

Case No. DSP-10011-C

Applicant: Queens Chapel Town Center, LLC

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

ZONING ORDINANCE NO. 3 - 2011

AN ORDINANCE to amend the use table of the July 2006 Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone, as to a specific Transit District property, and to approve a detailed site plan, with conditions.

WHEREAS, Application No. DSP-10011 was filed for the Queens Chapel Town Center, on property described as approximately 6.05 acres of land in the M-X-T/T-D-O and R-55/T-D-O zones, located in the northwest quadrant of the intersection of Queens Chapel Road and Hamilton Street, Hyattsville; and

WHEREAS, the Technical Staff reviewed the application and filed recommendations with the Planning Board and District Council; 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, the District Council has determined that the application should be approved, to change the use table for the Approved Transit District Development Plan and approve a Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone, with a detailed site plan showing an existing and

developed commercial shopping center on 15 separate parcels, as described in the Planning Board's resolution, PGCPB No. 11-08; and

WHEREAS, to protect adjacent properties and the neighborhood, this rezoning (change of use table) and site plan approval are granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the determinations of the Planning Board in its resolution, PGCPB No. 11-08, as its findings of fact and conclusions of law for this case. The District Council concludes, however, that a carpet or floor covering store should not be permitted, as the use is inconsistent with the retail-commercial character of the shopping center on the subject property.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by changing the use table for the M-X-T/T-D-O and R-55/T-D-O zoned property that is the subject of Application No. DSP-10011, to permit the following uses, in addition to those listed in the July 2006 Approved Transit District Development Plan for the West Hyattsville Transit District, for the subdistrict in which the subject property is located:

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

SECTION 2. Approval of the change of uses and conceptual site plan is subject to the following conditions

1. Prior to certification of the plan, the applicant shall:
  - a. Relabel the existing conditions plan as the natural resources inventory (NRI) for the property and submit it 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 a 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 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 applicable only 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) Clothing, dry goods
    - (4) Confectioner
    - (5) Florist
    - (6) Food or beverage goods preparation on the premises of a food and beverage store
    - (7) Sporting goods shop
    - (8) Stationery or office supply store
    - (9) 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 if and only if 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) A confectioner shall be for retail use only and shall not exceed 3,000 square feet.
- (3) Food or beverage goods preparation on the premises of a food and beverage store is permitted provided the goods are sold only on the premises and at retail.
- (4) 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.
- (5) 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.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become effective initially on the date of its enactment, as conditionally approved, and shall become final and effective when the applicant accepts in writing the conditions in Section 2.

Enacted this 13<sup>th</sup> day of June, 2011, for initial approval, by the following vote:

In Favor: Council Members Campos, Franklin, Harrison, Johnson, Lehman, Olson, Patterson, Toles, and Turner.

Opposed:

Abstained:

Absent:

Vote: 9-0

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: \_\_\_\_\_  
Ingrid M. Turner, Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

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

FINAL CONDITIONAL APPROVAL

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

WHEREAS, the District Council in approving DSP-10011-C, to amend the use table of the July 2006 Approved Transit District Development Plan and Transit District Overlay Zone, and to approve a detailed site plan, attached 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 DSP-10011-C.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional approval of DSP-10011-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.

SECTION 2. Use of the subject property as conditionally reclassified 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.

SECTION 3. This Ordinance is effective July 12th, 2011, 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: \_\_\_\_\_  
Ingrid M. Turner, Chair

ATTEST:

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