

July 29, 2021

VIA ELECTRONIC MAIL

Donna J. Brown
Clerk
Prince George's County Council
County Administration Building
Upper Marlboro, MD 20772

*Re. CSP-10002 and DSP-10011;
Amendment to Conditions of Approval*

Dear Madame Clerk:

On behalf of the applicant, Queens Chapel Town Center LLC and pursuant to Section 27-135(c) for the Zoning Ordinance, I am requesting that Conditions 3c of CSP-10003 and Condition 3c of DSP-10011 be deleted in their entirety. In support of this request, that applicant states:

PROJECT SUMMARY

The subject property is currently developed with an existing shopping center. It is in close proximity to the West Hyattsville Metro Station. The shopping center is surrounded by other commercial uses in the area. Specifically, the subject property is surrounded by the following uses:

North: Single-family homes located in the R-55 Zone.

South: Hamilton Street, across Hamilton Street is commercially developed property in the M-X-T Zone

East: Queens Chapel Road, across Queens Chapel Road is commercially developed property in the M-X-T Zone

West: WMATA parking in the M-X-T Zone

As noted above, the Preferred Land Use Plan found on page 36 of the TDDP, places the shopping center in the Retail/Commercial category of the Table of Uses. This Table of Uses controls the uses permitted in the West Hyattsville TDOZ and supersedes the underlying Table of Uses listed in the Zoning Ordinance.

PREVIOUS APPROVALS

The existing buildings on-site were mostly built prior to 1965 and have been the subject of various permits over the years. Detailed Site Plan DSP-00040 for Residue Parcel A-13 was approved by the Planning Board on December 21, 2000 (PGCPB Resolution No. 00-230) under the previous 1998 West Hyattsville Approved Transit District Development Plan for the Transit District Overlay Zone, with six conditions. These conditions are no longer outstanding as they were complied with and completed through the certification, permit, and construction processes. That approval was for a eating and drinking establishment with drive-through service. Conceptual Site Plan CSP-10002 and Detailed Site Plan DSP-10011, to allow an amendment to the Table of Uses of the 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* for the subject property, were approved by the Planning Board on January 27, 2011 subject to three conditions. Subsequently, the Prince George's County District Council reviewed both of these cases on June 13, 2011 and adopted the Planning Board's resolutions, with one modification and three conditions. Condition 3c of those approvals provides:

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-through 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.

Finally, DSP-10011/01 was approved by the Planning Board on February 21, 2013 (PGCPB Resolution No. 13-11) for the purpose of amending the mandatory development requirements building mounted signs to be internally illuminated.

The purpose of this request is to delete 3c of CSP-10002 and DSP-10011 cited above. In so doing, the existing permitted use will be subject to the same restrictions and conditions as the other permitted uses in Queens Chapel Town Center.

CRITERIA FOR APPROVAL

The District Council is permitted to amend conditions to a site plan approved in accordance with Section 27-135(c) which provides, in part:

- (c) The District Council may (for good cause) amend any condition imposed or site plan approved (excluding Comprehensive Design Zone Basic Plans or R-P-C Zone Official Plans) upon the request of the applicant without requiring a new application to be filed, if the amendment does not constitute an enlargement or extension.

The Court of Appeals of Maryland, in *Kay Construction Company v. County Council*, 227 Md. 479, 177 A.2d 694 (1962) considered the definition of “good cause” upon appeal of a Council resolution overturning a previous decision upon a reconsideration of that previous decision for “good cause shown.” In *Kay*, the Court held that a change of mind on the basis of the evidence of record is not “good cause.” In arriving at this conclusion the Court referred to a previous decision, *Zoning Appeals Board v. McKinney*, 174 Md. 551, 564, 199 A. 540, 171 A.L.R. 207, 564 (1938), which states that in the absence of a statutory requirement, “It may be conceded without discussion that the Board has the right to correct errors in its decisions caused by fraud, surprise, mistake or inadvertence, which any agency exercising judicial functions must have, to adequately perform its duties.

BASIS FOR REQUEST

Condition 3c of both CSP-10002 and DSP-10011 provide, in part, 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. Under the Zoning Ordinance, this limitation is normally associated with nonconforming uses, whereas this use, and eating and drinking establishment with drive-through service, is a permitted use pursuant to the approval of DSP-00040 and pursuant to the 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* which provide on page 38:

Legally existing development. Until a site plan is submitted, all buildings, structures, and uses that were lawful or could be certified as a legal nonconforming use on the date of sectional map amendment (SMA) approval are exempt from the TDDP standards and from site plan review and are not nonconforming. However, if a permit application is submitted and it is determined that the legally existing building, structure, or use has been discontinued for more than 180 days in accordance with Section 27-241(c), it shall comply with all applicable TDDP standards and site plan review.

DSP-10011 was approved by the District Council in 2011 and that DSP reflected the eating and drinking establishment as shown on DSP-00040. Therefore, the use is legal and not nonconforming and it should not be subject to the 180 limit associated with nonconforming uses

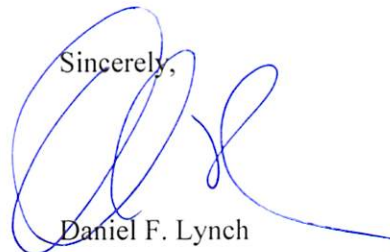
in the West Hyattsville TDOZ.

Furthermore, this condition inhibits the applicant's ability to market the property to potential tenants. This condition places a cloud on their ability to operate an eating and drinking establishment with a drive through from the subject property and to maintain a viable and competitive use into the future. Potential tenants need and assurance that the use will continue into the future and also need the ability to renovate and modernize that use to stay competitive in the market. Any a major modification to the structure associated with the use would most likely require a closure of the business for a period that could exceed the 180 days. If such occurs, a tenant could potentially spend hundreds of thousands of dollars on a renovation or rebuilding only to lose their ability to operate the use.

Finally, this use was developed in conformance with the *1998 West Hyattsville Approved Transit District Development Plan for the Transit District Overlay Zone*. At that time, the use was permitted subject to the approval of a Detailed Site Plan and conformance with the Transit District Development Standards. The improvements on the property are not only designed to accommodate an eating and drinking establishment with drive-through service, but also designed to the meet urban and pedestrian oriented standards contained on the *1998 West Hyattsville Approved Transit District Development Plan for the Transit District Overlay Zone*. When the Planning Board approved DSP-00040 in 2001, it not only found that the proposed development of the property with an eating and drinking establishment with drive-through service was compatible with and complementary to existing and proposed development in the vicinity of the property, but the arrangement and design of buildings when coupled with their proximity to the West Hyattsville subway station, reflects a cohesive development capable of sustaining an independent environment of continuing quality and stability that will encourage an active commercial entity. This finding demonstrates that this use, although no longer a permitted use in the West Hyattsville TDOZ, is compatible with the surrounding area unlike nonconforming uses and therefore the need to phase this use out, through the 180 day limit set forth in condition 3c, is a mistake.

For these reasons, Queens Chapel Town Center LLC respectfully requests that condition 3c to CSP-10002 and DSP-10011 be deleted in their entirety. Thank you in advance for your time and consideration to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Daniel F. Lynch', is written over the printed name. The signature is stylized with a large loop at the beginning and a long horizontal stroke at the end.

Daniel F. Lynch

Marc Tartaro
Mayor



Gregory E. Rose
City Administrator

May 17, 2011

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RECREATION & THE ARTS
301/985-5020

Honorable Ingrid M. Turner, Chair
Prince George's County District Council
14741 Governor Oden Bowie Drive, 2nd Floor
Upper Marlboro, MD 20772

RE: DSP-10011 and CSP-10002 – Request to Amend West Hyattsville TDDP Table of Uses

Dear Chair Turner and Members of the District Council,

I am writing to inform you that 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 opposes several of the applicant's requested uses, specifically eating or drinking establishments with drive-thru, building supply store, pizza delivery service, carpet or floor covering store, as these uses are auto-oriented. The City believes these uses contradict the intent of the main street commercial districts which should provide for a more pedestrian and non-motorized vehicle oriented environment. The City also requests the District Council to consider specifically prohibiting the pre-existing non-compliant use of drive-thru establishments when a property becomes vacant and/or transfer ownership.

The City is supportive of continued investment and economic development within the West Hyattsville TDDP, however the City cannot support uses which contradict the intent or compromise the integrity of future development.

Thank you in advance for your consideration.

Sincerely,

Marc Tartaro
Mayor

cc: Hyattsville City Council
Hon. Will Campos, County Councilmember, District 2
Jim Chandler, Community Development Manager
Dan Lynch, Attorney
Gregory Rose, City Administrator

CITY OF HYATTSVILLE

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R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on January 27, 2011, regarding Detailed Site Plan DSP-10011 for Queens Chapel Town Center, the Planning Board finds:

1. **Request:** The subject application requests an amendment for the Table of Uses for the West Hyattsville Transit District Development Plan (TDDP), specifically for the shopping center known as Queens Chapel Town Center.
2. **Development Data Summary**

	EXISTING	APPROVED
Zone	M-X-T/R-55/T-D-O	M-X-T/R-55/T-D-O
Use(s)	Shopping Center	Shopping Center
Acreage	6.05	6.05
Parcels	15	15
Building Square Footage/GFA	64,740	64,740

On-Site Parking Data

	Existing
Standard Spaces	229
Parallel Spaces	3
Handicapped Spaces	11 (6 Van Accessible)
Total	243 (11 Handicapped)

3. **Location:** The site is in Planning Area 68 and Council District 2. More specifically, it is located in the northwest corner of the intersection of Hamilton Street and Queens Chapel Road.
4. **Surrounding Uses:** The subject property is bounded to the south by Hamilton Street, and, across the street, by commercially developed property in the M-X-T Zone; to the east by Queens Chapel Road, and, across the road, by commercially developed property in the M-X-T Zone; to the west by Ager Road, and, across the road, by a metro parking lot in the M-X-T Zone; to the northeast by Hamilton Manor Apartments in the R-18 Zone; and to the north, by single-family homes in the R-55 Zone.

5. **Design Features:** The subject parcels are already developed with various commercial buildings that present themselves as a shopping center. This DSP proposes no new physical development on-site, so the following is a description of the existing layout of the property.

The shopping center is comprised of multiple connected and disparate buildings measuring a total of 64,740 square feet divided over 15 parcels, all of which are under the same ownership. The buildings are generally located no more than 14 feet behind the right-of-way line along Hamilton Street and Queens Chapel Road, although one building is set back further, at approximately 48 feet. The on-site parking is generally located behind the buildings, accessed from a public alley that runs along the rear of the property, although there are a few locations in which small parking lots are adjacent to the rights-of-way. Additionally, for most of the site's frontage along Hamilton Street and 31st Avenue, either angled or parallel parking spaces are located within the rights-of-way. The site is accessed from multiple driveways off of Ager Road, Queens Chapel Road, Hamilton Street, and 31st Avenue.

Starting at the southwest corner of the site is Residue Parcel A-13, which is the subject of a prior approval of Detailed Site Plan DSP-00040, and is developed with a 2,839-square-foot, brick and stucco, fast-food, Kentucky Fried Chicken restaurant. This building sits within 2.5 feet of the right-of-way at the corner of Hamilton Street and Ager Road and the existing drive-through lane runs along the north side of the building, with parking beyond it. Within the eastern portion of this parcel is a one-story, cinder block, 4,523-square-foot building with three tenants, specifically a bakery, furniture store and liquor store. There is parking located between this building and Hamilton Street and within a parking lot that takes up the remainder of the eastern portion of the parcel.

The portion of the site from the eastern property line of Residue Parcel A-13 to 31st Avenue is divided into ten parcels of varying size. One large, 22,790-square-foot, brick, stone and cinder-block building sits across all of these parcels, set back approximately ten feet from the Hamilton Street right-of-way, with multiple tenants including a barber, restaurant, dry cleaners and nail salon, among others. Additional parking and loading spaces are then provided behind the buildings along the northern property line, with access via the adjacent alley.

On the eastern side of 31st Avenue, is Parcel B-3 which includes a single, 5,971-square-foot, brick and concrete building, located within nine feet of the Hamilton Street right-of-way, with four tenants, specifically a restaurant, dollar store, hair salon and barber. Parking and loading are located at the rear of the building with access from the alley that runs along the northern property line. To the east is Parcel B-2, which has a parking lot along the western edge and a portion of a brick and glass building, with a convenience store tenant, in the southeastern corner, which sits within 12 feet of the Hamilton Street right-of-way. This building extends to the east into the adjacent Residue Parcel B-1 for a total area of 8,584 square feet and includes two more tenants, a pet groomer and a post office. After a small gap, another 13,360-square-foot, brick and glass building runs parallel to and stays within nine feet of the right-of-way line at the corner of Hamilton Street and Queens Chapel Road. This building houses seven tenants including a bank,

bridal store, and restaurants, among others.

Across a 20-foot public alley is Residue Parcel F, which sits along the northern and eastern boundaries of the entire subject property. It has one small, 6,673-square-foot, brick and concrete, three-tenant building in the eastern corner fronting on Queens Chapel Road, sitting within nine feet of the right-of-way. The rest of this parcel is asphalt parking and gravel areas that wrap around the north side of the public alley between the shopping center and the adjacent residential areas.

6. **Previous Approvals:** The existing buildings on-site were mostly built prior to 1965 and have been the subject of various permits over the years. Detailed Site Plan DSP-00040, for Residue Parcel A-13, was approved by the Planning Board on December 21, 2000 (PGCPB Resolution No. 00-230), under the previous June 1998 *West Hyattsville Approved Transit District Development Plan for the Transit District Overlay Zone*, with six conditions. These conditions are no longer outstanding as they were complied with and completed through the certification, permit and construction processes.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application is for a change in the Table of Uses for the July 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* (TDDP). This document supersedes the Table of Uses for permitted uses in the Zoning Ordinance for the M-X-T Zone. Additionally, since the shopping center exists and no new construction is proposed, the site plan design guidelines of the Zoning Ordinance are not applicable.

The applicant has submitted the required application for a detailed site plan pursuant to Section 27-548.09.01(b)(6), Amendment of Approved Transit District Overlay Zone, of the Zoning Ordinance. The Planning Board evaluated the proposed uses and finds that most but not all of them meet the requirements of Section 27-548.09.01, which specifies the required findings for an amendment to the Table of Uses. The Planning Board reviewed the detailed site plan against the criteria for approval in the M-X-T Zone as set forth in Section 27-546(d) of the Zoning Ordinance and offers the following comments:

(1) The proposed development is in conformance with the purposes and other provisions of this Division;

There is no development proposed with this plan, as the proposed changes to the Table of Uses will only allow for a change in the mix of tenants leasing space in the existing buildings on the site. All proposed uses for which approval is recommended would be consistent with the purposes and other provisions of Division 2, Part 10 (Mixed Use Zones) of the Zoning Ordinance.

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

This does not apply as the site was zoned M-X-T before October 1, 2006.

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The existing shopping center was renovated in 2001, 2006 and 2007 to create a unique, urban appearance, which does serve to create a strong street presence that is integrated with the surrounding commercial uses. However, the proposed changes to the Table of Uses will result only in a change in the mix of tenants leasing space in the existing buildings on the site, with no new construction proposed. Therefore, the proposed detailed site plan will have no impact on the existing development's outward orientation, or its physical or visual integration with existing adjacent development.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

Proposed changes to the Table of Uses, as limited by the conditions of approval, will not reduce or compromise the compatibility of the existing shopping center with the other existing or proposed developments in the transit district.

- (5) **The mix of uses, and arrangement and design of buildings, and other improvements reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The mix of uses will be enhanced by the expansion of permitted uses in the Table of Uses, as limited by the conditions of approval, and better enable the shopping center to sustain an independent environment of continuing quality and stability.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

No additional development is proposed at this time; therefore, there is no proposed staging.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity with the development;**

The shopping center is located entirely within one-half mile of the West Hyattsville Metro Station. It is surrounded by sidewalks on the southern, eastern and western edges of the property, along Hamilton Street, Queens Chapel Road, and Ager Road, which provide connections to the pedestrian system within the transit district area. Proposed changes to the Table of Uses, as limited by the conditions of approval, will not reduce or compromise the convenience or design of facilities provided for pedestrians in the development.

- (8) **On the Detailed Site Plan, in areas of development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial).**

The existing shopping center already provides a moderate level of quality urban design with human-scale buildings located close to a comfortable streetscape space that includes lighting, landscaping and specialty paving. The proposed changes to the Table of Uses, as limited by the conditions of approval, will not reduce or compromise the existing quality of urban design in the shopping center.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.**

This requirement does not apply as no new development is proposed that would require additional public facilities.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

This requirement does not apply as the property contains less than 250 acres.

8. **The July 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone (TDDP)*:** The transit district development plan (TDDP) places the Queens Chapel Town Center shopping center

in the Retail/Commercial Preferred Land Use category.

The applicability section of the TDDP states that all new development must show compliance with the TDDP standards in the site plan review process. Since the subject DSP shows no new development, it is not required to meet the standards at this time. However, this should not be taken to validate the existing physical development in any way or to exempt any future development or redevelopment of this property from the TDDP standards.

The applicant contends that the table of uses for this particular subarea is too restrictive and does not allow many uses common to similar shopping centers. The property was retained in the M-X-T Zone at the time of the approval of the July 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone*. The existing shopping center development does not necessarily comply with all of the recommendations for the Developed Tier per the General Plan nor the *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone*. However, it will remain as an existing use until such time as a redevelopment application is presented and, until then, it would be best if it remains a viable shopping center with legitimate retail uses.

The applicant has requested the following uses be permitted that currently are not permitted by the use table for the sub-district in which the project is located:

- Fast-food restaurant
- Eating or drinking establishment, with or without drive through
- Eating or drinking establishment, attached to or within a group of buildings
- Pizza delivery service
- Carpet or floor covering
- Clothing, dry goods
- Confectioner
- Florist
- Food or beverage goods preparation on the premises of a food and beverage store
- Sporting goods shop
- Stationary or office supply store
- Video game or tape store
- Medical practitioner's Office

Although some of the above uses already operate in the center, they became nonconforming with the adoption of the TDDP. As to conformance with the goals of the West Hyattsville TDDP, the Planning Board found the following (TDDP, page 1):

The goal of the West Hyattsville TDDP is to provide a clear and predictable path for transit-oriented development (TOD) within the West Hyattsville TDOZ...The 2002 Prince George's County Approved General Plan (page 44) defines TOD as development that actively seeks to increase the transit use and decrease automobile

dependency by:

- **Locating homes, jobs, and shopping closer to transit services;**

The shopping center is located across Ager Road from the West Hyattsville Metro Station. Amending the Table of Uses under the TDDP will offer the residents of the West Hyattsville community more food-related establishments and retail choices. A thriving shopping center will create more job opportunities and will encourage additional commercial and residential development within close proximity to the metro.

- **Locating the mix of critical land uses (living/working/shopping) in closer proximity to one another; and**

This detailed site plan is not proposing any changes to the shopping center; their sole purpose is to amend the Table of Uses contained in the TDDP. As mentioned above, approval of this amendment will allow the shopping center to attract a wider variety of commercial establishments, creating a better mix of shopping choices adjacent to the metro station and residential communities.

- **Establishing land use/transit linkages that make it easier to use transit (rail and bus).**

As mentioned above, the existing shopping center is in close proximity to the West Hyattsville Metro Station, which makes it easily accessible from the trains and buses en route to and from the metro station.

As stated on page 4 of the TDDP:

The main purpose of this plan is to maximize the public benefits from the West Hyattsville Metro Station. The plan sets out primary goals emphasizing the neighborhood, environment, transportation, and low-impact development (LID):

- **Promote TOD near the Metro Station and create a sense of place consistent with the neighborhood character areas.**

The existing shopping center includes a post office, a bank, and restaurants. Adding more retail choices and food establishments to the existing shopping center will create a stronger sense of place consistent with the neighborhood character area. Warehouses or manufacturing facilities are generally not transit-oriented development due to their large sizes; therefore, conditions have been included in this approval setting limitations on the carpet or floor covering store, confectioner and food or beverage goods preparation on the premises of a food and beverage store in order to ensure these types of uses are developed as retail-oriented businesses, and not as large-scale manufacturers.

- **Ensure that all new development or redevelopment in the transit district is pedestrian-oriented.**

The applicant is not proposing any new development or redevelopment to the existing shopping center. However, the current development is pedestrian-oriented as, generally, the buildings front on the street with parking in the rear. Additionally, in order to ensure all future tenants within this subject property are pedestrian-oriented, the applicant's request for approval of a fast-food restaurant with a drive through as a permitted use is denied. However, a condition has been included in this approval that allows the existing fast-food restaurant with drive through within the subject property to remain as a valid, legal use. The pizza delivery service was deemed to be acceptable as a permitted use, despite it being generally vehicle-oriented, but a condition setting limitations on the delivery vehicles has been included in this approval, in order to limit impacts on pedestrians.

- **Restore, protect, and enhance the environment by protecting environmentally sensitive areas, minimizing impacts of development, and expanding recreational opportunities and trail and bikeway connections.**

The subject property has no environmentally sensitive areas and proposes no new development. Therefore, this goal does not apply to the subject application.

- **Maximize residential development opportunities within walking distance of the Metro Station.**

The subject properties lie within the retail/commercial land use category of the TDDP; therefore, residential development on this site would not be in conformance with the plan, despite the fact that it is within walking distance of the Metro Station. However, expanding the allowed commercial uses on the property will enhance the viability and attractiveness of the shopping center, which could in turn attract developers to pursue more residential opportunities on adjacent sites. However, in order to ensure the shopping center remains conducive to future adjacent residential development, conditions setting limitations on the type of products sold at any sporting goods shop or video game or tape store have been included in this approval.

In addition to the purposes of the West Hyattsville TDDP mentioned above, the general purposes of the TDOZ are contained in Section 27-548.03 of the Zoning Ordinance. The applicant believes that amending the Table of Uses under the TDDP complies with the purposes as follows:

- (1) **To enhance the development opportunities in the vicinity of transit stations;**

The existing shopping center is located within 1,000 feet of the West Hyattsville Metro Station and the applicant is only amending the Table of Uses at this time, to add more retail choices and food establishments to the existing shopping center. This will create

more opportunities for the center, make it more competitive, and in turn spur redevelopment at some future date.

(2) To promote the use of transit facilities;

The shopping center is located within 1,000 feet of the West Hyattsville Metro Station. Furthermore, the site is located between major Maryland and Washington, D.C. employment centers which are accessible via the Metro transit system. The applicant believes that broadening the scope of uses allowed in the shopping center at this site, within such a short distance of this Metro station, will promote use of the transit system by its current and future customers.

(3) To increase the return on investment in a transit system and improve local tax revenues;

Amending the Table of Uses will increase the choices available for food establishments and retail stores and will draw in new tenants to the shopping center. A successful commercial center will generate greater tax revenues for the County.

(4) To create a process which coordinates public policy decisions, supports regional and local growth and development strategies, and creates conditions which make joint development possible;

The site is developed with an existing shopping center. The applicant is not proposing any additional development at this time.

(5) To create a process which overcomes deficiencies in ordinary planning processes and removes obstacles not addressed in those processes;

The TDOZ allows flexibility in the development process through the use of amendments to the TDDP. In this case, amending the Table of Uses under the TDDP as part of the detailed site plan process will allow development of this retail-commercial area in a manner that is more conducive to a changing market and to the proposed development of other subareas in the transit district.

(6) To minimize the costs of extending or expanding public services and facilities, by encouraging appropriate development in the vicinity of transit stations;

More variety of retail stores and food establishments within close proximity to the West Hyattsville Metro Station will give customers more choices in one location and lessen the commute to other stores located further from the metro station, as the shopping center will be able to meet more of the needs of the customers in one area. It will encourage metro ridership and in turn decrease the use of the surrounding road network.

(7) To provide mechanisms to assist in financing public and private costs associated with development;

Public financing is not proposed as part of this application.

(8) To provide for convenient and efficient pedestrian and vehicular access to Metro stations;

The shopping center is located within 1,000 feet of the West Hyattsville Metro Station. It is surrounded by sidewalks on the western, southern, and eastern edges of the property alongside Ager Road, Hamilton Street, and Queens Chapel Road, that provide connections to the pedestrian system within the TDOZ and, therefore, convenient access to the metro station.

(9) To attract an appropriate mix of land uses;

The applicant is proposing to amend the Table of Uses under the TDDP to grant more opportunities to the customer base of the community. The underlying purpose of this amendment is to broaden the Table of Uses so as to provide a greater mix of uses at the center.

(10) To encourage uses which complement and enhance the character of the area;

The vision statement of the TDDP, page 7, encourages high-quality, compact development that will create the economic base of new shops and stores that will enhance the quality of life for everyone in Hyattsville and its immediate neighbors. The existing Table of Uses places the subject property at a competitive disadvantage. It restricts many common yet essential choices for the community, such as eating or drinking establishments, clothing stores, and shoe stores. A broader Table of Uses will attract a more diverse group of retail tenants and enhance the character of the area.

(11) To insure that developments within the Transit District possess a desirable urban design relationship with one another, the Metro station, and adjoining areas; and

The applicant is not proposing any new development at this time. Amending the Table of Uses contained in the TDDP will allow a greater mix of uses at the shopping center. Adding more choices to the retail/commercial category under the TDDP will allow the neighboring residential communities to choose from a wider variety of retail establishments from the same shopping center and lessen the commute to other stores outside the neighborhood area. A successful shopping center with a greater mix of uses will also attract customers from adjoining communities.

(12) To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme.

This requirement does not apply as no new development is proposed with the subject application.

9. ***Prince George's County Landscape Manual:*** The DSP application is not subject to the *Prince George's County Landscape Manual* as there is no proposed increase in gross floor area or impervious surface and there is no change of use from a lower to higher intensity use category. Any future revisions to this plan should be reviewed for conformance to the Landscape Manual if it proposes any new physical improvements.
10. **Woodland and Wildlife Habitat Conservation Ordinance (WCO):** This property is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because it contains less than 10,000 square feet of existing woodland. Per Sections 27-273(e) and 27-282(e) of the Zoning Ordinance, an approved natural resources inventory (NRI) and tree conservation plan or letter of exemption are now submittal requirements for a DSP. However, neither an approved NRI nor a standard letter of exemption was included in the submission package and, therefore, both must be submitted prior to certificate approval of the DSP. A tree conservation plan is not required at this time.
11. **Tree Canopy Coverage Ordinance (TCC):** This property is subject to the Prince George's County Tree Canopy Coverage Ordinance because it is a development application that requires a Standard Letter of Exemption. Properties zoned M-X-T are required to provide a minimum ten percent of the gross tract area in tree canopy.

The subject site is 6.05 acres in size and has a minimum tree canopy requirement of 0.605 acres or 26,352 square feet. The site plan is proposing to meet the requirement with a combination of existing and planted trees that would result in a total of 20,650 square feet of tree canopy coverage, which is short of the requirement by 5,702 square feet. The applicant submitted a request for a variance (VTCC) of 5,702 square feet from the requirements of Section 25-128 of the Prince George's County Code. The applicant provided the following summarized justification for the variance request:

"The sole purpose of these applications is to amend the Table of Uses for the West Hyattsville TDDP. No new development is being proposed at this time. Furthermore, the subject property was initially developed in the 1950s. Most of the buildings were built up to the sidewalks located along the south and east sides of the property. Although tree pits were added approximately ten years ago to the sidewalk area, there is no room along the sites frontages to plant additional trees. In addition, the on-site parking associated with the center is located behind the building. This parking lot was developed prior to the enactment of the Landscape Manual and does not contain any interior plantings as would otherwise be required under Section 4.3.c.(2) of the Landscape Manual. In light of this,

the existing parking lot does not contain any opportunities to provide additional tree canopy coverage. For these reasons, the applicant requests a 2.2% (5,072 square feet) variance to Section 25-128 of the Prince George's County Code."

In order to approve a variance to the tree canopy coverage requirements, Section 25-119(d)(1) dictates the following required findings:

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

The subject property does have special conditions as it was mostly built out in the 1950's, prior to any landscaping or woodland conservation requirements. It would be an unwarranted hardship to have to remove existing buildings or parking in order to create planting areas to meet the full tree canopy coverage requirement on-site, especially when the subject applications do not involve any new development.

However, during a site visit on November 3, 2010, staff noted multiple additional locations on-site where trees could be planted without requiring removal of any existing paving or buildings. These include empty tree wells along Hamilton Street and 31st Avenue, open areas along the northern and northeastern property lines, where there are already existing trees, and between the building and the property line along the far eastern part of the property within Parcel F. The Planning Board found that a total of approximately 8 shade trees, and five evergreen trees can be added, within these areas, for an additional 2,250 square feet of tree canopy coverage, on top of what is already shown on the submitted site plans. Additionally, there is an existing elm tree on Parcel B-2 and an existing black cherry and mulberry tree along the northeastern property line of Residue Parcel F that are being credited towards the tree canopy coverage requirement. These three trees are either dead, diseased or dying based on a visual evaluation during the site visit. The canopy area for these trees, a total of 1,150 square feet, should be removed from the total tree canopy coverage provided on-site as they do not provide adequate coverage in their current conditions.

With the subtraction of these three trees and the addition of the 13 others in the suggested areas, the new total tree canopy coverage provided for the subject properties would be 21,750 square feet or 8.25 percent. Therefore, the variance amount required would be reduced to 1.75 percent, or 4,602 square feet, which represents a sufficient allowance given the specific conditions on the property as it is currently developed. Conditions have been included in this approval that require the site plan be revised to show the additional proposed trees and the revised tree canopy coverage worksheet to reflect the additional trees. Given the unusual nature of the subject application which will not lead to subsequent building or grading permits, a condition requiring the planting of all proposed trees prior to the issuance of any use and occupancy permits has also been included.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

If the tree canopy coverage requirement was fully enforced, the applicant would have to demolish parking areas or buildings, despite the fact that these applications do not involve any new development, thereby, in all likelihood, denying them the right to continue operation of one or more of the businesses in the existing viable shopping center development.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;

A variance from the tree canopy coverage requirement on this site is appropriate given its specific condition as an older, existing development adjacent to a metro station, and the fact that the subject applications are simply for an amendment to the allowed Table of Uses and propose no new development. If, at some point in the future, an application is filed for the subject properties that involves any development or redevelopment, the tree canopy coverage requirements should be reevaluated at that time for that specific case. Therefore, granting this variance would not confer a special privilege on this applicant that would be denied to other similar applications.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

The request is not based on conditions which are the result of actions by the applicant as the existing development was built in the 1950's, prior to there being any landscaping or woodland preservation requirements.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

The request for the tree canopy coverage variance does not have anything to do with conditions on neighboring properties.

(F) Granting of the variance will not adversely affect water quality.

Granting of the variance to the tree canopy coverage requirements will not adversely affect water quality in the area as the variance is necessary to validate existing conditions.

12. **Further Planning Board Findings and Comments from Other Entities:** The subject applications were referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning North**—This application is not consistent with the 2002 General Plan Development Pattern policies for the Developed Tier and this application does not conform with the commercial/retail land use recommendations of the 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone*.

More particularly, the purpose of the application is to amend the table of uses within the 2006 *West Hyattsville Approved Transit District Development Plan*. The West Hyattsville TDDP promotes moderate- to higher-density, pedestrian friendly development within a half mile vicinity of the metro station. The subject property is located in the Main Street Commercial/Retail District. It is part of the Hamilton Square neighborhood, which is envisioned to be the most active of the three neighborhoods due to its central location and diverse development mix.

The applicant's requested amendments to the use table and findings are as follows:

(1) Fast-food restaurant

Fast-food restaurants may be permitted without a drive through. This use would be considered an "Eating or drinking establishment, excluding drive-through service."

(2) Eating or drinking establishment with and without drive through (existing)

Eating or drinking establishment without drive through may be permitted.

(3) Eating or drinking establishment, attached to or within a group of buildings

Eating or drinking establishment, without drive through, attached to or within a group of buildings may be permitted.

(4) Pizza delivery service

On page 44 of TDDP, under section (3) Miscellaneous, "Other uses of appropriate size, which can be justified as similar to one of the uses listed in this section." Pizza delivery service is similar to an eating and drinking establishment; however, no delivery service is permitted (or recommended) per the TDDP. A delivery service is auto oriented and the intent of the main street retail/commercial district is to provide for a more pedestrian friendly environment.

(5) Building Supply store

A building supply store is not permitted or recommended. A hardware store is permitted per the TDDP page 43.

The applicant has since removed this requested use.

(6) Carpet and Floor Covering

A carpet and floor covering store is not permitted or recommended.

(7) Clothing, dry goods

Variety or dry goods store is permitted per TDDP, page 43. Clothing is not permitted nor recommended.

(8) Confectioner

A confectioner is not permitted or intended for retail/commercial use.

(9) Florist

The use is permitted per page 42 "Book (except adult book store), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed."

(10) Food or beverage goods preparation on the premises of a food and beverage store

On page 44 of TDDP, under section (3) Miscellaneous, "Other uses of appropriate size, which can be justified as similar to one of the uses listed in this section." An eating or drinking establishment without a drive through and food and beverage stores are permitted per the TDDP.

(11) Sporting good shop

This use is permitted per page 42 "Book (except adult book store), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed."

(12) Stationary or office supply store

This use is permitted per page 42 "Book (except adult book store), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed."

(13) Video game or tape store

This use is permitted per page 42 "Book (except adult book store), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed."

(14) Private School

School, private or public, all types are permitted through Special Permit in the retail/commercial land use per the TDDP, page 44.

The applicant has since removed this requested use.

(15) Medical practitioner's office

A medical practitioner's office is not consistent with a retail/commercial atmosphere and is not recommended. This type of use was intended for the mixed-use office/residential land use categories.

The Planning Board found that an office use was not intended for the retail/commercial land use area within the TDDP and, the medical practitioner's office use was eliminated from the final recommended list of permitted uses.

- b. **Transportation Planning**—From a transportation standpoint, the uses being requested are similar to uses that already exist on the site. No new construction is proposed at this time. Ager Road and Queens Chapel Road are master plan arterials and Hamilton Street is a master plan collector. It is noted that the master plan would have an impact of 40 feet along the Queens Chapel frontage, and that the existing buildings are within the planned right-of-way. Given that no construction is proposed, this issue is not enforceable at this time.
- c. **Permit Review**—Permit Review comments are either not applicable at this time, have been addressed through revisions to the plans, or are addressed through conditions of approval of this detailed site plan.
- d. **Environmental Planning**—A review of the available information indicates that streams, wetlands, 100-year floodplain and severe slopes are not found to occur on the subject property. Transportation-related noise impacts from Ager Road, a designated arterial roadway, are not an issue because no residential or residential-type uses are proposed with this application. The soil found to occur according to the *Prince George's County Soil Survey* is in the Elsinboro-Urban Land complex series. Elsinboro soils have no limitation with respect to development. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property. This property is located in the Northwest Branch watershed of the Anacostia River basin, in the Developed Tier as reflected in the adopted General Plan. The West Hyattsville TDDP does not contain any environmental design standards specific to the subject site.
- e. **Potomac Electric Power Company (PEPCO)**—PEPCO did not offer comments on the subject application.

- f. **City of Hyattsville**—In a letter dated October 12, 2010, the City of Hyattsville stated the the City is not supportive of many of the applicant's requested uses, as they are inconsistent with the intent of transit-oriented design. Due to the number of requested amendments to the Table of Uses, it is the City's position that the applicant's request for changes should be made through an application to revise the zoning of the TDDP, so that the requested amendments can be reviewed in a comprehensive manner.

The Planning Board found that the applicant is able to request a change to the list of allowed uses in a T-D-O Zone per Section 27-548.09.01 of the Zoning Ordinance, which puts no limitation on how extensive the requested change can be. This DSP has been filed in accordance with this section.

- g. **Town of Brentwood**—The Town of Brentwood did not offer comments on the subject application.
- h. **Town of North Brentwood**—The Town of North Brentwood did not offer comments on the subject application.
- i. **City of Mount Rainier**—The City of Mount Rainier did not offer comments on the subject application.

13. **Required Finding for Detailed Site Plan**

As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan will, if approved in accordance with proposed conditions and limitations on proposed uses, represent a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

Additionally, per Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.

There are no regulated environmental features found on the subject property; therefore, no preservation or restoration is necessary.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-10011 and further approved Variance Application No. VTC-10011 subject to the following conditions:

1. Prior to certification of the plan, the applicant shall:
 - a. The existing conditions plan shall be relabeled as the natural resources inventory (NRI) for the property and be submitted for approval.
 - b. Submit a copy of a standard letter of exemption for the property.
 - c. Revise the landscape plan and tree canopy coverage worksheet to show, at minimum, an additional 8 proposed shade trees, and five proposed evergreen trees in open tree wells and planting areas throughout the site.
 - d. Revise the plan to list the additional permitted uses, use limitations, and note the provisions regarding the existing eating or drinking establishment, with drive-through service, per Condition 3.
2. Prior to issuance of any use and occupancy permits within the entire property, the proposed trees, as shown on the certified DSP, shall be planted.
3. The following modifications shall be made to the applicant's request and to the Table of Uses for the commercial/retail section of the July 2006 Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone. The modifications to the Table of Uses are **only applicable to the subject site, as follows:**
 - a. The following uses shall be added as permitted uses (P):
 - (1) Eating or drinking establishment, without drive-through service
 - (2) Pizza delivery service
 - (3) Carpet or floor covering
 - (4) Clothing, dry goods
 - (5) Confectioner
 - (6) Florist

- (7) Food or beverage goods preparation on the premises of a food and beverage store
 - (8) Sporting goods shop
 - (9) Stationary or office supply store
 - (10) Video game or tape store
- b. The use table changes hereby approved for Queens Chapel Town Center are subject to the following limitations:
- (1) Pizza delivery service is permitted provided an additional parking space, over and above the required number of parking spaces, is provided at the rear of the building for each vehicle to be used for delivery. No more than six vehicles shall be permitted for the delivery service.
 - (2) Carpet or floor covering store shall be showroom and retail only and only in those locations where there is an existing rear loading area or loading dock. No outside storage or display of products shall be permitted.
 - (3) A confectioner shall be for retail use only and not to exceed 3,000 square feet.
 - (4) Food or beverage goods preparation on the premises of a food and beverage store is permitted provided the goods are only sold on the premises and at retail.
 - (5) A sporting goods shop shall be permitted provided that there is no outside storage or display of products and the sale of firearms and ammunition is prohibited.
 - (6) Video game or tape store uses shall not include adult, X-rated, nude or semi-nude venues of any type, including, but not limited to, film, digital, hologram and similar technology, and live performance.
- c. 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-through 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.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Cavitt, seconded by Commissioner Vaughns, with Commissioners Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioners Clark and Squire absent at its regular meeting held on Thursday, January 27, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of February 2011.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Acting Planning Board Administrator

PCB:JJ:JK:arj

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Conceptual Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on January 27, 2011, regarding Conceptual Site Plan CSP-10002 for Queens Chapel Town Center, the Planning Board finds:

1. **Request:** The subject application requests an amendment for the Table of Uses for the West Hyattsville Transit District Development Plan (TDDP), specifically for the shopping center known as Queens Chapel Town Center.

2. **Development Data Summary**

	EXISTING	APPROVED
Zone	M-X-T/R-55/T-D-O	M-X-T/R-55/T-D-O
Use(s)	Shopping Center	Shopping Center
Acreage	6.05	6.05
Parcels	15	15
Building Square Footage/GFA	64,740	64,740

On-Site Parking Data

	Existing
Standard Spaces	229
Parallel Spaces	3
Handicapped Spaces	11 (6 Van Accessible)
Total	243 (11 Handicapped)

3. **Location:** The site is in Planning Area 68 and Council District 2. More specifically, it is located in the northwest corner of the intersection of Hamilton Street and Queens Chapel Road.
4. **Surrounding Uses:** The subject property is bounded to the south by Hamilton Street, and, across the street, by commercially developed property in the M-X-T Zone; to the east by Queens Chapel Road, and, across the road, by commercially developed property in the M-X-T Zone; to the west by Ager Road, and, across the road, by a metro parking lot in the M-X-T Zone; to the northeast by Hamilton Manor Apartments in the R-18 Zone; and to the north, by single-family homes in the R-55 Zone.

5. **Design Features:** The subject parcels are already developed with various commercial buildings that present themselves as a shopping center. This CSP proposes no new physical development on-site, so the following is a description of the existing layout of the property.

The shopping center is comprised of multiple connected and disparate buildings measuring a total of 64,740 square feet divided over 15 parcels, all of which are under the same ownership. The buildings are generally located no more than 14 feet behind the right-of-way line along Hamilton Street and Queens Chapel Road, although one building is set back further, at approximately 48 feet. The on-site parking is generally located behind the buildings, accessed from a public alley that runs along the rear of the property, although there are a few locations in which small parking lots are adjacent to the rights-of-way. Additionally, for most of the site's frontage along Hamilton Street and 31st Avenue, either angled or parallel parking spaces are located within the rights-of-way. The site is accessed from multiple driveways off of Ager Road, Queens Chapel Road, Hamilton Street, and 31st Avenue.

Starting at the southwest corner of the site is Residue Parcel A-13, which is the subject of a prior approval of Detailed Site Plan DSP-00040, and is developed with a 2,839-square-foot, brick and stucco, fast-food, Kentucky Fried Chicken restaurant. This building sits within 2.5 feet of the right-of-way at the corner of Hamilton Street and Ager Road and the existing drive-through lane runs along the north side of the building, with parking beyond it. Within the eastern portion of this parcel is a one-story, cinder block, 4,523-square-foot building with three tenants, specifically a bakery, furniture store and liquor store. There is parking located between this building and Hamilton Street and within a parking lot that takes up the remainder of the eastern portion of the parcel.

The portion of the site from the eastern property line of Residue Parcel A-13 to 31st Avenue is divided into ten parcels of varying size. One large, 22,790-square-foot, brick, stone and cinder-block building sits across all of these parcels, set back approximately ten feet from the Hamilton Street right-of-way, with multiple tenants including a barber, restaurant, dry cleaners and nail salon, among others. Additional parking and loading spaces are then provided behind the buildings along the northern property line, with access via the adjacent alley.

On the eastern side of 31st Avenue, is Parcel B-3 which includes a single, 5,971-square-foot, brick and concrete building, located within nine feet of the Hamilton Street right-of-way, with four tenants, specifically a restaurant, dollar store, hair salon and barber. Parking and loading are located at the rear of the building with access from the alley that runs along the northern property line. To the east is Parcel B-2, which has a parking lot along the western edge and a portion of a brick and glass building, with a convenience store tenant, in the southeastern corner, which sits within 12 feet of the Hamilton Street right-of-way. This building extends to the east into the adjacent Residue Parcel B-1 for a total area of 8,584 square feet and includes two more tenants, a pet groomer and a post office. After a small gap, another 13,360-square-foot, brick and glass building runs parallel to and stays within nine feet of the right-of-way line at the corner of

Hamilton Street and Queens Chapel Road. This building houses seven tenants including a bank, bridal store, and restaurants, among others.

Across a 20-foot public alley is Residue Parcel F, which sits along the northern and eastern boundaries of the entire subject property. It has one small, 6,673-square-foot, brick and concrete, three-tenant building in the eastern corner fronting on Queens Chapel Road, sitting within nine feet of the right-of-way. The rest of this parcel is asphalt parking and gravel areas that wrap around the north side of the public alley between the shopping center and the adjacent residential areas.

6. **Previous Approvals:** The existing buildings on-site were mostly built prior to 1965 and have been the subject of various permits over the years. Detailed Site Plan DSP-00040, for Residue Parcel A-13, was approved by the Planning Board on December 21, 2000 (PGCPB Resolution No. 00-230), under the previous June 1998 *West Hyattsville Approved Transit District Development Plan for the Transit District Overlay Zone*, with six conditions. These conditions are no longer outstanding as they were complied with and completed through the certification, permit and construction processes.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application is for a change in the Table of Uses for the July 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* (TDDP). This document supersedes the Table of Uses for permitted uses in the Zoning Ordinance for the M-X-T Zone. Additionally, since the shopping center exists and no new construction is proposed, the site plan design guidelines of the Zoning Ordinance are not applicable.

The applicant has submitted the required application for a conceptual site plan pursuant to Section 27-548.09.01(b)(6), Amendment of Approved Transit District Overlay Zone, of the Zoning Ordinance. The Planning Board evaluated the proposed uses and finds that most but not all of them meet the requirements of Section 27-548.09.01, which specifies the required findings for an amendment to the Table of Uses. The Planning Board reviewed the conceptual site plan against the criteria for approval in the M-X-T Zone as set forth in Section 27-546(d) of the Zoning Ordinance and offers the following comments:

(1) The proposed development is in conformance with the purposes and other provisions of this Division;

There is no development proposed with this plan, as the proposed changes to the Table of Uses will only allow for a change in the mix of tenants leasing space in the existing buildings on the site. All proposed uses for which approval is recommended would be consistent with the purposes and other provisions of Division 2, Part 10 (Mixed Use Zones) of the Zoning Ordinance.

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

This does not apply as the site was zoned M-X-T before October 1, 2006.

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The existing shopping center was renovated in 2001, 2006 and 2007 to create a unique, urban appearance, which does serve to create a strong street presence that is integrated with the surrounding commercial uses. However, the proposed changes to the Table of Uses will result only in a change in the mix of tenants leasing space in the existing buildings on the site, with no new construction proposed. Therefore, the proposed conceptual site plan will have no impact on the existing development's outward orientation, or its physical or visual integration with existing adjacent development.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

Proposed changes to the Table of Uses, as limited by the conditions of approval, will not reduce or compromise the compatibility of the existing shopping center with the other existing or proposed developments in the transit district.

- (5) **The mix of uses, and arrangement and design of buildings, and other improvements reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The mix of uses will be enhanced by the expansion of permitted uses in the Table of Uses, as limited by the conditions of approval, and better enable the shopping center to sustain an independent environment of continuing quality and stability.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

No additional development is proposed at this time; therefore, there is no proposed staging.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity with the development;**

The shopping center is located entirely within one-half mile of the West Hyattsville Metro Station. It is surrounded by sidewalks on the southern, eastern and western edges of the property, along Hamilton Street, Queens Chapel Road, and Ager Road, which provide connections to the pedestrian system within the transit district area. Proposed changes to the Table of Uses, as limited by the conditions of approval, will not reduce or compromise the convenience or design of facilities provided for pedestrians in the development.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The conceptual site plan does not propose any new development on the subject property and therefore, presents no new transportation demands or requirements.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

This requirement does not apply as the property contains less than 250 acres.

8. **The July 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone (TDDP)*:** The transit district development plan (TDDP) places the Queens Chapel Town Center shopping center in the Retail/Commercial Preferred Land Use category.

The applicability section of the TDDP states that all new development must show compliance with the TDDP standards in the site plan review process. Since the subject CSP shows no new development, it is not required to meet the standards at this time. However, this should not be taken to validate the existing physical development in any way or to exempt any future development or redevelopment of this property from the TDDP standards.

The applicant contends that the table of uses for this particular subarea is too restrictive and does not allow many uses common to similar shopping centers. The property was retained in the M-X-T Zone at the time of the approval of the July 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone*. The existing shopping center development does not necessarily comply with all of the recommendations for the Developed Tier per the General Plan nor the *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone*. However, it will remain as an existing use until such time as a redevelopment application is presented and, until then, it would be best if it remains a viable shopping center with legitimate retail uses.

The applicant has requested the following uses be permitted that currently are not permitted by the use table for the sub-district in which the project is located:

- Fast-food restaurant
- Eating or drinking establishment, with or without drive through
- Eating or drinking establishment, attached to or within a group of buildings
- Pizza delivery service
- Carpet or floor covering
- Clothing, dry goods
- Confectioner
- Florist
- Food or beverage goods preparation on the premises of a food and beverage store
- Sporting goods shop
- Stationary or office supply store
- Video game or tape store
- Medical practitioner's Office

Although some of the above uses already operate in the center, they became nonconforming with the adoption of the TDDP. As to conformance with the goals of the West Hyattsville TDDP, the Planning Board found the following (TDDP, page 1):

The goal of the West Hyattsville TDDP is to provide a clear and predictable path for transit-oriented development (TOD) within the West Hyattsville TDOZ...The 2002 Prince George's County Approved General Plan (page 44) defines TOD as development that actively seeks to increase the transit use and decrease automobile dependency by:

- **Locating homes, jobs, and shopping closer to transit services;**

The shopping center is located across Ager Road from the West Hyattsville Metro Station. Amending the Table of Uses under the TDDP will offer the residents of the West Hyattsville community more food-related establishments and retail choices. A thriving

shopping center will create more job opportunities and will encourage additional commercial and residential development within close proximity to the metro.

- **Locating the mix of critical land uses (living/working/shopping) in closer proximity to one another; and**

This conceptual site plan is not proposing any changes to the shopping center; their sole purpose is to amend the Table of Uses contained in the TDDP. As mentioned above, approval of this amendment will allow the shopping center to attract a wider variety of commercial establishments, creating a better mix of shopping choices adjacent to the metro station and residential communities.

- **Establishing land use/transit linkages that make it easier to use transit (rail and bus).**

As mentioned above, the existing shopping center is in close proximity to the West Hyattsville Metro Station, which makes it easily accessible from the trains and buses en route to and from the metro station.

As stated on page 4 of the TDDP:

The main purpose of this plan is to maximize the public benefits from the West Hyattsville Metro Station. The plan sets out primary goals emphasizing the neighborhood, environment, transportation, and low-impact development (LID):

- **Promote TOD near the Metro Station and create a sense of place consistent with the neighborhood character areas.**

The existing shopping center includes a post office, a bank, and restaurants. Adding more retail choices and food establishments to the existing shopping center will create a stronger sense of place consistent with the neighborhood character area. Warehouses or manufacturing facilities are generally not transit-oriented development due to their large sizes; therefore, conditions have been included in this approval setting limitations on the carpet or floor covering store, confectioner and food or beverage goods preparation on the premises of a food and beverage store in order to ensure these types of uses are developed as retail-oriented businesses, and not as large-scale manufacturers.

- **Ensure that all new development or redevelopment in the transit district is pedestrian-oriented.**

The applicant is not proposing any new development or redevelopment to the existing shopping center. However, the current development is pedestrian-oriented as, generally, the buildings front on the street with parking in the rear. Additionally, in order to ensure all future tenants within this subject property are pedestrian-oriented, the applicant's

request for approval of a fast-food restaurant with a drive through as a permitted use is denied. However, a condition has been included in this approval that allows the existing fast-food restaurant with drive through within the subject property to remain as a valid, legal use. The pizza delivery service was deemed to be acceptable as a permitted use, despite it being generally vehicle-oriented, but a condition setting limitations on the delivery vehicles has been included in this approval, in order to limit impacts on pedestrians.

- **Restore, protect, and enhance the environment by protecting environmentally sensitive areas, minimizing impacts of development, and expanding recreational opportunities and trail and bikeway connections.**

The subject property has no environmentally sensitive areas and proposes no new development. Therefore, this goal does not apply to the subject application.

- **Maximize residential development opportunities within walking distance of the Metro Station.**

The subject properties lie within the retail/commercial land use category of the TDDP; therefore, residential development on this site would not be in conformance with the plan, despite the fact that it is within walking distance of the Metro Station. However, expanding the allowed commercial uses on the property will enhance the viability and attractiveness of the shopping center, which could in turn attract developers to pursue more residential opportunities on adjacent sites. However, in order to ensure the shopping center remains conducive to future adjacent residential development, conditions setting limitations on the type of products sold at any sporting goods shop or video game or tape store have been included in this approval.

In addition to the purposes of the West Hyattsville TDDP mentioned above, the general purposes of the TDOZ are contained in Section 27-548.03 of the Zoning Ordinance. The applicant believes that amending the Table of Uses under the TDDP complies with the purposes as follows:

- (1) **To enhance the development opportunities in the vicinity of transit stations;**

The existing shopping center is located within 1,000 feet of the West Hyattsville Metro Station and the applicant is only amending the Table of Uses at this time, to add more retail choices and food establishments to the existing shopping center. This will create more opportunities for the center, make it more competitive, and in turn spur redevelopment at some future date.

- (2) **To promote the use of transit facilities;**

The shopping center is located within 1,000 feet of the West Hyattsville Metro Station. Furthermore, the site is located between major Maryland and Washington, D.C.

employment centers which are accessible via the Metro transit system. The applicant believes that broadening the scope of uses allowed in the shopping center at this site, within such a short distance of this Metro station, will promote use of the transit system by its current and future customers.

(3) To increase the return on investment in a transit system and improve local tax revenues;

Amending the Table of Uses will increase the choices available for food establishments and retail stores and will draw in new tenants to the shopping center. A successful commercial center will generate greater tax revenues for the County.

(4) To create a process which coordinates public policy decisions, supports regional and local growth and development strategies, and creates conditions which make joint development possible;

The site is developed with an existing shopping center. The applicant is not proposing any additional development at this time.

(5) To create a process which overcomes deficiencies in ordinary planning processes and removes obstacles not addressed in those processes;

The TDOZ allows flexibility in the development process through the use of amendments to the TDDP. In this case, amending the Table of Uses under the TDDP as part of the conceptual site plan process will allow development of this retail-commercial area in a manner that is more conducive to a changing market and to the proposed development of other subareas in the transit district.

(6) To minimize the costs of extending or expanding public services and facilities, by encouraging appropriate development in the vicinity of transit stations;

More variety of retail stores and food establishments within close proximity to the West Hyattsville Metro Station will give customers more choices in one location and lessen the commute to other stores located further from the metro station, as the shopping center will be able to meet more of the needs of the customers in one area. It will encourage metro ridership and in turn decrease the use of the surrounding road network.

(7) To provide mechanisms to assist in financing public and private costs associated with development;

Public financing is not proposed as part of this application.

(8) To provide for convenient and efficient pedestrian and vehicular access to Metro stations;

The shopping center is located within 1,000 feet of the West Hyattsville Metro Station. It is surrounded by sidewalks on the western, southern, and eastern edges of the property alongside Ager Road, Hamilton Street, and Queens Chapel Road, that provide connections to the pedestrian system within the TDOZ and, therefore, convenient access to the metro station.

(9) To attract an appropriate mix of land uses;

The applicant is proposing to amend the Table of Uses under the TDDP to grant more opportunities to the customer base of the community. The underlying purpose of this amendment is to broaden the Table of Uses so as to provide a greater mix of uses at the center.

(10) To encourage uses which complement and enhance the character of the area;

The vision statement of the TDDP, page 7, encourages high-quality, compact development that will create the economic base of new shops and stores that will enhance the quality of life for everyone in Hyattsville and its immediate neighbors. The existing Table of Uses places the subject property at a competitive disadvantage. It restricts many common yet essential choices for the community, such as eating or drinking establishments, clothing stores, and shoe stores. A broader Table of Uses will attract a more diverse group of retail tenants and enhance the character of the area.

(11) To insure that developments within the Transit District possess a desirable urban design relationship with one another, the Metro station, and adjoining areas; and

The applicant is not proposing any new development at this time. Amending the Table of Uses contained in the TDDP will allow a greater mix of uses at the shopping center. Adding more choices to the retail/commercial category under the TDDP will allow the neighboring residential communities to choose from a wider variety of retail establishments from the same shopping center and lessen the commute to other stores outside the neighborhood area. A successful shopping center with a greater mix of uses will also attract customers from adjoining communities.

(12) To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme.

This requirement does not apply as no new development is proposed with the subject application.

9. ***Prince George's County Landscape Manual:*** The CSP application is not subject to the *Prince George's County Landscape Manual* as there is no proposed increase in gross floor area or impervious surface and there is no change of use from a lower to higher intensity use category. Any future revisions to this plan should be reviewed for conformance to the Landscape Manual if it proposes any new physical improvements.
10. **Woodland and Wildlife Habitat Conservation Ordinance (WCO):** This property is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because it contains less than 10,000 square feet of existing woodland. Per Sections 27-273(e) and 27-282(e) of the Zoning Ordinance, an approved natural resources inventory (NRI) and tree conservation plan or letter of exemption are now submittal requirements for a CSP. However, neither an approved NRI nor a standard letter of exemption was included in the submission package and, therefore, both must be submitted prior to certificate approval of the CSP. A tree conservation plan is not required at this time.
11. **Further Planning Board Findings and Comments from Other Entities:** The subject applications were referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Community Planning North**—This application is not consistent with the 2002 General Plan Development Pattern policies for the Developed Tier and this application does not conform with the commercial/retail land use recommendations of the 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone*.

More particularly, the purpose of the application is to amend the table of uses within the 2006 *West Hyattsville Approved Transit District Development Plan*. The West Hyattsville TDDP promotes moderate- to higher-density, pedestrian friendly development within a half mile vicinity of the metro station. The subject property is located in the Main Street Commercial/Retail District. It is part of the Hamilton Square neighborhood, which is envisioned to be the most active of the three neighborhoods due to its central location and diverse development mix.

The applicant's requested amendments to the use table and findings are as follows:

- (1) Fast-food restaurant

Fast-food restaurants may be permitted without a drive through. This use would be considered an "Eating or drinking establishment, excluding drive-through service."

- (2) Eating or drinking establishment with and without drive through (existing)

Eating or drinking establishment without drive through may be permitted.

- (3) Eating or drinking establishment, attached to or within a group of buildings

Eating or drinking establishment, without drive through, attached to or within a group of buildings may be permitted.

- (4) Pizza delivery service

On page 44 of TDDP, under section (3) Miscellaneous, "Other uses of appropriate size, which can be justified as similar to one of the uses listed in this section." Pizza delivery service is similar to an eating and drinking establishment; however, no delivery service is permitted (or recommended) per the TDDP. A delivery service is auto oriented and the intent of the main street retail/commercial district is to provide for a more pedestrian friendly environment.

- (5) Building Supply store

A building supply store is not permitted or recommended. A hardware store is permitted per the TDDP page 43.

The applicant has since removed this requested use.

- (6) Carpet and Floor Covering

A carpet and floor covering store is not permitted or recommended.

- (7) Clothing, dry goods

Variety or dry goods store is permitted per TDDP, page 43. Clothing is not permitted nor recommended.

- (8) Confectioner

A confectioner is not permitted or intended for retail/commercial use.

- (9) Florist

The use is permitted per page 42 "Book (except adult book store), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed."

- (10) Food or beverage goods preparation on the premises of a food and beverage store

On page 44 of TDDP, under section (3) Miscellaneous, "Other uses of appropriate size, which can be justified as similar to one of the uses listed in this section." An eating or

drinking establishment without a drive through and food and beverage stores are permitted per the TDDP.

(11) Sporting good shop

This use is permitted per page 42 “Book (except adult book store), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed.”

(12) Stationary or office supply store

This use is permitted per page 42 “Book (except adult book store), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed.”

(13) Video game or tape store

This use is permitted per page 42 “Book (except adult book store), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed.”

(14) Private School

School, private or public, all types are permitted through Special Permit in the retail/commercial land use per the TDDP, page 44.

The applicant has since removed this requested use.

(15) Medical practitioner’s office

A medical practitioner’s office is not consistent with a retail/commercial atmosphere and is not recommended. This type of use was intended for the mixed-use office/residential land use categories.

The Planning Board found that an office use was not intended for the retail/commercial land use area within the TDDP and, the medical practitioner’s office use was eliminated from the final recommended list of permitted uses.

- b. **Transportation Planning**—From a transportation standpoint, the uses being requested are similar to uses that already exist on the site. No new construction is proposed at this time. Ager Road and Queens Chapel Road are master plan arterials and Hamilton Street is a master plan collector. It is noted that the master plan would have an impact of 40 feet along the Queens Chapel frontage, and that the existing buildings are within the planned right-of-way. Given that no construction is proposed, this issue is not enforceable at this time.

- c. **Permit Review**—Permit Review comments are either not applicable at this time, have been addressed through revisions to the plans, or are addressed through conditions of approval of this conceptual site plan.
- d. **Environmental Planning**—A review of the available information indicates that streams, wetlands, 100-year floodplain and severe slopes are not found to occur on the subject property. Transportation-related noise impacts from Ager Road, a designated arterial roadway, are not an issue because no residential or residential-type uses are proposed with this application. The soil found to occur according to the *Prince George's County Soil Survey* is in the Elsinboro-Urban Land complex series. Elsinboro soils have no limitation with respect to development. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property. This property is located in the Northwest Branch watershed of the Anacostia River basin, in the Developed Tier as reflected in the adopted General Plan. The West Hyattsville TDDP does not contain any environmental design standards specific to the subject site.
- e. **Potomac Electric Power Company (PEPCO)**—PEPCO did not offer comments on the subject application.
- f. **City of Hyattsville**—In a letter dated October 12, 2010, the City of Hyattsville stated the the City is not supportive of many of the applicant's requested uses, as they are inconsistent with the intent of transit-oriented design. Due to the number of requested amendments to the Table of Uses, it is the City's position that the applicant's request for changes should be made through an application to revise the zoning of the TDDP, so that the requested amendments can be reviewed in a comprehensive manner.

The Planning Board found that the applicant is able to request a change to the list of allowed uses in a T-D-O Zone per Section 27-548.09.01 of the Zoning Ordinance, which puts no limitation on how extensive the requested change can be. This CSP has been filed in accordance with this section.
- g. **Town of Brentwood**—The Town of Brentwood did not offer comments on the subject application.
- h. **Town of North Brentwood**—The Town of North Brentwood did not offer comments on the subject application.
- i. **City of Mount Rainier**—The City of Mount Rainier did not offer comments on the subject application.

12. **Required Finding for Conceptual Site Plan**

As required by Section 27-276(b)(2) of the Zoning Ordinance, the conceptual site plan will, if approved in accordance with proposed conditions and limitations on proposed uses, represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

Additionally, per Section 27-276(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a conceptual site plan is as follows:

The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

There are no regulated environmental features found on the subject property; therefore, no preservation or restoration is necessary.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Conceptual Site Plan CSP-10002, subject to the following conditions:

1. Prior to certification of the plan, the applicant shall:
 - a. The existing conditions plan shall be relabeled as the natural resources inventory (NRI) for the property and be submitted for approval.
 - b. Submit a copy of a standard letter of exemption for the property.
 - c. Revise the plan to list the additional permitted uses, use limitations, and note the provisions regarding the existing eating or drinking establishment, with drive-through service, per Condition 3.
2. Prior to issuance of any use and occupancy permits within the entire property, the proposed trees, as shown on the certified detailed site plan (DSP), shall be planted.
3. The following modifications shall be made to the applicant's request and to the Table of Uses for the commercial/retail section of the July 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone*. The modifications to the Table of Uses are **only applicable to the subject site, as follows:**
 - a. The following uses shall be added as permitted uses (P):

- (1) Eating or drinking establishment, without drive-through service
- (2) Pizza delivery service
- (3) Carpet or floor covering
- (4) Clothing, dry goods
- (5) Confectioner
- (6) Florist
- (7) Food or beverage goods preparation on the premises of a food and beverage store
- (8) Sporting goods shop
- (9) Stationary or office supply store
- (10) Video game or tape store

b. The use table changes hereby approved for Queens Chapel Town Center are subject to the following limitations:

- (1) Pizza delivery service is permitted provided an additional parking space, over and above the required number of parking spaces, is provided at the rear of the building for each vehicle to be used for delivery. No more than six vehicles shall be permitted for the delivery service.
- (2) Carpet or floor covering store shall be showroom and retail only and only in those locations where there is an existing rear loading area or loading dock. No outside storage or display of products shall be permitted.
- (3) A confectioner shall be for retail use only and not to exceed 3,000 square feet.
- (4) Food or beverage goods preparation on the premises of a food and beverage store is permitted provided the goods are only sold on the premises and at retail.
- (5) A sporting goods shop shall be permitted provided that there is no outside storage or display of products and the sale of firearms and ammunition is prohibited.
- (6) Video game or tape store uses shall not include adult, X-rated, nude or semi-nude venues of any type, including, but not limited to, film, digital, hologram and similar technology, and live performance.

c. 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-through 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.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Cavitt, with Commissioners Vaughns, Cavitt and Parker voting in favor of the motion, and with Commissioners Clark and Squire absent at its regular meeting held on Thursday, January 27, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of February 2011.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Acting Planning Board Administrator

PCB:JJ:JK:arj

West Hyattsville



INTRODUCTION

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).

Successful TOD also produces attractive pedestrian-friendly environments around transit stations.

A TDOZ requires a TDDP approved by the District Council. The TDDP controls the use and development of all land and structures within the TDOZ (including plan submittals for preliminary plan of subdivision, conceptual site plan revisions, and detailed site plans) and the issuance and validity of all permits. All development and redevelopment is subject to a detailed site plan approved by the Prince George's County Planning Board and shall be undertaken in accordance with the applicable requirements of the Prince George's County Code unless modified by the requirements of the TDDP. All mandatory development requirements and site design development standards shall apply to all properties within the transit district, except as exempted by the Administration and Applicability Section of this TDDP. The TDDP shall be binding upon all owners of

property within the TDOZ, their heirs, successors, and/or assignees.

The West Hyattsville TDOZ defines the area within which TOD is mandated. The TDOZ process is intended to ensure that the development of land in the vicinity of Metro stations maximizes transit ridership; serves the economic and social goals of the area; and takes advantage of the unique development opportunities which mass transit provides.

The West Hyattsville TDDP contains development policies and standards that are designed to help create attractive, transit-oriented, and pedestrian-friendly neighborhoods in the area surrounding the West Hyattsville Metro Station.

BACKGROUND

Location

The West Hyattsville Transit District is located in Planning Area 68 in the northern part of Prince George's County. It encompasses 203± acres including the West Hyattsville Metro Station. This Metro station is the first of four Green Line Metrorail stations serving northern Prince George's County and is located just outside of the District of Columbia. The Green Line connects to the Red Line, which serves the District of Columbia and Montgomery County, at the Fort Totten Metro Station.

The West Hyattsville TDOZ includes a 21-acre decommissioned Washington Gas Light Company natural gas storage site added as an amendment to the 1998 West Hyattsville TDDP/TDOZ. Maps 1 and 2 show the amended TDOZ boundary and the TDOZ's location within Planning Area 68.

Development Pattern

The West Hyattsville Transit District contains a mix of development in accordance with the single-use Euclidean zone pattern of development that has been in place for many years. Commercial development is concentrated near Ager Road, Hamilton Street, Queens Chapel Road, and Chillum Road. Commercial uses vary, but are generally neighborhood in scale and service. Small retail shops and personal services, such as beauty-related establishments, are interspersed with automobile-oriented commercial sales and services.

Two shopping centers occupy the southwest quadrant of the intersection of Chillum and Queens Chapel Roads. Giant Food anchors the shopping center that fronts on Queens Chapel Road and Shoppers Food Warehouse anchors the abutting partially vacant shopping center on Chillum Road. The only public utility site in the area is the decommissioned Washington Gas Light Company natural gas storage facility. Washington Gas Light dismantled two surplus natural gas storage tanks at this site in 2002 that had existed in floodplain on the south side of the Northwest Branch Stream Valley near Chillum Road.

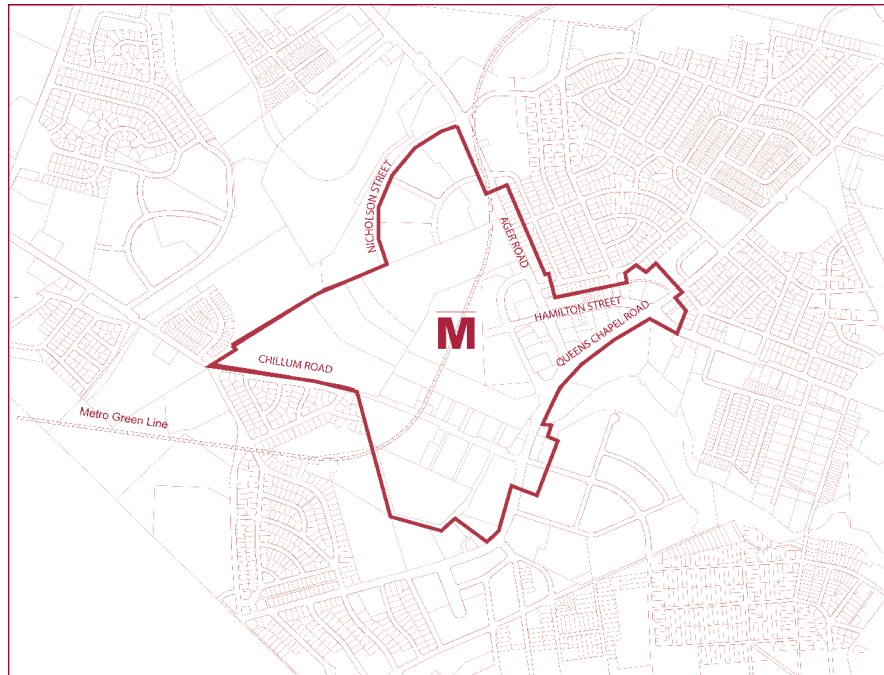
Concentrations of multifamily housing are located within walking distance of the West Hyattsville Metro Station along Queens Chapel Road and Ager Road. Single-family detached bungalows, cottages, and small Cape Cods compose the neighborhoods north of Ager Road. Larger brick homes are located in the Avondale community south of Chillum Road and further west along Queens Chapel Road.

History

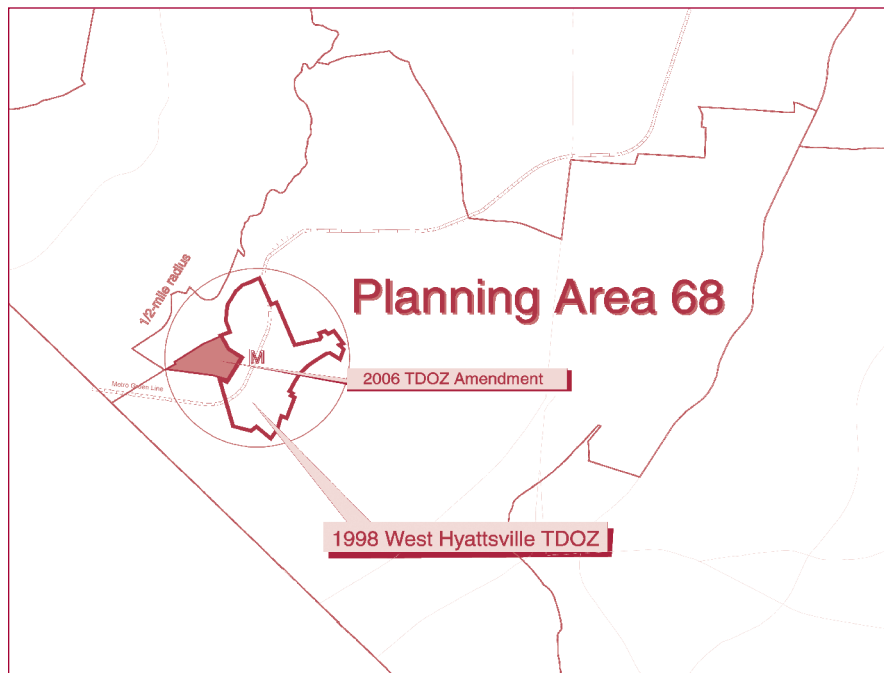
The District Council created the TDOZ in 1984 in order to address the problems of sprawl, traffic congestion, depletion of environmental resources, and the growing demand for housing opportunities. Development that meets these requirements is defined as TOD.

The TDOZ and TDDP were first applied to the West Hyattsville Metro Station area in 1992 with the provision that the plan be revisited in six years if plan implementation was not occurring. The TDOZ/TDDP was set to expire in July 1998 unless it was reenacted by the District Council. In 1998, the revised West Hyattsville TDDP was reenacted to encourage development consistent with the goals of the original TDDP.

No major new development has taken place in the transit district since the opening of the West Hyattsville Metro Station. However, the market for Prince George's County's undeveloped Metrorail station joint development sites has heated up since 2000 as similar sites in other local jurisdictions have been built out. This change in the market has resulted in serious developer interest in the West Hyattsville Metro area.



Map 1 West Hyattsville Transit District Overlay Zone—2006 Amendment



Map 2 Location of West Hyattsville Transit District Overlay Zone within PA 68

As a result, the Washington Metropolitan Area Transit Authority (WMATA) has selected a developer with whom to negotiate exclusive joint development rights for WMATA-owned property at the Metro station. In response, the TDDP has been revised to better facilitate TOD in the West Hyattsville Transit District.

LEGAL CONTEXT FOR THE PLAN

Relationship to the Underlying Zones

The TDOZ is superimposed over the zoning map for the subject area and thereby modifies specific requirements of those underlying zones. The TDDP for a TDOZ can change the underlying zoning of the property within the transit district by following the procedures set forth in the Prince George's County Zoning Ordinance, Part 10A, Section 27-548.02 to 27-548.09.

The main purpose of this plan is to maximize the public benefits from the West Hyattsville Metro Station. The plan sets out primary goals emphasizing the neighborhood, environment, transportation, and low-impact development (LID):

- Promote TOD near the Metro Station and create a sense of place consistent with the neighborhood character areas.
- Ensure that all new development or redevelopment in the transit district is pedestrian-oriented.
- Restore, protect, and enhance the environment by protecting environmentally sensitive areas, minimizing impacts of development, and expanding recreational opportunities and trail and bikeway connections.
- Maximize residential development opportunities within walking distance of the Metro station.

Relationship to the Prince George's County Zoning Ordinance

The West Hyattsville TDDP standards and guidelines shall apply to all proposed new development submitted for approval on or after the TDDP's effective date of enactment by the District Council. For development standards not covered by the West Hyattsville TDDP, the other applicable sections of the Prince George's County Zoning Ordinance shall serve as the requirement. All development shall likewise comply with all relevant

federal, state, county, and local regulations and ordinances.

Relationship to the Master Plan

The 1998 Approved Transit District Development Plan for the West Hyattsville Transit District Overlay Zone amended the 1994 Approved Master Plan and Sectional Map Amendment for Planning Area 68 with respect to land use recommendations within the West Hyattsville TDOZ. This TDDP supersedes the 1998 West Hyattsville TDDP and is hereby incorporated into the 1994 Planning Area 68 Master Plan as the governing plan for new development within the West Hyattsville TDOZ.

Relationship to the General Plan

The General Plan provides the county with guidance on future physical and economic development. This guidance is given through countywide land utilization policies such as economic development, the environment, transportation, housing, public facilities, and design. These policies offer extensive guidance on the need to concentrate future development, balance environmental concerns with economic development, create Metro centers that serve both existing and future communities, encourage a greater range of housing types, maintain adequate public facilities service levels, and articulate a vision and standards for the design of the physical environment.

The General Plan delineates three growth management areas known as tiers: the Developed Tier, the Developing Tier, and the Rural Tier. The West Hyattsville Transit District is within the Developed Tier. Within the Developed Tier four policies govern land development:

- Policy 1—Encourage medium to high-density, mixed-use, transit- and pedestrian-oriented development;
- Policy 2—Preserve, restore and enhance environmental features and green infrastructure elements;
- Policy 3—Provide a transportation system that is integrated with and promotes development and revitalization; and

- Policy 4—Plan and provide public facilities to support and fit into the Developed Tier’s development pattern.

The General Plan specifically targets growth to a limited number of designated centers and corridors within the Developed Tier oriented to direct service by Metrorail. The West Hyattsville Metro Station area is defined as a Community Center where concentrations of activities, services and land uses serve the immediate community. These centers include a variety of public facilities and services, and integrated commercial, office, and residential development. They can also include mixed-use and higher-intensity redevelopment, particularly when served by mass transit.

Relationship to the State Planning Act

The TDDP for West Hyattsville seeks to implement the visions of the Maryland Economic Growth, Resource Protection and Planning Act, which was enacted in 1992 to establish consistent general land use policies to be implemented locally throughout the state. These policies are stated as the following eight visions:

1. Development is concentrated in suitable areas.
2. Sensitive areas are protected.
3. In rural areas, growth is directed to existing population centers and resource areas are protected.
4. Stewardship of the Chesapeake Bay and the land is a universal ethic.
5. Conservation of resources, including a reduction in resource consumption, is practiced.
6. To assure the achievement of 1 through 5 above, economic growth is encouraged and regulatory mechanisms are streamlined.
7. Adequate public facilities and infrastructure under the control of the county or municipal corporation are available or planned in areas where growth is to occur.
8. Funding mechanisms are addressed to achieve these visions.

These visions have been adopted as official state policy. The eight visions constitute a comprehensive set of guiding principles that describe how and where growth

and development should occur and also call for a land and water stewardship ethic to guide individual and group action.

TRANSPORTATION DEMAND MANAGEMENT

The 2002 General Plan envisions quality TOD at Developed Tier Centers at Metrorail stations such as West Hyattsville. However, implementing the General Plan vision for the Developed Tier poses a major policy challenge in the West Hyattsville TDOZ: balancing the optimum mix and densities of land uses with the transportation infrastructure and services that are needed to efficiently accommodate them. To this end, the TDDP seeks to ensure the overall operational integrity of all components (modes) in the transportation network in and near the West Hyattsville Transit District.

This TDDP is premised on the assumption that, at buildout, the preferred development pattern in the West Hyattsville Transit District may generate levels of automotive congestion that are somewhat higher than would exist here at less intense levels of development. However, the TDDP is also predicated on the parallel assumption that greater vehicular congestion within the TDOZ can be mitigated by (1) improvements to other components of the transportation network—particularly transit and transportation demand management initiatives—and (2) ensuring that new development is designed to be both pedestrian- and transit-friendly. Doing this will encourage significantly higher use of transit and make it desirable and safe to use bicycles or to walk to and within the TDOZ.

There are few options to add or expand roads to accommodate the additional vehicular traffic that may result from new development within the West Hyattsville TDOZ. The major and minor collector roads and the arterials in the transit district are already built out to their master plan rights-of-way and alignments. Further, the street networks in adjoining neighborhoods are not envisioned in the plan as playing a significant role in accommodating future through traffic in the TDOZ. Therefore, a multimodal transportation network that integrates the development pattern with expanded public transportation, pedestrian/bicycle pathways,

and transportation demand management (TDM) initiatives will be needed to accommodate the desired development and to help ensure operational integrity of all components of the transportation network within the West Hyattsville TDOZ.

TDM is defined in Section 20A-201 of Title 20A, Transportation, of the Prince George's County Code as "...a process or procedure intended to reduce vehicle trips during specified periods of the day. This includes, but is not limited to, such strategies as car and van pools, transit use incentives, parking fees and disincentives, improved pedestrian and bicycle access and facilities." Title 20A contains guidelines for implementing TDM strategies, including the establishment and operation of designated TDM Districts.

The West Hyattsville TDDP authorizes the establishment of a transportation demand management district (TDMD) for the transit district through petition to the Council in accordance with Section 20A-204 of the Prince George's County Code. Upon receipt of the petition, the Council shall direct the Planning Board to conduct a Transportation System Capacity Analysis to determine whether or not transportation system imbalances will require the establishment of a TDMD. Any TDMD thus established will help implement the General Plan Policy (Developed Tier Policy 3, page 35) that recommends transportation systems be both multimodal and integrated with the preferred development patterns in intensive, higher density, mixed-use areas such as the West Hyattsville TDOZ.

The TDMD is intended to:

- Ensure that the preferred development pattern can be achieved in the West Hyattsville TDOZ while preserving or enhancing the operational integrity of all components of the transportation network in the transit district and in this part of Prince George's County.
- Reduce, or divert to other modes, the vehicle trips generated by the proposed development and redevelopment in the West Hyattsville transit district, particularly of single-occupant vehicle (SOV) trips during the peak traffic periods.

- Provide and maintain adequate, multimodal transportation and mobility options for the transit district's residents, workers, and visitors.
- Establish and maintain a multimodal network of transportation services and facilities that is consistent with and supports:
 - The development pattern recommendations for West Hyattsville as a General Plan Community Center;
 - All other provisions of the West Hyattsville TDDP;
 - Goals, objectives and policies of the 2002 Prince George's County Approved General Plan; and
 - Upon its adoption and approval, the applicable provisions of the Countywide Master Plan of Transportation (MPOT).

The TDDP also establishes a Transportation Demand Management Technical Advisory Committee (TDMTAC) to implement the policies required to achieve the West Hyattsville TDMD's service objectives.

The TDMTAC will evaluate, analyze, and manage the transportation demand generated by new development and redevelopment in the transit district in accordance with the provisions of Title 20A, Subdivisions 2 and 3. It will also coordinate the supporting transportation services—particularly feeder bus and commuter intercept transit bus services and demand management programs for employers in the West Hyattsville Transit District—needed to accommodate that development. TDMTAC will also assist the District Council in determining transportation adequacy in the transit district in accordance with the procedures and guidelines of Title 20A. Staff support for TDMTAC will be provided by the M-NCPPC Transportation Planning Section, Countywide Planning Division.

AMENDMENT PROCEDURES

The West Hyattsville TDDP has been formulated in accordance with the requirements of the Prince George's County Zoning Ordinance, as stipulated in Section 27-213.02 through 27-213.05. The specific steps are graphically illustrated in Appendix A: TDOZ/TDDP Procedural Sequence Chart.

West Hyattsville



VISION: TOD IN THE WEST HYATTSVILLE TDOZ

VISION STATEMENT

The West Hyattsville Transit District Development Plan (TDDP) offers an unprecedented opportunity to attract new jobs and residents on underutilized land around an existing Metrorail Green Line station (the first stop outside of the District). The potential exists for approximately 3,100 housing units of diverse building types, 1,000,000 square feet of office/commercial space providing potentially 3,300 jobs, an extensive system of civic, park and open spaces, and a finely balanced street and circulation network that maximizes accessibility while promoting streets as places of shared use. Map 3: Illustrative Plan provides a visual overview of the West Hyattsville Transit District Overlay Zone (TDOZ) at its full potential build-out.

The plan recognizes and builds upon the unique characteristics of the surrounding neighborhoods and promotes a wide range of building types. For housing, the plan provides a variety of unit types and densities

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.

Hyattsville Community Development Corporation. The Hyattsville Community Development Corporation (Hyattsville CDC) is a 501(c)(3) nonprofit membership planning and development organization. As the leading community-based organization facilitating the development of the City of Hyattsville, Hyattsville CDC has made significant contributions through its



LEGEND

- | | | | |
|------|--------------------|------|--------------------|
| (S) | Structured parking | (AR) | Arts residential |
| (M) | Metro station | (SP) | Soccer park |
| (TS) | Town square | (MS) | Main street retail |
| (R) | Residential | | |

0 200 400 600 800 1,000 Feet

Map 3 Illustrative Plan

ability to mobilize and engage citizens, ensure diverse representation in the planning process, and create partnerships with government, private and nonprofit entities. Therefore, the Hyattsville CDC should play a role in bringing the views of the community to the table as the development of the West Hyattsville Metro Station takes shape.

PLAN ELEMENTS

The West Hyattsville TDDP envisions compatible moderate- to higher-density development, located within an easy walk of a major transit stop, generally with a mix of residential, employment, and shopping opportunities, designed for pedestrians without excluding the automobile. This type of development is known as transit-oriented development, or TOD (see definition of TOD in Introduction). TOD can be new construction or redevelopment with a design and orientation that facilitate transit use. According to the General Plan (pages 44-45), successful TOD is characterized by three key elements:

- **Density:** Intensity of development sufficient to provide a mass of transit riders.

- **Diversity—Mix of Land Uses:** A mix of complementary uses with interactions that help to promote transit ridership by locating intermediate work trip destinations near public transit stations.
- **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.

TOD at West Hyattsville is supported by four key elements: neighborhoods, environment, transportation, and low-impact development (LID). Figure 1: West Hyattsville TDOZ Plan Elements illustrates the relationship between these elements and TOD.

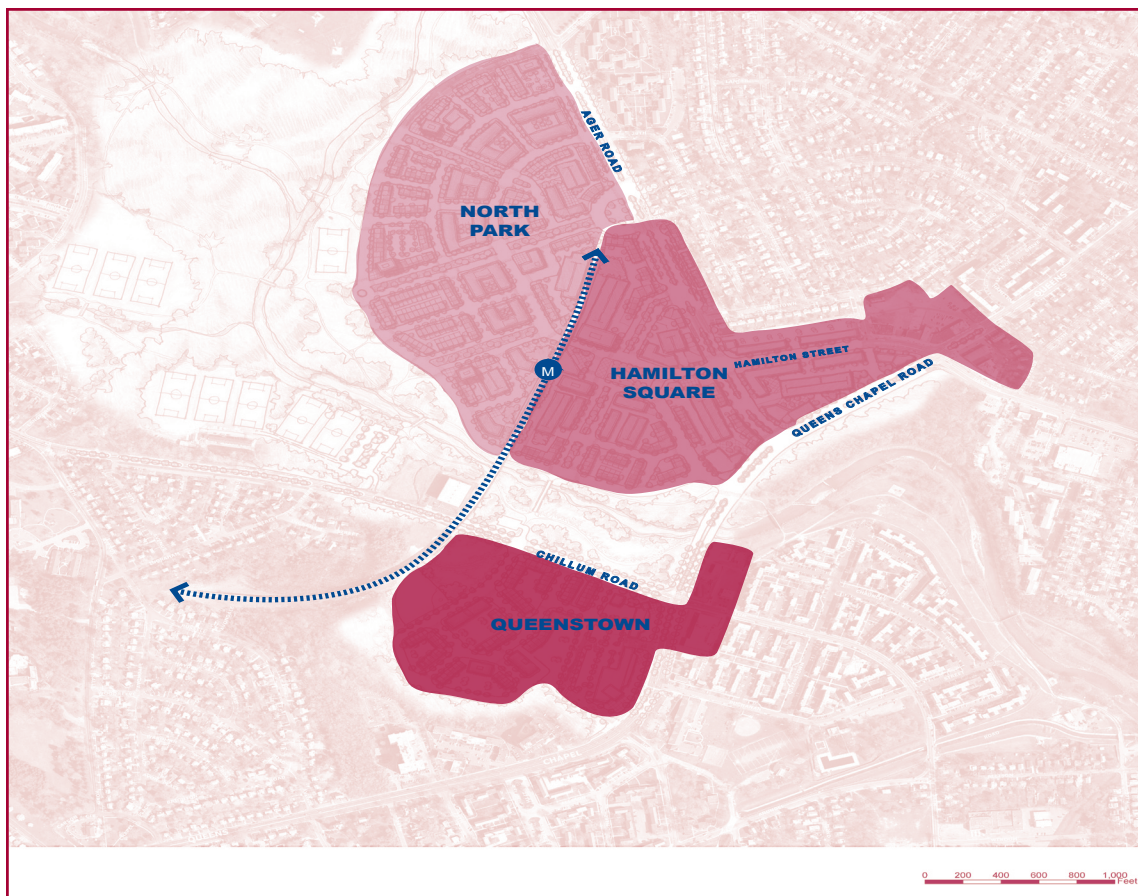
Neighborhoods are essential components of the plan. Definable neighborhoods encourage citizens to take responsibility for the maintenance and development of their neighborhoods. The neighborhoods should be compact, mixed-use, and pedestrian-friendly so that many activities of daily living are within close proximity. They are safe, comfortable, and interesting and are defined as much by the quality of their open spaces as by the quality of their buildings.

Environment consists of natural features and processes, wildlife, habitat, parks, recreation, and open spaces. Respect for the environment improves the quality of life for people and all creatures. Successful communities typically provide a range of natural areas, parks, and open spaces such as tot lots, ball fields, and gardens, as neighborhood amenities that define edges and provide connections.

Transportation elements, such as streets, pedestrian pathways, and rail transit rights-of-way, help organize community structure. When these elements are properly planned and designed, they allow independence for all residents. Such independence is especially important for the young and the elderly, who are unable or unwilling to drive. The best streets are places of shared use that balance the needs of pedestrians, bicycles, and vehicles. Well-designed streets are beautiful as well as functional and provide a graceful setting for a community's architecture.



Figure 1 West Hyattsville TDOZ Plan Elements



Map 4 Three Distinct Neighborhoods

Low-Impact Development mitigates potential environmental impacts associated with excess stormwater runoff from paved and other impervious surfaces. It uses techniques such as green roofs, extensive landscaping, bioswales, and other creative uses of open space.

Neighborhoods

The TDDP envisions three distinct neighborhoods in the West Hyattsville TDOZ: Hamilton Square, North Park, and Queenstown (see Map 4). The character and attributes of the three planned neighborhoods are described below.

Hamilton Square: This will be the most active of the three neighborhoods. Centrally located, it will contain the most diverse development mix—several types of residential units, office space, and stores. The neighborhood’s center will be Hamilton Town Square,

a large, formally landscaped open civic space. Adjacent to the square will be a high-rise office tower, a multi-generational community center, and Metro Station Plaza, which will accommodate transit bus boarding and drop-offs. The Town Square will bisect a proposed LID street that connects Ager Road with the Northwest Branch stream valley park.

North Park: Located just north of the Metro tracks, this will be a primarily residential neighborhood with a diverse mix of housing types. Its residents will enjoy a direct connection to the Metro station and convenient access to the Northwest Branch stream valley park. It will contain several LID streets designed to contain and minimize stormwater runoff into the adjacent Northwest Branch. North Park will also contain a number of neighborhood and smaller “pocket” parks—one acre or less in size—that will be designed for active use by

younger children and their parents. Small, neighborhood-focused retail will be at the intersection of the primary internal streets, within two blocks of the Metro station. Three taller residential buildings at the edge of North Park will offer outstanding views and surveillance of the stream valley park, increasing the safety of the park.

Queenstown: This neighborhood will be a lively live/work mixed-use district located just south of Northwest Branch stream valley park and Chillum Road. New retail would occupy the old Giant Food site. North of Chillum Road, existing auto-oriented service establishments and portions of the existing Washington Gas Light Company natural gas storage site will be replaced by open space. The new open space will allow neighborhood residents to pursue softball, soccer, and other active sports or enjoy a stroll along the new wetland trails adjacent to Northwest Branch.

Environment

One of the West Hyattsville TDDP's unique assets is the substantial increase in parks and open space, with additional pedestrian and bike paths. The plan also reclaims previously developed open space in the floodplain. The plan envisions a variety of public parks and public plazas throughout the TDOZ area. These elements will provide important social, recreational, and environmental benefits (refer to Map 5: Illustrative Parks and Open Space Plan). These spaces will act as organizing features and landmarks, providing neighborhood orientation, definition, and connection. They will add grace and balance to what is envisioned as a compact, diverse, built environment that supports and celebrates neighborhood life. They will also help to preserve wildlife habitat within the Northwest Branch stream valley park. The character of the environment within the TDOZ varies from formally landscaped neighborhood parks and streetscapes to more informal, natural areas along the neighborhood edges.

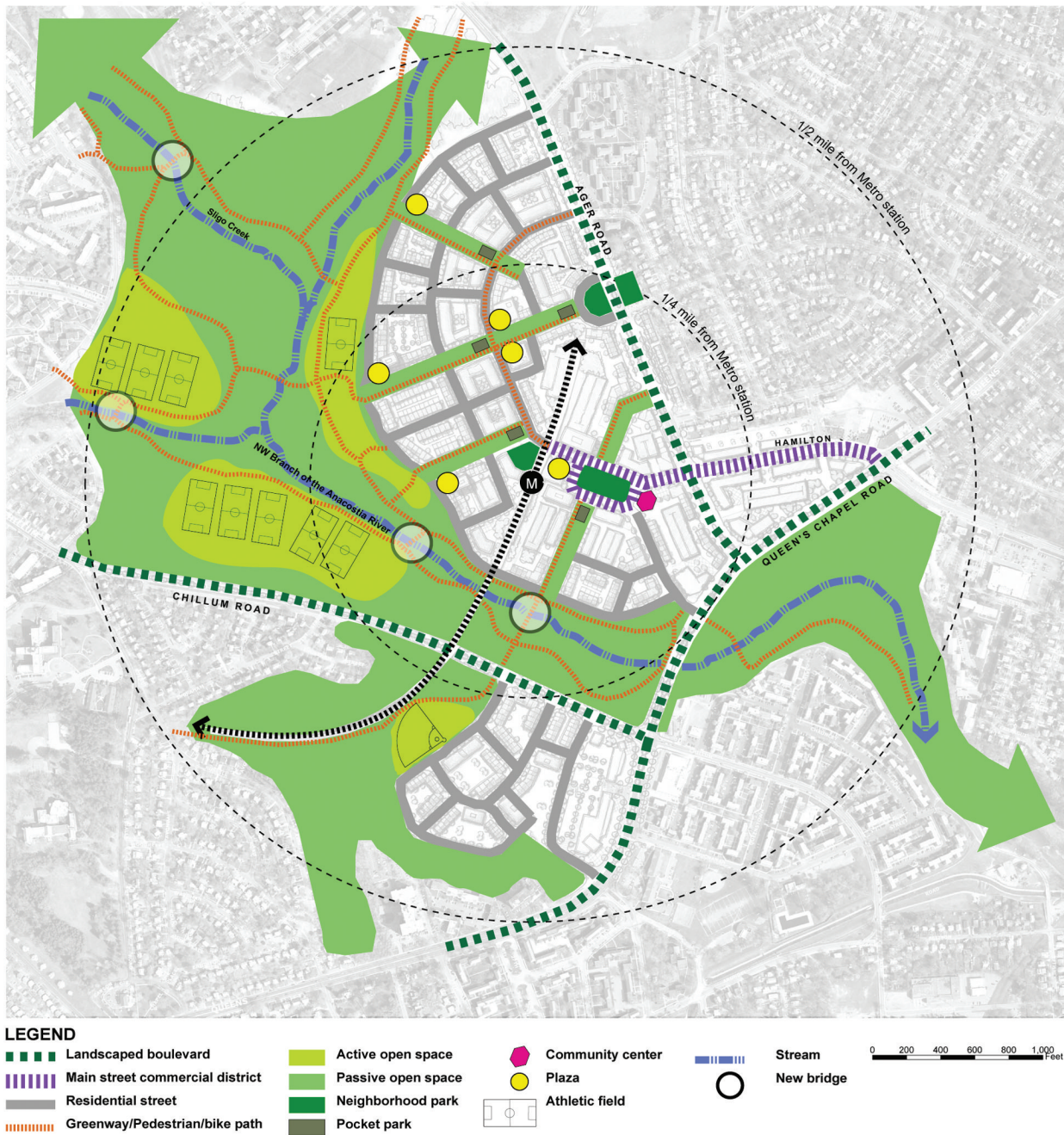
The key features of the environmental element of the West Hyattsville TDDP are described in detail below. Figures 2 through 6 include locator maps showing where each feature is located in the West Hyattsville TDDP.

Hamilton Town Square: The Hamilton Town Square (shown in Figure 2) will be the functional and physical

core of the West Hyattsville TDOZ community. Across the street to the northwest is the new Metro Plaza bus turnaround and station entrance; to the northeast will be the Hamilton Main Street retail/commercial district. The illustrative plan shows a new community center immediately to the southeast of the Town Square as one possible development option. This facility may be either freestanding or located in mixed-use space reserved for community use. It will provide meeting and activity space for West Hyattsville TDOZ residents.

The Town Square will be flanked on all sides by mixed-use retail, office, and residential development of various types. It will be an open space that plays many roles and fills many functions within the community. The design of this planned civic hub anticipates how future residents will use the space. Most important, the Hamilton Town Square will be able to accommodate large and small events and will age gracefully. The design illustrated in Figure 2 takes the form of a relatively unstructured green space lined with shade trees and accentuated by a central fountain or sculpture. The space functions primarily as a passive outdoor focal point for the community. It provides open space for adjacent residential and commercial uses. The space is anchored at the northwest end by a community-scale water feature. The southeast end of the park features an arbor with flowering vines and seating areas. The large grassy open space in the center acts as a central "village green." It is surrounded by bioretention swales to filter runoff from adjacent roadways.

There should be a large amount of retail space around the Hamilton Town Square in addition to the retail located in other areas of the TDOZ. Specific regard should be given to retail development that makes this Town Square, and the development in general, a destination for those who live outside the development as well as for those living in the development. Therefore, due consideration should be made to ensure that a critical mass of retail is located on the area surrounding the Hamilton Town Square. Retail that would generate pedestrian traffic



Map 5 Illustrative Parks and Open Space Plan

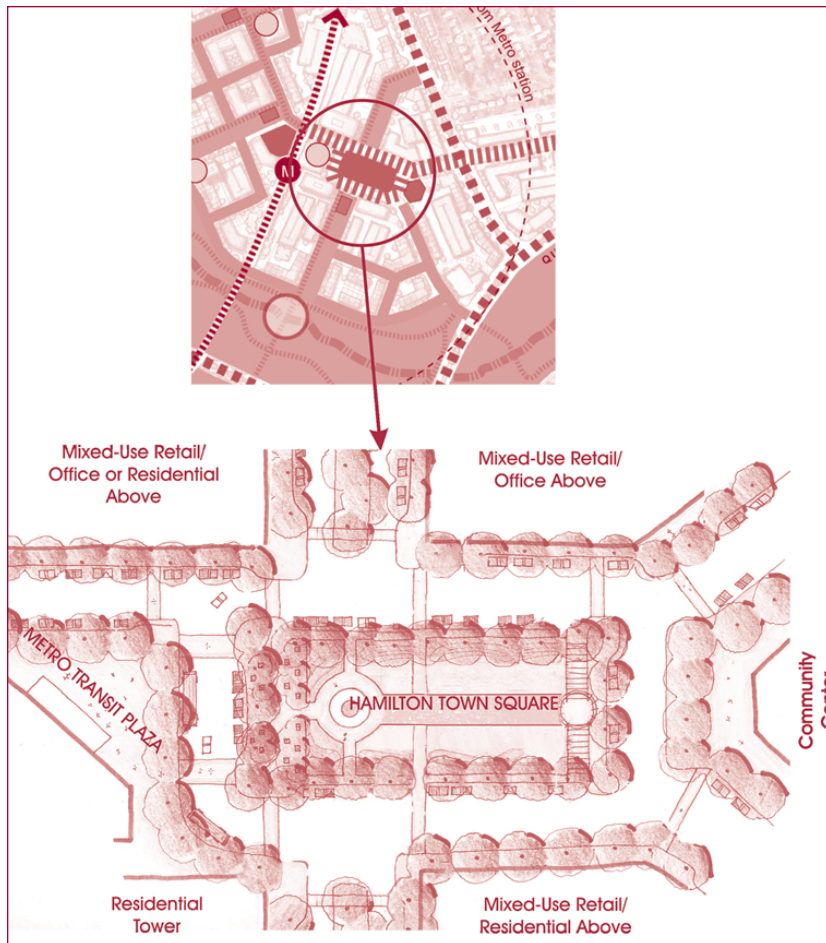


Figure 2 Illustrative Hamilton Town Square and Adjacent Metro Transit Plaza

should be given strong consideration to include, but not be limited to, restaurants, coffee houses, bistros, cafes, and other specialty retail establishments.

Metro Transit Plaza: The space in front of the Metro station (see Figure 2) will be an urban plaza that serves multiple functions. Transit passengers will board and alight from buses along the curb. The “kiss and ride” area will be relocated to the Hamilton Town Square curb and separated from the bus turnaround area across the street by traffic islands and other appropriate traffic control devices. Pedestrian access will be facilitated by clearly delineated crosswalk and curb extensions. A taxi stand will be located along the northeastern curb edge of the Town Square. Bicycle parking will be located near the Metro station entrance.

Northwest Branch Stream Valley Park: One of the most notable natural features of the area is the existing floodplain and stream corridor of the Northwest Branch of the Anacostia River and two of its tributaries: Sligo Creek and Northwest Tributary 2. These streams are contained within a major public park/open space network that includes a number of sport and recreation features. This plan takes full advantage of this recreational resource and supports the further enhancement of the Northwest Branch stream valley park as a major open space element.

The opportunities suggested include, but are not limited to, integrated bike and pedestrian facilities including a foot/bike bridge crossing the stream channel and linking the Queenstown neighborhood with the Metro Station and surrounding development; ball fields; play grounds; preserved, created, and/or enhanced wildlife habitat; and seating, picnic and game areas. Figure 3 depicts the Northwest Branch stream valley park in cross section. This view includes proposed enhancements and future residential development adjacent to the park.

Three Neighborhood Parks: Three neighborhood parks are proposed for the North Park neighborhood. One of these will be located on the northwest side of the West Hyattsville Metro Station near Hamilton Town Square. Two others will be at the intersection of Ager Road and one of the LID streets that bisects the North Park neighborhood. These are envisioned as providing active and passive outdoor space and may include pathways, benches, and/or play areas. The park on the northeast side of Ager Road is seen as an amenity for the adjacent existing neighborhood and as a visual connection with the park on the southwest side of Ager Road. Figure 4 shows a typical urban neighborhood park.

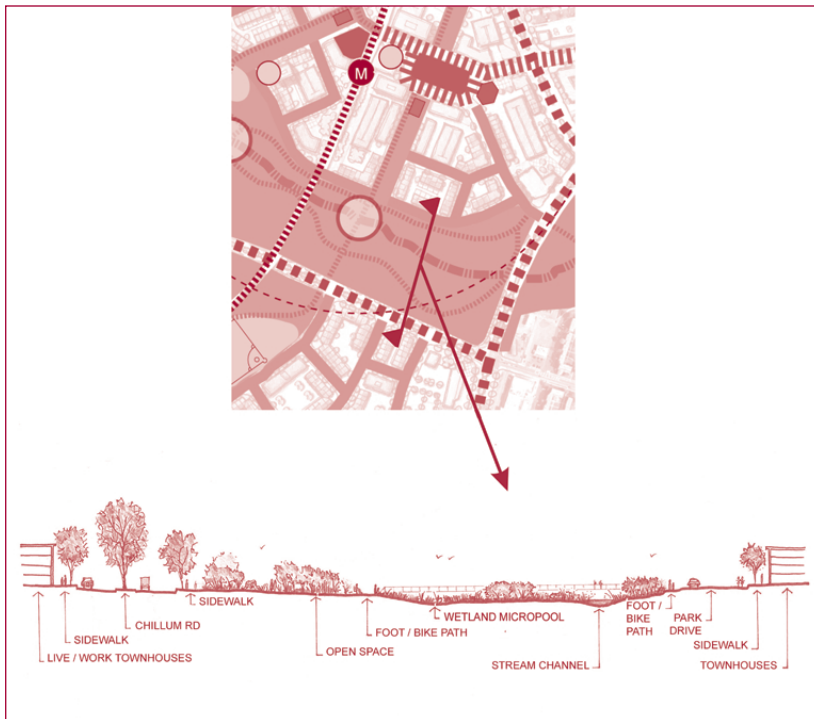


Figure 3 Northwest Branch Stream Valley Park Cross Section

Five Multifamily Residential Entry Plazas: These plazas will mark the entrances of high-rise residential or mixed-use residential buildings within the North Park neighborhood. Three of these plazas will front the entries of the three residential towers on the western margin of the North Park Neighborhood. The other two plazas will front future mixed-use residential buildings on both sides of an LID street to be constructed a block north of the West Hyattsville Metro Station. They will include decorative paving, ornamental plantings, seating, and appropriate lighting. An example of a typical residential tower plaza is shown in Figure 5.

Five Pocket Parks: Within the North Park and Hamilton Square neighborhoods, five pocket parks will offer visual breaks within the densely developed TDOZ area. All of the parks will be located within LID street rights-of-way. They will be small and intimate at one acre or less in size. These parks will be multifunctional in design. They will feature play space for children and their parents to meet and unwind. They will also function as shaded oases where one can sit and eat lunch or read the paper. In addition, they will function as the

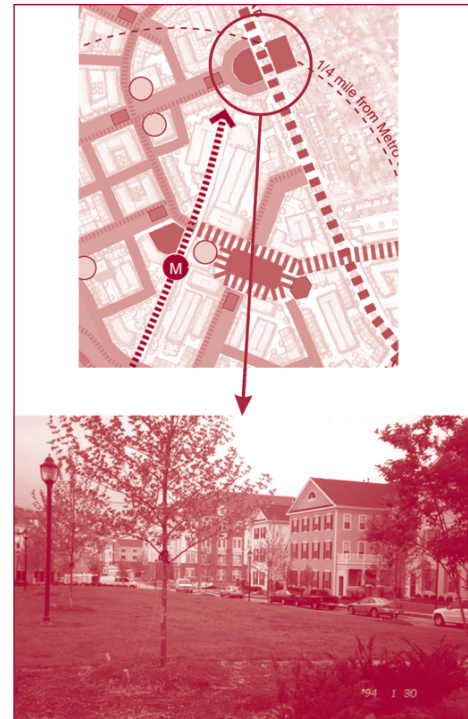


Figure 4 Typical Neighborhood Park

headwaters of the West Hyattsville bioretention swale system, an innovative stormwater management concept intended to collect, retain, and filter stormwater before it enters the Northwest Branch. Along the gently sloping banks of the bioretention swale in each park will be an informal, shaded trail that offers a more naturalistic alternative path to the sidewalks on both sides of the street. Figure 6 shows a typical pocket park layout.

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.

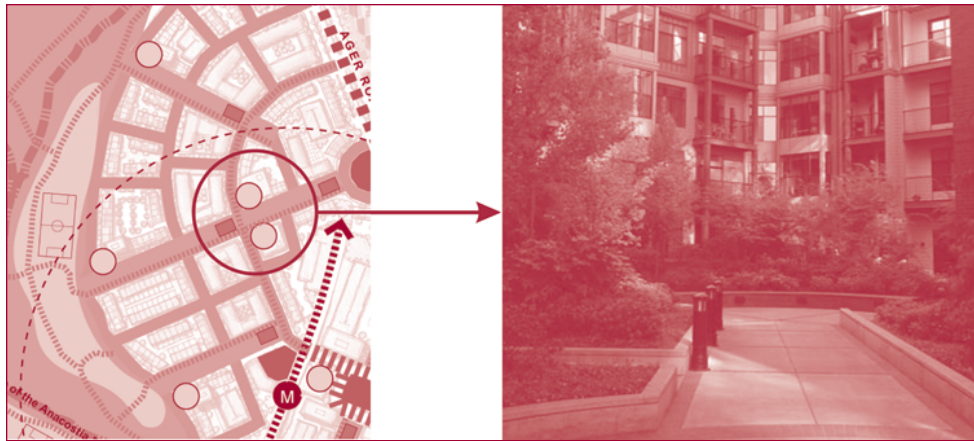


Figure 5 Typical Residential Entry Plaza

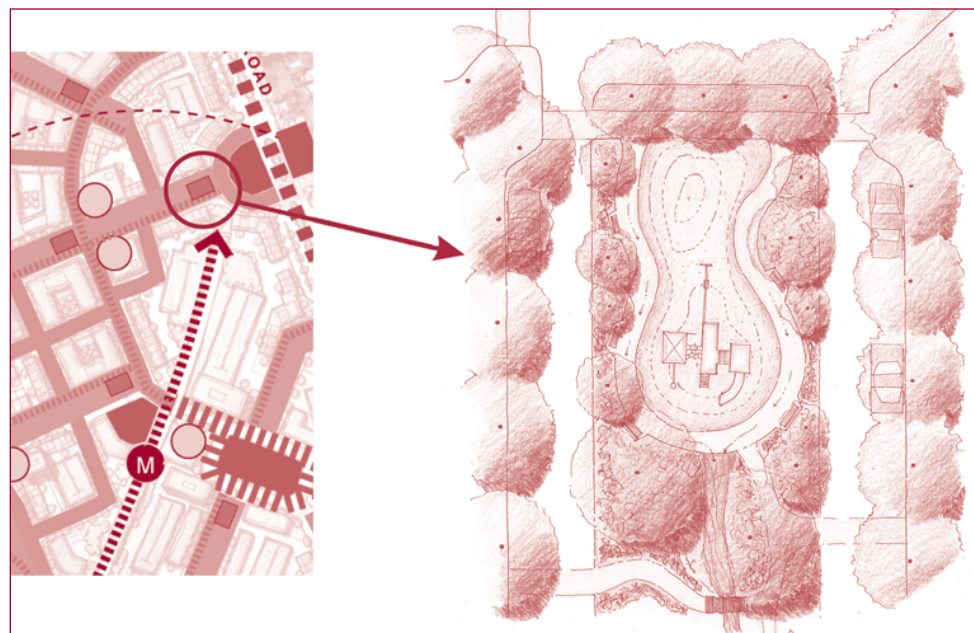


Figure 6 Headwaters Pocket Park Sketch

Three Major Landscaped Center-Median Boulevards: The plan envisions Queens Chapel Road, Ager Road, and Chillum Road within the West Hyattsville TDOZ as landscaped center-median boulevards. Boulevards are generally defined as multipurpose streets that are designed to carry both pedestrian/bicycle and vehicular traffic along separate paths. Extensive landscaping serves as both visual amenity and safety device for the

protection of pedestrians. As boulevards, these streets will feature landscaped medians, wide sidewalks, and rows of street trees and other plantings along both sidewalks and medians. Restricted on-street parking is also envisioned along portions of these boulevard streets. The parked vehicles will serve as an additional protective barrier for pedestrians; they will also serve to slow vehicular traffic. Queens Chapel Road, Ager Road, and

Chillum Road will all continue to function as arterials, as indicated in the 1994 Master Plan for Planning Area 68 (see the following section on transportation for a discussion of the West Hyattsville TDDP's functional street classification system).

Four Green Streets: The plan envisions four LID or "green" streets within the West Hyattsville TDOZ. Three of the LID streets will serve the North Park neighborhood; the fourth LID street will run through the center of the Hamilton Square neighborhood. All of the LID streets will drain into the Northwest Branch stream valley park.

LID streets typically include an integrated system of stormwater management within their rights-of-way, thereby reducing the amount of water that is piped directly to streams and rivers. LID streets will be a visible component of a system of green infrastructure that is incorporated into the built environment of the community. The street tree canopy and other plantings on LID streets will intercept and filter stormwater runoff, moderate air temperatures, and improve air quality by absorbing airborne pollutants. Finally, LID streets will be designed to minimize impacts on sensitive natural environments that they intercept, such as streambeds and wetlands. In sum, LID streets will help to create a more colorful and interesting streetscape and a more distinctive neighborhood. They will also encourage and promote a sense of community pride and ownership that will ultimately benefit the entire West Hyattsville TDOZ community.

Streets as Places of Shared Use. The plan envisions all streets within the TDOZ as public places where much of the life of the community will take place. The public places will be easy to find and get to, whether by foot, bicycle, public transit, or automobile. TDOZ area streets will be safe and comfortable, especially for pedestrians. They will be designed to encourage participation and interaction of community members and will be the most commonly used open space.

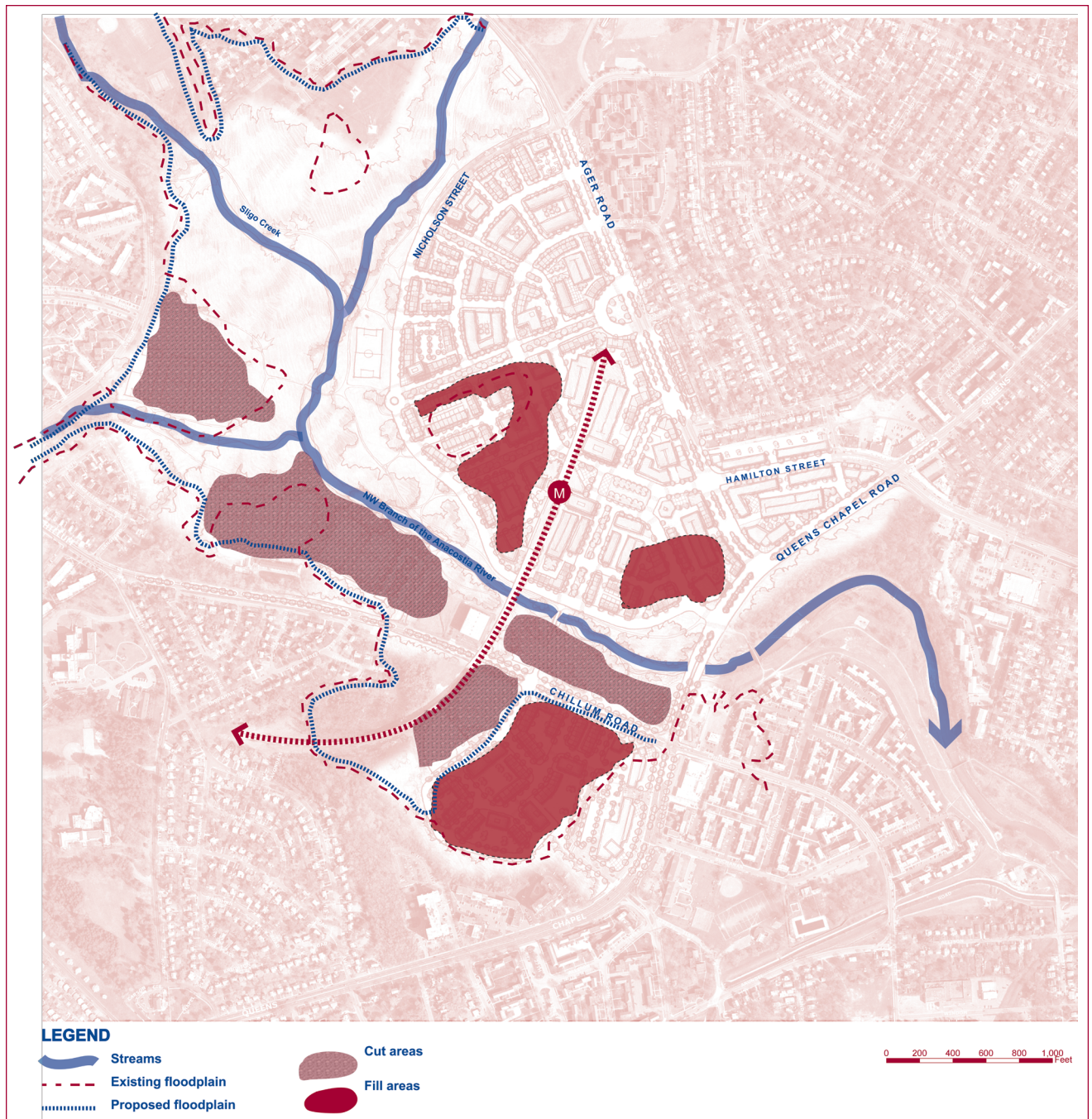
Floodplain. Prince George's County environmental regulations require that new development in or adjacent to existing floodplains not result in any net rise in floodplain levels because of stormwater run-off. The environmental planning concept for the West Hyattsville

TDDP ensures that new development in the TDOZ will be in accordance with this and all other stormwater management requirements so that floodplain areas will remain usable and aesthetically pleasing open space.

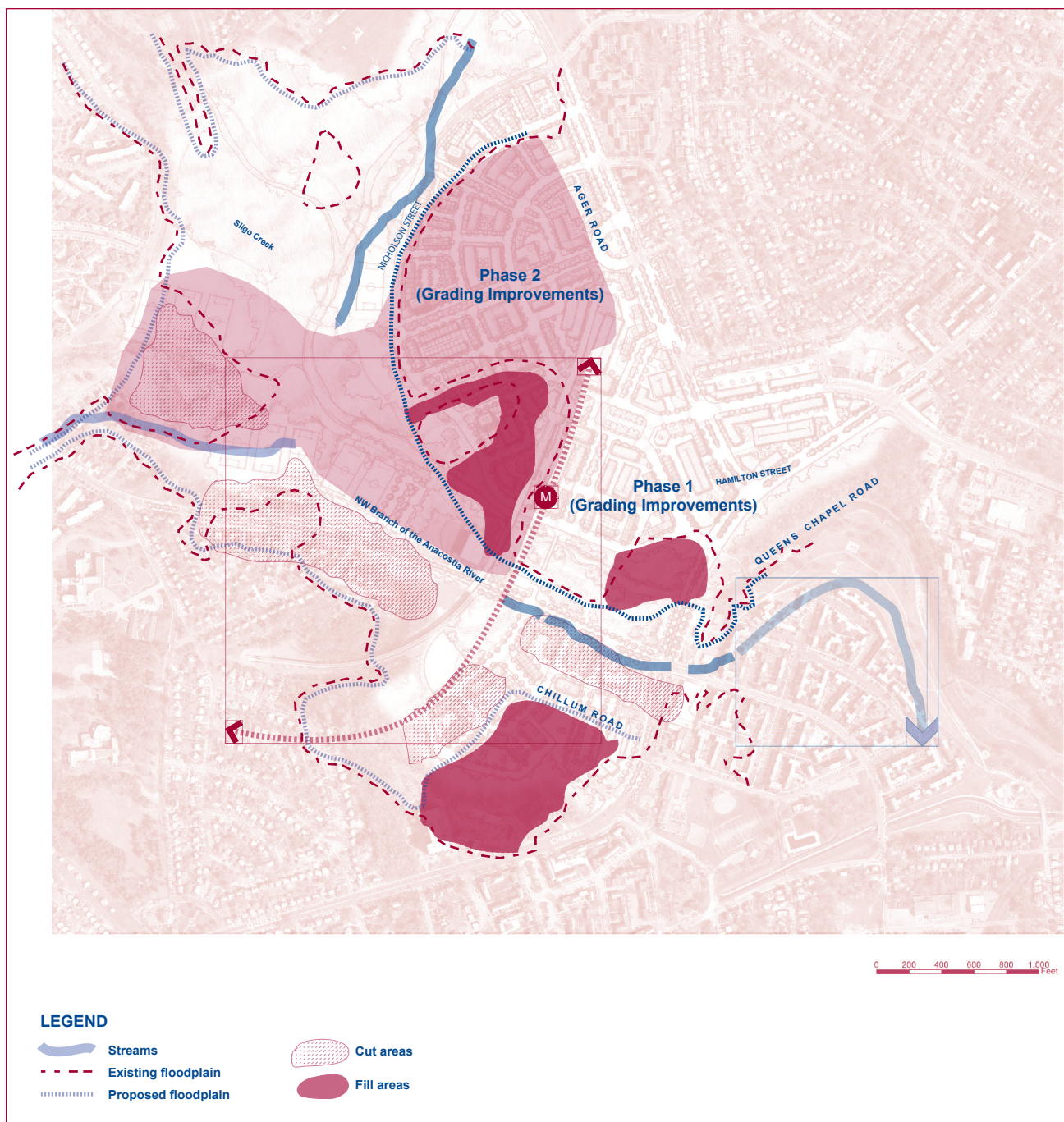
Since the TDDP requires modifications to the existing floodplain, hydraulic modeling was performed to study potential adverse impacts during flood stages and an earthwork estimate was calculated to ensure that floodplain storage is unchanged. The proposed areas of cut and fill for the TDDP concept are shown in Map 6. Grading for the West Hyattsville TOD is proposed to be conducted in two phases, as shown in Map 7. This will allow floodplain storage to be increased before the start of any fill, and at no point in time will the amount of fill in the floodplain exceed the amount of cut.



This is an example of how a floodplain area can be transformed into a community amenity.



Map 6 Illustrative Floodplain Management Plan



Map 7 Illustrative Site Grading (Cut and Fill) Phasing Plan

Transportation

The West Hyattsville TDDP envisions many new residents, employees, and visitors in the West Hyattsville TDOZ. However, most of the area's future residents and workers will live and/or work within an easy ten-minute walk of the Metro station and a few will need to rely on personal cars for most daily trips. Strategic traffic-calming measures will be used to slow down vehicular traffic on Queens Chapel Road, Ager Road, and Chillum Road, and transform them into safer, pedestrian- and bicycle-friendly streets. These streets will also be reconstructed as visually attractive landscaped boulevards (see the previous discussion in the Environment Section).

Transportation Demand Management: A potentially important option for implementing the transportation for the West Hyattsville TDOZ is the use of transportation demand management (TDM) techniques to ensure that levels of service (LOS) for the roads and intersections serving this area do not exceed the minimum LOS standard of Level E.

The West Hyattsville TDDP authorizes the creation of a Transportation Demand Management District (TDMD) through petition to the District Council in accordance with Section 20A-204 of the Prince George's County Code. If enacted, the TDMD would cover the entire West Hyattsville TDDP.

Modal Choice: Successful TOD communities provide residents choices in making their journeys by locating a diverse mix of complementary uses within convenient reach of pedestrian/bicycle pathways and public transit, all within an attractive urban environment. By doing this, good TOD maximizes access and mobility while reducing dependence on the automobile. The TDDP takes full advantage of the West Hyattsville Metrorail station by envisioning a TDOZ-wide network of safe and wide sidewalks and pedestrian/bicycle pathways; clearly marked on-street bicycle routes; convenient and frequent transit service; and vehicular routes reconfigured for greater pedestrian/bicyclist safety. This balanced approach to transportation planning and engineering will help provide convenient multimodal access throughout the TDOZ. It will also ensure that walking, bicycling, and transit trips are safe and enjoyable.

Transit: The presence of the West Hyattsville Metro Station provides a major community amenity at the center of the TDOZ. However, the current layout of the station facility is that of an auto-oriented suburban transit hub. It attracts much more vehicular traffic than foot/bicycle traffic. The plan envisions a transformed, urban transit facility with convenient intermodal connections and an attractive, pedestrian-friendly transit plaza framing its entrance. The existing Metro Station surface parking lot will be replaced with a parking garage with a façade designed to complement the surrounding streetscape. Some of the structured parking may be shared with adjacent uses. Such shared parking will help to reduce the total amount of parking needed to serve the Metrorail station and the surrounding activity center.

The plan envisions enhanced safe pedestrian access to the West Hyattsville Metro Station from neighborhoods to the south (across Northwest Branch). The county, the Washington Metropolitan Area Transit Authority (WMATA), and the City of Hyattsville should conduct an investigation of suitable options for safe pedestrian access to the station. Suitable options for consideration would include WMATA/municipality-sponsored construction, maintenance, and provision of security for a new pedestrian overpass with no access to unlighted parkland pathways, or WMATA/county-sponsored shuttle bus service between neighborhoods to the south and the Metrorail station.

Traffic Calming—Emphasis on Bicycles: The plan envisions the visible incorporation of a number of additional on- and off-street bicycle routes and storage facilities within the TDOZ. Balanced streetscape design will de-emphasize motor vehicles and encourage bicyclists by providing clearly marked, continuous on- and off-street paths. Off-street paths along the Northwest Branch stream valley park will connect bicyclists to a regional network of hiking/biking trails. Racks and lockers will be provided throughout the community, especially at major destinations like the Metro station.

Traffic Calming—Emphasis on Pedestrians: Within the TDOZ, pedestrians will be the priority when safety and access must be balanced between modes. Pedestrians need to feel comfortable when crossing the street and walking to and from transit facilities. Clearly marked



Pedestrian-Centered Crosswalk Treatment

areas on the streets help indicate where they can safely go. Pedestrians also need off-street paths to be easily accessible and seamlessly linked to the circulation network. The plan envisions a much more pedestrian-friendly streetscape within the TDOZ. Balanced streetscape design will de-emphasize motor vehicles and favor pedestrian use by providing attractive, wide sidewalks; clearly visible crosswalks and pedestrian signals at major street intersections; bumped-out curbs at intersections to slow down right-turning vehicles; and sharp restrictions on curb cuts within blocks. Major off-street paths along the Northwest Branch stream valley park will connect hikers to a regional network of hiking/biking trails. The plan envisions restricted (non-rush hour) parking on primary streets within the West Hyattsville TDOZ such as Queens Chapel and Ager Roads. On-street parking on these streets will serve primarily as an additional traffic-calming measure, but will also provide convenient access to adjacent businesses. Restrictive non-rush hour parking on these routes will be permitted subject to an executed memorandum of understanding (MOU) between the City of Hyattsville, DPW&T, and the State Highway Administration (SHA) as appropriate. Map 9: Illustrative Pedestrian Safety Plan details the integration of pedestrians into the circulation network for the TDOZ. The plan promotes the creation of the safe pedestrian-friendly environment envisioned by the West Hyattsville TDDP.

Pedestrian-Centered Streetscapes: Within the West Hyattsville TDDP, streetscapes will function as unifying links between building facades and the street. Streetscape elements will include pedestrian walkways (including street crossings), lighting, signage, street furniture, and landscaping.

Motorists: The TDDP acknowledges the continuing importance of vehicular access even within the TOD. However, it envisions vehicular access within the TDOZ as an important, but not dominant,

feature of the future built environment. Vehicles will be accommodated within the integrated network of pedestrian- and bicycle-friendly streets, with motorists having easy access to on- and off-street parking. All off-street parking will be accessed from the side or rear of properties; no curb cuts will be permitted along commercial or residential street frontages. The TDOZ's urban village environment will make the driving experience interesting and pleasurable.

Integrated Network: The new TOD in the West Hyattsville Metro Station area will respect the historical street network of the community at large. The transportation concept includes an interconnected network of streets, sidewalks, and off-street bicycle and pedestrian paths to provide critical linkages between neighborhoods, commercial services, and the Metro station. Map 8: Circulation Plan illustrates the circulation network for the West Hyattsville TDOZ.

Pattern: The plan envisions a pattern of relatively small, urban blocks within the TDOZ. With few exceptions, no block shall be more than 400 feet in length. Small block sizes allow short, direct trips to be made between uses. The new street grid will be easily navigable and connect readily to existing streets.

Functional Hierarchy: The plan envisions primary connections to the surrounding region being reflected

number on the newly adopted zoning map. This would take place only when it is found that the existing zoning is compatible with the intended zoning pattern or when ordinance limitations preclude a rezoning. Similarly, findings contained in previously approved TDOZMAs shall be brought forward in the TDOZMA where the previous zoning category has been maintained.

f. Transit District Overlay Zones

TDOZs may be included in a TDOZMA. However, the flexible nature of these zones requires a basic plan of development to be submitted through the zoning application process (zoning map amendment) in order to evaluate the comprehensive design proposal. It is only through approval of a basic plan, which identifies land use types, quantities, and relationships, that a TDOZ can be recognized. Therefore, an application must be filed (including a basic plan) and the Planning Board must have considered and made a recommendation on the zoning application in order for the TDOZ to be included within the TDOZMA. During the comprehensive rezoning, prior to the submission of such proposals, property must be classified in a conventional zone that provides an appropriate base density for development. In theory, the base density zone allows for an acceptable level of alternative development should the owner choose not to pursue full development potential indicated by the sector plan. (See Section 27-223(b); Section 27-225(b) (1); Section 27-226(a)(2); and Section 27-226(f)(4)).

g. Comprehensive Rezoning Changes

To implement the development policies and land use recommendations contained in the West Hyattsville TDDP, many parcels of land must be rezoned to bring the zoning into conformance with the TDDP. The comprehensive rezoning process (via the TDOZMA) provides the most appropriate mechanism for the public sector to achieve this. As such, the TDOZMA is approved as an amendment to the official zoning map(s) concurrently with sector plan approval.

The proposed TDOZMA includes 11 zoning changes that affect 48 properties within the amended West Hyattsville TDOZ. The TDOZ is intended to ensure that the development of land around the West Hyattsville

Metro Station meets the goals established in the West Hyattsville TDDP.

The comprehensive rezoning proposal is organized using the TDDP subareas identified in the 1998 West Hyattsville TDDP. The zoning changes will result in a new zoning inventory for the area (see Table 3: Existing and Proposed Zoning Inventory). Specific changes to existing zoning are shown on the following maps. These maps are included for illustrative purposes only. The 1"= 200' scale zoning maps will represent the official zoning boundaries once the TDOZMA is approved.

Application of the Mixed-Use Transportation Oriented Zone

The Mixed-Use Transportation Oriented (M-X-T) Zone is intended to encourage transit- and pedestrian-friendly, mixed-residential and commercial development around transit stations or stops. Property in a TDOZ area may be reclassified from its underlying zone to the M-X-T Zone as part of the TDOZMA or through the property owner application process (Section 27-548.26(b)) of the Zoning Ordinance. The uses permitted in the M-X-T Zone according to Section 27-547 are modified by the Use Table of the West Hyattsville TDDP.