



**MAYOR AND CITY COUNCIL OF LAUREL
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT**

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June 17, 2021

AGENDA ITEM NO. 5

AMENDED TECHNICAL STAFF REPORT

TO: City of Laurel Planning Commission

FROM: Robert Love, Director

CASE: Map Amendment No. 914, Ordinance No. 1973
7222 & 7302 Contee Road
Laurel, MD 20707

GENERAL INFORMATION

APPLICANT: Ribera Development LLC
8684 Veterans Highway, Suite 203
Millersville, MD 21108

OWNER: Gary and Cecilia Janoske
5012 Morning Star Drive
Dayton, MD 21036

LOCATION: 7222 & 7302 Contee Road
Laurel, MD 20707

ZONE: R-5 (One-Family Detached)

REQUESTED ACTION: Map Amendment to rezone the subject properties from R-5 (One-Family Detached) to R-T (Townhouse).

PREVIOUS ACTION: **June 16, 2014:** Charter Annexation Resolution No. 163 approved.

BACKGROUND INFORMATION:

The Applicant is seeking a Map Amendment to rezone 7222 & 7302 Contee Road from the R-5 (One-Family Detached) zone to the R-T (Townhouse) zone. There is currently one single family home on 7222 Contee Rd. property as well as one single family home on the 7302 Contee Rd. property. The subject properties were annexed into the city in 2014.

THE PROPERTY IS SURROUNDED BY THE FOLLOWING ZONING CLASSIFICATIONS:

- NORTH: R-5, One Family Detached; PUD-E, Planned Unit Development Existing
- EAST: R-5, One Family Detached; R-55, One-Family Detached
- SOUTH: I-G, Industrial General
- WEST: R-55, One-Family Detached; M-X-T, Mixed Use Transportation Oriented

DEPARTMENT/AGENCY RESPONSES:

The following Departments and Agencies were notified of the application and comments were requested. Any responses received are written in the chart below.

Department or Agency	Comments Received
City of Laurel Department of Public Works	<i>See comments below. (5/17/2021)</i>
City of Laurel Police Chief	<i>No issues with project. (5/25/2021)</i>
City of Laurel Department of Parks and Recreation.	<i>No issues with project. (5/25/2021)</i>
City of Laurel Building Official and Fire Marshal	<i>No issues with project. (5/12/2021)</i>
Washington Suburban Sanitary Commission (WSSC)	<i>No comments received.</i>
Prince George's County Health Department	<i>No issues with project. (5/18/2021)</i>

Maryland State Highway Administration (SHA)	<i>No issues with project. (5/14/2021)</i>
Maryland-National Capital Park and Planning Commission (M-NCPPC)	<i>No comments received.</i>
Prince George's County Department of Permitting, Inspections & Enforcement	<i>No comments received.</i>
Prince George's County Public Schools Department of Capital Programs	<i>No comments received.</i>
Baltimore Gas and Electric (BGE)	<i>No comments received.</i>
Verizon	<i>No comments received.</i>

Department of Public Works Comments:

- *When the traffic impact study is complete can you make sure we receive a copy also, for review/documentation.*
- *If additional driveways/aprons will be constructed for more townhouses, they must also be reviewed and approved by the County.*

ANALYSIS:

The Applicant is seeking a Map Amendment to rezone 7222 & 7302 Contee Road from the R-5 (One-Family Detached) zone to the R-T (Townhouse) zone. The total amount of land to be rezoned is ~~8.38~~ 7.6882 acres and includes parcels 17 and 19. The Applicant is seeking to rezone the properties for future development of a residential townhouse community via the Neo-Traditional Overlay, which will come in a later application.

The updating of the staff report does not change the criteria to be considered for this application nor does it change the recommendation of staff. The city staff concurs with the applicant's statement of justification in that we Agree that there has been a change in the character of neighborhood sufficient to justify the rezoning.

Per Article ~~66B~~ of the Maryland Annotated Code:

~~(a) Generally; findings for reclassification. Such regulations, restrictions, and boundaries may vary from time to time be amended, supplanted, modified, or repealed. Where the purpose and effect of the proposed amendment is to change the zoning classification, the local legislative body shall make findings of fact in each specific case including, but not limited to, the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the~~

 Underlining indicates new language added.
 Strikethroughs indicate language deleted.

~~recommendation of the Planning Commission, and the relationship of such proposed amendment to the jurisdiction's plan; and may grant the amendment based upon finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the hearing and the votes of all members of the local legislative body shall be kept.~~

Per Maryland LAND USE Code Ann. § 4-204- Zoning regulations -- Amendment, repeal, and reclassification:

(a) Authority. -- Zoning regulations and boundaries may be amended or repealed.

(b) Reclassification. –

- (1) If the purpose and effect of a proposed map amendment is to change a zoning classification, the legislative body shall make findings of fact that address:
 - (i) population change;
 - (ii) the availability of public facilities;
 - (iii) present and future transportation patterns;
 - (iv) compatibility with existing and proposed development for the area;
 - (v) the recommendation of the planning commission; and
 - (vi) the relationship of the proposed amendment to the local jurisdiction's plan.
- (2) The legislative body may grant the amendment to change the zoning classification based on a finding that there was:
 - (i) a substantial change in the character of the neighborhood where the property is located; or
 - (ii) a mistake in the existing zoning classification.
- (3) The legislative body shall keep a complete record of a hearing on an application for reclassification and the votes of the members of the legislative body.
- (4) A legislative body may not allow the filing of an application for a reclassification of all or part of any land for which a reclassification has been denied by the legislative body on the merits in the 12 months before the date of the application.
- (5) The provisions of § 4-203(b) of this subtitle concerning public hearings and notice apply to applications for reclassification.

Below is an overhead of 7222 & 7302 Contee Road



RECOMMENDATION:

Staff recommends that the City of Laurel Planning Commission **RECOMMEND APPROVAL** to the Mayor and City Council for Map Amendment 914, with the following conditions:

- 1) The Applicant shall obtain approval of a Plat of Consolidation from the City of Laurel Planning Commission.
- 2) The Applicant shall obtain Neo-Traditional Overlay Concept Plan approval from the Mayor and City Council and Final Plan of Neo-Traditional Overlay and Site and Landscape Plan Approval from the City of Laurel Planning Commission.

ATTACHMENTS:

1. Plat
2. Statement of Justification

REVIEWED BY:

Robert Love

Robert Love, Director