



Prince George's County Council

Sitting as the District Council

Zoning Agenda Item Summary

Case No.: DSP-18005 **Councilmanic District:** 2
Meeting Date: 10/13/2020 **Zone(s):** R-55 / D-D-O
Case Name: Magruder Pointe
Applicant: Werrlein WSSC, LLC
Location: Located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue (8.26 Acres; R-55 / D-D-O Zones).
Request: Requesting approval of a Detailed Site Plan (DSP) application proposes to develop 15 single-family attached units and 16 single-family detached units on the upper parcel, where the former Washington Suburban Sanitary Commission (WSSC) Headquarters building was located.

Companion

Case(s):

DECISIONS/RECOMMENDATION:

Technical Staff: Approval with Conditions

Planning Board: Approval with Conditions

Zoning Hearing Examiner:

Municipality: Hyattsville

Opposition:

LEGAL DEADLINES:

Appeal date: 8/17/2020

Review date: 9/21/2020

Action date: 10/16/2020

Comments:

Staff: Henry Zhang

HISTORY:

Acting Body:	Date:	Action:
M-NCPPC Technical Staff	05/28/2020	approval with conditions
M-NCPPC Planning Board	06/18/2020	approval with conditions
Applicant	07/08/2020	appealed

Notes: *Norman D. Rivera, Esq., attorney for the applicant, appealed the Planning Board's decision, requesting a revision to conditions I.g.*

Sitting as the District Council 07/27/2020 waived election to review

Notes: *Council waived election to review for this item (Vote: 11-0).*

Aye: 11 Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Applicant 07/27/2020 filed
Notes: *Norman D. Rivera, Esq., attorney for the applicant, filed a request to withdraw the previous appeal of the Planning Board's decision then a request to withdraw/hold the withdrawal request.*

Clerk of the Council 08/13/2020 mailed
Notes: *Notice of Oral Argument Hearing was mailed to Persons of Record.*

Person of Record 08/21/2020 appealed
Notes: *Greg Smith, Anne Ambler, et al. filed an appeal of the Planning Boards Decision.*

09/14/2020

Sitting as the District Council 09/14/2020 continued at a later date
Notes: *After a preliminary procedural discussion, Council voted to grant Appellants' request for a continuance and the Oral Argument was continued to Monday, October 5, 2020 at 1:30 p.m. (Vote: 11-0).*
 Aye: 11 Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Clerk of the Council 09/18/2020 mailed
Notes: *Courtesy notice of District Council hearing continuation was mailed to Persons of Record.*

Sitting as the District Council 09/21/2020 announced hearing date

Sitting as the District Council 10/05/2020 hearing held; case taken under advisement
Notes: *Henry Zhang, M-NCPPC, provided an overview of the Detailed Site Plan application. Stan Brown, People's Zoning Counsel, outlined the procedural issues raised by appellants. After a preliminary procedural discussion, Council Member Hawkins voluntarily recused himself from the hearing. Greg Smith and Daniel Muth, appellants, spoke in opposition. Norman Rivera, Esq., attorney for the applicant, spoke in support. Deborah Borden, Deputy General Counsel, M-NCPPC, and Rajesh Kumar, Principal Counsel to the District Council, responded to Council Member questions. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented. The Oral Argument Hearing was held and Council took this case under advisement.*

Sitting as the District Council 10/06/2020 referred for document
Notes: *Council referred this item to staff for preparation of an approving document with conditions (Vote: 10-0; Absent: Council Member Hawkins).*
 Aye: 10 Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Ivey, Streeter and Taveras
 Absent: 1 Hawkins

Sitting as the District Council 10/13/2020 approval with conditions

Notes: *Council adopted the prepared order of approval, with conditions (Vote: 10-0; Absent: Council Member Hawkins).*

Aye: 10 Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros,
Harrison, Ivey, Streeter and Taveras

Absent: 1 Hawkins

Clerk of the Council 10/21/2020 mailed

Notes: *The Notice of Final Decision of the District Council was mailed to Persons of Record.*

Person of Record 11/20/2020 filed

Notes: *Leigh Altman, et al, Persons of Record, filed a Petition for Judicial Review in Circuit Court.*

Document(s): DSP-18005 Ambler email to Brown 09282020 Request to Postpone, DSP-18005 District Council Notice of Hearing_Continued, DSP-18005 Letter from Smith to Brown corrected (appeal), DSP-18005 Letter from Smith to Brown original (appeal), DSP-18005 District Council Notice of Hearing, DSP-18005 Email from Rivera to Brown (Hold Withdrawal), DSP-18005 Letter from Rivera to Brown (Withdrawl), DSP-18005 Letter from Rivera to Brown (Appeal), DSP-18005 Planning Board Resolution NO. 2020-105, DSP-18005_PORL, DSP-18005 Technical Staff Report