

Case No. CSP-08005-C

Applicant: Chillum Center, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 17 - 2009

AN ORDINANCE to amend the Table of Uses for the July 2006 Approved Transit District Development Plan for the West Hyattsville Transit District Overlay Zone.

WHEREAS, Application No. CSP-08005 was filed for approval of a conceptual site plan showing amendments to the table of uses for the West Hyattsville Transit District and Transit District Development Plan, a Transit District approved in July, 2006, in CR-24-2006, for property within the District referred to as The Shops at Queens Chillum, described as approximately 8.135 acres of land in the M-X-T Zone, in the southwest quadrant of the intersection of Queens Chapel and Chillum roads, in Hyattsville; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the Planning Board held a public hearing on the application and filed recommendations with the District Council; and

WHEREAS, having reviewed the record, including the Planning Board recommendations, the District Council has determined that the application should be approved; and

WHEREAS, to protect adjacent properties and the surrounding neighborhood, this conceptual site plan is approved subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts Planning Board Resolution No. 09-69, as its findings of fact and conclusions of law in this case.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Metropolitan-Washington Regional District in Prince George's County, Maryland, is hereby amended to show an approved conceptual site plan for the property that is the subject of Application No. CSP-08005-C.

SECTION 2. The conceptual site plan approved herein is 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 shade trees in the parking lot in the southern section of the property, and several annual and perennial flower beds in the parking lot, 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 apply only to the subject site, as follows:
 - a. The following uses shall be added as permitted uses (P):
 - Fast-food restaurant I and VI
 - Eating or drinking establishment with or without drive through
 - Eating or drinking establishment, attached to or within a group of buildings
 - Office of a medical practitioner or medical clinic

Pizza delivery service

Building supply store (only in those locations where there is an existing rear loading area and loading dock)

Carpet or floor covering (only in those locations where there is an existing rear loading area and loading dock)

Clothing, dry goods

Confectioner

Florist

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

Garden supplies store (only in those locations where there is an existing rear loading area and loading dock)

Sporting goods shop (the sale of firearms and ammunition is prohibited)

Stationary or office supply store

Video game or tape store

Private school

Rental business (only in those locations where there is an existing rear loading area and loading dock)

- b. The blueprinting and photocopying use and private school use are already permitted in the Table of Uses.
- c. The use table changes are subject to the following limitations:
 - (1) No outside storage or display of products shall be permitted.
 - (2) Entertainment and video game or tape store uses shall not include adult, X-rated, nude or semi-nude exhibitions of any type, including but not limited to film, digital, hologram and similar technology, and live performance.

(3) There shall be no outdoor activities or dog pens or runs with any animal hospital or animal training or kennel facility. Measures shall be taken to ensure adequate noise and odor control at such facilities.

d. “Private school” shall be deleted as a “SP” use in the commercial retail subarea of the TDDP.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become effective initially on the date of its enactment, and the rezoning and conceptual site plan shall become effective when the applicant accepts in writing the conditions in Section 2.

Ordered this 26th day of October, 2009, by the following vote:

In Favor: Council Members Bland, Campos, Dean, Harrison, Olson and Turner.

Opposed:

Abstained:

Absent: Council Members Dernoga, Exum and Knotts.

Vote: 6-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Marilynn M. Bland, Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council

Case No.: SP-08005-C

Applicant: Chillum Center, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

FINAL CONDITIONAL ZONING APPROVAL

AN ORDER to incorporate the applicant's acceptance of conditions, and to grant final conditional approval of a conceptual site plan.

WHEREAS, the District Council approved Application No. SP-08005-C, to approve with conditions a conceptual site plan showing amendments to the table of uses for the West Hyattsville Transit District and Transit District Development Plan, for property within the District referred to as The Shops at Queens Chillum, described as approximately 8.135 acres of land in the M-X-T Zone, in the southwest quadrant of the intersection of Queens Chapel and Chillum roads, in Hyattsville; and

WHEREAS, the applicant has duly consented in writing to the conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve the conceptual site plan.

IT IS, THEREFORE, ORDERED:

1. Final conditional approval of Application No. SP-08005-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

2. Use of the subject property as conditionally approved shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

3. This Ordinance is effective on November 13, 2009, the date of receipt of the applicant's acceptance of the conditions imposed.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Marilynn M. Bland, Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council