



Memo

To: Mayor and City Council

From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development
Kate Powers, City Planner

Date: September 1, 2021

Re: Queens Chapel Town Center – Amendment to Conditions of Approval

Attachments: Applicant's Request Letter
Council Correspondence (DSP-10011 & CSP-10002)
Planning Board Resolution No. 11-08

The purpose of this memorandum is to provide the City Council with a summary of the applicant's requested amendment to the conditions of approval related to CSP-10002 and DSP-10011. The Subject Property is Queens Chapel Town Center, specifically the Kentucky Fried Chicken Restaurant at 5401 Ager Road.

Project Summary

- The applicant is requesting an amendment to the conditions of approval related to CSP-10002 and DSP-10011 which would allow for the continued use of an existing eating and drinking establishment with drive-through service within Queens Chapel Town Center.
- The property is located within the West Hyattsville Transit District Overlay Zone.
- This application is requesting validation of the existing Kentucky Fried Chicken Drive-through Restaurant at 5401 Ager Road.

Project Location Details

The Subject Property is within the Queens Chapel Town Shopping Center, located in the northwest quadrant of Queens Chapel Road and Hamilton Street with a total area of 6.05 acres. The property is zoned M-X-T/TDO/R-55 and is located within the boundaries of the 2006 Approved Transit District Development Plan for the West Hyattsville Transit District Overlay Zone.

The property is currently developed with an existing commercial shopping center and located near the West Hyattsville Metro Station.

Applicant's Request

On January 27, 2011, the Prince George's Planning Board approved Conceptual Site Plan CSP-10002 and Detailed Site Plan DSP-10011 which allowed for an amendment to the Table of Uses to permit eating and drinking establishment with drive-thru service within Queens Chapel Town Center.

The adopted resolution included one modification and three conditions. Condition 3c states:

Within Queens Chapel Town Center, any eating or drinking establishment, with drive-through service, operating pursuant to an approved detailed site plan as of the effective date of County Council Resolution CR-24-2006, shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such eating or drinking establishments, with drive-thru service, and their underlying detailed site plans may be modified pursuant to the existing provisions relating to revisions or amendments to detailed site plans generally as they exist in the Zoning Ordinance. If the use is discontinued for a period of 180 or more consecutive calendar days, unless the conditions of non-operation were beyond the control of the owner or holder of the use and occupancy permit, then the use shall no longer be considered a legal use.

The applicant is requesting Condition 3c be deleted. Approval of this request would validate the existing establishment operating from the Subject Property (Kentucky Fried Chicken Drive-thru Restaurant at 5401 Ager Road) which has been non-operational for a period of at least 180 days.

For reference, on Monday, May 16, 2011, the Hyattsville City Council voted to oppose DSP-10011 and CSP-10002, a request for amendment to the Table of Uses in the West Hyattsville Transit District Development Plan (TDDP).

The City stated that the proposed uses contradicted the intent of the main street commercial districts which should provide for a more pedestrian and non-motorized vehicle oriented environment. The City also requested the District Council consider specifically prohibiting the pre-existing non-compliant use of drive-thru establishments when a property becomes vacant and/or transfers ownership.

Timeline

The applicant's presentation to the City Council is scheduled for September 20, 2021.

This item will return for action at the Council's October 4th meeting.

This case is scheduled to go before the Zoning Hearing Examiner on October 20th.