



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

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June 28, 2021

AGENDA ITEM NO. 5

TECHNICAL STAFF REPORT

TO: City of Laurel Planning Commission

FROM: Robert Love, Director

CASE: **Substantial Departure Application** (Resolution No. 21-10-PC)
14415 Greenview Drive
Laurel, MD 20708

GENERAL INFORMATION

APPLICANT: CS Patuxent Greens, LLC
Attn: Alan Cohen
6290 Montrose Road
Rockville, MD 20852

OWNER: CS Patuxent Greens, LLC
Attn: Alan Cohen
6290 Montrose Road
Rockville, MD 20852

LOCATION: 14415 Greenview Drive
Laurel, MD 20708

ZONE: PUD-E (Planned Unit Development Existing)

REQUESTED ACTION: The Applicant is seeking a determination of substantial departure of the final approved plan of the planned unit development area. The Applicant is seeking to increase the total approved dwelling units from 389 to 450.

PREVIOUS ACTION: -First Annexation 1981
-PUD Amendment September 12, 1983 (Resolution No. 16-83)
-PUD Amendment September 10, 1984 (Resolution No. 12-84)
-Map Amendment (No. 330) October 22, 1984 (Resolution No. 14-84)
-Map Amendment (No. 502) June 4, 1990 (Ordinance No. 934)
-Departure of Approved PUD Plan, December 11, 2017 (17-17-PC)

- Map Amendment No. 880 (17-16-PC), Ordinance No. 1924, January 22, 2018
- Preliminary Subdivision Plan (18-05-PC), October 23, 2018
- Forest Conservation Approval (18-04-PC), October 23, 2018
- Final Site & Landscape Plan Approval (18-06-PC), October 23, 2018
- Final Record Plat Approval (18-11-PC), December 11, 2018

The Applicant is seeking a determination of substantial departure of the final approved plan of the planned unit development area. The Applicant is seeking to increase the total approved dwelling units from 389 to 450.

According to the Unified Land Development Code (ULDC) **Section 20-10.7**: *“At any time after the approval of a final plan of a planned unit development area, the owner or owners may request an amendment to their plans... Upon receipt of the request for amendment the Planning Commission shall determine whether such proposed amendment is in substantial agreement with the approved final plan of development or whether it represents a departure from the intent of the prior approval.”* If it is determined that the request is a substantial departure from the final approved plan, the Applicant must seek a Map Amendment approval from the Mayor and City Council.

The Applicant is proposing to develop 61 additional units to bring the total amount to 450. The proposal includes the following changes to the types of dwelling units:

Housing Type	Current Approved Layout	Proposed Layout
Single Family Dwelling Detached	167	97
Townhome	222	353

The Applicant with their statement of justification have stated that they do not see this change as a substantial departure.

The property was part of the First 1981 Annexation for the City of Laurel that was enacted on February 2, 1982. Map Amendment No. 880 was approved on January 22, 2018, for up to 450 single-family and townhouse dwelling units however Preliminary Subdivision Plan Resolution 18-05-PC (Approved October 23, 2018) and more importantly Final Site and Landscape Plan Resolution 18-06-PC (Approved October 23, 2018) reduced the total permitted dwellings for the project to 389 units. The Planning Commission has ruled on multiple occasions that 389 units was the amount to be permitted for this project, the considerable increase in this amount along with the design layout alterations can only be seen as a substantial change. The City Staff believes that the change proposed does demonstrate a substantial departure from the approved final plans.

RECOMMENDATION:

Staff recommends that the City of Laurel Planning Commission **APPROVE** that the proposed use is a substantial departure from the previously approved Final Site and Landscape Plan, with the following conditions:

- 1) The Applicant shall apply for and obtain Map Amendment approval from the Mayor and City Council, if applicable.
- 2) The Applicant shall apply for and obtain Preliminary Subdivision Plan Revision approval from the City of Laurel Planning Commission.
- 3) The Applicant shall apply for and obtain Amended Final Site and Landscape Plan approval from the City of Laurel Planning Commission

- 4) The Applicant shall apply for and obtain Final Record Plat for Subdivision approval from the City of Laurel Planning Commission.

ATTACHMENTS:

1. Statement of Justification
2. Current Approved Site Plan Layout
3. Proposed Concept Site Plan Drawing
4. Resolution No. 18-06-PC

REVIEWED BY:



Robert Love, Director