



Legislation Text

File #: HCC-176-FY22, **Version:** 1

Submitted by: At the Request of the City Administrator
Submitting Department: Community & Economic Development
Agenda Section: Action

Item Title:

Former KFC at Queens Chapel Town Center - Amendment to Conditions of Approval

Suggested Action:

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

Summary Background:

The applicant is requesting an amendment to the conditions of approval related to CSP-10002 and DSP-10011 which would allow for the continued use of an existing eating and drinking establishment with drive-through service within Queens Chapel Town Center.

This application is requesting validation of the existing KFC drive-through restaurant at 5401 Ager Road. The Subject Property is within the Queens Chapel Town Shopping Center, located in the northwest quadrant of Queens Chapel Road and Hamilton Street with a total area of 6.05 acres. The property is zoned M-X-T/TDO/R-55 and is located within the boundaries of the 2006 Approved Transit District Development Plan for the West Hyattsville Transit District Overlay Zone.

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

The adopted resolution included one (1) modification and three (3) conditions. Condition 3c states:

Within Queens Chapel Town Center, any eating or drinking establishment, with drive-through service, operating pursuant to an approved detailed site plan as of the effective date of County Council Resolution CR-24-2006, shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such eating or drinking establishments, with drive-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.

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

Next Steps:

The Board of Zoning Appeals (BZA) is scheduled to consider this application at its meeting on Wednesday, December 15, 2021.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend approval.

Community Engagement:

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

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

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

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

Strategic Goals:

Goal 2 - Ensure the Long-Term Economic Viability of the City

Legal Review Required?

N/A