard area.

- ⁶ Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.
- ⁷ For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback.
- ⁸ Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.
- ⁹ Fences in the front yard shall not be more than four feet high.
- ¹⁰ This percentage is for building coverage (and not for lot coverage) of the overall net tract area.
- ¹¹ At the time of SDP, these distances may be modified if it is determined by the Planning Board, that adequate measures are provided to protect all residential buildings from the traffic nuisances of Mattawoman Drive.
- ¹² These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

ACCESSORY BUILDINGS—L-A-C ZONE

Maximum Lot Coverage (%)	25
Minimum setback from front street line	60 feet
Minimum setback from side lot line	2 feet
Minimum setback from rear lot line	2 feet
Corner lot - Minimum setback from side street line (along which an abutting lot fronts)	10 feet
Corner lot - Minimum setback from side street line (along which an abutting lot does not front)	7 feet
Maximum building height above grade	15 feet

Note: No accessory building shall be located closer to the street line than the main building on the lot or parcel.

COMMERCIAL USES—L-A-C ZONE

	Commercial Office	Commercial Retail	Employment /Flex Space
Minimum Net Lot Area	N/A	N/A	N/A
Minimum frontage at street R.O.W	N/A	N/A	N/A
Minimum frontage at Front B.R.L.	N/A	N/A	N/A
Maximum Lot Coverage (%)	N/A	N/A	N/A
Maximum Build-to-Line along Mattawoman Drive	100 feet	100 feet	100 feet
Minimum front setback from	30 feet	30 feet	30 feet
Minimum side setback	30 feet	30 feet	30 feet
Minimum rear setback	30 feet	30 feet	30 feet
Maximum building height	N/A	N/A	N/A
Minimum parking spaces	As required by Part 11 of the Zoning Ordinance		

14. The applicant and the applicant's heirs, successors, and/or assignees shall provide off-site public recreational facilities at the Brandywine Area Community Park in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
15. Prior to issuance of 50 percent of the residential building permits within CDP-0901 and CDP-0902, including all single-family and multifamily units, the applicant shall construct Phase 1 recreational facilities at the Brandywine Area Community Park as conceptually shown on Exhibit B which includes the following:
 - a. softball field
 - b. soccer field
 - c. 65-space parking lot
 - d. access road from Missouri Avenue
16. Prior to issuance of 20 percent of the residential building permits within CDP-0901 and CDP-0902, including all single-family and multifamily units, the applicant shall provide to DPR, for review and approval, construction drawings and specifications for the construction of the Phase 1 recreational facilities and related stormwater management facilities in Brandywine Area Community Park.
17. The applicant shall be responsible for any costs associated with the environmental, archeological and/or geotechnical studies, and permit fees associated with the design and construction of the Phase 1 recreational facilities in Brandywine Area Community Park.
18. The applicant shall construct any stormwater management facilities on parkland needed for Phase 1 recreational facilities in Brandywine Area Community Park.

19. The applicant shall be responsible for woodland conservation requirements for the construction of Phase 1 recreational facilities in Brandywine Area Community Park, which shall be provided on-site and/or off-site on parkland owned by M-NCPPC.
20. The applicant shall submit three original executed public recreational facilities agreements (RFA) for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park to DPR for their approval three weeks prior to submission of a final plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
21. Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantees for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park, in an amount to be determined by DPR, shall be done at least two weeks prior to applying for any building permits.
22. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities on-site in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
23. The private recreational facilities shall be reviewed by the Urban Design Section as designee of the Planning Board for adequacy, conformance to the *Park and Recreation Facilities Guidelines*, and location during the specific design plan review.
24. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
25. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities, in an amount to be determined by DRD, shall be done at least two weeks prior to applying for any building permits unless stated otherwise in Condition 7.b.(8).
26. The developer and his heirs, successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed private recreational facilities.
27. The applicant shall provide an eight-foot-wide, concrete side path in the right-of-way along the subject site's entire frontage of Brandywine Road (MD 381), subject to SHA approval and in accordance with SHA standards and subject to AASHTO guidance.

28. The applicant shall provide sufficient dedication on the preliminary plan along Brandywine Road for on-road bike lanes in accordance with SHA standards and AASHTO guidance.
29. Provide at least six-foot-wide sidewalks where parking abuts a sidewalk, and at least five-foot-wide sidewalks around the public areas of the buildings in the commercial center area, and provide crosswalks from the residential areas to the commercial areas.
30. Provide an eight-foot-wide, concrete hiker/biker trail on the east side of Mattawoman Drive (A-63) along the subject site's entire frontage between Brandywine Road and the southern property line in accordance with DPW&T standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail, if required, via an alternate configuration (DPW&T Standard 100.06) to accommodate two five-foot-wide bike lanes within the travel lanes of the primary street located between the commercial and residential development, with directional signage to the Timothy Branch trail. A five-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.
31. At the time of SDP, the plans shall identify the location of median refuge islands along Mattawoman Drive, per DPW&T standards and with AASHTO guidance.
32. Provide four-foot-wide sidewalks along both sides of all internal residential roads (excluding alleys).
33. Indicate on the specific design plan the width of all of the on-road and off-road bikeways, sidewalks, and trails.
34. At the time of specific design plan review, provide cross section details of the proposed sidewalks, on-road bike lanes, shared-use roads, and trails per SHA and DPW&T standards where applicable.
35. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.
36. Any trail connectors on homeowners association land to the Timothy Branch trail, if required, shall be six feet wide and asphalt.
37. Provide details of the way finding and trail signage in accordance with AASHTO guidance at the time of specific design plan review including the location of signage. This signage can be tailored to the development and provide way finding to the commercial areas or nearby destinations. At a minimum, way finding signage should

- indicate the direction of the Brandywine Area Community Park to the north of the subject site and the Rose Creek Connector trail to the south of the site.
38. Show bicycle parking spaces on the specific design plan at the recreational facilities and in the commercial areas. These spaces should be located near the front entrances to the buildings and have access to bikeway and trail facilities.
 39. At the time of specific design plan, trail access points shall be designed to ensure that off-road motorized vehicles do not use trails except for maintenance and emergency purposes or wheelchair access. Details of bollards and/or other appropriate structures shall be provided for review.
 40. Provide a trail construction sequence plan with each of the specific design plans so that staff can evaluate the timing of the construction of the trails.
 41. At the time of preliminary plan approval, the plan shall reflect the following rights-of-way:
 - a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.
 - b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's entire frontage.
 42. The applicant and the applicant's heirs, successors, and/or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Ward's Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area C in the Subregion 5 Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be payment of the following:

For commercial buildings, a fee calculated as \$1.41 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each townhouse, duplex, two over two unit, a fee calculated as \$1,187 X (Engineering News-Record Highway Construction Cost Index at time of

payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each multi-family unit, a fee calculated as $\$886 \times (\text{Engineering News-Record Highway Construction Cost Index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$.

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widen 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.). Construction shall be in accordance with presently approved SHA plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Make minor widening/stripping improvements to the US 301/MD 5 interchange ramps.
- d. Widen 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. Reconstruct the traffic signal at US 301/MD 381.
- f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Provide a grade separation at the point where the spine road crosses US 301 northeast of T.B.
- h. Reconstruct the traffic signal at MD 5/Brandywine Road.
- i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.

- j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.
 - k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Rd./McKendree Road intersection and MD 5 north of T.B.
 - l. Widen 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. Widen 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 A-63.
43. The applicant and/or the applicant's heirs, successors and/or assignees shall provide the following transportation improvements as proffered in the July 2009 traffic impact study.
- a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
 - b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.
 - c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
 - d. The extension of Mattawoman Drive, south of the subject property to connect to Matapeake Business Drive.

44. Applications for building permits for residential uses within the 65 dBA Ldn noise contour shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.
45. At the time of SDP review, the applicant may redesign the residential pod to include the relocation of the multifamily units, townhouse units, two-over-two units, and the recreational facility.
46. At the time of specific design plan, the required phasing of the construction of the extension of Mattawoman Drive to Matapeake Business Drive prescribed in Condition 43(d) shall be determined, but the construction of this extension must be completed prior to or concurrent with the construction of the residential component of CDP-0901 in order for this CDP application to satisfy the requirement that it not excessively burden public facilities.

Ordered this 23rd day of January, 2012, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson,
Patterson and Toles.

Opposed:

Abstained:

Absent: Council Member Turner.

Vote: 8-0

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: _____
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council