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THE PRINCE GEORGE'S COUNTY PLANNING BOARD OF
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

5801 ARBOR STREET PROPERTY
Public Hearing, DSP-21032

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
June 29, 2023
VOLUME I of I

BEFORE:

- PETER A. SHAPIRO, Chair
- DOROTHY F. BAILEY, Vice-Chair
- SHUANISE A. WASHINGTON, Commissioner
- MANUEL R. GERALDO, Commissioner
- WILLIAM M. DOERNER, Commissioner

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OTHERS PRESENT:

NATHANIEL A. FORMAN, Attorney for Applicant
DOMINIQUE LOCKHART, Staff, Zoning Section
NICOLE NIES, Resident, Cheverly West HOA President
DYLAN GALLOWAY, Town of Cheverly Administrator

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NICOLE NIES	18

P R O C E E D I N G S

1
2 MR. CHAIR: And we have our final item on our
3 regular agenda. This is item seven, DSP-21032, detailed
4 site plan 5801 Arbor Street Property. This is continued
5 from April 27, 2023. We have Ms. Lockhart with giving staff
6 presentation. And we have Mr. Forman, again. I believe we
7 do have somebody who signed up in opposition to speak on
8 this one as well.

9 Let's start with the staff. Ms. Lockhart, take it
10 away.

11 MS. LOCKHART: All right. Okay.

12 Good morning, Mr. Chair and members of the
13 planning board. For the record again, I am Dominique
14 Lockhart with the zoning section. Item number seven on the
15 agenda is detailed site plan DSP-21032 titled 5801 Arbor
16 Street Property.

17 This is an application to add a use to the table
18 of uses in the Cheverly Sector Plan Overlay. The zoning
19 ordinance allows the District Council to approve a change in
20 the list of allowed uses in a D-D-O Zone, otherwise known as
21 a Development District Overlay Zone. When making a request
22 to add a use to the table of uses, the applicant is required
23 to submit either a Detailed Site Plan or a Conceptual Site
24 Plan. The planning board is then required to make a
25 recommendation to the District Council on the request to

1 change the list of allowed uses. The proposed use in this
2 instance is wholesaling or distribution of food and beverage
3 materials. The additional backup includes a memo from the
4 town of Cheverly planning board dated May 2nd in support of
5 the subject application.

6 Next slide, please.

7 The subject property shown in red is in Planning
8 Area 69 in Council District 5.

9 Next slide, please.

10 More specifically, the subject site outlined in
11 red is located on the south side of Arbor Street
12 approximately 250 feet west of its intersection with 59th
13 Avenue. In addition, the site is less than a half mile from
14 the town of Cheverly limits to the east.

15 Next slide, please.

16 The image to the left shows that the subject site
17 is located in the Local Transit Oriented Core, or LTO-C
18 zone. The image to the right shows the subject site was
19 previously located in the Mixed-Use Infill or M-U-I zone.

20 Next slide, please.

21 The subject application is utilizing the prior
22 ordinance. And as such, the property is in the Mixed-Use
23 Infill D-D-O Zone within the Cheverly Sector Plan in SMA.

24 Next slide, please.

25 The topography map shows the site contains

1 moderate slopes throughout the property.

2 Next slide.

3 This slide shows the master plan rights of way in
4 the vicinity of the site. To the north is Arbor Street,
5 which is an industrial roadway. To the south is John Hanson
6 Highway, which is a master-planned freeway. Further east of
7 the site is Belleview Avenue and Columbia Park Road, which
8 are classified as primary and collector roadways.

9 Next slide.

10 The aerial photograph shows a closer view of the
11 site. The site is currently operating with a wholesaling
12 and distribution warehouse along with a contractor's office
13 with outdoor storage.

14 Next slide, please.

15 The proposed development plan shows the removal of
16 the existing contractor's office with the outdoor storage
17 from the property. The building housing the wholesaling and
18 distribution use will remain as is.

19 Next slide, please.

20 This is a photograph showing the front of the
21 existing building.

22 Next slide.

23 This is a photograph showing the side of the
24 building.

25 Next slide, please.

1 This is a photograph showing the rear of the
2 building where the outdoor storage yard currently exists.

3 Next slide, please.

4 The site is currently -- okay. First, let me
5 start. My apologies.

6 Staff is recommending disapproval of the requested
7 use and correspondingly denial of the detailed site plan for
8 the following reasons.

9 The site is currently operating as a wholesaling
10 and distribution warehouse along with a contractor's office
11 with outdoor storage. Per the Prince George's County
12 Department of Permitting Inspections and Enforcement, there
13 are no prior permits issued that allow these uses.
14 Therefore, the existing uses are operating without approval
15 or authorization. The applicant has pursued using occupancy
16 permits to validate the existing uses. These permits are
17 not approved and are currently on hold due to noncompliance
18 with the Development District Overlay standards, as the uses
19 are not permitted. The requested use of wholesaling and
20 distribution of food and beverage materials is also not
21 permitted in the underlying M-U-I base zone. For
22 comparison, the use is as well not permitted in the current
23 LTO-C zone.

24 The District Council, the planning board, and the
25 community invested a significant amount of time creating the

1 D-D-O zone standards and uses for the greater Cheverly
2 sector plan and SMA area. Ignoring these strategies and
3 permitted uses as adopted would go against the community's
4 wishes and land use vision for the area. All sector plans
5 go through an intensive public process which helps promote a
6 clear vision and plan that can be implemented for the
7 benefit of the community. The approved desired uses in
8 building standards were inserted to obtain the plan's vision
9 over time. Staff cannot support uses that are contrary to
10 the plan's vision as stated.

11 In addition, the applicant's request to add the
12 wholesaling and distribution warehouse of food and beverage
13 materials eliminates the opportunity to attract mixed-use
14 development to the property as recommended and outlined in
15 the sector plan.

16 In conclusion, staff recommends that the planning
17 board adopt the findings of the staff report and recommend
18 to the Prince George's County District Council disapproval
19 of the applicant's request to permit wholesaling,
20 distribution, and related storage of food and beverage
21 materials and disapprove the corresponding detailed site
22 plan.

23 This concludes staff's presentation. Thank you.

24 MR. CHAIR: Thank you, Ms. Lockhart.

25 Commissioners, any questions for staff?

1 No questions. Thank you, Ms. Lockhart.

2 We will turn to the applicant, Mr. Forman. This
3 is a -- this case -- this is an evidentiary hearing as well.
4 So we'll be requiring those intending to provide testimony
5 to take an oath.

6 Before you go, Mr. Forman, I am going to do this.
7 If there are members of your team -- I don't know if there
8 are any members of your team that were set to speak. I
9 believe we also have representatives from the Town of
10 Cheverly. And we may have somebody signed up to speak as
11 well. Nicole Nies.

12 Are you folks here or online? If so, can you
13 either speak or bring yourself up on camera?

14 MS. NIES: Nicole Nies is online.

15 MR. CHAIR: Okay. Thank you, Ms. Nies.

16 Anyone else? Do we have the representative from
17 the Town of Cheverly?

18 MR. GALLOWAY: Yes.

19 MR. CHAIR: We do. Mr. Galloway. Great.

20 Anyone else we have to speak on this?

21 Mr. Forman, anyone else from your team?

22 MR. FORMAN: It's just me from my team this
23 morning for the record.

24 MR. CHAIR: Thank you, Mr. Forman. Thank you.

25 So Mr. Galloway, Ms. Nies, if you could both raise

1 your right hands.

2 (Dylan Galloway and Nicole Nies sworn)

3 MR. CHAIR: Okay. Consider yourself both sworn
4 in.

5 And now I will turn to Mr. Forman. The floor is
6 yours.

7 MR. FORMAN: Thank you, Mr. Chair.

8 Good morning, again. For the record, Nate Forman
9 with the Offices of O'Malley, Miles, Nysten & Gilmore in
10 Greenbelt. It's my pleasure to be here again and speak on
11 behalf of the applicant.

12 I want to begin by talking about the sector plan.
13 Ms. Lockhart had mentioned that approval of this detailed
14 site plan would be against the intent and the purposes of
15 the D-D-O-Z. However, unfortunately, the existing situation
16 has shown that, while a noble goal, the actual intent and
17 the situation has maybe not necessarily been carried forward
18 or been successful. This property was resound N-U-I D-D-O
19 through the 2005 Tuxedo Road Sector Plan. And the planning
20 goals and principles were supported and carried again
21 forward in 2018 through the Greater Cheverly Sector Plan.
22 Since the adoption of the Tuxedo Road Sector Plan nearly 18
23 years ago, there has been one detailed site plan for
24 development in this whole area. And that was actually just
25 to -- for an existing use to continue as it did under the

1 existing zoning -- the prior zoning before the enactment of
2 the N-U-I D-D-O. So while there was a lot of time, expense,
3 and energy put towards the production of the N-U-I D-D-O, I
4 think there is some concerns and issues with how it actually
5 is working to benefit this area. And that perhaps the
6 mixed-use vision that was espoused by the original 2005
7 Tuxedo Road Plan and the continued forward with the 2018
8 Greater Cheverly Plan is still noble and should be
9 achievable, but perhaps it needs to have more flexibility
10 and to what that actually means in today's market.

11 So I do respect the time and effort that Mr.
12 Lockhart had put in her staff report, but I have to disagree
13 with the recommendation and would request that this board
14 approve this detailed site plan, which would allow
15 wholesaling or distribution of food or beverage materials
16 used or produced on the premises.

17 When this matter was first scheduled for a hearing
18 in December of 2022, our DSP then sought to approve uses
19 that would allow the two existing tenants to remain on 5801
20 Arbor Street: Sodibar Systems, and Chiaramonte
21 Construction.

22 Sodibar is a small business that has been
23 operating in the Washington metropolitan area since 1948 and
24 produces and distributes beverage dispensing systems,
25 equipment, bag and box syrups for sodas and juices.

1 Chiaramonte Construction uses the property for office space
2 and the storage of vehicles, and construction materials, and
3 equipment.

4 Since that first December hearing and four
5 continuances later, the revised application before you today
6 is the result of extensive negotiations and communications
7 with the Town of Cheverly including but not limited to:
8 three meetings with the mayor and city council for the Town
9 of Cheverly; three presentations before the Town of Cheverly
10 Planning Board; and numerous informal meetings with the Town
11 of Cheverly representatives. And through these discussions
12 and meetings, a few things have become clear. Perhaps most
13 importantly, a contractor's office with outdoor storage is
14 incongruent with the type of development that the town
15 wished to see on Arbor Street and the visions espoused by
16 the sector plans for the Arbor Street Tuxedo Road area.
17 Hence, in the revised application, that use has been
18 removed. So we're no longer requesting contractor's office
19 with outdoor storage.

20 Second, Sodibar, specifically, in wholesaling or
21 distribution of food or beverage materials used or produced
22 on the premises generally do not -- in general, does not
23 impair the development of Arbor Street into a pedestrian-
24 oriented main street. Sodibar brings a mixture of office
25 and production workers to the area every day -- something

1 that, in today's climate, is not necessarily true of general
2 offices or brick-and-mortar retail stores. Thus, allowing
3 Sodibar to continue to operate would contribute to the
4 number of people along Arbor Street during any given workday
5 or weekday.

6 Third, as I mentioned, Sodibar is a small
7 business. And usually, small businesses usually help
8 bolster the main street feel of an area, and specifically,
9 in this case, Arbor Street. And not to mention its
10 continued operation will contribute to the overall character
11 of the area compared to a vacant or boarded-up building
12 which is unproductive. Moreover, given its operations, it
13 has little impact in the area in terms of traffic or when
14 viewed from the street. As Ms. Lockhart showed on the
15 slide, a lot of the outdoor storage and clutter was from
16 Chiaramonte Construction, which will be removed.

17 And finally, if Sodibar were to vacate the
18 premises, approval of this DSP for this use would allow
19 potential future other users such as a coffee shop -- sorry,
20 as a coffee roastery, a bakery, distillery, or microbrewery
21 to occupy the premises. And I bring up these potential
22 future uses not just as mere puffery, but actually, because
23 in order to obtain the town support, my client agreed and
24 has executed a covenant with the Town of Cheverly that
25 mandates the sale of the property upon him receiving a bona

1 fide offer to purchase the property for its fair market
2 value. As I said, this covenant has been signed by both the
3 town and my client, and is ready to be filed among the land
4 records. And this covenant is a promise from my client to
5 the town and to the county that approving this detailed site
6 plan would not obstruct any future redevelopment of the
7 property or forfeit changes to the area. It's a hold
8 actually on the redevelopment that no other property has.
9 And in the meantime, it will remain a productive business
10 that does not impair the 2005 Tuxedo Road Arbor Street's
11 Cheverly Metro Sector Plan or the 2008 Greater Cheverly
12 Sector Plan.

13 And with that, I would like to reiterate my
14 request that the planning board approve this request, the
15 detailed site plan. And I would be more than happy to
16 answer any questions that the chair or the board may have.
17 Thank you.

18 MR. CHAIR: Thank you, Mr. Forman.

19 Commissioners, any questions for Mr. Forman at
20 this point? We certainly will have the opportunity to ask
21 more questions as we hear from the town and from other
22 folks.

23 COMMISSIONER GERALDO: Mr. Chair, I just have one.
24 And it wasn't clear to me. So is this a situation where
25 those businesses were operating without a permit?

1 MR. FORMAN: Yes, Commissioner Geraldo. So this
2 property dates back to about 1972 when it was first
3 constructed. You saw how it was built. It was built to be
4 utilitarian and serve warehousing distribution uses in an
5 area that has operated as light industry, heavy commercial
6 basically ever since the '70s with vehicle storage, autobody
7 shops, and kind of the like. So my client bought this
8 property in 2015 after the roof had been burned by a fire.
9 He bought the property, fixed up the roof, and thought he
10 was making a good investment. He looked around at the area,
11 and once again, caveat emptor. But he saw that all these
12 industrial uses were around. This building was clearly
13 meant to be for industrial use. Why should he not be able
14 to use industrial uses or have industrial tenants? So after
15 he fixed up the building, he then put it out for lease. He
16 was approached by some body shops, some vehicle emissions
17 places, and just -- he didn't want to be dealing with
18 automotive and those type of pollutants that those cause.
19 So he was able to bring in these two tenants that, one was
20 basically storing materials on the outside the property and
21 having some administrative office inside, and the other was
22 the relocation of Sodibar after there was some family
23 squabbles and they had to vacate the premises, which was a
24 little bit farther north.

25 So that's sort of a roundabout way, Commissioner,

1 to say yes. My client has been operating this property with
2 these tenants when he shouldn't have. But that's why we're
3 going through this process to try to remedy that, given all
4 these other facts and situations. And basically we've
5 been -- we started this process before the pandemic, but
6 things really got put on hold with communications between
7 the Town of Cheverly, my client, DPIE. So that way we
8 finally find ourselves here how many years -- four years
9 later after we started the process. So unfortunately, it's
10 been much longer than we wanted it to be. But we have been
11 trying to remedy the situation when we kind of -- after we
12 got it under control. So thank you.

13 COMMISSIONER GERALDO: Okay. Thank you.

14 No further questions, Mr. Chair.

15 MR. CHAIR: Thank you to Mr. Geraldo.

16 Any other questions for Mr. Forman at this point?

17 COMMISSIONER DOERNER: I just want to ask, what
18 happens if there is a disapproval? If we were to go with
19 staff recommendations, would your current tenants then have
20 to move out immediately because of DPIE enforcement? Or
21 would they be allowed somehow to continue within there, and
22 then whenever they where to change over you would have to
23 find different kind of use and occupancy?

24 MR. FORMAN: Thank you, Commissioner Doerner.

25 Disapproval would mean the tenants would have to be evicted

1 immediately. DPIE has been -- I will give them credit.
2 They've been very patient as we go through this process.
3 But following this decision, we will need to take action
4 immediately -- whether we're allowed to keep one of our
5 tenants or whether one has to be removed immediately. And
6 given my client's inability to find other tenants -- because
7 if we could find a tenant that was permitted under the table
8 of uses, we would have no problem. He would be fine going
9 that route. The problem is, he just hasn't been able to
10 find any tenant interested in leasing the site that would be
11 permitted otherwise.

12 COMMISSIONER DOERNER: I assume he hasn't done any
13 kind of like market analysis to see whether or not he can
14 sell the property under one of the permitted uses?

15 MR. FORMAN: I will -- I don't know if he's done a
16 market study. But we have had potential vendors recommended
17 by the City of Cheverly -- sorry, the Town of Cheverly to
18 come look at the space and see if they are interested in it.
19 And that just hasn't -- because if that happened, we could
20 withdraw this DSP and be happy and be good. But
21 unfortunately, that just never went anywhere.

22 COMMISSIONER DOERNER: All right. Thank you.

23 MR. FORMAN: Thank you.

24 COMMISSIONER WASHINGTON: One follow-up question,
25 Mr. Chairman, to Mr. Forman.

1 Just to clarify, you said if our action -- and
2 this is my question -- that our action would not impact or
3 require immediate eviction. Because all we're doing is
4 recommending an action to the District Council. So do you
5 mean Planning Board action or District Council action?

6 MR. FORMAN: My apologies. Thank you. Yes.
7 District Council action. Yes.

8 COMMISSIONER WASHINGTON: Thank you.

9 MR. FORMAN: Resolution of this entire detailed
10 site plan. But yes. Thank you.

11 COMMISSIONER WASHINGTON: Okay.

12 MR. FORMAN: I think I'm just hold over from my
13 earlier meeting where that was going to be like most of the
14 final action or felt like it.

15 MR. CHAIR: Fair enough.

16 Other questions for Mr. Forman?

17 All right. Let me go to the speakers. Let me
18 start with the Town of Cheverly. We have Mr. Galloway.

19 MR. GALLOWAY: Yes.

20 MR. CHAIR: All right. If you could introduce
21 yourself for the record. And the floor is yours.

22 MR. GALLOWAY: Will do.

23 Good afternoon, everyone. My name is Dylan
24 Galloway. I am the town administrator for the Town of
25 Cheverly.

1 Yeah, Mr. Forman has been correct. He has done
2 extensive -- he's met extensively with the planning board,
3 the green infrastructure committee, and the Town of
4 Cheverly. So the town has no reason to oppose this. In
5 fact, Mr. Forman was also correct. We have signed a
6 declaration of covenant to ensure that this matter could
7 potentially move forward. The Mayor Council voted on this
8 in favor to support this matter moving forward. So that is
9 pretty much all I have. We do support the proposal on the
10 table right now.

11 MR. CHAIR: Thank you, Mr. Galloway. We
12 appreciate that.

13 Any questions for Mr. Galloway? No questions.

14 We have Ms. Nies, Nicole Nies.

15 MS. NIES: Hi, thank you.

16 MR. CHAIR: If you could introduce yourself for
17 the record. And the floor is yours.

18 MS. NIES: Hi. My name is Nicole Nies. I'm a
19 resident on 59th Avenue and also the president of the
20 Cheverly West HOA, which is also in 59th Avenue and is
21 within 0.2 miles of the business in question.

22 So a couple of statements. We did want to make it
23 clear, if it hasn't been clear to the Council, that this
24 building is not within the Town of Cheverly. It's actually
25 located closest within 0.2 miles of the Cheverly West HOA.

1 We have discussed this proposal at our last HOA meeting and
2 unanimously agreed that we would not want to see this
3 request approved.

4 There's several reasons for this. Within the last
5 year, three doors down from this business, we have seen one
6 building that was vacant turnover become a restaurant -- the
7 first restaurant in this area under this new zoning. And it
8 is thriving. So for us, it is a sign of things to come.
9 This is a metro-adjacent area. I think it's a shame that
10 within 0.2 miles of the metro it's an industrial area and
11 it's not the vision of community-friendly businesses that I
12 think was the intent of the Cheverly sector plan which goes
13 beyond the Town of Cheverly.

14 There are also in the last few months at least two
15 other properties that are now for sale. If you look at
16 their for sale links online, it states that these businesses
17 are for sale under the new zoning. I think if we approve an
18 adjustment to the current zoning, it's going to set a
19 dangerous precedent where these businesses that are slowly
20 starting to turn over to more community-friendly businesses
21 are going to see that well, maybe I don't have to do this
22 anymore. We can stick to the same old same old, take a cue
23 from what's going on with this business. And we're going to
24 continue to be storage facilities, warehouse distribution
25 facilities, and quite frankly, facilities that aren't

1 attractive to community-adjacent properties that are
2 adjacent to neighborhoods. And with the new development of
3 Hospital Hill in Cheverly, this is going to bring more
4 units, more people, more interest to the Cheverly area. And
5 having community-friendly businesses adjacent to the metro
6 is an important part of overhauling this metro area, which
7 has sadly been lacking. The Cheverly sector plan was years
8 in creation. So I think to start to change that after the
9 fact because of this one business would be a terrible
10 decision for what we want to see in this area as a whole.

11 Let me see if there's anything else. I think to
12 say that the planning for the Tuxedo Area Cheverly Sector
13 Plan -- to call that a failure is premature. And when we
14 just got our first restaurant within the timeframe of when
15 this was first proposed and seeing that there's other
16 businesses that are slowly turning over, I think we'd be
17 taking a step in the wrong direction to approve this
18 proposal.

19 So I will pause there and see if there's any
20 questions. But we unanimously disapprove this. We are
21 adjacent to this building. I can literally see this
22 building from my window right now as I'm speaking. And we
23 just hope that the Council would take the staff
24 recommendation into consideration and disapprove this
25 approval.

1 MR. CHAIR: Thank you, Ms. Nies. Appreciate that.
2 Commissioners, any questions for Ms. Nies?

3 Okay. Thank you very much. We have no one else
4 who has signed up to speak for this. I will turn to the
5 applicant for the final word.

6 Any rebuttal and close, Mr. Forman?

7 MR. FORMAN: Thank you, Mr. Chair.

8 Just real brief. In response to one of the
9 comments Ms. Nies made about the restaurant, if she's
10 referring to -- I believe it's the Oasis Restaurant, which
11 is more on Tuxedo Road, that actually had been a restaurant
12 previously. So that was sort of continued over as a
13 nonconforming use. It wasn't really the establishment of a
14 restaurant in a former industrial building. It was the
15 establishment of a restaurant in a former restaurant
16 building.

17 Otherwise, I do want to say I think this is just
18 very unique and peculiar to this property and the type of
19 tenant that we're looking to see and the request we're
20 making of this board. I don't think it's going to open the
21 floodgates, especially with the new processes under the
22 zoning ordinance which don't really allow amendments to
23 table of uses. So I think this is going -- this is very
24 isolated to this one property and basically to this one
25 tenant. And I also don't think that this type of tenant and

1 this type of use that we're requesting does significantly
2 impair the intent of the Tuxedo Road sector plan or the
3 Greater Cheverly Sector Plan, because I don't believe that
4 this type of business is inherently against what could be a
5 Main Street property, a Main Street area.

6 Thank you very much. I do request approval.

7 MR. CHAIR: Thank you, Mr. Forman.

8 With that, I will close the public hearing
9 portion. Hopefully, this is the only time for this case.
10 And under deliberation -- let me start, Commissioners, just
11 to say that I have some sympathy for the property owner
12 here. And the bottom line is for me is that our
13 recommendation has to find that the requested use conforms
14 to the purposes and recommendations of the sector plan and
15 the development district plan. I don't see allowing this
16 use would do that. So I certainly don't think it's time to
17 give up on the development District Overlay Cheverly Sector
18 Plan. So for -- as we start our deliberation, let me just
19 say I'm inclined to follow staff recommendation on this,
20 even if I have some sympathy for the property owner.

21 So let me turn it to you all, fellow
22 Commissioners, and see what your thoughts are and where you
23 are with this.

24 COMMISSIONER GERALDO: So Mr. Chair --

25 COMMISSIONER WASHINGTON: I feel that -- I'm

1 sorry. Go ahead, Mister --

2 COMMISSIONER GERALDO: No. I concur. I concur
3 with the chair. I mean, this is just the beginning of
4 development of that area. And they have a vision. And I
5 know that staff and the community was very much involved.
6 And I feel sympathy for the property owner as well. But we
7 have to take -- personally I think we need to take a long
8 term view. And I know Cheverly has been wanting to have
9 those types of facilities, walk-in restaurants, some
10 pedestrian friendly. And this would just be counter to it.
11 So I concur in the chairman's comments.

12 COMMISSIONER WASHINGTON: And I was only going to
13 add -- and I will now just associate myself with both of
14 your comments, and also extending my empathy to Mr. Forman
15 and your client. But I just didn't hear anything that was
16 not as convincing as, quite frankly, the very thoughtful and
17 thorough analysis I thought staff did.

18 MR. CHAIR: Thank you, Commissioners.

19 Any other comments, questions under deliberation?

20 Commissioner Doerner?

21 Vice-Chair Bailey? Anything else?

22 COMMISSIONER DOERNER: I align with the other
23 commissioners, with what the other three have said so far.
24 It kind of pains me to like do that in some way, because I
25 don't like to see the small business, particularly the local

1 businesses do that. And I like the idea of having a brewery
2 or coffee shop, whatever, because I've got both of those
3 right down the street from me. And I know that they're not
4 like eyesores once they get started. They're fantastic ways
5 to spur economic development. And our other sort of
6 examples of local entrepreneurs kind of making successes
7 along the way. But I think it is problematic that we have
8 the maps that have been approved and the plans have been
9 approved in the new zoning ordinance. And we made great
10 strides to kind of go that way. It just -- I wish there was
11 a different condition under which we were finding ourselves
12 so I could support this. Because I would absolutely want to
13 have the tenants remain and do these kinds of things so that
14 we don't lose jobs and have other people hurt in different
15 ways. I just find it difficult to go against what the staff
16 has said and the caller who testified as well. And they
17 just made very good-pointed remarks on the issue. And
18 unfortunately, it just doesn't go the way that like my heart
19 would want it to go for when I hear Mr. Forman, because when
20 I hear the other people it's like well, my heart goes the
21 other way. And the things that we're bound by are just
22 different from which I would sometimes out of emotion would
23 want to vote in that direction.

24 MR. CHAIR: Thank you. Appreciate that,
25 Commissioner.

1 Vice-Chair Bailey, anything to add?

2 MADAM VICE-CHAIR: I don't have anything to add. I
3 just want to associate myself with the comments made by Mr.
4 Chair and my colleagues.

5 MR. CHAIR: I appreciate that. I would say that
6 I, as we wrap up, I would agree that I think that Mr. Forman
7 had a pretty thoughtful, articulate, full-throated
8 endorsement for this and rationale for it. And I was taken
9 by that. And I'm also mindful that the Town of Cheverly was
10 open to compromise on this, too. But I think staff's
11 rationale for this was crystal clear. And I think that Ms.
12 Nies actually helped as well to hear her view on that. And
13 one thing she mentioned that really caught my attention,
14 too, is the new Cheverly Hospital site development,
15 which -- that's a significant enough development and close
16 enough to this where it really could help change the market
17 a bit. So I'm mindful of that as well. But the bottom line
18 is I think staff's recommendation makes sense to me. And so
19 it sounds like that's where we are. So if there's no
20 further deliberation, Commissioners, I would look for a
21 motion.

22 COMMISSIONER WASHINGTON: Mr. Chairman, I move
23 that we adopt the findings of staff and recommend to the
24 District Council disapproval of the applicant's request to
25 permit wholesaling, distribution, and related storage of

1 food and beverage materials products and as well as
2 subsequently disapprove DSP-21032.

3 COMMISSIONER GERALDO: Second.

4 MR. CHAIR: A motion by Commissioner Washington.
5 Second by Commissioner Geraldo. Any discussion on the
6 motion?

7 I see none. I will call the roll.
8 Commissioner Washington?

9 COMMISSIONER WASHINGTON: Vote aye.

10 MR. CHAIR: Commissioner Geraldo?

11 COMMISSIONER GERALDO: Vote aye.

12 MR. CHAIR: Commissioner Doerner?

13 COMMISSIONER DOERNER: Vote aye.

14 MR. CHAIR: Vice-Chair Bailey?

15 MADAM VICE-CHAIR: Vote aye.

16 MR. CHAIR: I vote aye as well.

17 The ayes have it 5-0 for disapproval.

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

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DIGITALLY SIGNED CERTIFICATE

ESCRIBERS, LLC, hereby certified that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Prince George's County Planning Board in the matter of:

5801 ARBOR STREET PROPERTY
Public Hearing, DSP-21032

By: Justin Kim Date: August 8, 2023

Justin Kim, Transcriber