

CARROLLTON OAK CREEK, LLC

Office of the Zoning Hearing Examiner for Prince
George's County

T R A N S C R I P T

O F

P R O C E E D I N G S

COUNTY ADMINISTRATION BUILDING

UPPER MARLBORO, MARYLAND

March 26, 2025

BEFORE:

JOYCE NICHOLS, Hearing Examiner

OTHER PRESENT:

CHRIS HATCHER, On Behalf of the Applicant
RAY VIA, On Behalf of People's Zoning
Counsel
STAN BROWN, On Behalf of People's Zoning
Counsel

Transcribed by: Ashley Bennett
eScribers, LLC
Phoenix, Arizona

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1 Upper Marlboro, Maryland
2 March 26, 2025
9:30 a.m.

3 P R O C E E D I N G S

4 MS. NICHOLS: Recording is in
5 progress. It is approximately 9:30 on the 26th
6 of March. We are here for the third -- we're
7 here for the third hearing in the Oak Creek Club,
8 which was A-8427, 8578, and 8579.

9 And I think where we left this
10 hearing was, Mr. Hatcher, you had completed your
11 direct presentation, and -- there we go. That's
12 better. And it was up to Mr. Via. Is that where
13 we are?

14 MR. VIA: I believe so. And as
15 indicated previously, Suzann King, Board of
16 Director of the Oak Creek Club HOA, is going to
17 testify on behalf of the HOA regarding the
18 amendment.

19 MS. NICHOLS: All right. Mr.
20 Brown, do you have some questions of Ms. King
21 first?

22 MR. BROWN: Yeah. Is Ms. King
23 there? I don't see her.

24 MS. NICHOLS: It's just listed as
25 Suzann. There's --

1 MR. BROWN: Oh.

2 MS. NICHOLS: She's got no last
3 name.

4 MR. BROWN: I see, I see. Okay.

5 MS. NICHOLS: Yeah.

6 MR. BROWN: Yes. I mean, I spoke
7 with Mr. Via yesterday, so he's confirmed this,
8 but Ms. -- what is your last name, Suzann?

9 MS. KING: Last name is King,
10 K-I-N-G.

11 MR. BROWN: All right, Ms. King.
12 Just to confirm, you are a member of what civic
13 association?

14 MS. KING: Yes. I am the
15 secretary of the Oak Creek Club HOA Board of
16 Directors. I'm also a resident of Oak Creek
17 Club.

18 MR. BROWN: And did the Oak Creek
19 Club Civic Association conduct a meeting
20 concerning recommending approval or denial of
21 this application at any point in time?

22 MS. KING: I'm sorry. If I could
23 ask you to repeat the question, please.

24 MR. BROWN: Yes. In the past,
25 since this case has been pending, did your civic

1 association conduct a meeting where they made a
2 decision to recommend approval or denial of this
3 application?

4 MS. KING: Yes. That was done --
5 I don't have the exact date, but that was done
6 prior, I believe it was --

7 Mr. Via, are you aware of the
8 exact date?

9 MR. VIA: It precedes your service
10 on the Board, Suzann, but it goes back, I
11 believe, to last fall -- October of last fall. I
12 told Mr. Brown I'd go through my records to see
13 if I could find it. I wasn't really able to
14 search for it yesterday, but if it's important to
15 get into the record, I can certainly get it into
16 the record after we finish here today.

17 MR. BROWN: Sure. And Ms. King,
18 do you have a document today that indicates you
19 are authorized to speak on behalf of the Board as
20 an Officer?

21 MS. KING: I'll defer to Mr. Via
22 on that question.

23 MR. VIA: All right. I mean,
24 that's the same document, Mr. Brown.

25 MR. BROWN: All right. Okay. All

1 right. So what we'll do is, before the record
2 closes, Mr. Via, if you could just give us a
3 short letter that indicates the Board met on such
4 and such a date, recommended approval or denial,
5 and Ms. King is authorized or was authorized to
6 speak on its behalf during this proceeding.

7 MR. VIA: Yes, I'm happy to do
8 that, and I'll make sure it gets into the record.

9 MR. BROWN: All right. Thank you.
10 Go ahead, Ms. King, if you have
11 any questions from Mr. Hatcher or someone else.

12 MR. VIA: I would just start the
13 direct presentation by asking a very open-ended
14 question of Ms. King. At the last hearing there
15 were some concerns raised about traffic in the
16 traffic circle, and parking on Bamberg Way, and
17 some other parking issues that have been raised
18 by members of the association. I know you are
19 familiar with that living in the adjacent land
20 bay. So can you please tell Madam Hearing
21 Examiner some of those concerns that have been
22 raised and that you have on your own?

23 MS. KING: Certainly. Good
24 morning, Madam Hearing -- excuse me, Madam Zoning
25 Hearing Examiner and People's Zoning Counsel. As

1 I mentioned, for the record, I'm Suzann King, the
2 secretary for the Oak Creek Club HOA Board of
3 Directors.

4 MS. NICHOLS: You know what, I'm
5 so sorry. So trying to get you in, I need to
6 swear you in, please.

7 MS. KING: Okay.

8 MS. NICHOLS: Do you solemnly
9 swear or affirm under the penalties of perjury,
10 in the matter now pending, to tell the truth, the
11 whole truth, and nothing but the truth?

12 MS. KING: Yes.

13 MS. NICHOLS: Thank you so much.
14 I'm sorry. Please go ahead.

15 MS. KING: Thank you. As
16 mentioned I'm also a resident of Oak Creek Club
17 in the land bay that is adjacent to the parcel
18 that is the subject of these applications.

19 As Mr. Via -- in response to Mr.
20 Via's question, it should be noted that our Board
21 has received concerns from residents about
22 traffic, parking, and related congestion. There
23 was also a member of our community who testified
24 at the last hearing regarding traffic congestion
25 around the traffic circle at Mary Bowie Parkway,

1 as where is residents and visitors will park for
2 the new -- the residents and visitors for the new
3 28 Colins Road (ph.) -- they will park,
4 especially those that have homes that are facing
5 Mary Bowie Parkway. Those are some of the
6 concerns that we had received from the community.

7 I also have other comments, Mr.
8 Via, unless you have some additional questions.

9 MR. VIA: No, please go right
10 ahead, Suzann.

11 MS. KING: Okay. As mentioned at
12 the prior hearing where we sought a continuance,
13 we were concerned about the timeliness of the
14 communication, more specifically the documents
15 that we had received the day before from the
16 applicant's counsel. I just wanted to provide an
17 update, but the Board -- excuse me, our Board
18 also sent a letter to Mr. Hatcher regarding the
19 HOA's desires moving forward regarding our
20 desired expectations for communication, including
21 the frequency of such.

22 Although I don't believe we've
23 received an official response to that letter, we
24 appreciate Mr. Hatcher's comments in the last
25 hearing that he would work with us to rectify

1 this situation.

2 I also want to take this
3 opportunity to thank Mr. Hatcher for attending a
4 community hearing earlier this month in which he
5 provided a presentation to and answered questions
6 for the community.

7 As noted previously, our Board did
8 take official action to support the upcoming land
9 development proposal, but there are definitely
10 concerns that we have received from our
11 residents. And while we understand that some of
12 those issues may be addressed in subsequent PPS,
13 CDP, or SD processes, we look forward to Mr.
14 Hatcher working with him, his team, his client in
15 terms of those upcoming proposals.

16 Today I do have a couple of
17 questions if it would be appropriate to ask him
18 at this time.

19 All right. The first question is
20 really -- maybe --

21 MR. BROWN: Well, actually, Ms.
22 King, you cannot ask questions. This is your
23 time to testify.

24 MS. NICHOLS: Right.

25 MS. KING: All right. So I'll

1 just kind of turn my questions into remarks,
2 then.

3 There was just a little concern
4 about the verbiage that was used on the ZAG (ph.)
5 agenda for this meeting because it did state on
6 the agenda that this was a request to amend the
7 basic plan to create a separate basic plan, amend
8 conditions, and raise the density cap for housing
9 to construct 28 single-family homes.

10 It was our understanding that this
11 was not an application to create a separate basic
12 plan, but simply to amend the basic plans that
13 were in place. So we do have that concern. And
14 we just wanted, as well, confirmation that the
15 designations for the church and daycare have been
16 removed.

17 But as I said, we look forward to
18 working with Mr. Hatcher's team regarding the
19 concerns from our community about the traffic,
20 congestion, parking issues, and also wanting to
21 make sure that the homes that are going to be
22 placed in that land bay are going to be
23 consistent in nature to the other land bays or
24 adjacent land bays in the development.

25 Mr. Via, I think that concludes my

1 remarks unless you have any additional questions
2 or items that you would like me to cover.

3 MR. VIA: I really don't. You
4 covered everything that I think was of concern to
5 the association very effectively. I wish every
6 witness I presented did so as effectively.

7 MS. KING: Thank you.

8 MR. VIA: But no, I really don't.
9 I think you've raised all of the pending issues.
10 And we've also reiterated our support for the
11 project subject to the caveats that we've raised
12 today.

13 MS. NICHOLS: Mr. Hatcher?

14 MR. HATCHER: I definitely
15 appreciate you, Ms. King, for the various
16 invitations that the Board has extended to the
17 applicant. The applicant will continue, as they
18 have noted, to coordinate with the Board and the
19 HOA, we believe, on a bimonthly basis -- is our
20 understanding. And so we definitely intend to do
21 that through the duration of the CDP, the SDP,
22 and the PPS and the associated plat.

23 I have no questions for you, but I
24 just reaffirm that for you on the record.

25 MS. KING: Thank you.

1 MS. NICHOLS: All right. Mr.
2 Brown, do you have any questions?

3 MR. BROWN: Ms. King, so that I am
4 clear, it is the Board's recommendation to
5 approve the application with your concerns noted?

6 MS. KING: That's correct.

7 MR. BROWN: All right. All right.
8 No other questions. Thank you.

9 MS. NICHOLS: All right. Thank
10 you.

11 Mr. Via, do you have any other
12 witnesses?

13 MR. VIA: That's all we have,
14 Madam Hearing Examiner.

15 MS. NICHOLS: All right. Mr.
16 Hatcher, do you have any witnesses?

17 MR. HATCHER: We don't have
18 anybody here to provide direct testimony. Just
19 as a point of clarification, that updated exhibit
20 was submitted on March 5th -- two updated
21 exhibits were submitted on March 5th. I just
22 want to make sure that that's reflected in the
23 record.

24 MS. NICHOLS: Okay. That was
25 Exhibit 42, and what was the other exhibit?

1 MR. HATCHER: One moment.

2 MS. NICHOLS: And Sarah, if you
3 could just verify that we received and you
4 substituted a new Exhibit 42 and Mr. Hatcher --

5 MR. HATCHER: 42 and 47.

6 MS. NICHOLS: And 47. And 47?

7 THE CLERK: Yes.

8 MS. NICHOLS: So we received on or
9 after March 5th a new Exhibit 42 and a new
10 Exhibit 47, and you substituted the new ones into
11 the record?

12 THE CLERK: Give me a minute. Do
13 you need me to pull those up?

14 MS. NICHOLS: I'm sorry?

15 THE CLERK: Do you need me to pull
16 those up?

17 MS. NICHOLS: No, no, you don't
18 need to pull them up. I just need to --

19 THE CLERK: Oh, okay. Yes. Yes.

20 MS. NICHOLS: -- make sure that
21 the revised exhibits were submitted into those
22 two slots.

23 THE CLERK: Yes.

24 MS. NICHOLS: Okay. Super. Thank
25 you.

1 There's Mr. Ferguson. Hello, Mr.
2 Ferguson.

3 All right. Mr. Hatcher, does this
4 complete your case?

5 MR. HATCHER: Yes, Madam Examiner.

6 MS. NICHOLS: Okay. Wonderful.

7 All right. Then --

8 MR. VIA: Can I raise just one
9 kind of housekeeping --

10 MS. NICHOLS: Yes. Uh-huh. Yes.

11 MR. VIA: -- point before we
12 leave? And that is you heard Ms. King raise the
13 point about -- and maybe it's a semantic point; I
14 don't know. We were under the understanding that
15 there was -- this was an amendment to the
16 original plan, not a separate application. And
17 if light could be shed on that by Mr. Hatcher or
18 anyone else that we can get that on the record, I
19 think that would be useful.

20 MS. NICHOLS: Mr. Hatcher, you can
21 answer that one.

22 MR. HATCHER: These are 02
23 amendments to the previously approved basic plans
24 so that -- these are not -- it is not our intent
25 and this has not been filed as anything other

1 than amendment to the existing basic plans.

2 Well, yeah. That's a direct
3 answer to your question.

4 MS. NICHOLS: And that's with the
5 little 02 at the end of the number means. It
6 means it's the second revision to that plan for
7 our purposes here today.

8 Okay? All right.

9 MR. VIA: Okay. Thank you very
10 much.

11 MS. NICHOLS: Thank you. Then I'm
12 going to declare the -- well, I can't close the
13 record because, Ms. King, I need the letter from
14 you stating out all the details of the HOA
15 meeting, their authorization to let you speak,
16 what their vote was, what their motion was, and
17 upon receipt of that the record in this matter
18 will close. And I really need that -- I'm going
19 to put a time on that, so let me look at my
20 calendar here for a minute.

21 So I'm going to close the record
22 on the 11th of April with or without that letter,
23 okay?

24 MR. VIA: You will have it well
25 before then.

1 MS. NICHOLS: Okay.

2 MR. HATCHER: As a point of
3 clarification, Madam Hearing Examiner, if you
4 receive the letter prior to, will that be the
5 trigger that closes the record?

6 MS. NICHOLS: Right. I can close
7 the record. Upon receipt I'll close it, but at
8 the outset April 11th.

9 MR. HATCHER: Understood.

10 MS. NICHOLS: Okay. All right.
11 Okay. And that being said, the evidentiary
12 portion of this hearing has been concluded. The
13 record will remain open until April 11th or
14 sooner for the letter from Ms. King detailing the
15 information from the date of the Board's meeting,
16 their motion, her authorization, what the vote
17 was. Upon the receipt of that the record will
18 close, and then a decision in the three cases
19 will be forthcoming.

20 I thank everybody for their
21 participation here.

22 (Whereupon, the proceedings were
23 concluded.)

24

25

1 C E R T I F I C A T E

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3

4 I, Ashley Bennett, certify that the foregoing
5 transcript is a true and accurate record of the
6 proceedings.

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9

10



11 ASHLEY BENNETT

12 CDLT-318

13

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19 Date: April 2, 2025

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