



MAYOR AND CITY COUNCIL OF LAUREL

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

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December 18, 2023

AGENDA ITEM NO. 4

TECHNICAL STAFF REPORT

TO: City of Laurel Planning Commission

FROM: Robert Love, Director

CASE: Special Exception Application No. 955
Chipotle at Westside Shoppes

GENERAL INFORMATION

APPLICANT: Westside Land Holdings LLC
9102 Owens Drive
Manassas Park, VA 20111

OWNER: Westside Land Holdings LLC
9102 Owens Drive
Manassas Park, VA 20111

LOCATION: 14930 Silver Trail Lane
Laurel, MD 20707

ZONE: Mixed Use Transportation Oriented (M-X-T)

REQUESTED ACTION: The Applicant is seeking Special Exception approval to construct and operate a drive-thru for a Chipotle Restaurant.

PREVIOUS ACTION(S): **July 23, 2012:** Annexation into City of Laurel (Annexation effective 9/6/2012)
January 28, 2013: M-X-T Conceptual Plan Approved for 39.87 acres (Ord. No. 1764)
April 22, 2013: M-X-T Conceptual Plan Approved for 19.89 acres (Ord. No. 1770)
June 11, 2013: M-X-T Final Site Plan Design Approved on Parcel C for 484 Multi-Family Units (Resolution No. 13-10-PC)
May 12, 2015: Final Site and Landscape Plan Approved for Westside Townhouses (Resolution No. 15-10-PC)
December 8, 2015: Final Subdivision Plat Approved for 56 townhouse units (Resolution No. 15-13-PC)

July 22, 2019: M-X-T Conceptual Plan Approved (Ordinance No. 1940)

November 19, 2019: Preliminary Subdivision Plan Approved (Resolution No. 19-12-PC)

May 12, 2020: Detailed Site Plan for 81 townhomes Approved (Resolution No. 20-03-PC)

May 12, 2020: Detailed Site Plan for retail building Approved (Resolution No. 20-04-PC)

July 14, 2020: Record Plat approved (Resolution No. 20-09-PC)

January 11, 2022: Special Exception with detailed site plan for WaWa gas station with convenience store Approved (Resolution No. 22-02-BOA)

January 11, 2022: Special Exception with detailed site plan for Starbucks restaurant with drive thru Approved (Resolution No. 22-03-BOA)

BACKGROUND INFORMATION:

The Applicant (Westside Holdings LLC) is seeking Special Exception approval to construct and operate a drive-thru for a Chipotle Restaurant. The site is part of the larger development known as Westside. The current zoning of the property is Mixed Use Transportation Oriented (M-X-T), which was annexed into the City in July of 2012.

The following comments from City Departments and external agencies were received:

Department or Agency	Comments Received
City of Laurel Police Department	No issues with the application (12/28/2023)
City of Laurel Department of Parks and Recreation	No issues with the application (12/28/2023)
City of Laurel Department of the Fire Marshal and Permit Services	No issues with the application (12/28/2023)
City of Laurel Department of Public Works	No issues with the application (12/28/2023)
Prince George's County Health Department	See attached comments (12/14/2023)
Maryland-National Capital Parks and Planning Commission	No issues with the application (12/11/2023)
Maryland State Highway Administration	No response received
Maryland Department of Permitting, Inspections and Enforcement	No response received

Washington Suburban Sanitary Commission	See attached comments (12/21/2023)
Baltimore Gas and Electric Company	No response received
Verizon	No response received
Prince George's County Public Schools	No response received

Below is an overhead of the subject properties.



ANALYSIS

The Applicant (Westside Holdings LLC) is seeking Special Exception approval to construct and operate a drive-thru for a Chipotle Restaurant. The original building was approved on May 12, 2020 with Detailed M-X-T Site Plan Application No. 903 which included a 10,000 sq ft. retail building. The original building will increase to 10,231 sq. ft. with the addition of the drive-thru. The drive-thru lane will be 12' wide and will start at the right side of the building with the drive-thru window being located on the left side of the building.

Section 20-21.1 of the *Land Development Code* lists the general criteria that must be met in order for the special exception use to be granted.

- 1) The proposed use is in harmony with the purpose and intent of the Master Plan, as embodies in this article and in any Master Plan or portion thereof adopted or proposed as part of such Master Plan.*

Part V of the City of Laurel's Master Plan sets out its vision for Mixed Use Transportation Oriented (M-X-T) development. The Master Plan recommends that

M-X-T development occur "in the vicinity of major intersections. . . " (Master Plan, p. 70). Westside is bordered on its northern and western boundaries by the East Coast's most important North/ South artery, Interstate 95, as well as the 'ON' ramp for Interstate 95/ Contee Road Interchange which provides direct access to Interstate 95. The southern portion of the site fronts on Van Dusen Road.

The Master Plan also notes that "these areas will enhance the economic status of the City and provide an expanding source of desirable employment and living opportunities for its citizens, " (Master Plan, p. 70). The proposed Chipotle restaurant will provide a source of employment opportunities for residents of the City. Residents within Westside will be able to walk or drive to Chipotle. Chipotle is a sought after commercial use which serves an important need within the community. The commercial component is effectively buffered from the residential area and therefore while it will provide a source of employment, it will not impair the living area within Westside. The Westside development satisfies the recommendations of the Master Plan for M-X-T zoned property.

Section IV of the Master Plan also describes "General Goals" on page 48. Goal No. 1 is to: "Develop Laurel as a comprehensive balanced community with a full array of integrated and complementary land uses. " Westside will continue to harmoniously blend complementary uses to create a vibrant and exciting new development for the City of Laurel. The Westside development does in fact represent a comprehensive balanced community and it includes an array of complementary land uses which are integrated within the development. Once again, the commercial component which will include the Chipotle, is oriented toward the intersection of Westside Boulevard and Van Dusen Road. While it is readily accessible to pedestrians through the sidewalk system within Westside, it is sufficiently buffered from the residential component.

2) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area.

The law in Maryland creates a legislative presumption that a Special Exception use will be harmonious with the area and will not adversely impact health, safety and welfare. However, the applicant also carries this burden of establishing no adverse impact on health, safety and welfare. As has been noted throughout this Justification Statement, the overall Westside project has been found by both the Planning Commission and the Mayor and City Council to satisfy all relevant criteria set forth for an M-X-T development. This includes the approval of the Conceptual Site Plan and earlier Final Site Plans. In particular, positive findings have previously been made that the mix of commercial and residential uses for Westside satisfies the requirements of Section 20-12.5(d) of the City Code. In particular, positive findings have been made that the Westside development will:

1. Encourage diverse land uses which blend together harmoniously;
2. Create dynamic, functional relationships among individual uses;

3. Permit optimum land planning with greater efficiency through the use of economics of scale; and
4. That the proposed Westside development is compatible with existing and proposed development in the vicinity.

The applicant submits that these findings remain relevant with regard to the Chipotle proposal. As noted above, the Chipotle use is a sought after commercial component in virtually every retail complex. It is widely viewed as a use which provides a desired and needed service to residents. As discussed previously, the Chipotle will be located within the commercial component known as Westside Shoppes. The entire commercial component is oriented towards Van Dusen Road and Westside Boulevard, thus ensuring virtually no adverse transportation impact within the Westside community. At the same time, the Chipotle will be readily accessible to pedestrians within Westside and nearby developments. Screening and landscaping is provided along the northern boundary of Lot 3 where the Chipotle will be located in order to ensure no adverse impact will occur to residents.

Given the proximity to the Interstate 95/ Contee Road interchange, and further given the substantial road improvements which have been made to Van Dusen Road by the SHA and which have been made to Contee Road by Prince George's County, it is clear that a commercial use such as Chipotle will be appropriate at this location.

Finally, as has been discussed earlier, the Westside Shoppes at Westside was the subject of an individual Preliminary Subdivision Plan which was approved by the Planning Commission in November of 2019. As part of that approval, the applicant submitted a transportation impact analysis. The conclusion of that study was that the development of the Westside Shoppes would have no adverse impact on transportation facilities within the area. As part of the approval of that Preliminary Subdivision Plan, the applicant was required to submit a traffic signal warrant analysis for the installation of a traffic signal at the intersection of Van Dusen Road and Westside Boulevard. That analysis was prepared and is dated November 29, 2019. The conclusion of that analysis was that a signal is in fact warranted. The SHA approved the study and the signal has been installed and is now operational.

A traffic impact analysis was prepared in conjunction with the Preliminary Subdivision Plan. That study found that adequate transportation facilities will exist for the entire Westside development and for the 40,000 square foot commercial component.

In view of all of the above, there is an abundance of evidence supporting the conclusion that the grant of this Special Exception will have no adverse impact on health, safety or welfare of residents or workers in the area.

- 3) Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity.***

The impact of the commercial component of Westside has been analyzed in the approval of the Conceptual Site Plan, the revision to the Conceptual Site Plan the Preliminary Subdivision Plans which have been reviewed and approved for the entire project. This of course includes the Preliminary Subdivision Plan for the commercial component of Westside. Each of these approvals concluded that the mix of uses being proposed would stimulate the peaceful enjoyment, economic value and development on surrounding properties and the general neighborhood. This is a mixed-use project located at an interchange of the most traveled north-south corridor on the east coast.

The Chipotle building has been designed so as to be aesthetically pleasing. It incorporates materials including substantial brick, glazing and EIFS treatments. The roof line creates further architectural and aesthetic interest. The use itself is a sought after retail offering. Therefore, granting this special exception will not be detrimental to the enjoyment, economic value or development of surrounding properties. Further, the operation of the Chipotle will not generate noise, vibrations, fumes, odors or dust. The parking lot will be fully paved to reduce dust. The building construction will be such that noise will not emanate from inside the building. Further, a sight tight and solid fence will be constructed along the northern boundary of Lot 3. This will ensure there will be no adverse impact from noise associated with the drive-thru. Onsite lights are to be covered with a shield and will direct light down so as not to allow glare to intrude on to adjoining properties. Lighting on site will be safe but glare will not be allowed to escape on to the residential townhomes to the north or to other adjoining commercial sites within Westside Shoppes.

- 4) Will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police, and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements.***

The Preliminary Subdivision Plan for Westside Shoppes was approved on November 19, 2019. Included in the review and approval of the Preliminary Subdivision Plan was a staff analysis of public services. Since this use is commercial in nature, it will have no impact on schools. The City of Laurel Police Chief rendered no adverse comments to the approval of the Preliminary Subdivision Plan. The same was the case with the City of Laurel Fire Marshall. A stormwater management concept plan has been approved. That plan shows that storm drainage will be accommodated in accordance with all applicable

regulations. An existing stormwater management facility owned by SHA is located immediately south of the Westside Shoppes. That facility, along with bio—retention areas located along the perimeter of the commercial component, will accommodate stormwater from the Chipotle. The Applicant has entered into an agreement with SHA to actually expand this stormwater facility in order to accept stormwater from Westside. Washington Suburban Sanitary Commission reviewed the Preliminary Plan and made no adverse comments. The Property is in Water and Sewer Category 3 and will be served by public water and sewer which is proximate to the Property. Finally, as noted above, there will be no adverse impacts as a result of roads as the transportation network has been deemed to function adequately within articulated levels of service.

5) Meets the definition and specific standards set forth elsewhere in this article for such particular use.

The above information confirms that all of the criteria forth in Section 20-21.1 are met and satisfied.

STAFF RECOMMENDATION

Staff recommends that the City of Laurel Planning Commission **RECOMMEND APPROVAL** to the City of Laurel Board of Appeals for Special Exception No. 955, with the following conditions:

1. The Applicant shall obtain all required City of Laurel permits from the Department of the Fire Marshal and Permit Services.
2. The Applicant shall obtain approval for Amended Final M-X-T Site Plan No. 954 prior to issuance of the first building permit.
3. The Applicant shall comply with all applicable local, state and federal laws and regulations in the development of the Property.

ATTACHMENTS

1. Site & Landscape Plan
2. Traffic Study
3. Statement of Justification
4. Prince George's County Health Department Memo
5. WSSC Memo

REVIEWED BY:

Robert Love

Robert Love
Director