

DETAILED SITE PLAN APPLICATION (DSP - 18005)  
MAGRUDER POINTE  
STATEMENT OF JUSTIFICATION

OWNER/APPLICANT: Werrlein WSSC, LLC  
522 Defense Highway  
Annapolis, MD 21401

ATTORNEY/AGENT: Law Offices of Norman D. Rivera, Esq. LLC  
17251 Melford Blvd., Suite 200  
Bowie, MD 20715  
301-352-4973

CIVIL ENGINEER: Dewberry Engineers Inc.  
4601 Forbes Blvd., Suite 300  
Lanham, MD 20706  
301-731-5551

**1. DESCRIPTION OF PROPERTY**

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).

The subject property is located on Tax Map 50 in Grid B1, consists of 35 existing lots, and contains a total of 8.26 acres. 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. On July 26, 2018, the Planning Board approved a recommendation to rezone the 4.66-acre portion of the site within the O-S Zone to the R-55 Zone, and to allow single-family attached residential units at a maximum density of 9 units per acre. On September 4, 2018, certain persons of record filed an appeal. The District Council held oral argument on the case on January 15, 2019, and

voted to remand the case to the Planning Board for an additional evidentiary hearing to address specific issues. On March 28, 2019, the Planning Board voted to make no recommendation to the District Council regarding the subject application via the adoption of PGCPB Resolution No. 18-74(A). On June 10, 2019, the District Council approved the CSP, rezoning the 4.66-acre portion of the site within the O-S Zone to the R-55 Zone, and allowing single-family attached residential units. The District Council approved a total of 72 total dwelling units for the project overall – 31 for the upper lot and 41 for the lower lot. The approval includes a condition requiring approval of a detailed site plan for the overall property, subject to all DDOZ requirements and establishing additional bulk requirements to implement the goals and recommendations of the Gateway Arts District Sector Plan and SMA. The subject application includes full details for development of 31 units on the upper lot. A future revision for full review of the lower lot will be required prior to issuance of building permits for the lower lot.

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.

## **2. REQUEST FOR DETAILED SITE PLAN APPROVAL**

The applicant is requesting approval of a detailed site plan to construct 15 single-family attached townhome units and 16 single-family detached units on the 3.6 +/- acre, R-55-zoned portion of the site (8.26 acres overall). Conceptual Site Plan (CSP-18002) was previously approved by the District Council to rezone the 4.66 acre, O-S-zoned portion of the site to the R-

55 Zone and to allow single-family attached units on the site with a maximum density of 6.7 units per acre for the single-family detached units and 9 dwelling units per acre for single family attached units. A Preliminary Plan of Subdivision (4-18001) is pending concurrently review for 31 of the 72 overall lots certified with the CSP.

The proposed development will involve the complete removal of an obsolete building with no occupants for over twenty-six (26) years and construction of quality single-family housing consistent with the goals and recommendations of the Gateway Arts District Sector Plan and SMA and compatible with the character of the existing neighborhood as recognized already by the Technical Staff in the underlying CSP application to rezone the lower parcel to R-55 from O-S. 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. The project will ultimately involve the redevelopment of a vast 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, offering service to nearby Metro Stations (2), both of which are walkable and bikable. We are providing as part of each new home purchase a membership in the Capital Bikeshare program. 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 in recognition of the site’s history.

**3. CONFORMANCE TO CONCEPTUAL SITE PLAN CSP-18002**

On July 26, 2018, the Planning Board approved a recommendation to rezone the 4.66-acre portion of the site within the O-S Zone to the R-55 Zone, and to allow single-family

attached residential units at a maximum density of 9 units per acre. On September 4, 2018, certain persons of record filed an appeal. The District Council held oral argument on the case on January 15, 2019, and voted to remand the case to the Planning Board for an additional evidentiary hearing to address specific issues. On March 28, 2019, the Planning Board voted to make no recommendation to the District Council regarding the subject application via the adoption of PGCPB Resolution No. 18-74(A). On June 10, 2019, the District Council approved the CSP, rezoning the 4.66-acre portion of the site within the O-S Zone to the R-55 Zone, and allowing single-family attached residential units. The District Council approved density at 6.7 units per acre for single-family detached units and 9 dwelling units per acre for single-family attached units.

The following numbered conditions from the District Council's Order of Approval for the CSP are applicable to this detailed site plan:

- 2. At the time of Detailed Site Plan, as required in PGCC 27-548.26:**
  - a. Provide evidence that impact to the floodplain has been approved by the authority having jurisdiction.**

***RESPONSE:** We have received approval of the existing 100-year floodplain delineation from the DOE and DPIE. The applicant requested and received approval for 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. This approval is enclosed.*

- b. Provide sidewalks on both sides of all internal streets, excluding alleys, as appropriate.**

***RESPONSE:** The plans show alleys for internal circulation as required by the City so there will be no sidewalks on both sides of all internal streets. However, the DSP shows pedestrian paths for circulation.*

- 3. Prior to issuance of any building permit, Applicant shall, Pursuant to PGCC 27-548.26, obtain approval of a detailed site plan (DSP) for the entire 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 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.***

***RESPONSE:*** *The subject DSP has been submitted for review in accordance with this condition and demonstrates conformance to all DDO standards applicable to the TRN Character Area (see below for a detailed discussion). The DSP sets forth additional bulk requirements that will ensure implementation of the goals and recommendations of the Gateway Arts Sector Plan, to achieve context-sensitive, high-quality, single-family residential development (see General Notes 23-25).*

**4. CONFORMANCE TO THE GATEWAY ARTS DISTRICT DDOZ STANDARDS FOR THE TRADITIONAL NEIGHBORHOOD CHARACTER AREA**

The Development District Overlay (D-D-O) Zone standards applicable to the Traditional Residential Neighborhood Character Area shown below specifically relate to the review of the detailed site plan application and are also detailed on the DSP as notes:

**Site Design – Building and Streetscape Siting**

**11. Decks, garages, sheds and auxiliary buildings used for the storage of cars or trucks shall be treated as accessory buildings.**

***RESPONSE:*** *Decks, garages, sheds and auxiliary buildings used for the storage of cars or trucks are be treated as accessory buildings.*

**12. On properties zoned R-55, the minimum lot area for new dwellings shall be 5,000 square feet. Where the depth of the lot is less than 100 feet, the minimum net lot area shall be 4,800 square feet.**

***RESPONSE:*** *The 5,000 SF is not met for only two of thirty-one lots. This applies to detached homes as townhome lots in the R-55 Zone have a minimum net lot area of 1,400 square feet which is demonstrated on the DSP. Approval of the rezoning included discussion of establishing new bulk requirements for the development via the detailed site plan since townhomes are not generally permitted in the R-55 Zone. As such, the detailed site plan proposes to establish a minimum net lot area of 1,400 square feet for townhouse lots.*

*All single family detached lots meet the 5,000 square foot minimum, with the exception of lot 23 (4,150 square feet) and lot 29 (4,080 square feet). The applicant therefore requests a modification to this DDOZ standard to allow the minimum lot sizes listed above for lots 23 and 2; 5000 SF for the remainder of the SFDU lots; and to establish a minimum net lot area of 1,400 square feet for townhouse lots. The goal and rationale for the Traditional Neighborhood Character Area of the Gateway Arts Sector Plan is to reinforce the existing single-family detached residential neighborhoods. Attached and detached single-family homes are proposed and were approved in this*

layout by the certified CSP-18002 approved by the Board and District Council. The architecture was designed by a local architect in this very neighborhood to be commensurate and complement the existing housing stock. I would also point out there are eleven (11) single-family detached homes across Hamilton Street where we propose ten (10) so the compatibility is preserved in terms of numbers of units and also design. There will be no distinguishing difference visible to a pedestrian, bicyclist, driver or resident as the streetscape blends the units in with the neighborhood where previously an empty unused office sat for twenty-seven years.

**16. The front yard shall not have more than 20 percent impervious surface and shall not include a paved area for parking between the dwelling and the street sidewalk.**

***RESPONSE:*** All units have front porches facing the street resulting in limited front yard depth. Therefore some of the units have front yards that contain more than 20 percent impervious surface. All units are served from the rear by a network of alleys except for Lot 21 which is served by a driveway to the street but this driveway is not between the dwelling and the street sidewalk. Therefore, the Applicant requests a modification to this Development District Standard.

**17. The one-family detached dwelling lot coverage including accessory uses, artist studios, and other home occupations shall be a maximum of 45 percent of the net lot area.**

***RESPONSE:*** Lot coverage does not exceed 45 percent of the net lot area for single-family detached lots.

**18. Accessory buildings shall only cover a maximum of 25 percent of the rear yard.**

***RESPONSE:*** Accessory buildings only cover a maximum of 25 percent of the rear yard.

**19. On properties zoned R-55, R-35 or R-20, the minimum lot frontage and minimum lot width shall be 20 feet. Lots with a smaller lot width that predate the approval of the Arts District SMA may be developed if it is documented that more than one dwelling exists on the street on a lot with a similar or lesser frontage.**

***RESPONSE:*** The minimum lot frontage and minimum lot width is 20 feet.

**20. Townhouses shall have a minimum lot width of 18 feet and shall not front a parking lot.**

***RESPONSE:*** Townhouse lots meet the minimum width of 18 feet and do not front parking lots as all townhouse lots are rear-loaded.

**21. Front-yard setbacks for one-family detached, semidetached or triple-attached dwellings shall be a minimum of 20 feet in depth. Covered porches may be located in the front yard.**

***RESPONSE:*** All single-family detached units proposed have a minimum of 20 feet of front yard with covered porches being counted as part of the front yard.

**22. Front-yard setbacks for one-family detached, semidetached or triple-attached dwellings should conform to the block's prevailing front-yard depth.**

***RESPONSE:*** This standard does not apply to our proposed development as no houses exist on the side of the street of the blocks with proposed units. There is no prevailing front yard depth to adhere to.

**23. The front yard should have a paved walkway a maximum of five feet wide between the main entrance of the building and the sidewalk.**

***RESPONSE:*** The front yards have a paved walkway a maximum of five feet wide between the main entrance of the building and the sidewalk

**24. Accessory buildings shall be set back a minimum of 40 feet from the front lot line.**

***RESPONSE:*** All accessory buildings are set back greater than 40 feet from the front lot line except for Lot 21, which is closer due to site constraints in being a corner lot. There is also no access to the alley, but rather to the street. The distance has been reduced to keep the driveway at a minimum length. Therefore, the Applicant requests a modification to this Development District Standard.

**25. Side yards for one-family detached dwellings shall be a minimum of 8 feet wide on both sides but may be reduced as much as 4 feet on each side where the resulting building would be less than 14 feet in width.**

***RESPONSE:*** Side yards on the one-family detached dwellings are set at a minimum of 3 feet; however, this is because the houses are not centered in order to provide a usable side yard on one side. The total side yard width for all detached dwellings is greater than 16 feet. Therefore, the Applicant requests a modification to this Development District Standard.

**27. One-family detached dwellings shall have a rear yard a minimum of 25 feet in depth.**

***RESPONSE:*** The rear yards of some units will have detached garages within the rear yards and the depth may be adjusted on a lot-by-lot basis for engineering reasons. Therefore, the Applicant requests a modification to this Development District Standard.

**27. Accessory buildings shall be set back from rear lot lines and alleys a minimum of two feet.**

**RESPONSE:** *Accessory buildings are set back from rear lot lines and alleys a minimum of two feet.*

**29. Buildings on corner lots should not have blank exterior walls at the pedestrian level.**

**RESPONSE:** *All corner lots shall have proper fenestration and no blank exterior walls on any unit.*

### **Access and Circulation**

**2. Sidewalks a minimum of five feet in width shall connect to dwelling entrances, parking, recreational facilities, auxiliary buildings, recycling, and dumpster areas.**

**RESPONSE:** *In keeping with the neighborhood character, some front yards contain lead walks that are three feet wide. Therefore, the Applicant requests a modification to this Development District Standard.*

**3. Sidewalks shall not be made of asphalt.**

**4. Sidewalk materials and design shall be continuous across driveways and driveway aprons.**

**RESPONSE:** *The plans are in conformance with the above requirements. Sidewalks will be concrete and materials are continuous across driveways and driveway aprons where applicable.*

**7. Sites greater than four acres in size should have private drive aisles or public alleys to provide access to the rear of buildings and the interior of the lot or parcel for access to parking, dumpsters, and service entrances.**

**RESPONSE:** *Drive aisles and public alleys are provided for access to the rear of buildings and the interior of lots or parcels.*

### **Parking and Loading**

**5. Parking for residential and live/work use shall consist of a minimum of 1 and a maximum of 2 on-site spaces per lot. If the dwelling lot fronts on a street with on-street residential parking, each 20 feet of linear frontage may be substituted for 1 space.**

**RESPONSE:** *Parking for the proposed development has been tabulated in accordance with the above requirements. All lots have parking for two cars; most have two-car garages; Lot 1 has a two-car parking pad.*

### **Siting and Access**



**4. Parking shall not be located between the sidewalk or street and the building.**

**RESPONSE:** *No parking is proposed between the street and buildings.*

**6. Driveways or private drive-aisles shall have a maximum width of 12 feet.**

**RESPONSE:** *Driveways exceed the minimum width of 12 feet to accommodate two parking spaces and to serve a two- car garage.*

### **Fencing, Walls, Screening, and Buffering**

**2. Barbed wire, vinyl cladding, unclad cinder block, or razor wire shall not be used as walls, fences or screening. Appropriate materials for fences and walls include masonry, wood, decorative metal, or brick.**

**RESPONSE:** *Prohibited materials listed above will not be used as walls, fences, or screening.*

**4. Front yard fences and walls shall be a maximum of four feet in height.**

**RESPONSE:** *Front yard fences and walls will be a maximum of four feet in height.*

**5. Rear- and side-yard fences and walls shall be a maximum of six feet in height**

**RESPONSE:** *Rear- and side- yard fences and walls will be a maximum of six feet in height.*

**6. Barbed wire, vinyl cladding, unclad cinder block, or razor wire shall not be allowed.**

**RESPONSE:** *None of the materials prohibited above are proposed.*

### **Dumpsters, Services, Utilities, Outdoor Storage and Stormwater Management**

**1. New techniques and methods of collecting and treating stormwater should be used as they emerge, such as micromanagement described in the current version of the design manual Low-Impact Development Strategies—An Integrated Design Approach, published by DER.**

**RESPONSE:** *LID facilities in the form of micro-bioretenion areas are utilized through the site to provide stormwater management.*

### **Signage**

**1. Freestanding pole, monumental signs, or billboards shall not be allowed.**

**RESPONSE:** *There are no freestanding poles, monumental signs, or billboards proposed for this development.*

### **Lighting**

**3. Grade changes in public spaces such as stairs, inclines, ramps, and steps should be illuminated from above or at the ground level.**

**RESPONSE:** *Grade changes in public spaces such as stairs, inclines, ramps, and steps will be illuminated from above or at the ground level.*

### **Landscaping**

**1. Existing trees should be preserved where feasible.**

**RESPONSE:** *Existing trees on this site are few, but have been preserved where feasible.*

**2. Shade trees with a minimum of 2 ½ - to 3-inch caliper shall be provided at the rate of one shade tree per every 5,000 square feet of the gross site area (exclusive of street dedications). Existing trees and street trees to be planted within the abutting right-of-way may be counted toward meeting this standard.**

**RESPONSE:** *The above would require 72 shade trees based on the gross site area of 8.26 acres. The tree canopy coverage schedule on the landscape plan demonstrates that a total of 68 major shade trees are proposed. Since the development of homes on Outparcel 1 is not included in this DSP, the remaining 4 shade trees will be more than covered when houses are developed on the Outparcel. Therefore, the Applicant requests a modification to this Development District Standard. Again, it is anticipated that the above requirement will be greatly exceeded with the future development of Outparcel 1, which will be reviewed in detail under a future detailed site plan revision for that section of the development.*

### **Building Design - Building Height**

**4. The maximum height of townhouse buildings shall be 45 feet.**

**RESPONSE:** *No buildings will exceed 45 feet in height.*

**5. A bay window, oriel, entrance vestibule or balcony may project up to three feet beyond the front or rear building line if the projection is not more than ten feet long (measured along the building). Cornices and eaves may project up to two and one half feet beyond the building line. The projection shall be at least two feet from any lot line.**

**RESPONSE:** *This standard does not apply as there are no bay windows, oriels, entrance vestibules, or balconies proposed.*

6. The allowable height in R-55, R-35, and R-20 Zones shall be 3 stories or 35 feet. If an additional side yard of ½ foot is added per 1 foot of height in excess of 35 feet, the height may be increased to the maximum of 40 feet. Height shall be measured from the highest elevation on the front street side of the building to the highest main roof ridgeline or parapet.

**RESPONSE:** *No buildings will exceed 35 feet in height.*

7. Accessory buildings shall not exceed the height of the main ridgeline of the roof of the primary residential structure.

**RESPONSE:** *The height of detached garages will not exceed the main ridgeline of the roof of primary residence structures.*

#### **Building Design - Architecture**

4. New buildings greater than 45 feet in width should be designed to visually break up the length of the building.

5. Buildings that exceed 130 feet in frontage on any street should be articulated through massing, material, color, opening, and detail changes to appear as multiple buildings rather than one single building.

6. Buildings intended for institutional use should highlight the main entrance through massing changes, architectural details, and appropriate lighting and plantings.

**RESPONSE:** *The above standards are not applicable to the proposed development.*

9. Accessory buildings exceeding 15 feet in height shall match the roof pitch and style of the main dwelling.

**RESPONSE:** *Detached garages will not match the roof pitch and style of main dwellings as many will have rooftop decks. The garages that do not have decks will match the pitch and style of the main dwellings. Therefore, the Applicant requests a modification to this Development District Standard.*

11. Front porches should be provided.

**RESPONSE:** *Front porches are provided on all units.*

12. New buildings should be faced on any facade fronting a public street with quality materials such as brick, stone, wood, masonry, or stucco compatible with the character of the surrounding neighborhoods.

**RESPONSE:** *All single-family detached houses will be Hardie-plank siding in historical colors. This material is complementary to the surrounding neighborhood. The single-family attached townhouses will be brick on all sides.*

#### **Signage**

**RESPONSE:** Standards relating to signage are not applicable as no signs are proposed.

### **Public Space – Streetscape**

**3. The neighborhood streetscape shall consist of a sidewalk a minimum of four feet in width and may include an additional strip five feet in width containing street trees, landscaping and pedestrian amenities.**

**RESPONSE:** All of the streets of this proposed subdivision are existing. Where sidewalk does not already exist it is proposed to be at least four feet wide where feasible. While this is feasible for most of the street frontage it is not everywhere due to existing site constraints. Therefore, the Applicant requests a modification to this Development District Standard.

**4. All streets shall have a sidewalk on both sides wherever possible.**

**RESPONSE:** All streets have sidewalk on both sides except where site conditions make it infeasible. Therefore, the Applicant requests a modification to this Development District Standard.

**6. Street trees shall be shade trees and shall be a minimum of 2½- to 3-inch caliper.**

**RESPONSE:** Not met. Existing street sections do not allow for street trees as there is no or limited room between the curb and the right-of-way. Therefore, the Applicant requests a modification to this Development District Standard.

### **Parks and Plazas**

**1. At least one tree with a minimum 2 ½-to 3-inch caliper should be planted per every 1,000 square feet of proposed open space.**

**RESPONSE:** At least one tree with a minimum 2 ½-to 3-inch caliper is will be planted per every 1,000 square feet of proposed open space.

**2. A minimum of 1 shrub should be provided for every 100 square feet of area, and there should be a minimum of 3 varieties for spaces grater than 300 square feet.**

**RESPONSE:** There is no room for the number of shrubs requested due to the spacing needs of the other plantings proposed. Therefore, the Applicant requests a modification to this Development District Standard.

## **5. FINDINGS REQUIRED FOR THE PLANNING BOARD TO APPROVE THE DETAILED SITE PLAN 27-285(b)**

**(1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a 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. If it cannot make these findings, the Planning Board may disapprove the Plan.;**

**RESPONSE:** *Based on the foregoing and following analysis, the plan represents a 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.*

**(2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).**

**RESPONSE:** *Conformance to the CSP is discussed in detail above.*

**(3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

**RESPONSE:** *Not applicable. This is not a detailed site plan for infrastructure.*

**(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

**RESPONSE:** *The site has an approved Natural Resource Inventory, NRI-047-018, and Stormwater Management Concept Plan #10823-2018-00. Simultaneously with this application, we have received approval of the existing 100-year floodplain delineation from the DOE and DPIE. They requested we file a floodplain fill waiver to include a: Floodplain fill waiver request; Compensatory storage request/plan which alters the ultimate floodplain line; and SWM Concept. The proposed floodplain plan which includes the compensatory storage as well as the waiver have been approved. Regulated environmental features have been preserved to the fullest extent possible.*

**6. OTHER SITE PLAN RELATED REGULATIONS**

**Prince George's County Landscape Manual**

Page 142 of the Gateway Arts District Sector Plan includes the following

language relating to Landscape Manual applicability within the DDOZ:

**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, the language in the DDOZ standards for the TRN replace the requirements of the Landscape Manual. Conformance to these standards is discussed in detail above.

**Prince George's County Tree Canopy Coverage Ordinance**

Sheet 6 of the Landscape Plan includes a Tree Canopy Coverage schedule clearly demonstrating that the 15% requirement has been met.

**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.

**7. PROPOSED DEVELOPMENT WITHIN A PLATTED RIGHT-OF-WAY**

Clover Street/40th Avenue that is a platted right-of-way that is shown within the property boundary. The City of Hyattsville has not accepted Clover Street into their road system. The paper street is part of an 1887 plat which also includes a part of the subject site which is the lower section of the former WSSC headquarters my client owns now (plat enclosed). The upper section was the office (now demolished) and the lower, the parking lot. Clover is not in the City or County roadway system and will be incorporated in the subdivision for development. Clover and some portion of the lower section will be incorporated into the City 's Magruder Park in the future.

Per the enclosed Memorandum by Technical Staff dated November 3, 2003 by Mr. Alan Hirsch and December 14, 2012 by Ms. Debra Borden, Esq., a road not accepted is not dedicated without a positive act by the City or County prior to 1908. As this is a plat from 1887 and neither occurred in this case.

We met with Ms. Sherri Conner, Mr. David Simon, and Ms. Amber Turnquest recently and discussed this issue and they concur as far as we believe. In fact, we agreed to include the lower lot in its entirety which includes Clover Street. Therefore, the density calculations will not be affected. The CSP was approved by the District Council and is being certified for 72 units total for both sections with 41 single-family attached units on the lower section.

#### **8. GREEN BUILDING FEATURES**

The detached and attached houses proposed in the Magruder Pointe are anticipated to incorporate numerous green building features. In terms of the envelope, all houses will meet or exceed current energy codes, with R-49 insulation in the roof, R-20 insulation in the walls, etc. All windows installed will be double glazed. All appliances within the houses will be Energy Star rated. The plumbing fixtures will all be selected with water conservation in mind. Every detached house will be provided with at least one rain barrel installed. Every house will have an electric car charging station.

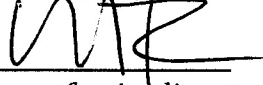
All the houses will have deep eaves and porches which will help to keep the sun's hot rays off the building, reducing the energy required to keep the house cool in the summer. All roofing materials will be lighter in color so as to absorb less heat in the summer. The houses will have numerous, tall windows that will enhance the notion of 'daylighting', which will reduce the energy required for lighting. All of the houses will be ready to be equipped with

solar panels, especially the lower townhouses, which have a more flat roof condition. All the houses will be within a 20-minute walk of the Metro, have a bus stop within 2 minute walk, and will come with a membership to the Capital Bikeshare scheme. There will be a Bikeshare stand installed within a two-minute walk from all houses.

**CONCLUSION**

For all of the foregoing reasons, the Applicant believes the subject application conforms to the purposes and recommendations and DDOZ standards of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* and the criteria for approval of a DSP. Further, this application is in harmony with the conditions of the prior approvals for the rezoning of the property to the R-55 Zone via Conceptual Site Plan (CSP-18002). Based on the foregoing analysis, as well as the plans and supporting documentation filed in conjunction with this application, the applicant respectfully requests the approval of DSP-18005.

Respectfully submitted,

By:   
*Attorney for Applicant*  
*Norman D. Rivera*