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

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DATE August 23, 2018

AGENDA ITEM NO. 8

TECHNICAL STAFF REPORT

TO: City of Laurel Planning Commission

FROM: Christian L. Pulley, Director

CASE: **Patuxent Greens Golf Course- Forest Conservation Plan**

GENERAL INFORMATION

APPLICANT:	ADC Builders Inc. 6290 Montrose Road Rockville, MD 20852
OWNER:	**Cohen Siegel Investors** 6290 Montrose Road Rockville, MD 20852
LOCATION:	14415 Greenview Drive Laurel, MD 20708
ZONE:	Planned Unit Development Existing (PUD-E)
REQUESTED ACTION:	Forest Conservation Plan Approval
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

BACKGROUND INFORMATION:

The Applicant is requesting approval of a Forest Conservation Plan associated with the proposed re-development of the Patuxent Greens golf course located at 14415 Greenview Drive, Laurel, MD 20708 into a residential community of 389 single-family and townhouse dwelling units. The development will also have a pool, hiker/biker trail and clubhouse. The Applicant is seeking preliminary subdivision approval as well as final site and landscape plan approval simultaneously with this application.

ANAYLSIS:

The Applicant received Forest Stand Delineation (FSD)/ Natural Resource Inventory (NRI) staff approval on September 25, 2017. Furthermore, the Department of Natural Resources (DNR), Wildlife and Heritage Service section conducted an environmental review of the site and determined has determined that there are no official State or Federal records for listed plant or animal species within the delineated area and there are have no specific concerns regarding potential impacts (letter issued August 23, 2017). The property is subject to the provisions of the Forest Conservation Section (Chapter 6.5) of the City Code because the proposed subdivision is more than 40,000 square feet or greater. A Forest Conservation Plan application and plan was submitted, which has determined the following:

Site Statistics Table Summary

Forest Conservation Worksheet								
Net Tract Area								
A.	Total Tract Area						A =	192.20
B.	Deductions (Floodplain)*						B =	192.20
C.	Net Tract Area						C =	0.00
Land Use Category								
		Input the number "1" under the appropriate land use						
		zoning, and limit to only one entry						
	ARA	MDR	IDA	HDR	MPD	CIA		
	0	0	0	1	0	0		
D.	Afforestation Threshold (Net Tract Area x				15%	)	D =	0.00
E.	Conservation Threshold (Net Tract Area x				20%	)	E =	0.00
Existing Forest Cover								
F.	Existing Forest Cover within the Net Tract Area						F =	0.00
G.	Area of Forest Above Conservation Threshold						G =	0.00
Break Even Point								
H.	Break Even Point						H =	0.00
I.	Forest Clearing Permitted Without Mitigation						I =	0.00
Proposed Forest Clearing								
J.	Total Area of Forest to be Cleared Within the Net Tract Area						J =	0.00
K.	Total Area of Forest to be Retained Within the Net Tract Area						K =	0.00
Planting Requirements								
L.	Reforestation for Clearing Above the Conservation Threshold						L =	0.00
M.	Reforestation for Clearing Below the Conservation Threshold						M =	0.00
N.	Credit for Retention above the Conservation Threshold						N =	0.00
P.	Total Reforestation Required						P =	0.00
Q.	Total Afforestation Required						Q =	0.00
R.	Total Planting Requirement						R =	0.00
**PIL Calculation			Convert Planting Requirement to Sq. Ft.					0.00
			If Project is inside a Priority Funding Area:					0.00
			If Project is outside of a Priority Funding Area:					0.00

TOTAL REFORESTATION & AFFORESTATION REQUIRED	0 Acres
TOTAL FOREST CLEARED	12.03 acres *not part of any requirement*
TOTAL FOREST RETAINED	55.43 *acres not part of any requirement*

Moreover, in order to develop the site into a residential development, a portion of the site must be raised above the 100-year flood elevation and, while providing compensatory flood storage. In order to convert Patuxent Greens into a

residential development, but will require the removal of one hundred and eleven (111) trees. However, Section. 20-41.7(b)(5) of the Unified Land Development Code (Code) prohibits the disturbance of any tree with a diameter, measured at, of the current state champion tree of that species as designated by Maryland Department of Natural Resources. All the proposed trees have a diameter of 30-inches or greater as measured at 4.5 feet above the ground. Therefore, the Applicant is seeking a waiver request per Section 20-41.7. The following analysis provides a justification for the tree removal.

Development Area

The development area is located within a 100-year floodplain. In order to construct the site, the floodplain must be filled in order to elevate the proposed development above the 100-year floodplain elevation. The area must be raised out of the 100-year floodplain to protect the proposed homes from potential flood damage caused by the 100-year storm. As a result, eighty-eight (88) specimen trees will need to be removed; of the 88 trees to be removed, sixty-two (62) were found to be in Poor or Fair condition. Trees in poor condition exhibit decay, rot and signs of overall decline.

TREE INFORMATION TABLE:

Specimen Tree Table					
No.	**Common Name**	**Botanical Name**	**Dbh (Inches)**	**Condition Rating**	**Disposition**
ST-1	Pin Oak	*Quercus palustris*	35	Good	Remove
ST-2	Pin Oak	*Quercus palustris*	40	Good	Remove
ST-3	Pin Oak	*Quercus palustris*	36	Fair	Remove
ST-4	Pin Oak	*Quercus palustris*	36	Fair	Remove
ST-5	Red Maple	*Acer rubrum*	33	Poor	Remove
ST-6	Red Maple	*Acer rubrum*	36	Fair	Remove
ST-7	Silver Maple	*Acer saccharinum*	30	Poor	Remove
ST-8	Pin Oak	*Quercus palustris*	32	Fair	Remove
ST-9	Red Maple	*Acer rubrum*	30	Poor	Remove
ST-10	Willlow oak	*Quercus phellos*	40	Fair	Remove
ST-11	Red Maple	*Acer rubrum*	40	Fair	Remove
ST-12	Red Maple	*Acer rubrum*	30	Poor	Remove
ST-13	Silver Maple	*Acer saccharinum*	30	Poor	Remove
ST-14	Silver Maple	*Acer saccharinum*	30	Poor	Remove
ST-15	Red Maple	*Acer rubrum*	36	Fair	Remove
ST-16	Red Maple	*Acer rubrum*	46	Poor	Remove
ST-17	Red Maple	*Acer rubrum*	34	Poor	Remove
ST-18	Red Maple	*Acer rubrum*	38	Fair	Remove
ST-19	Red Maple	*Acer rubrum*	38	Fair	Remove
ST-20	Red Maple	*Acer rubrum*	35	Good	Remove
ST-21	Pin Oak	*Quercus palustris*	65	Poor	Remove
ST-22	Pin Oak	*Quercus palustris*	38	Fair	Remove
ST-23	Willow Oak	Quercus phellos	42	Poor	Remove
ST-24	Willow Oak	*Quercus phellos*	42	Poor	Remove
ST-25	Willow Oak	*Quercus phellos*	37	Good	Remove

ST-26	Red Maple	*Acer rubrum*	38	Poor	Remove
ST-27	Red Maple	*Acer rubrum*	27	Poor	Remove
ST-28	Red Maple	*Acer rubrum*	30	Fair	Remove
ST-29	Silver Maple	*Acer saccharinum*	47	Poor	Remove
ST-30	Red maple	*Acer rubrum*	31	Poor	Remove
ST-31	Swamp White Oak	*Quercus bicolor*	32	Good	Remove
ST-32	Red Maple	*Acer rubrum*	43	Fair	Remove
ST-33	Pin Oak	*Quercus palustris*	40	Good	Remove
ST-41	American Sycamore	*Platanus occidentalis*	56	Good	Remove
ST-41a	Red Maple	*Acer rubrum*	41	Good	Remove
ST-42	Silver Maple	*Acer saccharinum*	34	Good	Remove
ST-43	Silver Maple	*Acer saccharinum*	32	Fair	Remove
ST-44	Silver Maple	*Acer saccharinum*	41	Poor	Remove
ST-45	Silver Maple	*Acer saccharinum*	38	Poor	Remove
ST-46	Silver Maple	*Acer saccharinum*	41	Poor	Remove
ST-47	Pin Oak	*Quercus palustris*	51	Poor	Remove
ST-48	Pin Oak	*Quercus palustris*	38	Poor	Remove
ST-49	Pin Oak	*Quercus palustris*	31	Fair	Remove
ST-50	Pin Oak	*Quercus palustris*	31	Fair	Remove
ST-51	Pin Oak	*Quercus palustris*	35	Fair	Remove
ST-52	Pin Oak	*Quercus palustris*	33	Fair	Remove
ST-53	Pin Oak	*Quercus palustris*	30	Good	Remove
ST-54	Willow Oak	*Quercus phellos*	32	Good	Remove
ST-55	Silver Maple	*Acer saccharinum*	30	Good	Remove
ST-57	American Sycamore	*Platanus occidentalis*	36	Fair	Remove
ST-71	Willow Oak	*Quercus phellos*	30	Fair	Remove
ST-73	Pin Oak	*Quercus palustris*	38	Poor	Remove
ST-74	Pin Oak	*Quercus palustris*	32	Good	Remove
ST-77	Pin Oak	*Quercus palustris*	41	Good	Remove
ST-78	Pin Oak	*Quercus palustris*	30	Good	Remove
ST-79	Pin Oak	*Quercus palustris*	47	Fair	Remove
ST-80	Pin Oak	*Quercus palustris*	37	Poor	Remove
ST-81	Pin Oak	*Quercus palustris*	38	Poor	Remove
ST-82	Pin Oak	*Quercus palustris*	33	Fair	Remove
ST-83	Pin Oak	*Quercus palustris*	34	Poor	Remove
St-84	Pin Oak	*Quercus palustris*	30	Poor	Remove
St-85	Red Maple	*Acer rubrum*	31	Fair	Remove
ST-86	Red Maple	*Acer rubrum*	38	Poor	Remove
ST-87	Silver Maple	*Acer saccharinum*	36	Good	Remove
ST-88	Sweetgum	*Liquidambar styraciflua*	65	Good	Remove
ST-89	Pin Oak	*Quercus palustris*	38	Fair	Remove
ST-90	Red Maple	*Acer rubrum*	43	Poor	Remove
ST-91	Red Maple	*Acer rubrum*	36	Fair	Remove

ST-92	Pin Oak	*Quercus palustris*	33	Good	Remove
ST-93	Box Elder	*Acer negundo*	47	Poor	Remove
ST-94	Red Maple	*Acer rubrum*	34	Poor	Remove
ST-95	Swamp White Oak	*Quercus bicolor*	30	Good	Remove
ST-96	Pin Oak	*Quercus palustris*	30	Good	Remove
ST-97	Silver Maple	*Acer saccharinum*	31	Good	Remove
ST-98	Silver Maple	*Acer saccharinum*	48	Fair	Remove
ST-99	Pin Oak	*Quercus palustris*	35	Good	Remove
ST-100	Red maple	*Acer rubrum*	40	Poor	Remove
ST-101	Red Maple	*Acer rubrum*	42	Poor	Remove
ST-102	Sweetgum	*Liquidambar styraciflua*	46	Good	Remove
ST-103	Red Maple	*Acer rubrum*	36	Good	Remove
ST-104	Pin Oak	*Quercus palustris*	46	Good	Remove
ST-105	Pin Oak	*Quercus palustris*	35	Fair	Remove
ST-106	Red Maple	*Acer rubrum*	34	Fair	Remove
ST-107	Red Maple	*Acer rubrum*	31	Fair	Remove
ST-108	Red Maple	*Acer rubrum*	31	Fair	Remove
ST-109	Red maple	*Acer rubrum*	35	Poor	Remove
ST-110	Red Maple	*Acer rubrum*	31	Fair	Remove
ST-111	Red Maple	*Acer rubrum*	31	Good	Remove

Compensatory Floodplain Storage

Prince George's County reviews and approves stormwater management for development projects. Prince George's County, requires that compensatory storage is provided to offset the amount of 100-year floodplain reduced through filling. In order to effectively and safely, store flood waters, twenty-three (23) specimen trees will need to be removed from the proposed storage area. The flood storage area is necessary for public safety as it will effectively store floodwaters, prevent the newly constructed homes from flooding, and protect surrounding developments.

Table 2.

Specimen Tree Table					
No.	**Common Name**	**Botanical Name**	**Dbh (Inches)**	**Condition Rating**	**Disposition**
ST-34	Silver Maple	*Acer saccharinum*	44	Poor	Remove
ST-35	Pin Oak	*Quercus palustris*	44	Poor	Remove
ST-36	American Sycamore	*Platanus occidentalis*	35	Good	Remove
ST-37	American Sycamore	*Platanus occidentalis*	42	Fair	Remove
ST-38	American Sycamore	*Platanus occidentalis*	38	Good	Remove
ST-39	American Sycamore	*Platanus occidentalis*	42	Fair	Remove
ST-40	American Sycamore	*Platanus occidentalis*	41	Good	Remove
ST-56	Silver Maple	*Acer saccharinum*	53	Fair	Remove
ST-58	American Sycamore	*Platanus occidentalis*	34	Fair	Remove
ST-59	American Sycamore	*Platanus occidentalis*	30	Fair	Remove
ST-60	American Sycamore	*Platanus occidentalis*	37	Fair	Remove
ST-61	American Sycamore	*Platanus occidentalis*	36	Fair	Remove

ST-62	American Sycamore	*Platanus occidentalis*	36	Fair	Remove
ST-63	American Sycamore	*Platanus occidentalis*	36	Fair	Remove
ST-64	American Sycamore	*Platanus occidentalis*	33	Fair	Remove
ST-65	American Sycamore	*Platanus occidentalis*	34	Poor	Remove
ST-66	Silver Maple	*Acer saccharinum*	37	Fair	Remove
ST-67	Silver Maple	*Acer saccharinum*	30	Fair	Remove
ST-68	Red Maple	*Acer rubrum*	33	Fair	Remove
ST-69	Silver Maple	*Acer saccharinum*	44	Poor	Remove
ST-70	Silver Maple	*Acer saccharinum*	44	Poor	Remove
ST-112	Pin Oak	*Quercus palustris*	30	Good	Remove
ST-113	Silver Maple	*Acer saccharinum*	35	Good	Remove

Requirements for the Granting of a Waiver

Section 20-41.16(a)(2) of the *Code* allows for a waiver of the provisions of Section 20-41.7(b)(5) upon a demonstration that enforcement would result in unwarranted hardship. The specific requirements for the granting of the waiver are provided below:

Describe the special conditions peculiar to the property have caused the unwarranted hardship:

The entire proposed re-development site is within the 100-year floodplain. In order to develop the property, it will need to be raised above the 100-year flood elevation. Furthermore, due to the reduced 100-year flood plain, Prince George's County mandates the inclusion of compensatory flood storage. The proposed mitigation site is ideally located for providing flood storage functions related to the Patuxent Greens development.

Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas:

The property is zoned Planned Unit Development-Existing ("PUD-E"). This development aligns with several goals established within the Master Plan (Plan), specifically General Goal No. 4: *"provide for a quality living environment by continuing to upgrade existing neighborhoods, and by providing necessary infrastructure and facilities including active and passive parkland area (page 50)."* The development proposes a total of 389 residential units, composed of 167 single-family detached houses and 222 townhouses. Approving the request would be aligned with the Plan's goals of upgrading existing neighborhoods because this development will not only bring this property out of the 100-year floodplain, but it will also remove the existing residential neighborhoods from the 100-year floodplain.

Verify that granting the waiver will not confer on the applicant a special privilege that would be denied to other applicants:

The site is located within the 100-year floodplain, which requires the site be filled and raised above the 100-year floodplain elevation. Strict enforcement of this Section would deprive the applicant of the ability to provide residential development in the PUD-E zone. Residential development is a permitted use by right in the zone and the Applicant obtained Map Amendment approval to proceed with other zoning approvals to be able to develop the property. Granting the waiver request will not confer a special privilege on the applicant that would be denied to others.

Verify that the waiver request is not based on conditions or circumstances which are the result of actions by the applicant:

This request for the removal of the specimen trees is not based on any conditions or circumstances which are the result of actions by the Applicant. The trees are situated below the 100-year flood elevation where proposed construction

activities need to occur in order to implement the project. In order to implement the development envisioned herein the property must be raised above the 100-year flood elevation and compensatory flood storage needs to be provided. Therefore, the requested waiver is based upon the nature of the existing site and engineering constraints derived therefrom.

Verify that the waiver request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

This waiver request for the removal of the specimen trees is not based on a condition relating to land or building use in a neighboring property. The trees are situated below the 100-year flood elevation where proposed construction activities need to occur in order to implement the proposed project. The site must be raised above the 100-year flood elevation and compensatory flood storage must also be provided. This request is based upon the nature of the existing site, engineering constraints and the distribution of the subject trees.

Verify that the granting of the waiver will not adversely affect water quality.

The granting of this waiver request will not adversely affect water quality. Through the conversion of the property from a golf course to a residential development, modern stormwater management methods that meet the State's current water quality standards will be implemented to capture and treat stormwater runoff. Additionally, the change from a golf course typology to a residential typology will facilitate a change in landscape maintenance methodology and intensity. This will result in a reduction of pesticide, herbicide, and fertilizer use. The combination of stormwater management and changed landscape typology will minimize the amount of nutrients entering the hydrological system and improve the water quality of the surrounding streams, wetlands, and groundwater.

The proposed project provides the opportunity to provide a new residential community to the City in a location of town where no new development has occurred. The current site and associated land use is underutilized and will be closing at the end of the year. Granting the waiver to remove the requested trees will allow the appropriate actions to occur for the construction of the site.

RECOMMENDATION:

It is recommended that the Planning Commission **APPROVE** the Forest Conservation Plan along with the waiver to remove the requested trees.

ATTACHMENTS:

1. Forest Conservation Plan

SUBMITTED:

_____
Christian L. Pulley
Director