AGENDA ITEM NO. 3

TECHNICAL STAFF REPORT

TO: City of Laurel Planning Commission

FROM: Joshua Mitchum, Planner II

CASE: Special Exception Extension Application No. 911
352-354 Main Street
Laurel, MD 20707

I. GENERAL INFORMATION

APPLICANT: Patrick Davis
324 Main Street, Suite 1413
Laurel, MD 20707

OWNER: Same as Applicant

LOCATION: ExclusiveBlu
352-354 Main Street
Laurel, MD 20707

ZONE: C-V (Commercial Village)

REQUESTED ACTION: Approval of an extension to a previously granted Special Exception to establish and operate a restaurant with live entertainment, and a rooftop bar/dining area.

PREVIOUS ACTION(S):
1) Special Exception No. 868 (Filed January 4, 2017) was approved to establish and operate a restaurant with live entertainment, and a rooftop bar/dining area.

2) Special Exception No. 897 (Filed November 4, 2019) was approved to establish and operate a restaurant with live entertainment, and a rooftop bar/dining area.

II. BACKGROUND INFORMATION:

The Applicant is seeking an extension of the Special Exception previously granted to establish and operate a restaurant with live performances and a rooftop deck/bar area, to be located at the 352-354 Main Street property.
Street property. The subject property also has two (2) apartment-style dwelling units on the second floor. The primary structure was built in 1940, and is approximately 4,832 square feet in size. The property is zoned C-V, Commercial Village, and its current use is commercial. This proposed use was previously approved by the Board of Appeals in 2017 (17-01-BOA) and 2019 (20-01-BOA). However, the latest approval has expired, and the Applicant is seeking an extension of the Special Exception granted in 2019.

THE PROPERTY IS SURRounded BY THE FOLLOWING ZONING CLASSIFICATIONS:

- NORTH: Commercial Property zoned C-V, Commercial Village
- EAST: Commercial Property zoned C-V, Commercial Village
- SOUTH: Commercial Property zoned C-V, Commercial Village and Residential Property zoned R-20, One-Family Semi-Detached/Two-Family Detached/One-Family Triple-Detached
- WEST: Commercial property zoned C-V, Commercial Village

DEPARTMENT/AGENCY RESPONSES:

The following Departments and Agencies were notified of the application and comments were requested. Any responses received are written in the chart below.

<table>
<thead>
<tr>
<th>Department or Agency</th>
<th>Comments Received</th>
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<tr>
<td>City of Laurel Department of Public Works</td>
<td>• Comments from previous application still stand, no additional comments or concerns.</td>
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<tr>
<td>City of Laurel Police Chief</td>
<td>No comments received.</td>
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<tr>
<td>City of Laurel Department of Parks and Recreation</td>
<td>No issues with project.</td>
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<tr>
<td>City of Laurel Building Official and Fire Marshal</td>
<td>• No issues with project.</td>
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<td></td>
<td>• This business will be required to resubmit updated building plans, obtain a Use and Occupancy permit along with a completed fire inspection from FM&amp;PS.</td>
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III. ANALYSIS:

The Applicant is seeking a Special Exception extension for the previous approval to establish and operate a restaurant with live entertainment and a rooftop bar/dining area. The Applicant is not proposing any changes from their application that was originally approved on January 23, 2019. The proposed site is located within the Arts and Entertainment overlay of Main Street as well. The stated goal for ExclusiveBlu is to become a location
on Main Street for patrons to enjoy live entertainment, happy hour, dinner, and Sunday brunch. The Applicant will not be using the two (2) upstairs dwelling units of the building in their operation of ExclusiveBlu.

Below is an overhead of 352-354 Main Street. The blue arrow illustrates the proposed location of the ExclusiveBlu venue.

PARKING:

The subject property is located in the Parking Modification Zone. On September 26, 2016, Ordinance 1877 (Text Amendment No. 242) was passed, which modified parking requirements for properties located in the Parking Modification Zone. Parking reductions for restaurant uses were set at 100%. Therefore, on-site parking spaces are not required for the subject property. Patrons of ExclusiveBlu will have parking available along Main Street or in the public parking area on C Street.

LANDSCAPING:

The Applicant is not proposing any major changes to the surrounding landscaping of the property.

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

(1) The proposed use is in harmony with the purpose and intent of the comprehensive master plan, as embodied in this chapter and in any master plan or portion thereof adopted or proposed as part of such comprehensive master plan
The purpose of the C-V (Commercial Village) zone is to encourage the economic stability and improvement of the Main Street Business Area and its immediate environs. ExclusiveBlu’s intent to provide live entertainment and dining is in harmony with the Plan’s goal to have various entertainment and dining options for personal enjoyment.

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

The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area. All patron entrances will be well-lit and clearly visible to patrons from the streets, as well as the adjacent parking lots. The Applicant has proposed direct-indirect exterior building lighting to create an overall well-lit space for patrons.

Furthermore, the new sprinkler system recommended by the Fire Marshall, in conjunction with the building’s fire alarm system, will also contribute to keeping ExclusiveBlu safe. Lastly, the Applicant shall be responsible for providing a letter signed by a certified structural engineer that certifies that the rooftop area can handle the load of the proposed layout/use.

(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 proposed use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties of the general neighborhood. The subject property is surrounded by other commercial uses in the C-V zone. Furthermore, the property is located within the arts and entertainment overlay area for Main Street. The entertainment options for ExclusiveBlu (pre-recorded and live Jazz, Latin, Reggae, and R&B) will be limited to the inside of the building and will not occur on the rooftop area. The proposed use is stated to provide economic value by providing an entertainment and dining location on Main Street.

(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**

Of the governmental agencies that the Department of Economic & Community Development requested comments from regarding the impact of the Special Exception on public facilities and services, none that responded have objected to the Special Exception. Furthermore, the proposed use is not new construction. ExclusiveBlu proposes to move to an existing building and does not present a risk of overburdening the existing public services and facilities of the Laurel Community.

Sec. 20-22.38 – Entertainment uses.

(a) Within the C-G—Commercial General, S-SH—Commercial Shopping Center, C-V—Commercial Village, I-CS—Industrial-Commercial Services, and as required, within an M-X-T—Mixed Use-Transportation Oriented Zone, and specified Revitalization Overlay Areas.

(b) Access:

(1) If freestanding, buffering by a wall and/or landscaping will be provided in a manner, which physically separates and restricts access from the establishment and it is required parking area to nearby Residential Zones or areas.
Not Applicable.

(2) All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.

The Applicant states that entrances will be well-lit and clearly visible to patrons from the parking lot or a public street.

(c) The applicant has provided written evidence that all sound resulting from business activities will be contained within the building.

The Applicant states in their statement of justification that all sound resulting from the business operations will be contained to the interior of the building.

(d) The applicant shall provide hours of operation for the establishment, and shall notify the City if the operating hours are changed.

The proposed hours of operation for the business are as follows:

- Monday – Thursday: 4:00pm – 2:00am
- Friday – Saturday: 4:00pm – 2:00am
- Sunday (brunch service): 10:00am – 3:00pm
- Sunday (dinner service): 4:00pm – 12:00am

(e) The applicant has provided written public safety plan which the City Police Department and the City Fire Marshal have recommended and submitted as part of the application, as well as hours of operation.

Per the City’s Fire Marshal, the building will be required to have a new sprinkler installed, as well as a letter from a structural engineer stating that the roof-top area can sufficiently support the load of the use.

(f) The applicant has provided a written lighting plan, which addresses exterior lighting on and surrounding the property.

The Applicant has provided a lighting plan which addresses exterior lighting on, and surrounding the property.

(g) The applicant shall provide written exterior refuse control plan, which must be approved by the Department of Economic and Community Development and the Department of Public Works.

The Applicant has provided the City with a written exterior refuse control plan.

(h) The applicant has provided a floor plan, which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.

The Applicant has provided a floor plan that illustrates the patron dancing areas and potential stages for performances. The plan layout shows both the exterior and interior.

(i) The plan shall demonstrate to the satisfaction of the Director of the Department of Economic and Community Development and the Director of the Department of Public Works, that the level of service on all streets accessed by the use shall be acceptable and not cause a reduction in the levels
of service (LOS) identified within the required traffic study submitted in conjunction with the special exception application.

Not Applicable.

(j) If the Director of the Department of Economic and Community Development determine that additional parking analysis is necessary the applicant shall provide a detailed parking needs study based on comparable establishments.

The proposed use is in the Parking Modification Zone. The parking modification for the proposed use is set a 100%, therefore, on-site parking spaces for ExclusiveBlu are not required.

(k) The applicant has provided any additional information required by City staff in order to evaluate the impacts of the proposed use upon the area.

The Applicant submitted supporting documents with the application that City staff used to evaluate the impact of the proposed use upon the surrounding area.

(l) The following operational standards must be met by the use throughout its operations:

(1) All external doors shall be closed but not locked during business hours.

(2) No external speakers will be permitted on the premises of a use permitted under this section.

(3) The applicant/operator shall comply with all plans approved as provided herein.

(4) Nonconformance with the provisions of the granting of the special exception shall be grounds for review by the City staff and recommended for hearing to the Board of Appeals for revocation.

(5) The applicant must comply with all other applicable laws and ordinances of the City, or other agency having jurisdiction.

The Applicant understands the operational standards that come with the Special Exception approval process. The Applicant has sufficiently addressed the criterion for granting a Special Exception of the proposed use. According to Section 20-21.1 and Section 20-22.38 of the Unified Land Development Code, the proposed use would meet the requirements for Special Exception approval.

IV. RECOMMENDATION:

Staff recommends that the City of Laurel Planning Commission **RECOMMEND APPROVAL** to the City of Laurel Board of Appeals for Special Exception Extension No. 911, with the following conditions:

1) The Applicant shall comply with all conditions and comments as stated in the technical staff reported dated November 26, 2019 for Special Exception No. 897, approved January 23, 2019.
ATTACHMENTS:

1. Written request for extension of Special Exception

REVIEWED BY:

Christian L. Pulley

Christian L. Pulley, Director