

CITY OF HYATTSVILLE
PLANNING COMMITTEE MINUTES SEPTEMBER 21,
2021

Register in advance for this webinar:

https://us06web.zoom.us/webinar/register/WN_W1J8XzZ2SxmuD_29EiBUVw

1. Introduction of Committee & Guest Members (7:00 PM)

- Maureen Foster, Committee Chair
- Yohannes Bennehoff, Committee member
- Will Seath, Committee member
- Marshall, Committee member
- Greg Smith, Committee member
- Greg Barnes, Committee member
- Nkosi Yearwood, Committee member
- Cliff Mayo, Committee member
- Ben Simasek, Council Liaison
- Sam Denes, Council Liaison
- Jim Chandler, Staff Liaison
- Kate Powers, Staff Support
- Mark Ferguson
- Harvey Maisel
- Dan Lynch
- Michael Romero
- Jonathan Werrlein
- Rebecca Marx

2. Committee Business

- Approve July 2021 minutes ○ Passed unanimously with grammatical corrections

3. Queens Chapel Town Center - Amendment to Conditions of Approval

- Presentation ○ Dan Lynch, Applicant's Representation ○ Harvey Maisel, Property Owner Representative ○ Mark Ferguson, Land Planner
- Request Description ○ The applicant representatives are here at the Planning Committee meeting on behalf of Queens Chapel Town

Center (QCTC). ○ CSP-1002 was filed in 2011 by the representative's client requesting an amendment to the Table of Uses within the TDOZ of the West Hyattsville

Sector Plan. We believe there are flaws within the Sector Plan specifically in the Table of Uses.

- There were conditions attached to the approval of the CSP. The existing eating & drinking drive-thru Kentucky Fried Chicken (KFC) has limitations attached to it. The drive-thru use will be invalidated if operations cease for 180 days or greater.
- At the time this condition was proposed and approved, the applicant was not concerned. However, due to covid, places like this have seen better days. KFC has left the site and the applicant is looking for new tenants.
- At this point, the applicant is concerned about the 180-day restriction so they are pursuing this amendment. ○ From a land planning standpoint, a 180-day continuation constriction is normally associated with nonconforming uses. ○ The DSP process is designed it to be used when working with a compatible use. ○ The configuration of the site is consistent with its proximity to metro, as the build-to line is close to the curb and parking is placed behind the building, hidden from the roadway. ○ The 180-day restriction is a hurdle on the applicant's ability to lease the space. ○ We want to maintain the status quo, as the area is not quite at the point of redevelopment. The applicant wants to replace the tenant with a comparable entity. ○ This case will be presented on October 20 to the Zoning Hearing Examiner.
- The applicant tries to be a good citizen and asks for your consideration. We put a lot into the improvement of the center. We have a sense of pride and ownership and have a relationship with the community. ○ The applicant believes this use will complement the medical center and the West Hyattsville metro site.
- We want to be considerate of merchants during the current downturn. We want to keep everyone open if possible. Drive-thru uses are integral as it provides better assurance of success with customer volume. ○ The applicant is not requesting any adjustments, only a continuation of the current use.
- The applicant needs this amendment to backfill the building with a merchant with the best opportunity for success. ○ The issue here is that drive-thru uses are a suburban phenomenon, and the applicant acknowledges that it is not the ideal land use in a transit-centric area. However, denial of this drive-thru will not make this center magically redevelop. Ideally, this site will redevelop at same time as the rest of the center.
- What happens to this property from now until the time of redevelopment is the challenge.
- Maintaining a drive-thru use means the applicant can secure a national tenant, who has the funds to improve the site.

- The applicant believes the 180-day constraint is an unusual and onerous condition. We ask for the City's support regarding our requested amendment. We do not want to add anything to the site; we only want to maintain the status quo until the entire center redevelops.
- Clarifying Questions
 - Will: When did the previous establishment cease operations?
 1. Applicant: We do not have that information at this time.
 2. Will: Is there language within the CSP approval that addresses the circumstances related to halting operations? Specifically, any language related to the cease of operations outside an owner's control?
 3. Applicant: Yes, operations halted due to circumstances beyond the owner's control and there is language within the condition related to this. However, tenants are skittish about investing in this property despite the inclusion of this language. National tenants are extremely risk averse.
 4. Will: Are there other drive-thru uses near the subject property?
 5. Applicant: There is a drive-up ATM and liquor store.
 - Yohannes: Do you know if this building will be compliant under the new zoning being proposed?
 1. Applicant: All existing uses will be deemed conforming.
 2. Yohannes: If this was built new, would this development be compliant with the Countywide Map Amendment (CMA)?
 3. Mark: No, the new zoning ordinance is hostile against anything that is existing.
 4. Yohannes: The drive-thru site will no longer exist once redevelopment happens.
 5. Applicant: Without a tenant here, these will be a blank corner across from metro.
 6. Yohannes: If this is a use that is not compatible with the updated zoning code and new sector plan, then it is not a use intended for this area. It will be temporary up until the redevelopment of the property.
 7. Dan: The applicant plans to maintain the property and its use until redevelopment.
 8. Yohannes: People have been killed at this intersection, so I am concerned about more vehicle traffic in this area. Has a traffic safety analysis been completed at this site?
 9. Mark: Great question. The physical entrances to the property are maximally separated from the intersection; we cannot push them any further away. People go around that corner at high speeds and the slip lane makes it worse. That is something that needs to be addressed by SHA.

10. Yohannes: Site design should maximize safety. It sounds like there is nothing a new tenant could do to make the site less safe.
11. Mark: The building is against the sidewalk to be street friendly. The drive-thru has been pushed away from the entrance.
- Greg: Traffic patterns would be comparable if this use continued. What are the vehicle trip numbers related to the previous tenant?
 1. Mark: I do not have that information currently.
 2. Greg: Have you had conversations with potential small business tenants?
 3. Mark: The applicant is pursuing national tenants. I agree that local businesses often bring better character. However, local businesses are undercapitalized and cannot afford to make this building look like something else.
 4. Harvey: We have constantly put money back into the center. Tenants with credit and depth can participate in renovations. Our objective is for all tenants to be successful.
 - Cliff: I didn't quite understand the projected traffic trips. Are the numbers discussed based on current use when the site is unoccupied, or from before the site was vacant?
 1. Mark: Numbers are from before the site was vacant.
 2. Dan: Eating & drinking establishments anticipate high volume, but this site isn't big enough to accommodate a very large volume.
 3. Cliff: It doesn't seem to make sense to change the current use before the redevelopment of property. Do you have any idea of how long it would be before redevelopment of the area?
 4. Harvey: My guess is 15-20 years. It is about momentum and currently there is economic uncertainty. A vacant building for that long is not good for anybody.
 5. Cliff: It's good to have some sense of how long the drive-thru use will remain without being forced to change now. I also share concerns about the safety of the area as it is in a transit-oriented district with high pedestrian volume.
- Nkosi: what happened to the KFC? Had their lease contract ended?
 1. Harvey: Their lease ended after 20 years. The licensee was based out of New Jersey. They had a number of franchises, but it didn't make sense for them to continue operations and decided not to extend their lease.
- Committee Comments
 - Nkosi: I believe the drive-thru use is problematic thinking in the long-term of what is emerging in the area and what is anticipated in West Hyattsville through the development of the updated sector plan. For transit stations in Prince George's County, we have collectively moved away from auto-centric uses. I acknowledge the struggle to figure out how to use the current site with

a permitted use. However, taking into account the public interest of the community and city, I would recommend that the committee not encourage a drive thru use to continue at this site.

- Cliff: I recognize that vacant buildings serve no one, so this is a tough situation. This area has changed a lot in the last 20 years ago, when KFC first came in. I have concerns about pedestrian safety in the area as well. Allegedly, Hamilton was supposed to be a green street.
- Greg: I echo everyone's comments. It's a tough call but taking all things into perspective, we want to approve things that will take us in the direction we want to go as a city.
- Yoah: I agree with everyone. A continued drive-thru use is not where we want to go. 15 to 20 years is not a temporary acceptable use. We want to see a change faster than that.
- Will: I have fewer concerns about this proposal. There is lots more that needs to change before this area is a more urban walkable site, much of which is out of our control. Approving this amendment is an alternative to letting the site sit vacant, which we don't want. I would support this request.

While the committee recognizes a vacant building at this location is not optimal, the Planning Committee recommends the City Council not support the continued drive-thru use within the West Hyattsville Transit District. This is not the direction we want to go in this part of Hyattsville. Moving forward, auto-centric uses should not be encouraged in this area. The Planning Committee also has pedestrian safety concerns at this site. (Motion passes - 5 in favor, 1 opposed)

4. DSP-18005-01: Suffrage Point South

- Presentation ○ Michael Romero, Applicant's Representative
- Project Background ○ Michael Romero is the architect for the project, representing Werrlein properties, who lives within the City of Hyattsville. I have been involved with this project since the beginning.
 - The applicant intends to improve the lower lot associated with this project which is adjacent to Driskell Park.
 - This applicant includes the preliminary plat which I do not have much involvement with. The applicant is proposing the subdivision of 41 lots with a central alley.
 - I can provide more information on the architecture of the project when the DSP is submitted.
- Clarifying Questions ○ Nkosi: I have no questions that pertain to the record platting of this phase of the project. I'm happy to see it moving forward. I remember the last time we saw this project, there was a discussion about the alley width. Can you clarify if the City will be taking control of this roadway or if it's the HOA?
 1. Michael: I believe the City will take ownership of the alley. I can follow up on that.

- Cliff: The District Council approved 9 units per acre on this site, but the applicant is proposing the inclusion of 41 lots. Why is the proposed number of lots so much higher than the approved density rate?
 1. Michael: I cannot answer this question.
 2. Cliff: Why is the project architect here to present on a subdivision application? I am a party of record on this case but did not receive the appropriate notification.
 3. Michael: The SDRC for this case already happened. I cannot find the notification, I don't believe it was sent to me either.
 - Greg: I have no questions at this time. ○ Yohannes: There appears to be two curb cuts for the proposed alley. Is this compliant with current standards so the City has the ability to take on ownership of the roadway?
 1. Michael: I cannot confirm this.
 - Will: I have no questions at this time.
- Committee Comments: ○ Will: I have no comments. ○ Yohannes: I am interested in better understanding the density calculation on this site and why it appears inconsistent. ○ Greg: I have no comments. ○ Cliff: The density calculations do not add up. I am disappointed we do not have someone here to answers our questions regarding this.
 - Nkosi: I have no questions.
 - Greg: Why has Werrlein been operating in the floodplain without the required wetland permits?
 - Michael: That is not relevant as I am here to discuss the subdivision application.

The Planning Committee defers its recommendations to the City Council until we get clarification on who will manage the interior alley, if the alley is compliant with current standards, and why the density calculations appear to be inconsistent with the approved density rate.

5. Development Update

- Countywide Map Amendment - Joint Hearing Sessions on September 13 & 14 ○ Written comments due to clerkofthecouncil@co.pg.md.us by COB September 29
- Riverfront at West Hyattsville Multifamily Buildings – Council Action
- 6400 America Boulevard, Parcel N Multifamily Building – Plan revisions and resubmission
- Ager Road Property – Potential 2-over-2 Condo Development

6. Additional Questions & Discussion

Are there any Committee term renewals?

- 4 terms are ending soon (10/31/2021): Maureen, Nkosi, Marshall, Todd

7. Adjourn (9:00 PM)