

## **Prince George's County Council**

## Sitting as the District Council

## Zoning Agenda Item Summary

Case No.:	CSP-18002	Cou	incilmanic District: 2	
<b>Meeting Date:</b>	/28/2019 <b>Zone</b>		e(s): R-55/O-S/D-D-O	
Case Name:	Magruder Pointe			
Applicant:	Werlein WSSC, LLC			
Location: Request:	Located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north of Gallatin Street and west of 40th Place. The subject site is also located within the Traditional Residential Neighborhood (TRN) Character Area of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (Gateway Arts District Sector Plan and SMA) (8.26 Acres; R-55/O-S/D-D-O Zones). Requesting approval of a Conceptual Site Plan (CSP) application proposing to rezone the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use–Infill (M-U-I) Zone for a future single-family			
Companion Case(s):	residential developmen	it. No site imp	rovements have been proposed in this CSP.	
DECISIONS/RE	COMMENDATION:		LEGAL DEADLINES:	
Technical Staff:	Approval, with Conditions		Appeal date: 9/4/2018	
Planning Board:	Approval, with Con	ditions	<b>Review date:</b> 9/30/2018	
Zoning Hearing Examiner:			Action date: 1/29/2019	
Municipality:	City of Hyattsville		Comments:	
Opposition:			Mandatory Review: District Council review of this case is required by Section 27-548.26(b) of the Zoning Ordinance.	
Staff:	Henry Zhang			
HISTORY:				
Acting Body:		Date:	Action:	
M-NCPPC Techr Notes:	DISAPPROVAL of the	1	disapproval ecline to recommend rezoning the property lential (R-55) and Open Space (O-S) Zones to	

the Mixed Use–Infill (M-U-I) Zone.

M-NCPPC Techn	ical Staff 07/18/2018 approval with conditions
Notes:	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 with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property.
M-NCPPC Planni	ing Board 07/26/2018 disapproval
Notes:	DISAPPROVAL of the request and decline to recommend rezoning the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use–Infill (M-U-I) Zone.
M-NCPPC Planni	ing Board 07/26/2018 approval with conditions
Notes:	APPROVAL of recommendation to rezone 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 with a required detailed site plan, 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.
Person of Record	09/04/2018 appealed
Notes:	Mr. Daniel Muth, Mr. Greg Smith, Mr. Peter Anton Veigas, Ms. Wendy Beatty, Ms. Sarah Eisen, Ms. Nina Faye, Mr. Paul Hrusa, and Mr. Chris Currie, filed an appeal in opposition to the proposal and requested Oral Argument.
Person of Record	09/10/2018 filed
Notes:	<i>Mr.</i> Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter with an attached legal opinion by their attorney, J. Carroll Holzer, Esq. in opposition to the proposal and opposition to the proposed September 17, 2018 Oral Argument.
Applicant	09/10/2018 filed
Notes:	Norman D. Rivera, Esq., attorney for the applicant, filed a rebuttal to the September 4, 2018 appeal filed by Mr. Daniel Muth, Mr. Greg Smith, Mr. Peter Anton Veigas, Ms. Wendy Beatty, Ms. Sarah Eisen, Ms. Nina Faye, Mr. Paul Hrusa, and Mr. Chris Currie.
	09/17/2018
Sitting as the Dist	crict Council 09/17/2018 continued at a later date
Notes:	Stan Brown, People's Zoning Counsel, spoke to the need to continue this case until Tuesday, October 15, 2018 at 10:00 a.m.
Person of Record	09/24/2018 filed
Notes:	Candace B. Hollingsworth, Mayor, City of Hyattsville, filed a letter requesting a remand to the Planning Board to allow the city to submit additional testimony

	related to the R-55 recommendation.				
Person of Record Notes:	09/26/2018 filed Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.				
Person of Record Notes:	09/27/2018 filed Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a second letter in opposition to the proposed October 15, 2018 Oral Argument.				
Person of Record Notes:	10/09/2018filedJ. Carroll Holzer, Esq., attorney for Mr. Greg Smith, Mr. Daniel Muth, and Mr.Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 OralArgument.				
Applicant <b>Notes:</b>	10/12/2018 filed Norman D. Rivera, Esq., attorney for the applicant, filed a letter concurring with a continuance of the October 15, 2018 Oral Argument to satisfy state affidavit requirements.				
Sitting as the Dist Notes:					
Sitting as the Dist	crict Council 01/14/2019 postponed				
Sitting as the Dist <b>Notes:</b>	rict Council 01/15/2019 hearing held; referred for document Henry Zhang, M-NCCPC, provided an overview of the Conceptual Site Plan application. Jim Chandler with the City of Hyattsville spoke in opposition as did Greg Smith and Daniel Muth. Norman Rivera, Esq., attorney for the applicant, spoke in support on behalf of the applicant as did the following individuals: Charlie Kenny, Nick Harris, Michael Romero, Brenda Cain, Alyce Thompson and Flawn Williams. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. The Mandatory Review Hearing was held and this item was referred to				

staff for preparation of an Order of Remand to the Planning Board (Vote: 11-0). 11 Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Aye:

Harrison, Hawkins, Ivey, Streeter and Taveras

Sitting as the District Council 01/28/2019

**Document(s):** CSP-18002 Zoning Agenda Item Summary, CSP-18002 Planning Board Resolution 18-74, CSP-18002\_PORL\_Rev, CSP-18002 Technical Staff Report\_Supplemental