

The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530



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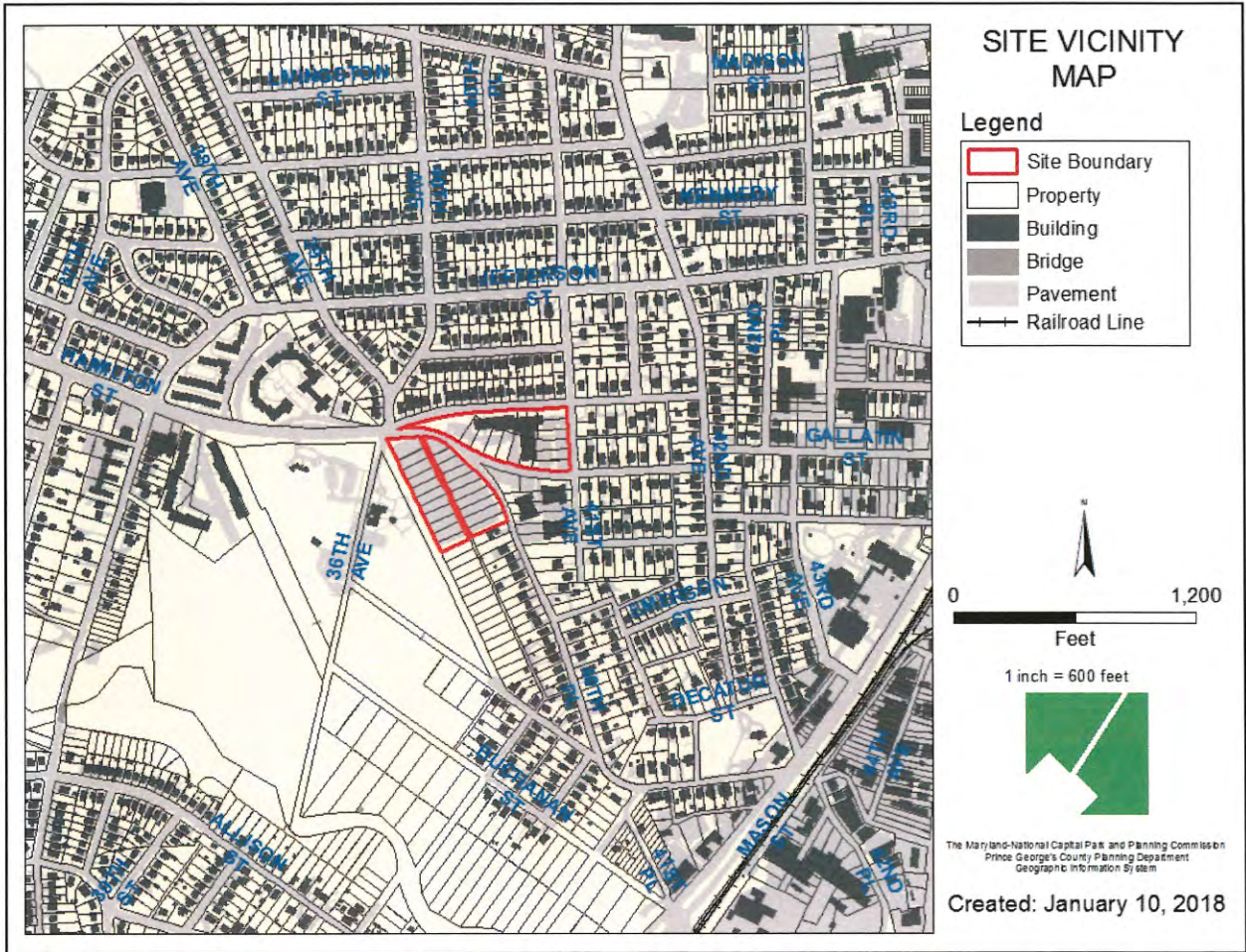
Conceptual Site Plan

CSP-18002

Application	General Data	
Project Name: Magruder Pointe Location: South of Hamilton Street, in the southeast quadrant of its intersection with 40th Avenue. Applicant/Address: Werrlein WSSC, LLC 522 Defense Highway Annapolis, MD 21401	Planning Board Hearing Date:	07/26/18
	Memorandum Date:	07/18/18
	Date Accepted:	05/03/18
	Planning Board Action Limit:	07/26/18
	Plan Acreage:	8.26
	Zone:	O-S/R-55/D-D-O
	Dwelling Units:	N/A
	Gross Floor Area:	N/A
	Planning Area:	68
	Council District:	02
	Election District	16
	Municipality:	Hyattsville
	200-Scale Base Map:	206NE03

Purpose of Application	Notice Dates	
This case was continued from the Planning Board hearing date from July 19, 2018 to July 26, 2018. Change the underlying zoning from the O-S and R-55 Zones to the M-U-I Zone and to permit single-family attached (townhouse) units on the property.	Informational Mailing:	03/19/18
	Acceptance Mailing:	05/31/18
	Sign Posting Deadline:	06/18/18

Staff Recommendation		Staff Reviewer: Henry Zhang Phone Number: 301-952-4151 E-mail: Henry.Zhang@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X	X	



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Conceptual Site Plan CSP-18002
Magruder Pointe

The Urban Design staff has completed the review of the subject application and appropriate referrals. The purpose of this application is limited to the request to rezone the subject property to the Mixed Use-Infill (M-U-I) Zone. Staff recommends an alternative, that the Open Space-zoned (O-S) portion of the site be rezoned to the One-Family Detached Residential (R-55) Zone and permit single-family detached and attached dwellings as requested by the applicant, as discussed further. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION

This conceptual site plan application was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Development District Overlay (D-D-O) Zone standard of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*;
- b. The requirements of the Prince George's County Zoning Ordinance for the Mixed Use-Infill (M-U-I) Zone and site design guidelines;
- c. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- d. Other site plan related regulations;
- e. Referral comments.

FINDINGS

Based upon the evaluation and analysis of the subject application, the Urban Design staff recommends the following findings:

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	PROPOSED
Zone:	R-55/O-S/D-D-O	M-U-I/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

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

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 Planning Commission (M-NCPPC) in the O-S Zone; and between the two parcels are midrise apartment buildings in the Multifamily High Density Residential (R-10) Zone. All surrounding properties are in the TRN Character Area and in the Development District Overlay (D-D-O) Zone.

5. **Previous Approvals:** The subject property is located on Tax Map 50 in Grid B1, consists of 35 lots, and contains a total of 8.26 acres. Lots 80–93 of Wine and Johnson’s Revised 1st Addition to Hyattsville 1882, recorded in Plat Book LIB A-20 on June 12, 1884, and a portion of land west of Lots 88 and 88½, recorded in Liber 21981 folio 165, comprise 3.6 acres of the subject property and are zoned R-55. Lots 23–33 and Lots 52–61 of Block 1 of Holladay Company’s Addition to Hyattsville, MD, recorded in Plat Book LIB A-30 on May 19, 1887, comprise 4.1 acres of the subject property and are zoned O-S. The Gateway Arts District Sector Plan and SMA also placed a D-D-O Zone over the property and retained the R-55 Zone, but downzoned the 4.66-acre parcel to the O-S Zone.

6. **Design Features:** The subject site houses the former Washington Suburban Sanitary Commission (WSSC) headquarters building on Hamilton Street to the north and the parking lot serving the building to the south across Gallatin Street. The building (3.6-acre parcel) is located in the R-55/D-D-O Zones and the parking lot (4.66-acre parcel) is located in the O-S/D-D-O Zones.

This property owner plans to utilize the D-D-O Zone amendment process, as stated in Section 27-548.26 of the Prince George's County Zoning Ordinance, and filed this CSP to rezone the underlying O-S and R-55 Zones to the M-U-I Zone for development of a single-family residential community consisting of single-family detached dwellings and townhouses. No improvements have been proposed with this CSP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment and the standards of the Development District Overlay (D-D-O) Zone:** The Gateway Arts District Sector Plan and SMA defines long-range land use and development policies, detailed zoning changes, design standards, and a D-D-O Zone for the Gateway Arts District area. The land use concept of the sector plan divides the Gateway Arts District into seven interrelated areas including, Town Center (TC), Arts Production and Entertainment (APE), Neighborhood Arts and Production (NAP), Multifamily Residential Community (MRC), TRN, Neighborhood Commercial (NC), and Stream Valley Park (SVP) for the purpose of examining issues and opportunities and formulating recommendations. Detailed recommendations are also provided for seven distinct areas within the sector plan.

The sector plan recommends two land uses across the subject property: parks and open space (O-S Zone) on the 4.66-acre parcel and single-family development (R-55 Zone) on the 3.6-acre parcel. The sector plan also puts the two parcels in the TRN Character Area.

In many ways, the traditional residential neighborhood character areas suggest a glimpse of small town Americana. They overlay land zoned for single-family housing (attached and detached). The historic houses and streetcar suburban pattern of inter-connecting narrow streets and shaded sidewalks within easy access to town centers and Metro are assets to be protected from encroachment or significant loss of integrity. (page 14)

Section 27-548.26(b) specifies that the property owner shall show, with a CSP, that the proposed development conforms with the purposes and recommendations of the development district, as stated in the master plan, master plan amendment, or sector plan. The Gateway Arts District Sector Plan establishes specific goals for the TRN area, as follows:

The goal for the TRN is, “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.” (page 138)

Mixed use of any kind, including the M-U-I Zone, has never been envisioned in the TRN Character Area. High-density mixed use is mainly directed to the town center area and predominantly along both Rhode Island Avenue and US 1 (Baltimore Avenue). As such, the Urban Design Section does not support the M-U-I Zone for this property, as contrary to the recommendations of the development district.

Based on the sector plan's recommendations for context-sensitive infill development to preserve traditional neighborhood characters in the TRN area, and the fact that the O-S Zone parcel was previously in the R-55 Zone prior to the 2004 Gateway Arts District Sector Plan and SMA, the Urban Design Section recommends that the appropriate zone for the entirety of the property is R-55. This would allow for development of both the single-family detached and attached units that is consistent with the sector plan recommendation for preservation of single-family character on this property. Staff recommends that the 4.66 acres of O-S Zone be rezoned to the R-55 Zone, and that the attached single-family dwelling units be permitted at 9 dwelling units per acre, and that the density for single-family dwellings be consistent with the R-55 Zone of 6.7 dwelling units per acre.

Rezoning the subject property to the R-55 Zone will position it to best achieve the purposes and recommendations of the sector plan for both family- and artist-oriented residential development. Most importantly, this zoning category will not preclude implementation of the recommendation for provision of additional green open space to be adjacent to the existing Magruder Park, to the west of the 4.66-acre parcel. Through a context-sensitive design at the time of detailed site plan (DSP), the R-55 Zone will allow strengthening of the traditional residential neighborhood character for the area.

8. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the following Zoning Ordinance requirements:

a. Section 27-546.16(b)(2), Approval of the M-U-I Zone, of the Zoning Ordinance states the following:

(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.**

Section 27-548.26(b) specifies that the owner shall show, with a CSP, 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 that the case must be reviewed by the Prince George's County District Council. A discussion of the subject CSP's conformance with the applicable sector plan is in Finding 7 above. Based on this extensive discussion, staff recommends that the Planning Board find that rezoning the property to the R-55 Zone would best conform with the purposes and recommendations of the development district, as stated in the sector plan. The Planning Board's recommendation on the subject CSP will be forwarded to the District Council for final review and approval, as required.

The second part of the above requirement requires the owner to show that the proposed rezoning and development will be compatible with existing or approved future development on adjacent properties. The adjacent properties to the north, south, and east are all zoned R-55 and D-D-O within the TRN Character Area; the adjacent properties between the two parcels are in the R-10 and D-D-O Zones. Development in the R-55 Zone, if it is also within the boundary of the City of Hyattsville, is currently exempt from the D-D-O Zone standards of the sector plan. However, given the rezoning situation, in order to safeguard the TRN

characteristics and make sure that the new development on the subject property is compatible with the surrounding established single-family subdivision, the proposed development must be subject to DSP review and the development district standards of the TRN Character Area, including building heights, setbacks, parking, and landscaping, regardless of the underlying zoning. Based on discussions, the development pods will be interrelated and will need to be evaluated together as one site.

Section 27-546.16(c) also includes the following specific requirement:

- (c) **Unless requested by a municipality or the Prince George's County Redevelopment Authority, the M-U-I Zone may be approved only on property which adjoins existing developed properties for twenty percent (20%) or more of its boundaries, adjoins property in the M-U-I Zone, or is recommended for mixed-use infill development in an approved Master Plan, Sector Plan, or other applicable plan. Adjoining development may be residential, commercial, industrial, or institutional but must have a density of at least 3.5 units per acre for residential or a floor area ratio of at least 0.15 for nonresidential development.**

The subject property is surrounded by R-55 and R-10-zoned properties and there is no mixed-use zone close to it. The required M-U-I Zone is not consistent with the sector plan goals and recommendation and is not supportable by the Urban Design Section.

The adjoining properties in the R-55 Zone are developed with single-family homes with a density of approximately 3.6–7.9 dwelling units per acre (average lot size is 0.126-0.3 acre). The R-10-zoned property between 40th Place and 41st Avenue has been developed with three multifamily apartments and its density is approximately 20 dwelling units per acre, and can be up to a maximum of 48 dwelling units per acre. The density meets the requirements of adjoining developed property for 20 percent, or more, of its boundaries and the adjoining development has a density of at least 3.5 dwelling units per acre.

However, the Urban Design Section supports rezoning the 4.66-acre parcel to the R-55 Zone and allow nine dwelling units per acre for the portion of the property developed with single-family attached, in order to promote development of both family- and artist-oriented residential development. Section 27-548.23(b) states that the D-D-O Zone may not permit densities in excess of the maximum permitted in the underlying zone. Therefore, staff recommends that the single-family dwellings be developed consistent with the maximum allowed density of 6.7 dwelling units per gross acre in the R-55 Zone, and that the single-family attached dwellings, which do not have a density limitation in the R-55 Zone because they are not generally permitted, be allowed at nine dwelling units per gross acre. These densities will enable a density transition from the higher multifamily zone to the lower single-family zone. These densities will be able to support transit and other basic urban services. This density also promotes a compact development that is consistent with smart growth policy in this part of the County and will be economically viable.

- b. The CSP is limited to the rezoning request and no improvements have been proposed. Conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance will be reviewed as the project moves through the DSP stage. The preliminary plan of subdivision (PPS) and the DSP for this site will be subject to the applicable D-D-O Zone standards for the TRN area. Additional bulk requirements will be established with the approval of the PPS and DSP in order to implement the goals and recommendations of the Gateway Arts District Sector Plan for the TRN area, to achieve context-sensitive, high-quality single-family residential development. A condition has been included in the Recommendation section of this report requiring this to be done at the time of DSP.
9. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The site is exempt from the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site has less than 10,000 square feet of woodland on-site and no previously approved tree conservation plans.
10. **Other site plan related regulations:** Two additional regulations are applicable to the site plan review that usually requires detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only.
- a. **Prince George’s County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of approval of a DSP for the project, when detailed information is available.
 - b. **Prince George’s County Landscape Manual**—The D-D-O Zone includes development district standards that override the requirements of the Zoning Ordinance. On page 142 of the sector plan, it states:

The development district standards replace all those contained in the Zoning Ordinance and Landscape Manual except (1) where noted for parking provision, (2) properties zoned R-80 except with respect to accessory buildings containing an artist studio, (3) where noted for home occupation signage, and (4) where noted for signage size. If an aspect of the physical development of a project is not included in the development district standards, the character area goals and the intent statement of those standards most closely relating to that aspect shall apply.

Therefore, at the time of DSP, the requirements for landscaping will be dictated by the D-D-O Zone standards applicable to the TRN Character Area.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
- a. **Community Planning**—In a memorandum dated June 5, 2018 (Sams to Zhang), the Community Planning Division provided the following summarized comments:

General Plan

This application is in the Established Communities area. *The Plan Prince George's 2035 Approved General Plan* (Plan 2035) classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of regional transit districts and local centers as established communities. Established communities are most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas.

Sector Plan

The Gateway Arts District Sector Plan and SMA makes the following recommendations (page 14) for the TRN Character Area:

The subject property is located in the TRN Character Area of the sector plan. Of the TRN, the sector plan states, “In many ways, the traditional residential neighborhood character areas suggest a glimpse of small town Americana. They overlay land zoned for single-family housing (attached and detached). The historic houses and streetcar suburban pattern of inter-connecting narrow streets and shaded sidewalks within easy access to town centers and Metro are assets to be protected from encroachment or significant loss of integrity.

The goal (page 138) for the TRN area is:

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.

SMA/Zoning

The sector plan and SMA retained the portion of the subject property (between Hamilton and Gallatin Streets) in the R-55 Zone, but reclassified the parking lot portion of the property (between 40th Avenue and 40th Place) from the R-55 Zone to the O-S Zone, noting that “[r]ezoning to O-S creates the opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area” (see page 123). The SMA further superimposed a D-D-O Zone, placing the entire property in the TRN Character Area. Note that R-55-zoned properties in the TRN Character Area, within the incorporated City of Hyattsville, are exempt from the development district standards and abide by the requirements of the R-55 Zone. Staff is recommending that the DSP include the entire site area, due to the interrelationship of the uses and to ensure sensitive development, in context with the surrounding neighborhood.

Development District Overlay Zone Conformance Issues

The Community Planning Division finds that this application to rezone the property to the M-U-I Zone does not meet the requirements of Section 27-548.26(b)(2)(A) and (b)(5), as it does not conform with the purposes and recommendations for the Development District, as stated in the Sector Plan. Staff recommends that the O-S-zoned portion of the property be rezoned to R-55.

Areawide Recommendation 5 (page 18) reads, in part, “Identify and preserve or reuse historic structures. Incorporate historic structures, themes, and architectural/decorative design into physical improvement projects. Integrate historic structures into construction projects.” The WSSC headquarters is classified as a contributing structure within the Hyattsville National Register Historic District, as amended and expanded in 2004. It is not being preserved, reused, integrated, or otherwise incorporated into this construction project.

Traditional Residential Neighborhood Character Area, Recommendation 2, (page 27) states: “Reinforce existing single-family detached residential neighborhoods as community oriented, quiet, low-traffic, and child safe.” The construction of townhouses in the R-55 Zone would not prohibit reinforcement of the existing single-family detached residential neighborhoods, with careful site planning and transitions.

Environmental Infrastructure Recommendation 1 (page 36) reads, in part, “Use existing land use regulations to provide open space.” Recommendation 1.b is, “Floodplain Areas: Land within the 100-year floodplain is generally restricted from further development (Subtitle 4, Division 2, Prince George’s County Code).” All of the land zoned O-S and proposed for single-family attached dwellings is located abutting or within the existing floodplain. The applicant is working with the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) to relocate and improve the overall function of the floodplain, above what would normally be required. This will result in an overall improvement in the management of quantity and quality, consistent with the environmental site design standards of the County.

As stated above, the goal for the TRN area is, “To promote development of both family- and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones” (page 138). Therefore, using the portion of the property zoned O-S for townhouses does not conform with Environmental Infrastructure Recommendation 1. As stated above, “Rezoning to O-S creates the opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area” (page 123). With this development scenario, the applicant is working with the City of Hyattsville to explore opportunities to expand the abutting parkland, consistent with this recommendation.

- b. **Transportation Planning**—In a memorandum dated July 12, 2018 (Masog to Zhang), the Transportation Planning Section offered comments on the subject application as follows:

Analysis of Traffic Impacts

The table below compares trip generation in each peak hour and daily trips between the approved use for the site and the proposed use. The trip generation is estimated using trip rates and requirements in the “Transportation Review Guidelines, Part 1” and the *Trip Generation, 9th Edition* (Institute of Transportation Engineers).

Comparison of Estimated Trip Generation, CSP-18002, Magruder Pointe, 8.26 acres with 4.66 acres in the O-S Zone and 3.60 acres within the R-55 Zone								
Zoning or Use	Units or Square Feet	AM Pk. Hr. Trips			PM Pk. Hr. Trips			Daily Trips
		In	Out	Total	In	Out	Total	
Existing Zoning R-55 (4.2 residences per acre)	15 detached homes	2	9	11	9	5	14	135
O-S (0.2 residences per acre)	1 detached home	0	1	1	1	0	1	9
Total Per Existing Zoning		2	10	12	10	5	15	144
Proposed Zoning M-U-I (applicant's proposal)	82 homes (mix of attached and detached)	11	47	58	43	23	66	672
Difference Between Existing and Proposed		+9	+37	+46	+33	+18	+51	+528

The above comparison of estimated site trip generation indicates that the proposed rezoning could have an impact on traffic in the area, with an increase of over 500 daily trips. Nonetheless, the applicant has already scoped a traffic study, in anticipation of the future PPS.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) shows the Hamilton Street/Jefferson Street corridor as a master plan collector; however, this recommendation is only for the section west of 40th Avenue and does not affect the subject property.

The Transportation Planning Section notes that additional transportation analysis will be needed as the applicant moves forward.

- c. **Subdivision Section**—In a memorandum dated June 1, 2018 (Turnquest to Zhang), the Subdivision Review Section noted that the current deed for the property, recorded in the Prince George’s County Land Records in Liber 21981 folio 165 on March 23, 2005, describes the subject property as two parcels. However, a minor final plat to consolidate the lots was not recorded, as required by Section 24-108(a)(3) of the Subdivision Regulations; therefore, the legal description of the property is as described above. Resubdivision or further subdivision of the lots will require a PPS, in accordance with the Subdivision Regulations.

The Subdivision Review Section recommends approval of this CSP with one condition, that has been included in the Recommendation section of this report.

- d. **Trail**—In a memorandum dated June 21, 2018 (Shaffer to Zhang), the Transportation Planning Section provided comments on trail-related issues, as follows:

The sector plan’s Transportation system introduction (page 38–39) states:

Since most of the area's transportation system is already in place, efforts are needed to maximize the use of the existing transportation network and make changes that will result in a balanced use of all transportation modes: transit (rail and bus), automobile, bicycle, and walking.

Goals

1. To provide an integrated multimodal transportation system that is safe, efficient, attractive, and accessible, while reducing dependency on the automobile.
2. To provide safe and convenient pedestrian and nonmotorized circulation opportunities in the Arts District for recreation and transportation, with an emphasis on connections to Metro and US 1.

The applicant should provide sidewalks on both sides of internal roads and road frontages. A more detailed analysis of the sidewalk network and frontage improvements will occur with the PPS and the DSP.

The sector plan's Sidewalks, Trails and Bikeways section (page 46) states:

5. A variety of routes were identified that are currently used by bicyclists and pedestrians and most efficiently connect the West Hyattsville and Prince George's Plaza Metro Stations with US 1. These routes primarily focus on serving the local neighborhoods. These routes may also be designated as Artways with specific themes or features (such as banners or artwork) unifying the entire corridor. (Gateway p.46)

b. West Hyattsville Metro to 38th Street and US 1

(2) Hamilton Street

- (a) Provide standard or wide sidewalks along both sides of Hamilton Street, where feasible and practical.
- (b) Curb extensions are recommended in some locations, particularly at the pedestrian crossing in front of the Safeway grocery store.
- (c) Pedestrian crossing safety improvements should also be considered at Hamilton Street and Queens Chapel Road.
- (d) In-road bike lanes should be provided, as feasible.
- (e) Additional lighting is recommended along the street, as well as directional signage for motorists and pedestrians.

c. **West Hyattsville Metro to Gallatin Street and US 1**

(3) **Gallatin Street**

- (a) **Widen sidewalks, where feasible.**
- (b) **Provide directional signage where Gallatin Street is not continuous and users must briefly turn onto 42nd Street.**
- (c) **If appropriate, consider traffic-calming measures to provide for safe shared bicycle and motor vehicle use.**

There are master-planned bicycle lanes proposed along Hamilton, Gallatin, and 40th Streets, all of which front the subject property. Bicycle lanes (or other appropriate bicycle treatment) will be recommended at the time of PPS and DSP, as required by the City of Hyattsville.

The Transportation Planning Section recommends approval of this application with one condition, that has been included in the Recommendation section of this report.

e. **Environmental Planning**—In a memorandum dated July 9, 2018 (Reiser to Zhang), the Environmental Planning Section provided an analysis of the CSP, as follows:

The Environmental Planning Section has not reviewed any previous development applications for the subject property; however, a natural resources inventory (NRI) plan has been submitted by the applicant and is currently being processed.

This 8.26-acre site is located on the south side of Hamilton Street, the north side of Gallatin Street, and on the west side of 40th Place in Hyattsville. The applicant has described the R-55 portion of the site, located between Hamilton Street and Gallatin Street, as the “upper parcel” and the O-S zoned portion of the site, located between 40th Place and 40th Avenue, as the “lower parcel.” According to PGAtlas.com, the site contains floodplain and steep slopes. A wetland and stream system are mapped directly to the south of the lower parcel. The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Christiana, Russett, and Codorus soil complexes. According to available mapping information, Marlboro clay is not mapped on, or in the vicinity of, this property; however, Christiana complexes are mapped on-site. A review of available mapping information indicates that the subject area is not within a sensitive species project review area and does not contain potential forest interior dwelling species habitat. The site is located within the Northwest Branch of the Anacostia River, within the Potomac River basin.

According to the adopted the 2017 Countywide Green Infrastructure Plan (Green Infrastructure Plan), which was approved with the adoption of the *Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017), a majority of the lower parcel is mapped as regulated area, which coincides with the mapped floodplain. Regulated areas mapped within the Green Infrastructure Plan include regulated environmental features comprised of streams, wetlands and their buffers, 100-year floodplain, and their adjacent steep slopes. The entire upper parcel is outside of the green

infrastructure network. Future land development applications for this site shall consider the applicable recommendations identified in the Green Infrastructure Plan.

An NRI was not required as part of this application for a zoning change. All future applications will require an approved NRI covering the entire land area included in the application, approved under the current regulations.

Soils

Christiana complexes are mapped on-site; however, they are urban soil complexes (Christiana-Downer-Urban land complexes) and, while they are located on portions of steep slopes, those slopes appear to have been man-made. Christiana complexes, especially when associated with steep slopes, have the potential to cause issues for foundations and other construction; however, based on the existing site conditions and past site development, it does not appear that these soil complexes would be an issue for development of this site. The County may require a soils report, in conformance with County Council Bill CB-94-2004, during the building permit review process.

The Gateway Arts District Sector Plan and SMA appropriately rezoned the lower parcel from R-55 to O-S due to the presence of on-site floodplain and adjacency to existing parks. The O-S Zone would allow for restoration of the site, to encourage the removal of the existing asphalt and to address flooding, while allowing open space use similar to the adjacent parks.

The applicant's request to rezone the property from R-55 and O-S to M-U-I is not supported because it would allow significantly more density on the overall site than what the current zoning allows and what the sector plan envisioned for the site. Additional density takes a toll on the environment by creating the need for increased impervious surfaces, not only for development of the buildings, but also for the associated infrastructure needed to serve the additional density, including the need for increased parking surfaces.

The existing R-55 Zone for the upper parcel is appropriate because it is in keeping with the surrounding development. Rezoning the lower parcel from O-S to R-55 is recommended and supported because it is what the lower parcel was zoned prior to the last update to the sector plan and would allow development of the area, in keeping with surrounding development, while also requiring the applicant to address flooding and stormwater issues.

The stormwater management approvals would require the applicant to address water quantity, as well as quality, in keeping with stormwater redevelopment standards. Any impacts to the floodplain would require compensatory storage to mitigate the existing flood elevation. The same impacts to the floodplain, as a regulated environmental feature, would also be evaluated. All development applications are required to demonstrate that regulated environmental features have been preserved and/or restored, to the fullest extent possible, in accordance with zoning and subdivision regulations.

The function of the floodplain should be preserved. Impacts to the floodplain must be avoided and minimized, as outlined in the Environmental Technical Manual. If the applicant is unable to obtain a floodplain waiver from the County, or if they are not able to demonstrate that regulated environmental features have been preserved and/or restored, to the fullest extent possible, then impacts would be denied.

Impacts to the floodplain are not approved at this time. Demonstration that regulated environmental features have been preserved and/or restored, to the fullest extent possible, must be addressed during the development review/entitlement application processes.

- f. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated July 6, 2018 (Sun to Zhang), DPR provided comments, as follows:

The project area consists of 8.26 acres of land, located on the south side of Hamilton Street and bisected by Gallatin Street in the City of Hyattsville. The subject property is the site of the vacant former WSSC headquarters building on Hamilton Street and its parking lot to the south across Gallatin Street. The proposed development abuts M-NCPPC owned parkland (Magruder Woods Park) at the northwest corner which is unimproved. The subject development also abuts Magruder Park to the west which is owned and operated by the City of Hyattsville.

The parcel where the existing building is located is zoned R-55/D-D-O while the parking lot parcel across Gallatin Street is zoned O-S/D-D-O. With this application, the applicant is requesting to re-zone the existing parking lot parcel from the O-S Zone to the M-U-I, and the R-55 to the M-U-I, which staff does not support. The applicant’s justification for this re-zoning request is to provide for a combination of single-family detached and attached dwellings in the area on Hamilton Street (“Upper Parcel”). The “Lower Parcel” adjacent to Magruder Park is proposed to be all townhomes with a portion of the property to be added to Magruder Park.

The subject development is located in the Transitional Character Area (TRN) of the Gateway Arts District Sector Plan, which seeks to maintain a traditional neighborhood concept. The goal from the Gateway Arts District Sector Plan and SMA with respect to Parks and Recreation is “To encourage widespread pedestrian and recreational use of the Arts District and vicinity through the improvement of existing public spaces and the addition of new public spaces where appropriate for festivals, events and increased community pride”.

In general, DPR staff has no objections to the applicant’s request for the re-zoning of the property to R-55 for the lower parcel currently zoned O-S. It should be noted that at the time of the PPS, Section 24-134 of the Prince George’s County Subdivision Regulations will be applicable. With the submission of the PPS, the DPR will review and provide recommendations as related to the Mandatory Dedication of Parkland requirements.

- g. **City of Hyattsville**—In a letter dated July 17, 2018, the Hyattsville City Council stated that the M-U-I Zone is not appropriate for the TRN Character Area of the community.
- h. **Prince George’s County Police Department**—As of the writing of this technical staff report, the Police Department did not offer comments on the subject application.
- i. **Prince George’s County Health Department**—As of the writing of this technical staff report, the Health Department did not offer comments on the subject application.

12. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP will, if approved with conditions, represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
13. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a CSP:

(4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

Given the limited scope of this CSP for rezoning and permitting single-family attached units only, the Environmental Planning Section noted that all future development review/entitlement applications must demonstrate that regulated environmental features have been preserved and/or restored, to the fullest extent possible. Impacts to any regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare.

RECOMMENDATION

Based on the forgoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and recommend to the District Council APPROVAL of Conceptual Site Plan CSP-18002 for Magruder Pointe, as follows:

- A. DISAPPROVAL of the request 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.
- B. APPROVAL of rezoning the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property. The maximum density for single-family attached is 9 dwelling units per acre and the maximum density for single-family detached is as permitted in the R-55 Zone, or 6.7 dwelling units per acre.
- C. APPROVAL of Conceptual Site Plan CSP-18002, Magruder Pointe, subject to the following conditions:
 1. Prior to certification, the conceptual site plan shall be revised, or additional information shall be provided, as follows:
 - a. Delineation of the existing and revised 100-year floodplain.
 - b. Revise the plan to include the legal description of all lots included in the CSP.
 - c. Reflect approval of the uses, zones, and densities allowed.

2. At the time of detailed site plan, the applicant shall:
 - a. Provide evidence that impact to the floodplain has been approved by the authority having jurisdiction.
 - b. Provide sidewalks on both sides of all internal streets, excluding alleys, as appropriate.
3. Prior to issuance of any building permit, the applicant shall obtain approval of a detailed site plan (DSP) for the entire site (8.26 acres). The DSP shall be subject to all Development District Overlay (D-D-O) Zone standards applicable to the Traditional Residential Neighborhood Character Area. Additional bulk requirements shall be established with the approval of the DSP, in order to implement the applicable goals and recommendations of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, to achieve context-sensitive, high-quality, single-family residential development.

ITEM:

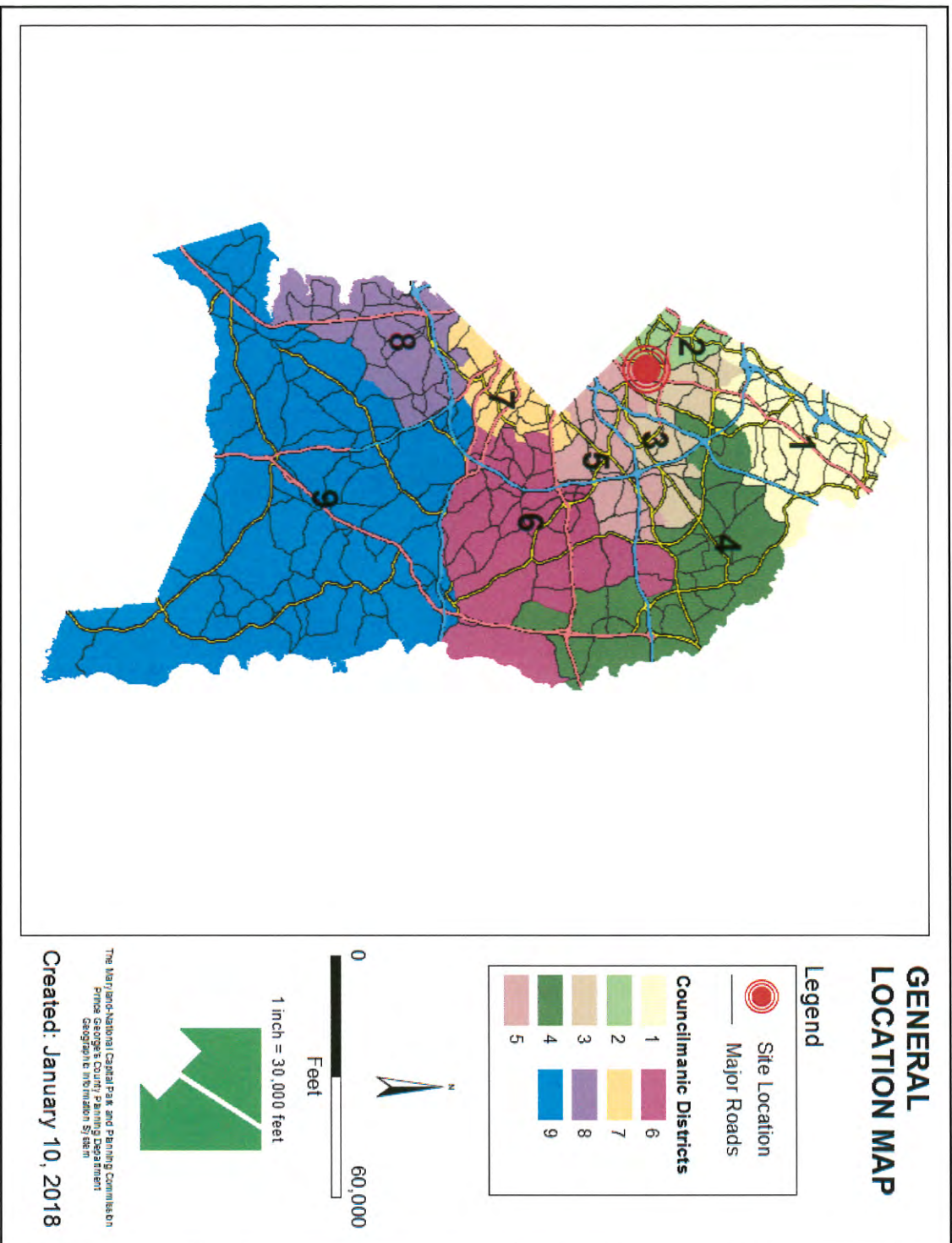
CASE: CSP-18002

MAGRUDER POINTE

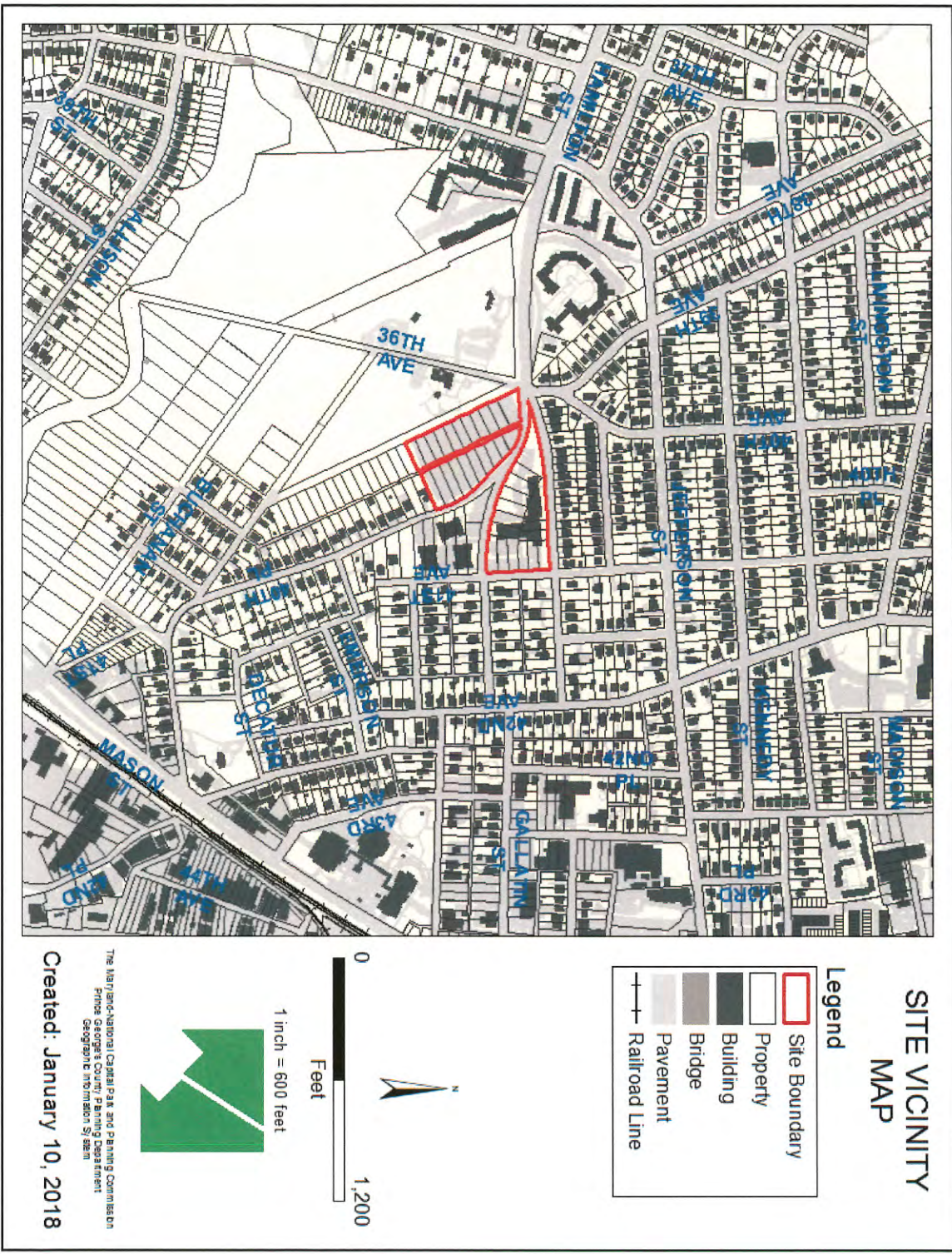
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



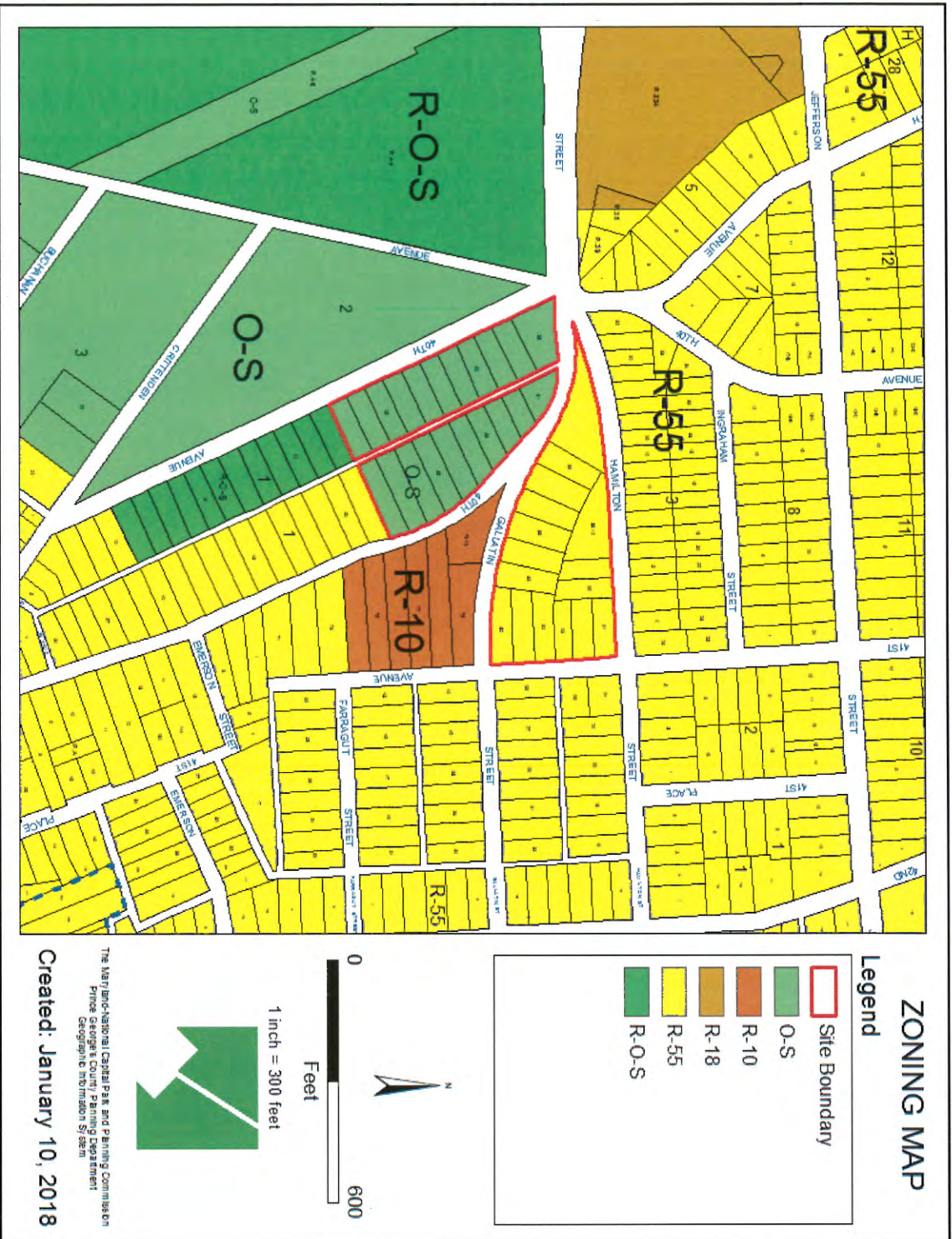
GENERAL LOCATION MAP



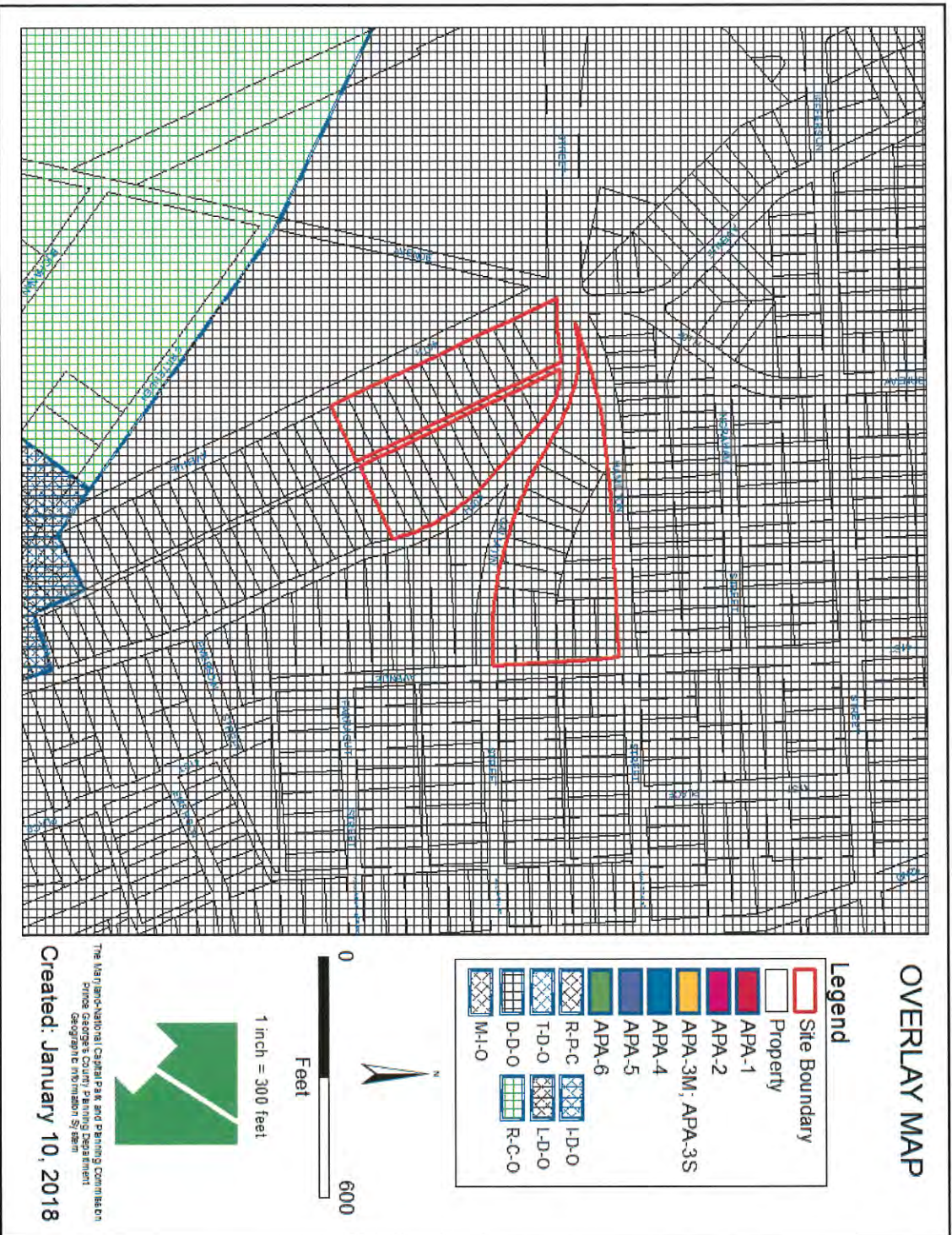
SITE VICINITY



ZONING MAP



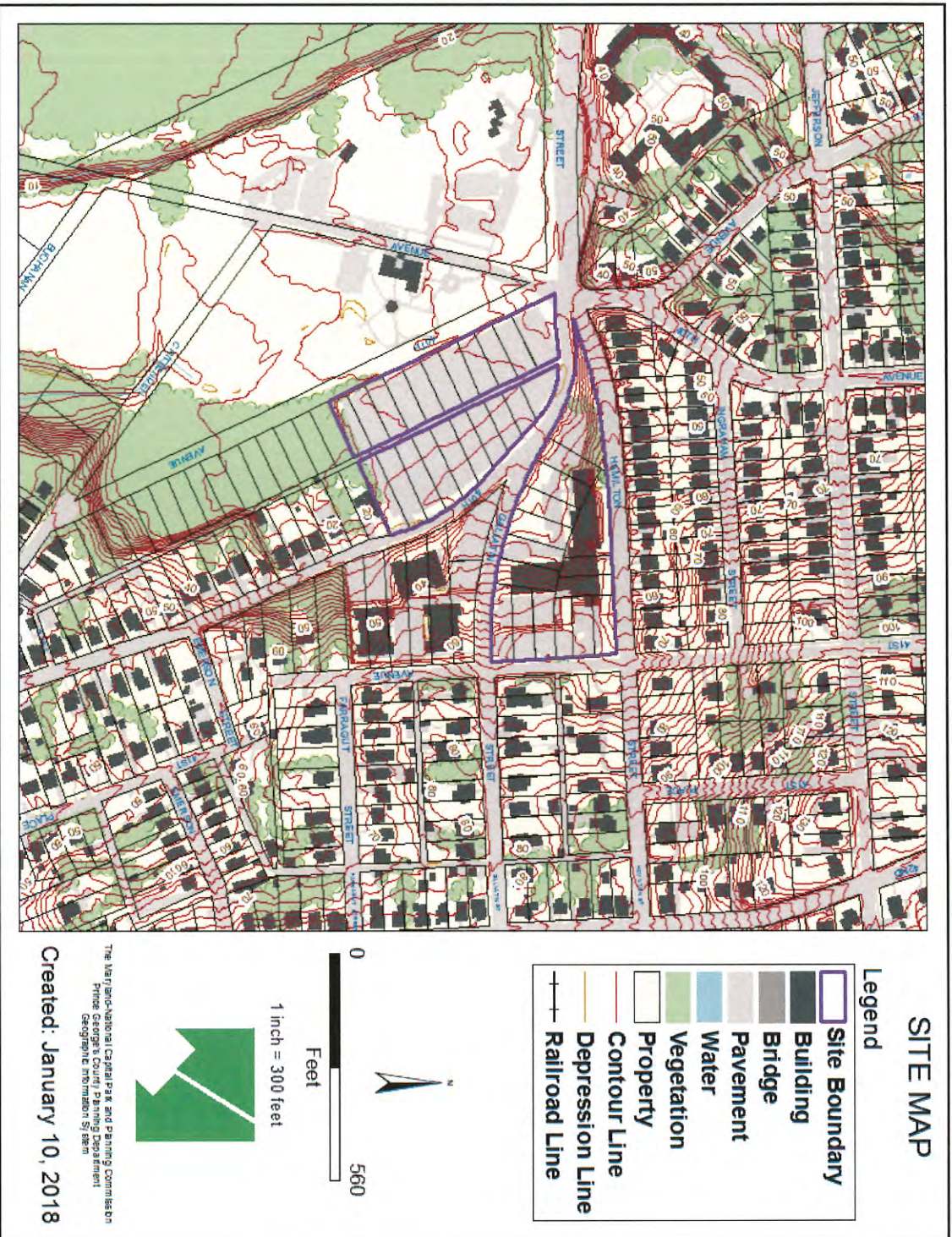
OVERLAY MAP



AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



ILLUSTRATIVE PLAN

MAGRUDER POINTE - CONCEPTUAL SITE PLAN



DEVELOPMENT STANDARDS TABLE

TOWNHOMES:

1,000 MINIMUM SQUARE FEET

MINIMUM SETBACK:

FRONT - 0 FT

REAR - 0 FT

SIDE - 0 FT

REAR - 0 FT

SINGLE FAMILY DETACHED:

3,000 MINIMUM SQUARE FEET

MINIMUM SETBACK:

FRONT - 0 FT

REAR - 0 FT

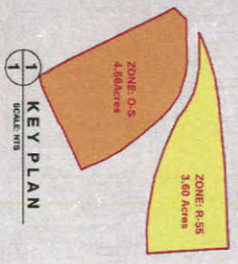
SIDE - 0 FT

REAR - 0 FT



General Note:

- 1) Project Name: Magruder Pointe
- 2) Owner: Werten WSSC LLC, 522 Defense Highway, Annapolis, MD 21401
- 3) Total Acreage: 8.28AC
- 4) Existing Zoning: O-5 (Open Space): 4.66 AC, R-95 (One-Family Detached Residential): 3.60 AC
- 5) Existing Use of Property: Parking Lot: 4.66 AC, WSSC Property (vacant): 3.60 AC
- 6) Proposed Use of Property: Residential
- 7) 200' Lot Reference (WSSC Map): 208NE03
- 8) Tax Map Number and Grid: 050B1
- 9) Number of Units: 66 Attached DU, 16 Detached Single Family, 82 Total Dwelling Units (Max.)
- 10) Water Category (Existing/Proposed): W-3 Sewer Category (Existing/Proposed): S-3



29 MARCH 2018



June 5, 2018

MEMORANDUM

TO: Henry Zhang, Master Planner, Urban Design Section, Development Review Division

VIA: Kipling Reynolds, AICP, Division Chief, Community Planning Division
David A. Green, Master Planner, Community Planning Division

FROM: Daniel Sams, Planner Coordinator, Neighborhood Revitalization Section,
Community Planning Division

SUBJECT: **CSP-18002 Magruder Pointe**

FINDINGS

Community Planning Division staff finds that, pursuant to Section 27-548.26(b)(2)(A) and (b)(5), the proposed amendment to the Prince George's County Gateway Arts District Development District Overlay Zone to construct townhouses in the R-55 and O-S Zones does not conform with the purposes and recommendations for the Development District, as stated in the 2004 *Approved Sector Plan for the Prince George's County Gateway Arts District*.

BACKGROUND

Application Type: Conceptual Site Plan with property owner request to amend Development District Standards to allow townhouses in the TRN character area for this site only, in the R-55 and O-S Zones.

Location: 4017 Hamilton Street, Hyattsville, MD 20781

Size: 8.26 acres

Existing Uses: Vacant WSSC offices and parking lot

Proposal: Construct single-family dwellings and townhouses

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is in an Established Community. Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established communities are most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas.

Sector Plan: The sector plan makes the following recommendations: The subject property is located in the Traditional Residential Neighborhood (TRN) character area of the Approved Sector Plan for the Prince George's County Gateway Arts District. Of the TRN, the sector plan states, "In many ways, the traditional residential neighborhood character areas suggest a glimpse of small town Americana. They overlay land zoned for single-family housing (attached and detached). The historic houses and streetcar suburban pattern of inter-connecting narrow streets and shaded sidewalks within easy access to town centers and Metro are assets to be protected from encroachment or significant loss of integrity." (See page 14.)

The goal for the TRN is, "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." (See page 138.)

Planning Area: 68

Community: Hyattsville-Riverdale-Mount Rainier-Brentwood

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.

SMA/Zoning: The 2004 *Approved Sectional Map Amendment for the Prince George's County Gateway Arts District* retained the portion of the subject property between Hamilton and Gallatin streets in the R-55 (One-Family Detached Residential) Zone but reclassified the parking lot portion of the property between 40th Avenue and 40th Place from the R-55 Zone to the O-S (Open Space) Zone, noting "Rezoning to O-S creates the opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area." (See page 123). The SMA further superimposed a Development District Overlay, placing the entire property in the traditional residential neighborhood (TRN) character area. Note that R-55-zoned properties in the TRN character area within the incorporated City of Hyattsville are exempt from the development district standards and abide by the requirements of the R-55 Zone. The TRN goals and recommendations are still applicable, however, regardless of the zone.

DEVELOPMENT DISTRICT OVERLAY ZONE CONFORMANCE ISSUES:

Community Planning Division staff finds that this application does not meet the requirements of Section 27-548.26(b)(2)(A) and (b)(5); it does not “conform with the purposes and recommendations for the Development District, as stated in the Sector Plan.”

Areawide Recommendation 5, page 18 is, in part: “Identify and preserve or reuse historic structures. Incorporate historic structures, themes, and architectural/decorative design into physical improvement projects. Integrate historic structures into construction projects.” The WSSC Headquarters is classified as a contributing structure within the Hyattsville National Register Historic District as Amended and Expanded in 2004. It is not being preserved, reused, integrated or otherwise incorporated into this construction project. Therefore, its wholesale demolition does not conform with Areawide Recommendation 5.

Traditional Residential Neighborhood [TRN] Character Areas [sic] Recommendation 2, page 27, is: “Reinforce existing single-family detached residential neighborhoods as community oriented, quiet, low-traffic, and child safe.” The construction of townhouses in either the R-55 or O-S zones would not reinforce existing single-family detached residential neighborhoods. Therefore, the proposal to construct townhouses does not conform with TRN Character Areas [sic] Recommendation 2.

Environmental Infrastructure Recommendation 1, page 36, is, in part: “Use existing land use regulations to provide open space.” Recommendation 1.b is, “Floodplain Areas: Land within the 100-year floodplain is generally restricted from further development (Subtitle 4, Division 2, Prince George’s County Code).” All of the land Zoned O-S and proposed for townhouses is located in a floodplain, and the majority of it is in the 100-year floodplain. As stated above in the Master Plan section of this memorandum, the goal for the TRN is, “To promote development of both family- and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones.” (See page 138.) (Note that promotion of residential development in the O-S Zone is not included in this recommendation.) Therefore, using the portion of the property zoned O-S (Open Space) for townhouses does not conform with Environmental Infrastructure Recommendation 1. As stated in the SMA/Zoning section of this memo, “Rezoning to O-S *creates the opportunity to expand parkland* [emphasis added] and reinforce the vision of the traditional residential neighborhood character area.” (See page 123).

c: Long-range Agenda Notebook
Frederick Stachura, J.D., Planning Supervisor, Community Planning Division

July 9, 2018

MEMORANDUM

TO: Henry Zhang, Master Planner, Urban Design Section
VIA: Katina Shoulars, Supervisor, Environmental Planning Section *KS*
FROM: Megan Reiser, Planner Coordinator, Environmental Planning Section *MKR*
SUBJECT: CSP-18002; Magruder Pointe

The Environmental Planning Section has reviewed the above referenced Conceptual Site Plan received on June 29, 2018 and provides the following comments for your consideration.

Background

The Environmental Planning Section has not reviewed any previous development applications for the subject property; however, a Natural Resources Inventory plan has been submitted by the applicant and is currently being processed.

Proposed Activity

The applicant is requesting to rezone the property from R-55 and O-S to M-U-I.

Grandfathering

The site is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012.

Site Description

This 8.26-acre site is located on the south side of Hamilton Street, the north side of Gallatin Street, and on the west side of 40th Place in Hyattsville. The applicant has described the R-55 portion of the site, located between Hamilton Street and Gallatin Street, as the “Upper Parcel” and the O-S zoned portion of the site, located between 40th Place and 40th Avenue, as the “Lower Parcel.” According to PGAtlas.com the site contains floodplain and steep slopes. A wetland and stream system are mapped directly to the south of the Lower Parcel. The predominant soils found to occur, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include Christiana, Russett, and Codorus soil complexes. According to available mapping information, Marlboro Clay is not mapped on or in the vicinity of this property; however, Christiana complexes are mapped on-site. A review of available mapping information indicates the subject area is not within a Sensitive Species Project Review Area and does not contain potential forest interior dwelling species (FIDS) habitat. The site is located within the Northwest Branch of the Anacostia River within the Potomac River basin.

Plan Prince George's 2035 Approved General Plan (2014)

The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

Master Plan Conformance

The Master Plan for this area is the Approved Sector Plan and SMA for the Prince George's County Gateway Arts District, dated November 2004. The approved Sector Plan appropriately rezoned the Lower Parcel from R-55 to O-S because a majority of the land area is mapped as floodplain, which could potentially be restored in a natural state. Another reason the property was appropriately rezoned is due to its adjacency to both the Magruder Woods Park to the south and a City of Hyattsville owned park to the west. In addition to being a component of stormwater management design, floodplain is also a natural feature that is required to be preserved and/or restored to the fullest extent possible during the review and approval of development review application through the entitlement process. Future land development applications for this site shall consider the applicable recommendations identified in the sector plan.

Conformance with the Green Infrastructure Plan

According to the adopted Countywide Green Infrastructure Plan, a majority of the Lower Parcel is mapped as Regulated Area, which coincides with the mapped floodplain. Regulated Areas mapped within the Green Infrastructure Plan include regulated environmental features comprised of streams, wetlands and their buffers, the 100-year floodplain, and their adjacent steep slopes. The entire Upper Parcel is outside of the Green Infrastructure network. Future land development applications for this site shall consider the applicable recommendations identified in the Green Infrastructure plan.

Environmental Review

Existing Conditions/Natural Resource Inventory

An NRI was not required as part of this application for a zoning change. All future applications will require an approved NRI covering the entire land area included in the application, approved under the current regulations.

Soils

Christiana complexes are mapped on-site; however, they are urban soil complexes (Christiana-Downer-Urban land complexes) and while they are located on portions of steep slopes, those slopes appear to have been man made. Christiana complexes, especially when associated with steep slopes, have the potential to cause issues for foundations and other construction; however, based on the existing site conditions and past site development, it does not appear that these soil complexes would be an issue for development of this site. The County may require a soils report in conformance with CB-94-2004 during the building permit review process.

Woodland Conservation

This property is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 square feet of woodland, and does not have a previously approved tree conservation plan. Future land development applications and permits will require an exemption letter.

Regulated Environmental Features

According to information available on PGAtlas, there is floodplain located on the Lower Parcel associated with a wetland and stream system that drains to the south; however, a final delineation of all regulated environmental features will be determined with the approval of an NRI under the current environmental regulations.

All future development review/ entitlement applications must demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible. Impacts to any regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare.

Summary

The Approved Sector Plan and SMA for the Prince George's County Gateway Arts District appropriately rezoned the Lower Parcel from R-55 to O-S due to the presence of on-site floodplain and adjacency to existing parks. The O-S zone would allow for restoration of the site, to encourage the removal of the existing asphalt, and to address flooding while allowing open space use similar to the adjacent parks.

The applicant's request to rezone the property from R-55 and O-S to M-U-I is not supported because it would allow significantly more density on the overall site than what the current zoning allows and what the Master Plan envisioned for the site. Additional density takes a toll on the environment by creating the need for increased impervious surfaces not only for development of the buildings, but also for the associated infrastructure needed to serve the additional density, including the need for increased parking surfaces.

The existing R-55 zone for the Upper Parcel is appropriate because it is in keeping with the surrounding development. Rezoning the Lower Parcel from O-S to R-55 has not been requested, but is supported because it is what the Lower Parcel was zoned prior to the last update to the Master Plan and would allow development of the area in keeping with surrounding development while also requiring the applicant to address flooding and stormwater issues.

The stormwater management approvals would require the applicant to address water quantity as well as quality in keeping with stormwater redevelopment standards. Any impacts to the floodplain would require compensatory storage to mitigate the existing flood elevation. The same impacts to the floodplain, as a regulated environmental feature, would also be evaluated. All development applications are required to demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible, in accordance with the zoning and subdivision code.

The function of the floodplain should be preserved. Impacts to the floodplain must be avoided and minimized as outlined in the Environmental Technical Manual. If the applicant is unable to get a floodplain waiver from the county, or if they are not able to demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible, then impacts would be denied.



Impacts to the floodplain are not approved at this time. Demonstration that regulated environmental features have been preserved and/or restored to the fullest extent possible must be addressed during development review/ entitlement application processes.

If you have any questions concerning this review, please contact me by e-mail at megan.reiser@ppd.mncppc.org or call 301-952-43752.

MKR:mkr

June 1, 2018

MEMORANDUM

TO: Henry Zhang, Urban Design Section
VIA: Sherri Conner, Subdivision and Zoning Section 
FROM: Amber Turnquest, Subdivision and Zoning Section 
SUBJECT: CSP-18002, Magruder Pointe

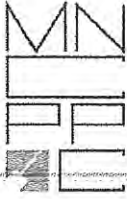
The subject property is located on Tax Map 50 in Grid B1, consists of 35 lots, and contains a total of 7.71 acres. Lots 80–93 of Wine and Johnson’s Revised 1st Addition to Hyattsville 1882, recorded in Plat Book LIB A-20 on June 12, 1884, and a portion of land west of Lots 88 and 88½ recorded in Liber 21981 folio 165, comprise 3.6 acres of the subject property and are zoned One-Family Detached Residential (R-55). Lots 23–33 and Lots 52–61 of Block 1 of Holladay Company’s Addition to Hyattsville, MD, recorded in Plat Book LIB A-30 on May 19, 1887, comprise 4.1 acres of the subject property and are zoned Open Space (O-S). The entire property is within the Development District Overlay (DDO) Zone and subject to the 2004 *Gateway Arts District Sector Plan and Section Map Amendment*. The sector plan locates the subject site within the Traditional Residential Neighborhood (TRN) which permits townhouses if permitted in the underlying zone. Townhouses are not permitted in the O-S Zone and only permitted in the R-55 Zone if certain criteria are met. The applicant has submitted this CSP to amend the table of uses for the TRN to allow townhouses in the R-55 and the O-S zones.

It is noted that the current deed for the property, recorded in the Prince George’s County Land Records in Liber 21981 folio 165 on March 23, 2005, describes the subject property as two parcels. However, a minor final plat to consolidate the lots was not recorded as required by Section 24-108(a)(3) of the Subdivision Regulations, therefore the legal description of the property is as described above. Resubdivision or further subdivision of the lots will require a preliminary plan of subdivision (PPS) in accordance with the Subdivision Regulations.

Recommended Condition

1. Prior to certification of the CSP, revise the plan to include the legal description of all lots included in the CSP.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. All bearings and distances must be clearly shown on the CSP and must be consistent with the legal description of the properties. There are no other subdivision issues at this time.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: July 6, 2018

TO: Henry Zhang
Urban Design Section

Via: Helen Asan, Acting Land Acquisition Supervisor
Park Planning and Development Division
Department of Parks and Recreation *HA*

FROM: *PJS* Paul J. Sun, RLA, Land Acquisition Specialist
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: CSP-18002 – **Magruder Pointe**

The Department of Parks and Recreation (DPR) has reviewed and evaluated the above referenced Conceptual Site Plan application for conformance with the requirements and policies of the Approved Sector Plan and SMA for the Prince George's County Gateway Arts District as they pertain to public parks and recreation.

The project area consists of 8.26 acres of land, located on the south side of Hamilton Street and bisected by Gallatin Street in the City of Hyattsville. The subject property is the site of the vacant former WSSC headquarters building on Hamilton Street and its parking lot to the south across Gallatin Street. The proposed development abuts M-NCPPC owned parkland (Magruder Woods Park) at the southeast corner which is unimproved. The subject development also abuts Magruder Park to the west which owned and operated by the City of Hyattsville.

The parcel where the existing building is located is zoned R-55/DDOZ while the parking lot parcel across Gallatin Street is zoned O-S/DDOZ. With this application, the applicant is requesting to re-zone the existing parking lot parcel from the O-S zone to the R-55 zone, or M-U-I for the entire site. The applicant's justification for this re-zoning request is to provide for a combination of single-family detached dwellings (SFDU) and townhomes) in the area on Hamilton Street ("Upper Parcel"). The "Lower Parcel" adjacent to Magruder Park is proposed to be all townhomes with a portion of the property to be added to Magruder Park.

The subject development is located in the Transitional Character Area (TRN) of the Gateway Arts District Sector Plan which seeks to maintain a traditional neighborhood concept. The

goal from the Approved Sector Plan and SMA for the Prince George's County Gateway Arts District, with respect to Parks and Recreation is *"To encourage widespread pedestrian and recreational use of the Arts District and vicinity through the improvement of existing public spaces and the addition of new public spaces where appropriate for festivals, events and increased community pride"*.

The current development proposal calls for a mix of single family attached and detached homes on both parcels. The applicant is proposing a total of 72 residential units which represents a density of 8.7 units per acre. The applicant has also indicated that they have agreed to sell a portion (1.8 acres) of the parking lot parcel to the City of Hyattsville as an expansion to Magruder Park. It is our understanding that the City of Hyattsville has reached a consensus on purchase contract for this property and is support of this CSP plan.

In general, DPR staff has no objections to the applicant's request for the re-zoning of the property. It should be noted that at the time of the Preliminary Plan of Subdivision, as per Sec 24-134 ("Mandatory Dedication of Parkland") of the Prince George's County Subdivision Ordinance will be applicable. With the submission of the Preliminary Plan of Subdivision, the DPR will review and provide recommendations as related to the Mandatory Dedication of Parkland (Sec 24-134) requirements.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Countywide Planning Division, Transportation Planning Section

(301) 952-3680
www.mncppc.org

June 21, 2018

MEMORANDUM

TO: Henry Zhang, AICP, Development Review Division
VIA:  Fred Shaffer, Transportation Planning Section, Countywide Planning Division
FROM:  Marc Lewis-DeGrace, AICP, Transportation Planning Section, Countywide Planning Division
SUBJECT: Conceptual Site Plan Review for Master Plan Trail Compliance

The following conceptual site plan was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* and/or the appropriate area Master Plan to provide the appropriate recommendations.

Preliminary Plan Number: CSP-18002

Name: Magruder Pointe

Type of Master Plan Bikeway or Trail

Municipal R.O.W.*	<u> </u>	Public Use Trail Easement	<u> </u>
PG Co. R.O.W.*	<u> X </u>	Nature Trails	<u> </u>
SHA R.O.W.*	<u> </u>	M-NCPPC – Parks	<u> </u>
HOA	<u> </u>	Bicycle Parking	<u> X </u>
Sidewalks	<u> X </u>	Trail Access	<u> </u>

*If a Master Plan Trail is within a city, county, or state right-of-way, an additional two - four feet of dedication may be required to accommodate construction of the trail.

The Transportation Planning Section has reviewed the conceptual site plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the *Approved 2006 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Master Plan) implement planned trails, bikeways, and pedestrian improvements.

The application is to rezone the subject site to the Mixed-Use Infill Zone to allow the construction of single-family residential development. While this application is for a Conceptual Site Plan, any succeeding Preliminary Plans will not be subject to Section 24-124.01 and the Transportation Review Guidelines – Part 2, since it is located in neither a designated Corridor or Center.

Review Comments (Master Plan Compliance)

The Master Plan's Transportation system introduction states:

Since most of the area's transportation system is already in place, efforts are needed to maximize the use of the existing transportation network and make changes that will result in a balanced use of all transportation modes: transit (rail and bus), automobile, bicycle, and walking. (Gateway p.38)

Goals

1. To provide an integrated multimodal transportation system that is safe, efficient, attractive, and accessible, while reducing dependency on the automobile.
2. To provide safe and convenient pedestrian and nonmotorized circulation opportunities in the Arts District for recreation and transportation, with an emphasis on connections to Metro and US 1. (Gateway p.39)

Comment: The Applicant should provide sidewalks on both sides of internal roads and road frontages. A more detailed analysis of the sidewalk network and frontage improvements will occur with the Preliminary Plan and the Detailed Site Plan.

The Master Plan's Sidewalks, Trails and Bikeways section states:

5. A variety of routes were identified that are currently used by bicyclists and pedestrians and most efficiently connect the West Hyattsville and Prince George's Plaza Metro Stations with US 1. These routes primarily focus on serving the local neighborhoods. These routes may also be designated as Artways with specific themes or features (such as banners or artwork) unifying the entire corridor. (Gateway p.46)

b. West Hyattsville Metro to 38th Street and US 1

(2) Hamilton Street

(a) Provide standard or wide sidewalks along both sides of Hamilton Street, where feasible and practical.

(b) Curb extensions are recommended in some locations, particularly at the pedestrian crossing in front of the Safeway grocery store.

(c) Pedestrian crossing safety improvements should also be considered at Hamilton Street and Queens Chapel Road.

(d) In-road bike lanes should be provided, as feasible.

(e) Additional lighting is recommended along the street, as well as directional signage for motorists and pedestrians.

c. West Hyattsville Metro to Gallatin Street and US 1

(3) Gallatin Street

(a) Widen sidewalks, where feasible.

(b) Provide directional signage where Gallatin Street is not continuous and users must briefly turn onto 42nd Street.

(c) If appropriate, consider traffic-calming measures to provide for safe shared bicycle and motor vehicle use.

Comment: There are Master Planned bike lanes proposed along Hamilton, Gallatin and 40th Streets, all of which front the subject property. Bike lanes (or other appropriate bicycle treatment) will be recommended at the time of Preliminary Plan and Detailed Site Plan as required by the City of Hyattsville.

Recommendations

At the time of Preliminary and Detailed Site Plan the following issues shall be addressed:

- a. Sidewalks on both sides of internal roads and road frontages, excluding alleys.
- b. On-road bicycle facilities along Hamilton, Gallatin and 40th Streets as required by the City of Hyattsville.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Countywide Planning Division, Transportation Planning Section

(301) 952-3680
www.mncppc.org

July 12, 2018

MEMORANDUM

TO: Henry Zhang, Urban Design Section, Development Review Division
FROM: Tom Masog, Transportation Planning Section, Countywide Planning Division
SUBJECT: CSP-18002, Magruder Pointe

The Transportation Planning Section has reviewed the Conceptual Site Plan application referenced above. The subject property consists of approximately 8.26 acres of land in the R-55 and O-S Zones, with the entire area also within a development district overlay (D-D-O). The property is located on in the general area of Hamilton Street, Gallatin Street and 40th Place within the City of Hyattsville. The applicant is requesting to rezone the site to M-U-I Zone.

Background

There are no traffic-related requirements associated with a zoning map amendment.

Analysis of Traffic Impacts

The table below compares trip generation in each peak hour and daily trips between approved use for the site and the proposed use. The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1 and Trip Generation, 9th Edition (Institute of Transportation Engineers).

Comparison of Estimated Trip Generation, CSP-18002, Magruder Pointe, 8.26 acres with 4.66 acres in the O-S Zone and 3.60 acres within the R-55 Zone								
Zoning or Use	Units or Square Feet	AM Pk. Hr. Trips			PM Pk. Hr. Trips			Daily Trips
		In	Out	Total	In	Out	Total	
Existing Zoning								
R-55 (4.2 residences per acre)	15 detached homes	2	9	11	9	5	14	135
O-S (0.2 residences per acre)	1 detached home	0	1	1	1	0	1	9
Total Per Existing Zoning		2	10	12	10	5	15	144
Proposed Zoning	82 homes (mix of attached and detached)							
M-U-I (applicant's proposal)		11	47	58	43	23	66	672
Difference Between Existing and Proposed		+9	+37	+46	+33	+18	+51	+528

A-10045
December 13, 2017
Page 2 of 2

The above comparison of estimated site trip generation indicates that the proposed rezoning could have an impact on traffic in the area with an increase of over 500 daily trips. Nonetheless, the applicant has already scoped a traffic study in anticipation of the future preliminary plan of subdivision.

The *Approved Countywide Master Plan of Transportation* shows the Hamilton Street/Jefferson Street corridor as a master plan collector; however, this recommendation is only for the section west of 40th Avenue and does not affect the subject property.

Conclusions

Transportation staff has reviewed this Zoning Map Amendment and offers notes that access onto Allentown Road is under the jurisdiction of DPIE and additional transportation analysis will be needed as the applicant moves forward.

Candace B. Hollingsworth
Mayor



Tracey E. Nicholson
City Administrator

July 17, 2018

Honorable Elizabeth Hewlett
Chairman
Prince George's County Planning Board
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

RE: Magruder Pointe (CSP-18002)

Dear Chairman Hewlett:

On Monday, July 16, 2018 the Hyattsville City Council reviewed the land-use application for Magruder Pointe (CSP-18002), a request for a rezoning of the WSSC property to M-U-I.

The City Council voted not to support the proposed Conceptual Site Plan, which would allow the applicant rezone both the upper and lower lots of the former WSSC headquarters building to M-U-I. The parcels are currently zoned R-55 and O-S.

We are appreciative of the applicant's efforts to meet with the residents of our community over the past several months to listen our community's concerns including, but not limited to, the loss of potential expansion of Magruder Park, but believe that the M-U-I zone is not appropriate for the Traditional Residential Neighborhood character area of the community.

We thank the Planning Board for consideration of the City of Hyattsville's comments and we look forward to your decision.

Sincerely,

Candace B. Hollingsworth
Mayor

cc: City Council
Jonathan Werrlein, Werrlein Properties, Inc.
Henry H. Zhang, Master Planner, Urban Design Section, M-NCPPC

Norman D. Rivera, Esquire
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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).
- (b) The Conceptual Site Plan shall be prepared by an engineer, architect, landscape architect, or urban planner.
- (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 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,

Magruder Pointe
June 27, 2018
CSP-18002
Page 11 of 12

Norman D. Rivera

Attachments