From:	Greg Smith
To:	Clerk of the Council; Brown, Donna J.
Cc:	sustainhyattsville@gmail.com
Subject:	Suffrage Point DSP 21001 - Supplemental Comments Regarding Density
Date:	Monday, March 4, 2024 4:41:08 PM
Attachments:	Suffrage Point DSP 21001 - Supplemental Comments re. Density - Sustainable Hyattsville - 20240304.pdf
Importance:	High

Dear Ms. Brown,

Please confirm receipt of the attached comments.

Sincerely,

Greg Smith
(240) 605-9238

March 4, 2024

Donna J. Brown
Clerk of the County Council
Wayne K. Curry Administration Building
1301 McCormick Drive
Largo, MD 20774

Via electronic delivery

Item: Suffrage Point – Detailed Site Plan 21001

Supplemental Comments Regarding Density

Request that the District Council Reverse the Prince George's County Planning Board's Approval of Detailed Site Plan 21001 (PGCPB 2023-15A)

Dear Ms. Brown,

Save Our Sustainable Hyattsville (Sustainable Hyattsville) respectfully submits these supplemental comments regarding density and the efforts by Werrlein and Planning staff to rely on Density Calculations that conflict with relevant sections of the Zoning Ordinance. Please ensure that these supplemental comments on density are made part of the public record regarding DSP 21001.

We file these comments for protective and cautionary reasons, and this filing does not preclude the raising of these and any other issues before the District Council.

On April 13, 2022, Sustainable Hyattsville filed a Public Information Act request with M-NCPPC, seeking public records regarding how the Werrlein and Planning staff had dealt with the question of how to calculate density. We believed those records might provide information relevant to the Planning Board's review of the PPS 4-21052, Werrlein's Preliminary Plan of Subdivision for the lower parcel, and perhaps the District Council's review of the CSP 18002 on court remand. After nearly five months dozens of emails back and forth, good-faith efforts by Sustainable Hyattsville to narrow the scope of the request, and discussions with the Maryland's PIA Ombudsman, M-NCPPC finally delivered what we consider to be an incomplete response on September 7. M-NCPPC provided no communications generated after November 2020, and charged Sustainable Hyattsville $200 for 298 pages of emails, many of which were redundant.

M-NCCPC delivered two tranches of email between Werrlein attorney Norman Rivera and senior Planning staff. Notably, Mr. Rivera and the staff generally excluded Henry Zhang, who was Planning's lead reviewer of CSP 18002, DSP 18002, and until he retired from M-NCPPC in 2022, DSP 21001.

In the first tranche of emails, generally from July of 2018 and all just prior to the Planning Board's first hearing of CSP 18002, Mr. Rivera and Planning staff traded messages on how to make the overall townhouse density appear to be less than nine units per acre, essentially by including the floodplain and alleys, and therefore, by relying on gross acres rather than net acres of any kind. Please find those emails attached.

After first informing Mr. Rivera that the floodplain must be excluded, staff then: a. stated the Planning Director would allow the density calculation to be based on gross acres; b. advised Mr. Rivera to state in writing that he preferred that approach; c. stated staff would then work that into their report; and d. advised Mr. Rivera that he needed to get the District Council to go along. Mr. Rivera then asked staff to review a draft of the letter that he wanted to send to Mr. Zhang. Jill Kosack, who is the lead reviewer for DSP 21001, was in the loop for at least several of those emails.

In the second tranche, generally from the fall of 2020, Mr. Rivera lobbied Planning staff to certify DSP 18005, so Werrlein could move on to the Final Plat. My fellow Sustainable Hyattsville Board Member, Allison Kole, has covered this tranche of DSP 18005-related emails in her comments.

Although DSP 18005 covered solely 16 houses and 15 townhouses on the upper parcel, Werrlein sought to make th townhouse density appear to be less than nine units per acre by spreading those 15 townhouses over both parcels. Notably, Werrlein stated that the floodplain area was 3.02 acres (not the 1.29 acres Werrlein now claims) and that the net developable area of the entire property was 5.24 acres. Again, Mr. Rivera worked to bypass and over-ride Mr. Zhang, who was the lead reviewer of DSP 18005, by appealing to and pressuring Planning Director Andree Checklee, Development Review Director James Hunt, and Ms. Kosack.

Thank you for your time and assistance.

Sincerely,

Greg Smith
Board Member
Sustainable Hyattsville
4204 Farragut Street
Hyattsville, Maryland 20781
gpsmith@igc.org

Warner, David

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Wednesday, July 25, 2018 1:34 PM
To: Hunt, James;Checkley, Andree
Subject: Re: Magruder pointe

Another option is:

We seek 56 towns and 16 singles so I could accept a condition like:

The maximum density shall be 72 units with a mix of 56 towns and 16 singles. The maximum density for the singles cannot exceed 6.7 units per acre.

On Wed, Jul 25, 2018, 11:15 AM Norman Rivera <normanrivera2012@gmail.com> wrote:

Good morning, an issue with our density came up. The staff report came out at 9 du/acre for townhouses and 6.7/acre for singles in the R55 Zone. Whitney had said we could do 9.7 but we can do 6.4 for singles (under the mandatory 6.7 cap) and 9.7 for towns per below and Whitney initially concurred. (See below email from her).

From: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Date: Wed, Jul 11, 2018 at 8:14 AM
Subject: RE: Magruder pointe
To: Norman Rivera <normanrivera2012@gmail.com>
Cc: "Kosack, Jill" <Jill.Kosack@ppd.mncppc.org>

What is Parcel 2A? Its one site so why not put with TH. Based on your analysis below you will need 9.7 DU acre. We can work with you on the boundary of the TH vs the SFD, one HOA right? But at a minimum all the land area of the lots SFD are included with SFD everything else should be able to be used with TH.

Note that density does not include 100-year floodplain unless you also want to define how density is calculated for this site. Did your engineer do density minus floodplain-what will be the floodplain?

We need decision on what you want, I think we are at:

R-55 for O-S, permit TH in the R-55 at a density of 9 DU or 9.7 DU acre for TH.

The area used for SFD is subject to the density for SFD of 6.7, so no change to allowable density for SFD in R-55. Or 9.7

So the staff report now says:

6.7/acre singles
9.0/acre towns

That is an average of 7.85/acre

If you can do 9.7/acre for towns and I reduce the singles to 6.4/acre, then the average is only 7/9/acre average. The main limitation was 6.7/acre for singles which is the Code, whereas for towns in a DDOZ with a DSP you have discretion and staff chose 9 but 9.7 is what works for towns. We reduced the overall density from 82 to 72 units and still committed to the 1.8 acres of open space to the City.

In sum, if Henry can clarify the proposed condition tomorrow from

6.7/acre for singles to 6.4
9.0/acre for towns to 9.7,

then all is good and I can just accept the whole report. That would be better than discuss at the hearing which could get confusing with all the other items on the agenda. Lastly, the City staff also agreed with this logic.

Sincerely,

Norman

Norman D. Rivera, Esq.
Law Offices of Norman D. Rivera, LLC
17251 Melford Boulevard Suite 200
Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
normanrivera2012@gmail.com

---------- Forwarded message ----------
From: **Chellis, Whitney** <Whitney.Chellis@ppd.mncppc.org>
Date: Tue, Jul 24, 2018 at 12:39 PM
Subject: RE: Magruder pointe
To: Norman Rivera <normanrivera2012@gmail.com>
Cc: "Kosack, Jill" <Jill.Kosack@ppd.mncppc.org>, "Hunt, James" <James.Hunt@ppd.mncppc.org>, "Zhang, Henry" <Henry.Zhang@ppd.mncppc.org>, "Rowe, Brandon(Scott)" <Brandon.Rowe@ppd.mncppc.org>

Norman,

Based on my discussions with the Director and our analysis of compatibility with the neighborhood we are in agreement with 9 DU per gross acreage for the TH portion and would not support 9.7., but are defining gross tract for purposes of density in lieu of net tract.

Whitney

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Tuesday, July 24, 2018 12:02 PM
To: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Subject: Fwd: Magruder pointe

Hi Whitney, it occurred to me we need the report to say 9.7 for the towns not 9 per your email I figured out. That way I can still meet the SFDU cap. Is that something Henry can say was a typo or clarification?

Sincerely,

Norman

Norman D. Rivera, Esq.

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Bowie, MD 20715

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normanrivera2012@gmail.com

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---------- Forwarded message ----------
From: **Chellis, Whitney** <Whitney.Chellis@ppd.mncppc.org>
Date: Wed, Jul 11, 2018 at 8:14 AM
Subject: RE: Magruder pointe
To: Norman Rivera <normanrivera2012@gmail.com>
Cc: "Kosack, Jill" <Jill.Kosack@ppd.mncppc.org>

What is Parcel 2A? Its one site so why not put with TH. Based on your analysis below you will need 9.7 DU acre. We can work with you on the boundary of the TH vs the SFD, one HOA right? But at a minimum all the land area of the lots SFD are included with SFD everything else should be able to be used with TH.

Note that density does not include 100-year floodplain unless you also want to define how density is calculated for this site. Did your engineer do density minus floodplain-what will be the floodplain?

We need decision on what you want, I think we are at:

R-55 for O-S, permit TH in the R-55 at a density of 9 DU or 9.7 DU acre for TH.

The area used for SFD is subject to the density for SFD of 6.7, so no change to allowable density for SFD in R-55.

Or 9.7

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Wednesday, July 11, 2018 7:34 AM
To: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Cc: Kosack, Jill <Jill.Kosack@ppd.mncppc.org>
Subject: Re: Magruder pointe

Awesome. Thanks!

On Wed, Jul 11, 2018, 7:09 AM Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org> wrote:

Great, that is exactly what we need.

Norman, please know that we will be looking at the lotting pattern with the PPS and I hope that the applicant understands that the number of lots will depend on the future plan review-with every effort to keep the lot count where you want it-but the plan review process will determine that. With this CSP we are supporting the rezoning and change to the allowable uses with density for the TH.

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Tuesday, July 10, 2018 5:55 PM
To: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Subject: Re: Magruder pointe

If I draw a line around the SF detached lots, include Parcel A2 (since it is adjacent to SF-detached lots), and half the alley frontage where townhomes are across the alley from SF detached, my engineer got:

SF area: 2.49 ac

SF density = 16 units / 2.49 ac = 6.4 units / acre

TH area (area remaining): 5.77 ac

TH density = 56 units / 5.77 ac = 9.7 units / acre

So lets talk tomorrow please, thanks

Sincerely,

Norman

Norman D. Rivera, Esq.

Law Offices of Norman D. Rivera, LLC

17251 Melford Boulevard Suite 200

Bowie, MD 20715

301-352-4973 Direct

301-580-3287 Mobile

normanrivera2012@gmail.com

On Tue, Jul 10, 2018 at 5:11 PM, Norman Rivera <normanrivera2012@gmail.com> wrote:

Aha, let me see! Good idea.

Sincerely,

Norman

Norman D. Rivera, Esq.

Law Offices of Norman D. Rivera, LLC

17251 Melford Boulevard Suite 200

Bowie, MD 20715

301-352-4973 Direct

301-580-3287 Mobile

normanrivera2012@gmail.com

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attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and its attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

On Tue, Jul 10, 2018 at 4:50 PM, Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org> wrote:

Norman, Draw a line about the singles and one around the TH, and calculate based on that. I think that you will meet the densities. Are desire is R-55, but the DDO limits us by not allowing us to increase the density beyond that allowed in Zoning, so for the singles you are limited to 6.7 but for the TH we will recommend 9 DU, we need to see if this will work.

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Tuesday, July 10, 2018 4:48 PM
To: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Subject: Re: Magruder pointe

It's mixed. Singles and towns on upper area and towns only on south. Average is 8.7 overall total site. Hang tight finishing this exhibit.

On Tue, Jul 10, 2018, 4:06 PM Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org> wrote:

Norman,

We need you to do a very quick calculation for the singles separate from the TH. Do you still meet the density of 6.7 for the area of the singles and 9 for area associated with TH.

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Tuesday, July 10, 2018 4:01 PM
To: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Subject: Magruder pointe

Hi Whitney I got your message I left you a voicemail I'm getting an exhibit that shows the unit count and the density we are seeking. It is 9 units per acre for the entire site both upper and lower. The upper lot where the building is will have a mix of singles and towns and the lower lot will have all towns. I should have shortly and want

you to look at it please give me a call and I can do a letter to transmit it formally for the record so that Henry can finish his report. Thank you very much.

Norman D. Rivera, Esquire
Law Offices of Norman D. Rivera, LLC
17251 Melford Boulevard Suite 200
Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
normanrivera2012@gmail.com

February 14, 2019

Mr. Henry Zhang, Senior Planner
Development Review Division
Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: CSP-18002 Magruder Pointe
Order of Remand Response by Applicant

Dear Mr. Zhang:

This is to address the Order of Remand and in particular, Conditions No. 1 - 4 as follows:

1. **The Planning Board shall schedule a new hearing to consider the application in accordance with PGCC § 27-125.05(a) to allow the applicant and opposition adequate time to present evidence for and against the application. If requested, any person may be allowed to sign up or register to become a person of record and participate in the proceedings.**

   Response: The hearing has been set for March 14, 2019 at which time testimony and evidence can be submitted to the record as to the Remand Order and new parties of records may enter their appearance. This will allow for the two-week notice required by Section 27.125.05 as to the issuance of a Technical Staff Report.

2. **The Planning Board shall provide supplemental analysis for the R-55 Zone recommendation. The Board's supplemental analysis shall focus on PGCC § 27-548.26(b)(l)(B)(i) and (ii) and if applicable, any new evidence or argument in support of or against the application.**

Response: Condition No. 2 is regarding the recommendation of the R-55 Zone. The applicant had originally requested an amendment of the Table of Uses to allow single-family attached units in the R-55 Zone. We then revised the application to request the M-U-I Zone and the Technical Staff Report recommended the R-55 Zone in the alternative. For the following reasons, we believe that the R-55 Zone is justified given the recommendations of the Gateway Arts District Sector Plan (GAD) on page 138 (enclosed) which recommended the R-55, R-35, R-20 and R-T Zones for it is called the "Traditional Residential Neighborhood (TRN). The subject site is clearly within the TRN as noted in the Technical Staff Report issued for the prior July 26, 2018, Planning Board hearing and Resolution No. 18-74 (page 1, enclosed). As such, these zones were recommended by the Sector Plan to effectuate the goals of a single-family residential neighborhood. The staff correctly recommended this zone to the Planning Board and I accepted it on behalf of the applicant.

Section 27-548.26(a)(1)(B) specifically allows the District Council to approve changes to the underlying zones and the list of allowed uses. The Board recommended in this case rezoning the lower parcel to the R-55 Zone and it is critical to note the parcel was, in fact, previously zoned R-55.

Per Section 27-548.26(b)(5), the District Council may approve with conditions a CSP an amendment requested by a property owner.

"The District Council shall find:

the proposed development conforms with the purposes and recommendations for the Development District, as stated in the Master Plan, Master Plan Amendment, or Sector Plan, and meets applicable site plan requirements, and does not otherwise substantially impair the implementation of any comprehensive plan applicable to the subject development proposal."

Page 123 of the GAD had a single recommendation for the downzoning of the lower parcel from R-55 to O-S:

"Rezoning to O-S creates ***the opportunity to expand parkland*** and reinforce the vision of the traditional neighborhood character area."

The recommendation for R-55 Zone fully meets this rationale as:

(1) We have an agreement with the City that if we move forward that approximately 1.8 acres of the overall 4.66 acres will be transferred with consideration to the City

which is 39% of the lower parcel. This obviously would meet the goal of the Sector Plan recommendation (see enclosed exhibit).

(2) Secondly, the provision of single-family housing is also in accord with the TRN goal to preserve the single-family residential neighborhood character as an anchor of the arts district.

Therefore, the R-55 Zone is appropriate and legally permitted to be revised through the approval of a Conceptual Site Plan (CSP) and single-family attached, and detached products or unit types are permitted.

The CSP as reviewed meets the applicable site plan requirements (See Finding No. 6, page 2 of the Resolution 18-074). We addressed the CSP guidelines in the applicant's Statement of Justification dated June 27, 2018, which allows for a limited review of a CSP as follows:

"Sec. 27-267. - Introduction. (Emphasis added)

(a) ***The term "site plan" is often used to refer to any type of two dimensional, scaled drawing which illustrates existing and proposed features of a piece of property***. There are a number of references in this Subtitle to a site plan being required to be reviewed and approved by the Planning Board or its designee. There are other situations in the development process where approval of a site plan is required as a condition of approval of Zoning Map Amendment applications, Preliminary Plats of Subdivision, or Special Exceptions. It is the intent of this Division to simplify the site plan review requirements by standardizing the review procedures, criteria, approval procedures, and terminology.

(b) This Division provides for Conceptual Site Plans and Detailed Site Plans. This Division also provides for ***limiting or expanding the review requirements to accommodate the peculiarities of each type of development for which site plan review is required.***"

Lastly, there is no evidence that the proposal impairs the Sector Plan implementation. In fact, the proposal is for single-family housing in a Traditional Neighborhood Character Area which is for single-family housing.

3. **The Planning Board shall also provide supplemental analysis and explanation of the maximum density per acre for single-family attached and single-family detached dwellings units for the R-55 Zone recommendation.**

Response: The Technical Staff and Planning Board recommended a density of 6.7 units per gross acre for the single-family detached and 9.0 units per gross acre for the single-family detached units. We have proposed a total of 72 units which is a reduction from 83 units initially. That density and mix as shown on the applicant's Exhibit No. 1 at the Planning Board hearing is consistent with our representations to the City of Hyattsville and community. The TRN recommended the R-55, R-35, R-20 and R-T Zones. The Code shows that 6.7 units/acre are permitted for single-family detached units in the R-55 Zone and up to16.33 units for townhouses in the R-20 Zone. In this regard, the staff's reasoning and the Board's decision is justified as noted on page 3 and 5 of the Resolution.

However, we suggest an alternative which would be as shown on Applicant's Exhibit No. 1 as submitted by the applicant on July 26th before the Planning Board. ***It is a Site Plan layout for the subject property which shows a density of 8.7 dwelling units/acre overall with a cap of 72 units total***. At the time of Conceptual Site Plan, we believe this is a more appropriate method to find the density as this project moves forward, the next steps with be a Preliminary Plan of Subdivision and a Detailed Site Plan, where more detailed engineering and planning will occur with input from Staff and interested parties. Again, this is consistent with our representations to the City, community, and all the stakeholders we have been working with for over a year, since November 2017 with our initial kickoff meeting.

For context, we would refer you to the City of Hyattsville staff Memorandum dated May 15, 2018 (enclosed) which recommended:

"Allowable cumulative density on the site shall not exceed a maximum density of ten (10) dwelling units per acre. The applicant shall demonstrate efforts to propose a cumulative density of not greater than nine (9) dwelling units per acre."

In sum, we are proffering the following:

1. **A density of no more than seventy-two (72) units for the entire site.**
2. **A density not greater than nine (9) units per gross acre.**

4. **The Planning Board shall issue a decision on the application within sixty (60) days of the date the notice of remand is transmitted from the Clerk of the Council. PGCC § 27-276.**

Response: The March 14th Planning Board date with a Resolution the same day will allow the deadline to be met.

Thank you for your attention to this matter.

Sincerely,

Norman D. Rivera

NDR:pam
Enclosure
Werrlein WSSC, LLC
James Chandler, City of Hyattsville
Parties of Record

land adjacent to a town center. This development character supports mixed-income, multifamily residential spaces. It allows accessory buildings to be used as studio space for artists, which creates a market niche for artist apartment homes with separate studios.

Traditional Residential Neighborhood

Goal

To promote development of both family- and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones. To preserve the single-family residential neighborhood character as the anchor of the Arts District, while supporting artists who produce and teach from their homes. To enhance the "built-in" natural surveillance of public areas by active neighbors on porches, in yards, and on the sidewalk.

Land Use Characteristics

Traditional residential neighborhood character areas overlay land zoned for attached and detached single-family housing development. The historic houses and streetcar suburban pattern of interconnecting narrow streets with shaded sidewalks and easy access to town centers and Metro are assets to be protected from encroachment or significant loss of integrity.

This development character reinforces the existing single-family detached residential neighborhoods as calm, low-traffic, and child-safe. Although the area is zoned residential, fine art and handcraft home occupations are permitted. Development district standards retain the block face and scale of residential streets, as well as prohibit the paving over of front yards and the construction of overly wide driveway aprons.

Neighborhood Commercial

Goal

To facilitate the development, redevelopment, and renovation of small businesses and institutions compatible with the surrounding neighborhoods. To encourage convenience services and retail within easy walking distance of neighborhoods. To offer opportunities for residential and artist studio spaces above ground-story retail. To provide design, landscaping, and screening methods to mitigate the impact of neighborhood commercial uses on the traditional residential neighborhoods.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

PGCPB No. 18-74

File No. CSP-18002

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Conceptual 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 July 26, 2018, regarding Conceptual Site Plan CSP-18002 for Magruder Pointe, the Planning Board finds:

1. **Request:** The subject conceptual site plan (CSP) application proposes to rezone the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use–Infill (M-U-I) Zone for a future single-family residential development. No site improvements have been proposed in this CSP.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone:	R-55/O-S/D-D-O	R-55**/D-D-O
Use:	Office	Residential Single-Family Detached and Attached*
Gross Acreage	8.26	8.26
R-55 Zone	3.6	3.6
O-S Zone	4.66	4.66
Lots	35	TBD

Notes: *The applicant is proposing density for the single-family attached dwellings at nine dwelling units per gross acre.

**The applicant requests M-U-I.

3. **Location:** The subject property is located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north of Gallatin Street and west of 40th Place, in Planning Area 68, Council District 2. The subject site is also located within the Traditional Residential Neighborhood (TRN) Character Area of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Gateway Arts District Sector Plan and SMA).

4. **Surrounding Uses:** To the north and east of the property, beyond Hamilton Street and 41st Avenue, are existing single-family detached houses in the R-55 Zone; to the west, beyond 40th Avenue, is an existing public park known as Magruder Park, owned by the City of Hyattsville, and Magruder Woods Park owned by the Maryland-National Capital Park and

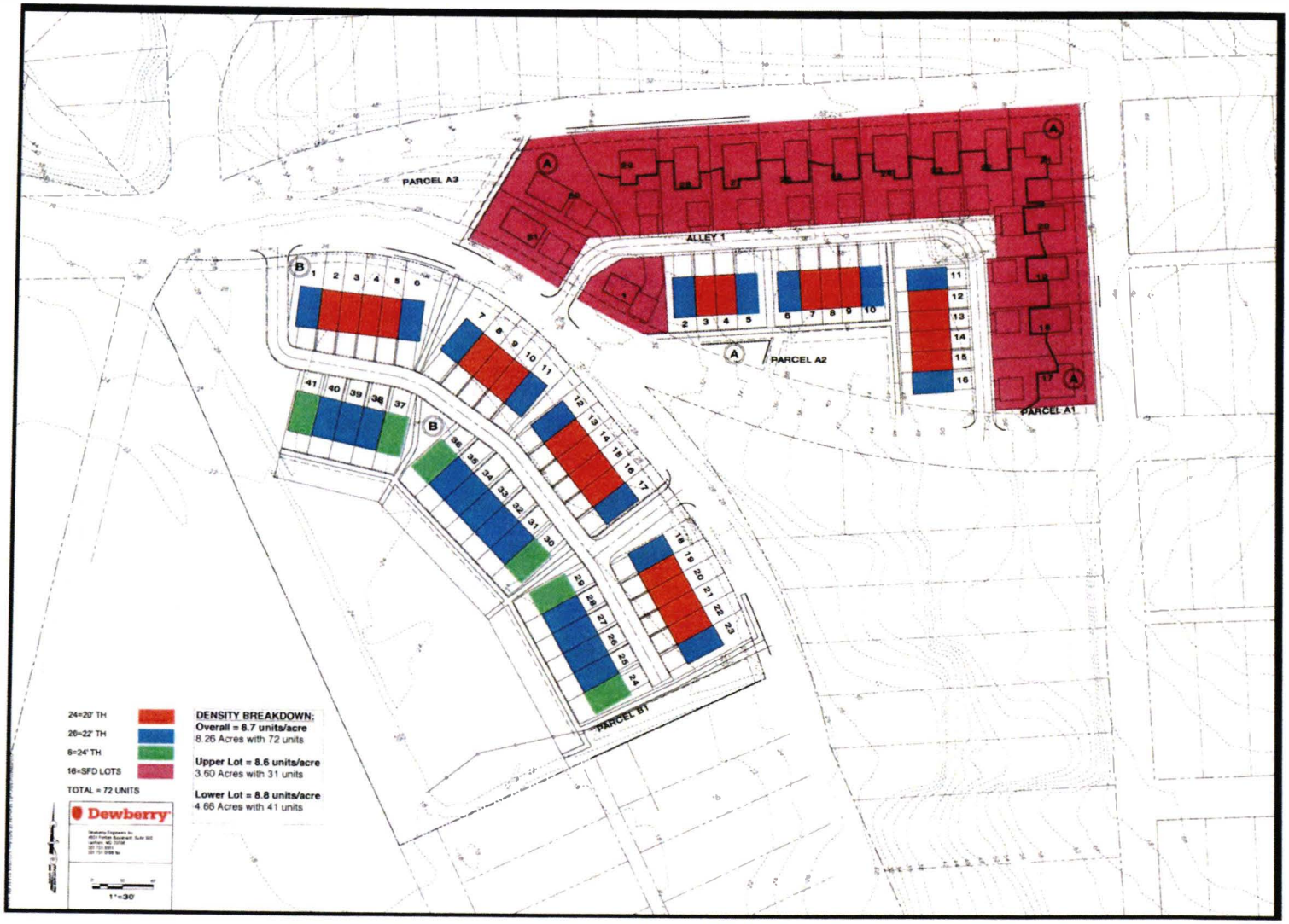
Magruder Pointe

PRINCE GEORGE'S COUNTY, MARYLAND

Dewberry

Existing and Proposed Parkland

07.03.2018


PARCEL A3
ALLEY 1
PARCEL A2
PARCEL A1
PARCEL B1
24=20' TH
26=22' TH
6=24' TH
16=SFD LOTS
TOTAL = 72 UNITS
DENSITY BREAKDOWN:
Overall = 8.7 units/acre
8.26 Acres with 72 units
Upper Lot = 8.6 units/acre
3.60 Acres with 31 units
Lower Lot = 8.8 units/acre
4.66 Acres with 41 units
Dewberry
1"=30'

City of Hyattsville

Memo

To: Mayor and City Council

CC: Tracey Nicholson, City Administrator

From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development
Katie Gerbes, Community Planner

Date: May 15, 2018

Re: CSP-18002: Magruder Pointe

Attachments: CSP-18002.pdf
Statement of Justification CSP-18002
Zoning Map
Traditional Residential Neighborhood Summary
Traditional Residential Neighborhood Goals & Recommendations
Section 27-548.26
Table of Uses
Zoning Ordinance Section 27
Planning Committee Minutes – February 27, 2018
Planning Committee Minutes – March 20, 2018

The purpose of this memorandum is to provide the Mayor and City Council with a detailed analysis and staff recommendation regarding Conceptual Site Plan application CSP-18002, for the Magruder Pointe Development.

Project Summary

- The applicant is proposing a combination of single-family detached homes and townhouses at 4017 Hamilton Street – the site of the former WSSC headquarters;
- The property is located within the "Traditional Residential Neighborhood" character area of the Gateway Arts District Sector Plan;

- The Table of Uses for the Traditional Residential Neighborhood character area permits the development of single-family detached and semi-detached homes, 'if allowed in the underlying zone'
- The lower lot of the subject property underlying zoning is Open Space (O-S), therefore townhouse and other semi-detached dwelling units are not permitted by right;
- The applicant has filed a Conceptual Site Plan (CSP), as permitted Section 27-548.26 of the County Zoning Ordinance, in order to amend the Table of Uses for the Gateway Arts District Development District Overlay Zone (DDOZ) Sector Plan to allow the construction of townhouses within the Traditional Residential Neighborhood character area;
- Staff recommends support of Conceptual Site Plan application CSP-18002, with the condition that a corresponding Preliminary Plan of Subdivision (PPSD) application shall be consistent with the limited density goals of the Traditional Residential Neighborhood (TRN) Character Area and shall not exceed a maximum of nine (9) dwelling units per acre.

Project Details

Magruder Pointe is a redevelopment application to construct single-family homes and townhouses at 4017 Hamilton Street, the location of the former Washington Suburban Sanitary Commission (WSSC) Headquarters. The subject property is composed of two parcels, which together total 8.26 acres. The "upper" lot currently houses the vacant WSSC building, and the "lower" lot is utilized as a parking lot. The parcels are not contiguous, as they are separated by 40th Place.

The upper lot is zoned R-55 and totals 4.66 acres. The lower lot is zoned O-S (open space) and totals 3.6 acres. Both parcels fall within the Gateway Arts District Overlay Zone and are located within the "Traditional Residential Neighborhood" (TRN) character area.

The Gateway Arts District Sector Plan comes with a "Table of Uses," which specifies uses that are permitted in each of the different character areas of the plan geography. Within the Table of Uses, single-family homes, known in the plan document as "dwelling, one-family, detached," are permitted by-right within the Traditional Residential Neighborhood character area. Townhouses, and other semi-detached dwellings, are permitted 'by-right' if allowed in the underlying zone. Because townhouses are not permitted in the O-S underlying zones of the subject property, the applicant is seeking an amendment to the table of uses to allow the development of townhouses.

The applicant is utilizing Section 27-548.26 of the Zoning Ordinance, which allows for the filing of a Conceptual Site Plan in order to amend the Table of Uses listed within the Gateway Arts District Sector Plan, in order to permit townhouse development within the TRN in the O-S and R-55 zones. If an amendment is granted, the amendment would be site specific, applying only to the subject property and would not impact the Table of Uses for other properties within the City or the larger Gateway Arts District.

The applicant must provide evidence demonstrating that the proposed uses, in this case, townhouses, are consistent with the nature and intent of the Traditional Residential Neighborhood character area. The definition of the TRN from the Gateway Arts District Sector Plan reads:

> *"Traditionol Residential Neighborhood Character Areas gool to present the single-family residential neighborhood character as on anchor of the Arts District, while supporting artists who produce and teach from their homes...the Arts District single-family communities are generally*

walkable, laid out on a grid, and have few cul-de-sacs or loops. Small lots, with 20-foot setbacks, single-apron driveways, and minimal lot widths are the norm and add to the appeal of these neighborhoods. Generally, density is four to ten units per acre."

For the purposed of the CSP, the applicant has submitted a "bubble diagram" showing the locations proposed for the townhouses versus locations for the single-family homes. At this time, the applicant has not settled on a final unit count, nor is the unit count relevant to the CSP application. Exact unit count and siting locations will be determined with the Preliminary Plan of Subdivision (PPS), which staff expects the applicant to submit to M-NCPPC in summer 2018.

Summary of Land-Use Review and Approval

The Conceptual Site Plan process works similar to any other development application approval- the City of Hyattsville receives a referral from Maryland-National Capital Park and Planning Commission (M-NCPPC) and provides its opinion of the application for consideration by the Prince George's County Planning Board. Section 27-548.26 of the County Zoning Ordinance specifies that, "The (M-NCPPC) Technical Staff shall review and submit a report on the application, and the Planning Board shall hold a public hearing and submit a recommendation to the District Council. Before final action the Council may remand the application to the Planning Board for review of specific issues.

Variance Requests

There are no variances associated with the Conceptual Site Plan application.

Planning Committee Review

On February 27, 2018, applicant met with the Hyattsville Planning Committee to present their proposal for the WSSC site. The presentation included all facets of their development – conceptual site plan, preliminary plan of subdivision and detailed site plan details. At this meeting, members of the public in attendance were also invited to give their brief comments on the plan. Due to the heavy attendance in the room and the length of the meeting, Planning Committee withheld the adoption of recommendations to the City Council until the March 20, 2018 meeting.

At the March Planning Committee meeting, members discussed the merits and shortfalls of the conceptual site plan and preliminary plan of subdivision facets of the proposal. The committee had one adopted recommendation pertaining to the conceptual site plan, which reads:

- The Committee is split on whether or not this plan is consistent with the goals and values of the Traditional Residential Neighborhood character area;
- The Committee is in agreement that the upper lot is consistent, but the Committee is split on whether or not the lower parcel is consistent. For lower lot, there is a concern that the density and configuration do not fully meet the intent of the TRN. The Committee would like to see other options and arrangements to the bottom parcel. The other half of the committee like the density on the lower lot and it is important that the green space and are of the opinion that proposed density it consistent with the density surrounding the park in other areas where there are apartment buildings.
- The Committee is supportive of the Conceptual Site Plan application for an amendment to the development district standards;

Regarding the Planning Committee comments, it is noted by staff that the CSP application is not speaking to density, just allowing the use. The determination of density and related conditions are subject to the preliminary plan of subdivision application.

Minutes from the February 27th and March 20th Planning Committee meetings are attached.

Staff Review and Recommendations

The Gateway Arts District Sector plan describes the TRN as walkable communities made up of single-family homes on small lots with front yards and single apron driveways. While the townhomes in question are not single-family *detached* homes, they are fee-simple, single-family homes. The subject application is not a multi-family building or other rental dwelling – units are intended to be owner occupied by a single family. Staff's opinion is that this differentiation makes the purposed amendment request consistent with the intent of the TRN.

When considering this application, it is also important to consider the surrounding zoning and built environment. In addition to the plethora of single-family, detached homes in the area surrounding the subject site, also within the Traditional Residential Neighborhood and adjacent to the subject site lies the Top of the Park Apartment complex. This property is zoned R-10, multi-family, high density residential. Also in the immediate vicinity of the subject site lies the Prince George's Apartment Complex, which is considered by the zoning ordinance to be multi-family, medium density residential (R-18). The proposed use of townhouses would fall in line with R-T, which is categorically less dense than multifamily zoning,

per the Zoning Ordinance. Staff believe that the development of townhouses on the lower lot provides an appropriate transition from the high-density, multi-family land uses found on the periphery of Magruder Park.

As stated in the analysis of the application above, the subject property lies wholly within the Traditional Residential Neighborhood (TRN) character area of the Gateway Arts District Sector Plan. While the development of townhouses is not permitted by right, it is staff's opinion that the intent of the development is consistent with the goals and recommendations of the TRN character area.

Finally, per the Zoning Ordinance Section 27-548.20, the purpose of Development District Overlay Zones, such as the Gateway Arts District Sector Plan, is to, "provide flexibility within a regulatory framework to encourage innovative design solutions," and, "to promote an appropriate mix of land uses [and] to encourage compact development." More specifically, Section 27-548.22 states, "development district standards may allow uses prohibited in the underlying zone where the uses are compatible with the goals of the Development District and the purposes of the D-D-O zone." It is staff's opinion that this section of the zoning ordinance appropriately warrants an amendment to the table of uses.

As a result of the findings detailed above, staff recommend that the City Council support Conceptual Site Plan application CSP-18002 with the following condition:

- Allowable cumulative density on the site shall not exceed a maximum of ten (10) dwelling units per acre.
- The applicant shall demonstrate efforts to propose a cumulative density not greater than nine (9) dwelling units per acre.

The density figure provided in the condition above is consistent with the limit of density of the density goals for the Traditional Residential Neighborhood TRN Character area within the Gateway Arts District Sector Plan. As noted previously, this CSP application will not determine unit counts, but given the range of density prescribed by the TRN Character Area of the Gateway Arts District Sector Plan, staff is of the opinion that it is appropriate to include a condition specifying a density limit to be incorporated into the amendment to ensure the Preliminary Plan of Subdivision application is consistent with the Gateway Arts District Sector Plan goals and objectives for this character area.

Next Steps

CSP application CSP-18002 is scheduled to come before the City Council on the "Discussion" agenda at the May 21st Council meeting. The intent of the discussion is to develop conditions in advance of the scheduled "Action" on June 4th. The referral for this case is due to M-NCPPC on June 4th. Staff will coordinate with M-NCPPC to ensure that the City's comments are reflected in the M-NCPPC Staff Report.

Warner, David

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Wednesday, July 25, 2018 11:15 AM
To: Hunt, James;Checkley, Andree
Subject: Fwd: Magruder pointe

Good morning, an issue with our density came up. The staff report came out at 9 du/acre for townhouses and 6.7/acre for singles in the R55 Zone. Whitney had said we could do 9.7 but we can do 6.4 for singles (under the mandatory 6.7 cap) and 9.7 for towns per below and Whitney initially concurred. (See below email from her).

From: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Date: Wed, Jul 11, 2018 at 8:14 AM
Subject: RE: Magruder pointe
To: Norman Rivera <normanrivera2012@gmail.com>
Cc: "Kosack, Jill" <Jill.Kosack@ppd.mncppc.org>

What is Parcel 2A? Its one site so why not put with TH. Based on your analysis below you will need 9.7 DU acre. We can work with you on the boundary of the TH vs the SFD, one HOA right? But at a minimum all the land area of the lots SFD are included with SFD everything else should be able to be used with TH.

Note that density does not include 100-year floodplain unless you also want to define how density is calculated for this site. Did your engineer do density minus floodplain-what will be the floodplain?

We need decision on what you want, I think we are at:

R-55 for O-S, permit TH in the R-55 at a density of 9 DU or 9.7 DU acre for TH.

The area used for SFD is subject to the density for SFD of 6.7, so no change to allowable density for SFD in R-55. Or 9.7

So the staff report now says:

6.7/acre singles
9.0/acre towns

That is an average of 7.85/acre

If you can do 9.7/acre for towns and I reduce the singles to 6.4/acre, then the average is only 7/9/acre average. The main limitation was 6.7/acre for singles which is the Code, whereas for towns in a DDOZ with a DSP you have discretion and staff chose 9 but 9.7 is what works for towns. We reduced the overall density from 82 to 72 units and still committed to the 1.8 acres of open space to the City.

In sum, if Henry can clarify the proposed condition tomorrow from

6.7/acre for singles to 6.4
9.0/acre for towns to 9.7,

then all is good and I can just accept the whole report. That would be better than discuss at the hearing which could get confusing with all the other items on the agenda. Lastly, the City staff also agreed with this logic.

Sincerely,

Norman

Norman D. Rivera, Esq.
Law Offices of Norman D. Rivera, LLC
17251 Melford Boulevard Suite 200
Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
normanrivera2012@gmail.com

---------- Forwarded message ----------
From: **Chellis, Whitney** <Whitney.Chellis@ppd.mncppc.org>
Date: Tue, Jul 24, 2018 at 12:39 PM
Subject: RE: Magruder pointe
To: Norman Rivera <normanrivera2012@gmail.com>
Cc: "Kosack, Jill" <Jill.Kosack@ppd.mncppc.org>, "Hunt, James" <James.Hunt@ppd.mncppc.org>, "Zhang, Henry" <Henry.Zhang@ppd.mncppc.org>, "Rowe, Brandon(Scott)" <Brandon.Rowe@ppd.mncppc.org>

Norman,

Based on my discussions with the Director and our analysis of compatibility with the neighborhood we are in agreement with 9 DU per gross acreage for the TH portion and would not support 9.7., but are defining gross tract for purposes of density in lieu of net tract.

Whitney

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Tuesday, July 24, 2018 12:02 PM

To: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Subject: Fwd: Magruder pointe

Hi Whitney, it occurred to me we need the report to say 9.7 for the towns not 9 per your email I figured out. That way I can still meet the SFDU cap. Is that something Henry can say was a typo or clarification?

Sincerely,

Norman

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Note that density does not include 100-year floodplain unless you also want to define how density is calculated for this site. Did your engineer do density minus floodplain-what will be the floodplain?

We need decision on what you want, I think we are at:

R-55 for O-S, permit TH in the R-55 at a density of 9 DU or 9.7 DU acre for TH.

The area used for SFD is subject to the density for SFD of 6.7, so no change to allowable density for SFD in R-55.

Or 9.7

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Wednesday, July 11, 2018 7:34 AM

To: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Cc: Kosack, Jill <Jill.Kosack@ppd.mncppc.org>
Subject: Re: Magruder pointe

Awesome. Thanks!

On Wed, Jul 11, 2018, 7:09 AM Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org> wrote:

Great, that is exactly what we need.

Norman, please know that we will be looking at the lotting pattern with the PPS and I hope that the applicant understands that the number of lots will depend on the future plan review-with every effort to keep the lot count where you want it-but the plan review process will determine that. With this CSP we are supporting the rezoning and change to the allowable uses with density for the TH.

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Tuesday, July 10, 2018 5:55 PM
To: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Subject: Re: Magruder pointe

If I draw a line around the SF detached lots, include Parcel A2 (since it is adjacent to SF detached lots), and half the alley frontage where townhomes are across the alley from SF detached, my engineer got:

SF area: 2.49 ac

SF density = 16 units / 2.49 ac = 6.4 units / acre

TH area (area remaining): 5.77 ac

TH density = 56 units / 5.77 ac = 9.7 units / acre

So lets talk tomorrow please, thanks

Sincerely,

Norman

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On Tue, Jul 10, 2018 at 5:11 PM, Norman Rivera <normanrivera2012@gmail.com> wrote:

Aha, let me see! Good idea.

Sincerely,

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On Tue, Jul 10, 2018 at 4:50 PM, Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org> wrote:

Norman, Draw a line about the singles and one around the TH, and calculate based on that. I think that you will meet the densities. Are desire is R-55, but the DDO limits us by not allowing us to increase the density beyond that allowed in Zoning, so for the singles you are limited to 6.7 but for the TH we will recommend 9 DU, we need to see if this will work.

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Tuesday, July 10, 2018 4:48 PM
To: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Subject: Re: Magruder pointe

It's mixed. Singles and towns on upper area and towns only on south. Average is 8.7 overall total site. Hang tight finishing this exhibit.

On Tue, Jul 10, 2018, 4:06 PM Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org> wrote:

Norman,

We need you to do a very quick calculation for the singles separate from the TH. Do you still meet the density of 6.7 for the area of the singles and 9 for area associated with TH.

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Tuesday, July 10, 2018 4:01 PM
To: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Subject: Magruder pointe

Hi Whitney I got your message I left you a voicemail I'm getting an exhibit that shows the unit count and the density we are seeking. It is 9 units per acre for the entire site both upper and lower. The upper lot where the building is will have a mix of singles and towns and the lower lot will have all towns. I should have shortly and want you to look at it please give me a call and I can do a letter to transmit it formally for the record so that Henry can finish his report. Thank you very much.

Warner, David

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Warner, David

From: Hunt, James
Sent: Friday, July 20, 2018 8:00 AM
To: Norman Rivera
Cc: Kosack, Jill;Zhang, Henry
Subject: RE: Magruder TSR

Hi Norman,

My apologize, the e-mail should have also stated that we will get you the casefile this morning.

James R. Hunt, MPA
Planning Division Chief- Development Review
Prince George's County Planning Department
14741 Governor Oden Bowie Drive, 4th Floor
Upper Marlboro, MD 20772
Tel (301) 952-3951
James.Hunt@ppd.mncppc.org

From: Norman Rivera [mailto:normanrivera2012@gmail.com]
Sent: Friday, July 20, 2018 7:52 AM
To: Hunt, James <James.Hunt@ppd.mncppc.org>
Cc: Kosack, Jill <Jill.Kosack@ppd.mncppc.org>; Zhang, Henry <Henry.Zhang@ppd.mncppc.org>
Subject: Re: Magruder TSR

Great! Thank you all very much.

On Fri, Jul 20, 2018, 5:40 AM Hunt, James <James.Hunt@ppd.mncppc.org> wrote:

Hi Norman

The TSR is attached. We'll get you the

Sent via the Samsung Galaxy S8, an AT&T 4G LTE smartphone

Warner, David

From: Chellis, Whitney
Sent: Tuesday, July 17, 2018 7:58 AM
To: Norman Rivera;Hunt, James
Subject: RE: FW: Magruder Pointe

Norman,
Just got your call. You are correct, we are recommending R-55 for the O-S with 9 DU per gross acre for the portion of the property developed with TH and 6.7 for the SFD in the R-55. Hope it went well, let me know if you want me to call Katie, if so please give me her number. Also would like to know how it went last night.
Thank you
WHitney

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Monday, July 16, 2018 5:40 PM
To: Hunt, James <James.Hunt@ppd.mncppc.org>
Cc: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Subject: Re: FW: Magruder Pointe

Hi Whitney, did Katie call you?

Sincerely,

Norman

Norman D. Rivera, Esq.
Law Offices of Norman D. Rivera, LLC
17251 Melford Boulevard Suite 200
Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
normanrivera2012@gmail.com

On Mon, Jul 16, 2018 at 7:10 AM, Norman Rivera <normanrivera2012@gmail.com> wrote:

Hi, it should be Katie Gerbes from the City of Hyattsville.

On Fri, Jul 13, 2018, 2:08 PM Hunt, James <James.Hunt@ppd.mncppc.org> wrote:

Hi Whitney,

I just spoke to Norman and someone may contact you regarding the Magruder Pointe case on Monday. They want to confirm that Magruder will agree to go with R-55 as opposed to MUI. I will be out of the office in meetings Monday morning and afternoon.

Norman,

Can you let Whitney know who to expect the call from on Monday? Thanks in advance.

James R. Hunt, MPA

Planning Division Chief- Development Review

Prince George's County Planning Department

14741 Governor Oden Bowie Drive, 4th Floor

Upper Marlboro, MD 20772

Tel (301) 952-3951

James.Hunt@ppd.mncppc.org

From: Norman Rivera [mailto:normanrivera2012@gmail.com]
Sent: Friday, July 13, 2018 11:22 AM
To: Hunt, James <James.Hunt@ppd.mncppc.org>
Subject: Magruder Pointe

Hi James.

On this case we are getting calls/emails from citizens we see our continuance to July 26 which is good. However, they still see MUI on our letter and we now know R-55 is the way we are headed with the right density.

Can I give your name number email as a contact? Whitney out til Monday and we have a City hearing Monday night. The more they hear its not going MUI but rather R55 and the unit cuint is the same, 72, the better.

Thanks and let me know plse or call 301 580 3287

Sincerely,

Norman

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301-352-4973 Direct

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normanrivera2012@gmail.com

Warner, David

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To: Hunt, James
Subject: Magruder Pointe

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Warner, David

From: Chellis, Whitney
Sent: Wednesday, July 11, 2018 1:47 PM
To: Norman Rivera
Subject: RE: Magruder pointe

Your original e-mail n the densities you sent me had the 6.4 but allowable is 6.7see below.

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Wednesday, July 11, 2018 1:42 PM
To: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>; Kosack, Jill <Jill.Kosack@ppd.mncppc.org>
Subject: Re: Magruder pointe

We need R-55 on the lower lot to keep the civics happy and that all towns so Ok. On SFDU's, let me look at something real quick

Sincerely,

Norman

Norman D. Rivera, Esq.
Law Offices of Norman D. Rivera, LLC
17251 Melford Boulevard Suite 200
Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
normanrivera2012@gmail.com

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attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and its attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

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Attachments: 7.11.18 Letter to Zhang Density.docx

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July 11, 2018

Mr. Henry Zhang, Senior Planner
Prince George's County Planning Department
14741 Governor Oden Bowie Drive, Room 2198
Upper Marlboro, MD 20772

Re: CSP-18002, Magruder Pointe/Density Calculations

Dear Mr. Zhang:

This is a request for the purposes of calculating density for the above referenced property. The density calculation should include the floodplain for computing the townhouse density and the net lot area for the single family detached units. We ask that you make this a finding in the technical staff report.

SF lot area only = 7.9 units/ac

|16units/2.02ac|

TH with all HOA, all alleys, and floodplain = 9.0 units/ac

|56units/6.24acres|

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Norman D. Rivera

Ms. Whitney Chellis
Ms. Jill Kosack
Werrlein Properties, LLC
Mr. James Chandler

Warner, David

From: Chellis, Whitney
Sent: Wednesday, July 11, 2018 12:53 PM
To: Norman Rivera
Subject: FW: Magruder pointe

Norman,
I talked with Jill, if you put that in your density letter that based on the follow analysis you would request the R-55 in stead of the MUI I can write that up.

From: Norman Rivera <normanrivera2012@gmail.com>
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To: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Cc: Kosack, Jill <Jill.Kosack@ppd.mncppc.org>
Subject: Re: Magruder pointe

Will do now.

On Wed, Jul 11, 2018, 11:40 AM Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org> wrote:

Yes, give us something maybe with the numbers you had on the attachment with the proposed densities with a statement regarding your request for determining density for the TH. I will write it in and then we can have it in back if you get it in ASAP.

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Warner, David

From: Chellis, Whitney
Sent: Wednesday, July 11, 2018 11:40 AM
To: Norman Rivera
Cc: Kosack, Jill
Subject: RE: Magruder pointe

Yes, give us something maybe with the numbers you had on the attachment with the proposed densities with a statement regarding your request for determining density for the TH. I will write it in and then we can have it in back if you get it in ASAP.

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Wednesday, July 11, 2018 11:34 AM
To: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Cc: Kosack, Jill <Jill.Kosack@ppd.mncppc.org>
Subject: Re: Magruder pointe

Yes indeed. Do I ask or it and you add to report? Thank you very much!

Sincerely,

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Norman D. Rivera, Esq.
Law Offices of Norman D. Rivera, LLC
17251 Melford Boulevard Suite 200
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Attachments: 7.11.19. calcs.docx

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First of all, thank Whitney for you prompt review. I think the best way to do the calculations is to count the floodplain in order to maintain 9 d.u.'s per acre which the City also supports. The following is my engineer's calculations. The singles are fine and the towns can stay at 9 with the floodplain. Please let me know at your convenience so we can finalize this. Again, thank you.

SF lot area only = 7.9 units/ac
[16units/2.02ac]

TH with all HOA and all alley, no floodplain = 11.3 units/ac
[56units/4.96acres]

TH with all HOA, all alleys, and floodplain = 9.0 units/ac
[56units/6.24acres]

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Sent: Tuesday, July 10, 2018 4:01 PM
To: Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org>
Subject: Magruder pointe

Hi Whitney I got your message I left you a voicemail I'm getting an exhibit that shows the unit count and the density we are seeking. It is 9 units per acre for the entire site both upper and lower. The upper lot where the building is will have a mix of singles and towns and the lower lot will have all towns. I should have shortly and want you to look at it please give me a call and I can do a letter to transmit it formally for the record so that Henry can finish his report. Thank you very much.

Warner, David

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Tuesday, July 10, 2018 5:55 PM
To: Chellis, Whitney
Subject: Re: Magruder pointe

If I draw a line around the SF detached lots, include Parcel A2 (since it is adjacent to SF detached lots), and half the alley frontage where townhomes are across the alley from SF detached, my engineer got:

SF area: 2.49 ac

SF density = 16 units / 2.49 ac = 6.4 units / acre

TH area (area remaining): 5.77 ac

TH density = 56 units / 5.77 ac = 9.7 units / acre

So lets talk tomorrow please, thanks

Sincerely,

Norman

Norman D. Rivera, Esq.
Law Offices of Norman D. Rivera, LLC
17251 Melford Boulevard Suite 200
Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
normanrivera2012@gmail.com

On Tue, Jul 10, 2018 at 5:11 PM, Norman Rivera <normanrivera2012@gmail.com> wrote:

Aha, let me see! Good idea.

Sincerely,

Norman

Norman D. Rivera, Esq.
Law Offices of Norman D. Rivera, LLC
17251 Melford Boulevard Suite 200
Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
normanrivera2012@gmail.com

On Tue, Jul 10, 2018 at 4:50 PM, Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org> wrote:

Norman, Draw a line about the singles and one around the TH, and calculate based on that. I think that you will meet the densities. Are desire is R-55, but the DDO limits us by not allowing us to increase the density beyond that allowed in Zoning, so for the singles you are limited to 6.7 but for the TH we will recommend 9 DU, we need to see if this will work.

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It's mixed. Singles and towns on upper area and towns only on south. Average is 8.7 overall total site. Hang tight finishing this exhibit.

On Tue, Jul 10, 2018, 4:06 PM Chellis, Whitney <Whitney.Chellis@ppd.mncppc.org> wrote:

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From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Tuesday, July 10, 2018 4:58 PM
To: Chellis, Whitney
Subject: Re: Magruder pointe
Attachments: 20180710_Magruder_Units per Acre.pdf

It's not that simple as we worked with the community to
create an overall concept with towns and singles with the towns on the top to be a transition to the hi rise R10 adjacent to the upper area. The singles on the upper area adjoin existing singles so the towns transition to the R10. On the lower it is all towns. See the chart below where we are under 9 du/acre overall:

DENSITY BREAKDOWN:

Overall = 8.7 units/acre

8.26 Acres with 72 units

Upper Lot = 8.6 units/acre

3.60 Acres with 31 units

Lower Lot = 8.8 units/acre

4.66 Acres with 41 units

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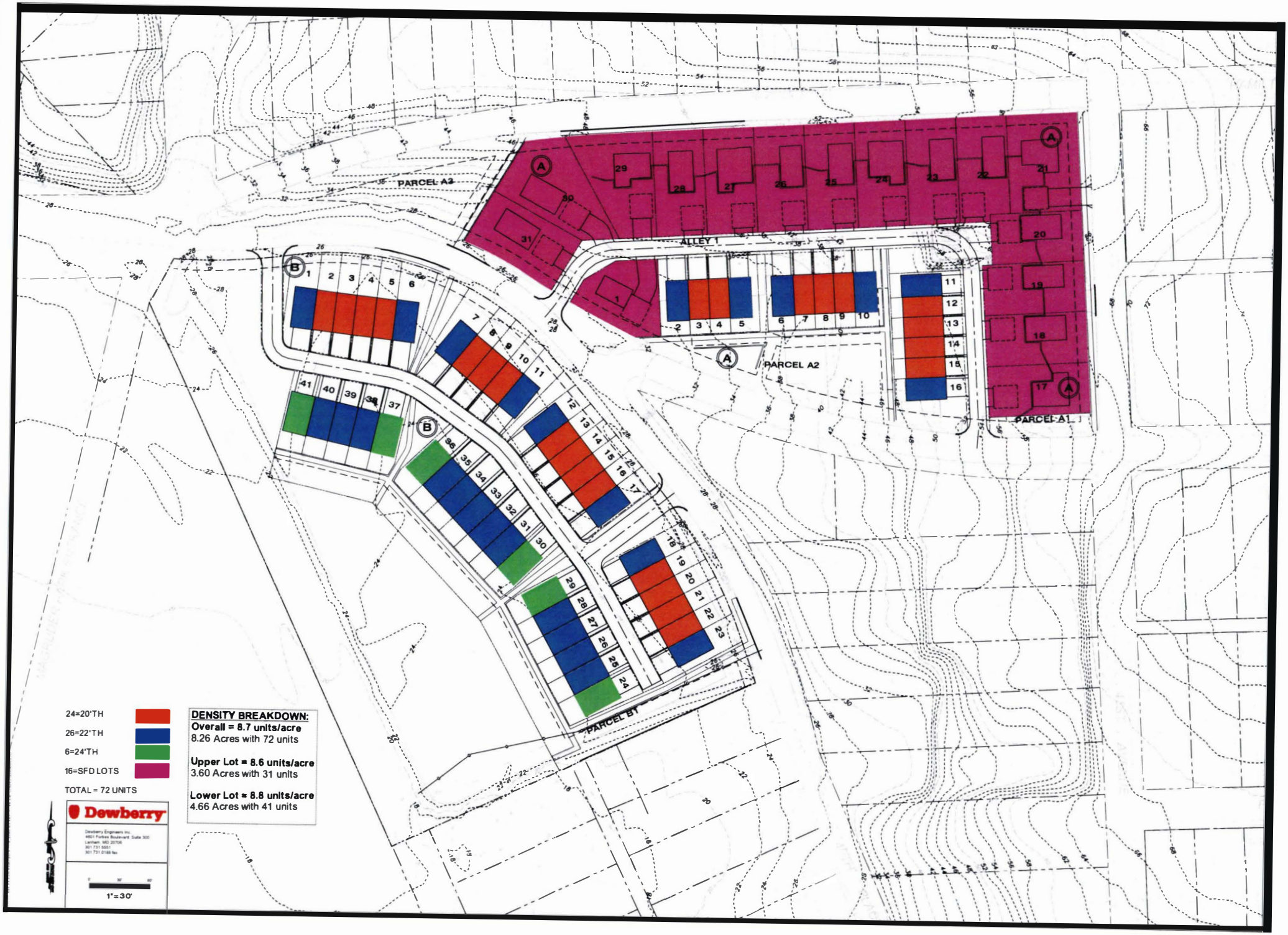
PARCEL A2
ALLEY 1
PARCEL A2
PARCEL A1
PARCEL B1
24=20'TH
26=22'TH
6=24'TH
16=SFD LOTS
TOTAL = 72 UNITS
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Dewberry
1"=30'

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From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Tuesday, July 10, 2018 5:00 PM
To: Checkley, Andree
Subject: Fwd: Magruder pointe
Attachments: 20180710_Magruder_Units per Acre.pdf

Here is what I sent Whitney and thanks! Stay cool

Sincerely,

Norman

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Law Offices of Norman D. Rivera, LLC
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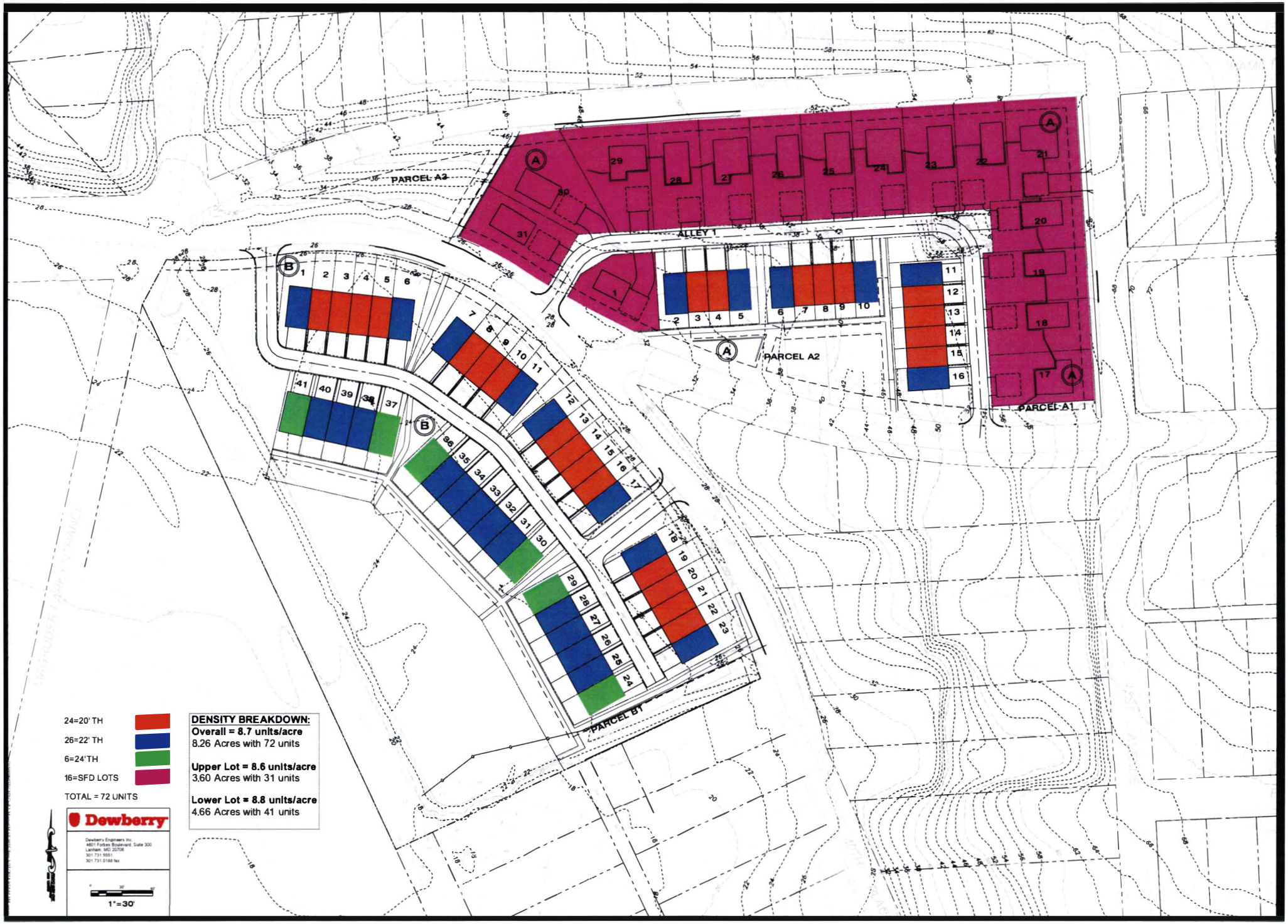
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Dewberry
Dewberry Engineers Inc.
4601 Forbes Boulevard, Suite 300
Lanham, MD 20706
301.731.5551
301.731.0188 fax
1"=30'

Warner, David

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To: Norman Rivera
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Warner, David

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Thursday, June 28, 2018 10:47 AM
To: Zhang, Henry;Kosack, Jill;Sams, Daniel;Shoulars, Katina
Subject: Fwd: Magruder Pointe
Attachments: copyofitemsdeliveredyesterdaymagruderpointe.zip; 6.27.18.SOJ MUI CSP.doc

Good morning. This is the package for Magruder Pointe I filed yesterday. Will send you word version of SOJ Henry. I know your busy Henry so maybe this gives you sme breathing room. Our hope is to have the floodplain fill waiver approved next week and before the hearing. Also, the City is re-hearing our request July 16.

Thanks all.

Sincerely,

Norman

Norman D. Rivera, Esq.
Law Offices of Norman D. Rivera, LLC
17251 Melford Boulevard Suite 200
Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
normanrivera2012@gmail.com

---------- Forwarded message ----------
From: **Norman Rivera** <normanrivera2012@gmail.com>
Date: Thu, Jun 28, 2018 at 10:33 AM
Subject: Magruder Pointe
To: "Checkley, Andree" <ANDREE.CHECKLEY@ppd.mncppc.org>, "Hunt, James" <James.Hunt@ppd.mncppc.org>

Good morning, attached is the package delivered to Henry yesterday to request a continuance from the 19th to 26th; a specific request for the MUI Zone with a graphic and justification; notice letter; and application form.

We went with the MUI Zone to give the most flexibility in unity types and the site plan. For eg., duplexes and apartments are not allowed in the euclidean zones and MUI is for infill, which the site is for sure.

Thank you and also our floodplain waiver is in process and we hope for an approval next week.

Sincerely,

Norman

Norman D. Rivera, Esq.
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17251 Melford Boulevard Suite 200
Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
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Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
normanrivera2012@gmail.com

STATEMENT OF JUSTIFICATION

June 27, 2018

Magruder Pointe – 4017 Hamilton Street Hyattsville, MD 20781 (CSP-18002)
Revision to Conceptual Site Plan Submittal to Rezone the Subject Property from the O-S Zone for the "Lower Parcel" of the Site and the R-55 Zone for the "Upper Parcel" to the M-U-I Zone for the entire site.

REQUEST:

This Statement of Justification is submitted in support of a proposed Conceptual Site Plan application to rezone the Lower Parcel (O-S Zone) and the "Upper Parcel" (R-55 Zone) to the M-U-I Zone (See Ex. A). This amends the prior application to amend the Table of Uses to add townhouses to the O-S Zone (Lower Parcel). The applicant, Werrlein Properties WSSC, LLC, is the contract purchaser of the site, which houses the former WSSC headquarters building on Hamilton Street to the north and the parking lot to the south across Gallatin Street. The building is located in the R-55 Zone/DDOZ and the parking lot is located in the O-S Zone/DDOZ. Both portions are entirely within the TRN area of the Gateway Arts District Plan.

As you know, the prior application to amend the Table of Uses would leave the Lower Parcel in the O-S Zone and the Upper Parcel in the R-55 Zone. However, to address the density of the underlying zone and other development standards, we request support of the M-U-I Zone.

For the M-U-I Zone, Section 27-546.16(b)(2) states:

"(2) Property in the D-D-O Zone may be reclassified from its underlying zone to the M-U-I Zone through the property owner application process in Section 27-548.26(b). **In the review process, the owner shall show that the proposed rezoning and development will be compatible with existing or approved future development on adjacent properties."**

Our development program is to obtain CSP approval of the rezoning which allows financing of the site for the uses proposed. Then and only then, is the applicant permitted to file and process the preliminary plan and DSP. The rezoning CSP is akin to a zoning case and as such is to be submitted prior to a preliminary plan and detailed site plan for the entire site and follows the order of approvals established in Section 27-270 of the Ordinance. The enclosed

conceptual site plan (CSP) is for a combination of single-family detached dwellings (SFDU) and townhomes) in the area on Hamilton Street ("Upper Parcel") as shown on the enclosed survey. The "Lower Parcel" adjacent to Magruder Park is proposed to be all townhomes with a portion to be added to Magruder Park.

Simultaneously with this application, we have received approval of the existing 100-year floodplain delineation from the DOE and DPIE. They have requested we now file a floodplain fill waiver which will include a:

- Floodplain fill waiver request;
- Compensatory storage request/plan which alters the ultimate floodplain line; and
- SWM Concept.

These plans along with a TCP I and II all of which comprise an NRI, which is needed to have a preliminary plan and DSP accepted and approved. We also show Clover Street, which is non-accepted r/w on our property. If needed, I will propose a condition of the preliminary plan to vacate the street after DSP and with the final plat(s).

BACKGROUND:

The Applicant is the contract purchaser of the site. The Gateway Arts District (GAD) Sector Plan defines an area as the TRN, which seeks to maintain a traditional neighborhood concept; however, an obsolete building with no occupants for over twenty-six (26) years is an anomaly and an incongruous use in an established neighborhood with no other commercial or institutional uses. As such, it certainly does not support the primary goal of the TRN to preserve the existing single-family neighborhoods. In fact, the subject site adjoins R-10 zoned apartments and is adjacent to R-18 garden apartments; the City's Magruder Park; and a MNCPPC park. The Magruder Pointe project will be a complete removal of the building and parking lot. The single-family homes proposed are in full compliance with the TRN recommendations rather than preserve an office building and parking lot, which is completely at odds with the TRN/GAD. This in and of itself, meets the criteria for rezoning to the M-U-I Zone:

"In the review process, the owner shall show that the proposed rezoning and development will be compatible with existing or approved future development on adjacent properties."

The finished product will be a cornerstone project for the City of Hyattsville and allow this property to be a benefit to the City rather than an eyesore with no employment, hence little tax revenue and a parking lot, which is 100% impervious area. The environmental improvement includes removal of approximately 40% of the existing impervious area; demolition of an obsolete building, and those materials to a great extent will be recycled into the reconstruction.

We are proposing to consummate a transaction with the City to transfer 1.8 acres of the 4.6 acre Lower Parcel for a park addition to Magruder Park. We have a Metro bus stop adjoining the site and two "The Bus "stops which offer service to nearby Metro Stations (2). Both of

which are walkable and bikable. We are providing as part of the home purchase a membership in the Capital Bikeshare program for each and every home. We are seeking to preserve part of the façade (art deco) of the existing building to the extent feasible in an entrance feature and include a block or brick from the existing WSSC building into each home as a recognition of the site's history. We may even use some of the existing hand railings in each home as well.

As to outreach, the applicant has been diligently working with the City of Hyattsville and the community for months and has considered their input carefully and incorporated many ideas into the draft plans. The City has held/scheduled open meetings and are summarized below:

City of Hyattsville Correspondence Regarding Magruder Pointe

1. Team Proposal dated Jan. 5 to the City, which includes a concept plan, architecture, and our proposal to utilize portions of the art deco façade of the WSSC building in our monument features if possible. We have had at least 27 meetings with the Community beginning in November 2017 at Vigilante Coffee where we committed to input on architecture (designed by two local architects in the City to ensure compatibility), housing initiatives, transportation, the building, the parking lot and any other topic proposed.
2. Jan. 31: City Manager Memo to Council briefing the Council on our proposal and tentative hearing dates with the MNCPPC;
3. Feb. 5: Cover Memo from Staff to Council outlining our schedule; recommending the item for discussion; setting a City Planning Committee for Feb. 27; and the goal as stated by the City staff is to: ***"Ensure the long term viability of the City."*** Our team presented our proposal dated Jan. 5 (attached).
4. Feb. 27 Planning Committee Minutes: 17 of 33 community comments were in support; only four were outright opposition; and of the remaining 12 were citizens expressing questions, concerns and comments but not opposition. Recommendation deferred to March 20th meeting.
5. March 20 Planning Committee Minutes: ***Staff recognizes we can revise the floodplain with agency approvals, as done in the Riverfront at West Hyattsville project obviously another City project***. The individual committee members expressed valid concerns in discussion. The Committee overall recommended approval with concerns that need to be addressed as the development proceeds. ***The vote was 7 to 1 for supporting the CSP.*** The Planning Committee is comprised of City citizens with full public input.
6. April 5 City Staff memo to Council: Staff notes the Planning Committee was supportive and on the lower parcel wanted to see options on green space. NOTE: ***The applicant agreed; worked to a contract with the City to transfer 1.8 acres of the 4.66 acres to the City for open space/parkland; and on June 4 the City voted to endorse the contract but then voted to not support the overall CSP revision.*** The staff recommended approval of the CSP finding conformance to the TRN goals and recommendations in the sector plan noting the proposal fits the purposes of DDOZ's by providing "flexibility within the regulatory framework to encourage innovative design solutions' and "promote an appropriate mix of land uses to encourage compact development". The staff

recommended approval with two conditions as to density and that further review would occur at the time of subdivision. Applicant concurs with this recommendation.

7. April 16 Cover memo to Council from staff: Reiterates staff support with two conditions. Notes extensive community engagement through 3 meetings with the City; in person meetings; a page on the Speak Up HVL website; and the applicant regularly sends email blasts on progress and information to the community.
8. May 15 Memo from Staff to Council: Staff again notes Planning Committee support; Staff support is for the use; the proposal supports the TRN goal to support fee simple single-family homes. The goal of the Sector Plan was to *enhance the viability of the existing single family detached neighborhood* meaning townhouses and singles proposed are not at odds with the this goal. Staff further notes there is a high rise R-10 apartment complex directly adjacent to both the upper and lower portions of the proposed development and an R-18 garden apartment complex. As stated in 7. Above, staff supports the proposal as in conformance with the TRN goals. **In sum, staff notes the intent of the discussion *item is to develop conditions for the June 4 action hearing*.** Meaning not for disapproval.
9. May 17 City staff memo on past WSSC proposals: In 2014, there was a proposal for 150 condos on the upper parcel and 5 SFDU's and 58 townhouses on the lower parcel. The 2004 proposal was for 24 singles on the upper parcel and finally in 2004 a proposal for housing on the upper parcel not defined and an athletic fields on the lower parcel. None came to fruition or received City support.
10. May 30 Cover Memo from Staff to the Council and a memo: Again staff recommends approval of the CSP with a density condition of 9 units per acre.
11. June 4 action hearing: The Council votes to enter into an Agreement with the Applicant to purchase 1.8 acres of parkland out of the 4.66 acre lower parcel to expand Magruder Park. This is consistent with page 123 of the sector plan, which rezoned the land from R-55, which would allow townhouses in the DDOZ to O-S, which "creates the opportunity to expand parkland and reinforce the vision of the traditional neighborhood character area." (See page 123 of the sector plan, attached) Then a long discussion on video available on-line there is a very long discussion on a vote to disapprove. The first motion fails; a second motion was debated in a lengthy discussion to either say simply disapproval of the CSP amendment or add reasoning. While the vote was to not add reasoning the June 4 City letter to the Planning Board did note they were "appreciative of the applicant's efforts to meet with the residents of our community over the past several months to listen to our community's concerns including but not limited to, the loss of potential expansion of Magruder Park. The action to disapprove obviously is at odds with a vote immediately preceding to acquire a portion of the property from the applicant and their own staff and Planning Committee's recommendations and citizen support.

LEGAL CRITERIA FOR REZONING:

The Zoning Ordinance codified in Section 27-548.26 a process utilizing a CSP or a DSP to amend the use table for a specific property for land in a DDOZ or change the underlying zone. If approved, the rezoning amendment only applies to the site, which is the subject of the instant

CSP. In this matter, we are utilizing a CSP (Ex. A) as the vehicle to rezone the site from the R-55 and O-S Zones to the M-U-I Zone for both parcels.

The GAD recommendations on page 138 seek to preserve "the single-family residential neighborhood character as the anchor of the Arts District and our illustrative (Ex. B) does show all single family units in full compliance. We are providing porches, yards and sidewalks fronting the open space for "built-in" natural surveillance as well.

We are proposing an open space component adjacent to Magruder Park of 1.8 acres, which not only provides eyes on the park but also satisfies the sole goal of the SMA, which rezoned the lower parcel from R-55 to O-S. Page 123 of the GAD states the rezoning "creates opportunity to expand parkland and reinforce the vision of the traditional neighborhood character area." This CSP precisely does that.

The CSP also notes limited design standards on the plan to guide the subsequent plans. The enclosed CSP is limited to items relevant to the use only request. By way of background a CSP is defined by the Ordinance as follows:

Sec. 27-267. - Introduction. (Emphasis added)
(a) The term "site plan" is often used to refer to any type of two dimensional, scaled drawing which illustrates existing and proposed features of a piece of property. There are a number of references in this Subtitle to a site plan being required to be reviewed and approved by the Planning Board or its designee. There are other situations in the development process where approval of a site plan is required as a condition of approval of Zoning Map Amendment applications, Preliminary Plats of Subdivision, or Special Exceptions. It is the intent of this Division to simplify the site plan review requirements by standardizing the review procedures, criteria, approval procedures, and terminology.

(b) This Division provides for Conceptual Site Plans and Detailed Site Plans. This Division also provides for limiting or expanding the review requirements to accommodate the peculiarities of each type of development for which site plan review is required.

In this case, the review requirements are governed by the following and I have highlighted what I believe is relevant to the instant application as to the zoning requested and no physical development, which will be addressed by the forthcoming preliminary plan, and DSP as allowed by Section 27-267(b) above:

SUBDIVISION 2. - REQUIREMENTS FOR CONCEPTUAL SITE PLANS.

Sec. 27-272. - Purpose of Conceptual Site Plans.
(a) Examples.
(1) There is often a need for approval of a very general concept for developing a parcel of land before subdivision plans or final engineering designs are begun. Such cases include:
(A) Planned employment parks;

(B) Planned mixed-use developments;
(C) Recreational Community Developments;
(D) Large single-use developments;
(E) Development which is potentially incompatible with land uses on surrounding properties; and
(F) Developments involving environmentally sensitive land, or land that contains important natural features that are particularly worthy of attention.

(b) **General purposes.**

(1) The general purposes of Conceptual Site Plans are:
(A) To provide for development in accordance with the principles for the orderly, planned, efficient, and economical development contained in the General Plan, Master Plan or other approved plan;
(B) To help fulfill the purposes of the zone in which the land is located;
(C) To provide for development in accordance with the site design guidelines established in this Division; and
(D) To provide approval procedures that are easy to understand and consistent for all types of Conceptual Site Plans.

(c) **Specific purposes.**

(1) The specific purposes of Conceptual Site Plans are:
(A) **To explain the relationships among proposed uses on the subject site, and between the uses on the site and adjacent uses;**
(B) To illustrate approximate locations where buildings, parking lots, streets, green areas, and other similar physical features may be placed in the final design for the site;
(C) To illustrate general grading, woodland conservation areas, preservation of sensitive environmental features, planting, sediment control, and storm water management concepts to be employed in any final design for the site; and
(D) To describe, generally, the recreational facilities, architectural form of buildings, and street furniture (such as lamps, signs, and benches) to be used on the final plan.

(CB-75-1989; CB-84-1990; CB-47-1996; CB-28-2010)

Sec. 27-273. - Submittal requirements.

(a) The Conceptual Site Plan shall be submitted to the Planning Board by the owner of the property (or his authorized representative).
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(c) Upon filing the Plan, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the Plan. The scale of fees shall be determined by the Planning Board. A reduction in the fee may be permitted by the Planning Board if it finds that payment of the full amount will cause an undue hardship upon the applicant.
(d) If more than one (1) drawing is used, all drawings shall be at the same scale (where feasible).

(e) A Conceptual Site Plan shall include the following:

(1) **Location map, north arrow, and scale;**

(2) Boundaries of the property, using bearings and distances (in feet) around the periphery;

(3) Zoning categories of the subject property and all adjacent properties;

(4) **General locations and types of major improvements that are within fifty (50) feet of the subject property, and a general description of all land uses on adjacent properties;**

(5) Existing topography, at not more than two (2) foot contour intervals;

(6) An approved Natural Resource Inventory (NRI);

(7) Street names, right-of-way and pavement widths of existing streets and interchanges within and adjacent to the site; and

(8) Existing rights-of-way and easements (such as railroad, utility, water, sewer, access, and storm drainage);

(9) Existing site and environmental features as shown on the approved NRI;

(10) A Type 1 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and the Woodland and Wildlife Habitat Conservation Technical Manual or a Standard Letter of Exemption;

(11) Proposed system of internal streets, including right-of-way widths;

(12) Proposed lot lines and the land use proposed for each lot;

(13) General locations of areas of the site where buildings and parking lots are proposed to be located, and the general orientation of buildings on individual lots; and

(14) A stormwater concept plan approved or submitted for review pursuant to Section 4-322 of this Code;

(15) A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible.

(f) **The submittal requirements in (e), above, may be modified in accordance with Section 27-277**.

(g) A Plan shall be considered submitted on the date the Planning Director determines that the applicant has filed a complete Plan in accordance with the requirements of this Section.

(h) This Section shall not apply to:

(1) All stadium wayfinding signs located within parking areas at a stadium.

(CB-54-1986; CB-75-1989; CB-84-1990; CB-47-1996; CB-28-2010; CB-34-2011; CB-54-2012; CB-83-2015)

Sec. 27-274. - Design guidelines.

COMMENT: These will be addressed with the subsequent DSP and PPS.

Section 27-548.26 of the Code defines the procedure of using a CSP to change the underlying zones by an owner (Sec. 27-548.26. (b)):

Sec. 27-548.26. Amendment of Approved Development District Overlay Zone.

(a) District Council.
  (1) The following amendments to development requirements within the Development District may be initiated and approved by the District Council through the minor plan amendment procedure and concurrent Sectional Map Amendment process, in accordance with Part 13, Division 2, and Part 3, Division 4:
    (A) Changes to the boundary of the D-D-O Zone; and
    (B) **Changes to the underlying zones** or the list of allowed uses, as modified by the Development District Standards.
  (2) At the written request of a municipality in which development district property is located, the District Council may modify the Development District Standards under the following procedures. The District Council shall direct the Planning Board to prepare the amendment and shall specify which Development District Standards should be reviewed.
    (A) For hearing procedures in general, the Planning Board and District Council shall follow the requirements in Part 3, Division 9, for Conceptual Site Plans as found in Sections 27-276(a)(1), (3), (4), (5), (6) (7); and 27-276(d). Review by the District Council shall follow the procedures in Section 27-280. Notice of the Planning Board's hearing shall be sent by first-class mail to all municipalities with development district property, all parties of record in the Sectional Map Amendment, and all property owners within the area specified in the District Council's direction;
    (B) Planning Board staff must prepare a report and recommendation. The Planning Board shall hold a public hearing, file its decision with the Clerk of the Council, and send copies to persons of record of this amendment process within fifty (50) days of the receipt of the District Council's direction to the Planning Board;
    (C) In order to approve an amendment of the Development District Standards the Planning Board shall make the following findings:
    (i) The amendment is in compliance with the goals of the Development District; and
    (ii) The amendment is in conformance with the purposes of the D-D-O Zone.

(b) Property Owner.
  (1) A property owner may request that the District Council amend development requirements for the owner's property, as follows:
    (A) An owner of property in, adjoining, or separated only by a right-of-way from the Development District may request changes to the boundary of the approved D-D-O Zone.

(B) **An owner of property in the Development District may request changes to the underlying zone**s or the list of allowed uses, as modified by the Development District Standards. **Comment : The owner is submitting this request.**

(2) The owner's application shall include:

(A) A statement showing that the proposed development conforms with the purposes and recommendations for the Development District, as stated in the Master Plan, Master Plan Amendment, or Sector Plan; and

(B) A site plan, either the Detailed Site Plan required by Section 27-548.25 or a Conceptual Site Plan. **Comment: The owner is submitting a CSP.**

(3) Filing and review of the application shall follow the site plan review procedures in Part 3, Division 9, except as modified in this Section. The Technical Staff shall review and submit a report on the application, and the Planning Board shall hold a public hearing and submit a recommendation to the District Council. Before final action the Council may remand the application to the Planning Board for review of specific issues.

(4) An application may be amended at any time. A request to amend an application shall be filed and reviewed in accordance with Section 27-145.

(5) The District Council may approve, approve with conditions, or disapprove any amendment requested by a property owner under this Section. In approving an application and site plan, **the District Council shall find that the proposed development conforms with the purposes and recommendations for the Development District,** as stated in the Master Plan, Master Plan Amendment, or **Sector Plan**, and meets applicable site plan requirements.

(6) If a Conceptual Site Plan is approved with an application, the owner may not obtain permits without an approved Detailed Site Plan.

(CB-8-2000; CB-5-2007)

The Gateway Arts District Sector Plan and SMA sets forth the following goal and recommendations for the TRN area (page 26-7):

The Development District. The goal and/or recommendation is provided in italic typeface with comments that follow.

Goal: Traditional Residential Neighborhood Character Areas Goal to preserve the single-family residential neighborhood character as [an] anchor of the Arts District, while supporting artists who produce and teach from their homes.

Comment: All of the units proposed are single-family dwellings. At this point, here is a maximum of seventy-two to seventy-six dwellings to be submitted in a subsequent

preliminary plan and detailed site plan. This proposal replaces a vacant office building and a parking lot in the floodplain, which is not in keeping with this goal.

Recommendations;

1. *Rezone to implement the proposed development district standards and guidelines.*

   Comment: Our request will implement the TRN goal for residential development rather than the office building and parking lot, which is not compatible.

2. *Reinforce existing single-family detached residential neighborhoods as community-oriented, quiet, low-traffic, and child-safe.*

   Comment: The proposed single-family neighborhood concept completely addresses this goal. While there will be some townhomes, the overall concept is community oriented, largely self-contained as to parking and access, and safe. We have done a traffic study, which will be filed with the preliminary plan that more than meets the APF guidelines. There are paths and trails through the site and to the adjacent Magruder Park. The addition of 1.8 acres in the Lower Parcel to Magruder Park will enhance the parkland and recreational opportunities in accord with the GAD SMA (page 123).

3. *Maintain the integrity of residential streetscape. Front yards should not be paved, nor should wide driveway aprons be constructed.*

   Comment: No front yards shall be paved nor driveway aprons constructed onto a public street. In fact, all units except perhaps one will have access through internal public alleys. The City will maintain all the internal alleys.

4. *Support arts and handcraft home occupations.*

   Comment: We concur and believe the traditionally designed homes will inherently support art and home occupations due to their size and adjacency to the nearby Arts District(s). The detached garages shown in the enclosed architecture (Ex. C) will have lofts that can be used for artists.

Based on the above, the Applicant requests approval of this CSP to rezone the entire property Lower Parcel to the M-U-I Zone for the entire site to allow townhomes in the TRN/DDOZ for this site as well as SFDU's. We look forward to working with you and your staff on the enclosed application. Thank you in advance for your attention to this matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Norman D. Rivera

Attachments

Norman D. Rivera, Esquire
Law Offices of Norman D. Rivera, LLC
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Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
normanrivera2012@gmail.com

June 27, 2018

Mr. Henry Zhang, Senior Planner
Prince George's County Planning Department
14741 Governor Oden Bowie Drive, Room 2198
Upper Marlboro, MD 20772

Re: *CSP-18002, Magruder Pointe/Amendment of Application to Rezone to the M-U-I Zone*

Dear Mr. Zhang:

This is to amend our application from a Use Table amendment to a rezoning to the M-U-I Zone. An application can be amended at any time per Section 27-548.26. The rezoning will address density and other issues we have discussed.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Norman D. Rivera

Encl.
C: Mr. James Hunt
Ms. Whitney Chellis
Ms. Jill Kosack
Werrlein Properties, LLC
Ms. Katie Gerbes

Norman D. Rivera, Esquire
Law Offices of Norman D. Rivera, LLC
17251 Melford Boulevard Suite 200
Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
normanrivera2012@gmail.com

STATEMENT OF JUSTIFICATION

June 27, 2018

Magruder Pointe – 4017 Hamilton Street Hyattsville, MD 20781 (CSP-18002)
Revision to Conceptual Site Plan Submittal to Rezone the Subject Property from the O-S Zone for the "Lower Parcel" of the Site and the R-55 Zone for the "Upper Parcel" to the M-U-I Zone for the entire site.

REQUEST:

This Statement of Justification is submitted in support of a proposed Conceptual Site Plan application to rezone the Lower Parcel (O-S Zone) and the "Upper Parcel" (R-55 Zone) to the M-U-I Zone (See Ex. A). This amends the prior application to amend the Table of Uses to add townhouses to the O-S Zone (Lower Parcel). The applicant, Werrlein Properties WSSC, LLC, is the contract purchaser of the site, which houses the former WSSC headquarters building on Hamilton Street to the north and the parking lot to the south across Gallatin Street. The building is located in the R-55 Zone/DDOZ and the parking lot is located in the O-S Zone/DDOZ. Both portions are entirely within the TRN area of the Gateway Arts District Plan.

As you know, the prior application to amend the Table of Uses would leave the Lower Parcel in the O-S Zone and the Upper Parcel in the R-55 Zone. However, to address the density of the underlying zone and other development standards, we request support of the M-U-I Zone.

For the M-U-I Zone, Section 27-546.16(b)(2) states:

"(2) Property in the D-D-O Zone may be reclassified from its underlying zone to the M-U-I Zone through the property owner application process in Section 27-548.26(b). **In the review process, the owner shall show that the proposed rezoning and development will be compatible with existing or approved future development on adjacent properties."**

Our development program is to obtain CSP approval of the rezoning which allows financing of the site for the uses proposed. Then and only then, is the applicant permitted to file and process the preliminary plan and DSP. The rezoning CSP is akin to a zoning case and as such is to be submitted prior to a preliminary plan and detailed site plan for the entire site and follows the order of approvals established in Section 27-270 of the Ordinance. The enclosed

conceptual site plan (CSP) is for a combination of single-family detached dwellings (SFDU) and townhomes) in the area on Hamilton Street ("Upper Parcel") as shown on the enclosed survey. The "Lower Parcel" adjacent to Magruder Park is proposed to be all townhomes with a portion to be added to Magruder Park.

Simultaneously with this application, we have received approval of the existing 100-year floodplain delineation from the DOE and DPIE. They have requested we now file a floodplain fill waiver which will include a:

- Floodplain fill waiver request;
- Compensatory storage request/plan which alters the ultimate floodplain line; and
- SWM Concept.

These plans along with a TCP I and II all of which comprise an NRI, which is needed to have a preliminary plan and DSP accepted and approved. We also show Clover Street, which is non-accepted r/w on our property. If needed, I will propose a condition of the preliminary plan to vacate the street after DSP and with the final plat(s).

BACKGROUND:

The Applicant is the contract purchaser of the site. The Gateway Arts District (GAD) Sector Plan defines an area as the TRN, which seeks to maintain a traditional neighborhood concept; however, an obsolete building with no occupants for over twenty-six (26) years is an anomaly and an incongruous use in an established neighborhood with no other commercial or institutional uses. As such, it certainly does not support the primary goal of the TRN to preserve the existing single-family neighborhoods. In fact, the subject site adjoins R-10 zoned apartments and is adjacent to R-18 garden apartments; the City's Magruder Park; and a MNCPPC park. The Magruder Pointe project will be a complete removal of the building and parking lot. The single-family homes proposed are in full compliance with the TRN recommendations rather than preserve an office building and parking lot, which is completely at odds with the TRN/GAD. This in and of itself, meets the criteria for rezoning to the M-U-I Zone:

"In the review process, the owner shall show that the proposed rezoning and development will be compatible with existing or approved future development on adjacent properties."

The finished product will be a cornerstone project for the City of Hyattsville and allow this property to be a benefit to the City rather than an eyesore with no employment, hence little tax revenue and a parking lot, which is 100% impervious area. The environmental improvement includes removal of approximately 40% of the existing impervious area; demolition of an obsolete building, and those materials to a great extent will be recycled into the reconstruction.

We are proposing to consummate a transaction with the City to transfer 1.8 acres of the 4.6 acre Lower Parcel for a park addition to Magruder Park. We have a Metro bus stop adjoining the site and two "The Bus "stops which offer service to nearby Metro Stations (2). Both of

which are walkable and bikable. We are providing as part of the home purchase a membership in the Capital Bikeshare program for each and every home. We are seeking to preserve part of the façade (art deco) of the existing building to the extent feasible in an entrance feature and include a block or brick from the existing WSSC building into each home as a recognition of the site's history. We may even use some of the existing hand railings in each home as well.

As to outreach, the applicant has been diligently working with the City of Hyattsville and the community for months and has considered their input carefully and incorporated many ideas into the draft plans. The City has held/scheduled open meetings and are summarized below:

City of Hyattsville Correspondence Regarding Magruder Pointe

1. Team Proposal dated Jan. 5 to the City, which includes a concept plan, architecture, and our proposal to utilize portions of the art deco façade of the WSSC building in our monument features if possible. We have had at least 27 meetings with the Community beginning in November 2017 at Vigilante Coffee where we committed to input on architecture (designed by two local architects in the City to ensure compatibility), housing initiatives, transportation, the building, the parking lot and any other topic proposed.
2. Jan. 31: City Manager Memo to Council briefing the Council on our proposal and tentative hearing dates with the MNCPPC;
3. Feb. 5: Cover Memo from Staff to Council outlining our schedule; recommending the item for discussion; setting a City Planning Committee for Feb. 27; and the goal as stated by the City staff is to: ***"Ensure the long term viability of the City."*** Our team presented our proposal dated Jan. 5 (attached).
4. Feb. 27 Planning Committee Minutes: 17 of 33 community comments were in support; only four were outright opposition; and of the remaining 12 were citizens expressing questions, concerns and comments but not opposition. Recommendation deferred to March 20th meeting.
5. March 20 Planning Committee Minutes: ***Staff recognizes we can revise the floodplain with agency approvals, as done in the Riverfront at West Hyattsville project obviously another City project.*** The individual committee members expressed valid concerns in discussion. The Committee overall recommended approval with concerns that need to be addressed as the development proceeds. ***The vote was 7 to 1 for supporting the CSP.*** The Planning Committee is comprised of City citizens with full public input.
6. April 5 City Staff memo to Council: Staff notes the Planning Committee was supportive and on the lower parcel wanted to see options on green space. NOTE: ***The applicant agreed; worked to a contract with the City to transfer 1.8 acres of the 4.66 acres to the City for open space/parkland; and on June 4 the City voted to endorse the contract but then voted to not support the overall CSP revision.*** The staff recommended approval of the CSP finding conformance to the TRN goals and recommendations in the sector plan noting the proposal fits the purposes of DDOZ's by providing "flexibility within the regulatory framework to encourage innovative design solutions' and "promote an appropriate mix of land uses to encourage compact development". The staff

recommended approval with two conditions as to density and that further review would occur at the time of subdivision. Applicant concurs with this recommendation.

7. April 16 Cover memo to Council from staff: Reiterates staff support with two conditions. Notes extensive community engagement through 3 meetings with the City; in person meetings; a page on the Speak Up HVL website; and the applicant regularly sends email blasts on progress and information to the community.
8. May 15 Memo from Staff to Council: Staff again notes Planning Committee support; Staff support is for the use; the proposal supports the TRN goal to support fee simple single-family homes. The goal of the Sector Plan was to *enhance the viability of the existing single family detached neighborhood* meaning townhouses and singles proposed are not at odds with the this goal. Staff further notes there is a high rise R-10 apartment complex directly adjacent to both the upper and lower portions of the proposed development and an R-18 garden apartment complex. As stated in 7. Above, staff supports the proposal as in conformance with the TRN goals. **In sum, staff notes the intent of the discussion *item is to develop conditions for the June 4 action hearing*.** Meaning not for disapproval.
9. May 17 City staff memo on past WSSC proposals: In 2014, there was a proposal for 150 condos on the upper parcel and 5 SFDU's and 58 townhouses on the lower parcel. The 2004 proposal was for 24 singles on the upper parcel and finally in 2004 a proposal for housing on the upper parcel not defined and an athletic fields on the lower parcel. None came to fruition or received City support.
10. May 30 Cover Memo from Staff to the Council and a memo: Again staff recommends approval of the CSP with a density condition of 9 units per acre.
11. June 4 action hearing: The Council votes to enter into an Agreement with the Applicant to purchase 1.8 acres of parkland out of the 4.66 acre lower parcel to expand Magruder Park. This is consistent with page 123 of the sector plan, which rezoned the land from R-55, which would allow townhouses in the DDOZ to O-S, which "creates the opportunity to expand parkland and reinforce the vision of the traditional neighborhood character area." (See page 123 of the sector plan, attached) Then a long discussion on video available on-line there is a very long discussion on a vote to disapprove. The first motion fails; a second motion was debated in a lengthy discussion to either say simply disapproval of the CSP amendment or add reasoning. While the vote was to not add reasoning the June 4 City letter to the Planning Board did note they were "appreciative of the applicant's efforts to meet with the residents of our community over the past several months to listen to our community's concerns including but not limited to, the loss of potential expansion of Magruder Park. The action to disapprove obviously is at odds with a vote immediately preceding to acquire a portion of the property from the applicant and their own staff and Planning Committee's recommendations and citizen support.

LEGAL CRITERIA FOR REZONING:

The Zoning Ordinance codified in Section 27-548.26 a process utilizing a CSP or a DSP to amend the use table for a specific property for land in a DDOZ or change the underlying zone. If approved, the rezoning amendment only applies to the site, which is the subject of the instant

CSP. In this matter, we are utilizing a CSP (Ex. A) as the vehicle to rezone the site from the R-55 and O-S Zones to the M-U-I Zone for both parcels.

The GAD recommendations on page 138 seek to preserve "the single-family residential neighborhood character as the anchor of the Arts District and our illustrative (Ex. B) does show all single family units in full compliance. We are providing porches, yards and sidewalks fronting the open space for "built-in" natural surveillance as well.

We are proposing an open space component adjacent to Magruder Park of 1.8 acres, which not only provides eyes on the park but also satisfies the sole goal of the SMA, which rezoned the lower parcel from R-55 to O-S. Page 123 of the GAD states the rezoning "creates opportunity to expand parkland and reinforce the vision of the traditional neighborhood character area." This CSP precisely does that.

The CSP also notes limited design standards on the plan to guide the subsequent plans. The enclosed CSP is limited to items relevant to the use only request. By way of background a CSP is defined by the Ordinance as follows:

Sec. 27-267. - Introduction. (Emphasis added)
(a) The term "site plan" is often used to refer to any type of two dimensional, scaled drawing which illustrates existing and proposed features of a piece of property. There are a number of references in this Subtitle to a site plan being required to be reviewed and approved by the Planning Board or its designee. There are other situations in the development process where approval of a site plan is required as a condition of approval of Zoning Map Amendment applications, Preliminary Plats of Subdivision, or Special Exceptions. It is the intent of this Division to simplify the site plan review requirements by standardizing the review procedures, criteria, approval procedures, and terminology.

(b) This Division provides for Conceptual Site Plans and Detailed Site Plans. This Division also provides for limiting or expanding the review requirements to accommodate the peculiarities of each type of development for which site plan review is required.

In this case, the review requirements are governed by the following and I have highlighted what I believe is relevant to the instant application as to the zoning requested and no physical development, which will be addressed by the forthcoming preliminary plan, and DSP as allowed by Section 27-267(b) above:

SUBDIVISION 2. - REQUIREMENTS FOR CONCEPTUAL SITE PLANS.

Sec. 27-272. - Purpose of Conceptual Site Plans.
(a) Examples.
(1) There is often a need for approval of a very general concept for developing a parcel of land before subdivision plans or final engineering designs are begun. Such cases include:
(A) Planned employment parks;

(B) Planned mixed-use developments;
(C) Recreational Community Developments;
(D) Large single-use developments;
(E) Development which is potentially incompatible with land uses on surrounding properties; and
(F) Developments involving environmentally sensitive land, or land that contains important natural features that are particularly worthy of attention.

(b) **General purposes.**

(1) The general purposes of Conceptual Site Plans are:
(A) To provide for development in accordance with the principles for the orderly, planned, efficient, and economical development contained in the General Plan, Master Plan or other approved plan;
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(1) The specific purposes of Conceptual Site Plans are:
(A) **To explain the relationships among proposed uses on the subject site, and between the uses on the site and adjacent uses;**
(B) To illustrate approximate locations where buildings, parking lots, streets, green areas, and other similar physical features may be placed in the final design for the site;
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(CB-75-1989; CB-84-1990; CB-47-1996; CB-28-2010)

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(a) The Conceptual Site Plan shall be submitted to the Planning Board by the owner of the property (or his authorized representative).
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(c) Upon filing the Plan, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the Plan. The scale of fees shall be determined by the Planning Board. A reduction in the fee may be permitted by the Planning Board if it finds that payment of the full amount will cause an undue hardship upon the applicant.
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(e) A Conceptual Site Plan shall include the following:

(1) **Location map, north arrow, and scale;**

(2) Boundaries of the property, using bearings and distances (in feet) around the periphery;

(3) Zoning categories of the subject property and all adjacent properties;

(4) **General locations and types of major improvements that are within fifty (50) feet of the subject property, and a general description of all land uses on adjacent properties;**

(5) Existing topography, at not more than two (2) foot contour intervals;

(6) An approved Natural Resource Inventory (NRI);

(7) Street names, right-of-way and pavement widths of existing streets and interchanges within and adjacent to the site; and

(8) Existing rights-of-way and easements (such as railroad, utility, water, sewer, access, and storm drainage);

(9) Existing site and environmental features as shown on the approved NRI;

(10) A Type 1 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and the Woodland and Wildlife Habitat Conservation Technical Manual or a Standard Letter of Exemption;

(11) Proposed system of internal streets, including right-of-way widths;

(12) Proposed lot lines and the land use proposed for each lot;

(13) General locations of areas of the site where buildings and parking lots are proposed to be located, and the general orientation of buildings on individual lots; and

(14) A stormwater concept plan approved or submitted for review pursuant to Section 4-322 of this Code;

(15) A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible.

(f) **The submittal requirements in (e), above, may be modified in accordance with Section 27-277.**

(g) A Plan shall be considered submitted on the date the Planning Director determines that the applicant has filed a complete Plan in accordance with the requirements of this Section.

(h) This Section shall not apply to:

(1) All stadium wayfinding signs located within parking areas at a stadium.

(CB-54-1986; CB-75-1989; CB-84-1990; CB-47-1996; CB-28-2010; CB-34-2011; CB-54-2012; CB-83-2015)

Sec. 27-274. - Design guidelines.

COMMENT: These will be addressed with the subsequent DSP and PPS.

Section 27-548.26 of the Code defines the procedure of using a CSP to change the underlying zones by an owner (Sec. 27-548.26. (b)):

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  (1) The following amendments to development requirements within the Development District may be initiated and approved by the District Council through the minor plan amendment procedure and concurrent Sectional Map Amendment process, in accordance with Part 13, Division 2, and Part 3, Division 4:
    (A) Changes to the boundary of the D-D-O Zone; and
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  (2) At the written request of a municipality in which development district property is located, the District Council may modify the Development District Standards under the following procedures. The District Council shall direct the Planning Board to prepare the amendment and shall specify which Development District Standards should be reviewed.
    (A) For hearing procedures in general, the Planning Board and District Council shall follow the requirements in Part 3, Division 9, for Conceptual Site Plans as found in Sections 27-276(a)(1), (3), (4), (5), (6) (7); and 27-276(d). Review by the District Council shall follow the procedures in Section 27-280. Notice of the Planning Board's hearing shall be sent by first-class mail to all municipalities with development district property, all parties of record in the Sectional Map Amendment, and all property owners within the area specified in the District Council's direction;
    (B) Planning Board staff must prepare a report and recommendation. The Planning Board shall hold a public hearing, file its decision with the Clerk of the Council, and send copies to persons of record of this amendment process within fifty (50) days of the receipt of the District Council's direction to the Planning Board;
    (C) In order to approve an amendment of the Development District Standards the Planning Board shall make the following findings:
    (i) The amendment is in compliance with the goals of the Development District; and
    (ii) The amendment is in conformance with the purposes of the D-D-O Zone.

(b) Property Owner.
  (1) A property owner may request that the District Council amend development requirements for the owner's property, as follows:
    (A) An owner of property in, adjoining, or separated only by a right-of-way from the Development District may request changes to the boundary of the approved D-D-O Zone.

(B) **An owner of property in the Development District may request changes to the underlying zones** or the list of allowed uses, as modified by the Development District Standards. **Comment : The owner is submitting this request.**

(2) The owner's application shall include:

(A) A statement showing that the proposed development conforms with the purposes and recommendations for the Development District, as stated in the Master Plan, Master Plan Amendment, or Sector Plan; and

(B) A site plan, either the Detailed Site Plan required by Section 27-548.25 or a Conceptual Site Plan. **Comment: The owner is submitting a CSP.**

(3) Filing and review of the application shall follow the site plan review procedures in Part 3, Division 9, except as modified in this Section. The Technical Staff shall review and submit a report on the application, and the Planning Board shall hold a public hearing and submit a recommendation to the District Council. Before final action the Council may remand the application to the Planning Board for review of specific issues.

(4) An application may be amended at any time. A request to amend an application shall be filed and reviewed in accordance with Section 27-145.

(5) The District Council may approve, approve with conditions, or disapprove any amendment requested by a property owner under this Section. In approving an application and site plan, **the District Council shall find that the proposed development conforms with the purposes and recommendations for the Development District,** as stated in the Master Plan, Master Plan Amendment, or **Sector Plan**, and meets applicable site plan requirements.

(6) If a Conceptual Site Plan is approved with an application, the owner may not obtain permits without an approved Detailed Site Plan.

(CB-8-2000; CB-5-2007)

The Gateway Arts District Sector Plan and SMA sets forth the following goal and recommendations for the TRN area (page 26-7):

The Development District. The goal and/or recommendation is provided in italic typeface with comments that follow.

Goal: Traditional Residential Neighborhood Character Areas Goal to preserve the single-family residential neighborhood character as [an] anchor of the Arts District, while supporting artists who produce and teach from their homes.

Comment: All of the units proposed are single-family dwellings. At this point, here is a maximum of seventy-two to seventy-six dwellings to be submitted in a subsequent

preliminary plan and detailed site plan. This proposal replaces a vacant office building and a parking lot in the floodplain, which is not in keeping with this goal.

Recommendations;

1. *Rezone to implement the proposed development district standards and guidelines.*

   Comment: Our request will implement the TRN goal for residential development rather than the office building and parking lot, which is not compatible.

2. *Reinforce existing single-family detached residential neighborhoods as community-oriented, quiet, low-traffic, and child-safe.*

   Comment: The proposed single-family neighborhood concept completely addresses this goal. While there will be some townhomes, the overall concept is community oriented, largely self-contained as to parking and access, and safe. We have done a traffic study, which will be filed with the preliminary plan that more than meets the APF guidelines. There are paths and trails through the site and to the adjacent Magruder Park. The addition of 1.8 acres in the Lower Parcel to Magruder Park will enhance the parkland and recreational opportunities in accord with the GAD SMA (page 123).

3. *Maintain the integrity of residential streetscape. Front yards should not be paved, nor should wide driveway aprons be constructed.*

   Comment: No front yards shall be paved nor driveway aprons constructed onto a public street. In fact, all units except perhaps one will have access through internal public alleys. The City will maintain all the internal alleys.

4. *Support arts and handcraft home occupations.*

Comment: We concur and believe the traditionally designed homes will inherently support art and home occupations due to their size and adjacency to the nearby Arts District(s). The detached garages shown in the enclosed architecture (Ex. C) will have lofts that can be used for artists.

Based on the above, the Applicant requests approval of this CSP to rezone the entire property Lower Parcel to the M-U-I Zone for the entire site to allow townhomes in the TRN/DDOZ for this site as well as SFDU's. We look forward to working with you and your staff on the enclosed application. Thank you in advance for your attention to this matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Norman D. Rivera

Attachments

Norman D. Rivera, Esquire
Law Offices of Norman D. Rivera, LLC
17251 Melford Boulevard Suite 200
Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
normanrivera2012@gmail.com

June 27, 2018

Mr. Henry Zhang, Senior Planner
Prince George's County Planning Department
14741 Governor Oden Bowie Drive, Room 2198
Upper Marlboro, MD 20772

Re: CSP-18002, Magruder Pointe/Continuance Request

Dear Mr. Zhang:

This is to request a continuance from July 19 to Jul 26, 2018. My client cannot delay the hearing until September with the District Council out early at the end of October. There is no certainty on District Council dates, so there is no way at this point to obtain a final Council hearing and approval of and Order. There is a 30-day notice to their mandatory hearing and without a Planning Board resolution to even get to request the hearing until September, I must request July 26th.

I will be filing the required information today and will work diligently with Henry. We are constantly working with DPIE on the floodplain issue and confident of a positive result as you seek. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Norman D. Rivera

Encl.
C: Mr. James Hunt
Ms. Whitney Chellis
Ms. Jill Kosack
Werrlein Properties, LLC
Ms. Katie Gerbes

APPLICATION FORM DISCLOSURE

List all persons having at least five percent (5%) interest in the subject property.

Owner(s) Name - printed	Signature and Date	Residence Address
Jemals WSSC, LLC		702 H St NW
		Ste 400
		Washington DC
		20001

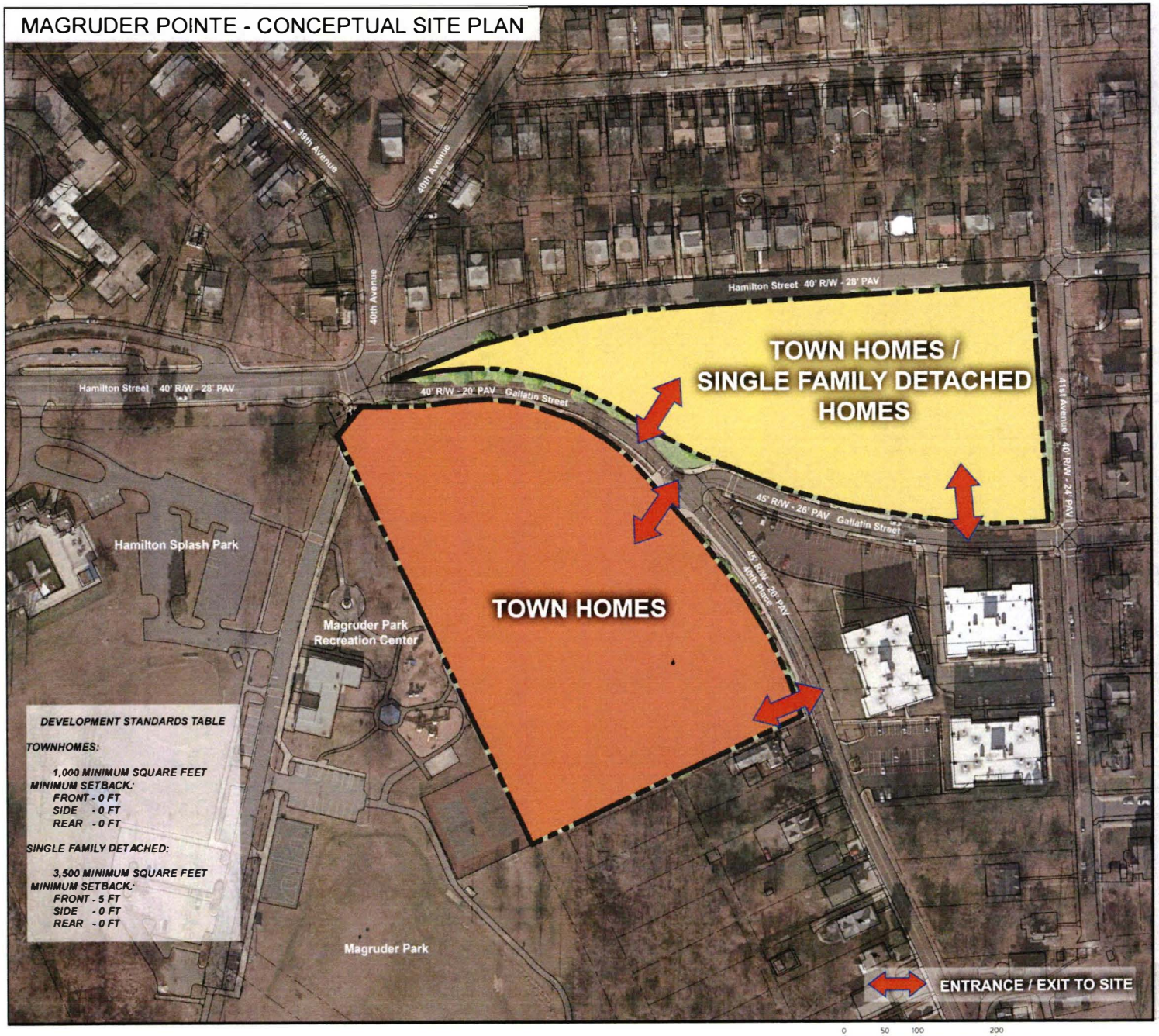
If the property is owned by a corporation, please fill in below.

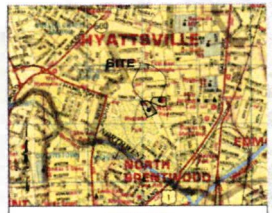
Officers	Date Assumed Duties	Residence Address	Business Address

Board of Directors	Date Assumed Duties	Date Term Expires	Residence Address	Business Address

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 GOVERNOR ODEN BOWIE DRIVE
UPPER MARLBORO, MD 20772
DEVELOPMENT REVIEW DIVISION
301-952-3530

MAGRUDER POINTE - CONCEPTUAL SITE PLAN





VICINITY MAP
SCALE: 1" = 2000'

PRINCE GEORGE'S COUNTY
ROAD ATLAS
MAP 060 GRID B1

NORTH

General Notes:

1.) Project Name: Magruder Pointe

2.) Owner:
WerrleinWSSC LLC
522 Defense Highway
Annapolis, MD 21401

3.) Total Acreage: 8.26AC

4.) Existing Zoning:
O-S (Open Space): 4.66 AC
R-55 (One-Family Detached Residential): 3.60 AC

5.) Proposed Zoning:
M-U-I (Mixed Use Infill): 8.26 AC

6.) Existing Use of Property:
Parking Lot: 4.66 AC
WSSC Property (Vacant): 3.60 AC

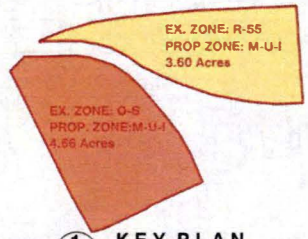
7.) Proposed Use of Property: Residential

8.) 200 foot Reference (WSSC Map): 206NE03

9.) Tax Map Number and Grid: 050B1

10.) Number of Units:
66 Attached DU
16 Detached Single Family
82 Total Dwelling Units (Max.)

11.) Water Catergory (Existing/Proposed): W-3
Sewer Category (Existing/Proposed): S-3



1/1 KEY PLAN
SCALE: NTS

Dewberry
4601 FORBES BOULEVARD, SUITE 300
LANHAM, MD 20706
P 301.731.5551

0 50 100 200

26 JUNE 2018

APPLICATION FORM

DO NOT WRITE IN THIS SPACE

Application No.(s): _____ Planning Board Review ☐ Planning Director Review ☐

Acceptance Date: _____ 70-day limit _____ Limit waived--New limit _____

☐ Posting Date: _____ No. of Signs Posted: ___ Agenda Date: _____

_____ Posting Fee: _____ Case Reviewer: _____

Date: _____

Referral Mail-Out Date: _____ Referral Due Date: _____

Date of Informational Mailing: _____ Date of Acceptance Mailing: _____

APPLICATION TYPE: _____ ☐ Revision of Case # _____

Case(s): CSP 18002

PROJECT NAME: Magruder Pointe

Complete address (if applicable) and Geographic Location (distance related to or near major intersection)

Total Acreage: 8.26 Ac.		Election District: 16, Hyattsville
Tax Map/Grid: 50-B1	Current Zone(s): R-55, O-S	Council District: 2
WSSC Grid: 206NE03	Existing Lots/Blocks/Parcels:	Dev. Review District: Gateway Arts Dist. Sector Plan
COG TAZ: 965	PG TAZ: 752	Aviation Policy Area: No
Planning Area: Sub. 2, #68	In Municipal Boundary: Hyattsville	Is development exempt from grading permit pursuant to 32-127(a)(6)(A): ☐ Y ☐ N
(2002) General Plan Tier: ☒ Developed ☐ Developing ☐ Rural		Area of proposed LOD: 8.2 Acres

Proposed Use of Property and Request of Proposal:
To rezone the property to M-U-I from the R-55 and O-S zones.

Please list and provide copies of resolutions of previously approved applications affecting the subject property:
N/A

Applicant Name, Address & Phone:
Werrlein WSSC LLC; C/O Jonathan Werrlein
522 Defense Highway, Annapolis, MD 21401
E:jonathan@werrleinproperties.com
P: 443.510.1274

Owner Name, Address & Phone:
(if same as applicant indicate same/corporation see Disclosure)
Jemals WSSC LLC; 702 H Street, NW, Suite 400; Washington, DC 20001

Consultant Name, Address & Phone:
Dewberry
4601 Forbes Boulevard, Suite 300
Lanham, MD 20706
301.731.5551

Contact Name, Phone & E-mail:
Bryan Turton, P.E.
301.364.1858
bturton@dewberry.com

SIGNATURE (Sign where appropriate; include Application Form Disclosure for additional owner's signatures)

_____ _____
Owner's Signature typed & signed Date

Jonathan 6/26/18
_____ _____
Contract Purchaser's Signature typed& signed Werrlein Date

6/26/18
_____ _____
Applicant's Signature typed & signed Date

Jonathan Werrlein
_____ _____
Applicant's Signature typed & signed Date

SUBDIVISION CASES – PRELIMINARY PLAN/CONSERVATION SKETCH PLAN:			
Type of Application (Check all that apply)			
Conventional ☐	Comprehensive Design ☐	Conservation Sketch Plan ☐	Pre-Preliminary Plan ☐
Variation, Variance or Alternative Compliance Request(s) Yes ☐ No ☐		Applicable Zoning/Subdivision Regulation Section(s):	
Total Number of Proposed: Lots_____ Outlots _____ Parcels _____ Outparcels _____			
Number of Dwelling Units: Attached _____ Detached _____Multifamily _____		Gross Floor Area (Nonresidential portion only):	

SUBDIVISION CASES – FINAL PLAT:	
Water/Sewer: DER ☐ Health Dept. ☐	Number of Plats:
CSP/DSP/SDP No.:	WSSC Authorization No.:
Preliminary Plan No.:	
Approval Date of Preliminary Plan:	

URBAN DESIGN AND ZONING CASES:	
Details of Request: To rezone the property to M-U-I from the R-55 and O-S zones.	Zoning Ordinance Section(s): Section 27-486.26
Total Number of Proposed: Lots 82 Outlots _____ Parcels _____ Outparcels _____	
Number of Dwelling Units: Attached 66 Detached 16 Multifamily _____	Gross Floor Area (Nonresidential portion only):
Variance Request Yes ☐ No ☐	Applicable Zoning/Subdivision Regulation Section(s):
Departure Request Yes ☐ No ☐	Application Filed Yes ☐ No ☐
Alternative Compliance Request Yes ☐ No ☐	Application Filed Yes ☐ No ☐

APPLICATION FORM DISCLOSURE

List all persons having at least five percent (5%) interest in the subject property.

Owner(s) Name - printed	Signature and Date	Residence Address

If the property is owned by a corporation, please fill in below.

Officers	Date Assumed Duties	Residence Address	Business Address

Board of Directors	Date Assumed Duties	Date Term Expires	Residence Address	Business Address

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 GOVERNOR ODEN BOWIE DRIVE
UPPER MARLBORO, MD 20772
DEVELOPMENT REVIEW DIVISION
301-952-3530

Norman D. Rivera, Esquire
Law Offices of Norman D. Rivera, LLC
17251 Melford Boulevard Suite 200
Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
normanrivera2012@gmail.com

June 18, 2018

Dear adjoining property owner, municipality, previous party of record and/or registered association:

Re: Corrected Notice Mailing: Magruder Pointe
Application #: CSP-18002

A Conceptual Site Plan for the above-referenced project will be submitted for review to the Development Review Division of The Maryland-National Capital Park and Planning Commission ("M-NCPPC"). This application is an update to application CSP-18002, for which a notification letter was mailed previously. The address of the subject property is 4017 Hamilton Street and 40th Avenue, Hyattsville, which is located in the southwest quadrant of the intersection of Hamilton Street and 41st Avenue and on the south side of Gallatin Street, between 40th Avenue and 40th Street. The nature of the review is rezoning of the property from the Open Space (O-S) and Residential (R-55) zones to the R-55 and/or the R-10A (Multifamily) or M-U-I (Mixed-Use Infill) zone. The southern parcel is zoned O-S and the northern parcel is zoned R-55 currently.

If you wish to become a Person of Record to this application, you may submit your request online at http://www.pgplanning.org/1586/Become-a-Person-of-Record or by written request to the Development Review Division of the M-NCPPC, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please reference the Pre-Application Number and the Name of Project in your request. At this time no government agency has reviewed the application. After the application has been filed, you may contact the M-NCPPC at 301-952-3530.

IMPORTANT: This notice is your opportunity to interact with the applicant prior to the acceptance of the subject application. Once an application is accepted, it may be subject to mandatory action time frames that are established by law. Contacting the applicant as soon as possible after receiving this notice will help facilitate your ability to receive information and/or establish a time when the applicant may meet with you or your civic group to provide information and answer questions about the development proposed. Any concerns regarding an applicant's failure to provide information or engage in dialogue about the proposed development should be directed in writing to the same mailing address listed for becoming a party of record. Please be sure to include the application number with any such correspondence

If you are interested in receiving more information about this application, reviewing a copy of a site plan, or meeting to discuss the project, you may contact Norman D. Rivera, Esq. at 301-580-3287.

Sincerely,

Norman D. Rivera

Warner, David

From: Kosack, Jill
Sent: Tuesday, May 29, 2018 1:56 PM
To: Norman Rivera;Zhang, Henry;Pablo
Cc: Summerlin, Cheryl;Chellis, Whitney;Sams, Daniel;Jim Chandler;Katie Gerbes
Subject: RE: Magruder Pointe

Norman – Without knowing specifics, I do not believe staff would recommend approval of a rezoning of this property to the R-20 Zone. While it is mentioned in the TRN Character area, it is not present within this existing neighborhood. Is there a call in the sector plan for an increase in density on the subject property/area? We are organizing a staff meeting to discuss; however, if you do wish to change the application to a rezoning instead of a request for the addition of the townhouses as a permitted use, we would require a revised mailing, SOJ and plans with a limited re-referral, which would probably not be possible with the 7/12 hearing date.

Thanks,
Jill

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Thursday, May 24, 2018 2:49 PM
To: Zhang, Henry <Henry.Zhang@ppd.mncppc.org>; Pablo <sfbdevelopment@gmail.com>
Cc: Kosack, Jill <Jill.Kosack@ppd.mncppc.org>; Summerlin, Cheryl <Cheryl.Summerlin@ppd.mncppc.org>
Subject: Re: Magruder Pointe

Thank you for the opportunity to address the zoning issues for this CSP. After further review, I would propose the following to maintain our current review schedule with a hearing on July 12:

The R-20 Zone is part of the Traditional Neighborhood area planning recommendations (attached) and it allow singles at 6.7/acre and towns at 16.33/acre (attached). So, I could amend my request to rezone the whole site to R-20 and cap the density at 10 per the City condition they proposed (see attached). The City will make a formal vote and recommendation on June 4.

Thoughts? If Ok, I can amend the application and get this to you by Monday. The review criteria as Henry stated at the SDRC meeting is only two items which I address in the same manner as I submitted originally. However, after hearing more comments at SDRC, I will supplement my application with more information as to the arts. For eg., we are working with the City for a transfer of a significant amount of land. The City wishes to expand Magruder Park to provide cultural/art opportunities. Our singles will also have loft space above the garages for art use if desired. We are within biking and walking distance to two metro stations; we have Metro and The Bus stops on site; and are also funding a bike share subscriptiion for each home so each home can be registered in bikeshare.

I will let you digest this and call you Jill and Henry and I can meet at your convenience.

Sincerely,

Norman

Norman D. Rivera, Esq.
Law Offices of Norman D. Rivera, LLC
17251 Melford Boulevard Suite 200
Bowie, MD 20715
301-352-4973 Direct
301-580-3287 Mobile
normanrivera2012@gmail.com

On Tue, May 22, 2018 at 9:42 PM, Norman Rivera <normanrivera2012@gmail.com> wrote:

Thank you. Community planning has to make the same comments regardless of my request to amend the use table or a rezoning. The concept is the same, process same, just going from amending the use table to another zone to accomplish the same result and layout. I followed a process suggested at first in conjunction with staff and it became apparent I need to change course so I do not feel it is substantive.

I will show the layout in more detail to show the open space we are going to transfer to the City which will address cultural/artistic opportunities and the singles will have lofts above garages to provide art space. The towns are luxurious with double balconies and wrap around porches. We are providing a bike share membership for all units at our cost; trails to the Magruder Park and the bog owned by the DPR; and there are numerous bus stops by WMATA and The Bus to two local metro stations.

The City issued a report that was favorable which I can will add as well which specifically addresses the TRN goals. July 12 allows us to make our deadlines and the City votes formally and we expect a favorable vote. I can send a corrective notice as I did before. Our community outreach has been tremendous so everyone knows, believe me and I will document that too.

I can meet tomorrow thru Friday to flesh this out change or stay the course as an option and use the subsequent preliminary plan and DSP to resolve the density issues which we discussed. Thank you all.

On Tue, May 22, 2018, 2:15 PM Zhang, Henry <Henry.Zhang@ppd.mncppc.org> wrote:

Norman,

You will need to talk to Jill if you want to change your application at this time. Given the nature and extent of the changes, I will need to **re-refer** the case out for comments. You may need to send out another notice too.

So if I receive the revised application even today, I will need at least 2 weeks to let other office comment on it. I am not sure if we can keep the 7/12 date.

Thanks

Henry H. Zhang, AICP LEED AP

Master Planner, Urban Design Section

Development Review Division

The Maryland-National Capital Park and Planning Commission

Prince George's County Planning Department

www.mncppc.org

Telephone: 301-952-4151

Fax: 301-952-3749

TTY: 301-952-4366

Henry.zhang@ppd.mncppc.org

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Tuesday, May 22, 2018 11:45 AM
To: Zhang, Henry <Henry.Zhang@ppd.mncppc.org>
Subject: Re: Magruder Pointe

Hi Henry, I spoke to my client about your sage advice on the CSP timing. We received positive feedback from the City on the proposal overall and they will formally vote June 4. I want to revise the application to go from asking for an amendment of the Table of Uses in the O-S Zone to rezoning to R-55 or a zone with the density to fit the proposed density which is between 9 and 10 D.u.'s/acre, perhaps R-30. Given the 35 day deadline is June 7 for a July 12 PB date, I will file the revision shortly before June 7 which is over 2 weeks from now or 15 days.

I can come meet with you today or get the information together first. I am free all week sir!

Sincerely,

Norman

Norman D. Rivera, Esq.

Law Offices of Norman D. Rivera, LLC

17251 Melford Boulevard Suite 200

Bowie, MD 20715

301-352-4973 Direct

301-580-3287 Mobile

normanrivera2012@gmail.com

On Fri, May 18, 2018 at 8:09 AM, Zhang, Henry <Henry.Zhang@ppd.mncppc.org> wrote:

Norman,

Pls. come to SDRC before we talk about other things. The application does not look good.

Thanks

Henry H. Zhang, AICP LEED AP

Master Planner, Urban Design Section

Development Review Division

The Maryland-National Capital Park and Planning Commission

Prince George's County Planning Department

www.mncppc.org

Telephone: 301-952-4151

Fax: 301-952-3749

TTY: 301-952-4366

Henry.zhang@ppd.mncppc.org

From: Norman Rivera <normanrivera2012@gmail.com>
Sent: Friday, May 18, 2018 7:40 AM
To: Zhang, Henry <Henry.Zhang@ppd.mncppc.org>
Subject: Magruder Pointe

Good morning Henry we're supposed to go to the city council for approval on June 4th. We have committee this morning and I was wondering if we could get the signs soon as even Monday. Have you spoken to Katie?