



Prince George's County Council

Sitting as the District Council

Zoning Agenda Item Summary

Case No.: CSP-18002 **Councilmanic District:** 2
Meeting Date: 1/28/2019 **Zone(s):** R-55/O-S/D-D-O
Case Name: Magruder Pointe
Applicant: Werlein WSSC, LLC
Location: Located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north of Gallatin Street and west of 40th Place. 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) (8.26 Acres; R-55/O-S/D-D-O Zones) .
Request: Requesting approval of a Conceptual Site Plan (CSP) application proposing 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.

Companion

Case(s):

DECISIONS/RECOMMENDATION:

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

Zoning Hearing Examiner:

Municipality: City of Hyattsville

Opposition:

LEGAL DEADLINES:

Appeal date: 9/4/2018

Review date: 9/30/2018

Action date: 1/29/2019

Comments:

Mandatory Review:
District Council review of this case is required by Section 27-548.26(b) of the Zoning Ordinance.

Staff: Henry Zhang

HISTORY:

Acting Body:	Date:	Action:
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M-NCPPC Technical Staff	07/18/2018	disapproval
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Notes: *DISAPPROVAL of the request and decline to recommend rezoning 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.*

related to the R-55 recommendation.

Person of Record 09/26/2018 filed

Notes: *Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.*

Person of Record 09/27/2018 filed

Notes: *Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a second letter in opposition to the proposed October 15, 2018 Oral Argument.*

Person of Record 10/09/2018 filed

Notes: *J. Carroll Holzer, Esq., attorney for Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.*

Applicant 10/12/2018 filed

Notes: *Norman D. Rivera, Esq., attorney for the applicant, filed a letter concurring with a continuance of the October 15, 2018 Oral Argument to satisfy state affidavit requirements.*

Sitting as the District Council 10/15/2018 continued at a later date

Notes: *Stan Brown, People's Zoning Counsel, provided an overview on the status of the case and outlined the reasons why the hearing would take place at a later date in order to satisfy state affidavit requirements. The case was continued as requested and agreed to by certain members of the opposition and the applicant.*

Sitting as the District Council 01/14/2019 postponed

Sitting as the District Council 01/15/2019 hearing held; referred for document

Notes: *Henry Zhang, M-NCCPC, provided an overview of the Conceptual Site Plan application. Jim Chandler with the City of Hyattsville spoke in opposition as did Greg Smith and Daniel Muth. Norman Rivera, Esq., attorney for the applicant, spoke in support on behalf of the applicant as did the following individuals: Charlie Kenny, Nick Harris, Michael Romero, Brenda Cain, Alyce Thompson and Flawn Williams. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. The Mandatory Review Hearing was held and this item was referred to staff for preparation of an Order of Remand to the Planning Board (Vote: 11-0).*

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

Sitting as the District Council 01/28/2019

Document(s): CSP-18002 Zoning Agenda Item Summary, CSP-18002 Planning Board Resolution 18-74, CSP-18002_PORL_Rev, CSP-18002 Technical Staff Report_Supplemental