

Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530

**Comment [1]: WHEN INSERTING INFORMATION AT THE @ SIGN REMEMBER TO USE INDENT FOR SECOND LINE - NOT TAB. ALSO, IT WILL LOOK LIKE THE TEXT IS GOING WACKO, BUT DON'T WORRY - IT IS FINE.**  
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## City of Laurel Annexation Petition No. 1-2001

Application	General Data
Project Name: Laurel Annexation No. 1-2001  Location: The subject property is located on the east side of Van Dusen Road between Contee Road and Laurel Park Drive.  Applicant: Hartmeyer Property, Limited Partnership	Date Accepted: 3-26-01
	Planning Board Action Limit: N/A
	ZHE Hearing Date: N/A
	Plan Acreage: 20.89± ac.
	Zone: R-R and C-G
	Dwelling Units: None
	Square Footage: N/A
	Planning Area: 60
	Council District: 1
	Municipality: None
200-Scale Base Map: 218NE 7	

Purpose of Application	Notice Dates
Annexation of the property into the City of Laurel and rezoning from the County's R-R and C-G Zones to the City of Laurel's R-55 and V-A-C Zones.	Adjoining Property Owners (CB-15-1998) N/A
	Previous Parties of Record (CB-13-1997) N/A
	Sign(s) Posted on Site: N/A

	Variance(s): Adjoining Property Owners	N/A
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<b>Staff Recommendation</b>		<b>Staff Reviewer</b> Jimi Jones	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
			X

May 10, 2001

**TECHNICAL STAFF REPORT**

TO: The Prince George's County Planning Board

VIA: Arie Stouten, Zoning Supervisor

FROM: Jimi Jones, Planning Coordinator

SUBJECT: **Laurel Annexation Petition No. 1-2001**

I. Location—The subject property is located on the southeast corner of the Van Dusen Road and Contee Road intersection. This property extends along Van Dusen Road to Laurel Park Drive. It is adjacent to and south of a 31.5 acre tract annexed by the City of Laurel in June 2000 (LAP-1-2000, Charter Resolution 117). This recently annexed property, which was placed in the VAC Zone, is developed with a daycare center, medical office building and a small retail shopping center. Other adjacent uses include:

- The Villages of Wellington, a 258-acre planned unit development mostly in the City of Laurel. This development was approved for 545 single-family homes and includes several developed and undeveloped lots in the county's R-R Zone.

- To the west, across Contee Road, is the Greater Laurel-Beltsville Hospital in the county's R-R Zone.

II. Current Zone— R-R and C-G Zones

III. Area—20.89 ± acres

IV. Nature of the Request:

The applicant has petitioned the City of Laurel to annex the subject property into its municipal boundaries. The applicant also requests that the property be placed in the City of Laurel's R-55 and V-A-C Zones. The proposed development pattern as shown on the attached Detail Map is as follows:

Map Ref.	Acres	Proposed Use	Current Zoning	Proposed Laurel Zoning
A	4.53	Currently vacant, proposed for place of worship	R-R	R-55
B	8.76	Proposed for single-family detached residential	R-R	R-55
C	4.49	Existing nursing home. No further development anticipated	C-G	V-A-C
D	1.16	Existing office building. No further development anticipated	C-G	V-A-C
E	0.344	Currently vacant; included to avoid an enclave	R-R	R-55
F	1.61	Public street	C-G	R-55

A comparison of the current County zones and proposed City of Laurel zone is shown below:

<b>Prince George's County R-R Zone</b>	<b>Laurel R-55 Zone</b>
• One-family detached dwelling permitted	• One-family detached dwelling permitted
• 20,000-square-foot lot size or 10,000-square-foot with cluster	• 6,500-square-foot lot size
• 100-foot front building line or 75-foot front building line with cluster	• 65-foot minimum lot width
• 25 percent maximum 35 percent maximum net lot percent for cluster	• 30 percent maximum building coverage
• 25-foot front/17-foot/8-foot side/20-foot rear yards	• 25-foot front/8-foot side/20-foot rear yards
• 35-foot maximum height	• two and one-half stories maximum height
<b>Prince George's County C-G Zone</b>	<b>Laurel VAC Zone</b>
• commercial zone	• commercial zone
• no site plan required	• preliminary and final site plan review required
• office building permitted	• office building permitted
• nursing home permitted by special exception	• nursing home permitted by special exception
• <i>Landscape Manual</i> applies	• land coverage 30 percent maximum minimum 10 percent green space
• no maximum height	• maximum height 60 feet (generally)

V. Discussion:

A. Procedures:

Article 23A, Section 19, of the Code of Maryland permits a municipal corporation to enlarge its corporate boundaries. The procedures for reviewing these annexation requests, which were adopted by the Planning Board in March 1984, are as

follows:

1. **Upon County Council receipt of notification of an annexation petition and proposed rezoning, the Clerk of the Council shall promptly refer a copy of the materials received to the Chairman of the Prince George's County Planning Board.**
  2. **A staff report shall be prepared addressing conformance of the proposal with the approved Area Master Plan and General Plan and the impact of the proposed development on the transportation system, public facilities and natural resources.**
  3. **The Planning Board shall review the proposal within 45 days of receipt of the referral and shall promptly transmit copies of the staff report and Planning Board recommendation, if any, to the County Council.**
  4. **The County Council will review the Board's recommendation and determine whether or not to hold a public hearing. If a public hearing is to be held, provisions will be made for the posting of notice on the property and advertising the hearing giving not less than two weeks notice. (It is anticipated that the applicant will reimburse the county and the M-NCPPC for the advertising and posting costs). In cases deemed by the Council to be substantially inconsistent with the county's current Master Plan for the subject area, the Council's action will be by resolution (a copy of which will be forwarded to the City by the Clerk of the Council). In cases, where the Council finds the annexation proposal in conformity with the Master Plan, the Council will simply advise the City of its action by letter. The Council will make a conscientious effort to act on each case within 45 days of receipt of the Planning Board's recommendation.**
- B. Master Plan Issues: The 1990 Master Plan for Subregion I recognizes the existing office and nursing home on the C-G zoned portion of the property as commercial office and public/quasi-public, respectively. The vacant land is recommended for residential development at low-suburban (1.6-2.6 dwelling units per acre) density.

The Community Planning Division, in a memo dated April 2, 2001 submits the following comments:

SMA/Zoning: 1990 *Sectional Map Amendment for Subregion I* retained the C-G and R-R Zones for these properties. Also retained is the following condition attached to the C-G zoned portion:

"In reviewing the plan of development, the Planning Board shall permit all uses in the C-G Zone, but may establish the ratio of health-related facilities to retail-commercial sales and service uses. In doing so, it shall follow the guidelines of the Master Plan for local commercial needs in Neighborhood V, but in no event shall the acreage for convenience-commercial uses, such as supermarkets, drug stores and satellite retail stores, exceed seven (7) acres."

## PLANNING ISSUES

“City’s R-55 Zone permits a maximum density of 5.7 dwelling units per acre. Density range for development in the low suburban category is 1.6-2.6. Because the City’s proposed zone permits a higher density than the county’s master plan recommends, the county must grant a waiver under state law. Otherwise, the property may not be placed in the R-55 Zone for five years.”

### C. Transportation Impact:

The Transportation Planning and Public Facilities Planning Division, in a memorandum dated May 7, 2001 provides the following comments:

“Most traffic impacts which would occur as a result of the rezoning would be at the signalized Van Dusen Road/Cherry Lane intersection, which is partially under the jurisdiction and wholly within the City of Laurel, along with the unsignalized Van Dusen Road/Contee Road intersection, which is a county-operated intersection. The area being proposed for annexation is a total of 20.89 acres zoned R-R and C-G, with R-R areas proposed for the City’s R-55 Zone and C-G areas proposed for the City’s V-A-C Zone.

“The two C-G zoned properties total 5.65 acres, are recorded and appear to be fully developed. Additional development could occur without additional testing of transportation adequacy. Under the City’s proposed zoning, the property could contain similar types of uses along with a similar level of development.

“Two of the three R-R properties totaling 13.29 acres were the subject of Preliminary Plat of Subdivision 4-98039 for Hartmeyer Properties. Lot 1 is proposed to contain a church building, with the use capped at permitted uses which generate no more than 13 AM and 12 PM peak hour trips. Lot 2 was not proposed for development at the time of preliminary plat, and its use is capped at permitted uses which generate no more than 1 AM and 1 PM peak hour trips. Any development exceeding those caps is subject to a new Preliminary Plat of Subdivision, with a new finding of adequate transportation facilities. Development of these lots is also subject to a condition requiring a traffic signal warrant study, participation in the funding of a signal (if warranted), and physical improvements at the Contee Road/Van Dusen Road intersection. The final transportation-related condition involves dedication along Contee and Van Dusen Roads; this has occurred as a result of recordation.

“The third R-R property is 0.34 acres, and has not been subdivided.

“Presuming that the Latter Day Saints property (Lot 1) will still be developed with a church building, the remaining acreage of 9.10 acres is potentially subject to development. Under the R-R Zone, the two properties would contain approximately 17 residences. Under the R-55 Zone proposed by the City, the properties could contain 60 residences. With the buildout of currently approved development in the area, there would be capacity problems at the Van Dusen/Cherry intersection. Furthermore, there are existing capacity problems at the Van Dusen/Contee intersection, which is

unsignalized and controlled by a four-way stop. Development under the county's regulations would be required to address capacity issues at both intersections.

"The annexation area has little impact upon master plan facilities in the area. The record plat for Lots 1 and 2 shows dedication along Van Dusen Road, which is currently shown in the Master Plan as an arterial facility linking MD 201 near Greenbelt to proposed new ramps at the I-95/MD 198 interchange. During staff's review of 4-98039, staff determined that the function of A-56, as shown on the 1990 *Subregion I Master Plan*, is largely being shifted to the I-95/Contee Road interchange. For that reason, and because the City of Laurel does not support an arterial facility along or parallel to Van Dusen Road within the City, staff determined that Van Dusen Road north of Contee Road should be considered as a collector roadway. To that end, staff did not believe that there would be justification for the full 120-foot right-of-way for Van Dusen Road north of Contee Road. The dedication of 60 feet from center line along the Hartmeyer Property frontage was deemed sufficient.

"It was noted earlier that Lots 1 and 2 of the Hartmeyer Property has off-site transportation conditions imposed by the Planning Board related to the Contee Road/Van Dusen Road intersection. Considering staff's concerns over enforcement of past conditions which were recommended as a part of annexations, staff would recommend that Condition 4 of Resolution PGCPB No. 98-285 be satisfied immediately prior to any annexation. In discussions with County Department of Public Works and Transportation (DPW&T) staff, it has come to planning staff's attention that conditions regarding at least one property which was annexed into the City in the past are not being enforced. CR-5-1994, which annexed the 258 acre Hatter-Gude tract in the City of Laurel, included the following transportation-related conditions:

- 3. "In accordance with the phasing schedule approved by the City, the applicant, his heirs, successors and/or assigns shall conduct warrant and/or safety studies of the Van Dusen Road/Contee Road intersection, and shall participate in funding signals and/or safety improvements at this location, if warranted, as determined by the County Department of Public Works and Transportation and the City of Laurel.
  
- 3. "In accord with the phasing schedule approved by the City, the applicant, his heirs, successors and/or assigns shall participate in funding for the widening of existing Van Dusen Road, south of Cherry Lane in cooperation with the State Highway Administration and the City of Laurel.
  
- 3. "The applicant, his heirs, successors and/or assigns shall participate in funding for physical and/or signalization improvements to the US 1/ Cherry Lane and US 1/Contee Road intersections, as deemed necessary by the City of Laurel, the County Department of Public Works and Transportation, and State Highway Administration.

- “6. The applicant, his heirs, successors and/or assigns shall dedicate and construct C-4 as shown on the Master Plan for Subregion I and/or an alternative roadway that will adequately accommodate east-west travel demand between US 1 and Van Dusen Road and is acceptable to the City and the County Department of Public Works & Transportation.

“The staff has not researched the status of all conditions, but has learned that DPW&T has been unsuccessful in obtaining cooperation with the City concerning Condition 3 listed above. It is likely that questions of enforcing conditions placed within a Council Resolution need to be addressed at levels beyond those of staff, but these questions should be firmly resolved prior to attaching conditions to future annexations.

“Annexing the C-G portions of this proposal into the City of Laurel appears to raise no concerns regarding the Master Plan of Transportation or subjects of transportation adequacy. However, staff has concerns regarding the R-R portions of the proposal that should be more fully addressed before the annexation is approved.”

D. Public Facilities Impact:

The Countywide Planning Section, in a memo dated April 30, 2001, submits the following comments regarding public facilities:

“The existing fire engine service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane has a service response time of 1.71 minutes, which is within the 3.25-minute response time guideline.

“The existing ambulance service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road has a service response time of 4.36 minutes, which is beyond the 4.25-minute response time guideline.

“The existing paramedic service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road has a service response time of 4.36 minutes, which is within the 7.25-minute response time guideline.

“The existing ladder truck service at Beltsville, Company 31, located at 4911 Prince George’s Avenue has a service response time of 8.01 minutes, which is beyond the 4.25-minute response time guideline.

“The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

“In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all commercial structures be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable Prince George’s County laws.

“The existing ambulance service located at Laurel Rescue Squad, Company 49, is beyond



the recommended response time guideline. The nearest fire station Laurel Fire Station, Company 10, is located at 7411 Cherry Lane, which is 1.71 minutes from the development. This facility would be within the recommended response time for ambulance service.

“The proposed development is within the service area of District VI-Beltsville. If the property is annexed into the City of Laurel, the municipality would have the primary jurisdiction and the county police would then serve in a supportive role.”

E. Natural Resources:

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The Natural Resources Division has reviewed the annexation request and, in a memo dated April 6, 2001 offers the following comments:

“A review of the information available indicates that no streams, wetlands, wetland buffers, or 100-year floodplain are found to occur on any of the properties. The soils found to occur according to the Prince George’s County Soil Survey include the Beltsville, Aura, and Ochlockonee series. The Beltsville and Aura soils both have a K factor of 0.43, causing concern for high erosion potential. The Beltsville soils tend to have perched water tables and impeded drainage.

“In addition, these properties are not located in an identified noise corridor. There are small pockets of steep slopes located on all of these properties. The sewer and water service categories are S-3 and W-3 respectively. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened or endangered species found to occur in the vicinity. There are no scenic or historic roads adjacent to the subject parcels.

“The 8.76-acre and 4.53-acre properties are subject to the conditions approved with TCP I/22/98. TCP I/22/98 was approved in conjunction with Preliminary Plan 4-98039 and remains valid. No other significant environmental impacts have been identified or associated with the site.”

F. Conclusion:

The 1990 Master Plan for Subregion I recommends residential development at low-suburban (1.6-2.6 dwelling units per acre) density for the residentially-zoned portion of the subject property. The applicant proposes a place of worship and single-family detached dwellings in the City of Laurel’s R-55 Zone. This zone permits residential development at a slightly higher density ( 5.6 du/acre). Comparable office and commercial development is permitted in the City of Laurel’s V-A-C Zone.

This proposal generally conforms with the land use recommendations of the Subregion I Master Plan. However, the proposed density for the single-family component is twice that recommended by the county master plan and three times higher

than permitted by the existing county zoning. In addition, there is concern about the potential traffic impact associated with the increase in single-family density.

Therefore, if the proposed rezoning is approved, it should be conditioned to ensure the adequacy of transportation facilities prior to the issuance of building permits.