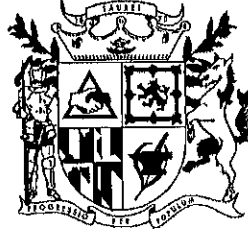


Frederick Smalls, Chairman
Michelle Keating, Vice-chair
David D. Johnston, Esquire
Maria Clifford
Stephen Wallace, Esquire
Ursula Gnan, Alternate



Stephanie Anderson
City Solicitor

CITY OF LAUREL BOARD OF APPEALS

8103 Sandy Spring Road • Laurel, MD 20707 • 301-725-5300 • Fax: 410-792-2108

The Board typically Meets the Fourth Thursday of each Month

THREE HUNDRED EIGHTY SIXTH MEETING- REGULAR THURSDAY DECEMBER 18, 2025 6:00 P.M. AGENDA

**This meeting will be conducted virtually via Zoom. To sign up to speak, pre-register here: <https://cityoflaurel.org/register-to-speak>. There will be a three (3) minute limit for each speaker. If you cannot attend but wish to submit comments for the record, please email them to ecd@laurel.md.us*

1. Roll Call
2. Approval of Minutes **September 25, 2025**
3. **Special Exception Application No. 972, Resolution No. 25-07-BOA, for 13601 Westside Boulevard** filed by **Westside Land Holdings, LLC.**, the applicant is seeking approval for a special exception to construct a restaurant (Panda Express) with a drive-thru.
 - Public Hearing on Application
 - Final Action
4. **Special Exception Application No. 976, Resolution No. 25-10-BOA, for 14600 Baltimore Avenue** filed by **Fidel Rincon**, the applicant is seeking approval for a special exception to add Live Entertainment and Dancing to the existing restaurant (Chido's).
5. **Nomination of Chair**
6. **Nomination of Vice Chair**
7. Adjourn

**THREE HUNDRED EIGHTY FIFTH MEETING
CITY OF LAUREL BOARD OF APPEALS
THURSDAY, SEPTEMBER 25, 2025 – REGULAR MEETING**

*****This meeting was conducted in-person in the Council Chambers *****

Convened: 6:04 P.M.

Board Members Present (During Roll):

Frederick Smalls, Chair
Michele Keating, Vice chair
David Johnston
Stephen Wallace

Staff Present:

Christian Pulley, City Administrator
Monta Burrough, Deputy Director, ECD
Brooke Quillen, Community Development Coordinator, ECD
Charlotte Freedburg, Communications

Citizens Present: Approximately: Three (3)

The minutes of the May 22, 2025, meeting were approved as written on motion by Mr. Johnston and seconded by Mr. Wallace, carried on a roll call vote of all other members present, with Ms. Keating abstaining from the vote.

The next agenda item was Special Exception Application No. 974 for 8003 Laurel Lakes Court Laurel, Maryland 20707, filed by Habitat for Humanity Metro Maryland, Mr. Jeff Dee, 8380 Colesville Road, 600 Silver Spring, Maryland 20910. Mr. Burrough completed the reading of the record for the administrative approval process and presented the technical staff report dated August 12, 2025. The applicant (Habitat for Humanity Metro Maryland) is seeking approval to establish and operate an Interim Limited Retail Use (Habitat Restore, a retail use) at 8003 Laurel Lake Court. The property is zoned I-RTP (Industrial Research Technology Park). The building has two levels. The front of the building and most of the parking lot face Laurel Lakes Court. The building totals 71,406 square feet. It currently houses two tenants: an elevator sales and repair company, CCI Elevators of Maryland, Inc., and the entire second floor is occupied by these tenants. The first floor is currently vacant except for an area occupied by Celebree School, a school and daycare provider. Celebree School currently occupies 9,325 square feet of the building.

Mr. Burrough continued, adding Habitat for Humanity is a nonprofit organization in the United States dedicated to building affordable housing. Habitat for Humanity Metro Maryland Inc. is a subsidiary of Habitat for Humanity that operates Habitat for Humanity ReStores in Maryland. The ReStores are home improvement stores, retail outlets, and

donation centers that accept donations of furniture, appliances, décor, building materials, and home items, all sold at significant discounts to the public. 3 Each ReStore is run by professional staff and supported by volunteers. The goal of these stores is to generate unrestricted revenue to support the mission of providing affordable homeownership opportunities in the local community

Ms. Keating recused herself from this application.

Chairman Smalls opened the public hearing at 6:21 p.m.

Representing the applicant, Mr. Edward Gibbs, Esquire, Gibbs and Haller, 1300 Caraway Court Suite 102 Largo, Maryland 20772, introduced the applicant and stated they agree with the staff report and all the conditions listed. He added that this project is for a great cause, as they help offer supplies for affordable housing; he explained the Restores accept donations of materials such as building materials, furniture, etc., and all sales of items go towards the mission for Habitat for Humanity. He went on to say he visited the site recently and most of the buildings are vacant. He requested for staff to put a copy of the signed ordinance into the project file when it is available.

The applicant, Ms. Nancy Coufus, Vice President of Restores with Habitat for Humanity, 8390 Colesville Road Suite 600 Silver Spring, Maryland 20910, discussed with the Commission the logistics of the parking lot and business operations. Ms. Coufus added they are aiming for a February 1st, 2026, opening date.

Chairman Smalls closed the public hearing at 6:30 p.m.

On motion by Mr. Wallace, seconded by Mr. Johnston and carried on a unanimous vote by all members present, Special Exception Application No. 974 and Resolution No. 25-08-BOA were approved as presented in the Technical Staff Report.

Adjourn: 6:33 P.M.

APPROVED: DATE:

The Honorable G. Rick Wilson, Chair
Dennis Grant, Vice Chairman
Council President Smith, Ex Officio Member
Bill Wellford
John R. Kish
Stanley Spalding
Roy Smith, Alternate



Christian Pulley, Executive Officer

Jay Meashey, Director
Department of Economic and Community Services

CITY OF LAUREL PLANNING COMMISSION

8103 Sandy Spring Road • Laurel, MD 20707 • 301-725-5300 • Fax: 410-792-2108

The Commission typically Meets Second Tuesday of Each Month

December 10, 2025

To: City of Laurel Board of Appeals
From: City of Laurel Planning Commission- BQ
Subject: Special Exception Application No. 972- 13601 Westside Boulevard Laurel Maryland 20707

At the regular meeting of the City of Laurel Planning Commission, held on December 9, 2025, the following action was taken on the subject zoning application: "The Commission, on motion by Mr. Wellford, seconded by Mr. Grant, and carried on a roll call vote of all members present, voted to **recommend approval** of Special Exception for 972 at 13601 Westside Boulevard Laurel, Maryland 20707, as stated in the Technical Staff Report to the Board of Appeals."

cc: S.E. File
Planning Commission File
Board of Appeals File



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

8103 Sandy Spring Road • Laurel, Maryland 20707 (301) 725-5300 extension 2303

<http://www.cityoflaurel.org> • email – ecd@laurel.md.us Fax (301) 490-5068

October 30, 2025

AGENDA ITEM NO.3

TECHNICAL STAFF REPORT

TO: City of Laurel Planning Commission

FROM: Monta Burrough, Deputy Director

CASE: **Special Exception NO. 972**
13601 Westside Boulevard
Laurel, MD 20707

GENERAL INFORMATION

APPLICANT: Westside Land Holdings, L.L.C.
9102 Owens Drive
Manassas, Virginia 20111

OWNER: Westside Land Holdings, L.L.C.
9102 Owens Drive
Manassas, Virginia 20111

LOCATION: 13601 Westside Boulevard
Laurel, MD 20707

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

REQUESTED ACTION: Special Exception Approval to operate a Panda Express restaurant with a drive-thru

PREVIOUS ACTION: **July 15, 2025:** Revised Final M-X-T Site Plan for Westside Application No. 973
July 15, 2025: Preliminary Subdivision Plan Application Westside Commercial, Lot 1

BACKGROUND INFORMATION:

The Applicant is seeking special exception approval to construct a commercial stand-alone building. The commercial building will be a Panda Express fast-food restaurant with a drive-thru. The property is zoned Mixed Use Transportation Oriented (M-X-T).

THE PROPERTY IS SURROUNDED BY THE FOLLOWING ZONING CLASSIFICATIONS:

- North: Mixed Use Transportation Oriented (M-X-T)
- South: Mixed Use Transportation Oriented (M-X-T)
- East: Out of City Limits, Various Commercial and Residential Uses
- West: Out of City Limits, Various Commercial and Residential Uses

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 | Comments below. (10.29.25) |
| City of Laurel Police Chief | No issue with proposal. (11.13.25) |
| City of Laurel Department of Parks and Recreation. | No issue with the proposal. (10.30.25) |
| City of Laurel Fire Marshal | Comments below (10.30.25) Because this application has no construction as a part of their submittal, I have nothing to offer other than they will need a City of Laurel electrical low voltage permit for the installation of the cameras. |
| Washington Suburban Sanitary Commission (WSSC) | No comments received. |
| Prince George's County Health Department | No comments received. |
| Maryland State Highway Administration (SHA) | No comments received. |
| Maryland Department of Planning | No comments received. |
| 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 comments received. |
| Prince George's County Public Schools Capital Programs | No comments received. |

Below are comments received from the City of Laurel Department of Public Works:

1. Provide a 24" wide Stop Bar, and Stop sign as shown below. (Sheet #C-301)

Response: A stop bar and stop sign have been provided in the location shown.

2. Add detectable ADA Mat to Curb Ramp #1 and Curb Ramp #2 details on sheet # C-302 of Site Development Plan. (Yellow)

Response: ADA mats have been added and labeled on the two curb ramp details on sheet #C302.

3. Detectable ADA Mats must be shown and noted on sheet # C-301 at shown locations below.

Response: ADA mats have been shown on the plan in the locations shown.

4. Provide a structural detail for proposed bollards.

Response: A bollard detail has been added to sheet #C-302.

5. Provide a Stop Sign at Drive-Thru exit shown as below.

Response: A stop sign has been provided in the location shown.

6. Specify the Hot Mix asphalt mixes to be used for the base and wearing course.

Response: Pavement sections can be found on sheet #C-302 with the proposed mixes to be used.

7. Provide a Lightning and Photometric plan for DPW to review.

Response: The photometric plan that was previously submitted with the SDP has been attached for your use

Below are comments received from the Fire Marshal & Permitting Services Comments:

1. Pylon sign will require structural plans. Site plan shows footing depth to be TBD.

Response: The detailed pylon sign structural plan is attached. The note on the site plan has adjusted to show the 8'-6" deep footer per the sign plan.

2. Handicap parking signage is not shown. Must include 250.00 fine sign, 7' A.F.F.

Response: Handicap parking signage details can be found on sheet #C-302. The \$250 fine sign has been added to the details.

3. FDC (Fire Department Connection) is not shown. FDC must be 200 ft from a hydrant and the connection must be located on the front address side of the building.

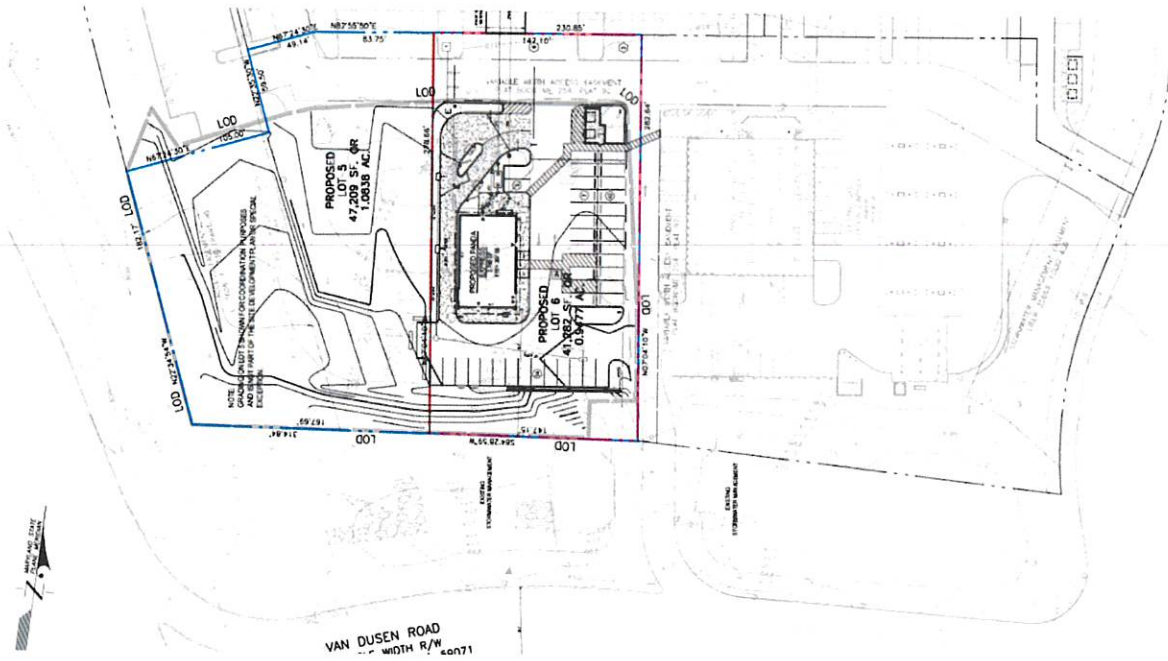
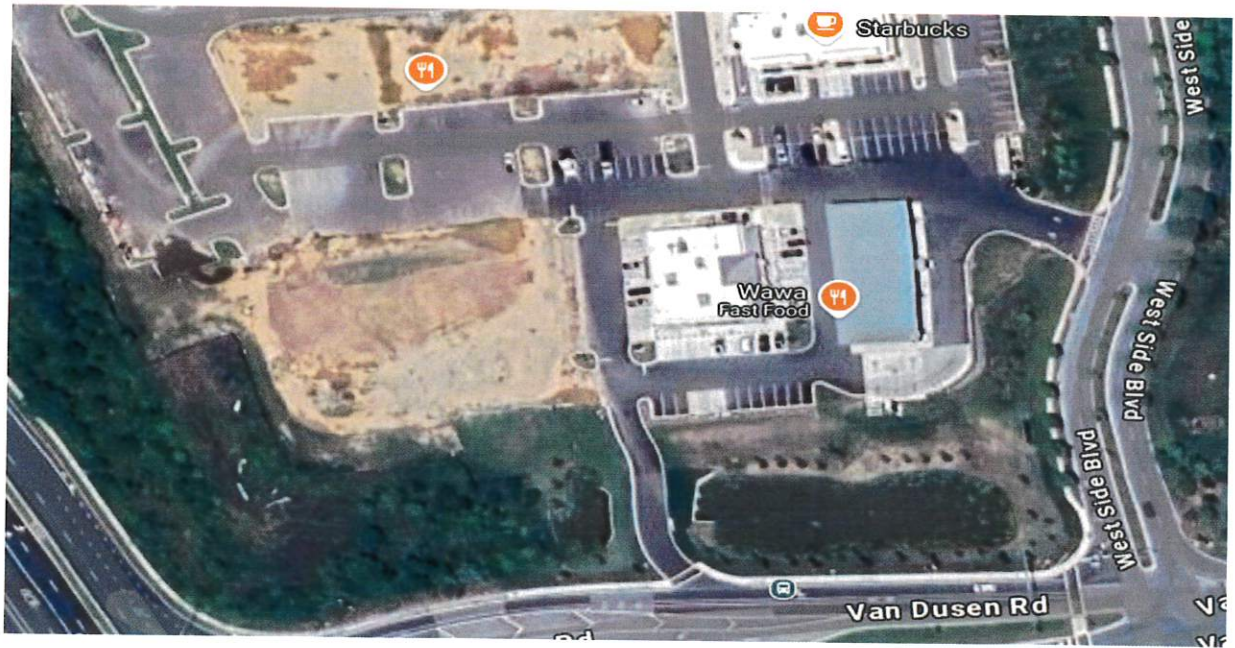
Response: The building will not be sprinklered, therefore, there will be no FDC connection at the building.

ANALYSIS:

The applicant is seeking a Special Exception to develop a 2,748-square-foot Panda Express restaurant with drive-through service in the M-X-T (Mixed Use-Transportation Oriented) Zone. According to the site plan submitted with the application, the project includes a double drive-through lane. The proposed restaurant will be located on Lot 6, adjacent to the Wawa gas station within the Westside community.

Previously, the site was approved for the development of 200,000 square feet of commercial space. The Westside project includes 484 multi-family units, 137 townhomes, and additional commercial retail. The current application is intended to contribute to the redevelopment of the commercial retail space. The property recently had construction of a Starbucks and a commercial strip center. The property was annexed into the City in July 2012.

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) | 28 | 38 |
|---|----|----|

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 thirty-eight (38) parking spaces on-site. This property is in a shopping center surrounded by adequate parking.

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.**

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). Westside in its entirety adds 484 new multifamily residential units, 137 townhomes, a potential 150 room hotel and up to a 40,000 square feet of retail uses. All of these components will increase the tax base of the City. The hotel and the retail components will expand the sources of employment and the residential units will expand the living opportunities for the citizens of the City. The proposed Panda Express restaurant will of course provide a source of employment opportunities for residents of the City. It will also create a synergy with the residential component of Westside. Residents within Westside will be able to walk or drive to the Panda Express, which 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.

It is clear that the Westside development compellingly satisfies the recommendations of the Master Plan for M-X-T zoned property. Panda Express restaurants compellingly satisfy Master Plan recommendations by aligning with community development goals, land-use efficiency, and modern design standards. They demonstrate compliance with zoning, enhance commercial corridors, and contribute to economic vitality while respecting neighborhood character.

Section IV of the Master Plan discusses the "Goals and Objectives" of the Plan. The Land Use "Goal" on page 49 of the Master Plan is: "Providing a quality living and working environment through the effective utilization and implementation of land use

practices." Westside has brought high end residential apartments and quality townhomes to the City of Laurel. These residential units as well as up to 40,000 square feet of new retail space will offer the citizens of Laurel a high quality environment in which to live and work. The Westside project in general conforms with this Master Plan guideline. In particular, the Panda Express restaurant implements the Master Plan's recommendation to provide a quality living and working environment. It should also be noted that three other lots within the commercial component (Lots 4, 2 and 3) have been approved for a Starbucks, a Wawa convenience store with gas and an inline building which will include a Chipotle. All of these uses are constructed and in operation.

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 Panda Express, 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. Further, the Land Use Map (Map No. 6) found on page 67 of the Master Plan clearly designates Westside for development in the M-X-T Zone. The initial Conceptual Site Plan and the revision have both found conformance with the recommendations of the Master Plan for the entire project. In view of all of the above, the Applicant submits the proposed PANDA EXPRESS conforms to the recommendations of the Master Plan.

(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 the 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.

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 revision to the traffic impact analysis dated April 24, 2025 was prepared in conjunction with the current 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. A copy of this study has been filed with this application.

In view of all of the above, there is an abundance of evidence supporting the conclusion that the grant of this Special Exception is consistent with the intent of the Master Plan, promotes economic development, and is in harmony with the surrounding community. 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 **Panda Express** 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. 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 onto the residential townhomes to the north or to other adjoining commercial sites within Westside Shoppes.

(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 Westside Shoppes, in close proximity to Van Dusen Road and I - 495 with no direct access other than existing drive-aisles that serve the overall center. Moreover, the surrounding property is either developed or zoned for both commercial and resident use. 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 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. Obviously, 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 Panda Express. In fact, the Applicant entered into an agreement with SHA to actually expand this stormwater facility in order to accept stormwater from Westside. The 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) The proposed use meets the definition and specific standards set forth elsewhere in this article for such particular use.**

There are no individual standards which are found in the ULDC which relate to specialty restaurants. The above information confirms that all of the criteria set forth in Section 20-21.1 are met and satisfied.

- (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, including but not limited to all Site Plans, the Traffic Impact Analysis, the Statement of Justification, and other evidence that may 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.**

For the reasons discussed herein, 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 non-inherent impacts). The site is located and accessed within the Westside shoppes 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 Westside shoppes. 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.**

The proposed use is located in a planned development area, in a shopping center, and 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 lighting is proposed to be shaded so as not to bleed onto adjacent properties.

- (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. 972, 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. 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.
5. No building permit shall be issued unless and until Lot 1 has been resubdivided into Lots 5 and 6, and said lots have been recorded among the land records of Prince George's County.

ATTACHMENTS:

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

REVIEWED

Jay Meashey

Jay Meashey,

Director of Economic & Community Development



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

8103 Sandy Spring Road * Laurel, Maryland 20707 * (301) 725-5300
Internet Address <http://www.cityoflaurel.org> * E-mail: ecd@laurel.md.us

| | |
|--------------------|-------|
| Application No. | _____ |
| EnerGov No. | _____ |
| Date Filed | _____ |
| PC Meeting | _____ |
| Decision | _____ |
| Planner Assigned | _____ |
| Resolution No. | _____ |
| Zoning Sign Issued | _____ |

Subdivision Plan APPLICATION

APPLICATION MUST BE FILLED OUT IN ITS ENTIRETY. APPLICATION WILL NOT BE PROCESSED UNLESS ALL ITEMS IN THE CHECKLISTS ARE ADDRESSED.*

| | | | |
|-------------------------------------|-------------|-------------------------------------|-----------------------|
| <input type="checkbox"/> | CONCEPT | <input checked="" type="checkbox"/> | COMMERCIAL/INDUSTRIAL |
| <input checked="" type="checkbox"/> | PRELIMINARY | <input type="checkbox"/> | RESIDENTIAL |

*Check all that apply

1. SUBJECT PROPERTY

Subdivision Name: Westside Shoppes
Street Address/Location: 13601 and 14501 West Side Boulevard
Acreage: 2.032 # of Lots: 2 Zoning: M-X-T

2. APPLICANT

Name: Westside Land Holdings LLC
Street Address: 9102 Owens Drive Suite No.: _____
City: Manassas State: VA Zip Code: 20111
Work Phone: 703-335-2255 Home Phone: N/A
Email: _____

3. PROPERTY OWNER (IF DIFFERENT FROM APPLICANT)

Name: Westside Land Holdings LLC
Street Address: 9102 Owens Drive Suite No.: _____
City: Manassas State: VA Zip Code: 20111
Work Phone: 703-335-2255 Home Phone: _____
Email: blake@bcerealestate.com

4. ENGINEER/SURVEYOR

Name: Atwell, LLC/Paul Woodburn
Street Address: 11721 Woodmore Road Suite No.: 200
City: Mitchellville State: MD Zip Code: 20721
Work Phone: 301-430-2000 Home Phone: _____
Email: pwoodburn@atwell.com

5. PROJECT DESCRIPTION NARRATIVE
Describe the project/subdivision requested.

The purpose of this application is to further subdivide Lot 1 of a platted subdivision known as "Commercial Lots 1-4, Westside" recorded at Plat Book ME 254, Plat No. 92 into two individual lots.

6. SUBDIVISION PLAN CHECKLIST

The following items **MUST** be included on the Subdivision Plan. Sec. 20-33.2 of the Unified Land Development Code contains a detailed listing of the pertinent informational items required for review.

Required plan size: 24"X36" Required plan size: 24"X36" must be folded to 8 1/2"x11".
Two (2) mylar originals with the following Signature Blocks.

City of Laurel Planning Commission
Approved: _____

Date _____

Chairman _____

Secretary _____



DATE RECEIVED BY DPW: _____

DATE RETURNED TO ECD: _____

DPW REVIEWER: _____

DATE: _____

DPW DIRECTOR (OR DESIGNEE): _____

DATE: _____

APPROVED: _____ APPROVED W/COMMENTS: _____ REVIEWED: _____ REJECTED: _____

Two (2) copies of the record plat need to be submitted with the application.
An electronic copy of the plan in AutoCAD showing all property lines and building footprints is also required.

- | | |
|--|--|
| <ul style="list-style-type: none"> ✓ subdivision name ✓ minimum scale of 1" = 100' ✓ name(s) and address(es) of record owner, subdivider, and surveyor ✓ location of all easements, reservations and right-of-ways provided for public services and utilities ✓ name and location of all adjoining property including lot and block numbers, plat references, and liber/folio ✓ location of all survey monuments (i.e. iron pipes) ✓ site topography (minimum 5 ft. contours) | <ul style="list-style-type: none"> ✓ date, north arrow, and site location map ✓ deed and/or legal description of boundary ✓ lot lines with dimensions, lot and block numbers, and land area of each lot ✓ delineation of any areas reserved for common use or mandatory dedication ✓ location, width, and name of all existing or proposed right-of-ways located in the subdivision/development ✓ location of all building restriction lines for each lot ✓ location of all utilities |
|--|--|

7. ADDITIONAL SUBDIVISION REGULATIONS

Disturbances of greater than 40,000 sq. ft. require the following:

- Forest Stand Delineation (FSD) – submitted with preliminary subdivision plan and approved by staff
- Forest Conservation Plan – submitted after or in conjunction with forest stand delineation; subject to Planning Commission approval.

Adequate Public Facilities Studies (Sec. 20-29 ULDC)

All applications for residential subdivisions containing five (5) or more acres or ten (10) or more dwelling units or commercial, industrial, or mixed-use developments which exceed 25,000 sq. ft. require an adequate public facilities study. An Adequate Public Facilities Study must be prepared by a qualified professional and must set the criteria set forth in Sec. 20-29.7(c) of the Unified Land Development Code.

Mandatory Open Space Dedication (20-29.10 ULDC)

Every subdivider or developer is required to dedicate to the City of Laurel a portion of land, pay a fee-in-lieu, or both as set forth in the Unified Land Development Code. This should be indicated in the Preliminary Subdivision Plan.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER PENALTIES OF PERJURY THAT THE CONTENTS OF THIS APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPLICANT: Westside Land Holdings, LLC

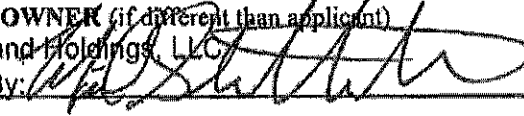
Signature: By: 

Date: 4/28/25

Print Name: Michael Strittmatter, Member

PROPERTY OWNER (if different than applicant)

Westside Land Holdings, LLC

Signature: By: 

Date: 4/28/25

Print Name: Michael Strittmatter, Member

| Fees (please fill out) | Amount | Account # |
|------------------------|---------|-----------|
| Filing Fee | | 10-43105 |
| Zoning Sign | \$30.00 | 10-43105 |
| Total: | | |

*Check fee schedule for fees

Approval of a Preliminary Subdivision Plan expires in one (1) year.



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

8103 Sandy Spring Road • Laurel, Maryland 20707 • (301) 725-5300
Internet Address <http://www.cityoflaurel.org> • E-mail: ecd@laurel.md.us

| | |
|-------------------|-------|
| Date Filed: | _____ |
| Exec Gov No.: | _____ |
| Application No.: | _____ |
| Planner: | _____ |
| Zoning Sign: | _____ |
| Concept/Rezoning: | _____ |
| PC Meeting: | _____ |
| PC Rec.: | _____ |
| M&CC Hearing: | _____ |
| M&CC Decision: | _____ |
| Final Plan: | _____ |
| PC Meeting: | _____ |
| PC Decision: | _____ |
| Resolution No.: | _____ |

M-X-T SITE PLAN APPLICATION

APPLICATION MUST BE FILLED OUT IN ITS ENTIRETY. APPLICATION WILL NOT BE PROCESSED UNLESS ALL ITEMS IN THE CHECKLISTS ARE ADDRESSED.*

| | | | |
|-------------------------------------|----------|-------------------------------------|--|
| <input type="checkbox"/> | CONCEPT | <input checked="" type="checkbox"/> | COMMERCIAL/RESIDENTIAL |
| <input checked="" type="checkbox"/> | DETAILED | <input type="checkbox"/> | INDUSTRIAL/EDUCATIONAL |
| <input type="checkbox"/> | AMENDED | <input type="checkbox"/> | MISCELLANEOUS |
| | | <input type="checkbox"/> | RECREATIONAL/ENTERTAINMENT/SOCIAL/CULTURAL |

*Check all that apply.

1. SUBJECT PROPERTY

Subdivision Name: Westside Shoppes/Commercial
 Street Address/Location: 13601 Westside Boulevard, Laurel, MD 20707
 Acreage: 0.9477 +/- ac (Part of Lot 1) # of Lots: 1 Zoning: M-X-T

2. APPLICANT

Name: Westside Land Holdings LLC
 Street Address: 9102 Owens Drive Suite No.: _____
 City: Manassas State: VA Zip Code: 20111
 Work Phone: 703-335-2255 Home Phone: N/A
 Email: blake@bcerealestate.com

3. PROPERTY OWNER (IF DIFFERENT FROM APPLICANT)

Name: Westside Land Holdings LLC
 Street Address: 9102 Owens Drive Suite No.: _____
 City: Manassas State: VA Zip Code: 20111
 Work Phone: 703-335-2255 Home Phone: N/A
 Email: blake@bcerealestate.com

4. ENGINEER/SURVEYOR

Name: Atwell, LLC/Paul Woodburn
 Street Address: 11721 Woodmore Road Suite No.: 200
 City: Mitchellville State: MD Zip Code: 20721
 Work Phone: 301-430-2000 Home Phone: _____
 Email: pwoodburn@atwell.com

6. SITE AND LANDSCAPE PLAN CHECKLIST

The following items **MUST** be included on the Site Plan(s). Sec. 20-2.2 of the Unified Land Development Code contains a detailed listing of the pertinent informational items required for review.

All plans must (1) a title, the name and address of the developer, property owner and architect/engineer, (2) a north arrow, (3) a site location map, (4) site topography (minimum 5 ft. contours), (5) slopes greater than 15 percent, (6) all land within a 100-year flood plain, (7) and have a scale (preferred 1" = 30'). Required plan size: 24"X36". *Note: Plans must be folded to 8 1/2" X 11".*

Required number of plan copies, Statement of Justification and application copies to be submitted: 30

An electronic copy of the plan on CD in AutoCAD format showing all property lines and building footprints is also required.

Two (2) mylar originals for final approval signatures.

Signature Blocks for final plans.

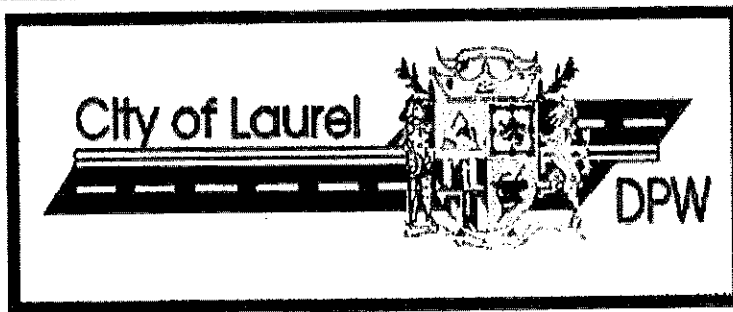
City of Laurel Planning Commission

Approved: _____

Date

Chairman

Secretary



DATE RECEIVED BY DPW: _____ DATE RETURNED TO ECD: _____

DPW REVIEWER: _____ DATE: _____

DPW DIRECTOR (OR DESIGNEE): _____ DATE: _____

APPROVED: _____ APPROVED W/COMMENTS: _____ REVIEWED: _____ REJECTED: _____

CONCEPTUAL AND DETAILED SITE PLAN

- ✓ a general description of the pedestrian system proposed;
- ✓ the proposed floor area ration;
- ✓ the type and location of uses proposed, and the range of square footage anticipated being devoted to each;
- ✓ a general description of any incentives to be used under the optional method of development;
- ✓ areas proposed for landscaping and screening;
- ✓ the proposed sequence of development;
- ✓ the physical and functional relationship of the project uses and components;
- ✓ supporting evidence which shows the proposed development will not exceed the capacity of existing transportation facilities, those under construction, or for which 100% of construction funds are allocated within an adopted county capital improvement program or within the current state consolidated transportation program or any City program.

ADDITIONAL INFORMATION INCLUDED ON DETAILED SITE PLAN

- ✓ the proposed drainage system;
- ✓ all improvements and uses proposed on the property;
- ✓ the proposed floor area ration of the project, and detailed description of any bonus incentives to be used (Sec. 20-12.4. Optional method of development);
- ✓ supporting evidence which shows that the proposed development will be adequately served within a reasonable period of time which existing or programmed public facilities shown in the adopted county capital improvement program or within the current state consolidated transportation program, or which will be provided by the applicant, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning, conceptual site plan approval, or preliminary plat approval, which ever occurred last.

7. ADDITIONAL REGULATIONS

Parking Area Standards – Sec. 20-16

The following Unified Land Development Code criteria must be met:

- measurement units must meet criteria in Sec. 20-16.3
- schedule of parking requirements as listed in Sec. 20-16.5
- required landscaping for parking lots as required in Sec. 20-16.4(d)
- number and design of handicapped accessible parking must be in accordance with Sec. 20-16.4(e).

Landscaping Regulations

All landscaping must be in accordance with the Article I Division 15 of the Unified Land Development Code.

City of Laurel Forest Conservation Article V Unified Land Development Code

Disturbances of greater than 40,000 sq. ft. require the following:

- Forest Stand Delineation – submitted with preliminary subdivision plan and approved by staff
- Forest Conservation Plan – submitted after or in conjunction with forest stand delineation; subject to Planning Commission approval

Once Final Site and Landscape Plans are approved by the Planning Commission, the applicant will be required to submit the following additional plans with all applicable permits in order to start construction: Sediment and Erosion Control Plans, Stormwater Management Plans, Grading Plans, and Building Plans

FOR STAFF USE ONLY

| Other Zoning Application(s): (i.e. Variances/Special Exceptions, Special Approvals) | Proposed | Required |
|---|-----------------|----------|
| | | |
| | | |
| | | |
| | | |
| | | |
| Previous Application(s): | Approved/Denied | |
| | | |
| | | |
| | | |
| | | |

Referred to the City of Laurel Police Department

Date Referred: _____

Referred to the City of Laurel Department of Public Works

Date Referred: _____

Referred to the City of Laurel Department of Parks and Recreation

Date Referred: _____

Referred to City of Laurel Office of the Fire Marshal & Permit Services

Date Referred: _____

Referred to Laurel Volunteer Fire Department

Date Referred: _____

Referred to Laurel Volunteer Rescue Squad

Date Referred: _____

Referrals to Other Agencies:

See M-X-T Agency Notification List

A referral to _____ has been made. Date Referred: _____

Staff Comments: _____

STAFF REVIEW

O = Omission noted

C = Applicable information included in application

N/A = Not Applicable

I DO SOLEMNLY DECLARE AND AFFIRM UNDER PENALTIES OF PERJURY THAT THE CONTENTS OF THIS APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPLICANT Westside Land Holdings, LLC

Signature: By 

Date: 4/28/25

Print Name: Michael Strittmatter, Member

PROPERTY OWNER (Required if different than applicant)

Westside Land Holdings, LLC

Signature: By 

Date: 4/28/25

Print Name: Michael Strittmatter, Member

| <u>Fees (see separate schedule)</u> | <u>Amount</u> | <u>Account #</u> |
|---|---------------|------------------|
| Filing Fee | | 10-43105 |
| Zoning Sign \$30 each X signs = | \$ | 10-43105 |
| Ad Deposit | \$250.00 | 10-20203 |
| Transcript Deposit (Concept Plan Only) | \$250.00 | 10-20203 |

NOTE: Applicant should be aware that local covenants or other private land restrictions may apply.



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

8103 Sandy Spring Road • Laurel, Maryland 20707 • (301) 725-5300
Internet Address <http://www.cityoflaurel.org> • E-mail: ecd@laurel.md.us

| | |
|-------------------|-------|
| Date Filed | _____ |
| EnerGov No | _____ |
| Application No | _____ |
| Planner | _____ |
| Zoning Sign | _____ |
| PC Hearing | _____ |
| PC Recommendation | _____ |
| BOA Hearing | _____ |
| BOA Decision | _____ |
| Resolution No | _____ |

SPECIAL EXCEPTION APPLICATION

APPLICATION MUST BE FILLED OUT IN ITS ENTIRETY. APPLICATION WILL NOT BE PROCESSED UNLESS ALL ITEMS IN THE CHECKLISTS ARE ADDRESSED.*

RESIDENTIAL COMMERCIAL

*Check one.

1. SUBJECT PROPERTY

Project Name: Westside Shoppes/Commercial

Street Address: 13601 Westside Boulevard, Laurel, MD 20707

Zoning: M-X-T Lot: Part of Lot 1 Block: N/A

Subdivision Name: "Commercial Lots 1-1, Westside

Tax Identification No.: 5673842

2. APPLICANT

Name: Westside Land Holdings LLC

Street Address: 9102 Owens Drive Suite No.: _____

City: Manassas State: VA Zip Code: 20111

Work Phone: 703-335-2255 Home Phone: N/A

Email: blake@bcerealestate.com

3. PROPERTY OWNER (IF DIFFERENT FROM APPLICANT)

Name: Westside Land Holdings LLC

Street Address: 9102 Owens Drive Suite No.: _____

City: Manassas State: VA Zip Code: 20111

Work Phone: 703-335-2255 Home Phone: N/A

Email: blake@bcerealestate.com

4. ENGINEER/SURVEYOR

Name: Atwell, LLC/Paul Woodburn

Street Address: 11721 Woodmore Road Suite No.: 200

City: Mitchellville State: MD Zip Code: 20721

Work Phone: 301-430-2000 Home Phone: N/A

Email: pwoodburn@atwell.com

4. Two (2) mylar originals with the following Signature Blocks:



City of Laurel Board of Appeals

Approved: _____
Date

Chairman

Secretary



DATE RECEIVED BY DPW: _____

DATE RETURNED TO ECD: _____

DPW REVIEWER: _____

DATE: _____

DPW DIRECTOR (OR DESIGNEE): _____

DATE: _____

APPROVED: _____ APPROVED W/COMMENTS: _____ REVIEWED: _____ REJECTED: _____

7. CRITERIA FOR GRANTING SPECIAL EXCEPTIONS:

The City of Laurel Board of Appeals is authorized to grant a *special exception* based up on the criteria set forth in Sec. 20-21.1 of the Unified Land Development Code (ULDC). Sec. 20-22 of the ULDC contains additional criteria specific to certain individual uses.

Sec. 20-21.1

- (a) A special exception may be granted when the Board of Appeals, as the case may be, finds from a preponderance of the evidence of record that the proposed use:
- (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.
 - (2) The proposed use will not adversely affect 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;
 - (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
 - (5) Meets the definition and specific standards set forth elsewhere in this article for such particular 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.

Special Exception requests not meeting all five criteria plus any additional criteria specified in Sec. 20-22 cannot be legally granted by the Board of Appeals. Each of the criteria must be addressed individually in the Statement of Justification.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER PENALTIES OF PERJURY THAT THE CONTENTS OF THIS APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPLICANT: Westside Land Holdings LLC

Signature: By: 

Date: 4/28/25

Print Name: Michael Strittmatter, Member

PROPERTY OWNER (if different than Applicant)

Westside Land Holdings LLC

Signature: By: 

Date: 4/28/25

Print Name: Michael Strittmatter, Member

Complete the chart below:

| <u>Fees</u> (see separate schedule) | <u>Amount</u> | <u>Account #</u> |
|-------------------------------------|---------------|------------------|
| Filing Fee | | 10-43105 |
| Legal Advertisement | \$100.00 | 10-20203 |
| Zoning Sign | \$30.00 | 10-43105 |
| <u>Total:</u> | | |

*More than (1) sign will be extra for larger projects

- All materials and fees are due at time of submittal. Staff will review and invoice you once confirmed.
- Special Exceptions granted by the Board of Appeals must be established within one (1) year from the date of passage.

STATEMENT OF JUSTIFICATION

WESTSIDE SHOPPES

SPECIAL EXCEPTION FOR PANDA EXPRESS RESTAURANT

WITH DRIVE-THRU

The applicant for this Special Exception is Westside Land Holdings LLC ("Westside Land" or "Applicant"), a limited liability company controlled by Strittmatter Land LLC ("Strittmatter"). The property forming the subject matter of this Special Exception application comprises approximately 0.9477 acres which is zoned M-X-T ("Property"). The Property is a part of the commercial component of a much larger project known as Westside. The commercial component is known as "Westside Shoppes". Westside Shoppes consists of four platted lots. The Panda Express is proposed to be located on what will be Lot 6.¹ The entirety of the Westside project is zoned M-X-T (Mixed Use Transportation Oriented).

The M-X-T Zone is a floating zone with a multilayered approval process. Before development may commence in the M-X-T Zone, an applicant is required to file and obtain approval of a Conceptual Site Plan, a Preliminary Subdivision Plan, Detailed Site Plans and

¹ As will be explained hereinafter, Westside Shoppes consists of 4 lots. The Applicant has filed a new Preliminary Plan proposing to further subdivide Lot 1 into two lots, Lot 5 and Lot 6.

Final Plats of Subdivision. A Conceptual Site Plan was previously approved for the entirety of the Westside project. Thereafter, Preliminary Plans were also approved. Detailed Site Plans were approved for a portion of the project and all of the project is the subject of Final Plats of Subdivision. More recently, a revised Conceptual Site Plan and a new Preliminary Plan of Subdivision were also approved. The approval history will be discussed in greater detail hereinafter.

Previously, commercial retail uses not to exceed 200,000 square feet of gross floor area were approved for a portion of the Westside project. Strittmatter, as the then owner and master developer, proposed through a recent Conceptual Site Plan revision that the Westside Shoppes portion of the project reduce the total commercial square footage to not exceed 40,000 square feet. Within the land area previously approved as part of the commercial component, Strittmatter proposed to add an additional 81 townhomes.

This Special Exception application seeking authorization to construct and operate a Panda Express specialty restaurant relates to proposed Lot 6 within the Westside Shoppes commercial component. Pursuant to Section 20-12.2 which is the M-X-T Zone Use Table, a Panda Express restaurant would be classified as a "Restaurant Specialty, with drive thru". That use requires the grant of a

Special Exception. While a Special Exception is required, there do not appear to be any use specific standards relating to a Specialty Restaurant contained within the Uniform Land Development Code generally and within the M-X-T Zone specifically. However, as noted above, the M-X-T Zone requires that all proposed development be the subject of Final Site Plan. A Final Site Plan is required for the Panda Express and that Final Site Plan has been filed concurrent with this Special Exception application. Both applications will be reviewed by the Department of Economic and Community Development for the City of Laurel. However, the Final Site Plan will be heard and acted upon by the City of Laurel Planning Commission. This Special Exception application will be heard and acted upon by the City of Laurel Board of Appeals.

The overall Westside project has a substantial approval history which will be discussed in greater detail *infra*.

Surrounding Uses

Most of the western boundary of Westside abuts Interstate 95 which runs in a north/south direction and connects points along the entire eastern seaboard. Westside's frontage on Interstate 95 is significant, especially given the fact that it will provide unparalleled visibility and access to the project.

Along the southwest boundary of Westside are approximately 4 irregularly shaped and undeveloped parcels of land which are also zoned M-X-T. Immediately to the east of Westside are two developed subdivisions. One is known as Wilshire Estates and it is improved with single-family detached residential dwellings which access from Van Dusen Road. Wilshire Estates is zoned R-R. Immediately north of Wilshire Estates is the Mayfair subdivision which is improved with residential townhomes. Mayfair is zoned R-M. Mayfair accesses off of Contee Road. Immediately to the north is the Flester Property (now known as Laurel Overlook) which is a 180 unit townhouse community which was owned and developed by Strittmatter. Farther to the east beyond Wilshire Estates and Mayfair is the Greater Laurel Hospital. Northeast of the Greater Laurel Hospital are two single-family detached residential subdivisions which are zoned R-R. Immediately south of Westside and across Van Dusen Road is an approximate 25+ acre parcel of land which is also zoned M-X-T and is the site of a mixed use project known as Anderson's Corner. Anderson's Corner includes multifamily residential units which are constructed. The commercial component, a Royal Farms gas station and convenience store, is also completed and open for business.

As noted above, the western boundary of Westside abuts Interstate 95. Van Dusen Road runs in a northeast/southwest direction and abuts Westside along its southern boundary. To the east of the Wilshire and Mayfair subdivisions is Contee Road which runs in a north/south direction. Contee Road has been realigned and reconstructed by Prince George's County. The Westside mixed use project has frontage on and access to Van Dusen Road, which also has been reconstructed.

Background

Strittmatter was the owner of an approximate 39.87± acre parcel of land zoned M-X-T (Strittmatter Property). Originally, it had been a larger tract of land consisting of two parcels. The first parcel comprised approximately 56.32 acres of land and was designated as Parcel 145. The second parcel comprised approximately 8.56 acres of land and was designated as Parcel 6. Both parcels may be found depicted on Tax Map 9, Grid D-1. In total, the land owned by Strittmatter originally comprised approximately 64.88 acres.

In January of 2012, the State Highway Administration ("SHA") acquired approximately 25± acres of the 64.88 acres owned by Strittmatter. The acquisition by the SHA occurred pursuant to exercise of its quick-take authority. The 25± acres being

acquired were to be used in conjunction with the construction of a new interchange at Interstate 95 known as the Contee Road Interchange.

After the SHA taking, Strittmatter was left with approximately 39.87 acres of land which was known as Part of Parcel 145 and Part of Parcel 6.

Prior to the SHA's exercise of its eminent domain authority to acquire 25± acres of the property, the 64.88 acres in its entirety had been used as a surface mining site. When Strittmatter acquired the property, the mining operation had terminated and Strittmatter undertook the reclamation process.

The 64.88 acre property was subject to the provisions of the Regional District Act as set forth in Article 28 of the Annotated Code of Maryland. The property was also included within the Prince George's County Planning Area known as Subregion I. A comprehensive planning and zoning process was ongoing. Prince George's County was in the process of reviewing and processing a new Master Plan and Sectional Map Amendment for Subregion I. At that time, the property owned by Strittmatter was zoned R-R. The property possessed a superior geographic location, given its frontage on Interstate 95 and also given the plans of the SHA to construct the Intercounty Connector which would run from the Gaithersburg area of Montgomery County in an

east-west direction to terminate on Van Dusen Road at a point just east of the new Contee Road interchange and to construct the new Interstate 95/Contee Road interchange. In view of the property's characteristics, Strittmatter determined to take part in the Subregion I Master Plan and Sectional Map Amendment process and to request a rezoning of its property from the R-R Zone to the M-X-T Zone. Ultimately, this request was granted and the property was rezoned to the M-X-T Zone pursuant to the adoption of the Subregion I Master Plan and Sectional Map Amendment. This rezoning occurred pursuant to the enactment of CR-58-2010 by the Prince George's County Council on June 23, 2010.

When the SHA acquired the 25 acre portion of the property, it also acquired all of the property's frontage on Van Dusen Road. In order to provide access to the Strittmatters (and in so doing avoid a requirement to acquire the entirety of their 64.88 acre property), the SHA arranged for a parcel of land comprising approximately 19.7± acres and previously owned by the Board of Education, to be conveyed from Prince George's County to the SHA. It was the intent of the SHA to use the Board of Education parcel (the "SHA Property") to provide access to the Strittmatter property holdings. While the SHA Property comprised 19.7± acres, only approximately ten to twelve of those

acres are useable. As part of the SHA's proposal to compensate Strittmatter for the loss of its 25± acres of land, the SHA proposed that Strittmatter accept a conveyance of the SHA Property and that the approximate ten to twelve useable acres of the SHA Property be accepted as compensation, on an acre-for-acre exchange basis, for a portion of the SHA's 25± acre taking. Ultimately, the SHA Property was combined with the Strittmatter Property to become part of the overall mixed use development known as Westside.

The City of Laurel Master Plan was adopted by the Mayor and City Council of Laurel in November of 2007 and was amended on September 28, 2009. The City's Master Plan contains a section which analyzes the fiscal impact of annexation. Both the Strittmatter Property and the SHA Property were included within an area designated as Area D and further identified as a proposed future annexation area for the City (Master Plan, p. 212). In 2012, Strittmatter filed a request with the City of Laurel seeking to have the Strittmatter Property annexed into the municipal limits of the City of Laurel. While this annexation was ongoing, the City, on its own initiative, processed an annexation of the SHA Property into the municipal limits of the City of Laurel. The SHA consented to this annexation. The annexation of both properties became effective

in the fall of 2012 and are now subject to all City of Laurel ordinances and regulations. At the time of annexation into the City of Laurel, the City was required to assign a zoning classification to both the Strittmatter Property and the SHA Property. The City assigned the Strittmatter Property the M-X-T zoning classification as that was consistent with the classification it previously had pursuant to the Prince George's County Zoning Ordinance. The City assigned the P-I (Public Institutional) zoning classification to the SHA Property as that was consistent with the R-O-S zoning classification it previously had pursuant to the Prince George's County Zoning Ordinance. Ultimately, Strittmatter filed a rezoning application and the SHA Property was rezoned to the M-X-T Zone pursuant to the enactment of Ordinance No. 1765 by the Mayor and City Council on January 28, 2013. A copy of Ordinance No. 1765 is filed with this application. Subsequently, the SHA deeded the SHA Property (with the exception of the access road right-of-way area) to Strittmatter. The combination of the two properties became the Westside Development.

The Original Conceptual Site Plan

The original Conceptual Site Plan for Westside was approved in two parts. The first application was assigned the number M-

X-T Application No. 830. The Conceptual Site Plan drawing filed with that application showed the entire 59.76 acres of property. However, at the time of approval of that initial Conceptual Site Plan application, only the original 39.87 acres known as the Strittmatter Property was zoned M-X-T. At that time, while the SHA Property was shown on the Conceptual Site Plan for purposes of continuity, the SHA Property was still zoned P-1. The SHA Property comprised 19.89± acres. The rezoning application for the SHA Property was pending at the time of approval of the original Conceptual Site Plan. The Conceptual Site Plan was approved pursuant to the adoption by the Planning Commission of Resolution No. 13-03-PC. A copy of that Resolution has been filed with this application. After approval by the Planning Commission, the Mayor and City Council reviewed the application and issued Ordinance No. 1764 dated January 28, 2013 approving and concurring with the City of Laurel Planning Commission. A copy of Ordinance No. 1764 has also been filed with this application.

Once the rezoning of the SHA Property had been completed, the Planning Commission considered Conceptual Site Plan Application No. 833. Pursuant to the approval of Resolution No. 13-06-PC by the Planning Commission on April 9, 2013, the SHA Property, which had by this time been rezoned M-X-T, was also

officially included within the Conceptual Site Plan for Westside. A copy of Resolution No. 13-06-PC has been filed with this application. The Mayor and City Council reviewed the Planning Commission's approval of Application No. 833 and on April 22, 2013, issued Ordinance No. 1770 concurring with the Planning Commission's approval of the Conceptual Site Plan for the remaining 19.89 acres.

As approved, the Conceptual Site Plan authorized the construction of a maximum of 500 multifamily residential dwelling units, a maximum of 80 residential townhouse units, a hotel not to exceed 150 rooms and commercial retail space not to exceed 200,000 square feet.

Access to the project was to be accomplished via the construction of a public roadway to be known as Westside Boulevard and within a 120 foot right-of-way from Van Dusen Road into the Property. That road has now been constructed. The commercial retail space was to be located closest to the Property's Van Dusen Road frontage. The residential townhomes were to be constructed in the northeast corner of the Property. The northwest corner of the Property was to be the site of the multifamily dwelling units. Finally, the hotel site was shown as a triangular shaped parcel jutting out from the western boundary of the Property. All of these uses were shown on the

approved Conceptual Site Plan, a copy of which is attached as Exhibit "A".

Entitlement Approvals and Development

Subsequent to the approval of the Conceptual Site Plan, the Preliminary Subdivision Plan was approved. Thereafter, Final Subdivision Plans were approved and recorded for Parcel C (the multifamily units), Parcel B (the hotel site), Parcels A and D (the commercial retail site) and Parcel E (the townhouse site). An irregularly shaped area located to the east of the access road to be known as Westside Boulevard was platted as Parcel H.

The first Final Site Plan was filed for the multifamily component of Westside. The applicant and developer of the multifamily was MCRT Investments, LLC ("Mill Creek"). That Final Site Plan was designated Westside M-X-T Final Plan No. 835. It was approved by the Planning Commission pursuant to the adoption of Resolution No. 13-10-PC adopted on June 11, 2013. A copy of this Resolution has been filed with this application. As approved, this Detailed Site Plan authorized the construction of 484 residential multifamily units. Those units, along with a clubhouse, have been fully constructed and are occupied.

Parcel F, the designated area for the originally approved residential townhomes, was the subject of a Preliminary

Subdivision Plan to divide Parcel F into individual townhouse lots. That Preliminary Subdivision Plan was approved by the Planning Commission pursuant to the adoption of Resolution No. 15-11-PC on March 10, 2015. Thereafter, the Final Plat of Subdivision for the townhouses was approved by the Planning Commission. The Subdivision Plan approved 56 individual townhouse lots. A Final Site Plan designated as Final Site Plan M-X-T Application No. 846 was approved by the Planning Commission pursuant to the adoption of Resolution No. 15-10-PC on March 12, 2015. A copy of this Resolution has been filed with this application. The 56 townhomes have been constructed and sold as fee simple units. They are currently occupied.

Revision to Conceptual Site Plan

After the approval of the original Conceptual Site Plan, Strittmatter endeavored to attract a retail anchor in order to develop the commercial retail component. It was originally thought that a grocery store would anchor the retail component of Westside. However, multiple efforts to secure a grocery store anchor for the retail proved futile. It became apparent that the retail component needed to be downsized. Conversely, a substantial market demand remains for residential townhomes. Therefore, Strittmatter proposed that the retail commercial

component be reduced to a development cap not to exceed 40,000 square feet. Since the entire land area for the proposed retail commercial component would not be needed, Strittmatter proposed to develop an additional 81 residential townhomes. A proposed revised Conceptual Site Plan was filed. The retail commercial component was proposed to remain oriented closest to the Property's Van Dusen Road frontage. The additional 81 proposed residential townhomes would be located directly behind the retail component. Strittmatter also proposed a substantial green area in the center of the townhomes between the townhomes and the retail commercial component.

After a public hearing before the City of Laurel Planning Commission, the revision to the Conceptual Site Plan was approved on June 11, 2019. A copy of the revised Conceptual Site Plan is attached as Exhibit "B". The Planning Commission's approval was set forth in Resolution No. 19-03-PC. A copy of that Resolution has been filed with this application. Thereafter, the Planning Commission's approval of the revision to the Conceptual Site Plan was reviewed and concurred in by the Mayor and City Council on July 22, 2019. The concurrence of the Mayor and City Council is set forth in Ordinance No. 1940, a copy of which has been filed with this application. The Conceptual Site Plan revision was approved subject to seven conditions. All of those conditions

either have been or are being complied with. The conditions are as follows:

- (1) All construction shall conform to this ordinance, as well as the final M-X-T Plan as approved by the City of Laurel Planning Commission.**

A Final Site Plan has been filed concurrent with this Special Exception. Development will conform to the Final Site Plan once it is approved.

- (2) The Applicant shall obtain Final Site and Landscape Plan Approval for the proposed townhouse portion of the project from the Planning Commission.**

The Final Site Plan for the 81 townhomes was filed and approved by the Planning Commission on May 12, 2020 pursuant to the approval of Resolution No. 20-03-PC. A copy of that Resolution has been filed with this application. Most of the 81 townhouses have been completed or are under construction.

- (3) The Applicant shall obtain Preliminary Subdivision Plan Approval for the proposed townhouse portion of the project from the Planning Commission.**

The Preliminary Subdivision Plan for the townhouse portion of the project has been approved by the Planning Commission. That

approval occurred on November 19, 2019 pursuant to the approval of Resolution 19-13-PC, a copy of which has been filed with this application.

- (4) The Applicant shall obtain Record Plat Approval from the Planning Commission for the additional townhouse portion of the site.**

After approval of Final Site Plans for both the residential (81 lots) and commercial (4 lots) approvals, Final Plats of Subdivision were approved and recorded. The Final Plats for the 81 residential townhomes was recorded on April 17, 2020 in Plat Book ME 254, Plat No. 91. The Plat for the four commercial lots was also recorded on August 17, 2020 in Plat Book ME 254, Plat No. 91. Copies of both Final Records Plats are attached hereto as Exhibits "C" and "D" respectively.

- (5) The Applicant shall obtain Subdivision Plan Approval for each individual pad site within the proposed commercial area from the Planning Commission, if applicable.**

The Preliminary Subdivision Plan for Westside Shoppes (the commercial component) was approved by the Planning Commission for four lots on November 19, 2019 pursuant to the approval of

Resolution No. 19-12-PC. A copy of that Resolution has been filed with this application. As noted above, a final record plat for the four commercial lots has been approved and recorded.

- 6. The Applicant shall obtain Final Site and Landscape Plan Approval for each individual pad site within the proposed commercial area from the Planning Commission, if applicable.**

The first Final Site Plan for the Westside Shoppes dealt with Lot 3. It proposed 10,000 square feet of inline commercial retail space in a single building with no particular users identified. Significantly, the Preliminary Subdivision Plan had as its subject matter the entire 6.85 acre Westside Shoppes component which comprises all four lots. While details relating only to Lot 3 were approved, important aspects of the overall development of Westside Shoppes were included such as access and internal circulation. That Final Site Plan was approved by the Planning Commission on May 12, 2020, pursuant to the approval of Resolution No. 20-04-PC, a copy of which has been filed with this application.

7. **The Applicant shall comply with all applicable local, state and federal laws and regulations in the development of the Property.**

The applicant will be filing all required plans and permits. This will ensure compliance with applicable local, state and federal laws.

PRELIMINARY SUBDIVISION PLAN APPROVAL

Subsequent to the approval of the revised Conceptual Site Plan, Strittmatter filed two separate Preliminary Subdivision Plan applications. One application covered the 81 new townhouse units. The second covered the remaining commercial component. Both Preliminary Plans were approved by the Planning Commission on November 19, 2019. The Preliminary Subdivision Plan for the 81 residential units was approved pursuant to Resolution No. 19-13-PC. The Preliminary Subdivision Plan for the commercial component was approved pursuant to Resolution No. 19-12-PC. As noted earlier, copies of both Resolutions have been filed with this application. The Resolution for the commercial component divided the land area subject to the commercial development into four proposed lots. The four commercial lots would have access from two curb cuts on Westside Boulevard. All access to the four commercial lots would be provided by internal private roads.

The northernmost access point was approved to be achieved from a private road known as Private Road F. That private road runs in an east-west direction along the northern boundary of Lots 3 and 4. Private Road F is a 30 foot wide road with one half of the private road located on Lots 3 and 4 and the remaining one half being located on the residential development component. The second point of access is achieved at another driveway access apron off of Westside Boulevard just south of Private Road F. This access point enters at an approximate 45 degree angle and then also runs in an east-west direction. This access driveway straddles all four lots. Another private road runs in a north-south direction along the common boundary line of Lots 3 and 4. This too is a 30 foot wide private road with one half of the road located on Lot 3 and the remaining half located on Lot 4. This intersecting private road also provides access to Private Road F and beyond that to the residential townhomes.

The Preliminary Subdivision Plan for the commercial component was approved subject to four conditions. These are as follows:

- (1) All construction shall conform to this ordinance, as well as the Final M-X-T Site and Landscape Plan as approved by the City of Laurel Planning Commission.**

Westside Land has concurrently filed a Final Site Plan for the Panda Express. The Applicant will therefore ensure that all construction will be subject to the approved Preliminary Subdivision Plan as well as the Final Site Plan.

- (2) The Applicant shall obtain Final M-X-T Site and Landscape Plan Approval for each individual pad site within the proposed commercial area from the Planning Commission.**

As noted above, the initial Final Site Plan application for Lot 3 also included Lots 1, 2 and 4. The only development proposed in that plan involved Lot 3 where a single multi-tenant retail building was approved. Subsequent to that Final Site Plan approval, Final Site Plans were approved for a gas station complex which included a WaWa convenience store with gas pumps on Lot 2 and a Starbuck's with a drive-thru on Lot 4. Both the WaWa and the Starbuck's also required Special Exception approvals. Both the WaWa and the Starbuck's have been constructed and are in operation. Therefore, this condition has been satisfied.

- (3) The Applicant must conduct a traffic signal warrant analysis at the Van Dusen Road/Westside Blvd./Anderson Way intersection prior to approval of the Final M-X-T**

Site and Landscape Plan for either the townhouse portion or commercial portion of the project, whichever is applied for first.

The required signal warrant analysis was submitted to SHA and was approved. The signal has been installed and is currently in operation.

- (4) The Applicant shall comply with all applicable local, state and federal laws and regulations in the development of the Property.**

By filing this application and by obtaining the issuance of appropriate permits pursuant to the approval of this application, Westside Land will ensure that development complies with all applicable local, state and federal laws and regulations.

SPECIAL EXCEPTION PROPOSAL

As noted earlier, the Preliminary Subdivision Plan for the commercial component of Westside was approved creating four separate lots. The initial Detailed Site Plan as described above was filed seeking approval to develop only one lot, Lot 3. However, because of the interrelationship of all four lots from an access and circulation standpoint, the entirety of the land

area comprising proposed Lots 1 through 4 was included in that Detailed Site Plan application. The description of site details is relevant for this Special Exception. Specifically, and as noted earlier, there will be two points of access into the commercial site from Westside Boulevard. The southernmost access point, located near the intersection of Westside Boulevard and Van Dusen Road, will be a private driveway which is half located on Lot 2 and half located on Lot 4. This driveway will provide internal access to all four commercial lots as depicted on the Special Exception Site Plan. Further, access to all four lots will also be provided by Private Road F which runs in an east-west direction along the northern boundary of Lots 3 and 4. A driveway bisects proposed Lots 3 and 4 and runs in a north-south direction in order to provide access to Lots 1 and 2 from Private Road F. This point of access will also allow internal circulation to the commercial lots from the 81 residential townhomes. These access points are in strict conformance with the access points approved on the commercial Preliminary Subdivision Plan and the residential Preliminary Subdivision Plan. Further, this Special Exception, as well as the accompanying Panda Express Final Site Plan, have been designed in order to conform with those Plans.

INITIAL COMMERCIAL FINAL SITE PLANS AND SPECIAL EXCEPTIONS

As discussed earlier, the Preliminary Subdivision Plan for the commercial component of Westside was approved creating four separate lots. In February of 2020, a Final Site Plan was filed seeking approval to develop only one lot, Lot 3. However, because of the interrelationship of all four lots from an access and circulation standpoint, the entirety of the land area comprising proposed Lots 1 through 4 (6.85± acres) was included in the Site Plan application. Specifically, and as noted earlier, there are two points of access into the commercial site from Westside Boulevard. The southernmost access point, located near the intersection of Westside Boulevard and Van Dusen Road, is a private driveway which is half located on Lot 2 and half located on Lot 4. This driveway will provide internal access to all four commercial lots as was depicted on the Final Site Plan. Further, access to all four lots is provided by Private Road F which runs in an east-west direction along the northern boundary of proposed Lots 3 and 4. A driveway bisects Lots 3 and 4 and runs in a north-south direction in order to provide access to Lots 1 and 2 from Private Road F. This point of access also allows internal circulation to the commercial lots from the 81 residential townhomes. These access points are in strict conformance with the access points approved on the commercial

Preliminary Subdivision Plan and the residential Preliminary Subdivision Plan. Further, the Final Site Plan was designed in order to conform with those Plans.

The first commercial Final Site Plan, which proposed development on Lot 3 envisioned the construction of a single retail building comprising approximately 10,000 square feet (Application No. 954). Parking is located in the front of the building. This Site Plan was revised to accommodate the Chipotle and the footprint was increased to 10.231 square feet (Application No. 954). Because the Chipotle included a drive-thru pick-up window, a Special Exception was also required and approved (Application No. 955). This building is now constructed and the Chipotle is in operation.

Subsequent to the approval of the initial Final Site Plan for Lot 3, Final Site Plan and Special Exception applications were filed for Lots 2 and 4 within the commercial component of Westside. In November of 2021, a Final Site Plan application as well as a Special Exception application, was filed for Lot 2. Both applications sought the approval of a gas station complex which would include a Wawa convenience store consisting of 5,600 square feet along with gas pumps. The Final Site Plan (Application No. 922), as well as the Special Exception (Application No. 920), were approved by the Planning Commission

and the City of Laurel Board of Appeals respectively in January of 2022.

Final Site Plan and Special Exception applications were also filed for Lot 4 in November of 2021. The Final Site Plan proposed the approval of a 4,800 square foot commercial retail building. One of the uses within the building would include a Starbuck's Specialty Restaurant comprising 2,496 square feet. The Starbuck's Restaurant was to include a drive-thru component. The drive-thru component triggered the necessity for a Special Exception. Both the Final Site Plan (Application No. 923) and the Special Exception (Application No. 921) were approved by the Planning Commission and the City of Laurel Board of Appeals respectively in January of 2022.

Both the Wawa convenience store with gas and the 4,800 square foot commercial retail building have been constructed and the Wawa and Starbuck's are in operation.

SPECIAL EXCEPTION SITE PLAN FOR PANDA EXPRESS

This application has been filed seeking, the approval of a Special Exception Site Plan. As described above, the property that forms the subject of this Site Plan is part of a recorded Final Plat for Lot 1 at Westside Shoppes. The Applicant and Owner is proposing to provide a Panda Express restaurant on part

of Lot 1. Concurrent with the filing of this Site Plan application, the Applicant has also filed a Preliminary Subdivision Plan application which requests that Lot 1 be further subdivided into two separate lots to be known as Lots 5 and 6. The Panda Express is proposed to be located on what will be Lot 6. It will consist of 41,284 square feet of area (0.9477± acres). A copy of the proposed Preliminary Subdivision Plan is filed with this application.

A full set of drawings supporting the Site Plan application has been filed. The Site Plan depicts the proposed Panda Express restaurant building which will consist of 2,748 square feet being located roughly in the center of proposed Lot 6 but closer to the proposed western boundary line of what will be Lot 6. The restaurant will be accessed via the internal roadway intersecting Westside Boulevard. A single point of access is proposed into the Panda site on Lot 6. The front of the building is proposed to be oriented to the east and parking for patrons to enter the building is generally located along the eastern and southern sections of Lot 6. Two doorway entrances for patrons are located along the eastern building façade.

Patrons desiring to use the drive-thru lane will enter at the northern entrance. Cars will proceed to an order board where orders will be placed. Patrons will then proceed to the west

side of the building where orders will be paid for and picked up. Patrons can then exit proceeding in a southerly direction and then turning eastbound to exit the site.

Safe pedestrian access is provided through the site and pedestrian markings will be painted across the parking compound to ensure patron safety. Handicap parking is located directly across from the primary entrance into the building.

The building itself has an attractive roof and façade treatment. The roof slopes with interesting curves which rise to a higher level at the corners of the building. Substantial areas of glazing are present, especially along the front (east) side of the restaurant building. Color combinations include gray, tan rust/red, white and black. Building materials include stone, EFIS, and both vertical and horizontal aluminum accent treatments in varying colors.

Tasteful signage including Panda images mounted on circular medallions grace the corners of the building. The words "Panda Express" also will appear on various building facades. All proposed signage, including proposed square footages associated with the signage, appear on sheets within the Site Plan package. Trash dumpsters are located in the extreme northeast corner and are screened from view. Directional signage is proposed to be placed at strategic points at the entrance and within the site to

safely direct patrons. Details on directional and entrance signage is included in the Site Plan package. An attractive landscaping scheme is also depicted on the Landscape Plan filed with the submission. In summary, the Applicants fully expect the Panda Express restaurant will offer appealing cuisine and will represent a pleasing addition to the Westside Shoppes commercial area.

CONFORMANCE WITH ZONING ORDINANCE REQUIREMENTS

As noted above, a revised Conceptual Site Plan has previously been approved authorizing the construction of a maximum of 40,000 square feet of commercial uses. In addition, as discussed above, the Preliminary Subdivision Plan as well as a Final Site Plan and Final Record Plat of subdivision have also been approved. These entitlements approved the lot layout and internal circulation for the commercial component of Westside. A new Preliminary Subdivision Plan for Lot 1 has been filed concurrent with this Special Exception application and proposes further subdividing Lot 1 into Lots 5 and 6. The Panda Express will be located on New Lot 6.

As explained earlier, the accompanying Chipotle Final Site Plan proposes commercial development in exactly the location recommended on the revised Conceptual Site Plan and the Preliminary Subdivision Plan. At the time of approval of the

Conceptual Site Plan, findings were made by the Planning Commission and the Mayor and City Council that the revised Conceptual Site Plan met all requirements set forth in the City's Land Development Code for the approval of a Conceptual Site Plan. Further, the Panda Express specialty restaurant with drive-thru being proposed is a permitted use pursuant to the Unified Land Development Code subject to the approval of this Special Exception.

The City of Laurel Board of Appeals is authorized to grant special exceptions upon certain findings as set forth in Section 20-21.1 of the ULDC. The applicant submits that this Special Exception application conforms to and satisfies all of the relevant criteria. Specifically, that Section provides as follows:

Sec. 20-21.1. Board of appeals authorized to grant special exceptions, upon certain findings.

The Board of Appeals may grant special exceptions for such periods and for the uses enumerated, and subject to the condition set forth in this division.

- (a) A special exception may be granted when the Board of Appeals, as the case may be, finds from a preponderance of the evidence of record that the proposed use:**
 - (1) The proposed use is in harmony with the purpose and intent of the Master Plan, as embodied 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). Westside in its entirety adds 484 new multifamily residential units, 137 townhomes, a potential 150 room hotel and up to a 40,000 square feet of retail uses. All of these components will increase the tax base of the City. The hotel and the retail components will expand the sources of employment and the residential units will expand the living opportunities for the citizens of the City. The proposed Panda Express restaurant will of course provide a source of employment opportunities for residents of the City. It will also create a synergy with the residential component of Westside. Residents within Westside will be able to walk or drive to the Panda

Express, which 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.

It is clear that the Westside development compellingly satisfies the recommendations of the Master Plan for M-X-T zoned property.

Section IV of the Master Plan discusses the "Goals and Objectives" of the Plan. The Land Use "Goal" on page 49 of the Master Plan is: **"Providing a quality living and working environment through the effective utilization and implementation of land use practices."** Westside has brought high end residential apartments and quality townhomes to the City of Laurel. These residential units as well as up to 40,000 square feet of new retail space will offer the citizens of Laurel a high quality environment in which to live and work. The Westside project in general conforms with this Master Plan guideline. In particular, the Panda Express restaurant implements the Master Plan's recommendation to provide a quality living and working environment. It should also be noted that three other lots within the commercial component (Lots 4, 2 and 3) have been approved for a Starbucks, a Wawa convenience store with gas and

an inline building which will include a Chipotle. All of these uses are constructed and in operation.

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 Panda Express, 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. Further, the Land Use Map (Map No. 6) found on page 67 of the Master Plan clearly designates Westside for development in the M-X-T Zone. The initial Conceptual Site Plan and the revision have both found conformance with the recommendations of the Master Plan for the entire project. In view of all of the above, the Applicant submits the proposed Starbucks conforms to the recommendations of the Master Plan.

- (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 the 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.

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 revision to the traffic impact analysis dated April 24, 2025 was prepared in conjunction with the current 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. A copy of this study has been filed with this application.

In view of all of the above, there is an abundance of evidence supporting the conclusion that the grant of this Special

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. 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 onto 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; and**

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. Obviously, 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 Panda Express. In fact, the Applicant entered into an agreement with SHA to actually expand this stormwater facility in order to accept stormwater from Westside. The 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) Meet the definition and specific standards set forth elsewhere in this article for such particular use.**

There are no individual standards which are found in the ULDC which relate to specialty restaurants.

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

CONCLUSION

In view of all of the above, the Applicant submits that the Special Exception for the Panda Express specialty restaurant with drive-thru meets all Code requirements set forth in the ULDC for the City of Laurel. In view of that fact, the applicant respectfully requests that this Special Exception be approved as requested.

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