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STATEMENT OF JUSTIFICATION

March 29, 2018

**Magruder Pointe – 4017 Hamilton Street Hyattsville, MD 20781**  
**Conceptual Site Plan Submittal to Amend the Table of Uses in the Transitional**  
**Character Area of the Gateway Arts District Plan**  
**CSP-18002**

**REQUEST:**

This Statement of Justification is submitted in support of a proposed Conceptual Site Plan to Amend the Table of Uses in the Transitional Neighborhood Character Area (TRN) of the Gateway Arts District Sector Plan. The applicant, Werrlein Properties WSSC, LLC, is the contract purchaser of the site, which houses the former WSSC headquarters building on Hamilton Street 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.

The applicant respectfully requests a single amendment to the table of uses applicable to the property as permitted by Section 27-548.26 of the Ordinance. The amendment request is to page 196 of the Table of Uses for the TRN area category to allow townhouses in the TRN area for this site only in the O-S and R-55 Zones. Our development program is to gain approval for this “Uses Only” CSP 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. In our opinion the uses 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 Area”) as shown on the enclosed survey. The “Lower Area” adjacent to Magruder Park is proposed to be all townhomes.

**BACKGROUND:**

The Applicant is the contract purchaser of the site. The Gateway Arts District Sector Plan defines an area as the TRN, which seeks to maintain a tradition 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. The Magruder Pointe project will be a complete redevelopment of the building and parking lot. 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.

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

- a presentation to the City Council on February 5;
- a Planning Committee meeting held February 27;
- an April 16 Council worksession to discuss the project;
- a May 7 vote; and
- a May 8<sup>th</sup> – A letter of recommendation to the MNCPPC.

#### **LEGAL CRITERIA FOR A USE TABLE REVISION:**

The Zoning Ordinance, a process utilizing a CSP or a DSP to amend the use table for a specific property for land in a DDOZ. If approved, the use table amendment only applies to the site, which is the subject of the instant CSP. In this matter, we are utilizing a CSP as the vehicle to amend the use table to allow SFA's in the TRN. The CSP also notes limited design standards on the plan to guide the subsequent plans. While townhomes appear to meet Footnote 111 of the Sector Plan as a permitted use in the R-55 Zone, we prefer to leave this request in the submittal so that a positive finding can be made for financing.

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 use as to the single use 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 27-548.22 of the Zoning Ordinance includes the following criteria for the approval of uses through a DDOZ that are not permitted in the underlying zone:

**Sec. 27-548.22. Uses.**

(a) The uses allowed on property in a Development District Overlay Zone shall be the same as those allowed in the underlying zone in which the property is classified, except as modified by Development District Standards approved by the District Council.

(b) Development District Standards may limit land uses or general use types allowed in the underlying zone where the uses are incompatible with, or detrimental to, the goals of the Development District and purposes of the D-D-O Zone.  
**Development District Standards may not allow uses prohibited in the underlying zone, with the exception of Development District Standards of the Prince George's County Gateway Arts District D-D-O Zone, where the uses are compatible with the goals of the Prince George's County Gateway Arts District and purposes of the D-D-O Zone.**

(c) A table of uses shall be incorporated within each Development District Overlay Zone clearly showing all uses in the underlying zone that will be permitted, prohibited, or otherwise restricted pursuant to Section 27-548.25 of this Division.  
(CB-8-2000; CB-71-2004; CB-5-2007; CB-24-2013)

**COMMENT:** It is our contention that the townhomes are an appropriate use in the TRN area of the Gateway Arts District. The goals and recommendations are addressed in detail below.

Section 27-548.26 of the Code defines the procedure of using a CSP to modify the use table 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.
  - (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.
- (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. There is a maximum of sixteen (16) single family detached dwellings and sixty-seven (66) single family attached dwellings to be submitted in a subsequent preliminary plan and detailed site plan. This proposal replaces a vacant office building 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:** As the County will see in the subsequent preliminary plan and DSP, those issues will be completely addressed. However, there will be some townhomes but the overall concept is community oriented, largely self-contained as to parking and access, and safe through design and all residential. 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.

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.

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).

Based on the above, the Applicant requests approval of this CSP to amend the Table of Uses for this site only to allow townhomes in the O-S and R-55 Zones in the TRN/DDOZ. We look forward to working with you and your staff on the enclosed application. Thank you in advance for your attention to this matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Norman D. Rivera

Attachments