

1 THE PRINCE GEORGE'S COUNTY PLANNING BOARD OF  
2 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
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5 7. DSP-22001 MCDONALD'S AGER ROAD  
6 Planning Board Meeting, Item 7  
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8 T R A N S C R I P T  
9 O F  
10 P R O C E E D I N G S  
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12 COUNTY ADMINISTRATION BUILDING  
13 Upper Marlboro, Maryland  
14 January 16, 2025  
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BEFORE:  
  
PETER A. SHAPIRO, Chairman  
  
DOROTHY F. BAILEY, Madam Vice-Chair  
  
A. SHAUNISE WASHINGTON, Commissioner  
  
MANUEL GERALDO, Commissioner

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P R O C E E D I N G S

CHAIRMAN: All right. Commissioners, we going to move on to what I believe is the last item on our agenda -- item 7. Commissioners, anybody need a break? 15-minute break? Would it be helpful or should we just proceed?

MADAM VICE CHAIR: Proceed.

CHAIRMAN: Proceed. Okay. All right. So we're item 7 on the agenda. This is detailed site plan DSP-22001 McDonald's Ager Road. To note, this item was continued from the Planning Board meeting of November 21, 2024. Mr. Gibbs will be representing the applicant. Ms. Gomez Rojas will be giving the staff presentation. We have a number of folks who signed up to speak. This is an evidentiary hearing, so I'll be certain to spare folks (indiscernible) time. I want to remind folks that as this is a continuation, this is a limited scope to three issues and only three issues. I am sure there will be lots of thoughts and comments. I'm going to be fairly strict around keeping us focused on what is pertinent to today's hearing. This has been going on for a while, so again, vehicular and pedestrian circulation in the shopping center is one of the reasons why we continued this, preserving the buffer area near the historic property, and the third one was incorporating elements of the historic nature of the area. Those were three things that we were limiting this continued hearing to. We'll hear from staff.

1 There may be questions for staff. Questions for staff can  
2 be from Board, from us, from the applicant, or from  
3 opposition. Again, questions are relevant to the subject  
4 matter of the presentation.

5 MR. GIBBS: Mr. Chairman?

6 CHAIRMAN: Yes.

7 MR. GIBBS: Yes, my apologies. Edward Gibbs on  
8 behalf of the applicant. I have a question relative to a  
9 point of order.

10 CHAIRMAN: Yes, sir.

11 MR. GIBBS: Yesterday, I listened to the entire  
12 video presentation from the last hearing, which was November  
13 21st. At the conclusion of that hearing, as Chair, Chair  
14 Shapiro, you indicated that first of all, all the Planning  
15 Board members articulated their concerns, and they were  
16 synthesized to be exactly what you just mentioned. At the  
17 conclusion of the hearing, you indicated that when we come  
18 back on January 16th, we will have a presentation from the  
19 staff addressing these issues. Cross-examination of the  
20 staff would be allowed. We would then proceed to  
21 summarization comments by opposition and then summarization  
22 comments by the applicant. Am I hearing now that that's  
23 going to change and that full testimony is going to be  
24 allowed?

25 CHAIRMAN: No, let me go -- let me play through

1 how what I -- how I expect this is going to be run, and then  
2 you tell me, Mr. Gibbs, if there's something that feels like  
3 it didn't jive with it, and Ms. Coleman, you can weigh in on  
4 that too. So the plan is there'll be the staff presentation  
5 on these -- on the limited scope. There may be questions  
6 for staff, as there often is, questions for the Board, but  
7 allow for questions from the applicant or opposition.  
8 Again, limited to the subject matter of the brief or  
9 presentation.

10 MR. GIBBS: Yeah.

11 CHAIRMAN: And then, Mr. Gibbs, then you'll have  
12 the opportunity for your testimony presentation limited to  
13 these three issues. There may be questions for you or  
14 cross, and then we'll hear from the opposition on these  
15 issues. That's the process that we've laid out. Then,  
16 there'll be an opportunity for rebuttal and summation, and  
17 you'll have the last word.

18 MR. GIBBS: Okay.

19 CHAIRMAN: Does that meet your (indiscernible)

20 MADAM VICE CHAIR: That's not what was said at the  
21 conclusion of the hearing. What was very clearly  
22 articulated was cross-examination and staff would be allowed  
23 and then summation and nothing more. So now we're taking  
24 testimony which impacts preparation. So I mean --

25 CHAIRMAN: Let me weigh in on that. Ms. Coleman,

1 I'm trying to make sure I understand the distinction between  
2 what Mr. Gibbs is saying and what we're proposing here.

3 MS. COLEMAN: Well, not to speak for Mr. Gibbs,  
4 but it seems that he is saying that he was hindered in his  
5 preparation because he thought that there was not going to  
6 be any additional testimony. While this is not a court  
7 that's bound by the same procedural order as strictly as  
8 what Mr. Gibbs is requesting, it's designed to allow the  
9 community to be a participant in the process, and the  
10 Board's rules of procedure state that an objection of  
11 testimony should only be sustained for the most compelling  
12 reasons in order to provide a wide latitude to a witness,  
13 and this suggests that the board's position is one which  
14 stresses the importance that a witness be heard. Matter was  
15 continued for the Board to receive additional information  
16 regarding three specific issues, and as such, my  
17 recommendation would be that the Board receive any relevant  
18 information limited to those three issues.

19 CHAIRMAN: Thank you. Mr. Gibbs, I mean, do you  
20 feel that this -- in terms of your preparation, do you feel  
21 that this puts you in a position where you would prefer that  
22 we continue this?

23 MR. GIBBS: I don't want a continuance anymore,  
24 Mr. Chairman. I just want to complete this case. And  
25 believe me, it hasn't been my effort to prohibit testimony.

1 Obviously, we've had almost 10 hours of this case on the  
2 previous dates. So we -- quite frankly, are at one with the  
3 staff report, but given that there will be some testimony, I  
4 will certainly call my traffic expert and my civil engineer  
5 who prepared the revisions to the plans to just make some  
6 summary comments, but -- so I'm prepared to go forward. I  
7 would also interpose an objection to the 50 pages of  
8 material submitted by Mr. Smith. None of it addresses the  
9 three issues that we continued the case for and that staff  
10 has come back with. It consists of more material on climate  
11 change, more material on allegations relative to unhealthy  
12 food options at fast foods, impacts of drive-thru lanes --

13 CHAIRMAN: Mr. Gibbs, I'm going to cut you off  
14 there. You can save that for your -- when you're bringing  
15 your testimony. And that's for us to determine what is or  
16 isn't relevant. I mean, I hear you loud and clear. I'm not  
17 disagreeing with you. I'm just saying now's not the time  
18 for it.

19 MR. GIBBS: Okay. Great. Thank you very much.  
20 Appreciate it.

21 CHAIRMAN: Thank you. All right. So folks, we're  
22 going to go as described in our presentation. Again, this  
23 is a limited scope. I'm going to reiterate what this is --  
24 the vehicular and pedestrian circulation in the shopping  
25 center, preserving the buffer area near the historic

1 property, and incorporating elements of the historic nature  
2 of the area. Those are the three pieces that are before us.  
3 And I will be strict -- stricter -- but strict to make sure  
4 that that's what we focus our testimony on. And colleagues,  
5 I would ask you to be mindful of that, too, and I'll work to  
6 -- I'll do the same -- work to not bring up questions that  
7 stray too far from that, because that won't help the  
8 process. So with that, we'll start with staff.

9 MS. GOMEZ ROJAS: Good morning. I'm doing a quick  
10 sound check.

11 CHAIRMAN: Yes. Ms. Gomez, we can hear you.

12 MS. GOMEZ ROJAS: Okay. Good morning, Mr. Chair  
13 and members of the Planning Board. For the record, I am  
14 Natalia Gomez, presenting item 7, DSP22-001 (sic) title  
15 McDonald's Ager Road, which proposes the development of an  
16 eating and drinking establishment with drive-thru service in  
17 an integrated shopping center. This case is continued from  
18 November 21, 2024, for a limited scope analysis, as the  
19 Chair mentioned, in three specific areas, which are further  
20 outlined in the second addendum to the staff report, and  
21 they include vehicular and pedestrian circulation in the  
22 shopping center, preservation of the buffer yard adjacent to  
23 the historic site, and markers or other historic elements on  
24 the subject site. Next slide please. The first item review  
25 by staff is pedestrian circulation. This slide shows the



1 estimated pedestrian circulation throughout the shopping  
2 center, and the proposed eating and drinking establishment,  
3 in which pedestrians may navigate through drive aisles,  
4 sidewalks, or crosswalks. Next slide please. To reduce the  
5 speed of entering vehicles and protect pedestrians from  
6 exiting one side -- exiting on-site traffic, high visibility  
7 traffic calming elements are proposed within the site. As  
8 shown in this slide, additional pavement markings,  
9 crosswalks highlighted in red, and speed bumps highlighted  
10 in green were added near the driveway entrances and along  
11 the drive aisle to the south of the proposed building. To  
12 improve access and connections to the shopping center,  
13 including the proposed standalone pad site building,  
14 additional street crosswalks are planned at several key  
15 locations. They are shown in blue dotted lines here in this  
16 line. The applicant also proposed one additional mid-block  
17 crossing of Van Buren Street directly into the parking lot.  
18 However, DPIE does not support the proposed mid-block  
19 crossing, citing safety concerns. Instead, DPIE recommends  
20 installing a high visibility crosswalk at the intersection  
21 of Van Buren and Ager Road, where the intersection is  
22 controlled by a stop sign. Staff agrees with DPIE's  
23 determination. Next slide please. Next slide. Thank you.  
24 This slide shows an analysis of the vehicular circulation  
25 and potential navigation conflicts within the site,

1 particularly in the entrances closer to the proposed drive-  
2 thru. In addition to the pavement marking and speed bumps,  
3 and to enhance safety and navigation for drivers, additional  
4 traffic signage has been proposed to alert vehicles about  
5 pedestrian circulation patterns and vehicular patterns, and  
6 one-way traffic throughout the parking and drive thru area.  
7 This traffic signage includes signs for stop, do not enter,  
8 right turn only, and not pedestrian access. They are all  
9 reflected in the slide shown here. Next slide please. The  
10 queuing analysis submitted by the applicant for the drive-  
11 thru lane portion of the proposed development allows for  
12 approximately 12 to 14 vehicles in the double drive-thru  
13 lanes from the order lane to the drive-thru entrance and  
14 additional spaces available to accommodate six more vehicles  
15 between the pickup window and the order board. This slide  
16 here shows that according to Section 27-274(C)(vi) of the  
17 prior zoning ordinance, the design of the drive-thru does  
18 not conflict with the circulation patterns or pedestrian  
19 access shown before. Next slide please. On December 20,  
20 2024, the planning department, the applicant, and the State  
21 Highway Administration held a meeting to discuss the  
22 proposed plans on the right (indiscernible) of MD 410 or  
23 East-West Highway and any potential impact to the proposed  
24 DSP. During the meeting, it was determined that the  
25 modifications proposed by the SHA would not have any impact

1 on the landscaping plans outlining the current application.  
2 As shown in this concept plans provided by the State Highway  
3 Administration, which I want to emphasize that they are only  
4 currently on design phase. These are not definitive plans.  
5 They show a portion of the frontage of the site that will be  
6 impacted by the sidewalk widening along East-West Highway.  
7 The construction of an ADA ramp is also included and a  
8 crosswalk at the intersection of Van Buren Street and East-  
9 West Highway. The State Highway Administration also  
10 confirmed during the meeting that they have no additional  
11 comments on the subject application, nor are requesting the  
12 elimination of any existing driveway access. And lastly,  
13 they are in support of an additional pedestrian sidewalk  
14 connection to the eastern portion of the site. Staff from  
15 the transportation planning section is also available to  
16 answer any questions related to the SHA-associated plans  
17 shown here or any vehicular pedestrian circulation  
18 questions. Next slide, please. The applicant withdrew the  
19 request for departure from designing standards DDS 23-001.  
20 Therefore, the DSP must conform to Section 4.7 of the 2010  
21 Landscape Manual, which requires a type D buffer yard along  
22 the eastern property line adjacent to the historic site.  
23 The applicant submitted a revised landscape plan, which is  
24 in compliance with the required buffer yard existing --  
25 sorry, the buffer yard using existing and proposed plantings

1 pursuant to Section 4.7 of the Landscape Manual. However,  
2 to comply with crime prevention through environmental design  
3 principles regarding surveillance and minimizing blind spots  
4 that could facilitate illegal activities, staff recommend  
5 trimming any low hanging branches of existing trees to  
6 create a minimum clearance of height -- sorry, to create a  
7 minimum clearance height of eight feet. As previously  
8 stated, the feasibility of trimming trees will depend on  
9 their health and species. Next slide, please. In response  
10 to the Planning Board's request to highlight the historic  
11 features of the area, the applicant has committed to design  
12 and install posters in English and Spanish within the eating  
13 and drinking establishment. These posters will highlight  
14 the unique historical features and significance of the area,  
15 providing patrons with a deeper appreciation of the locals'  
16 rich heritage. All the findings presented here and  
17 additional recommended conditions are listed in the second  
18 addendum to the staff report. The second addendum also  
19 notes those conditions which are no longer relevant from the  
20 original staff report and the first addendum, due to the  
21 planned revision that has been made. As a matter of  
22 housekeeping, staff would like to correct the tiny typo on  
23 page 5 of the second addendum. Staff recommend updating the  
24 last line in page 5 as I will read into the record. After  
25 reviewing the revised plans and additional information

1 submitted by the applicant, staff determined that the  
2 following conditions listed in the staff report are no  
3 longer applicable: 1C, 2A, 2C, and 3B.

4 COMMISSIONER WASHINGTON: 3B?

5 MS. GOMEZ ROJAS: It's not 3C. 3B. Staff  
6 recommends the Planning Board adopt the findings listed in  
7 the staff report and the first addendum as further modified  
8 by the second addendum to the staff -- to the Technical  
9 Staff Report and approve DSP22-001 (sic) and TCP2-004-2024  
10 with the conditions found in the staff report and the first  
11 addendum and then as further modified by the second  
12 addendum. This concludes the staff presentation. Thank  
13 you.

14 CHAIRMAN: Thank you, Ms. Gomez. I'll turn to  
15 first the Board to see if you have any questions for staff  
16 on the presentation that you just heard.

17 BOARD MEMBER: Yeah. Just to clarify, question  
18 for staff. Could you please restate the conditions you said  
19 that are no longer applicable. I believe in the first  
20 agreement.

21 MS. GOMEZ ROJAS: Yes. The conditions that are no  
22 longer applicable from the staff report are conditions 1C,  
23 2A, 2C, 3A, and 3B.

24 BOARD MEMBER: B. That was the change from C to -  
25 - got it. Thank you, Ms. Gomez. That's it, Mr. Chairman.

1 And you're muted Mr. Chairman.

2 CHAIRMAN: Thank you. Commissioners, any other  
3 questions for staff at this point? No other questions.  
4 We'll turn to the applicant. Do you have any questions for  
5 staff at this point?

6 MR. GIBBS: No, I do not. We are in support of  
7 the second addendum to the staff report and all of the  
8 conditions, including the revision, to include 3B and not  
9 3C. I don't think there is a 3C. Thank you.

10 CHAIRMAN: Okay. Thank you. And then we'll turn  
11 to the opposition. I see Mr. Smith. There may be other  
12 folks as well. Ms. Coleman, help me with this. If Mr.  
13 Smith is crossing -- has questions for staff. Do I need to  
14 swear him in at this point?

15 MS. COLEMAN: For convenience, yes. I would swear  
16 him in, even though it's a cross. And probably his oath is  
17 still good from the last hearing, but just so everyone's  
18 clear, you might want to just get that out of the way now.

19 CHAIRMAN: Mr. Smith, can you raise your right  
20 hand, sir?

21 MR. SMITH: Are you asking me to swear? Is that  
22 what's going on?

23 CHAIRMAN: Yes. Can we swear at each other for a  
24 few minutes?

25 MR. SMITH: Yeah. Let's go. All right.

1           CHAIRMAN: If you could raise your right hand. Do  
2 you solemnly swear or affirm that this testimony will be the  
3 whole truth and nothing but the truth?

4           MR. SMITH: I do. It's just cross, not testimony,  
5 but yes.

6           CHAIRMAN: Okay. So if you have a cross for staff  
7 on the presentation that you just heard.

8           MR SMITH: Yeah. Just a couple questions. One,  
9 it's -- I just want to understand how the pedestrian access  
10 analysis was done. Did it rely on just 20 cars total  
11 queuing the 14 and the order line and the 6 in the window  
12 pickup line? And my question is did it stop at 20 or what  
13 happens if more than 20 cars are queued at this site? How  
14 does that affect on-site circulation of cars and of  
15 pedestrians or bicyclists?

16           CHAIRMAN: Ms. Gomez, are you prepared to answer  
17 that or do you is there a transportation staff that might be  
18 able to chime in?

19           MS. GOMEZ ROJAS: Yes. I will defer the question  
20 to Ben from transportation section.

21           CHAIRMAN: Mr. Patrick.

22           MR. PATRICK: Good morning. Just doing a sound  
23 check.

24           CHAIRMAN: We can hear you fine.

25           MR. PATRICK: Great. I'm sorry. Could I have the

1 question repeated, please?

2 CHAIRMAN: Mr. Smith, if you could repeat for Mr.  
3 Patrick.

4 MR. SMITH: Yeah, I just want to make sure I  
5 understand how the on-site circulation analysis was done.  
6 This was, as Ms. Rojas mentioned, that it looked like there  
7 was capacity for 14 cars in the two order window lines and  
8 then 6 cars to the pickup window line. It looks like it  
9 topped out at 20. Was there any analysis done or  
10 consideration given to if there were more than 20 cars  
11 queued and extends a bit deeper into the parking lot? How  
12 does that affect vehicular circulation and bike ped  
13 circulation on the site, as well as how would it affect cars  
14 coming off of Ager onto the site? Could it cause some  
15 conflicts there if there's a longer queue?

16 MR. PATRICK: So in regards to pedestrian  
17 circulation, I think the largest part of the analysis we  
18 included this time was the circulation plan that came out  
19 there. You're describing we have shown from the order  
20 window -- thank you. We've shown queuing in the drive-thru,  
21 both lanes of the drive-thru, and sort of the receiving that  
22 comes around by the dumpsters -- that comes out there. What  
23 you're speaking to is that there are the capacity for 20  
24 vehicles in total from that order window back to be stored.  
25 And I guess to finalize your question, had there been



1 additional queuing that would back up further into the  
2 areas, we did not show that graphically in the exhibit, no.

3 MR. SMITH: You didn't show it, but was there any  
4 -- was there any analysis or thought given to what happens  
5 if there is a longer queue? I mean, this --

6 (Simultaneous conversation)

7 MR. SMITH: Are you taking that as a no? Okay.

8 CHAIRMAN: Yeah, I mean, I don't want to speak for  
9 Mr. Patrick, but I'm hearing no, but, you know. Yes or no,  
10 did you did you look at what it would be like if there was  
11 more than the 20?

12 MR. PATRICK: No.

13 CHAIRMAN: Okay. All right. Mr. Smith, other  
14 questions?

15 MR. SMITH: Yes. So there's a somewhat  
16 significant change to the landscape plan, and, you know, we  
17 welcome the fact that fewer trees will be destroyed on the  
18 site. How does it -- how does that affect the total area of  
19 impervious surface and how might it -- I'm assuming there's  
20 an interplay between the landscape plan and the stormwater  
21 management plan. Is it possible that the applicant should  
22 come back with a revised stormwater management plan now that  
23 they've changed their landscaping plan so significantly?

24 CHAIRMAN: Ms. Gomez, would that be you or  
25 environmental or -- and again, you know, focused on the --

1 what your presentation was related to this, but do you have  
2 an answer for Mr. Smith?

3 MS. GOMEZ ROJAS: Right. So the stormwater plan  
4 is not part of this scope hearing. We already submitted  
5 enough information regarding that item. But according to  
6 the landscape plan, there are the -- the reduction of trees  
7 are going to be minimal, almost nothing. What we are  
8 requesting -- we are not, just to clarify, we're not  
9 requesting any cutting trees. We are requesting to trimming  
10 any low hanging branches. We are not requesting the cutting  
11 of trees. In fact, the buffer that is now set that they  
12 need to comply with now that subject to Section 4.7. They  
13 will be using existing and proposed plantings. It's a  
14 mixture of both. Hope that answered your question.

15 CHAIRMAN: Thank you, Ms. Gomez. Mr. Smith?

16 MR. SMITH: Not really, but yeah, I just -- I'm  
17 assuming that there's a there's some sort of interplay  
18 between the landscaping plan and the stormwater management  
19 plan, and my question was, now that the stormwater -- the  
20 landscaping plan is being changed, and again, we welcome  
21 less tree destruction, might that necessitate a revised  
22 stormwater management plan?

23 CHAIRMAN: Ms. Gomez said that's not part of this.

24 MR. SMITH: Yeah, she said it's not part of the  
25 scope of the of the continuance, but it's kind of a

1 different question. But thank you.

2 CHAIRMAN: Other questions you have, sir?

3 UNIDENTIFIED SPEAKER: I understood it  
4 differently. I understood it that there's no trees that are  
5 going to be displaced. They're going to only be trimmed.  
6 So I don't know what the relationship would be between that  
7 and the stormwater management, Mr. Smith. That's what --

8 MR. SMITH: I'm not going to get into testimony.

9 UNIDENTIFIED SPEAKER: No, that's what Ms. Gomez  
10 said.

11 MR. SMITH: As an interested party who thinks  
12 about these things a little bit, I was saying, well, it  
13 seems like these two things interact, you know, take the  
14 whole the site holistically. If one thing changes, should  
15 the other thing change? That's all.

16 CHAIRMAN: All right. Thank you.

17 MR. SMITH: Thank you.

18 CHAIRMAN: No other questions. Anyone else in  
19 opposition have questions for staff? All right. Then we  
20 will move to the applicant. And Mr. Gibbs, you -- again,  
21 this is limited to the three issues of the hearing, and the  
22 floor is yours. You're on mute, sir.

23 MR. GIBBS: I am going to ask for some comments  
24 briefly by Mr. Nick Speach and Mr. Michael Lenhart. Mr.  
25 Speach will go first.

1           CHAIRMAN: All right. And Mr. Gibbs, I'm going to  
2 remind you, just like I am everybody here, the folks who  
3 you're asking to speak are going to be speaking just to  
4 these items that are part of the limited scope hearing,  
5 correct?

6           MR. GIBBS: You may rest assured they will.

7           CHAIRMAN: All right. Thank you. And I'm going  
8 to swear in folks as well, even if you've already been sworn  
9 in before. So who do we have? We have Mr. Speech and who?

10          MR. GIBBS: Mr. Lenhart.

11          CHAIRMAN: Mr. Lenhart. Mr. Lenhart, can you pop  
12 on too, save me some words? If both of you could raise your  
13 right hands. Do you solemnly swear or affirm that the  
14 testimony that you present will be the whole truth and  
15 nothing but the truth?

16          MR. SPEACH: We do.

17          CHAIRMAN: Okay. Consider both -- you're both  
18 under oath. We'll start with Mr. Speech. I believe that's  
19 what you said, Mr. Gibbs, correct?

20          MR. GIBBS: Yes. That's correct. Thank you very  
21 much. Mr. Speech, you are, in fact, the applicant's civil  
22 engineer with Bohler Engineering in this case, correct?

23          MR. SPEACH: That is correct.

24          MR. GIBBS: And you have testified previously in  
25 these proceedings, correct?

1           MR. SPEACH: That's correct.

2           MR. GIBBS: And you have been present for all of  
3 the proceedings which have gone before us, leading us to  
4 today?

5           MR. SPEACH: All of them, except for one. One of  
6 my colleagues filled in for me at the last hearing as I was  
7 out of town.

8           MR. GIBBS: Okay. Thank you. Now subsequent to  
9 the last hearing, did you and your firm prepare revised  
10 drawings, which, number one, incorporated the site plan  
11 changes recommended by staff in their first addendum, which  
12 was considered at the November 21st hearing, and number two,  
13 add additional vehicular and pedestrian safety elements?

14          MR. SPEACH: We did. Yes.

15          MR. GIBBS: And did you and your firm consult with  
16 staff at the Park and Planning Commission in the preparation  
17 of these revisions?

18          MR. SPEACH: We did. Multiple times.

19          MR. GIBBS: And the document that has been  
20 presented by staff today on the screen from which Ms. Gomez  
21 Rojas made her presentation, in your opinion, does that  
22 accurately reflect the changes which you made?

23          MR. SPEACH: It does. I think staff did a great  
24 job presenting it, and I don't think they left anything out.

25          MR. GIBBS: And within your realm of expertise as

1 a civil engineer, looking at that -- at those changes in  
2 your -- do you have an opinion as to whether or not they  
3 further enhance both vehicular and pedestrian safety on  
4 site?

5 MR. SPEACH: I do. You know, I believe that with  
6 more pronounced crosswalks, sidewalks, safety features such  
7 as stop bars, painting on the surfaces, speed bumps, it  
8 definitely will enhance the safety, pedestrian and  
9 vehicular.

10 MR. GIBBS: And at the last hearing, the written  
11 -- this is relative to controlling pedestrian activity on  
12 site. The chairman made a comment relative to the condition  
13 of fencing. Did your revisions to the plan actually include  
14 the addition of another fence in order to further control  
15 any access into the center from the loading zone?

16 MR. SPEACH: Sure. Additional fencing is shown on  
17 the plan, yes, as well as signage to limit pedestrian, I  
18 guess, access to the loading area behind the building. I  
19 also would add that there were some parking spaces that were  
20 behind the building, and so in order to keep folks that are  
21 parking in those spaces from traversing the majority of the  
22 site behind the buildings, an additional crosswalk was added  
23 back there as well to direct pedestrians directly to the  
24 McDonald's, further enhancing safety.

25 MR. GIBBS: Okay. Thank you very much. No

1 further questions.

2 CHAIRMAN: Thank you, Mr. Speech. Ms. Coleman, if  
3 there's cross at this point, or do we hear from Mr. Lenhart?  
4 What's going to make the most sense?

5 MS. COLEMAN: At this point, Chair.

6 CHAIRMAN: Okay. All right. So Commissioners,  
7 any questions for Mr. Speech?

8 COMMISSIONER WASHINGTON: I have one question, Mr.  
9 Chair. I'm looking at the circulation for the drive-thru,  
10 and is there going to be any signage for when the vehicles  
11 on the outer -- outer lane have to cross over into the other  
12 lane to get to -- to -- to do the pickup? Am I making  
13 sense?

14 MR. SPEACH: I understand what you're saying.  
15 Absolutely. There's striping on -- on the drive-thru lanes  
16 themselves to -- to direct traffic. So yes, there will be  
17 some additional measures so that folks will know how to  
18 merge there.

19 COMMISSIONER WASHINGTON: Okay. Because I'm just  
20 thinking in terms of the way people sometimes do the -- the  
21 roundabouts in the County and they kind of like -- everybody  
22 tries to be first. That's what -- and I was wondering if  
23 there would be some sign -- sort of sign that said, you  
24 know, every other car or one car goes and then one from the  
25 other lane -- car goes. You know what I mean?

1           MR. SPEACH: Sure. And I think, like I said, the  
2 striping on the pavement certainly will help that. I think  
3 also -- and it gets into operations -- but the way orders  
4 are taken, not done at the same time, which allows the cars  
5 to differentiate which one pulls forward next.

6           COMMISSIONER WASHINGTON: Okay. Thank you.

7           CHAIRMAN: Thank you. Commissioners, any other  
8 questions for Mr. Speach, Mr. Gibbs at this point? If not,  
9 I'll turn to the opposition, Mr. Smith, or others -- parties  
10 in opposition. Mr. Smith, I know you've been taking the  
11 lead on this. Mr. Smith, questions for Mr. Speach or Mr.  
12 Gibbs? You're on mute.

13           MR. SMITH: Yeah. Sorry about that. Essentially  
14 the same question I asked staff. Looks like the analysis  
15 topped out at 20 cars in the queue between the two different  
16 segments of the queuing. Did your firm take a look at what  
17 happens if the queue is longer than that? I mean, I  
18 appreciate that an effort has been made.

19           MR. GIBBS: Objection. It's beyond the scope of  
20 his testimony, but it will be a proper question for Mr.  
21 Lenhart in just a second.

22           MR. SMITH: Well, let me ask the question a  
23 different way, Mr. Gibbs. Thanks for your objection.

24           CHAIRMAN: Mr. Smith, if he objects, I'm the one  
25 who determines whether it's appropriate or not.



1 MR. SMITH: Right.

2 CHAIRMAN: So I actually agree with Mr. Gibbs. I  
3 think that this is more of a question for Mr. Lenhart, who  
4 has done all the traffic analysis. So if there's a piece of  
5 this that you feel is appropriate to what Mr. Speach  
6 testified to, feel free, but I know where you're going  
7 because I've heard the question before, and (indiscernible)  
8 Mr. Lenhart.

9 MR. SMITH: I'll just -- I'll just reframe it. I  
10 appreciate the effort made here as somebody who doesn't  
11 drive very much. I bike and walk most of the most of the  
12 places I go. Did your design consideration assume no more  
13 than 20 cars in a queue?

14 MR. SPEACH: Our design consideration, we assume  
15 20 cars in the queue. That is correct.

16 CHAIRMAN: Okay. Thank you. Thank you, Mr.  
17 Smith. Mr. Gibbs.

18 MR. SMITH: Maybe a quick follow up. Just in your  
19 professional opinion, if the queue is longer than that, how  
20 -- does that somehow undermine the effectiveness of some of  
21 these safety features? Could it?

22 MR. GIBBS: Objection. Objection again. Same  
23 reason.

24 CHAIRMAN: That's going to be a Mr. Lenhart  
25 question, Mr. Smith.

1           MR. SMITH: I thought that Mr. Speech was the  
2 safety expert. That's why I asked him. Thanks.

3           CHAIRMAN: Understood. All right, Mr. Gibbs, to  
4 you.

5           MR. GIBBS: Yes. Mr. Lenhart, for some brief  
6 questions. Mr. Lenhart, are you ready?

7           MR. LENHART: Yes, I'm ready when you are.

8           MR. GIBBS: Okay. Great. So Mr. Lenhart, have  
9 you been present during all of the testimony and all of the  
10 prior sessions of the Planning Board in this case?

11          MR. LENHART: Yes, I have.

12          MR. GIBBS: And did you testify at the initial  
13 hearing before the Planning Board in October?

14          MR. LENHART: I did.

15          MR. GIBBS: And did your testimony at that time  
16 indicate in your opinion that the application was in  
17 conformance with relevant provisions of Sections 27-281 to  
18 through 27-285, and including Section 27-274, relative to  
19 on-site circulation and safety?

20          MR. LENHART: Yes.

21          CHAIRMAN: Mr. Lenhart, I didn't hear you.

22          MR. LENHART: Yes. Sorry.

23          MR. GIBBS: Okay. Thank you. Did you also  
24 testify as a rebuttal witness in this case at the November  
25 21, 2024, hearing?

1 MR. LENHART: Yes, I did.

2 MR. GIBBS: And during that testimony, did you go  
3 into substantial detail relative to the conformance of the  
4 site plan, in your professional opinion, as an expert in the  
5 field of transportation planning relative to conformance  
6 with those provisions of the zoning ordinance? I'm sorry,  
7 Mr. Lenhart. You might have to speak up. I'm not sure  
8 everyone can hear you.

9 MR. LENHART: Yeah. Yes, I did. Sorry.

10 MR. GIBBS: Okay. Thank you. Now, when the case  
11 was continued on the November 21st, did you participate in  
12 any meetings with staff relative to an effort to provide  
13 even further pedestrian and vehicular safety measures for  
14 the site?

15 MR. LENHART: Yes. We did have a meeting with  
16 staff, and I was involved in that.

17 MR. GIBBS: Okay. And in your opinion, have the  
18 changes which have been presented today been in conformance  
19 with the recommendations that you made as well?

20 MR. LENHART: Yes.

21 MR. GIBBS: Now, there was also a request to  
22 provide a stacking analysis, and did you prepare a  
23 memorandum which was submitted into the record analyzing  
24 stacking at the drive-thru lane?

25 MR. LENHART: We did prepare the exhibit that was

1 associated with the PowerPoint presentation that showed the  
2 queuing and stacking. So yes, we did include that.

3 MR. GIBBS: Okay. Now is a stacking or queuing  
4 analysis actually required by the prior zoning ordinance  
5 under which this case is being considered?

6 MR. LENHART: It is not.

7 MR. GIBBS: But you went ahead and did that as a  
8 matter of extra caution; is that correct?

9 MR. LENHART: We did. So the prior ordinance, 27-  
10 274(C)(vi) specifically requires that drive-thru  
11 establishments should be designed with adequate space for  
12 queuing lanes that do not conflict with circulation, traffic  
13 patterns, or pedestrian access. There is no requirement for  
14 any specific amount of queue, and it is been typically left  
15 up to interpretation or information elsewhere that could be  
16 used to support the amount of queuing that's provided.

17 MR. GIBBS: Does the new ordinance have a queuing  
18 requirement?

19 MR. LENHART: It does.

20 MR. GIBBS: Okay. And could you explain to the  
21 Board whether or not your analysis and this drive-thru lane  
22 satisfies even the new zoning ordinance requirements for  
23 queuing?

24 MR. LENHART: It does. The new zoning ordinance  
25 requires that there should be six -- enough queuing for six

1 vehicles to be stacked back from the order board, not the  
2 pickup board. So it's not the total amount of queuing, it's  
3 the amount of queuing that's available from the order board.  
4 Our study shows the queuing exhibit if you go to the staff  
5 report. I think it's page 4 of the staff report.

6 MR. GIBBS: Slide 4?

7 MR. LENHART: Page.

8 MR. GIBBS: Oh, page 4 of the report itself.

9 MR. LENHART: Or in the PowerPoint it's slide 5.

10 MR. GIBBS: Okay. All right.

11 MR. LENHART: Yeah, so you can see the pickup  
12 window on the side of the building allows for -- from the  
13 pickup window, six vehicles can be queued between the pickup  
14 window and the order boards. The order boards are the two  
15 side-by-side vehicles that are where the median is in the --  
16 the dual drive-thru lane. And so from the order board you  
17 can count 2, 4, 6, 8, 10, 12, 14 vehicles there that stack  
18 from the order board back before traffic would be queued  
19 back into the circulation area of the drive -- of the  
20 parking lot. That is more than twice the amount of vehicles  
21 that are required by the new zoning ordinance. I can also  
22 say that there are queueing studies that have been done and  
23 published through the Institute of Transportation Engineers  
24 for different types of drive-thru facilities. One study for  
25 fast food queue lengths is broken down into different fast

1 food types, and with hamburger joints, the maximum queue  
2 observed was 13. Well, there were 27 studies. The maximum  
3 queue observed throughout those 27 sites ranged between 4  
4 and 13 vehicles queued in the entire queue. And so we're  
5 showing a total of 20 in the entire queue. We -- I -- by  
6 all accounts, by all data, by everything in the zoning  
7 ordinance, this far exceeds the requirement, and we have no  
8 information or evidence that would ever exceed this amount,  
9 to Mr. Smith's question.

10 MR. GIBBS: Thank you very much. Now, Mr.  
11 Lenhart, just wrapping up here. Two other questions. The  
12 revised plan shows a mid-block pedestrian crossing on Van  
13 Buren?

14 MR. LENHART: Yes.

15 MR. GIBBS: What --

16 CHAIRMAN: Can we -- can we go to that slide, Mr.  
17 Gibbs?

18 MR. GIBBS: Yeah, there we go. Slide 3.

19 CHAIRMAN: Thank you, sir.

20 MR. GIBBS: So was that -- was that crosswalk  
21 installed after observing where traffic is actually  
22 occurring to cross the street?

23 MR. LENHART: Yes. When we met with  
24 transportation staff and planning staff at your offices back  
25 before the holidays, this was one of the items we discussed.

1 There is the apartments across on the other side of Van  
2 Buren. There's a sidewalk that comes down between the  
3 apartment complexes, and the sidewalk comes out and  
4 intersects Van Buren at about that location, and then it  
5 transverses both directions along Van Buren. But it appears  
6 that people are crossing Van Buren at that location, and it  
7 appears that way by a worn path in the grass on the site  
8 side of Van Buren at about that location. And so we had  
9 added this as a potential crosswalk based upon that  
10 observation and discussion.

11 MR. GIBBS: And DPIE has indicated, if I recall  
12 your observations correctly, that the mid-block crosswalk  
13 would generally not be approved; is that correct?

14 MR. LENHART: That's correct. They were not in  
15 support of a mid-block crosswalk.

16 MR. GIBBS: Did you participate in the meeting  
17 with the State Highway Administration, which staff had?

18 MR. LENHART: Yes.

19 MR. GIBBS: And you heard the recitation of staff  
20 this morning relative to the results of that meeting. Does  
21 that coincide with your recollections as well?

22 MR. LENHART: Yes.

23 MR. GIBBS: And did -- during that meeting, did  
24 the State Highway Administration at any time ask for the  
25 closure, relocation, or modification of other driveways

1 other than the two immediately in front of the proposed  
2 McDonald's site, which are going to be consolidated as a  
3 right in, right out?

4 MR. LENHART: No, they did not. They raised no  
5 objections to any of the other driveways.

6 MR. GIBBS: And just one final question. I know  
7 you've given this opinion at least twice before in this  
8 case, but based upon your professional background, your  
9 involvement in cases of this nature, and on your expert  
10 opinion, do you have an opinion as to whether or not the  
11 development of this McDonald's and its impact on the site in  
12 general will create a safe situation for both vehicular and  
13 pedestrians, as well as the bicyclists who may be at the  
14 site?

15 MR. LENHART: Certainly. It's my opinion that  
16 with the improvements that have been requested by State  
17 Highway to close one of the two driveways and consolidate  
18 into a right in, right out -- channelized right in, right  
19 out -- as shown on this plan, to add the sidewalk tie ins  
20 from the existing sidewalk along Ager Road into the site,  
21 along with the crosswalks, that provides safe and adequate  
22 pedestrian access. The proposed speed humps that have been  
23 added to the plan will slow and control vehicles there. The  
24 pavement markings to be added within the drive aisle of the  
25 site in front of the existing shopping center, to add those



1 slow markings also will encourage, you know, slower speeds  
2 through the center. And so yes, it's my opinion that with  
3 all of these improvements that it will be safe and adequate  
4 for vehicles, peds, and bikes.

5 MR. GIBBS: Thank you very much. Nothing further,  
6 Mr. Chairman.

7 MS. COLEMAN: Mr. Chair. Just to clarify the  
8 record, Delisa Coleman, Senior Counsel. Because we've had  
9 so many addendums to the staff report, I just want to  
10 confirm that when Mr. Lenhart was discussing the drive-thru  
11 queuing, and he referred to page 4 of the staff report that  
12 he was referring to page 4 of the second addendum to the  
13 staff report.

14 MR. LENHART: That is correct. Which is -- which  
15 matches the exhibit slide 5 of the PowerPoint presentation.

16 CHAIRMAN: Thank you, Ms. Coleman. Ms. Lenhart,  
17 Mr. Gibbs, all fine with that?

18 MR. GIBBS: All fine, Mr. Chairman. We agree.

19 CHAIRMAN: Okay. Thank you. All right. Let's  
20 turn to first the Board to see if there's any questions for  
21 the -- for Mr. Lenhart and Mr. Gibbs, and then we'll turn to  
22 the opposition. Start with the -- start with my colleagues.  
23 Commissioners, any questions?

24 COMMISSIONER WASHINGTON: None.

25 CHAIRMAN: Okay. We'll turn to the opposition,

1 Mr. Smith. Let me just see. Is there anyone else besides  
2 Mr. Smith who wants to ask questions? I just want to help  
3 with the management of the time. All right, Mr. Smith, turn  
4 to you.

5 MR. SMITH: Yeah. I think, unfortunately, some  
6 members -- some of our members of our team have had to leave  
7 because of work commitments that they couldn't break again.  
8 But just a couple of -- just a few quick questions. Mr.  
9 Lenhart, you've referred to the ITE queueing analysis a  
10 number of times in the hearings. Do you know whether any of  
11 those sites that were looked at by ITE to provide this  
12 sample are from Prince George's County or the D.C. area?

13 MR. LENHART: I don't know that.

14 MR. SMITH: Okay. Do you know whether those --  
15 those observations were taken before COVID, during COVID, or  
16 post-COVID?

17 MR. LENHART: They were all pre-COVID.

18 MR. SMITH: Okay. Thank you. And I know that in  
19 relying on those ITE analyses, you said that they found a  
20 maximum of 13 cars in any queue. But again, in your  
21 opinion, if the queue were to exceed the -- I guess it's two  
22 lines of six or seven cars each -- could that affect traffic  
23 coming off of Ager 410? Could it affect on-site circulation  
24 of vehicles, and could it affect on-site pedestrian and  
25 bicycle access and safety if it backed up farther?

1           MR. LENHART: Well, your question presupposes that  
2 it will back up and extend into those areas, and we don't.

3           MR. SMITH: I don't think it does. Simply ask  
4 what -- what -- what would happen if it did?

5           CHAIRMAN: Let me jump in, I think because, I  
6 mean, I could answer that. If 50 cars backed up, it would  
7 be a nightmare. You know, I mean, there's nothing else to  
8 say, right? I mean, they're saying that that's what they're  
9 projecting, but I agree with you, Mr. Smith. If there were  
10 a whole lot more cars, it would be a big problem. I mean,  
11 how could it not be? They'd be backing up into the roadway.

12          MR. SMITH: Well, I could offer you background on  
13 why I asked that question, but maybe I should save that for  
14 my testimony.

15          CHAIRMAN: Probably. But I mean, I want to make  
16 sure that the question's asked and answered. So because I  
17 jumped in, Mr. Leonhart, do you have an answer to the  
18 question?

19          MR. LENHART: Well, if -- if there were 50 cars in  
20 line, that would interfere with on-site circulation and  
21 whatnot. The fact is, none of the queuing data that we have  
22 from ITE indicates that it would extend beyond the queuing  
23 capacity that we're showing in this plan. This exceeds  
24 zoning code requirements, and it exceeds all the queuing  
25 data that we have.

1           CHAIRMAN: All right. Thank you. Mr. Smith,  
2 still with you. Any other questions for Mr. Lenhart or Mr.  
3 Gibbs at this point, based upon their application, their  
4 testimony?

5           MR. SMITH: No. Thank you very much.

6           CHAIRMAN: Thank you, sir. All right. So we will  
7 move on to opposition testimony. Again, limited to the  
8 three issues of the limited scope hearing. After your  
9 testimony, Mr. Smith, or if there's other folks as well,  
10 there'll be questions. We allow for questions for -- to you  
11 from the Board and the applicant, and the floor is yours.

12          MR. SMITH: I'm happy to bat clean up. I don't  
13 know who else is still here able to testify.

14          CHAIRMAN: I see Mr. Cronin.

15          MR. CRONIN: Yes. I would like 90 seconds, Mr.  
16 Chairman, to address the vehicular and pedestrian  
17 circulation issues, and I'm happy to go before or after Mr.  
18 Smith.

19          CHAIRMAN: All right. Thank you, Mr. Cronin. And  
20 I see Mr. Boado (phonetic). Are you -- can you testify too?  
21 Of course, if you'd like to. By all means.

22          MR. BOADO: Yes. Can -- can you folks hear me  
23 okay?

24          CHAIRMAN: Yes, sir.

25          MR. BOADO: Okay. I'm so sorry about the

1 headphones, but it's the only way I was able to manage to  
2 hear you.

3 CHAIRMAN: You're very stylish. It looks good.

4 MR. BOADO: Thank you, thank you. I just wanted  
5 to make a comment about the historic nature.

6 CHAIRMAN: Before you go, Mr. Boado, I just want  
7 to -- oh, okay. That's what you want to talk about?  
8 Historic.

9 MR. BOADO: Yeah.

10 CHAIRMAN: Mr. Cronin and Mr. Smith. Anyone else?  
11 Then let me go in this order. Let me do Mr. Cronin, then  
12 Mr. Boado, and then Mr. Smith. And take your time, folks.  
13 Just keep it focused on what's within the limited scope.  
14 But we've -- the applicants had a fair bit of time, and we  
15 want to make sure the opposition has up to that amount of  
16 time as well. So Mr. Cronin and Mr. Boado, let me swear you  
17 both in. We've already sworn in Mr. Smith. If I could ask  
18 you both to raise your right hands. Solemnly swear or  
19 affirm that the testimony you're about to provide will be  
20 the whole truth and nothing but the truth?

21 MR. BOADO: Yes, I so swear.

22 CHAIRMAN: Okay. Consider yourself both under  
23 oath, and we'll start with you, Mr. Cronin.

24 MR. CRONIN: Mr. Chairman and members of the  
25 Board, thank you. I will be brief. For the record, Jeff

1 Cronin from the Carole Highlands neighborhood in Prince  
2 George's County. 7217 15th Avenue. This is one of the most  
3 dangerous stretches of roads in the Stat of Maryland, as I  
4 think the record indicates. The State Highway  
5 Administration has a context-driven pedestrian safety plan  
6 to address some of these issues on East-West highway. I  
7 think the key words there are context-driven. The context  
8 has to drive the plan, and I would urge the Board to  
9 consider this application in the real-world environment  
10 where people live, work, commute, and shop and not in a  
11 vacuum. I believe the record indicates that the traffic  
12 estimates provided by the applicant are fanciful. In fact,  
13 I believe that the high throughput drive-thru proposed here  
14 increases the likelihood that more pedestrians will suffer  
15 injuries or fatalities after colliding with a vehicle.  
16 Neither the Planning Board or the State Highway  
17 Administration are going to fix this dangerous five-point  
18 intersection overnight, but today, you have a chance to --  
19 to make things better or to make things worse, and I would  
20 urge you to make things better here by denying this  
21 application, and I thank you for considering my views.

22 CHAIRMAN: Mr. Cronin, thank you very much. I  
23 appreciate it. Questions for Mr. Cronin. I'll take them  
24 one at a time. Commissioners, any questions for Mr. Cronin?  
25 Mr. Gibbs, any questions for Mr. -- any cross for Mr.

1 Cronin?

2 MR. GIBBS: None.

3 CHAIRMAN: Okay. Thank you, all. Mr. Boado, turn  
4 to you.

5 MR. BOADO: Yeah, just a quick comment. I'm so  
6 disappointed to think -- and I think you should all think  
7 carefully about this before you approve -- that you're going  
8 to venerate a bunch of people who were enslaved and died on  
9 this property by putting a bunch of posters in a McDonald's.  
10 I just -- I think that's crazy. I don't think that meets  
11 like a minimum standard of historic preservation or  
12 education for the public, and I'm just really disappointed  
13 that that was even considered. Thank you.

14 CHAIRMAN: Thank you, Mr. Boado. Any questions  
15 for Mr. Boado, Commissioners? Or Mr. Gibbs?

16 MR. GIBBS: No questions.

17 CHAIRMAN: Okay. All right. Thank you. And now  
18 we'll turn to you, Mr. Smith.

19 MR. SMITH: Thank you, Mr. Shapiro. I'll explain  
20 why I asked where and when, especially when the ITE queuing  
21 analyses were done.

22 COMMISSIONER WASHINGTON: Mr. Smith. My  
23 apologies, Mr. Chairman. I'm having huge connection issues.  
24 I was trying to jump in with regards to the -- the last  
25 individual who testified regarding the memorial markers, if

1 I may.

2 CHAIRMAN: Yes. Of course.

3 COMMISSIONER WASHINGTON: Yeah. I would like to  
4 ask Mr. Gibbs, because I, too, was a bit struck by just  
5 having the posters as they've been referred to to  
6 commemorate that historic site. And Mr. Gibbs, I wonder if  
7 you and/or your team considered, at least in my mind, when I  
8 raised it at the last hearing, I was thinking about  
9 something more substantive to include a marker or something  
10 on site external to the restaurant. And I just wonder if  
11 you all considered that, or would you consider that?

12 MR. GIBBS: Yes. Yes, Commissioner Washington.  
13 Basically, our thought process was to have very tasteful  
14 information, which the most people would have an opportunity  
15 to see and read, both in English and Spanish. That's why we  
16 opted for information internal to the building, again, to be  
17 presented artistically and tastefully. We would have no  
18 objection to putting some marker on the exterior of the  
19 site. Our concern is putting a marker in the rear of the  
20 site, given the vandalism that has been experienced over the  
21 course of time, and further, given the fact that any type of  
22 pillar or pole is going to do nothing other than create  
23 another opportunity for trespassers to tie off tarps to  
24 sleep behind the -- the shopping center. But if there's an  
25 idea that the Board has, you know, we -- first of all, you



1 know, we went out and -- and proactively retained the  
2 services of James Gibb, a recognized expert archeologist who  
3 has testified many times before the Planning Board and the  
4 District Council in Prince George's County and in other  
5 counties. He looked at everything out there, and he gave us  
6 a letter report, which we put into the record. And of  
7 course, his -- he is also going to be on site for any work  
8 that is done to address the earlier condition recommended, I  
9 think, in the first addendum to the staff report. But if  
10 there is something further that we can do that would make  
11 more sense to you or to the Board, please just add it as a  
12 condition. We're happy to do it. We just thought that the  
13 posters tastefully presented, tastefully framed, there would  
14 be an opportunity when people are actually sitting and  
15 enjoying their food to actually read the posters, as opposed  
16 to having a marker outside that many people would never have  
17 the opportunity to stop and read, but if you feel otherwise,  
18 we're 100 percent open.

19 COMMISSIONER WASHINGTON: No, no, no. And I  
20 really appreciate you explaining that, but I do believe what  
21 you described is very good in terms of having that inside  
22 the restaurant. I would just ask that, you know, you all --  
23 and I -- certainly would not be me, but maybe, Mr. Chairman,  
24 our historic committee could work with the applicant to come  
25 up with something tasteful that would not, to your point,

1 Mr. Gibbs, create yet another opportunity for vandalism or  
2 something -- just something outside. Because people walking  
3 and passerbys, I know I've encountered historic markers like  
4 that personally -- just stumbled upon it -- and I think  
5 that's just -- that would be very helpful. So I thank you  
6 for your willingness to do that.

7 MR. GIBBS: No, absolutely. And quite frankly, if  
8 that's the direction that the Board would like to proceed,  
9 we could have a question -- an additional condition added,  
10 which would specify that the applicant's archeologist work  
11 with historic preservation division staff to determine an  
12 external historic marker which could be placed within the  
13 shopping center.

14 COMMISSIONER WASHINGTON: That would be wonderful.  
15 And I am suggesting, in addition to the posters inside,  
16 because as you described them, I think that's an -- I think  
17 that's a wonderful idea, actually.

18 MR. GIBBS: Right, right. And that would be in  
19 addition to the posters. Yes. We would embrace that  
20 condition, yes.

21 COMMISSIONER WASHINGTON: Wonderful. Thank you,  
22 Mr. Gibbs. That's it, Mr. Chairman.

23 CHAIRMAN: Thank you, Commissioner. I felt the  
24 same way. I think that actually, the direction that Mr.  
25 Gibbs recommends is where I was in my head too, which is

1 that we condition this to have them work with our Department  
2 of Parks and Recreation Historic Preservation Division.

3 MR. GIBBS: No problems with that, Mr. Chairman.

4 COMMISSIONER WASHINGTON: Great. Thank you.

5 CHAIRMAN: Mr. Boado, for what it's worth, you're,  
6 you know, you're heard loud and clear and, you know, I think  
7 we have a real opportunity here.

8 MR. BOADO: Thank you very much.

9 CHAIRMAN: Okay. Other questions for Mr. Boado or  
10 Mr. Cronin, no. So we're back to you, Mr. Smith.

11 MR. SMITH: Thank you very much. I just want to  
12 put a pin in the -- this issue. The question I was raising  
13 about when the ITE queuing analysis was done is relevant  
14 because there's literature out there that shows that  
15 reliance on drive-thru windows increased sharply during  
16 COVID and stayed high. It didn't just drop down to pre-  
17 COVID levels. So if the queueing analysis relies solely on  
18 pre-COVID queues, may not represent what the volume of cars  
19 that would be using a drive-thru window at any fast food  
20 joint, and to ignore that reality means there's a  
21 possibility of understating the traffic at the drive-thru  
22 window, the queuing and the impacts on traffic coming off of  
23 410 and circulation and safety on the site. That's why I  
24 raised it. This is an auto-dependent, auto-centric  
25 restaurant. Period. And that's reflected by the fact that

1 they want to build -- they want to have more than 50 parking  
2 spaces on the site, capacity to queue up 20 cars. So again,  
3 to ignore that reality and then also to ignore the off-site  
4 context and the off-site impacts is unwise, and it can lead  
5 to ill-informed decisions. I haven't heard any  
6 justification for ignoring off-site contacts and impacts,  
7 and I've placed on the record -- swinging back to this --  
8 this is and we are an auto-centric, auto-dependent region  
9 because of decades of bad planning, and we can have long  
10 conversations about that, but that's the reality. And an  
11 out-of-county corporation wants to place a high-volume fast  
12 food restaurant at one of the most dangerous intersections  
13 that links some of the most dangerous road segments in the  
14 county. We're not looking at -- we're not looking at these  
15 transportation realities. So that's why I raised that  
16 issue.

17 CHAIRMAN: Mr. Smith, I hear you, but please focus  
18 your -- the opposition -- your testimony on the three issues  
19 that are before us.

20 MR. SMITH: Okay. Now swinging back to the -- to  
21 the landscape design, I -- we are all very happy that fewer  
22 trees are going to be destroyed on site. It's just fewer  
23 trees. It's not no trees because they say it depends on the  
24 condition, the health of the species, and the condition as  
25 to whether or not they'll be trimmed and how they'll -- how

1 they'll -- how they'll fare if they get trimmed up to eight  
2 feet. But it's great that fewer trees will be destroyed on  
3 a site that's in the middle of an intense urban heat island.  
4 That said, and I want to get to this point, there's an  
5 interplay between what happens on the landscape and how  
6 stormwater will flow on the site and the stormwater -- it's  
7 not clear, based on the information we've seen so far, how  
8 this change in the landscaping will affect stormwater flows  
9 on the site. And so it may be wise to ask the applicant to  
10 come back with a revised conceptual stormwater management  
11 plan, so you can understand that. I have placed a ton of  
12 information on the record on what stormwater --

13 MR. GIBBS: I object. Mr. Chairman, I object.  
14 Stormwater management is not one of the three issues. And  
15 it goes back to my objection to the 50 pages of totally  
16 irrelevant information that Mr. Smith put into the record  
17 that doesn't address any of the three criteria.

18 MR. SMITH: Well, I'm fairly certain that Mr.  
19 Gibbs would find any information we put in the record  
20 irrelevant, so I -- but anyway, I'm going to say the reason  
21 this is so important is partly because of the evidence that  
22 we have placed in the record regarding stormwater and  
23 climate change, and I know that we're not going to focus on  
24 that today, but I have to ask you today, because it's in the  
25 record, that you take a thoughtful look at the evidence we

1 have placed in the a record on those issues, and I just want  
2 to say I will close by saying there is nothing that I know  
3 of in the law prevents you from looking at off-site context  
4 and off site-impacts. And in fact, the very fact that the  
5 ordinance specifically requires that a DSP be referred to  
6 the health department --

7 MR. GIBBS: Objection. Objection.

8 MR. SMITH: Mr. Gibbs, I did not interrupt you  
9 while you were talking.

10 MR. GIBBS: Mr. Chairman, this has occurred over  
11 10 hours.

12 CHAIRMAN: Mr. Smith, Mr. Gibbs, both stop.

13 MR. SMITH: I am just pinning this. I want to put  
14 it in the record one more time. It is a serious deficiency  
15 that no health impact assessment has been done on this  
16 project within this context. Thank you very much. And I  
17 urge you to deny the DSP.

18 CHAIRMAN: Thank you. Thank you, sir.  
19 Commissioners, are there questions for Mr. Smith? All  
20 right. Mr. Gibbs, do you have any cross? Any questions for  
21 Mr. Smith?

22 MR. GIBBS: None.

23 CHAIRMAN: Okay. Thank you. So now we have  
24 before us opportunity for rebuttal. We'll start with the  
25 applicant. Well, we'll have rebuttal by the applicant, and

1 then if there's any summation by the opposition and then  
2 summation by the applicant. I would ask all of you, both of  
3 you, to please not be repetitive. I think we've heard loud  
4 and clear where you're coming from, but this certainly is  
5 your time, so I will give you that time. So we'll start  
6 with rebuttal by the applicant, if there is any.

7 MR. GIBBS: If you could just give me a moment,  
8 Mr. Chair.

9 CHAIRMAN: I'm fine if we want to take a five-  
10 minute break or something like that, if that's going to help  
11 you and perhaps, Mr. Smith, if you want to gather your  
12 thoughts for a few minutes.

13 MR. SMITH: Whatever pleases the Board.

14 MR. GIBBS: That's -- that'd be great. Thank you.

15 CHAIRMAN: Okay. All right. Let's take a five-  
16 minute break. We'll -- it's 9:44. We'll start -- I'm sorry  
17 -- 12:44. We'll do 12:50.

18 (Off the record)

19 CHAIRMAN: Okay. Make sure we're all back. I see  
20 Mr. Smith. I see Mr. Gibbs. I see my colleagues. I see  
21 Ms. Coleman. Mr. Boado. Okay. I think we're good to go.  
22 So we have -- what's left before us is rebuttal by the  
23 applicant and then summation by the opposition, the  
24 summation by the applicant, and then to us, Commissioners.  
25 So we'll start with rebuttal by the applicant. Mr. Gibbs,

1 the floor is yours.

2 MR. GIBBS: Yes, Mr. Chairman, no rebuttal.

3 CHAIRMAN: Okay. Summation by opposition. We  
4 will turn to you, Mr. Smith, if you have anything under  
5 summation. Again, the floor is yours. I would ask you not  
6 to be repetitive, but if there's something that you feel you  
7 want to bring to us in summation, by all means.

8 MR. BOADO: Can I say something in summation too?  
9 If only just a few sentences?

10 CHAIRMAN: Mr. Boado, absolutely. I'm sorry.

11 MR. BOADO: Okay. Okay.

12 MR. SMITH: Would you like to go first?

13 MR. BOADO: Sure, sure, sure. So I get -- I wrote  
14 down a few things during the break, and I hate to say this,  
15 but I feel like the Planning Board is really failing the  
16 community, and I think that's -- I think you've allowed  
17 yourselves to be abandoned -- to be distracted by, like, the  
18 nuances of this DSP, rather than considering the big issues.  
19 And that's how they always win these things, right? You get  
20 caught up in the nuance. So instead of considering health  
21 impacts to a DIJ (phonetic) community that doesn't have  
22 health insurance, we're going to stick a McDonald's, right,  
23 where we've managed to work traffic out of consideration.  
24 We've managed to work pedestrian safety out of  
25 consideration. We've managed to send walkability out the



1 door, and in the end, what are we doing? We're voting for a  
2 publicly subsidized, for-profit business to come into our  
3 community. Thank you very much.

4 CHAIRMAN: Thanks, Mr. Boado. Next, we'll have  
5 Mr. Smith.

6 MR. SMITH: Thank you, Mr. Shapiro. I'm not going  
7 to -- despite being a veteran of some of these processes,  
8 I'm not going to presuppose the Board's decision here. I'll  
9 just put a few basic points on the record here. First of  
10 all, the zoning ordinance that looks like -- am I still on?

11 CHAIRMAN: Yes, sir. You're still on. We can  
12 hear you.

13 MR. SMITH: Something odd happened on my screen.

14 CHAIRMAN: Are you okay? Can you hear us?

15 MR. SMITH: Yeah, I can. There we are. Back. I  
16 don't know what -- there was some sort of pop-up query. The  
17 zoning ordinance explicitly places the burden of proof on  
18 the applicant. It also states that the requirements set  
19 forth below, including the requirements for DSPs, are the  
20 minimum requirements for -- to be met. The zoning ordinance  
21 at its very top, Section 102, lays out a number of public  
22 interest purposes. I would say the applicant hasn't met the  
23 minimum requirements. They haven't met the burden of proof  
24 that this project is in the public interest and that it  
25 meets the purposes that are laid out for the zoning

1 ordinance or for DSPs. I think the place where I'm most  
2 disappointed is the argument, and it's the first time I've  
3 ever heard this argument in multiple cases, that the  
4 Planning Board is prohibited from considering off-site  
5 content or off-site impacts. It just makes no sense  
6 fundamentally, and there's nothing in the law that says  
7 that. And I would say, again, the explicit requirement in  
8 the zoning ordinance that the plan -- that a DSP be referred  
9 to the health department and it requires the health  
10 department to conduct a health impact assessment, and then  
11 the definition of the health impact assessment is to look at  
12 the impacts and their distribution within the community.  
13 That fundamentally is a mandate to look at many of the very  
14 issues that we've raised repeatedly at these hearings. I  
15 know it's to Mr. Gibbs' advantage and his client's advantage  
16 not to do that, but that's what the law and common sense and  
17 good planning principles require of the of the Department  
18 and the Board and the applicant. And it just had -- that  
19 burden has not been met. That explicit requirement has not  
20 been dealt with. The fact that -- the fact that the  
21 applicant and apparently the agencies were required have  
22 relied on obsolete queuing analyses is very telling. I  
23 believe I did put evidence in the record that during -- that  
24 the literature shows that during COVID, the reliance on  
25 drive through windows spiked and stayed high. It didn't --

1 it hasn't come down entirely post-COVID, and restaurants  
2 like this require -- rely on perhaps half or more of their  
3 revenue coming through the drive-thru service. You've got a  
4 facility, they want to make a profit, so they want to fill  
5 the parking spaces, and they want to fill their -- they want  
6 to move cars through their drive-thru window. And a traffic  
7 analysis and air pollution analysis that does not -- there's  
8 no air pollution analysis in a community that already has  
9 elevated levels of traffic-related air pollution and asthma  
10 in a lot of kids under five. An analysis that ignores those  
11 realities ignores the public interest and the impacts on the  
12 surrounding community. And you will see, and I will trust -  
13 - I hope I can trust that you will take very seriously the  
14 evidence that we put in the record around the deficiencies  
15 in analysis, but also the context in this community. This  
16 community is overburdened already in so many ways, and I  
17 know this is just one drive-thru fast food joint, but it's  
18 one of many that keep getting placed in these communities  
19 with no analysis of their impacts on the communities. And  
20 we can't say that we care about public health or that we  
21 care about climate change, or we care about poor nutrition  
22 in so many of our communities, and we care about walkability  
23 if we're going to keep approving facilities like this. If  
24 there's any place where these kinds of analyses should be  
25 done and these issues should be considered, it's with a

1 project like this in a community like this, and I appreciate  
2 -- we all appreciate the Planning Board has continued this  
3 case and looked at some issues. I think, though, that  
4 fundamentally, the narrowing of the funnel to the point that  
5 we're talking about whether or not there will be posters in  
6 the restaurant or a marker outside. These are serious --  
7 that's a very serious issue to be addressed. But that's  
8 what we're talking about on the final day, and the applicant  
9 is telling us that they relied on obsolete queuing analyses  
10 for their on-site traffic and bike ped circulation. It's  
11 kind of telling, so I would trust that you will look very  
12 seriously at the information we put on the record. I put on  
13 information record that shows that even the higher intensity  
14 hundred-year storm that they designed for that that's  
15 already obsolete based on NOAA's data and projections. And  
16 that, you know, we're all concerned about climate change,  
17 and if we are concerned, we need to start looking at these  
18 realities really hard. That's it. Thank you very much. I  
19 appreciate your time.

20 CHAIRMAN: Thank you, Mr. Smith. Commissioners,  
21 questions for -- I'm sorry. No questions. That's summation  
22 by the opposition.

23 COMMISSIONER WASHINGTON: Chair, I believe someone  
24 else wants to do a summation.

25 CHAIRMAN: I think Mr. Boado was just

1 congratulating Mr. Smith. Is that correct, Mr. Boado?

2 MR. BOADO: That is correct. Yes, sir.

3 CHAIRMAN: Okay. All right. We'll turn to Mr.  
4 Gibbs for summation of the final word, sir. The floor is  
5 yours.

6 MR. GIBBS: Yes. Thank you very much, Mr.  
7 Chairman. A couple of things historically here to start out  
8 with. When we filed the original site plan in this case, we  
9 -- and all of this information is in the record. We did not  
10 propose taking any trees down in the rear of the shopping  
11 center. The revised site plan that proposed taking those  
12 trees down resulted from months of citizen outreach and  
13 requests made by individuals who live in direct proximity to  
14 the shopping center and who are here every day. That is the  
15 reason. We took that burden on in an effort to address  
16 concerns that have been raised to us, to somehow curtail the  
17 trespassing and the detrimental impact that that has caused  
18 to patrons and the shopping center generally, and which was  
19 the subject of witnesses and the affidavit of the police  
20 officer, all of which is evidence in the case. During the  
21 course of the case, based upon comments made relative to  
22 trees not coming down, we determined to withdraw the  
23 departure application and go back to the site plan that we  
24 had originally started with. That led to the formal  
25 withdrawal of the departure on December 18th and the

1 withdrawal of the alternative compliance on December 20th.  
2 And let me say that the alternative compliance application,  
3 we never wanted to file an alternative compliance  
4 application. It is just a necessary step. If you want to  
5 get a departure from the Landscape Manual, you have to file  
6 an alternative compliance request, and that's why that was  
7 in. So both of those were withdrawn. So what we're left  
8 with is, quite frankly, a very -- legally -- a very simple  
9 case. We have an existing shopping center of some 2000  
10 square feet, and the McDonald's USA, as a tenant in the  
11 shopping center, proposes taking down one building and  
12 replacing it with an eating and drinking establishment with  
13 drive-thru, using the provisions of the prior zoning  
14 ordinance, which are allowed and permitted, and which made  
15 sense given the fact that the shopping center was built  
16 under the prior zoning ordinance. So we were dealing with  
17 the CSC zone and an eating and drinking establishment in the  
18 CSC zone under the prior ordinance is a permitted use of  
19 right, subject only to the approval of a detailed site plan.  
20 And so that's all that is before the Planning Board at this  
21 point. Now, in terms of the criteria for a detailed site  
22 plan, and one of the comments was that the Planning Board is  
23 hung up on nuances and is not addressing the real concerns  
24 of the community. What the Planning Board is doing is  
25 following the law. The law is what governs the detailed

1 site plan process, and that's contained for detailed site  
2 plans using the prior ordinance in Sections 27-281 through  
3 285, and with tangential reliance upon design criteria set  
4 forth in Section 27-274 of the zoning ordinance. And it's  
5 important to look at that, because there has been so much  
6 testimony from opposition here about, oh, you have to look  
7 at the purposes of the zoning ordinance in 27-102, and you  
8 have to look at off-site traffic, and those are not relevant  
9 criteria under the law for the review and action on a  
10 detailed site plan. Again, the criteria are very specific.  
11 Everything you find in those sections that I just quoted are  
12 focused on the site. Even the elements that you have to  
13 show on your detailed site plan all focused on the site.  
14 Where's the landscaping? Where's the building? Where's the  
15 parking? Where are the drive offs? Where's the loading  
16 going to be? How are you going to get to it? Those are the  
17 relevant criteria for the review and approval of a detailed  
18 site plan. And in this case, what do we have? We have --  
19 we have a site plan that has been prepared that both the  
20 applicant's experts and your staff -- every referral agency  
21 on your staff -- feels is in compliance and conformance with  
22 all ordinance criteria. We have expert testimony from Mr.  
23 Speach that he designed the plan in accordance with all  
24 relevant criteria. That is undisputed and un rebutted. We  
25 have testimony from Mr. Lenhart. He testified about traffic

1 generation. He went beyond what he was required to do in an  
2 attempt to address other concerns. He actually did a  
3 subdivision analysis even though he was not required to.  
4 Everything passed under the standards -- the legal standards  
5 that are required to be applied. He also did a queuing  
6 analysis, and Mr. Smith comes in and says they're using  
7 obsolete data. He gives zero evidence for that assertion.  
8 Here's the reality of the matter. There's no queuing  
9 analysis required under the old zoning ordinance, but Mr.  
10 Lenhart went further and used the new zoning ordinance,  
11 which, by the way, is a post-Covid ordinance and a post-  
12 Covid ordinance adopted by this county has a queuing  
13 standard which we exceed -- which we exceed. There is zero  
14 -- not a scintilla of evidence in this record, other than  
15 raw supposition and allegation, that queuing would ever be a  
16 problem at this restaurant. Were the allegations of the  
17 opposition to be given credence here, there wouldn't be a  
18 drive-thru that would be approved in this county. And in  
19 fact, this Board approved one for one of my clients last  
20 week on the 9th. I mean, every drive-thru restaurant has  
21 queues, but the natural impact is that if people see a  
22 longer queue, they go into the restaurant. And the COVID  
23 issue in the -- when we were in the depths of COVID, and the  
24 Board can take judicial notice of this or administrative  
25 notice, you couldn't get into the inside of a restaurant.



1 Everybody had to use the drive-thru window. But we have a  
2 zoning ordinance that's post-COVID that has a queuing  
3 standard, which we exceed. We had the testimony of Mr. Mark  
4 Ferguson, an expert in the field of land planning. He  
5 summed everything up. He addressed the facts to the  
6 ordinance standards and found compliance. And then, of  
7 course, we have now three staff reports from the staff of  
8 the Maryland-National Capital Park and Planning Commission,  
9 all of which find conformance, all of which included details  
10 and requirements, which made the site design better and all  
11 of which recommend approval. Not a single referral agency  
12 that this case was sent to recommended disapproval,  
13 including the Transportation Planning Division. So what we  
14 submit respectfully, is that we have met the legal burden.  
15 I would like to say that in addition to the -- we would  
16 proffer the historic condition that I discussed with  
17 Commissioner Washington, and I would also note that there  
18 were comments earlier at the November 21st hearing about  
19 trying to make this restaurant a destination. My client  
20 wants it to be a destination. That occurs, but what I can  
21 tell you is that representations were made by my client to  
22 the citizens during the numerous meetings that expert --  
23 that witnesses testified to the consultant who had those  
24 meetings. They want the restaurant to become a destination.  
25 They want, even if necessary, for residents to be able to

1 have meetings inside the restaurant. We proffered that, and  
2 we will continue to do that, but that's something that  
3 happens. We didn't feel you could manufacture that. But  
4 with all that being said you know, we fully believe that  
5 we've met all of the legal criteria for the approval of this  
6 detailed site plan. I think the Planning Board has, you  
7 know, certainly done everything possible to make this site  
8 plan better. I think that the inquiries of the Planning  
9 Board have resulted in a better plan, but the plan that's  
10 before us right now, we believe, meets all the safety  
11 concerns, promotes pedestrian safety through the site and  
12 pedestrian access to the site, as well as vehicular access  
13 and circulation on site. And so with all of that, we would  
14 respectfully request that the Planning Board approve this  
15 detailed site plan. Thank you very much for hearing me.

16 CHAIRMAN: Thank you, Mr. Gibbs. All right. We  
17 have no one else. We've gone through our process.  
18 Commissioners, I'm going to close this public hearing. It  
19 is to us for deliberation and consideration of action. So  
20 and let me just say maybe there's an additional question or  
21 two that you might have for staff which feels appropriate to  
22 me. But Commissioners let's open this up for deliberation.

23 COMMISSIONER WASHINGTON: I don't have any  
24 additional questions, Mr. Chairman, at this point.

25 CHAIRMAN: Okay.

1           MADAM VICE CHAIR: I have no additional questions.

2           CHAIRMAN: Okay. All right.

3           COMMISSIONER GERALDO: Nor do I, Mr. Chair.

4           CHAIRMAN: So let me just say, before we consider  
5 action, this has been one of the more difficult cases that  
6 I've dealt with for a while, and in part because I am  
7 personally sensitive to the context issues. You know, it is  
8 a difficult intersection. And I am clear, as Mr. Gibbs laid  
9 out and as our staff and our counsel that, you know, we work  
10 within our quasi-judicial role. So when I look at this, as  
11 frustrating as some elements can be, I think the facts are  
12 clear, and I think that we have, through this process, made  
13 it into a better project. But it's one that I feel like you  
14 know, I don't see a reason to oppose this, despite the fact  
15 that it's a complicated intersection, but that's not what's  
16 before us. That's not what the DSP brings to us. We may or  
17 may not like that, but that is the reality of it. So  
18 colleagues, you know, I don't know where you're going to  
19 land on this, but I -- even with some of these broader  
20 reservations, I think this process has made for a better  
21 project. And assuming that that's where you are, too. I  
22 will be intending to support this. Any other thoughts,  
23 reactions, or is there a motion?

24           COMMISSIONER WASHINGTON: Mr. Chairman, I  
25 associate myself with your comments, and with that -- and I

1 would ask my colleagues to pay very careful, close attention  
2 to the motion I'm about to make. It's been a lot of paper,  
3 a lot of moving parts to make sure everything is included.  
4 With that, Mr. Chairman, I move that we adopt the findings  
5 of staff from the original staff report, in addition to the  
6 findings, as amended by staff's first addendum and findings,  
7 as further amended by staff addendum and with that approve  
8 DSP-22001 and TCP2-004-2024 to include the conditions that  
9 are outlined in staff's original report with the exception  
10 of conditions 1C, 2A, 2C, 3A, and 3B, in addition to the  
11 conditions as detailed in staff's first addendum, with the  
12 exception of 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, and 1K, and  
13 the conditions as outlined in staff's second addendum. In  
14 addition to applicant proffered condition that -- and I  
15 would ask staff and counsel to ensure the appropriate  
16 language -- but that the applicant will work with the  
17 Historic Preservation Division to develop an external  
18 historic marker in addition to the interior education  
19 posters as described by the applicant on the record.

20 COMMISSIONER GERALDO: Second.

21 COMMISSIONER WASHINGTON: I think that's it.  
22 Okay.

23 COMMISSIONER GERALDO: I think so. Great job,  
24 Commissioner Washington. Second. And I would just add, I  
25 share in the comments of Commissioner Washington, and I

1 understand the question about the health issue. I've  
2 listened to a couple of podcasts recently about ultra  
3 processed foods and what it's causing, but unfortunately, at  
4 this stage, that's not something that we can consider. So I  
5 second the motion.

6 CHAIRMAN: Thank you. We've got a motion by  
7 Commissioner Watson, a second by Commissioner Geraldo.  
8 Under discussion, the only thing I would add is just some  
9 things that I want to say for the record, too, is that there  
10 were a few things that were brought up that the stormwater  
11 management plan is something that's approved by DPIE, so  
12 that process was in place, and the health department  
13 referral occurred as well, so it's not that these issues --  
14 for the public and for the record -- it's not that these  
15 issues are ignored. They're just a -- it is a process that  
16 occurs. Any further discussion on the motion? If not, I  
17 will call the roll. Commissioner Washington.

18 COMMISSIONER WASHINGTON: I vote aye.

19 CHAIRMAN: Okay. Commissioner Giraldo.

20 COMMISSIONER GERALDO: Vote aye.

21 CHAIRMAN: Vice Chair Bailey.

22 MADAM VICE CHAIR: Vote aye.

23 CHAIRMAN: I vote aye as well. The ayes have it  
24 four-zero. I want to thank everybody for a very lengthy,  
25 thorough, instructive, passionate process. So thank you,

1 Mr. Smith, Mr. Boado, all the other folks who are part of  
2 that. Mr. Gibbs, thank you as well. Ms. Gomez, thank you.  
3 And the rest of the staff.

4 **(Whereupon, the proceedings were concluded.)**

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DIGITALLY SIGNED CERTIFICATE

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7. DSP-22001 MCDONALD'S AGER ROAD

Planning Board Meeting, PPS

By:  Date: March 2, 2025

Carrie Johnson, Transcriber