

# Attachment 1: Analysis of Testimony

## Table of Contents

- I. Analysis of Testimony
  - a. Future Land Use Change Comments
  - b. New Zone Requests
  - c. Zoning Change Comments
- II. List of Exhibits
- III. List of Speakers

This analysis of testimony summarizes 16 exhibits and 24 pages of transcribed oral testimony (representing 8 registered speakers, 2 of whom did not provide oral testimony) from the public hearing on the *Minor Master Plan Amendment and Concurrent Sectional Map Amendment for the 2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*, held June 13, 2023.

Following a review of the exhibits and oral testimony, Planning Department staff analyzed the major issues raised in the testimony and offered the Department's response. Staff recommends several changes to the proposed minor plan amendment and sectional map amendment in response to the testimony. Copies of the speakers and exhibits list are included for reference.

This analysis is organized into three categories including future land use change comments, new zone requests, and zoning change comments.

Within each subject area, the following is provided:

1. Summary of testimony, with the exhibit and/or speaker number and name.
2. Staff analysis of the issue raised in the testimony.
3. Staff recommended action (if any).

## Future Land Use Change Comments

No.	Minor Amendment(s) #	Exhibit # / Speaker #	Address(es)	Tax ID(s)	Future Land Use Category		Summary of Testimony	Staff Analysis	Staff Rec.
					Existing	Proposed in MPA			
1.	1, 3, 7, 8, 9, 11, 12, 13, 14	Exhibit 14, Chris Hatcher, on behalf of Brinkley Road Associates LLC	2423 Brinkley Road, 2505 Brinkley Road, 6209 Rosecroft Drive, 6225 Rosecroft Drive, 6330 Rosecroft Drive, 0 Brinkley Road	1292515, 1292507, 1292481, 1292499, 1226422, 1226430, 1292119	Existing	Mixed-Use	Wants to retain the current mixed-use future land use designation for the Brinkley Property to allow for the possibility of future healthcare or biomedical uses. This would advance both the County Council and County Executive's current development and economic priorities by (1) improving healthcare access to residents in South County and (2) delivering high paying jobs to Prince George's County.	The parcels have been zoned RR since the 2006 plan was approved. Updating the future land use designation to low-density residential rectifies a long-time incongruence between zoning and land use. Eliminating the Rosecroft Mixed-Use Area is supported by <i>Plan Prince George's 2035 Land Use Policy 7</i> : ("Limit future mixed-use land uses outside of the Regional Transit Districts and Local Centers.") and LU 7.1 ("Reevaluate mixed-use land use designations outside of the Regional Transit Districts and Local Centers as master plans are updated.").	No change to the proposed future land use recommendation based on this testimony.
					Proposed in MPA	Residential Low			
					Requested via Testimony	Mixed-Use			

## Future Land Use Change Comments

No.	Minor Amendment(s) #	Exhibit # / Speaker #	Address(es)	Tax ID(s)	Future Land Use Category		Summary of Testimony	Staff Analysis	Staff Rec.
					Existing	Proposed in MPA			
2.	1, 14	<b>Exhibit 11, Speaker 2</b> Robert J. Antonetti, Jr. on behalf of 2112 Brinkley Road  <b>Exhibit 12,</b> Nathaniel Forman, on behalf of Janice Almquist, owner of 2112 Brinkley Road	2112 Brinkley Road, Fort Washington, MD	1346022	Existing	Residential Medium	A low-density residential use designation would be incompatible with surrounding land uses and there is an absence of any compelling evidence in the record that would justify changing the future land use recommendation for the property from its current Residential Medium future land use designation to Residential Low.  MPA incorrectly describes 2112 Brinkley Road as being in the Mixed-Use future land use area (Attachment 1); is actually in Residential-Medium.  CR-020-2023 states it is targeting the Rosecroft Mixed-Use Area; 2112 Brinkley Road is outside that area and the issues in the Rosecroft Mixed-Use Area do not apply here.  The property is located in the Developed Tier, and CR-020-2023 refers to the Developing	Staff concurs. The north side of Brinkley Road is predominated by multifamily and townhouse developments with medium- and high-density land use designations. A residential low future land use designation on the north side of Brinkley Road is incongruent given its location.  Attachment 1 has been corrected to reflect that the existing future land use designation of 2112 Brinkley Road is Residential-Medium.  Though 2112 Brinkley Road was mistakenly identified as part of the Rosecroft Mixed-Use Area on page 3 of CR-020-2023, it was correctly identified as being subject to the limits of the proposed SMA and its Tax Account number is included in the description of the parcels for which the minor amendment and SMA apply on page 3 of CR-020-2023.  The testimony is correct in that the MPA and SMA did not specifically refer to the	Maintain existing future land use: revise Attachment 1 of Minor Amendment Fourteen to delete the parcel identified by Tax Account 1346022 entirely from the table.  (See also staff recommendation under No. 7 for ZC 4)
					Proposed in MPA	Residential Low			
					Requested via Testimony	Residential Medium			

# Future Land Use Change Comments

							<p>Tier and the Rural Tier as plan areas impacted by the Minor Plan Amendment and SMA.</p>	<p>Developed Tier; however, the Developed, Developing, and Rural tiers have been superseded by Established Communities (for the Developed and Developing tiers) and Rural and Agricultural Areas (for the Rural Tier). Minor Amendment One includes a statement indicating the 2006 <i>Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area</i> is amended by "...eliminating designated Corridors, renaming the Rural Tier to the Rural and Agricultural Area, designating areas of the former Developing Tier as Established Communities, and reclassifying Oxon Hill as a Neighborhood Center" (page 4, lines 27-30 of CR-020-2023). As the Developed, Developing, and Rural tiers no longer exist, the MPA should ensure the update for the subject property abides by recommendations for the Established Communities growth policy.</p>	
--	--	--	--	--	--	--	--	--	--

# Future Land Use Change Comments

No.	Minor Amendment(s) #	Exhibit # / Speaker #	Address(es)	Tax ID(s)	Future Land Use Category		Summary of Testimony	Staff Analysis	Staff Rec.
3.	1, 2, 3, 4, 5, 10, 14	Speaker 6 Eunmee Shim, on behalf of Adventist HealthCare	7707 Kaydot Road, Fort Washington, MD 20744	0381566	<b>Existing</b>	Residential Low	Supports Minor Plan Amendment as it relates to Adventist Healthcare-owned properties.	Staff concurs.	No change to the proposed future land use recommendation based on this testimony.
					<b>Proposed in MPA</b>	Mixed-Use			
					<b>Requested via Testimony</b>	Mixed-Use			

## Future Land Use Change Comments

No.	Minor Amendment(s) #	Exhibit # / Speaker #	Address(es)	Tax ID(s)	Future Land Use Category		Summary of Testimony	Staff Analysis	Staff Rec.
					Existing	Proposed in MPA			
4.	2, 5, 14	Exhibit 5 John Peter Thompson, on behalf of the Prince George's County Historic Preservation Commission	0 Livingston Road, Fort Washington, MD 20744	0370635, 0353649, 0353656, 0283960	Existing	Residential Low	Recommends against changing the future land use for Livingston Road properties (tax accounts 0370635, 0353649, 0353656, and 0283960) due to the potential for improvements on Livingston Road to have a negative impact on the rural character of the Broad Creek Historic District.	Staff concurs that changing the land use designations for parcels 0370635, 0353649, 0353656, and 0283960 could result in a negative impact on the rural character of the Broad Creek Historic District. While tax account 0283960 remains important for access to the modern healthcare facility planned on Kaydot Road, supported by <i>Plan Prince George's 2035</i> Healthy Communities Policy 4: ("Improve access to health services and programs."), staff believes the land use recommendation for 0283960 can remain the same as in the 2006 approved master plan. Furthermore, staff finds that commercial/institutional is not a valid future land use category per <i>Plan Prince George's 2035</i> (pp. 97-100).	Amend Minor Amendment 2 to eliminate reference to rezoning Livingston Road properties to accommodate future development of healthcare uses on-site, and to eliminate Commercial/Institutional future land use recommendation for tax accounts 0370635, 0353649, 0353656, and 0283960. Amend Attachment 1 to eliminate tax accounts 0370635, 0353649, 0353656, and 0283960.
					Proposed in MPA	Commercial/Institutional			
					Requested via Testimony	Residential Low			

## New Zone Request

No.	Zoning Change #	Exhibit # / Speaker #	Address(es)	Tax ID(s)	Zones		Summary of Testimony	Staff Analysis	Staff Rec.
					Existing	Proposed in SMA			
5.	ZC 2	Exhibit 15 Chris Hatcher, on behalf of Adventist HealthCare	Livingston Road, Fort Washington, MD 20744	0283960	Existing	RR	Requesting an upzoning from RR to CGO of the Adventist Healthcare-owned parcel on Livingston Road to prevent access issues to planned hospital at 7707 Kaydot Road. Per relevant case law in <i>Leimbach Construction Co. v. Mayor and City of Baltimore</i> , access roads that are located on a residentially zoned property for the exclusive purpose of serving a commercial use that is located on a separate, commercially zoned property may not be permitted. Additionally, per <i>People's Counsel for Balt. County v. Surina</i> , access roads that exclusively serve a use that is (1) located on another property and (2) not permitted in the zone in which the access road is located may not be permitted under certain circumstances.	Staff believes neither <i>Leimbach Construction Co. v. Mayor and City of Baltimore</i> nor <i>People's Counsel for Balt. County v. Surina</i> would prohibit the possibility of a special exception to allow for hospital access through the parcel in the current RR zone. However, staff concurs that a driveway to access the hospital through a CN zoned parcel would be prohibited based on the above cases. Staff agrees with rezoning the Livingston Road parcel to CGO to allow for secondary hospital access while discouraging other unwanted uses that may be allowable in the CGO zone.	Rezone subject property to CGO: Add 0283960 to ZC 1 in the SMA to reclassify parcel from RR to CGO and update any related text and graphics to reflect said change. Delete this property from Zoning Change 2 in the SMA. Amend Minor Amendment 5 in the Minor Plan Amendment by adding text to clarify that the Livingston Road parcel is intended only for secondary hospital access.
					Proposed in SMA	CN			
					Requested via Testimony	CGO			

## Zoning Change Comments

No.	Zoning Change #	Exhibit # / Speaker #	Address(es)	Tax ID(s)	Zones		Summary of Testimony	Staff Analysis	Staff Rec.
					Existing	Proposed in SMA			
6.	ZC 1	<b>Speaker 4, Exhibits 9 and 15</b> Chris Hatcher and Vince Biase, on behalf of Adventist HealthCare  <b>Speaker 6</b> Eunmee Shim, on behalf of Adventist Healthcare	7707 Kaydot Road, Fort Washington, MD 20744	0381566	Existing	RR	Adventist Healthcare supports upzoning to CGO zone to build a hospital. The existing Fort Washington Hospital is undersized and doesn't properly support the community. Building a new hospital on the existing site isn't feasible and the new hospital would offer new specialties and create more jobs for the community.	Staff concurs.	No change to the proposed zoning recommendation based on this testimony.
					Proposed in SMA	CGO			
					Requested via Testimony	CGO			



## Zoning Change Comments

No.	Zoning Change #	Exhibit # / Speaker #	Address(es)	Tax ID(s)	Zones		Summary of Testimony	Staff Analysis	Staff Rec.
					Existing	Proposed in SMA			
7.	ZC 4	<p><b>Exhibit 11</b> Robert J. Antonetti, Jr. on behalf of 2112 Brinkley Road</p> <p><b>Exhibit 16</b> Steve Proctor on behalf of Fort Washington Developers, LLC</p> <p><b>Speaker 3</b> Mitchell Feldman, manager/owner of Fort Washington Properties, LLC</p> <p><b>Speaker 5</b> Benjamin Almquist, owner of 2112 Brinkley Road</p> <p><b>Speaker 8</b> Nathaniel Forman, on behalf of Janice Almquist, owner of 2112 Brinkley Road</p>	2112 Brinkley Road, Fort Washington, MD	1346022	Existing	CGO/RMF-12	<p>Opposes proposed downzoning from CGO/RMF-12 to RR. The Almquist family has owned property for over 100 years and wishes to sell it to a developer who proposes to develop a luxury multifamily complex. This development would include significant frontage and other roadway improvements on this property, as well as funding for schools and public safety and contributions to the local tax base. The proposed downzoning has put the sale to redevelop into multifamily in jeopardy, which would create financial hardship for the family. Downzoning to RR is inappropriate because the parcel is surrounded by more intensive land uses and is easily accessible by major roadways.</p>	<p>Staff concurs. The character of the surrounding land uses does not support RR zoning. The north side of Brinkley Road is predominated by multifamily and townhouse developments with medium- and high-density land use designations, and the property is surrounded by a combination of properties zoned RMF-12, RMF-20, and RMF-48, as well as right-of-way for the Capital Beltway. Single-family detached housing allowed in the RR zone would be out of character.</p>	<p>Existing zoning to remain; eliminate ZC 4 in SMA and update any related text or graphics to reflect said deletion.</p>
					Proposed in SMA	RR			
					Requested via Testimony	CGO/RMF-12			

## Zoning Change Comments

No.	Zoning Change #	Exhibit # / Speaker #	Address(es)	Tax ID(s)	Zones		Summary of Testimony	Staff Analysis	Staff Rec.
					Existing	Proposed in SMA			
8.	ZC 2	Exhibit 5 John Peter Thompson, on behalf of the Prince George's County Historic Preservation Commission	0 Livingston Road, Fort Washington, MD 20744; 9612 Livingston Road, Fort Washington, MD 20744	0370635, 0353649, 0353656, 0283960	Existing	RR	Recommends against rezoning Livingston Road properties (tax accounts 0370635, 0353649, 0353656, and 0283960) due to the potential for improvements on Livingston Road to have a negative impact on the rural character of the Broad Creek Historic District and concern over uses permitted on commercially zoned properties.	Staff concurs that changing zoning for parcels 0370635, 0353649, and 0353656 could result in a negative impact on the rural character of the Broad Creek Historic District. However, based on the priority for healthcare services as outlined by <i>Plan Prince George's 2035 Healthy Communities Policy 4</i> : ("Improve access to health services and programs."), staff recommends rezoning tax account 0283960 to CGO to allow for secondary hospital access while discouraging other unwanted uses that may be allowable in the CGO zone (see No. 5 above).	Eliminate ZC 2 in SMA. Add 0283960 to ZC 1 to reclassify both Adventist-owned parcels from RR to CGO.
					Proposed in SMA	CN			
					Requested via Testimony	RR			

# Exhibits and Speakers List

June 13, 2023, Hearing Exhibits

<b>Exhibit #</b>	<b>Item</b>	<b>Received From</b>	<b>Date</b>
1	Resolution of Initiation (CR-020-2023) and Proposed Minor Plan Amendment to the 2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area	M-NCPPC	6/6/2023
2	Proposed Concurrent Sectional Map Amendment (SMA) for portions of the Henson Creek-South Potomac Planning Area	M-NCPPC	6/6/2023
3	2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area	M-NCPPC	6/6/2023
4	Rezoning Request Forms	M-NCPPC	6/6/2023
5	Historic Preservation Committee Testimony	M-NCPPC	6/6/2023
6	2021 Henson Creek Village Area Study	M-NCPPC	6/6/2023
7	Errata Sheet	M-NCPPC	6/6/2023
8	Photographs in support of verbal testimony regarding zoning change 4	Mitchell Feldman	6/13/2023
9	Rezoning Request Form	Vince Biase, CLHatcher LLC, on behalf of Adventist HealthCare, Inc.	5/11/2023
10	Email	Gregory S. Proctor, Jr., Marcus Daniels, Pete White, Pastor Bruce E. Mitchell, Claudette Daniels, Bunny Lamb, and Joyce Daniels	6/28/2023
11	Email/Letter	John J. Ferrante and Robert J. Antonetti, Jr., The Law Offices of Shipley & Horne, P.A.	6/27/2023
12	Email/Letter	Nathaniel Forman, Attorney, O'Malley, Miles, Nylan & Gilmore, P.A., on behalf of Janice Almquist, owner of 2112 Brinkley Road	6/27/2023
13	Email	Robert J. Antonetti, Jr., Claudette Daniels, Marcus Daniels, Sherdette Daniels, Pastor Bruce E. Mitchell, Pete White, Joyce Daniels, and Bunny Lamb	6/28/2023
14	Email/Letter	Vince Biase and Christopher L. Hatcher, CLHatcher LLC, on behalf of Brinkley Road Associates LLC	6/28/2023
15	Email/Letter	Vince Biase and Christopher L. Hatcher, CLHatcher LLC, on behalf of Adventist HealthCare, Inc.	6/28/2023
16	Email/Letter	Gregory S. Proctor, Jr., President & CEO G.S. Proctor & Associates, Inc.	6/28/2023

## Exhibits and Speakers List

Speaker #	Name	Title	On Behalf of
1	Omar Nicholson (No Testimony Provided)		
2	Robert Antonetti, Esq.	Shipley & Horne P.A.	Fort Washington Developers, LLC
3	Mitchell Feldman	Owner, Developer	Fort Washington Developers, LLC
4	Chris Hatcher	CLHatcher LLC	Adventist HealthCare
5	Benjamin Almquist	Affected Property Owner	
6	Eunmee Shim	Representative	Adventist HealthCare
7	James Garrett (No Testimony Provided)		
8	Nathaniel Forman	O'Malley, Miles, Nylen & Gilmore, P.A.	Janice Almquist