

RESOLUTION

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 May 7, 2009, regarding Detailed Site Plan DSP-08067 for The Shops at Queens Chillum, 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 the Shops at Queens Chillum.

2. **Development Data Summary**

	EXISTING M-X-T/TDOZ	APPROVED M-X-T/TDOZ
Zone	Commercial Shopping Center	Commercial Shopping Center
Use(s)		
Acreage	8.135	8.135
Parcels	Two	Two
Lots	One	One
Building Square Footage/GFA	78,887	78,887

	REQUIRED	APPROVED
Total parking spaces	316	440
Of which handicapped spaces	9	9
Loading spaces	3	3

3. **Location:** The site is in Planning Area 68 and Council District 2. More specifically, it is located in the southwest quadrant of the intersection of Queens Chapel and Chillum Roads.

4. **Surrounding Uses:** The subject property is bounded to the south by apartments in the Multifamily Medium Density Residential (R-18) Zone; to the east by a shopping center in the M-X-T Zone; to the west by a shopping center in the M-X-T Zone; and to the north by a gas station in the Commercial Shopping Center (C-S-C) Zone.

5. **Design Features:** The shopping center measures a total of 78,887 square feet and is comprised of a main building with a Giant food store as the anchor tenant measuring 76,360 square feet and two pad sites, a former bank measuring 1,725 square feet and a drive-through Checkers restaurant measuring 805 square feet. The site is accessed from a single access point on the project's Chillum Road (MD 501) frontage and three access points from the Queens Chapel Road (MD 500) frontage. In addition, there is one point of ingress and egress to an alley along the

Chillum Road frontage for truck access. Landscaping of the site, as approved on the original site plan, approved in 1959, was minimal including several landscaped islands containing only shrubs in the parking lot and several trees included on the southwestern portion of the site. The main building sits in the northwestern corner of the site with the former bank site on the eastern side of its southern end and the Checkers restaurant directly south of it. Parking for the project is provided on the eastern side of the main building along its Queens Chapel Road frontage and at the southern end of the site, adjacent to the main building. Additional parking is provided at the southern end of the site surrounding the two pad sites. The somewhat dated architecture was recently modernized and improved by the applicant.

6. **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*. 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 Planning Board has evaluated the proposed uses and finds that they meet the requirements of Section 27-548.09.01, Amendment of Approved Transit District Overlay Zone, of the Zoning Ordinance which specifies the required findings for an amendment to the Table of Uses. The applicant, concurrently with the subject application sought and received approval of conceptual site plan CSP-08005. The approval of the conceptual site plan is embodied in PGCPB resolution No. 09-69.

7. **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 Shops at Queens Chillum shopping center in the Retail Commercial Preferred Land Use Plan Category.

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 rezoned from C-S-C to M-X-T 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 suburban style of the shopping center does not reinforce the urban and transit-oriented development pattern recommended 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 a grandfathered existing use until such time as a redevelopment application is presented and 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
Vehicle parts or tire store without installation facilities
Office of a medical practitioner or medical clinic
Animal hospital, animal training, kennel
Blueprinting, photostatting, or other photocopying establishment
Pizza delivery service
Building supply store
Carpet or floor covering
Clothing, dry goods
Confectioner
Florist
Food or beverage goods preparation on the premises of a food and beverage store
Garden supplies store
Sporting goods shop
Stationary or office supply store
Video game or tape store
Private school
Rental business
Amusement center

“Blueprinting, Photostatting or other photocopying establishment” and “Private School” have been deleted from the request as they are already included in the Table of Uses for the retail-commercial sub-district in which the project is located.

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 makes the following determinations (TDDP, p. 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 approximately 1,000 feet 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 help increase the demand for housing in the community. A successful shopping center 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. The 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. The amendment will also allow this center to compete more effectively with other centers in the area. As noted above, Prince George's Plaza is also located in a transit district overlay zone (TDOZ). However, the TDDP for Prince George's Plaza contains a broader Table of Uses that allows that center to cater to a more diverse group of retail tenants.

- **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 p. 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 grocery store, a bank, and restaurants. Adding more retail choices and food establishments to the existing shopping center will be consistent with the neighborhood character area.

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

The applicant is not proposing any redevelopment to the existing shopping center.

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

Adding more choices to the existing shopping center will encourage healthy competition between the shopping centers close to the subject property and will be beneficial to the

community. Based on the current table of uses, the shopping center can only have eating or drinking establishments with live music or patron dancing; this condition excludes a majority of the common restaurant choices. This condition restricts many common yet essential choices for the community. Increasing the scope of uses available to the shopping center will make it more viable and attractive to the community.

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

Amending the Table of Uses under the retail-commercial category of the TDDP will increase the options available to the existing shopping center. As mentioned above, the Table of Uses for this TDDP does not allow a majority of the common restaurant choices because they do not include live music or patron dancing. Allowing eating or drinking establishments, clothing stores, and shoe stores will make this shopping center more desirable to existing customers. Since the shopping center is located within close proximity of the West Hyattsville Metro Station, it will attract customers from surrounding communities as well. This will attract the developers to pursue more residential opportunities.

In addition to the purpose 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 intent of the TDDP for this area is development of the property in a manner that creates a clear and predictable path for transit-oriented development that includes shopping areas closer to transit services. The shopping center is within 1,000 feet of the West Hyattsville Metro Station. The applicant has already developed the property with an existing shopping center and is only amending the Table of Uses 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. Further, the site is located between major Maryland and Washington, D.C. employment centers which are accessible via the Metro transit system. 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 the retail-commercial area of the Queenstown neighborhood 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;**

Additional 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 northern and the eastern edge of the property alongside Queens Chapel and Chillum Roads 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, as discussed in detail previously in this Finding No. 7. 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, p. 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 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 Queenstown 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 shopping center is designed with high-quality architecture and landscaping that complements other proposed and existing development in the transit district.

8. **Planning Board Analysis:** The subject application was referred to the Community Planning North Division of Maryland-National Capital Park and Planning Commission (M-NCPPC) for comment and to the following municipalities which are within a mile of the subject site: the Town of Brentwood, City of Hyattsville, City of Mount Rainier, and the Town of North Brentwood. The referral comments are as follows:

Community Planning North Division—The Planning Board accepts the notion that uses common to a shopping center not specified in the 2006 *Approved Transit District Development*

Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone should be permitted in the Queens Chillum Shopping Center and that allowing them is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier and center.

A number of the land uses in the existing shopping center became nonconforming and other uses potentially a good fit in the center were disallowed by the rezoning when the TDOZ rezoned the subject property from C-S-C to M-X-T.

Planning issues include:

- Overall, the Queens Chillum Shopping Center is an existing suburban-style development that does not reinforce the urban development pattern recommended for the Developed Tier per the General Plan and the 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone*. Nevertheless, the center has undergone a considerable façade renovation. Until a redevelopment application is presented for the site, the urban and transit-oriented development pattern envisioned by the plan is unlikely given the current economic crisis. It is important, however, to maintain a viable shopping center filled with legitimate retail uses rather than non-retail uses such as churches or vacancies.
- Three of the requested uses to amend the use table for this site are permitted: animal hospital, blueprinting and photocopying, and private school.
- The request to allow fast-food restaurants as permitted per Section 27-461(1)(A)(i) and (vi) of the Zoning Ordinance supports the viability of the shopping center in keeping with the upgraded center. However, Section 27-461(vii) is a provision for all other fast-food restaurants which could mean additional pad sites with drive-through service. This provision would be inconsistent with the TDOZ to emphasize transit-oriented development and pedestrianism. In addition, the shopping center site is very tight in terms of its circulation and the encouragement of fast food with drive-through service is problematic. Existing buildings that have drive-through service are grandfathered uses.
- The applicant requests that eating or drinking establishments with and without drive through be added to the Table of Uses. If a building that has provided drive-through service presently exists on the site, a continuation of that service is reasonable, but the addition of buildings or pad sites should not provide drive-through service. Additional pad sites should make an attempt to create a street wall of buildings similar to the infill development that has occurred in the Prince George's Plaza center.
- The applicant requests the following uses that often are associated with outside storage: building supply store, rental business, vehicle parts or tire store, garden supply store, and carpet and floor covering store. These uses are reasonable as long as they do not require outside storage or display of their products.

- The applicant requests entertainment use and video game or tape store. Entertainment is broadly defined in Section 27-107.1(192) of the Zoning Ordinance as “An establishment that provides recreation or entertainment for profit.” This use must provide that no adult, X-rated, nude, or semi-nude venues of any type, including but not limited to film, digital, hologram and similar technology, live performance, or exhibition are permitted.

Town of Brentwood—In a telephone conversation on March 13, 2009, the Town Administrator stated that he did not believe the Town of Brentwood would be expressing an opinion on the subject project, but would send us a written indication after the Town Council met officially on the subject.

City of Hyattsville—In an email dated March 5, 2009, the City of Hyattsville stated that the City Council voted not to submit comment on the subject project.

City of Mount Rainier—Jeanelle Wallace, City Manager of the Town of Mount Rainier, in an email dated March 21, 2009, endorsed the Community Planning Division’s comments regarding the project. The majority of those comments are reflected in the Recommendation section of this report.

Town of North Brentwood—In comments received March 16, 2009, the Town of North Brentwood stated that although they had no comment on the subject project, they asked that they be kept informed of any future developments or issues regarding the site.

9. **Planning Board Analysis:** The shopping center generally suffers from a lack of screening and landscaping. This is understandable as the center was constructed prior to the adoption of the *Prince George’s County Landscape Manual* in 1990. The overall aspect of the center would be improved if additional plant material was added to the northern end of the parking lot as proximate to the street frontages as possible. A condition of this approval accomplishes this goal.

Required Finding for Detailed Site Plan

As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents 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.

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-08067, subject to the following conditions:

1. Prior to signature approval of the plans, the applicant shall revise the plans as follows:
 - a. The plan shall be revised to provide no less than 10 and no more than 15 shade trees in

the northern section of the parking lot, with as many as possible located as close as possible to Queen's Chapel Road, to be approved by the Urban Design Section as designee of the Planning Board.

- b. Indicate the correct acreage of the site as 8.135 and that the site is composed of one lot and two parcels.
2. 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):
 - Fast-food restaurant
 - Eating or drinking establishment with or without drive through
 - Eating or drinking establishment, attached to or within a group of buildings
 - Vehicle parts or tire store without installation facilities
 - Office of a medical practitioner or medical clinic
 - Animal hospital, animal training, kennel
 - Pizza delivery service
 - Building supply store
 - Carpet or floor covering
 - Clothing, dry goods
 - Confectioner
 - Florist
 - Food or beverage goods preparation on the premises of a food and beverage store
 - Garden supplies store
 - Sporting goods shop
 - Stationary or office supply store
 - Video game or tape store
 - Private school
 - Rental business
 - Amusement center
 - b. Blueprinting and photocopying and private school shall be removed from the request as they are already permitted uses in the said Table of Uses.
 - c. Fast-food restaurants with drive-through service shall be removed from the request as that use is not in keeping with the TDOZ's emphasis on transit-oriented development and pedestrianism, nor could the parking lot comfortably accommodate any other additional drive-through facilities.

- d. The use table changes hereby approved for Shops at Queens Chillum is subject to the following limitations:
- (1) No outside storage or display of products shall be permitted.
 - (2) Entertainment use and video game or tape store 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.
 - (3) There shall be no outdoor activities, dog pens or runs in connection with any animal hospital, animal training or kennel facility and adequate measures shall be taken to control noise and odor at such facilities.
- e. "Private school" shall be deleted as a "SP" use in the commercial retail subarea of the TDDP.

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.

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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 Clark, with Commissioners Cavitt, Clark, and Parker voting in favor of the motion, with Commissioner Squire abstaining, and with Commissioner Vaughns absent at its regular meeting held on Thursday, May 7, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of June 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator