



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Laurel Annexation Petition No. 4-2004

Application	General Data
<b>Project Name:</b> Laurel Annexation Petition No. 2-2004  <b>Location:</b> North side of Cherry Lane to the west of the intersection of Cherrywood Drive and Cherry Lane, to the east of the intersection of Cherry Lane and Private Avenue.  <b>Applicant/Address:</b> City of Laurel 8103 Sandy Spring Road Laurel, Maryland 20707	Date Accepted: 6/6/05
	Planning Board Action Limit: 6/23/05
	Plan Acreage: 20.4
	Zone: R-55
	Dwelling Units: 150
	Square Footage: N/A
	Planning Area: 60
	Tier: Developing
	Council District: 01
	Municipality: City of Laurel
	200-Scale Base Map: 219NE07

Purpose of Application	Notice Dates
Development of 150 single-family homes on 20.5± acres in the City of Laurel in the Neo-Traditional Overlay Zone.	Adjoining Property Owners Previous Parties of Record Registered Associations: N/A (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

Staff Recommendation		Staff Reviewer: Jimi Jones	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
			X

July 5, 2005

**TECHNICAL STAFF REPORT**

**TO:** The Prince George's County Planning Board  
The Prince George's County District Council

**FROM:** Jimi Jones, Acting Zoning Supervisor

**SUBJECT:** Laurel Annexation Petition No. 4-2004

**REQUEST:** Development of 150 single-family homes on 20.5± acres in the City of Laurel

**RECOMMENDATION: DISCUSSION**

- A. Location and Field Inspection:** The subject property is located on the north side of Cherry Lane between Pirate Lane and Cherrywood Drive. The 20.4-acre property comprises eight lots, all of which are in the R-55 Zone. Four of the lots are developed with two single-family detached residences (19A, 19B, 22A and 22B), while one lot contains a dog kennel facility known as Cherry Lane Kennels. The remaining three lots are currently vacant. The property is surrounded by the following uses:

North—	Undeveloped land in the City of Laurel.
East—	Undeveloped land and the Cherrywood Townhouse development in the City of Laurel.
South—	Across Cherry Lane is the Villages at Wellington, a single-family detached development in the City of Laurel.
West—	Single-family detached homes and undeveloped land in the R-R Zone of Prince George's County.

- B. Nature of the Request:** The applicant proposes the development of 150 single-family attached and detached dwelling units on a 20.4± acre parcel in the City of Laurel's R-55 Zone utilizing the neo-traditional overlay zone established by the City of Laurel.
- C. Procedures:** Article 23A, Section 9(c), of the Annotated Code of Maryland stipulates the following with regard to municipal annexations:

**“...no municipality annexing land may for a period of five years following annexation, place that land in a zoning classification which permits a land use substantially different from the use for the land specified in the current and duly adopted master plan or plans or if there is no adopted or approved master plan, the adopted or approved general plan or plans of the county or agency having planning and zoning jurisdiction over the land prior to its annexation without the express approval of the board of county commissioners or county council of the county in which the municipality is located.”**

In addition, in March 1984, the District Council and the Planning Board adopted the following procedures for reviewing annexation and rezoning proposals by the City of Laurel:

- 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.**

The subject property was annexed into the City of Laurel in July 2004. A letter dated June 28, 2004, from Martin A. Flemion, Deputy City Administrator of the City of Laurel to Ms. Redis C. Floyd, Clerk of the County Council, advised that the subject property was under petition for annexation into the City of Laurel and of the city's intent to place the properties in the R-55 Zone. The petition was not transmitted to the Planning Board for review. District Council took no position on the proposed annexation. The annexation petition was reviewed and approved by the City Council of Laurel on July 26, 2004.

Subsequent to the annexation of the property, a proposal was made to the city for a residential development in the city's Neo-Traditional Overlay Zone. This zone permits residential development of up to eight dwelling units per acre when superimposed over properties in the R-55 Zone. Article 23A, Section 9(c), of the Annotated Code of Maryland provides that placement of land in a zoning classification that permits a land use substantially different from the use for the

land specified in the current and duly adopted master plan requires approval of the county council of the county in which the municipality is located.

**D. Master Plan Issues:**

The 1990 Subregion I Master Plan tentatively proposed the area in which the property is located for future employment use. The plan cited annexations by the City of Laurel and placement of the annexed properties in the city's R-T-P Zone (similar to the county's I-3 Zone) and the possibility of a new road (A-56 Kenilworth Avenue Extended) as factors that made employment development more suitable than residential. The 1990 Sectional Map Amendment for Subregion I, however, retained the subject property in the R-R Zone.

The process for a new Subregion I master plan is now underway. It is anticipated that the plan will be completed in March of 2007. Transportation Planning Section provides that:

“The status of A-56 is unchanged at this time. It is on the master plan with no current plans to implement it. When we update the Subregion I Master Plan, however, we will not be including A-56 north of Contee Road as a part of the existing planned network. Properties within its path have been annexed without requirement for right-of-way preservation. The Villages at Wellington has placed development within the right-of-way. Properties along the A-56 alignment north of Contee Road have only made provision for a collector facility with recent subdivisions. So, although it remains on the current master plan, its likelihood for implementation remains very slim. It is very likely that a new Subregion I plan will include a collector-type facility along existing Van Dusen Road north of Contee Road, with A-56 having a somewhat different function in the area.”

The Community Planning Section adds that: “The road network planned in the 1990 Master Plan is not going to happen and the General Plan has us focusing on corridors and centers for new employment, hence we do not envision recommending new employment in that area of Sub I which is outside of Konterra and the US 1 Corridor.” The Public Facilities Section notes that a school surcharge of \$12,276 per dwelling will be assessed prior to the issuance of any building permits.

**CONCLUSION:**

Based on the comments above, staff finds that the subject development proposal for 150 dwelling units is not substantially different from the use specified in the master plan. We note that the property was placed in a residential zone (R-R Zone) via the sectional map amendment and the development proposal is generally consistent with the original zoning of the property. It appears that the discussion in the master plan regarding ultimate employment development of the property is unlikely due to development that has occurred subsequent to the approval of the plan. The process for developing a new master plan is currently underway and it appears unlikely that employment development will be encouraged for the area in which the property lies.