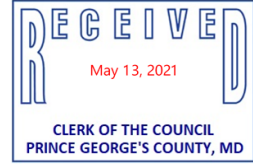




CIVIC ASSOCIATION
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TESTIMONY

Detailed Site Plan DSP-040067 and DDS-672 Woodmore Commons
 May 24, 2021

My name is Samuel H. Dean, a party of record and the Vice-President of the Lake Arbor Civic Association, we oppose the Planning Board’s decision on Detailed Site Plan DSP-040067-10 Woodmore Commons. The decision made by the Planning Board should be disapproved by the District Council because many of the approved structures in this DSP are in the right -of-way of the required future ramp (I-310).

MUNICODE Section 27-259(a)(1) Permits within proposed rights-of-way. This section states in part: “ ...no building or sign permit ...may generally be issued for any structure on land located within the right-of-way or acquisition lines of a proposed street, or proposed relocation or widening of an existing street, rapid transit route, or rapid transit facility, as shown on a Master Plan ...” (Emphasis added).

The Development Reviewer for this DSP states on page 25: “*Given the nature of this approval, which is a DSP, the Planning Board’s approval authority is limited to the site features and improvements within the legal boundary of this DSP. Anything outside the boundary of this DSP, such as the current approved location of I-310, as referenced by the citizen opposition, is not within the Planning Board’s jurisdiction at this time. This includes opponent’s claims regarding the applicability of CSP-10004 and Zoning Ordinance Sections 27-103, 27-640, 27-642, and 27-642, which are found to be inapplicable to the approval of a DSP.*” These site features and improvements to which the Development Reviewer refers are in the right-of-way of the future ramp (I-310) which runs southwest to northeast parallel to Ruby Lockhart Boulevard.

Based on the site features and improvements which the Planning Board approved and how the retail tenants are aligned at this site, the 7 Eleven store and gas station, possibly one of the fast-food tenants and the building will be in the right-of-way of the future ramp (I-310) that runs from southwest to northeast.

Moreover, the applicant has not met all of the requirements of the District Council’s zoning ordinance No. 16-2002, Case No. A-9956-C, enacted in 2002 for Rocky Gorge Homes (Balk Hill) (aka Woodmore Commons) which states on:

page 2 in Section 2. Application A-9956 is approved subject to the following conditions...and
 on page 3 under condition 3. Future submitted plans shall demonstrate provision of adequate right-of-way for the following facilities:
 ...



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c. A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph’s Drive.

In each subsequent decision after the above-referenced 2002 decision, the requirement for a ramp remains as follows:

The March 27, 2018 final decision from the District Council states: “...Failure to comply with any stated condition shall constitute a zoning violation, and shall constitute sufficient grounds for the District Council to annul the rezoning approved herein; ...”

The Conceptual Site Plan 03001-01 approved on June 2019 for Balk Hill Village (aka Woodmore Commons) states on page 8, number 8: “... A-9956-C was originally approved by the District Council on July 23, 2002 with fourteen conditions. Subsequently, the District Council approved a request to amend Conditions 5 and 10 on February 26, 2018. Most of the conditions (for A-9956-C) have been addressed through previous approvals and development of the property...”

Preliminary Plan of Subdivision 4-18024, Woodmore Commons, dated October 22, 2019. In Prior Approvals on page 13 it states: “Prior applications A9956-C, contains transportation-related conditions. ...The status of the transportation-related conditions from A-9956-C are described below:

3. Future submitted plans shall demonstrate provision of adequate right-of-way for the following facilities:

...

c. A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph’s Drive.

The District Council’s zoning ordinance No. 2-2018, enacted February 2018 for the Revenue Authority (aka Woodmore Commons) States: ...the District Council conditionally approved Zoning Map Amendment 9956 (A-9956-C) subject to the following conditions:

3. Future submitted plans shall demonstrate provision of adequate right-of-way for the following facilities:

...

c. A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph’s Drive

The Zoning Map Amendment hearing held on June 14 and July 21, 2017 for the Revenue Authority/DR Horton, Inc./Balk Hill Village (aka Woodmore Commons) recommended that the District Council amend conditions 5 and 10 that were



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imposed by the District Council upon its adoption of Zoning Ordinance 16-2002 in which the District Council gave final approval for A-9956-C. The Hearing Examiner recommended that the District Council’s conditions of approval in A-9956-C be revised as follows:

On page 14, Condition 3, Future submitted plans shall demonstrate provisions of adequate right-of-way for the following facilities:

- ...
- f. A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph’s Drive

As stated earlier, the future ramp (I-310) runs parallel to Ruby Lockhart Boulevard which also runs south to north. We find it interesting that the Development Reviewer on page 24 of the report states that there were *a series of decisions made by the District Council, the Planning Board, and the operational agencies resulted in a final decision to relocate I-310 approximately 200 feet southeast of the boundary line of the subject DSP*. Which of the above listed organizations had the authority to relocate the ramp and why was it done? This relocation has allowed Woodmore Overlook, property adjacent to Woodmore Commons, to build its Grand Way Boulevard, which is the future ramp (I-310) for this DSP, at grade as opposed to a ramp as referenced in my testimony for this DSP. The Development Reviewer concludes that since this future ramp (I-310) relocation has occurred it falls outside the legal boundary of the recommended decision of this DSP. We disagree with that conclusion, since all of the following decisions, referenced earlier, require a future ramp (I-310) for this DSP:

- 2017 Zoning Map Amendment approved by the District Council.
- 2018 District Council Zoning Ordinance No. 2-2018
- 2019 Preliminary Plan of Subdivision 4-18024
- 2019 Conceptual Site Plan 03001-01

In our research we found that the Woodmore Overlook developer, whose development has a direct impact on Woodmore Commons, deeded unimproved land to the County via Liber 41329, Folio 467. If this property was used by the County to accommodate the Woodmore Overlook developer by relocating the future ramps (I-310) 200 feet southeast to create Grand Way Boulevard, this action is in violation of County Council’s CB-12-2003, CB-58-2003, CB54-2008, CB-55-2008 in which citizens are to be notified and given an opportunity to testify on zoning issues. Notification to the citizens and the opportunity to testify were not given for this transaction.

Notwithstanding Woodmore Overlook, the zoning decisions that have been referenced in my appeal for this DSP are still valid because many of the features and improvements



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in this DSP are still in the right-of-way of the future ramp (I-310). Therefore, the District Council must still disapprove the Planning Board's approval of this DSP.

Finally, my observation of the last several years is that we are reverting to pre-2003 where the developer was king, and they decided the type of development we (residents) were worthy of and deserved by working in tandem with the Planning Board to decide our fate regarding the type and quality development being proposed. The two developments referenced in our appeal will bring in at least 400 rental units, two fast food gas stations within 200 feet of each other, other fast-food stores, and other tenants that we have not yet been made aware of. We believe, more than likely, these sites will result in being inferior development, i.e., strip malls, to include any type of tenant that can afford to pay the rent. These tenants will have a direct impact on the value of the homes in this area where people have invested close to a half million dollars in their homes. It is noteworthy that \$34 million have been contributed jointly by the County and residents who abut these two sites for infrastructure, road improvements and to bring in upscale commercial development in this 202 corridor like Woodmore Town Centre at Glenarden.

The question before you is who of our elected and appointed officials are protecting the citizens' interest since we will have to live with this mess long after the developers, most if not all of whom do not live in our County, have earned their money and gone. Not a sermon, but something for public servants to seriously consider.

Thanks

Samuel H. Dean