



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

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January 21, 2025

AGENDA ITEM NO.

TECHNICAL STAFF REPORT

TO: City of Laurel Planning Commission

FROM: Sam Braden IV, Deputy Director

CASE: **Special Exception NO. 966**
14368 Baltimore Ave
Laurel, MD 20707

GENERAL INFORMATION

APPLICANT: Raising Cane's Restaurant, L.L.C.
6800 Bishop Road
Plano, Texas 75024

OWNER: Laurel Lakes L.L.C.
2800 Quarry Lake Drive,
Baltimore, MD, 21209

LOCATION: 14368 Baltimore Ave
Laurel, MD 20707

ZONE: Commercial General (C-G)

REQUESTED ACTION: Special Exception Approval to operate a Raising Cane's restaurant with a drive-thru

BACKGROUND INFORMATION:

The Applicant is seeking special exception approval to redevelop/demolish the existing commercial stand-alone building. The commercial building was a Red Lobster restaurant. After the demolition, the property will be a Raising Cane's fast-food restaurant with a drive-thru. The property is zoned Commercial General (C-G).

THE PROPERTY IS SURROUNDED BY THE FOLLOWING ZONING CLASSIFICATIONS:

- North: O-B (Office Business)
- South: Industrial Research Technology Park (I-RTP)
- East: Out of City Limits, Various Commercial and Residential Uses

- West: R-18 (Medium Density Multifamily)

The following Departments and Agencies were notified of the application and comments were requested. See below for responses:

Department of Agency	Comments Received
City of Laurel Department of Public Works	No issue with proposal. (2/3/2025)
City of Laurel Police Chief	No issue with proposal. (2/3/25)
City of Laurel Department of Parks and Recreation.	No comments received.
City of Laurel Fire Marshal	<p>Comments below (1/23/2025) / (2/3/2025)</p> <p>The applicant shall obtain all required electrical and building permits from the City of Laurel Office of the Fire Marshal & Permit Services.</p> <p>Outdoor seating - They will have to maintain 36" min of clear width for an accessible route along with providing proper spacing of the tables for handicap accessibility. Other than that, it's an existing restaurant pad site.</p>
Washington Suburban Sanitary Commission (WSSC)	<p>Comments below (1/22/2025)</p> <ol style="list-style-type: none"> <li data-bbox="975 1407 1460 1689">The applicant must provide a separate Utility Plan to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way. <li data-bbox="975 1689 1460 1900">Upon completion of the site construction, utilities that are found to be located within WSSC's rights-of-way (or conflict with WSSC pipelines) must be

	<p>removed and relocated at the applicant's expense.</p>
Prince George's County Health Department	<p>Comments below (1/9/2025)</p> <ol style="list-style-type: none"> 1. The applicant shall submit plans to the Plan Review department at the Department of Permitting, Inspection Enforcement (DPIE) on their website for the proposed food facility and apply online for a Health Department Food Service Facility permit through the Prince George's County's Momentum website. 2. The applicant shall apply for a raze permit with the DPIE office prior to the demolition of the existing building. 3. There are approximately ten existing carry-out/convenience stores food facilities and one grocery store market within a ½ mile radius of this site. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. 4. During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code. 5. During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as

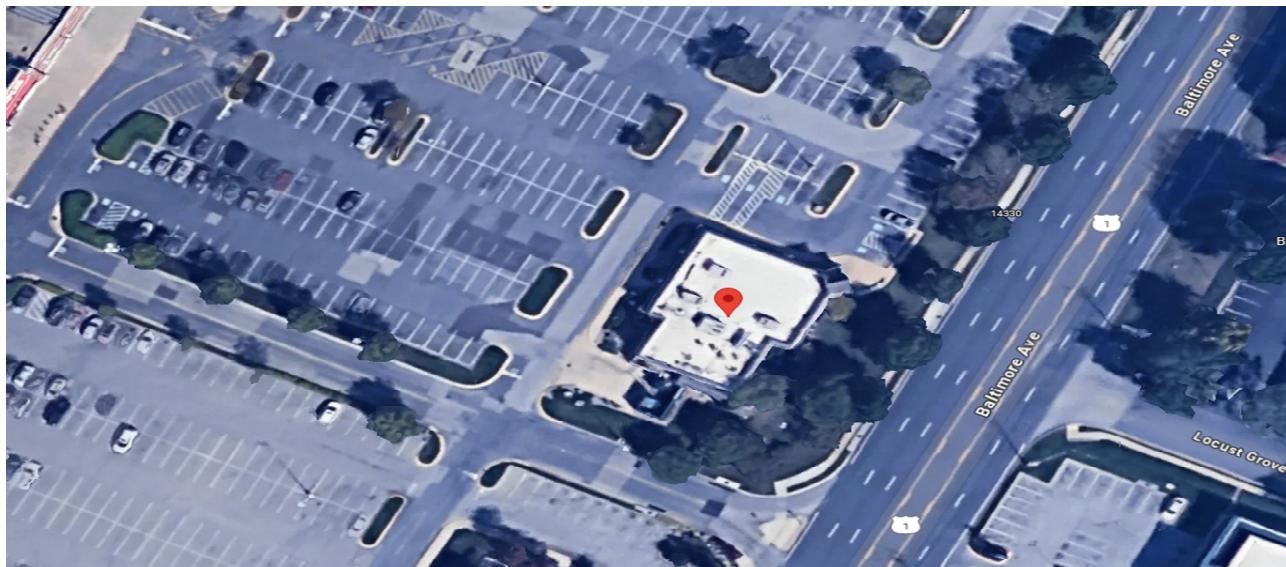
	specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
Maryland State Highway Administration (SHA)	No issues with the proposal. (1/22/2025)
Maryland Department of Planning	No issues with the proposal. (1/9/2025)
Maryland-National Park and Planning Commission (MNPPC)	No comments received.
Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)	No comments received.
Baltimore Gas and Electric (BGE)	No comments received.
Verizon	No issues with the proposal. (1/10/2025)
Prince George's County Public Schools Capital Programs	No comments received.

ANALYSIS:

The applicant is requesting a special exception for the development of an approximately 3,031-square-foot restaurant with drive-through service (“Raising Cane’s”) in the C-G (Commercial General) Zone. The former restaurant (Red Lobster) will be razed. As shown on the site plan filed with the application, the new Raising Cane’s restaurant is proposed to be 3,031 square feet with a double drive-through lane. The proposed Raising Cane’s is in the commercial pad along Baltimore Avenue within the Laurel Lakes Center.

Based on the existing development and layout of the Laurel Lakes Center, which is oriented towards Baltimore Avenue, the selected location for the proposed new restaurant with a drive-thru will not impact internal circulation, as the site has been purposefully designed to ensure no access from the main drive aisle entering the large shopping center property is proposed. Instead, access to the site and the drive-through lanes are designed off a secondary internal drive aisle parallel to Baltimore Avenue.

The photograph below illustrates the building for the proposed fast-food restaurant with a drive-thru location.



Parking:

USE	PARKING SPACES REQUIRED	TOTAL PARKING SPACES FOR THE SITE
Eating and drinking establishment (including drive-through service or carryout)	30	20

According to the Code, Sec. 20-16.5 and Sec. 20-16.6. - Schedule of parking requirements requires: one (1) parking space per 100 sq. ft. of the first 3,000 sq. ft. of Gross Floor Area (GFA).

There are twenty (20) parking spaces on-site. This property is in a shopping center surrounded by adequate parking.

Landscape:

In addition, as provided on the landscape plan, the applicant is proposing to significantly add landscaping and plantings within the limits of disturbance. Although eleven (11) existing trees need to be removed to accommodate the improvements necessary, at least fourteen (14) existing trees will remain, and approximately twenty-six (26) trees (including some evergreen trees (will be added). In total, thirty-one (31) shade trees and nine (9) evergreen trees are being provided with this development. All plantings will be planted in a location that will not only provide additional screening of the proposed use and drive-thru lanes from Baltimore Avenue, but will also be close to the location of the existing trees to be removed while not negatively impacting the safe operation of the proposed use and circulation pattern of the overall center. Indeed, additional tree plantings are property along the secondary internal drive aisle that currently has no landscaping within the parking fields of the center.

Sec. 20-21.01 of the Unified Land Development Code (Code) lists five criteria for special exceptions generally, which include:

- (1) The proposed use is in harmony with the purpose and intent of the comprehensive master plan, as embodied in this chapter and in any master plan or portion thereof adopted or

proposed as part of such comprehensive master plan.

The applicant contends that this criterion is met. The City of Laurel Master Plan, dated July 25, 2016, supports this development proposal. The Comprehensive Land Use Map No. 6 (page 67) placed the Laurel Lakes Center within a planned development - existing use category. The definition that follows for the Planned Development - Existing Zone states “[e]stablished to provide for certain uses and structures that are a part of a preliminary development plan or final development plan approved by the Mayor and City Council to continue as uses permitted by right. Expansion of either uses or structures is to be prohibited, except those uses shown on an approved preliminary site plan or existing on February 1, 2010 shall be permitted by right to ensure the development and continued use of the structures and to protect adjacent structures from a change in character of the neighborhood.” The proposed use within the Laurel Lakes Center, which consists of a regional shopping center, an office park, and a third area containing a mix of office uses, commercial uses, and a hotel, is in harmony with the master plan. Indeed, the underlying zone for the center was C-G (Commercial General), the purpose of which was to provide locations for general retail commercial activities. These activities are those associated with a large trade area, serving a large portion of the regional area. Permitted uses excludes those uses which are considered incompatible with general retail functions. Where possible, land classified in a Commercial General Zone should be located on roads carrying large volumes of traffic; be grouped in concentrations of relatively large areas and narrow street frontage; have few points of highway access; and concentrations should be relatively far apart. No direct access from Baltimore Avenue (which carries large volumes of traffic) to the proposed use is proposed. Instead, access to the use is from internal drive aisles that serve the overall center. The Revitalization Overlay Area, Map No. 8 (page 81), also places the property within the RO-2 Highway Corridor or Activity Node. The applicant contends that this special exception is proposing revitalization to the existing shopping center since the existing restaurant (Red Lobster) will be replaced by a new and expanding use in the region. The alternative is the ultimate creation of a vacant and out of business restaurant with visibility along Baltimore Avenue. The special exception development will ensure future redevelopment of the property with mix of various commercial uses instead of defunct or out of business shell buildings. City of Laurel Neighborhoods Map No. 10 (page 83) placed the Laurel Lakes Center within Neighborhood 8, which is a regional shopping center and office park, additional commercial uses and a hotel, with two (2) City Parks in the area. The addition of a Raising Cane’s restaurant with drive-through service to an otherwise existing commercial center is in harmony with the purpose of this neighborhood. The applicant contends that the development proposal is in conformance with the City of Laurel’s Master Plan.

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

The proposed improvements consist of razing the existing restaurant building (Red Lobster) and constructing a new modern (yet smaller) restaurant (Raising Cane’s) with a double drive-through. This will not adversely affect the general welfare of residents or workers in the area. The drive-through lanes are designed to facilitate safe and efficient on-site circulation for vehicles and pedestrians. Bailout access lanes/curb cuts are provided to access the existing interior drive aisles. Additional striping and an ADA-compliant path from the building to the parking area is proposed to increase pedestrian safety on the property. In addition, six (6) of the parking spaces will include EV charging stations. A Traffic Impact Analysis has been provided that concludes that the internal circulation and access to the proposed use will not create queuing or circulation conflicts either on Baltimore Avenue or within the site. In addition, as provided on the landscape plan, the applicant is proposing to significantly add landscaping and plantings within the limits of disturbance. Finally, all required buffer-yards and setbacks are met, and no variances or departures to any design regulations are proposed. Additionally, it should be noted that all trips associated with the restaurant are already approved and included in the overall traffic associated with the Laurel Lakes Centre shopping center. As stated in the Traffic Impact Analysis, the proposed drive-through

has little to no impact on the amount of traffic that would be generated by a fast food restaurant, regardless of the existence of a drive-through or not. Therefore, the approval of the special exception would not generate additional or excessive trips to and from the use. Consequently, no affects, beyond those that may be inherent to the use itself, will adversely impact the 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 approval of the requested special exception to accommodate a restaurant with drive-through lanes will not be detrimental to the use, peaceful enjoyment, economic value, or development surrounding the property. As indicated above, the proposed location of the restaurant with a drive-thru is within the Laurel Lakes Center, in close proximity to Baltimore Avenue with no direct access other than existing drive-aisles that serve the overall center. Moreover, the surrounding property is either developed or zoned commercially, which is consistent with the proposed use. Consequently, there would be no further impact on the neighborhood than what already exists given the existing development on the overall site. The proposed use has been designed to comply with the required performance standards. It is not anticipated that the proposed use will create disruptive noise, vibrations, fumes, odors, dust, glare, or physical activity. The proposed use will include landscaping, has been designed to adhere to all required bulk regulations, and, again, will not create any objectionable noise, vibrations, fumes, odors, dust, or glare. The layout and design accommodate/incorporate Crime Prevention Through Environmental Design (CPTED) strategies and principles that rely upon the ability to influence offender decisions that precede criminal acts. The Traffic Impact Analysis confirms sufficient and safe on-site circulation will be provided throughout the site. Finally, all lighting and signage will be complementary to existing conditions and will not result in any detriment to the peaceful enjoyment of the general neighborhood, which is primarily characterized as commercial in nature.

(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; and

The approval of this special exception for the development of a restaurant with drive-through service, will not overburden existing public services and facilities. Again, this application proposes the replace of an existing restaurant with a new restaurant with drive-through service. The proposed development will consist of a smaller building and increased landscaping. Existing drive aisles within the already existing commercial center will be utilized and the Traffic Impact Analysis confirms sufficient and safe on-site circulation will be provided throughout the site. The development area is the minimum required to develop the site and associated drive aisles, and will not affect the water or sewer systems, or public roadways. Storm drainage requirements are in conformance with the City's and/or the County's Department of Permitting, Inspections, and Enforcement for the development. Finally, all on-site parking requirements are being met with the addition of six (6) EV charging stations. Consequently, the applicant contends that this criterion is met.

(5) The proposed use meets the definition and specific standards set forth elsewhere in this article for such particular use.

The applicant contends that this criterion is met, as the Ordinance does not provide any additional standards for the proposed use.

(b) The applicant for a special exception shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Board of Appeals.

The applicant contends that this criterion is met given the documentation submitted herewith, including but not limited to all Site Plans, the Traffic Impact Analysis, this Statement of Justification, and any other evidence that will be provided at the future Board of Appeals hearing.

Sec. 20-22.31. - Drive-in, carryout, or fast-food restaurant.

In a C-G or C-SH zone, a drive-in, carry-out, or fast-food restaurant may be allowed, upon a finding, in addition to the requirements of Sections 20-21.1 and 20-22.1 that:

(a) The use will not constitute a nuisance because of noise, illumination, fumes, odors, or physical activity in the location proposed.

The proposed use will not be detrimental to the health, safety, and welfare of the neighborhood and the traveling public.

(b) The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity.

The proposed drive-thru at this location does not have any impact that would be beyond those inherent to the use itself (ie. No noninherent impacts). The site is located and accessed within the Laurel Lakes Centre and does not have direct access to any public streets. Therefore, all onsite circulation and queuing is proposed to be contained within the site. Furthermore, the proposed drive-thru has little to no impact on the traffic that would be generated by fast food, regardless of the existence of a drive-thru or not. Therefore, the approval of the Special Exception would not generate additional or excessive trips to and from the use.

(c) Pre-empt frontage on any highway or public road in such manner so as to substantially reduce the visibility and accessibility of an interior commercial area zoned or proposed for commercial use which is oriented to the same highway or public road.

Access to the proposed site will be through existing driveways into the Laurel Lakes Shopping Center. There are no issues with visibility and accessibility of the commercial area and site.

(d) **When such use abuts a residential zone or institutional premises not recommended for reclassification to commercial or industrial zone on an adopted Master Plan and is not effectively screened by a natural terrain feature, the use shall be screened by a solid wall or a substantial, sightly, solid fence, not less than five (5) feet in height, together with a planting strip on the outside of such wall or fence, planted in shrubs and evergreens three (3) feet high at the time of original planting and which shall be maintained in good condition. Location, maintenance, vehicle sight distance provisions, advertising, and parking areas pertaining to screening shall be as provided for in other sections of these regulations.**

Proposed site is located in a planned development area, in a shopping center. Meets all design and maintenance screening, planting standards, and vehicle sight distance requirements. There are no issues with visual or disruptive impacts.

(e) **Signs, if erected, shall be in conformance with Division 7 of this article, and such signs, product displays, parked vehicles and other obstructions which adversely affect visibility at intersections or at entrances and exits to and from such use shall be prohibited.**

There are not any signs, product displays, parked vehicles, or other obstructions that adversely affect visibility at the proposed site.

(f) **Lighting, including permitted illuminated signs shall be arranged so as not to reflect or cause glare into any residential zone.**

The applicant has submitted plans displaying permitted illuminated signs. The proposed site is not located near a residential zone.

(g) **When such use occupies a corner lot, the ingress or egress driveways shall be located at least twenty (20) feet from the intersection of the front and side street lines of the lot, as defined in Section 20-1.7.**

The applicant has provided a traffic study that ensures sufficient ingress and egress of the site. There is clear visibility for vehicles to enter and exit the site safely.

(h) **A preponderance of evidence of record indicates that:**

(1) **A need exists for the proposed fast-food, drive-in, or carryout restaurant for service to the population in the community considering the present availability of such use to the community.**

The proposed use addresses a need for enhanced dining options in the community.

(2) **A need exists for the proposed restaurant due to an insufficient number of similar uses presently available to serve existing population concentrations in the City.**

The proposed restaurant will meet the needs of limited available options within the city.

(3) The use at the proposed location will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

The proposed location will not contribute to excessive density of similar uses in the same general neighborhood.

RECOMMENDATION:

Staff recommends that the City of Laurel Planning Commission **RECOMMEND APPROVAL** to the City of Laurel Board of Appeals for No. 966, with the following conditions:

1. The applicant shall obtain all required electrical and building permits from the City of Laurel Office of the Fire Marshal & Permit Services.
2. The applicant shall comply with all federal, state, and local laws and regulations for the protection of the use of property.
3. The applicant shall submit plans to the Plan Review department at the Department of Permitting, Inspection Enforcement (DPIE) on their website for the proposed food facility and apply online for a Health Department Food Service Facility permit through the Prince George's County's Momentum website.
4. The applicant shall apply for a raze permit with the DPIE office prior to the demolition of the existing building.
5. During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

ATTACHMENTS:

1. Site Plan
2. Statement of Justification
3. Façade Elevations
4. Traffic Study

REVIEWED

Monta Burrough

Monta Burrough, Director