



# Memo

To: Mayor and City Council

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

Date: September 23, 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. 11-07 & No. 11-08  
Excerpt from the West Hyattsville TDDP

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The purpose of this memorandum is to provide the City Council with Staff recommendations regarding 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 establishments 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.

### **Previous City Council Action**

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.

### **Planning Committee Review**

The applicant presented to the City's Planning Committee on September 21, 2021.

In their comments, Committee members noted that continuing this drive-thru use is problematic as the subject property is within a transit district. Alternatively, Committee members also discussed how letting the site sit vacant is undesirable to the community.

### **The Planning Committee adopted the following language in a 5-1 vote:**

*While the Committee recognizes a vacant building at this location is not optimal, the Planning Committee recommends the City Council oppose the continued drive-thru use within the West Hyattsville Transit District Overlay Zone. The Committee cannot support an auto-centric use as it does not reflect the vision for the area. The Planning Committee also has bicycle and pedestrian safety concerns at this location.*

## Inconsistency with the West Hyattsville Transit District Development Plan (2006)

### PURPOSE

The goal of the West Hyattsville TDDP is to provide a clear and predictable path for transit-oriented development (TOD) within the West Hyattsville Transit District Overlay Zone (TDOZ).

TOD is not simply development that happens to be located at or near a transit station. The 2002 Prince George's County Approved General Plan (page 44) defines TOD as development that actively seeks to increase transit use and decrease automobile dependency by:

- Locating homes, jobs, and shopping closer to transit services;
- Locating the mix of critical land uses (living/working/shopping) in closer proximity to one another; and
- Establishing land use/transit linkages that make it easier to use transit (rail and bus).

Adopted July 2006, the Approved Transit District Development Plan (TDDP) and Transit District Overlay Zoning (TDOZ) Map Amendment for the West Hyattsville Transit District Overlay Zone contains a comprehensive development vision for the area. This document controls and guides the use and development of all land within the amended Transit District Overlay Zone (TDOZ). As stated in the plan's purpose on page 1 (excerpt to the left), the TDOZ and TDDP encourage development that actively seeks to decrease automobile dependency. Allowing the continued use of a drive-thru eating and drinking establishment is in direct contradiction to the TDDP's stated purpose.

that will accommodate changing lifestyles for current Hyattsville residents and provide options attractive to new residents. High quality, compact development will create the economic base for new shops, stores, and cultural and entertainment venues that will enhance the quality of life for everyone in Hyattsville and its immediate neighbors. The plan does not include big box retail; instead, smaller scale retail enterprises, more consistent with the scale and character of the existing businesses on Hamilton Street, are proposed. The result will be many innovative, energy efficient, and aesthetically pleasing buildings and public places that attract people from throughout the county.

The TDDP outlines the vision for the area, articulating what the community and greater region want to achieve in the West Hyattsville TDOZ. The TDDP vision starts on page 7 of the document and an excerpt can be found to the left. The TDDP specifically states that the vision of the area does not include chain establishments, but rather envisions smaller scale commercial as it is more consistent with the scale and character of the area. The continued use of a national chain drive-thru restaurant is not consistent with the TDDP's vision.

**Design:** Development that creates attractive pedestrian-friendly environments and encourages residents, workers, and visitors to arrive by modes of transportation other than the automobile; i.e., public transit, walking, and bicycle.

The TDDP states that a successful TOD is characterized by three key elements: Density, Diversity, and Design. An excerpt of the Design section from page 9 of the TDDP can be seen to the left. The West Hyattsville TDDP envisions compatible development that encourages

residents, workers, and visitors to arrive by modes of transportation other than automobile. Drive-thru use is not compatible with successful TDO design.

**Hamilton Main Street:** The plan envisions the existing Hamilton Street commercial corridor as an expanded activity center and destination with its terminus at Hamilton Town Square. Lined with primarily retail uses, the Hamilton Main Street corridor will allow TDOZ residents to satisfy many of their daily needs without the use of their personal vehicles. The adjacent private property site plan and public streetscape elements—ornamental lighting, street trees, trash receptacles, benches, bike racks, and smaller pedestrian focused signage—will help to create a pedestrian-oriented environment.

Along with an overall vision, the TDDP outlines specific visions for different areas within the TDOZ. The subject property resides within the “Hamilton Main Street” area as it is located on the corner of Hamilton Street and Ager Road. As seen in the excerpt from page 14 to the left, the TDDP envisions this corridor as a destination for residents to meet their needs without the use of their personal vehicles. A drive-thru restaurant use is incongruous with the specific vision for Hamilton Street outlined in the TDDP.

### **Staff Recommendations**

Transit District Overlay Zones work to promote walkability, bicycle safety, and public transit use by restricting auto-oriented forms, like drive-thru restaurants. The West Hyattsville Transit District Development Plan is very clear in prioritizing non-motorized uses stating that “within the TDOZ, pedestrians will be the priority when safety and access must be balanced between modes” (TDDP, pg. 19).

The Mixed-Use Transportation Oriented (M-X-T) Zone, of which the Subject Property resides, is intended to encourage transit- and pedestrian-friendly development (TDDP, pg. 50). And with the property less than 0.25 miles from the West Hyattsville Metro Station, a drive-thru use is incongruous with the vision for the area, guidelines stated in the TDDP, and successful TDO design.

The City Council voted in opposition to a drive-thru use on this property ten years ago and has consistently opposed drive-thru use in transit district overlay zones. The goal of the TDOZ is to reduce vehicle trips and divert travel to other modes (e.g., walking, biking, public transit) (TDDP, pg. 6).

Prohibiting the continued drive-thru use of the property will bring West Hyattsville one step closer to eliminating the auto-dominance of the area and shifting focus to public transit, bicyclists, and pedestrians.

### **Next Steps**

The applicant presented to the City Council on September 20, 2021 and presented to the Planning Committee on September 21, 2021.

This request is an action item at the Council’s October 4<sup>th</sup> meeting.

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

Staff is recommending the following motion:

“I move the City Council authorize the Mayor to provide correspondence to the Prince George’s County Office of the Zoning Hearing Examiner in opposition to the applicant’s request to elimination Condition 3c of Planning Board Resolutions No. 11-07 and No. 11-08. The Subject Property is less than 0.25 miles from the West Hyattsville Metro Station and a continuation of the drive-thru use is in direct contradiction to the vision and guidelines of the West Hyattsville Transit District Development Plan.”