



MAYOR AND CITY COUNCIL OF LAUREL

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

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May 17, 2024

AGENDA ITEM NO. 7

TECHNICAL STAFF REPORT

TO: City of Laurel Planning Commission

FROM: Emily Cline-Gibson, Planner II

CASE: Forest Conservation Waiver
14251 & 14275 Park Center Drive
Laurel, MD 20707

GENERAL INFORMATION

APPLICANT: Greater Laurel Professional Park, LLLP
C/o Resource Enterprise INC
ATTN: Kevin McNulty
612 Main Street, Suite 200
Laurel, MD 20707

OWNER: Same as applicant.

LOCATION: 14251 & 14275 Park Center Drive
Laurel, MD 20707

ZONE: C-VAC (Commercial Village Activity Center)

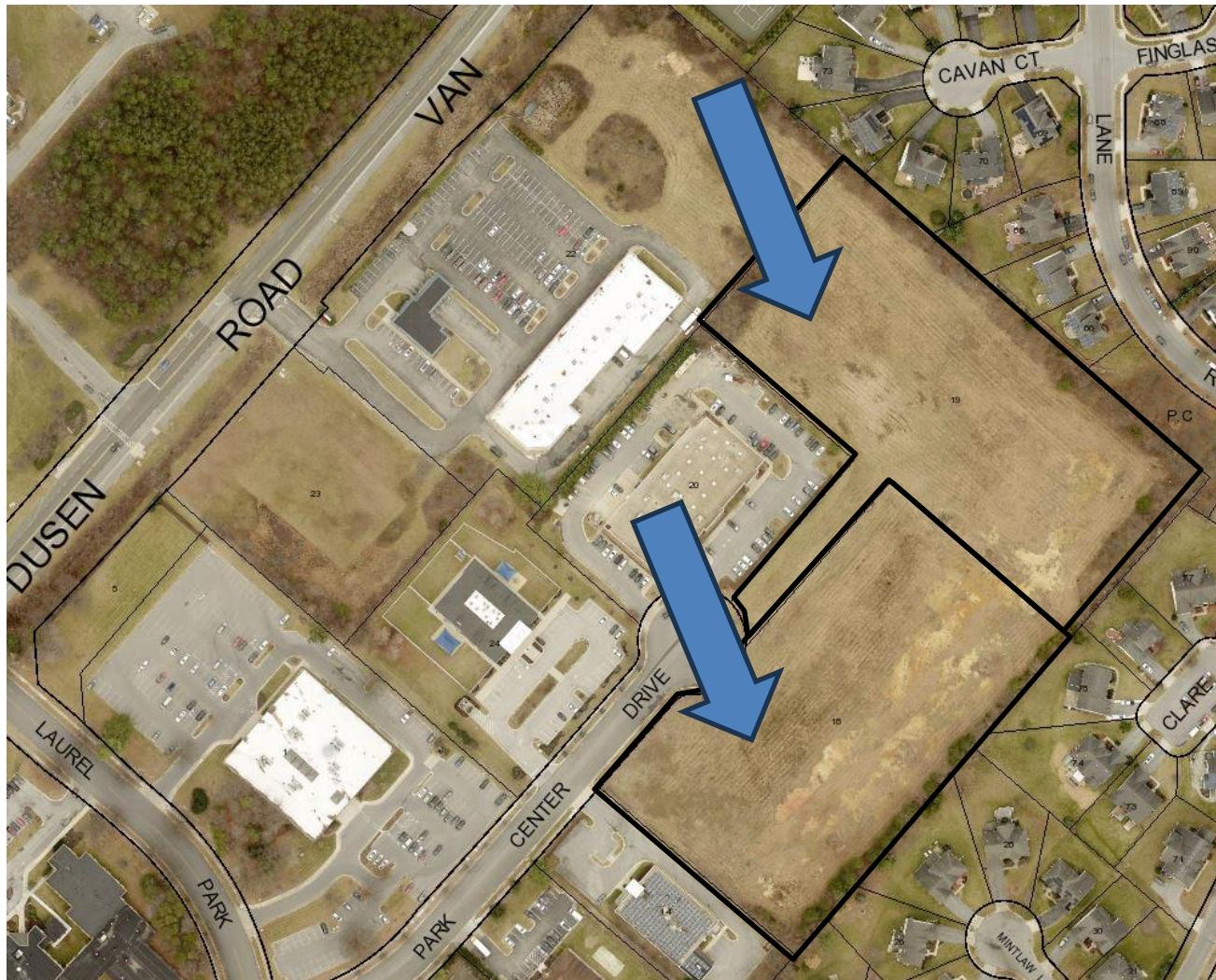
REQUESTED ACTION: Approval of Forest Conservation waiver.

PREVIOUS ACTION: **November 30, 2023:** Special Exception with Preliminary Site Plan Approved (Resolution No. 23-09-BOA)

BACKGROUND INFORMATION:

The Applicant (Kevin McNulty) is requesting a waiver from **Section 20-41.3 of the Unified Land Development Code (ULDC)** that requires a Forest Conservation Plan for any disturbed land that is 40,000 square feet (approximately 1 acre) or greater. The subject property is located on two (2) lots and total 8.2 acres.

Below is an overhead view of the property. The blue arrows show the two subject lots for the waiver.



ANALYSIS:

The applicant is requesting a waiver for a Forest Conservation Plan. The applicant states that there are no significant environmental features on the property, including specimen trees, wildlife, or other features requiring environmental review. The proposed property has remained cleared of any trees for several decades. **Sec. 21-41.16(a)(2)** of the ULDC allows for a waiver of the provisions of **Sec. 20.41.3** upon a demonstration that enforcement would result in unwarranted hardship. The specific requirements for granting a waiver are provided below:

(a) Describe the special conditions peculiar to the property which would cause unwarranted hardship.

The 8.29 acres of subject properties lack environmental features necessitating an environmental review. Historical imagery from the PG Atlas indicates the forest on the subject parcels was cleared between 1965 and 1977 for the development of existing homes on adjacent properties. Since then, the parcels have been maintained preventing the regrowth of a forest. A recent site visit by qualified CPJ staff on April 5, 2024, confirmed the absence of specimen trees, wetlands, streams, floodplains, steep slopes,

wildlife, or highly erodible soils. Requiring a full environmental review would impose unwarranted hardship given the absence of such features.

(b) Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

Enforcement of these rules would deprive the applicant of rights commonly enjoyed by others in similar areas due to several factors. Firstly, as detailed in (A) and (C) below, the subject parcels are deemed suitable for development and do not possess environmental features that would hinder development. Additionally, the proposed residential use aligns with the surrounding properties to the east, while neighboring properties to the west are designated for commercial use. Therefore, any delay or prevention of development based on environmental review would unjustly deny the applicant rights typically exercised by others in the area.

(c) Verify that the granting of the waiver will not confer on the applicant a special privilege that would be denied by other applicants.

Granting the waiver does not provide the applicant with privileges denied to others. Development of the subject parcels will adhere to standard city procedures and regulations, ensuring fairness for all.

(d) Verify that the waiver request is not based conditions or circumstances which are the result of actions by the applicants.

This land was cleared years before this development proposal and has remained without an established forest since. CPJ staff observed mowed land during a field visit, corroborated by aerial imagery revealing distinct mower lines. The fact that there are no environmental features on site is not a result of actions by the applicant.

(e) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

The request is independent of any conditions related to land or building use on neighboring properties. All proposed and existing uses on the subject parcels and surrounding properties comply with City of Laurel regulations.

(f) Verify that the granting of a waiver will not adversely affect water quality.

The granting of this waiver will not adversely affect water quality. Proper stormwater management practices will be implemented during the development process.

RECOMMENDATION:

Staff recommends that the City of Laurel Planning Commission **APPROVE** the Forest Conservation waiver for 14251 & 14275 Park Cener Drive.

ATTACHMENTS:

1. Statement of Justification
2. Field photos of property
3. Wetlands Map
4. Soil Resources Report
5. MERLIN Map

REVIEWED BY:

Monta Burrough

Monta Burrough, Acting Director