

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

3
4
5 WOODMORE COMMONS

6 Detailed Site Plan, DSP-04067-09

7 Departure from Design Standards, DDS-669

8
9 T R A N S C R I P T

10 O F

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

12
13 COUNTY ADMINISTRATION BUILDING

14 Upper Marlboro, Maryland

15
16 May 7, 2020

17 VOLUME 1 of 1

18
19
20 BEFORE:

21 ELIZABETH M. HEWLETT, Chairman

22 DOROTHY F. BAILEY, Vice-Chairman (Absent)

23 A. SHUANISE WASHINGTON, Commissioner

24 WILLIAM M. DOERNER, Commissioner

25 MANUEL R. GERALDO, Commissioner

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OTHERS PRESENT:

ANDREW BISHOP, Staff, Urban Design Section

JILL KOSACK, Staff, Urban Design Section

TOM MASOG, Staff, Transportation Section

NOELLE SMITH, Staff, Transportation Section

MARC JUBA, Staff, Environmental Planning Section

DAVID WARNER, Principal Counsel

EDWARD GIBBS, Esquire, Attorney for Applicant

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

2 MADAM CHAIR: Okay. We've got Commissioner
3 Washington in the house. Okay. Let's see our other
4 Commissioners. How are they so far away? Okay. We're just
5 waiting for our quorum.

6 COMMISSIONER GERALDO: Madam Chair.

7 MADAM CHAIR: Okay. Who was that? Okay.
8 Commissioner Doerner. Okay. Wonderful.

9 COMMISSIONER DOERNER: I think that was actually
10 Mr. Geraldo that actually talked. But yes, I'm here.

11 COMMISSIONER GERALDO: I'm here.

12 MADAM CHAIR: But where is he?

13 COMMISSIONER GERALDO: I'm right here. You don't
14 see me?

15 COMMISSIONER DOERNER: You have an invisible mask
16 on.

17 COMMISSIONER GERALDO: I've got the invisible --

18 MADAM CHAIR: I can't see, see that especially
19 vibrant bowtie. Okay.

20 COMMISSIONER GERALDO: There we are.

21 MADAM CHAIR: I still can't see it. Oh there you
22 go.

23 COMMISSIONER GERALDO: You can't?

24 MADAM CHAIR: Okay. Yes, now we're good. We're
25 good. There we go. Okay. So we have our Commissioners.

1 I'm going to check and make sure that everyone that we need
2 is back. Okay. So okay, the Planning Board is back in
3 session. We now have before us Items 9 and 10 which are
4 companion cases, Detailed Site Plan 04067-09 for Woodmore
5 Commons and Departure from Design Standards-669 Woodmore
6 Commons. I'm going to check to make sure we have everyone
7 we need. First of all, I want to make sure that we have, is
8 David Warner present?

9 (No audible response.)

10 MADAM CHAIR: David Warner?

11 MR. WARNER: Present.

12 MADAM CHAIR: Okay. Peter Goldsmith?

13 MR. GOLDSMITH: Present.

14 MADAM CHAIR: Okay. Andrew Bishop?

15 MR. BISHOP: Present, Madam Chair.

16 MADAM CHAIR: Okay. Ed Gibbs?

17 MR. GIBBS: Madam Chair, Ed Gibbs is present.

18 MADAM CHAIR: Okay. Jill Kosack?

19 MS. KOSACK: Present.

20 MADAM CHAIR: Wonderful. Paul Son?

21 MR. SUN: Present.

22 MADAM CHAIR: It says Alvin McNeil (phonetic sp.),
23 I don't know if he's present or not. But Paul you got it.

24 UNIDENTIFIED PERSON: Yes, ma'am.

25 MADAM CHAIR: Okay. Marc Juba?

1 MR. JUBA: Present.

2 MADAM CHAIR: Tom Masog?

3 MR. MASOG: Present.

4 MADAM CHAIR: Noelle Smith?

5 MS. SMITH: Present.

6 MADAM CHAIR: Okay. So we've got a number of
7 other folks here, Mike Lenhart?

8 MR. LENHART: Present.

9 MADAM CHAIR: Okay. Interesting group. Matt
10 Tedesco, are you on this one?

11 MR. TEDESCO: Yes, Madam Chair, I'm present.

12 MADAM CHAIR: Okay. Nat Ballard?

13 MR. BALLARD: Present.

14 MADAM CHAIR: Alex Villegas?

15 MR. VILLEGAS: (No audible response.)

16 MADAM CHAIR: Mr. Ballard, you got it?

17 MR. BISHOP: Yes. Yes, ma'am.

18 MADAM CHAIR: Okay. Bill Shipp?

19 MR. SHIPP: (No audible response.)

20 MADAM CHAIR: We have you signed up for this.

21 UNIDENTIFIED PERSON: (Indiscernible).

22 MR. SHIPP: Present, Madam Chair.

23 MADAM CHAIR: Okay. Bill Shipp, you're presented.
24 Okay. Great. Tracy Benjamin.

25 MS. BENJAMIN: Present.

1 MADAM CHAIR: Chris Duffy?

2 MR. DUFFY: Present.

3 MADAM CHAIR: Samuel Dean?

4 MR. DEAN: Present.

5 MADAM CHAIR: Okay. Mr. Dean. LaRay Benton?

6 MR. BENTON: Here.

7 MADAM CHAIR: Dantzler Ritchlyn?

8 MS. DANTZLER: I'm here.

9 MADAM CHAIR: Okay. I think that's all I had for
10 my signup list. Okay. Okay. So if everyone can mute your
11 phones and we're going to try get done also before we break
12 for lunch, otherwise we have to resume. So I'm going to
13 start with Mr. Bishop.

14 MR. BISHOP: Hi, can you hear me, Madam Chair?

15 MADAM CHAIR: We can indeed.

16 MR. BISHOP: Wonderful. Good afternoon Madam
17 Chair and members of the Planning Board. For the record,
18 Andrew Bishop --

19 MADAM CHAIR: You know what I'm sorry Mr. Bishop,
20 I meant to tell you --

21 MR. BISHOP: -- with the --

22 MADAM CHAIR: -- we have a whole host of exhibits
23 here. Are you going to go through them or do you need me to
24 go through them?

25 MR. BISHOP: Why don't you go through each of them

1 to make sure that they're all on the record, all been
2 received.

3 MR. GIBBS: Madam Chair?

4 MADAM CHAIR: Yes, Mr. Gibbs, are you going to do
5 it?

6 MR. GIBBS: Well, this is Ed Gibbs, I think all of
7 those documents were documents that I uploaded yesterday
8 morning --

9 MADAM CHAIR: Yes.

10 MR. GIBBS: - before 10:00.

11 MADAM CHAIR: Right.

12 MR. GIBBS: A number of those exhibits would be in
13 the nature of rebuttal exhibits.

14 MADAM CHAIR: Okay.

15 MR. GIBBS: I think that the only things that
16 would need to come in during my presentation in chief would
17 be the revised condition and a letter of May 5, 2020 with
18 Exhibits A through D.

19 MADAM CHAIR: Okay. All right. So --

20 MR. GIBBS: I had another letter of May 5th and
21 that included a number of exhibits which I indicated in the
22 letter --

23 MADAM CHAIR: Possible.

24 MR. GIBBS: -- may become important.

25 MADAM CHAIR: Okay. Got it. Okay.

1 MR. GIBBS: Yes. Okay.

2 MADAM CHAIR: So I'm just going to go forward,
3 well, you know what they're your exhibits. You can
4 introduce them, okay?

5 MR. GIBBS: Yes, that sounds good. That's
6 perfect.

7 MADAM CHAIR: Okay.

8 MR. GIBBS: Thank you.

9 MADAM CHAIR: Okay. All right. So I'm sorry, Mr.
10 Bishop, you may resume.

11 MR. BISHOP: Okay. Thank you. So as you
12 mentioned, Items 9 and 10 are DSP-04067-09 which is
13 proposing the construction of 268 multifamily dwelling
14 units, a 5,000 square foot clubhouse and includes a
15 departure from Design Standards 669 which is requesting a
16 reduction in the standard parking space size to 9 feet by 18
17 feet. Slide 2, please.

18 This site is located in Planning Area 73, Council
19 District 05. Slide 3, please.

20 The property is in the northeast quadrant of the
21 intersection of Ruby Lockhart Boulevard and Saint Joseph's
22 Drive and has frontage on the public road of Tolson Lane.
23 The property to the east was approved for the development of
24 single family attached residential dwelling units and is
25 known as Woodmore Overlook. Slide 4, please.

1 The property was the subject of Zoning Map
2 Amendment A-9956-C and was rezoned to the Mixed-Use
3 Transportation Oriented Zone. Additionally, it should be
4 noted that the site was part of CSP-03001-01 for Balk Hill
5 which was recently approved and amended to include this
6 multifamily use, which is included in the application. The
7 site is bounded by other uses in the M-X-T Zone and as seen
8 in this slide outlined in red. Slide 5, please.

9 This aerial shows the vacant site outlined in red.
10 Slide 6, please.

11 The site includes varied topography and slopes to
12 the south and east. It is noted that there are no
13 environmental features on the property. Slide 7, please.

14 This slide shows the Master Plan Rights-of-way
15 which abut the property. These include the collector of St.
16 Joseph's Drive to the west, and Ruby Lockhart Drive to the
17 south. It should be noted that the site also has frontage
18 on the public and private roads of Tolson Lane which abut
19 the property on the north. Slide 8, please.

20 This aerial shows the bird's eye view of the
21 undeveloped site. Slide 9, please.

22 This exhibit shows the Detailed Site Plan
23 submitted with the application. As discussed the
24 application is companion to DDS-669 which requests a
25 departure from the Zoning Ordinance and is asking for

1 approval from the standard parking space size to allow a
2 parking space size of 9 by 18. This is further discussed on
3 pages 13 and 14 of the Technical Staff Report and staff is
4 recommending approval. Slide 10, please.

5 This exhibit shows the Landscape Plan submitted
6 with the application and meets the applicable requirements
7 of the Landscape Manual with the exception of the treatment
8 of the site along a portion of Tolson Lane and is
9 conditioned to be revised. Slide 11, please.

10 This is a pedestrian and bike exhibit highlighting
11 the pedestrian connectivity on the property. It should be
12 noted that the Staff Report includes Condition (B) (1) (b)
13 that requires a sidewalk connection to the existing sidewalk
14 on the public right-of-way of Tolson Lane. This is
15 represented by the red arrow on the plan. The applicant
16 will be proposing to remove this condition and staff is not
17 in agreement.

18 Staff proposes the deletion of Condition (B) (1) (b)
19 for several reasons. For example, the site was included in
20 the area CSP-03001-01 and it's part of the same approved
21 development. Further, this DSP was just amended to include
22 the multifamily use that was proposed with this application.
23 Tolson Lane north of the property is a public right-of-way
24 and the aerials that have been reviewed by staff show the
25 existing sidewalks on both sides of the roadway where the

1 connection is proposed and would require, and are
2 approximately 50 to 60 feet from the proposed sidewalk
3 that's show in blue that the applicant is proposing. The
4 site and the surrounding properties are zoned M-X-T and
5 should be part of the same comprehensive pedestrian network,
6 improving connectivity and staff's recommended sidewalk
7 condition would support the purpose of the M-X-T Zone by
8 promoting the use of transit and reduce automobile trips, by
9 locating a mix of uses in proximity to one other and
10 facilitate walking, bicycling and encourage transit use,
11 making it easy for the existing and future residents to
12 access the open space of Balk Hill Village and walk to the
13 existing and planned commercial uses south and east of the
14 property. Slide 12, please.

15 This exhibit is an illustrative Site Plan of the
16 proposed improvements with the new multifamily buildings,
17 clubhouse and landscaping on the site. Slide 13, please.

18 The architectural elevations show the
19 architectural character of the proposed buildings. Slide
20 14, please.

21 The design of the multifamily residential
22 buildings is contemporary with gabled roofs and provides
23 emphasis on the variation of façades through the application
24 of different buildings, building volumes and massings.
25 Slide 15, please.

1 The exterior of the building is predominantly
2 finished with high quality building materials such as metal,
3 glass, fiber cement panels and access of brick and composite
4 wood on the lower levels, and staff recommends approval.
5 Slide 16, please.

6 This exhibit shows the details of the proposed
7 signage on the property and includes some of the same, some
8 accents matching some of the materials used in the building.
9 Slide 17, please.

10 This perspective rendering shows an illustrative
11 of the applicant's vision for the final development of the
12 site.

13 In conclusion, the Urban Design Section recommends
14 the Planning Board adopt the findings of this report and
15 approve Detailed Site Plan, DSP-04067-09, DDS-669 and TCP2-
16 0-82-05-05 for Woodmore Commons subject to the conditions
17 found in the Staff Report. This concludes staff's
18 presentation. Thank you.

19 MADAM CHAIR: Thank you, Mr. Bishop. Let's see if
20 there's any questions. I'm going to start with, let's start
21 with Commissioner Doerner first.

22 COMMISSIONER DOERNER: No questions.

23 MADAM CHAIR: Commissioner Geraldo?

24 COMMISSIONER GERALDO: What was the or what is the
25 applicant's reason for not wanting to put the sidewalk?

1 MR. BISHOP: Well, I'll let Mr. Gibbs answer that.

2 MADAM CHAIR: I think they should answer that
3 question when they present.

4 COMMISSIONER GERALDO: Thank you.

5 MADAM CHAIR: Okay. But are there any questions
6 of Mr. Bishop? No?

7 COMMISSIONER GERALDO: No, no other questions,
8 thank you.

9 MADAM CHAIR: Okay. Commissioner Washington?

10 COMMISSIONER WASHINGTON: No questions.

11 MADAM CHAIR: Okay. Okay. So Mr. Gibbs?

12 MR. GIBBS: Good morning, or good afternoon at
13 this point, Chair Hewlett, members of the Board, Edward
14 Gibbs, an attorney with Gibbs and Haller with our office
15 located in Largo and actually directly across Route 202 from
16 this site.

17 I'm here today representing Balk Hill Ventures,
18 LLC and that is an entity which has been formed by the
19 principals of Petrie Richardson Ventures and of course
20 Petrie Richardson was and is the master commercial developer
21 for Woodmore Town Center at Glenarden which of course is
22 just across St. Joseph's Drive from the subject property. I
23 have signed up today Chris Duffy, who is a principal with
24 both of these entities and he's going to be available for
25 any questions. There is an extensive signup sheet and let

1 me just explain that a bit.

2 The property that Balk Hill Ventures has under
3 contract consists of two parcels, both between nine and a
4 half and 10 acres each. They're known as Parcel 1 and
5 Parcel 2 and they're the subject of recorded plats of
6 subdivision which have been on record for many years. The
7 subject application has Parcel 1 as its subject matter and
8 it's located in the northeast quadrant of the intersection
9 of St. Joseph's Drive and Ruby Lockhart Boulevard. This
10 particular Site Plan while it covers the entirety of Parcel
11 1, really the improvements are only going to be on a part of
12 Parcel 1, Parcel 1 and Parcel 2 have both been the subject
13 of a recently approved Subdivision Plan by you and Parcel 1
14 will ultimately consist of two lots, they're called
15 Parcel 10 and Parcel 11. And Parcel 2 which is out on 202
16 will consist of seven individual lots and will be the
17 primary commercial component of this development which is
18 known as Woodmore Commons.

19 So the developer and builder of these multifamily
20 units will be a limited liability company which has been
21 created by Varsity Investment Group, Varsity is a nationally
22 known and recognized quality developer, builder and owner of
23 multifamily units. They have two projects already in Prince
24 George's County, one is the student multifamily housing
25 project, very successful and extremely attractive on U.S. 1

1 next to the University of Maryland. It's called The Varsity
2 and they have also been involved in a very ambitious
3 renovation of a vacant office building on Oxon Hill Road.
4 So they're familiar with the county and they have an
5 outstanding reputation for bringing quality development and
6 construction wherever they go across the country.

7 I think that, so they're here, their attorney is
8 Matt Tedesco, that is his reason for being part of this
9 case. Their engineer is Mr. Nat Ballard of Rodgers
10 Consulting is on the line and they prepared the actual
11 Detailed Site Plan and have a detailed knowledge of the way
12 the plan works and the way the site will work and they're
13 available for questions as well. I would anticipate that I
14 will do the major presentation, others would be available
15 for answering questions.

16 I don't know how much the Board remembers about
17 the history of this project. Originally, it was rezoned to
18 the M-X-T Zone in 2002. John McDonough, if you remember him
19 was the attorney for Rocky Gorge Communities --

20 MADAM CHAIR: We do.

21 MR. GIBBS: -- and they were the applicant in that
22 case. Rocky Gorge was a residential developer and even
23 though they wanted the M-X-T Zone they were not going to be
24 a commercial developer. But they did want to pursue the
25 residential development so the property was in fact rezoned

1 in 2002 in A9956C. It was approved subject to a number of
2 conditions and Rocky Gorge ended up never actually
3 developing and building the residential units. They sold to
4 D.R. Horton. D.R. Horton has successfully built the
5 residential units. There are 393 units of varying types
6 which form the community. There were these two parcels,
7 Parcel 1 and Parcel 2 which were also rezoned M-X-T and
8 clearly they were part of the overall development.

9 MADAM CHAIR: Okay. Mr. Gibbs?

10 MR. GIBBS: Yes?

11 MADAM CHAIR: And if at any point you wish for us
12 to change to switch slides, let us know. Okay. Okay.

13 MR. GIBBS: Yes.

14 MADAM CHAIR: Okay.

15 MR. GIBBS: I'll certainly do that.

16 MADAM CHAIR: Okay.

17 MR. GIBBS: I'll certainly do that, but Parcel 1
18 and Parcel 2 were part of the original rezoning and they
19 constituted the bulk of what would end up being the mix of
20 uses to satisfy the criteria for more than one use in the M-
21 X-T Zone. They were really never developed and if you had
22 the time to look through all of the prior approvals for Balk
23 Hill which is what this project was known, as I have, you
24 would see that the 393 residential units have throughout
25 virtually every approval been treated as their own separate

1 development. And that will become relevant as we move
2 forward to the one condition that we have an issue with.

3 So Parcels 1 and 2, again were never developed.
4 D.R. Horton took the property through its Conceptual Site
5 Plan, CSP-03001 which was approved in November of 2003.
6 They took the entirety of the property through Preliminary
7 Subdivision Plan 4-03094 approved in March of 2004, and the
8 overall Detailed Site Plan DSP-04067 approved in June of
9 2006. All three of those approvals included the entirety of
10 the project, meaning the 393 units as well as Parcels 1 and
11 2. So they were all included, it's just that there was no
12 development ever proposed in those plans for Parcels 1 and 2
13 which again Parcel 2 is what we're here on today.

14 The record of those cases reveals that Parcels 1
15 and 2 were ultimately requested by the County Executive to
16 be deeded to the Revenue Authority for Economic Development.
17 That deed of conveyance was granted to the Revenue Authority
18 by D.R. Horton in June of 2002 and it's part of the record
19 of this case already.

20 The Revenue Authority did not develop the property
21 and in 2014 they issued a request for qualifications.
22 Petrie Richardson responded to that RF-2, they were
23 successful and they negotiated a contract of sale with the
24 Revenue Authority. So Petrie Richardson through the Balk
25 Hill Ventures, LLC with they have created is now the

1 contract purchaser of both Parcels 1 and 2.

2 Now when my client became the contract purchaser
3 we looked at the conditions which were attached to the
4 original rezoning and we had a question about two of those
5 conditions, and I've gone over this with the Board in two
6 prior cases, but to refresh your recollection we were
7 concerned with Condition 5 and Condition 10.

8 And in Condition 5 and again those approval
9 documents are part of the record in this case but in
10 Condition 5 there was a recitation of development caps for
11 the project and it said the entire development would be
12 limited to 20,000 square feet of retail space, 328,480
13 square feet of general office space, and 393 residences and
14 then I quote, for other permitted uses which generate no
15 more than 1,013 a.m. and 1,058 p.m. peak hour units.

16 Notwithstanding the language of Condition 5, we
17 sought clarification from Matt Mills, who at that time was
18 counsel to the Park and Planning Commission on Condition 5
19 and on Condition 10.

20 Condition 10 in the original approval required the
21 establishment of Advisory Planning Committee consisting of
22 what was then the applicant and representatives from St.
23 Joseph's Parish, Lake Arbor, Fox Lake, Largo and Kettering
24 Civic Associations, which were to be, quote, established to
25 advise the Revenue Authority comma a community development

1 corporation or another nonprofit entity about the
2 development comma use and disposition of the 20 acre
3 employment parcel. And that would be Parcels 1 and 2.

4 So Mr. Mills opined that Condition 10 had been
5 satisfied and that Condition 5 would allow other development
6 as long as the trip cap was not exceeded. In order to be
7 cautious we went ahead and filed a request to clarify and
8 revise Conditions 5 and 10, we went through the process of a
9 hearing before the Zoning Hearing Examiner and in February
10 of 2018 the District Council amended Conditions 5 and 18 in
11 a subsequent final order, approving again the rezoning. And
12 they clarified Condition 5 to say that development of the
13 property would be limited to the prior approved 393
14 residential units, which is of course the D.R. Horton
15 project. And then they said quote, plus additional
16 permitted uses under the M-X-T Zone which generates no more
17 than 1,013 a.m. and 1,058 p.m. peak hour vehicle trips. So
18 they just simply clarified that Condition 5 really allowed
19 any use at all in the M-X-T Zone as long as the trip cap was
20 not exceeded.

21 They amended Condition 10 because the Advisory
22 Planning Committee condition had been satisfied. The
23 original Preliminary Subdivision Plan 4-03094 had Condition
24 22 which actually required the deeding of those parcels to
25 the Revenue Authority, and that resolution is in the record

1 of this case, we filed it.

2 The approval of the original overall Detailed Site
3 Plan, DSP-04067 in the resolution of approval in that case
4 at page 7, Finding 16, the Planning Board found in fact that
5 Condition 10 had been satisfied, that the Advisory Planning
6 Committee had been established and reliance was made on
7 communications via a letter from Vernal Arrington (phonetic
8 sp.) as well as letters from individual associations making
9 up the Advisory Planning Committee. Those are referenced in
10 Finding 16 on page 10 of that resolution and Condition 10 in
11 that resolution also clearly states that the Advisory
12 Planning Committee had been formed as required.

13 I did include copies of those letters from the
14 various civic associations in my second May 5th
15 correspondence and I guess it is appropriate for those to be
16 added, even though it's a little bit of an anticipation
17 through some comments that might be made after I complete my
18 presentation, because they've been made in prior cases
19 before you as well. But those letters are July 21, 2005
20 from Vernal Arrington to Gary Wagner.

21 MADAM CHAIR: Mr. Gibbs, hold on because --

22 MR. GIBBS: Yes.

23 MADAM CHAIR: -- I have them but I'm just, they're
24 stacked here, so I just want to make sure I find everything
25 that I need. So they're included in your May 6th?

1 MR. GIBBS: Correct, well --

2 MADAM CHAIR: Let me see.

3 MR. GIBBS: -- the letter ended up being dated May
4 5th --

5 MADAM CHAIR: Okay.

6 MR. GIBBS: -- unfortunately. It was supposed to
7 be dated May 6th.

8 MADAM CHAIR: Okay.

9 MR. GIBBS: But yes, and if you want me to go
10 through them real quick, it's a letter of July 21, 2005 from
11 Vernal Arrington --

12 MADAM CHAIR: All right. Hold on.

13 MR. GIBBS: -- who was counsel --

14 MADAM CHAIR: Yes. Okay.

15 MR. GIBBS: He was counsel to the developer.

16 MADAM CHAIR: Okay. Okay. So she, so her firm,
17 so that was John McDonough's firm at one time, I guess and
18 that's why we have Mr. Shipp, I guess. Okay.

19 MR. GIBBS: Yes. And then there are letters from
20 or memoranda from Lake Arbor Civic Association from Richard
21 Day confirming he is serving from Adrian Francis, I guess
22 and Wendy West. On behalf of the control management systems
23 and services for the Fox Lake HOA from Phil Lee from the
24 Kettering Civic Federation June 5, 2004. And from Kenetta
25 Spencer (phonetic sp.) a letter of June 16, 2004, again

1 confirming that Charles Renniger will be serving on behalf
2 of the Largo Civic Association.

3 So on the basis of that correspondence the
4 Planning Board made its finding that Condition 10 had been
5 satisfied. So when our revision got to the District Council
6 on 2018, they amended 5 as I discussed and then they amended
7 Condition 10 and the express order of the District Council
8 was to change 10 and to require prior to acceptance of a
9 Detailed Site Plan that the applicant was required to meet
10 at a minimum with representatives of St. Joseph's Church and
11 also with representatives of Balk Hill.

12 Now there's lot of documentation in the record
13 that in spite of the limitation being made to just those two
14 entities, we have had meetings, multiple meetings prior to
15 the submission of this, the acceptance of this Detailed Site
16 Plan with not just those two entities, but with all of the
17 original entities as well. There have been probably around,
18 there were probably around five meetings, I could go through
19 the dates if you wish that we had with all of the --

20 MADAM CHAIR: If you have the dates handy --

21 MR. GIBBS: -- all of the --

22 MADAM CHAIR: If you have the dates handy --

23 MR. GIBBS: Pardon me?

24 MADAM CHAIR: -- if you have the dates handy you
25 might as well just acknowledge that dates.

1 MR. GIBBS: Sure thing. First of all, Balk Hill
2 Village wanted an individual meeting, so we met with them on
3 November 4, 2019, Mr. Sam Dean was in attendance at that
4 meeting and spoke. We met individually with representatives
5 of St. Joseph's on two occasions, September 11th and October
6 31st of 2019. They had some items which were unique to
7 their concern relative to gaining a second access from the
8 back of their property and that was the gravamen of those
9 two meetings.

10 We met, we had a meeting with all invited civic
11 associations, all of those who were on the list from the
12 original Condition 10 as well as the revised Condition 1.
13 We had that meeting on November 18th at St. Joseph's Church
14 and at that time we briefed everyone attending on this
15 Detailed Site Plan that we were proposing to file and in
16 addition we fielded questions from anyone who was interested
17 in asking us anything about development plans for both
18 parcels.

19 And then Mr. Duffy, the Largo Civic Association
20 did not attend the November 18th meeting and they had asked
21 us to brief them separately at their civic association
22 meeting of November 20, 2019. I had another hearing that
23 night and couldn't attend but Mr. Duffy went individually to
24 that meeting and briefed them. And then, excuse me,
25 finally, Mr. Duffy met individually with representatives of

1 Balk Hill Civic Association on December 17, 2019. You know,
2 in addition there have been you know telephone conversations
3 and e-mails exchanged as well in addition to those formal
4 meetings.

5 So after Conditions 5 and 10 were revised by the
6 District Council in February of 2018, we were able, meaning
7 Balk Hill Ventures, Mr. Duffy and I and his partners, we
8 were able to move forward and we wanted to amend the
9 Conceptual Site Plan, because the original Conceptual Site
10 Plan didn't show anything for these two properties. So we
11 went in and we indicated that we would like to do a grand
12 total of somewhere between 65,000 and 100,000 square feet of
13 commercial and 284 multifamily units, all of which were
14 permitted uses in the M-X-T Zone. We said that the 284
15 units would be built on part of Parcel 1, Parcel 2 would be
16 entirely commercial and the balance of Parcel 2 would have a
17 small commercial component right at the intersection of Ruby
18 Lockhart Boulevard and St. Joseph's Drive. So that was CSP-
19 03001-01, which was approved in June of 2019 by the Planning
20 Board and in October of 2019 by the District Council.

21 We then filed a new Preliminary Subdivision Plan
22 just for Parcels 1 and 2 and that was 4-18024 it shows seven
23 lots on Parcel 2 and two lots on Parcel 1 and the
24 multifamily is one of those two lots.

25 There had been a total of eight revisions to the

1 original Detailed Site Plan of 04067 and so this Site Plan
2 that is before you today is the ninth revision and it's DSP-
3 04067-09, and it has as its subject matter solely the
4 multifamily component. As it's been reconfigured it is five
5 buildings with a total of 268 units and a freestanding
6 clubhouse/recreation center of approximately I believe 5,000
7 square feet, roughly in the center of the development.

8 So first of all, you know, we worked I think very
9 well with staff, they had some concerns initially about our
10 parking. We worked that out, we amended the plan, we
11 deleted some of the units originally we had had 284, we're
12 at 268. So we --

13 MADAM CHAIR: Hey, Mr. Gibbs --

14 MR. GIBBS: -- certainly, yes?

15 MADAM CHAIR: -- you had, it's a lot of extensive
16 history there and I'm trying to keep up with you and I know
17 we have counsel on the line. I want to make sure, two
18 things. So I'm looking at the Council Ordinance which is A-
19 9956-C of the amendment and the amendment of Condition 5 is
20 on page 2 for our Board members and attorneys and the
21 amendment of Condition 10 is on page 3. The first one talks
22 about the limitation of to the 20,000 square feet of retail
23 space et cetera and 393 residents or other permitted uses,
24 that's what you were saying, right? The 393 residents or
25 other permitted uses which generate no more than 1,013 a.m.

1 and 1,058 p.m. peak hour vehicle trips. That's Condition 5
2 that you're talking about, right?

3 MR. GIBBS: Yes.

4 MADAM CHAIR: Okay.

5 MR. GIBBS: But what you just referred to Madam
6 Chair is the original iteration --

7 MADAM CHAIR: Okay.

8 MR. GIBBS: -- of Condition 5.

9 MADAM CHAIR: Okay. So now --

10 MR. GIBBS: Because what you --

11 MADAM CHAIR: Go ahead.

12 MR. GIBBS: -- you have to go back to the back of
13 that order --

14 MADAM CHAIR: Page 4?

15 MR. GIBBS: No, what they include in the front is
16 the original conditions.

17 MADAM CHAIR: Right. Right.

18 MR. GIBBS: And then at the end of that, well then
19 you go to page 4 --

20 MADAM CHAIR: Right.

21 MR. GIBBS: -- and there are proposed Condition 5
22 and 10.

23 MADAM CHAIR: Right.

24 MR. GIBBS: In that order of the Council. Then
25 keep going.

1 MADAM CHAIR: Okay.

2 MR. GIBBS: All the way back to page 7.

3 MADAM CHAIR: Okay. Oh I see, okay.

4 MR. GIBBS: And what the District Council does is
5 they restate all of the conditions but the ones they amend
6 are shown in their amended final iteration.

7 MADAM CHAIR: Okay. Got it. So we're on page 7.
8 Okay.

9 MR. GIBBS: So you --

10 MADAM CHAIR: Okay.

11 MR. GIBBS: Yes, so you see how Condition 5 has
12 been amended.

13 MADAM CHAIR: Correct.

14 MR. GIBBS: So just refer to the 393 residential
15 units --

16 MADAM CHAIR: And not --

17 MR. GIBBS: -- and then any other uses in the M-X-
18 T Zone as long as the trip cap is not exceeded.

19 MADAM CHAIR: Correct.

20 MR. GIBBS: And then Condition 10 was amended is
21 down at the bottom of page 7.

22 MADAM CHAIR: Right. Written confirmation --

23 MR. GIBBS: And it carries over to the top of page
24 8.

25 MADAM CHAIR: -- that has held a community meeting

1 which and those folks were listed, some of those folks were
2 listed in the earlier condition. Okay. Got it. So with at
3 least representatives from --

4 MR. GIBBS: Yes.

5 MADAM CHAIR: -- St. Joseph's Parish and the Balk
6 Hill Homeowner's Association. Okay. Got it. Okay.

7 MR. GIBBS: Correct.

8 MADAM CHAIR: And then --

9 MR. GIBBS: But we had many more, we had many
10 more, we extended invitations to everybody on the original
11 list.

12 MADAM CHAIR: Okay. But I want to ask you one
13 other, and then the condition that you, the opinion that you
14 stated from our attorney Matt Mills was what again? Can you
15 just reiterate that?

16 MR. GIBBS: We had actually and exploratory
17 meeting before we actually even filed the request to revise
18 the conditions --

19 MADAM CHAIR: Okay.

20 MR. GIBBS: -- and we talked about 5 and 10.

21 MADAM CHAIR: Yes.

22 MR. GIBBS: And we discussed the fact that in 5,
23 that in Condition 5 the final phrase in Condition 5 --

24 MADAM CHAIR: Right.

25 MR. GIBBS: -- you know gave you the authority to

1 at least arguably go for any use permitted in the M-X-T
2 Zone.

3 MADAM CHAIR: Right.

4 MR. GIBBS: He opined and Mr. Shipp who was part
5 of that whole process at that time on behalf of, he was
6 counsel to the Revenue Authority.

7 MADAM CHAIR: Right.

8 MR. GIBBS: He has knowledge of this as well, and
9 Mr. Mills opined that actually Condition 10 had been
10 satisfied and I think --

11 MADAM CHAIR: Okay.

12 MR. GIBBS: -- I think it's been a while back, but
13 I think that Mr. Mills was relying upon the finding in the
14 Planning Board's resolution.

15 MADAM CHAIR: Okay. Got it. Okay.

16 MR. GIBBS: Okay?

17 MADAM CHAIR: Okay. I'm with you now.

18 MR. GIBBS: All right. So you know now we're to
19 the present and again you know we appreciate, there's been a
20 lot of staff effort put into this case, we appreciate it.
21 Part of what we did to provide even more parking spaces was
22 to file the departure to reduce parking space sizes to 9 by
23 18 which is pretty much what all the surrounding
24 jurisdictions have already and what is also is in our new
25 Zoning Ordinance, which of course is not yet effective.

1 Our real, we have one issue and one issue alone
2 with the Staff Report, and that is with Condition (B) (1) (b).

3 MADAM CHAIR: Wait a minute.

4 MR. GIBBS: Where --

5 MADAM CHAIR: Hold on a second. I've got to put
6 all these exhibits away and get back to that. Okay.

7 MR. GIBBS: Okay.

8 MADAM CHAIR: So (B) (1) (b). Okay.

9 MR. GIBBS: Yes. And (B) (1) (b) says provide a
10 standard sidewalk connecting the sidewalks around the
11 multifamily building to the sidewalk within Tolson Lane.

12 Now if you look at page 12 of the Staff Report in
13 this case, your staff analyzes Section 27-546(d) of the
14 Zoning Ordinance which sets forth findings that a Planning
15 Board has to make when they approve a Site Plan in the M-X-T
16 Zone. And they, if you look at the discussion relative to
17 Section 27-546(d) (7) --

18 MADAM CHAIR: Okay. So you're on --

19 MR. GIBBS: -- that's criterion --

20 MADAM CHAIR: -- page 12, you said you're on page
21 12?

22 MR. GIBBS: Yes.

23 MADAM CHAIR: Okay.

24 MR. GIBBS: Yes, I'm on page 12, right. Yes.

25 MADAM CHAIR: Okay.

1 MR. GIBBS: That criterion reads quote, the
2 pedestrian system is convenient and is comprehensively
3 designed to encourage pedestrian activity within the
4 development. And then their response --

5 MADAM CHAIR: Okay. So let me let folks know
6 we're looking at Finding 7 there on page 12. Okay.

7 MR. GIBBS: That's correct. And then their
8 finding is, well that's the criterion from the Code --

9 MADAM CHAIR: I mean that's the criteria --

10 MR. GIBBS: -- which is in bold.

11 MADAM CHAIR: -- but they have the finding
12 underneath. Yes.

13 MR. GIBBS: The finding is underneath.

14 MADAM CHAIR: Yes.

15 MR. GIBBS: And they discuss in their finding they
16 say that a comprehensive internal sidewalk system is
17 proposed with sidewalks located generally on both sides of
18 private streets and along Ruby Lockhart. However, to
19 complete the system a pedestrian connection is needed --

20 MADAM CHAIR: Okay.

21 MR. GIBBS: -- from the multifamily buildings to
22 the sidewalk within the right-of-way of Tolson Lane to the
23 north.

24 MADAM CHAIR: Okay.

25 MR. GIBBS: This will ensure convenience --

1 MADAM CHAIR: Can you direct us --

2 MR. GIBBS: -- and comprehensive connection.

3 MADAM CHAIR: -- okay, can someone direct us to
4 what slide would give us a visual?

5 MR. GIBBS: If you go to the aerial photograph
6 really, Andrew, if you could go to the aerial --

7 MADAM CHAIR: Well it's not Andrew doing it, so
8 you can just --

9 UNIDENTIFIED PERSON: Wait, wait, go back, go
10 back. Go back, there, no there.

11 MADAM CHAIR: That one?

12 UNIDENTIFIED PERSON: Yes.

13 MADAM CHAIR: That's not --

14 MR. GIBBS: Well that shows where they want the
15 connection and let me --

16 MADAM CHAIR: Is this one okay or --

17 MR. GIBBS: -- just --

18 MADAM CHAIR: -- do you want the aerial?

19 MR. GIBBS: Well I'm going to ultimately go to the
20 aerial but I can certainly start here because this is our
21 exhibit. So that red arrow is where they want the
22 connection. Now we had a condition in our Preliminary Plan
23 that required us to provide a pedestrian and bicycle exhibit
24 for our development as part of our Detailed Site Plan
25 application and this is in fact that exhibit.

1 MADAM CHAIR: Okay.

2 MR. GIBBS: It shows our five buildings and this
3 exhibit is telling in terms of this condition as well,
4 because if you look we have two building design standards
5 right out on Ruby Lockhart Boulevard. We have our clubhouse
6 in the center, then we have two buildings around the
7 clubhouse and then to the rear of that fourth building
8 there's one small building and they're asking for the
9 connection to be made, it's actually got to go through the
10 parking lot to hit the cul-de-sac on Tolson Lane.

11 MADAM CHAIR: So Mr. Gibbs --

12 MR. GIBBS: In fact, you can see the words --

13 MADAM CHAIR: Go ahead.

14 MR. GIBBS: -- you can see the words Tolson Lane
15 in this drawing. That really is a private driveway, it is a
16 parking lot to serve commercial townhomes which are on the
17 arc of that circle immediately to the right of the words
18 Tolson Lane. Okay. That is not a public road. There is no
19 sidewalk on Tolson Lane on that whole ring that abuts our
20 property boundary. Those are just parking spaces with a
21 curb that go right up to our property line. The only
22 sidewalk that exists is in the cul-de-sac itself where the
23 red arrow was shown on that exhibit.

24 MADAM CHAIR: Okay. So I'm trying to --

25 MR. GIBBS: Now --

1 MADAM CHAIR: Mr. Gibbs, you know your case
2 better. I'm trying to make sure I'm following you. So
3 basically what you're saying is the required finding, the
4 finding is that the pedestrian system is convenient, it is
5 comprehensively designed to encourage pedestrian activity
6 with the operative words here from your standpoint are
7 within the development.

8 MR. GIBBS: Well there's a lot of operative words
9 but that's one of them, yes.

10 MADAM CHAIR: Okay. That's one of them. And then
11 you go on, then the finding says that the comprehensive
12 internal sidewalk is proposed for the development, and so
13 that --

14 MR. GIBBS: Correct.

15 MADAM CHAIR: -- but then the analysis goes on to
16 say, however, to complete the system a pedestrian connection
17 is needed from the multifamily buildings to the sidewalk
18 within the right-of-way of Tolson Lane to the north. Okay.
19 So you're saying two things, one that goes beyond the
20 finding, the standard that's of Item 7 because it's external
21 and number two I think you're saying then and that
22 furthermore within the right-of-way of Tolson Lane to the
23 north you're saying that's a commercial townhouse
24 development that's a private street with just parking, no
25 sidewalks.

1 MR. GIBBS: That's right. It is nothing more than
2 a parking lot. Now look, to be fair to Mr. Bishop, the cul-
3 de-sac that you see there, that bulb on that, right there --

4 MADAM CHAIR: Yes.

5 MR. GIBBS: -- that is public at that point.

6 MADAM CHAIR: Okay.

7 MR. GIBBS: And there is a sidewalk there and it
8 goes all the way out and there's a broader circle in front
9 of, out on St. Joseph's Drive there's a circle with a piece
10 of public art in it out there and that's a public road as
11 well. I understand what staff is saying.

12 First of all, they're saying within the
13 development, they're looking at the entire 125 acre Balk
14 Hill project as quote, the development because it's all
15 going to M-X-T. What I'm saying is I'm going to say a
16 number of things why we think this is not needed or
17 appropriate. Number 1, again, if you look at all the prior
18 approvals all right, where this very section of the code was
19 analyzed in the original conceptual Site Plan, in the
20 original Preliminary Subdivision Plan, in the original
21 Detailed Site Plan, reference is specifically made to this
22 Finding 7, right here, this criterion in the Code. There
23 was never any reference to connection Parcel 1 to the
24 balance of the 393 units. Because they viewed it as a
25 separate development and every time the connection language

1 was made, the pedestrian, can encourage pedestrian
2 activities, the finding is made that says sidewalks are
3 provided along all public streets and along all internal
4 roads and drives and therefore pedestrian connectivity is
5 established. Those are the findings in all those prior
6 cases.

7 MADAM CHAIR: But they were allowed earlier --

8 MR. GIBBS: So --

9 MADAM CHAIR: -- and DPIE, I mean DPW&T embarked
10 on a mission to provide greater connectivity, didn't they?

11 MR. GIBBS: Well, I don't disagree with that.
12 Here's our point. Our point is this, all right,
13 connectivity is supposed to occur where it's appropriate,
14 compatible and helpful. Just because you can make a
15 connection doesn't mean you should make a connection or that
16 it's appropriate or necessary.

17 Now in this regard if you'll look, continue with
18 this exhibit right here, right where the red arrows end you
19 will see immediately to the right of that red arrow there is
20 a rectangle and there's a single family detached home built
21 on that lot. And it bears the address of 2101 Tolson Lane,
22 it's owned by Mr. and Mrs. Dantzler (phonetic sp.). Now
23 Mrs. Dantzler is with us today. She signed up to speak and
24 she will speak. I met Mr. and Mrs. Dantzler on November 4th
25 of 2019 when we attended the Balk Hill Village meeting. Mr.

1 Duffy and I met her. Her concern was that her home be
2 buffered from this development. So both Mr. Duffy and I and
3 then Mr. Scott Shinkski (phonetic sp.) of Varsity thereafter
4 as well as his attorney, Mr. Tedesco and their engineer, Mr.
5 Ballard, met with Mr. and Mrs. Dantzler and literally worked
6 up a special buffering plan for them so they would have as
7 little impact from this development as possible. It
8 involved moving that small building back, putting additional
9 trees above and beyond that required by the Landscape Manual
10 and a screening fence. And they have actually agreed to put
11 that fence not on their property line, but farther back and
12 then the trees on the other side of the fence to give the
13 appearance that all of that land is theirs and create a
14 further serenity for them.

15 This sidewalk is going to come out right in their
16 front yard. There is no other house close to this, there I
17 a house on the other side of Mr. and Mrs. Dantzler the
18 sidewalk is going to come out right in front of their house.
19 Now, if you can go to my letter of May 5th please, with
20 Exhibits A, B, C, and D.

21 MADAM CHAIR: Okay. Hold on a second.

22 MR. GIBBS: (Sound.)

23 MADAM CHAIR: This is no easy feat.

24 MR. GIBBS: I know it's very arduous and I
25 apologize.

1 MADAM CHAIR: Okay. Okay. Got it. Okay. So I
2 got it.

3 MR. GIBBS: Okay. I don't know if the other
4 Planning Board members have access to these exhibits.

5 MADAM CHAIR: They do have them, but you know
6 because it's a lot it's going to take a moment to find it.

7 MR. GIBBS: Yes, I hear you.

8 MADAM CHAIR: Okay.

9 COMMISSIONER DOERNER: What's the file name on
10 those letters? Do we have --

11 MR. GIBBS: The letter is dated May 5, 2020
12 directed to Chair Hewlett referencing DSP-0406709 and DDS-
13 669/Woodmore Commons and it's a three page letter with four
14 exhibits.

15 COMMISSIONER GERALDO: I have the letter.

16 MADAM CHAIR: Okay.

17 COMMISSIONER GERALDO: It was sent to us, yes.

18 MR. GIBBS: Yes, we uploaded it --

19 COMMISSIONER WASHINGTON: Yes, what's the file
20 name, Manny? We have them electronically so we need to know
21 the name of the file --

22 UNIDENTIFIED PERSON: Okay.

23 COMMISSIONER WASHINGTON: -- in order to reference
24 the right one.

25 MADAM CHAIR: But I don't know that he would know

1 that because we sent --

2 COMMISSIONER GERALDO: No, I --

3 MADAM CHAIR: Would he know that?

4 COMMISSIONER GERALDO: But I can tell you, I'm
5 looking at it now, it's Item 9 and 10, May 5, 2020 letter
6 re: conditions.

7 COMMISSIONER DOERNER: Yes, it doesn't have an Ed
8 Gibbs in front of it, the other one does --

9 COMMISSIONER GERALDO: Right.

10 COMMISSIONER DOERNER: -- so it has item numbers
11 on it.

12 COMMISSIONER WASHINGTON: I didn't catch, what did
13 you say?

14 COMMISSIONER DOERNER: That it does not have Ed's
15 name in front of it, it just says Item 9 and 10 May 5, 2020,
16 L-T-R period re conditions.

17 COMMISSIONER WASHINGTON: Got it.

18 MR. GIBBS: Okay. Thank you. If everybody has
19 that in front of you, so Exhibit C is a copy of our Site
20 Plan and it has three photographs attached to it. And the
21 Site Plan has red marking on it and there is an asterisk
22 which is in the cul-de-sac --

23 MADAM CHAIR: You know what, hold on.

24 MR. GIBBS: -- of Tolson Lane.

25 MADAM CHAIR: You know you need to hold on a

1 second, Mr. Gibbs. Because I mean we have the packet but
2 then you've got to get to the exhibit. Okay. So just hold
3 on a second.

4 MR. GIBBS: Okay. I'm sorry.

5 MADAM CHAIR: Okay. All right. Okay. Hopefully,
6 are we getting there team?

7 COMMISSIONER WASHINGTON: Well Exhibit C is a
8 pedestrian bicycle exhibit. It looks like exactly what's on
9 the screen.

10 MADAM CHAIR: Right. That's what he's trying --

11 MR. GIBBS: (Sound.)

12 MADAM CHAIR: -- that's what he wants us to get to.

13 COMMISSIONER WASHINGTON: Got it.

14 MR. GIBBS: No, no, no. No, no, no.

15 MADAM CHAIR: No?

16 MR. GIBBS: No, I'm asking you to get to Exhibit D
17 as in dog.

18 COMMISSIONER WASHINGTON: Okay. Tolson Lane photos.

19 MADAM CHAIR: I thought he said C. Okay. Okay.

20 MR. GIBBS: There we go. And Exhibit D is four
21 sheets. The first is a photocopy of our Site Plan and then
22 there are three photographs behind it.

23 MADAM CHAIR: Okay.

24 MR. GIBBS: Okay. So on the original there are
25 red markings on the Site Plan, I don't know if they come

1 through red in your package or not, but they are red and
2 there is an asterisk in the cul-de-sac. And if you look
3 immediately to the side of that asterisk you see the
4 rectangular lot with the home that belongs to Mr. and Mrs.
5 Dantzler, the footprint of the home is shown there. Okay.
6 And so if you turn to the photographs, Photograph Number 1,
7 which and by the way I took all three of these photographs
8 on May 5th at about 3 o'clock in the afternoon. Photograph
9 Number 1 looks in from the cul-de-sac, the treed area that
10 you see is our property. The home that you see is Mr. and
11 Mrs. Dantzler's home. The sidewalk connection staff is
12 asking for would come down right next to roughly in the
13 middle of that treed area. I mean it hasn't been
14 engineered, but that's roughly the area where it would come
15 down.

16 MADAM CHAIR: So you're saying it would stop
17 halfway? Is that what you're saying?

18 MR. GIBBS: Oh they want a sidewalk to come down
19 that hill --

20 MADAM CHAIR: Okay.

21 MR. GIBBS: -- and connect to the sidewalk right
22 to the left of that light pole --

23 MADAM CHAIR: Okay.

24 MR. GIBBS: -- somewhere.

25 MADAM CHAIR: Okay. Okay.

1 MR. GIBBS: Okay. Now if you look at Photograph
2 Number 2, that's just another view, I moved a little bit to
3 the right to show you the grade difference. There's a four
4 and a half foot grade difference between our property and
5 the finished grade and the sidewalk. So the only way you're
6 going to be able to get anything to come down there is going
7 to be a set of stairs, unless I think staff now when I
8 raised that, staff mentioned that well you could a
9 switchback. But I mean that's you know I don't know, I'll
10 leave that to Mr. Ballard.

11 MADAM CHAIR: What is, define a switchback.

12 MR. GIBBS: A switchback is a series of ramps, you
13 see them on mountains lots of times where you don't want to
14 go up a steep grade, so they're saying in lieu of having
15 stairs you could run a sidewalk down to the right, gradually
16 coming up the incline and then have a landing and then bring
17 it back to the left so that would be a walkway as opposed to
18 stairs.

19 MADAM CHAIR: Okay.

20 MR. GIBBS: The problem, however, is that you know
21 when you look at it with the grade separation and this is,
22 there's a four and a half foot finish grade difference.
23 You'd have to have a set of stairs there are six to eight
24 stairs, they'd have to be lighted. It's certainly not going
25 to be conducive to any bicycle traffic. So that's another

1 problem.

2 Please go to Photograph 3 and that is just a
3 picture I took turning to my right and that shows you the
4 parking lot behind the office. That brick building you see
5 up there, those are commercial townhomes and that is the
6 parking lot and as you can see there is no sidewalk that
7 runs along the back of that parking lot. So the only place
8 to put a sidewalk connection is right next to Mr. and Mrs.
9 Dantzler's house, which Mrs. Dantzler is going to be able to
10 speak for herself, but I know she's not excited about that.

11 Basically, you know, if you look at the drawing
12 that's up on the monitor right now, that's our exhibit for
13 pedestrian and bicycle connectivity. The blue lines that
14 you see there are sidewalks, and ultimately everything comes
15 out to Ruby Lockhart Boulevard where there is a wide
16 sidewalk and a bicycle lane.

17 MADAM CHAIR: All right.

18 MR. GIBBS: And then there is, yes?

19 MADAM CHAIR: Mr. Gibbs --

20 MR. GIBBS: Yes?

21 MADAM CHAIR: -- I'm going to give you just a
22 little bit more time to wrap up your sidewalk issue. Okay.
23 Because we have so many people signed up and a lot of them
24 are yours and then we have other folks signed up so I want
25 to give everyone a chance to speak. We will be breaking and

1 so I just, you know, I know this is a big matter and --

2 MR. GIBBS: I'm --

3 MADAM CHAIR: -- I know this is your only issue of
4 contention, but we have other people who have other issues
5 to. So we were getting the background --

6 MR. GIBBS: I hear you.

7 MADAM CHAIR: -- but I'm just giving you a heads up.

8 MR. GIBBS: I hear you.

9 MADAM CHAIR: Okay.

10 MR. GIBBS: Okay. That's fine. So I'm just
11 saying that the pedestrian and bicycle linkage that we are
12 showing on our exhibit is 100 percent in concert with every
13 requirement for pedestrian and bicycle connectivity on every
14 previous approval on this project. We have sidewalks all of
15 which come out to Ruby Lockhart where we have a bike lane
16 and a wide sidewalk. Saint Joseph's has a bike lane and a
17 wide sidewalk. The entrance to Woodmore Town Center occurs
18 on Ruby Lockhart Boulevard at the intersection with St.
19 Joseph's Drive. The pedestrian connection through this
20 sidewalk that staff is asking for doesn't get you to
21 Woodmore Town Center any faster and you can't use a bike to
22 get there. So again, every connection that can be made is
23 not in the best interest of the community.

24 We have one building, our smallest building on
25 site is over where the connection is going to be made. The

1 entire rest of the project is oriented to the clubhouse and
2 to Ruby Lockhart Boulevard. We don't think anyone in our
3 community is going to use that sidewalk, there's nowhere to
4 go. It's a connection to nowhere.

5 Balk Hill has its own HOA, this community of
6 multifamily units will not have access to their recreational
7 facilities. We have our, there is no reason for us to go
8 over there. Similarly, there is no reason for Mr. and Mrs.
9 Dantzler or anyone else that lives on her street to want to
10 come through here to get to Woodmore Town Center. They're
11 going to go straight up to Saint Joseph's and across to the
12 intersection of Ruby Lockhart Boulevard if they're walking
13 or biking.

14 So and the last thing I'd like to say is that when
15 we did our DSP revision before you, 03001-01, when we did
16 that, we had an extensive discussion about parcel
17 interconnectivity and the only request staff made under
18 Finding 7 or Criteria 7 was that we have a vehicular and
19 pedestrian connection on Parcel 2, the other side of Ruby
20 Lockhart Boulevard between our commercial site and the
21 Woodmore Overlook site. We explained how we couldn't do a
22 vehicular connection but we could do a pedestrian connection
23 and we are proposing that between those two commercial
24 components.

25 But this particular connection that's being

1 requested is simply not necessary and quite frankly,
2 respectfully in our opinion, not in the best interest of
3 either community. So thank you very much and that's all
4 I'll say.

5 MADAM CHAIR: Okay. So let me do this. We have
6 you know looking at the clock, at some point we're going to
7 have to break and it might be now. Let me see if there's
8 any questions but if we break now we're coming back by 2:00
9 but we have to break again because to meet with the
10 counsels. So we have 11 more speakers to go so I'm going to
11 need, you know, we're going to have to get to the point on
12 these things. Okay. So let me see if the Board has any
13 questions of you. Commissioner Washington?

14 COMMISSIONER WASHINGTON: No questions, Madam
15 Chair.

16 MADAM CHAIR: Commissioner Geraldo?

17 COMMISSIONER GERALDO: None at this time.

18 MADAM CHAIR: Okay. Commissioner Doerner?

19 COMMISSIONER DOERNER: I just have question. One
20 Picture 3 in Exhibit D, is that the building that you see at
21 the top of that picture, are those the commercial spaces and
22 what kind of businesses or structures are those for?

23 MR. GIBBS: Yes, that is, this is Ed Gibbs,
24 Commissioner Doerner. Can you hear me?

25 COMMISSIONER DOERNER: Yes.

1 MR. GIBBS: Okay. Great. Yes. That is the, if
2 you look at the exhibit that's on the monitor right now
3 where it says Tolson Lane, that Photograph 3 is that parking
4 lot right there. And that is the parking lot that serves
5 the commercial townhomes and the red brick structure you see
6 at the top of that picture is in fact the commercial, it's
7 businesses that are in there. They're not all fully
8 occupied, but it's businesses and then at the top floor
9 there's a space for the HOA to meet.

10 COMMISSIONER DOERNER: The HOA of the development
11 that you're proposing?

12 MR. GIBBS: No, sir. No, the HOA for Balk Hill,
13 which we are not part of and will not be part of.

14 COMMISSIONER DOERNER: So on the businesses what
15 kind of businesses are there? Is there a chance that the
16 people who are going to be living in the development that
17 you're proposing would either use or work at those
18 businesses?

19 MR. GIBBS: My understanding, Commissioner
20 Doerner, is that and Mrs. Dantzler who is on the line here
21 would be better equipped to answer that, because I'm sure
22 she knows. But my belief is that there's a substantial
23 vacancy in there but I think there might be like an auto
24 insurance business possibly there and then there's a
25 community space for Balk Hill and Balk Hill Village to meet

1 at the top, on the top floor.

2 COMMISSIONER DOERNER: Okay. Is there any way, so
3 on the exhibit that's up I can't tell if there's any way to
4 walk from the development onto Tolson Lane but in the
5 pictures it looks like you'd have to walk through the trees.
6 Is there any way to actually get between the developments or
7 no?

8 MR. GIBBS: Well, if you look at what's on our
9 screen, we have proposed a system of sidewalks within the
10 multifamily community that takes you out to Ruby Lockhart
11 Boulevard.

12 COMMISSIONER DOERNER: Yes, that's not what I'm
13 asking.

14 MR. GIBBS: And then --

15 COMMISSIONER DOERNER: I'm asking --

16 MR. GIBBS: Yes, no --

17 COMMISSIONER DOERNER: -- when going through
18 Tolson Lane into the development like where that commercial
19 business is. Are you going to have to walk through trees or
20 is there like a fence right there, because on the exhibit
21 that's up on the screen right now I can't tell if there's
22 anything that's dividing it. It looks like no, that you can
23 just walk from parking lot to parking lot. But in the
24 exhibits that you provided it looks like there's pretty
25 thick trees and foliage that you can't get through.

1 MR. GIBBS: Yes. There is, but again Tolson Lane
2 is not part of our development, Commissioner Doerner, it was
3 developed as part of Balk Hill. We don't own Tolson Lane,
4 we don't own the commercial townhouse building. It is not
5 part of our project at all.

6 COMMISSIONER DOERNER: Yes --

7 MR. GIBBS: And we don't --

8 COMMISSIONER DOERNER: -- I'm not concerned about
9 the ownership, I am concerned about the connectivity because
10 I could see a purpose of this connectivity allowing people
11 to go back and forth between those buildings, either way
12 they might want to go. So I don't know if it's completely
13 pointless. I don't want to have sidewalks or paths that go
14 to nowhere, but I don't think this is no connectivity or
15 that it's necessarily bad connectivity. Well, I understand
16 the points and I understand what you're saying and the
17 concerns that have been raised, but in the exhibits that I'm
18 seeing there's really, this path really isn't that close to
19 these homes and I'm not seeing something that would
20 necessarily be a health or safety concern against putting
21 the path in there. In fact, I think it might help it
22 because then you have better interactions between the
23 developments.

24 MR. GIBBS: We actually felt that, first of all,
25 if you're going to get, on the very minimal chance that

1 anyone of these multifamily folks will need to get into that
2 building they would have to, if this connection is made they
3 would have to go down across the cul-de-sac and then up the
4 sidewalk on the far end of the building because the only
5 entrance to those commercial office townhomes is in the
6 front, to my knowledge. I mean I guess looking at the
7 picture there may be a door or two in the back, but we would
8 think that to the extent any connection there would be
9 needed that it would make more sense to have a connection
10 between the multifamily and our vacant commercial lot at the
11 top, at such time as that Detailed Site Plan comes in.
12 Because then you could have a connection that would go
13 directly up say, along the edge of that other lot and hit
14 St. Joseph's Drive and you're just as close, as a matter of
15 fact a connection there would be closer for the bulk of our
16 project than it would be in the location being proposed. We
17 don't --

18 COMMISSIONER DOERNER: Yes, I think that might be
19 a better connection but that's not what we're considering
20 today and I can't make decisions about the future
21 development on that right now.

22 MR. GIBBS: Well, I --

23 COMMISSIONER DOERNER: And I don't necessarily
24 think that having two connections is a bad thing. If that
25 connection comes up in the future, great.

1 MR. GIBBS: Well, I understand your comment. We
2 just don't think that the location being proposed for the
3 connection is a good one for either portion of the
4 neighborhood.

5 COMMISSIONER DOERNER: Okay. That's fine. I look
6 forward to hearing from other people as well, but I
7 appreciate the comments and --

8 MR. GIBBS: Yes, sir.

9 COMMISSIONER DOERNER: -- exhibits are helpful, I
10 definitely think that they're helpful regardless if it goes
11 in your way or not, I think that those are helpful to see in
12 cases like this.

13 MR. GIBBS: Sure thing.

14 MADAM CHAIR: Okay. Commissioner Geraldo, any
15 questions?

16 COMMISSIONER GERALDO: Share some of the concerns
17 raised by Commissioner Doerner.

18 MADAM CHAIR: Okay. I am going to, okay, Mr.
19 Gibbs, we're going to have a break.

20 MR. GIBBS: Yes.

21 MADAM CHAIR: You need to consult with your
22 clients. We will have our staff will look at everything
23 again to during this break and we will resume at 2 o'clock,
24 we will be breaking again at 2:55, because that's when we
25 have to meet with our counsels, our counsels will be

1 entertaining our budget. So then we'll have to break again
2 so I'm hoping that we can move forward, okay, so just be
3 cognizant of the time and the number of speakers that we
4 have. Okay.

5 MR. DEAN: Madam Chair?

6 MADAM CHAIR: So we will resume at this point --

7 MR. GIBBS: Thank you.

8 MADAM CHAIR: -- at 2 O'clock.

9 MADAM CHAIR: Thank you.

10 MR. DEAN: Madam Chair?

11 MR. GIBBS: Thank you.

12 MADAM CHAIR: Okay.

13 MR. DEAN: Madam Chair?

14 MADAM CHAIR: Yes?

15 MR. DEAN: This is Samuel Dean. Will we be able
16 to complete this hearing, because I have a lot to add?

17 MADAM CHAIR: I intend to get to you --

18 MR. DEAN: Okay. Thank you.

19 MADAM CHAIR: -- you know you signed up, yes,
20 thank you.

21 MR. DEAN: Thank you.

22 MADAM CHAIR: Okay.

23 (Whereupon, a brief recess was taken.)

24 MADAM CHAIR: The Prince George's County Planning
25 Board is back in session. I'm going to do a roll call in a

1 second. I'll check with the Commissioners last. Oh no,
2 okay. Okay. What I wanted to make sure of is that we have
3 everyone back. So let me start with okay, so Mr. Bishop,
4 are you on?

5 MR. BISHOP: Yes, ma'am.

6 MADAM CHAIR: Okay. Paul Sun are you on?

7 MR. SUN: Present, ma'am.

8 MADAM CHAIR: Marc Juba?

9 MR. JUBA: (No audible response.)

10 MADAM CHAIR: Marc Juba?

11 MR. JUBA: Yes, here, Madam Chair. Sorry about
12 that.

13 MADAM CHAIR: Okay. Thank you. No worries. Tom
14 Masog?

15 MR. MASOG: Present.

16 MADAM CHAIR: Noelle Smith?

17 MS. SMITH: Present.

18 MADAM CHAIR: Mike Lenhart?

19 MR. LENHART: Present.

20 MADAM CHAIR: Okay. Good. Mr. Tedesco?

21 MR. TEDESCO: (No audible response.)

22 MADAM CHAIR: Matt Tedesco?

23 MR. TEDESCO: I'm present.

24 MADAM CHAIR: Okay.

25 MR. TEDESCO: I'm present, Madam Chair. Thank

1 you.

2 MADAM CHAIR: Thank you. Nat Ballard?

3 MR. BALLARD: Present.

4 MADAM CHAIR: Okay. Bill Shipp?

5 MR. SHIPP: (No audible response.)

6 MADAM CHAIR: Bill Shipp?

7 MR. SHIPP: (No audible response.)

8 MADAM CHAIR: There he is, Bill Shipp it looks
9 like.

10 MR. SHIPP: I'm here, Madam Chair.

11 MADAM CHAIR: Wonderful.

12 MR. SHIPP: Because I'm muted.

13 MADAM CHAIR: Okay. Got it. Tracy Benjamin?

14 MS. BENJAMIN: Present.

15 MADAM CHAIR: Chris Duffy?

16 MR. DUFFY: Yes, thank you.

17 MADAM CHAIR: Sam Dean?

18 MR. DEAN: Yes.

19 MADAM CHAIR: Okay. LaRay Benton?

20 MR. BENTON: Here.

21 MADAM CHAIR: Dantzler Ritchlyn?

22 MS. DANTZLER: Here.

23 MADAM CHAIR: Okay. That's it. Thank you. Oh,
24 Planning Board. Commissioner Washington?

25 COMMISSIONER WASHINGTON: Present.

1 MADAM CHAIR: Commissioner Doerner?

2 COMMISSIONER DOERNER: (No audible response.)

3 MADAM CHAIR: Present. Okay. Commissioner
4 Geraldo? He's muted.

5 COMMISSIONER GERALDO: Present.

6 MADAM CHAIR: Okay. We're good. Mr. Gibbs.

7 MR. GIBBS: Yes, Madam Chair?

8 MADAM CHAIR: Okay. We were, all right, were you
9 finished on that issue or were you finished?

10 MR. GIBBS: I was finished on that issue. I did
11 want Mr. Ballard from Rodgers to make a few comments as well
12 because he has the engineering expertise --

13 MADAM CHAIR: Okay.

14 MR. GIBBS: -- that I don't.

15 MADAM CHAIR: Okay. And then I want to remind
16 everybody --

17 MR. GIBBS: But as far as --

18 MADAM CHAIR: -- we're going to break again.

19 Okay. Thank you. Okay.

20 MR. GIBBS: Yes. Yes. Thank you.

21 MADAM CHAIR: Okay.

22 MR. GIBBS: Okay.

23 MADAM CHAIR: Mr. Ballard?

24 MR. BALLARD: Hello, for the record, Nat Ballard,
25 with Rodgers Consulting. I just wanted to point out a

1 couple things in addition to Mr. Gibbs' testimony.

2 On Exhibit D, Photo Number 3, if you all could
3 refer to that photo, Commissioner Doerner had asked the
4 question about the trees that were on the left side of that
5 photo and whether they were to remain. They are to be
6 cleared. The proposal, the parking lot proposed by this
7 development will be approximately 13 feet away from the
8 existing parking lot and the landscaping that is there
9 consists of some shrubs and some shade trees, but there will
10 be no fence or nothing to prevent anyone from walking
11 between the two parking lots should they choose.

12 Then I also wanted to point out with reference to
13 the discussion about the connection to the commercial, the
14 future commercial development that is not before you. There
15 is a condition that staff has proposed, Condition (B) (1) (d).
16 That conditions states to provide a standard crosswalk
17 crossing, crossing the access road at the intersection
18 southwest of the clubhouse.

19 MADAM CHAIR: Yes. Okay. So you're --

20 MR. BALLARD: So that --

21 MADAM CHAIR: -- saying D as in David?

22 MR. BALLARD: Correct. Yes. Could we switch
23 slides and go to one of the slides that shows the proposed
24 development? That one will work. The crossing that they're
25 requesting is at the corner, essentially when you come in

1 off Ruby Lockhart and there's the intersection where you can
2 go left or write --

3 MADAM CHAIR: Excuse me, is there --

4 MR. BALLARD: -- left would take you --

5 MADAM CHAIR: -- excuse me, is there a way to user
6 the cursor? Okay. Can you say that again? Okay. So come
7 in on Ruby Lockhart, okay.

8 MR. BALLARD: Off of Ruby Lockhart that entrance,
9 go north or north on the plan, make a right. Keep going up
10 past the first building. That is the intersection at which
11 staff has requested to make a crossing across that
12 intersection but it's at the northwest corner of the
13 clubhouse building, so I'm not sure where the cursor is
14 currently. Right there, no, that one is proposed but the
15 condition calls for one 90 degrees to that to go across the
16 entrance to the undeveloped parcel that's not part of this
17 proposal. So if the cursor could just go up towards the top
18 of the page. Yes. Right there. Not that far, but yes.

19 UNIDENTIFIED PERSON: Okay.

20 MR. BALLARD: So staff has envisioned a crosswalk
21 there, currently a crosswalk to nowhere, but certainly a
22 crosswalk in the future to allow for connectivity to that
23 future development.

24 The third thing I wanted to discuss was the
25 potential connection to Tolson Lane that's been the subject

1 of most of what we're discussing. A ramp that would
2 traverse the four feet of vertical change would be somewhere
3 between 5 percent and 8 percent, 8 percent being the maximum
4 allowed by ADA. If it was at the 5 percent, which is the
5 steepest it could be without requiring handrails on either
6 side that would result in 80 foot ramp at 5 percent. It
7 would require two landings that would be 5 by 5, so you're
8 talking in total probably 90 to 95 feet of ramp to make that
9 connection from our existing or our proposed sidewalk to the
10 existing sidewalk in Tolson Lane.

11 If we were to go steeper as steep as ADA would
12 allow, that would be approximately 8 percent ramp will be 50
13 feet in length and would require one landing. So if we were
14 to do that the impact to the landscaping that has been
15 proffered to Mr. and Mrs. Dantzler to help buffer their
16 home, that would result in shortening the proffered fence by
17 approximately 30 feet. That would unfortunately open up the
18 view from their front yard looking I guess left in the view
19 that we're looking at now it would open up that view to the
20 proposed parking in front of that building that's closest to
21 them. We would have to move some landscaping around to
22 allow for that sidewalk connection, which on the surface
23 doesn't sound like it's too daunting but you have to keep
24 mind that there is a water line connection from the Woodmore
25 Overlook project that is to the south of this that's the

1 townhouse development. They were required to provide a
2 water loop by WSSC and the looping had to go between the
3 Dantzler's residence along that property line and connect to
4 the water line that is in the cul-de-sac bulb there for
5 Tolson Lane. So we will have to keep the landscaping out of
6 the 20 foot WSSC easement that's associated with that
7 waterline connection.

8 MADAM CHAIR: Okay.

9 MR. BALLARD: And those were the points that I
10 just wanted to bring up.

11 MADAM CHAIR: Okay. Let me see if the Board has
12 any questions of you, Mr. Ballard. Commissioner Doerner?

13 COMMISSIONER DOERNER: No, ma'am.

14 MADAM CHAIR: Okay. Commissioner Washington?

15 COMMISSIONER WASHINGTON: No questions, but I do
16 thank you for the additional comments, Mr. Ballard.

17 MADAM CHAIR: Okay. Commissioner Geraldo?

18 COMMISSIONER GERALDO: No further questions.

19 MADAM CHAIR: Thank you. Okay. All right, Mr.
20 Gibbs.

21 MR. GIBBS: That's it.

22 MADAM CHAIR: Okay. So I can go down your list of
23 people, let me see where we are. Okay. So Mr. Lenhart was
24 here for just questions, is that it?

25 MR. GIBBS: That's correct.

1 MADAM CHAIR: Mr. Tedesco is to speak or
2 questions?

3 MR. GIBBS: I'll leave it up to Mr. Tedesco, I
4 don't think he's here to speak, but I don't want to make
5 that decision.

6 MADAM CHAIR: Okay. Mr. Tedesco? Mr. Tedesco?

7 MR. TEDESCO: Thank you, Mr. Gibbs. Madam Chair,
8 can you hear me?

9 MADAM CHAIR: Yes.

10 MR. TEDESCO: I know time is of the essence, so
11 I'll just be brief. I just want to highlight, the main
12 issue that we have with respect to the sidewalk, I don't
13 think we need to beat it up. But I certainly can appreciate
14 Commissioner Doerner's comments, but I would echo Mr. Gibbs'
15 argument as well as the clarifications that Mr. Ballard
16 made. In actuality the implementation of the sidewalk,
17 although it could be accommodated, the only person it
18 actually negatively impacts is Mr. and Mrs. Dantzler and I
19 believe Ms. Dantzler will give compassionate reasons why she
20 does not want to see it.

21 You know, I just want to highlight that we're
22 always encouraged to work with the community and work with
23 especially the immediate neighbors who are potentially
24 impacted by these sites which we did in this case by meeting
25 with them a number of times and one of the critical issues

1 was the buffering and the setbacks and the landscaping which
2 Mr. Gibbs went through in great detail with those
3 accommodations, which I think have satisfied the Dantzler's
4 and I think we just need the need for a sidewalk that
5 actually would not be utilized. We don't think that any of
6 our resident against the actual negative impact that it
7 would have and what Mr. Nat Ballard did outline was those
8 impacts with respect to basically undoing our efforts to
9 further provide buffering and landscaping and screening and
10 venting to accommodate a sidewalk that we just don't believe
11 will actually be utilized and there's far better connection,
12 even staff has acknowledged with the Condition 1(b) (D). And
13 Mr. Ballard identified with the future redevelopment of the
14 other Parcel 1 for the commercial and having a direction
15 connection for these multifamilies through that piece out to
16 St. Joseph's is far better. And I think when you balance
17 all of that against the only impact really for the
18 Dantzler's, I don't think it's justified and we would just
19 respectfully request that that condition be deleted as
20 requested by Mr. Gibbs.

21 With that, I'll stop talking and I thank you for
22 your indulgence.

23 MADAM CHAIR: Okay. So I'm looking at my signup
24 sheet, so it's Ritchlyn Dantzler, is that it?

25 (No audible response.)

1 MADAM CHAIR: Okay. Because I had it the other
2 way around. Is that it? Okay.

3 MR. TEDESCO: Yes, that's it, thank you.

4 MADAM CHAIR: Okay. Okay, thank you. Mr. Shipp?

5 MR. SHIPP: (No audible response.)

6 MADAM CHAIR: Bill Shipp?

7 MR. SHIPP: I think I've been on mute now.

8 MADAM CHAIR: Okay. You are?

9 MR. SHIPP: Can you hear me?

10 MADAM CHAIR: Yes.

11 MR. SHIPP: Yes, in the interest of time I would
12 just reserve my comments if needed for clarification and
13 rebuttal.

14 MADAM CHAIR: Okay. Thank you. Tracy Benjamin?

15 MS. BENJAMIN: Same as Mr. Shipp, I'll reserve my
16 comments for rebuttal.

17 MADAM CHAIR: Okay. Thank you. Mr. Duffy?

18 MR. DUFFY: I'll just answer any questions.

19 MADAM CHAIR: Okay. So Mr. Dean? Oh no, so it's
20 Ms. Ritchlyn Dantzler, right?

21 MS. DANTZLER: Yes, I'm here.

22 MADAM CHAIR: Thank you. I'm sorry, I had it,
23 okay, so can you speak please?

24 MS. DANTZLER: Yes, sure.

25 MADAM CHAIR: Please identify yourself for the

1 record though.

2 MS. DANTZLER: Okay. My name is Ritchlyn
3 Dantzler, I reside at 2101 Tolson Lane. My lot is adjacent
4 to the Parcel 1, that's the site of the Woodmore Commons
5 multifamily unit project. I'm going on record today to
6 oppose the Planning Board's recommendation to provide a
7 standard sidewalk connecting the sidewalks around the
8 multifamily buildings to the sidewalks within Tolson Lane.
9 I understand that as part of the County's 2035 Plan, the
10 goal is to develop vibrant walkable areas with the Largo
11 Town Center Metro Region designated as a downtown area.

12 I also understand that by, that my area currently
13 zoned for mixed-use transportation would be renamed high
14 density residential under the current rewrite, doing a
15 rewrite.

16 MADAM CHAIR: Okay. Ms. Dantzler, I need for
17 everyone else to please mute your mics for a little bit.
18 Thank you. Someone is not muted. Okay. Okay. Thank you.

19 MS. DANTZLER: Okay.

20 MADAM CHAIR: Okay. Thank you.

21 MS. DANTZLER: Okay. Constructing continuous
22 sidewalks is often only done when feasible and practical.
23 The gentlemen before me have stated why this is not feasible
24 and I'm here to express that this recommendation isn't
25 practical for several reasons.

1 The purpose of the sidewalk is to provide
2 connectivity and walkability between areas of use. There's
3 no substantial use, need for the sidewalks of the
4 multifamily structure to connect to Tolson Lane. There's
5 simply nowhere for the incoming pedestrians to go. The
6 commercial area of Tolson Lane consists of one building,
7 that building, within that building are the offices and the
8 Balk Hill Village HOA Community Center. The adjacent lots
9 have been vacant for over seven years now. The only access
10 to this are those who work there and the residents of Balk
11 Hill Village. The residents of this project are not part of
12 the Balk Hill Village HOA and can't utilize these common
13 areas.

14 The project will contain the multifamily project
15 will contain private recreational areas, the residents of
16 Balk Hill Village will be unable to access it so there's no
17 need for a direct path. There's no public transportation
18 sites in this area that the new development would need easy
19 access to. Ruby Lockhart provides the easiest access to the
20 shopping and retail for the future residents.

21 Quick walkable area should not be to the detriment
22 of the homeowner. Requiring that connection is akin to
23 opening the floodgates. There would be a steady flow of
24 traffic to the, to my front yard which would impede upon my
25 privacy and safety. A sidewalk is a public space so once

1 opened, it can't be limited just to residents of the
2 multifamily units or just to the Balk Hill Village
3 residents. There's no telling who will be using that
4 connection. We have two, using the existing parking lot
5 remaining idle, smoking, tossing trash and so on. This
6 connectivity would simply compound that problem.

7 In closing, requiring a sidewalk connection
8 between the multifamily units and Tolson Lane does more harm
9 than good. It's merely arbitrarily adhering to best
10 practices without examining the actual impact of this
11 recommendation. Therefore, I urge the Planning Board to
12 withdraw this condition. Thank you.

13 MADAM CHAIR: Okay. All right. Thank you, so
14 much, Ms. Dantzler. Let's see if the Board has any
15 questions for you. Commissioner Washington?

16 COMMISSIONER WASHINGTON: No questions but thank
17 you Mrs. Dantzler for your testimony.

18 MS. DANTZLER: Thank you.

19 MADAM CHAIR: Okay. Commissioner Geraldo?

20 COMMISSIONER GERALDO: No questions.

21 MADAM CHAIR: Commissioner Doerner?

22 COMMISSIONER DOERNER: No questions.

23 MADAM CHAIR: Okay. Thank you. I'm now going to
24 go to our next speaker and that is Mr. Dean, Sam Dean.
25 Patriarch (indiscernible).

1 MR. DEAN: Thank you, Madam Chair. Let me begin
2 by saying Attorney Gibbs did a great job in going through
3 the recitation of what has occurred to this property.
4 There's a 202 Corridor study group that came into being and
5 really did affect Woodmore Overlook and what is now Woodmore
6 Commons.

7 He did reference the fact that there was to have
8 been an advisory planning committee established and the
9 language that he quoted was correct up to a point. It says
10 that the revenue authority and community development
11 operation or another nonprofit entity about the development
12 use should, entity should be up and, and with the developer
13 on the development, use and disposition of 20 acre
14 employment parcel. It never said that the Revenue Authority
15 should buy the land sell it.

16 One of the issues that happened when we went
17 before the ZHE and I was not part of that hearing, they went
18 before the ZHE and said that a private developer had bought
19 the land and therefore they needed to make some
20 modifications in Condition 5 of 995C and Condition 10
21 because people don't want to invest in a development if
22 there is the concern about community involvement.

23 And again, I had some concerns with that because
24 the advisory group, it was said that they no longer exist
25 and even though they were named, the organization still

1 exists. I serve as the Vice President of Lake Arbor Civic
2 Association.

3 A couple of things happened. One, when all this
4 was beginning I was a member of the Lake Arbor Civic
5 Association and subsequently became a Council Member
6 representing District 6. And in that we had looked at this
7 property to be developed as commercial because Balk Hill
8 along with Woodmore Village had invested over 17 million
9 dollars in road improvement for this project. And so the
10 issue was that Balk Village at that time was looking for
11 their property to be developed commercial.

12 Also in your Preliminary Plan of Subdivision 4-
13 80024 it states in Condition 6, the final plat shall reflect
14 a denial of excess along the entire frontage of Maryland 202
15 and along the site front of St. Joseph's Drive between
16 Maryland 202 and Ruby Lockhart Drive. Also, it talked about
17 the traffic generations they would be no more than 721 a.m.
18 and 658 p.m.

19 Further, even though we're looking at one of the
20 nine parcels, two parcels and there are seven parcels out
21 here, which we don't have an understanding of what they
22 propose to build on those sites, because basically what were
23 happened is that we're doing this piecemeal. When we first
24 started and this again is Preliminary Plan of Subdivision it
25 talks about background that the subject property of 1792

1 acres 9 parcel development of 88,000 square feet of
2 commercial and 208 of multifamily dwellings. That was to
3 have been --

4 MADAM CHAIR: I guess I'm trying to find the
5 conditions that you're referring to so I can see, I will
6 read them in the Preliminary Plan.

7 MR. DEAN: This is the Preliminary Plan of
8 Subdivision --

9 MADAM CHAIR: Yes.

10 MR. DEAN: -- 4-18024 that was passed on October
11 22, 2019.

12 MADAM CHAIR: I know, I'm just looking for the
13 resolution, it's every Detailed Site Plan, do you have it?

14 MR. DEAN: And while you're looking, Madam Chair,
15 one of the real interesting things about this whole process
16 is that we have some really knowledgeable and well
17 experienced attorneys. Citizens are at a disadvantage
18 because we don't have that type of skill level. I'm only
19 involved in this because of the fact that I've been around a
20 while and want to make sure that we really don't get taken
21 advantage of, which I feel we are.

22 Also, if you're look at, I'm going through this
23 now, if you look at 4-18024 it talks about the fact that
24 DPIE had a meeting with the developer and this is in page --

25 MADAM CHAIR: Okay, good.

1 MR. DEAN: -- this is, this is 10.

2 MADAM CHAIR: Page 10 of the Preliminary Plan
3 Staff Report or resolution?

4 MR. DEAN: This, this says, this says a public
5 sidewalk shall, this is nine on page 9.

6 MADAM CHAIR: The Preliminary --

7 MR. DEAN: Okay. We're going to page 10 and on
8 page 10 it talks about prior to certificate approval for the
9 Conceptual Site Plan the following revisions shall be made
10 or information shall be provided. One of the things that
11 happened was that DPIE met with the developer and they
12 changed major collector to an industrial east of St.
13 Joseph's Drive and I'll assume this is the, the Grand Way
14 Boulevard. And the right-of-way is reduced by 20 feet. And
15 Ms. Mary Giles (phonetic sp.) met with the developer and
16 this goes, bring back memories of how we used to operate
17 when developers used to become before the Planning Board and
18 make whatever decisions they need to make. That's why CB-12
19 was put in place.

20 Then we talk about transportation. It says that
21 the PBS this is still on page 10, it said Balk Hill was
22 approved for the development of 393 dwelling units and
23 348,000 square feet of commercial development. Okay. And
24 what you're referring to on trip caps was that they should
25 not exceed 1,015 trips in the a.m. and 1,580 in the p.m.

1 What the developer has been proposing was that they would
2 not exceed that cap. If, if the community Balk Hill paid
3 for those road improvements or actually if we're talking
4 about we're going now do an apartment building on which was
5 not really a part of the original plan, it was commercial,
6 would that increase the trip cap.

7 Also, and I'm trying to go through this pretty
8 fast. I'm not going to to go through the litany that Mr.
9 Gibbs went through. I sent you a letter and also a timeline
10 on what had transpired. Mr. Gibbs also referenced Attorney
11 Arrington who was in charge of this advisory committee. No
12 one seemed to have information as to what transpired. I
13 went to Attorney Arrington and asked her whether she could
14 provide me with some of the information, she advised that
15 she had retired and she had retired her documents and
16 therefore she couldn't help me. So we are basically flying
17 blind.

18 Also, on your analysis because they're coming, I'm
19 going fast, so I'm trying to get my end before you --

20 MADAM CHAIR: Mr. Dean --

21 MR. DEAN: Yeah?

22 MADAM CHAIR: -- I'm not cutting you off. Because
23 everyone has something to say and we want to hear it, it's
24 just we'll have to break at some point and you all know --

25 MR. DEAN: Okay.

1 MADAM CHAIR: -- as a member of the council what
2 that means. But --

3 MR. DEAN: I understand.

4 MADAM CHAIR: Okay. But I'm not cutting you off,
5 so you go ahead.

6 MR. DEAN: Okay. Now on the, on the DDS-669 I'm
7 going over a number of different things. It talks about
8 what they want to do is to do a reduction in the number of
9 parking spots they have to have and I found it kind of
10 interesting that, that the applicant has also done an
11 analysis of the entire site covered by PPS-418024 and your
12 staff person said this analysis is not endorsed by this
13 review for several reason. One, they get parkland uses on
14 any future site and we have a future site of Woodmore
15 Overlook and they're building residential. The analyst has
16 made every use of the park and generation manual institute
17 of transportation engineer and sites a base requirement.
18 And they're saying that the staff does not endorse this use.

19 So also, to get to the crux of this matter I did
20 send you a letter two things happened and I think that this
21 whole project is fatally flawed. One --

22 MADAM CHAIR: Okay. Let me make sure, this is
23 your December 2, 2019 letter?

24 MR. DEAN: Yeah, this is one that you all, that,
25 that staff sent out.

1 MADAM CHAIR: Oh no, I thought you meant the
2 letter --

3 MR. DEAN: And on page --

4 MADAM CHAIR: --- that you wrote to Calvin Brown.
5 I thought that's what you're --

6 MR. DEAN: Oh, let me keep get to that one.

7 MADAM CHAIR: Okay.

8 MR. DEAN: This is where I'm going.

9 MADAM CHAIR: Okay.

10 MR. DEAN: This letter I wrote to Chairman Brown.

11 MADAM CHAIR: Okay.

12 MR. DEAN: And I asked the question and in the
13 letter the person was did Bill Shipp who basically was
14 involved in the process from its inception was also involved
15 in going before the ZHE and having the property rezoned.
16 Was Bill Shipp authorized to represent the Revenue
17 Authority? I sent the letter as you say and then on
18 December 17th, the community went before directors and made
19 an oral presentation and asked them whether they could
20 ensure that this action was done properly. We have not
21 heard back from him as to whether this was factual or not.
22 My understanding Bill Shipp does not work, is not an
23 official and, and does not work as the Revenue Authority
24 attorney with authority to sign off on anything. He signed
25 off on the ZHE decision that went before the District

1 Council and that he approved that decision.

2 Secondly --

3 MADAM CHAIR: Excuse me. So how did he do that in
4 what form did --

5 MR. DEAN: How did he --

6 MADAM CHAIR: No, in what form?

7 MR. DEAN: I don't know.

8 MADAM CHAIR: Because it's a ZHE decision, how did
9 he sign off on it?

10 MR. DEAN: When it came before the District
11 Council for final decision. You have to say as the, as the
12 person who really, basically the owner of the property you
13 sign off that this is a valid decision. I don't have the,
14 the, the notes before me.

15 MADAM CHAIR: Okay.

16 MR. DEAN: Mr. Shipp was the one that signed it.
17 That came from, from Brie from the Planning Board, I mean
18 from the District Council. Went back also I had asked the
19 question because this, this whole thing started with them
20 advertising for someone to build a restaurant park. Went
21 back to the Revenue Authority and asked the question, well
22 let me back up. After the decision was made by the ZHE
23 there was a letter sent to Attorney Epps Magnio (phonetic
24 sp.) adding some more information from Attorney Tracy
25 Benjamin who says that the Revenue Authority did not have to

1 advertise the property, all they had to do was put it on
2 their website and, and so therefore that's what they did.
3 That goes counter to the procurement policy from the Revenue
4 Authority. Their subtitle 21(a)-304 which says that, let me
5 get to my page, which says that the Revenue Authority may
6 make rules and so on and so forth, following their
7 (indiscernible) they shall, they shall publish at least two
8 consecutive weeks in the county newspaper of record and the
9 posting of publication should be sufficient notice to all
10 persons so they can be it on whatever land they were
11 selling.

12 Also, there's a statement in the procurement
13 policy from the Revenue Authority which was adopted and
14 amended, what was amended on June 20, 2001 which states that
15 invitation for bids or the (indiscernible) shall be
16 published once in three newspaper of record and posted in
17 the authority's office, such other locations as the
18 contracting officer deem appropriate. Publication and
19 postings shall occur at least 10 days before the
20 solicitation of an issue. Ms. Benjamin has said that the
21 decision to issue the RFQ for the subject property was an
22 internal action to solicit competitive interest and was not
23 statutory required. The Revenue Authority was authorized to
24 proceed to negotiate with the lone respondent. The only
25 person that responded for this was Petrie.

1 My understanding that there was another company
2 that bid on this that found out about it and also bid and
3 was told that they were not accepting any from them. So the
4 question for me is that I don't have a problem with the
5 developer developing, but I do have a problem with how this
6 process went. And I believe that we have to stop and take a
7 breath because the sense that I'm getting is that we as a
8 community is really kind of being blown off and people are
9 doing whatever they want to do. Again, the rental
10 development that is being proposed for Woodmore Commons it
11 affects these people in Balk Hill Village big time. But the
12 issue is that as the lady was saying that this property
13 backs into her property and they're talking about giving her
14 a buffer. Really, this development should not have been
15 approved in the beginning and so therefore I would like as a
16 citizen, for someone from the Revenue Authority or from the
17 Planning Board, because I do plan to appeal to the District
18 Council, to tell me unequivocally that this transaction was
19 done legally, above board, that Bill Shipp had the authority
20 to negotiate for the Revenue Authority and that the Revenue
21 Authority did what it was supposed to do and to meet with
22 the community on what was to happen.

23 And let me make one other thing that really has
24 trouble me is that the person who is the Executive Director
25 of the Revenue Authority is Mr. Shapiro. The person that

1 was on the County Council when I was on the County Council
2 and approved 9956C was Mr. Peter Shapiro who was the chair
3 at the time. And so I believe that he understood what
4 needed to be done and he didn't do it. And so again, that's
5 my testimony. I believe that this project should be denied
6 until we can have some clarification on who has authority to
7 do what. Thank you, Madam.

8 MADAM CHAIR: Okay. Thank you, Mr. Dean. I know
9 we have a number of people signed up here and who may take
10 exception to some of this. For one thing, I need to tell
11 you a couple things.

12 First of all, I cannot say whether the Revenue
13 Authority had proceeded appropriately or not. I am unable
14 to say that I'm unable to make that decision and do not have
15 the wherewithal to make that decision and it's outside our
16 jurisdiction to make that decision in the first place. We
17 cannot.

18 I will tell you that we do have, this is a
19 Planning Board item that you know will likely go to the
20 District Council, maybe, but we have a Planning Board action
21 limit of May 16, 2020. We do have Mr. Shipp, apparently is
22 on the line and can address your comments, if he so chooses
23 and Ms. Benjamin is on the line as well, if she cares to
24 address her, and I can't tell, the comments you made. I
25 can't speak for Mr. Shipp --

1 MR. DEAN: Madam Chair --

2 MADAM CHAIR: Hold on. No, I'm not finished. I'm
3 not finished, Mr. Dean.

4 MR. DEAN: Okay.

5 MADAM CHAIR: Mr. Shapiro I can't say what he did,
6 I can't say, he's on the Revenue, whether he was on the
7 Council and he was Chair at one time and as Executive
8 Director, I don't know if he made the decisions. You know,
9 he may not, may or may not have voted. He may have had to
10 recuse himself from any discussions. I don't know what he
11 did. I know similarly I have recused myself from decisions
12 where I was on another side you know at some point if I was
13 on the private sector side or vice versa. So I don't know
14 what anybody did. I don't have that information. So I
15 can't make an allegation that somebody was inappropriate or
16 not. But I do have --

17 MR. DEAN: Madam Chair --

18 MADAM CHAIR: -- one thing I do want to say, no,
19 one thing I do want to say --

20 MR. DEAN: Madam Chair?

21 MADAM CHAIR: No, hold on a second, Mr. Dean.
22 What I do want to say is I do have your time line because I
23 didn't indicate that earlier, that that has been submitted
24 into the record and we do have that, and we do have a copy
25 of your letter that was submitted to Calvin Brown. So those

1 are exhibits in the file, I wanted to make sure I got that
2 on the record. Okay, now Mr. Dean, you were asking a
3 question?

4 MR. DEAN: Yeah, Madam Chair, really I did not
5 think we would speak to those issues. I wanted to put them
6 on the record --

7 MADAM CHAIR: Okay.

8 MR. DEAN: -- so as I move forward someone will
9 say well why didn't you raise it at a certain time.

10 MADAM CHAIR: Got it.

11 MR. DEAN: I never expected you to respond to it,
12 because I didn't think you had the authority to make any
13 changes. But I'm just trying to make sure I have a track
14 record.

15 MADAM CHAIR: Okay.

16 MR. DEAN: I, let me finish, I would not have
17 raised it if Mr. Gibbs had not gone through this long
18 dissertation as to what transpired on and on and on. And
19 I'm sitting here understanding that I was sitting there at
20 the time all this transpired. So I wanted to be clear since
21 he spent maybe 30 minutes going through the timeline.

22 MADAM CHAIR: Thank you, Mr. Dean.

23 MR. DEAN: So I don't --

24 MADAM CHAIR: And now I understand.

25 MR. DEAN: -- I don't expect, I don't expect you

1 to make a decision on this but I wanted to put it on record.

2 MADAM CHAIR: Okay. Thank you, Mr. Dean. Now I
3 understand what your purpose was so I appreciate that, I
4 appreciate you're enlightening me. Okay. Let's see if any
5 Board members have any questions of Mr. Dean at this time.
6 Commissioner Washington?

7 COMMISSIONER WASHINGTON: No, I don't, Madam
8 Chair.

9 MADAM CHAIR: Commissioner Doerner?

10 COMMISSIONER DOERNER: No, ma'am.

11 MADAM CHAIR: Commissioner Geraldo?

12 COMMISSIONER GERALDO: I have none, Madam Chair.

13 MADAM CHAIR: Okay. So I guess Mr. Gibbs, several
14 people that you have signed up as proponents are here and
15 said only if there are any questions. So I guess I need to
16 go back to Mr. Shipp, or let's start with Mr. Shipp and then
17 Ms. Benjamin. Unless you want to respond first, Mr. Gibbs.

18 MR. GIBBS: No, I'll respond generally to some of
19 the comments Mr. Dean made in my rebuttal, but I do think
20 that the appropriate comment at this time should come from
21 Mr. Shipp and Ms. Benjamin --

22 MADAM CHAIR: Okay.

23 MR. GIBBS: -- relative to the questions raised
24 about the Revenue Authority's process and --

25 MADAM CHAIR: Okay.

1 MR. GIBBS: -- authority.

2 MADAM CHAIR: Okay. And I realize that both will
3 need to comment and but all of, I will say everybody has
4 been afforded great leeway here and I want to make sure that
5 we keep moving forward because you raised a lot Mr. Gibbs
6 and Mr. Dean felt the need to respond and there are a lot of
7 exhibits in the record. This will go somewhere, but I want
8 to then stay focused on the issues that are before us which
9 are Site Plan issues and so, okay, but Mr. Shipp?

10 MR. SHIPP: (No audible response.)

11 MADAM CHAIR: We're coming to you Mr. Shipp, hold
12 tight. Mr. Shipp?

13 MR. SHIPP: Okay. Can you hear me now, Madam
14 Chair?

15 MADAM CHAIR: Yes. Yes.

16 MR. SHIPP: Okay. Thank you. For the record,
17 this is Bill Shipp, I'm with O'Malley, Miles, Nylen and
18 Gilmore in Greenbelt. I am the special limited counsel to
19 the Revenue Authority for land use and zoning matters
20 related to this property.

21 Just to clarify what I think Mr. Dean was eluding
22 to is as the property owner we had signed the application
23 for the request to amend the zoning conditions which Mr.
24 Gibbs went into great detail about which I won't go through
25 again, of course. And of course neither Lake Arbor Civic

1 Association or Mr. Dean appealed that decision of the ZHE,
2 another civic association did and at the District Council
3 there was an approval with the modification to the condition
4 as is the normal process, the clerk's office then sent a
5 letter to the property owner saying do you accept the
6 conditions of zoning approval. On behalf of the Revenue
7 Authority as their authorized counsel, I sent a letter back
8 accepting those conditions.

9 There is a letter in your packet that Mr. Gibbs
10 transmitted yesterday timely, it's dated February 10, 2020
11 from Ms. Benjamin to Sam Dean and in that letter it
12 discusses the acceptance of the zoning conditions by the
13 District Council and that my action doing that on behalf of
14 the Revenue Authority was authorized and proper. Ms.
15 Benjamin is general counsel to the Revenue Authority in her
16 position as Office of Law attorney and she can address the
17 other comments. I won't belabor anymore because I think the
18 whole topic is really not relevant to a Detailed Site Plan
19 and if there was some question about the zoning conditions
20 or the finalizing of that process there was an appeal
21 process available then and it didn't occur. So with that I
22 have no further comment.

23 MADAM CHAIR: Okay. Thank you, Mr. Shipp. Okay.
24 Does the Board have any questions of Mr. Shipp?
25 Commissioner Washington?

1 COMMISSIONER WASHINGTON: No, I don't, Madam
2 Chair.

3 MADAM CHAIR: Commissioner Doerner?

4 COMMISSIONER DOERNER: No.

5 MADAM CHAIR: Commissioner Geraldo?

6 COMMISSIONER GERALDO: None.

7 MADAM CHAIR: Okay. Ms. Benjamin, you're on.

8 MS. BENJAMIN: Thank you, Madam Chair. A very
9 brief although it is clear that the Board's, the Revenue
10 Authority procurement activity --

11 MADAM CHAIR: Ms. Benjamin, can you please
12 identify yourself for the record though? Okay.

13 MS. BENJAMIN: Oh, I'm sorry, Tracy Benjamin, I'm
14 a Principal Associate County Attorney for the Office of Law
15 and I serve as Acting General Counsel for the Revenue
16 Authority of Prince George's County.

17 MADAM CHAIR: Thank you.

18 MS. BENJAMIN: And I'd just like to address two of
19 the issues that Mr. Dean touched. One was the legality of
20 the Revenue Authority's procurement and I'd like to say for
21 the record, even though this is not under the jurisdiction
22 of the Board, for the record since it's been placed on the
23 record, I'd like to say that this was not a competitive
24 procurement. The Revenue Authority's laws and policies
25 governing procurement address the procurement of supplies

1 and services for the expenditures of funds. The Revenue
2 Authority expended no funds here, this was a procurement for
3 qualifications of a developer. So they don't, this
4 transaction did not fall under the procurement for policies
5 and procedures and so there was no violation of that.

6 The second thing I wanted to address and I think
7 Mr. Shipp already addressed was whether the Board responded
8 to the community that visited the Revenue Authority's Board
9 meeting with respect to their issues and the letter that I
10 wrote to Mr. Dean is the Board's response, it was on behalf
11 of the Board. It is a response to their issues. And with
12 that, I'll take any questions anyone has.

13 MADAM CHAIR: Okay. Thank you. Commissioner
14 Washington?

15 COMMISSIONER WASHINGTON: No questions, thank you.

16 MADAM CHAIR: Okay. Commissioner Doerner?

17 COMMISSIONER DOERNER: No questions.

18 MADAM CHAIR: All right. Commissioner Geraldo?

19 COMMISSIONER GERALDO: NO questions, Madam Chair.

20 MADAM CHAIR: Okay. So let me say this. The
21 Councils, Prince George's and Montgomery Counties are going
22 to be meeting on our budget at 3 o'clock, so that gives us
23 six minutes. I can recess and try to reconvene at 3:30 or
24 you know I think that probably makes sense because Mr.
25 Benton, you're still signed up to speak, right?

1 MR. BENTON: (No audible response.)

2 MADAM CHAIR: Mr. Benton, are you there?

3 MR. BENTON: Yeah.

4 MADAM CHAIR: Okay.

5 MR. BENTON: Yeah, I'm here.

6 MADAM CHAIR: Okay. So I just, you know, I don't
7 think it make sense for us to start for you to only have
8 three or four minutes. Because we have to break for that
9 and hopefully we'll be done around 3:45. If you can check
10 in, can we put a notice up, can we check back at 3:30?
11 Hopefully we're done by 3:30. Okay.

12 MR. BENTON: That's fine.

13 MADAM CHAIR: Okay. So but I want everyone to be
14 able to check back at 3:30, okay, and if we're running late
15 we'll put the notice up, okay?

16 MR. BENTON: That's fine.

17 MR. DEAN: Madam Chair?

18 MADAM CHAIR: Yes?

19 MR. DEAN: May I just ask one question?

20 MADAM CHAIR: Sure.

21 MR. DEAN: Attorney Benjamin says she sent me a
22 letter that I never received and I never received one from
23 Mr. Brown, who my letter was written to. So if she can
24 provide me with that, I appreciate it. Thank you.

25 MADAM CHAIR: Okay. Okay. Okay. Thank you so

1 much. We're going to recess and reconvene hopefully at
2 3:30. Okay. Thank you everyone.

3 (Whereupon, a brief recess was taken.)

4 MADAM CHAIR: The Prince George's County Planning
5 Board is back in session. We were hearing Items 9 and 10,
6 Woodmore Commons, a Detailed Site Plan and Departure from
7 Design Standards. Everyone has testified thus far until,
8 except for Mr. Benton and Mr. Benton was about to begin.
9 Okay. Let's do a head check. Okay. We see Commissioner
10 Doerner. Can I be heard?

11 COMMISSIONER DOERNER: Yes, I can hear you.

12 MADAM CHAIR: Okay. So Commissioner Doerner is
13 present. Commissioner Washington is present. So let me go
14 down the list. Mr. Gibbs, are you present?

15 MR. BISHOP: I am.

16 MADAM CHAIR: Okay. Mr. Lenhart?

17 MR. LENHART: Yes, I'm here, thank you.

18 MADAM CHAIR: Okay. Mr. Tedesco? Some of these
19 might be finished.

20 MR. TEDESCO: I'm here, Madam Chair. Thank you.

21 MADAM CHAIR: Okay. Mr. Ballard? Okay. Mr.
22 Ballard?

23 MR. BALLARD: Present.

24 MADAM CHAIR: Mr. Villegas?

25 MR. VILLEGAS: Present.

1 MADAM CHAIR: Mr. Shipp?

2 MR. SHIPP: (No audible response.)

3 MADAM CHAIR: Bill Shipp? He may be done. I
4 don't know.

5 MR. SHIPP: I'm here, Madam Chair.

6 MR. GIBBS: He's --

7 MADAM CHAIR: He's on. Okay. Thank you. Ms.
8 Benjamin?

9 MS. BENJAMIN: Present.

10 MADAM CHAIR: Mr. Duffy?

11 MR. DUFFY: I'm here.

12 MADAM CHAIR: Mr. Dean? He already said he was
13 on, right, Mr. Dean?

14 MR. DEAN: (No audible response.)

15 MADAM CHAIR: Mr. Dean?

16 MR. DEAN: I'm on, I'm here. Mr. Dean is here.

17 MADAM CHAIR: Okay. Thank you. Ritchlyn
18 Dantzler?

19 MS. DANTZLER: I'm here.

20 MADAM CHAIR: Thank you. And LaRay Benton?

21 MR. BENTON: I'm here.

22 MADAM CHAIR: Okay. Mr. Benton, you are on,
23 please identify yourself for the record. Oh wait a minute,
24 do we have our legal counsel too, Mr. Warner, are you on?

25 MR. WARNER: I'm available.

1 MADAM CHAIR: Okay. Thank you. Okay. And I
2 think that was everybody. Oh Mr. Masog, are you on?

3 MR. MASOG: Present.

4 MADAM CHAIR: Okay. Mr. Juba?

5 MR. MASOG: Present.

6 MADAM CHAIR: Mr. Juba?

7 MR. JUBA: Present.

8 MADAM CHAIR: Noelle Smith?

9 MS. SMITH: Present.

10 MADAM CHAIR: Mr. Sun?

11 MR. SUN: (No audible response.)

12 MADAM CHAIR: Okay. Paul Sun? All right. Okay.
13 We're good.

14 UNIDENTIFIED PERSON: Paul's not, Paul had to sign
15 off.

16 MADAM CHAIR: Okay. No worries. Okay. Okay.
17 All right. Mr. Benton, you're on.

18 MR. BENTON: All right. My one comment is, is
19 related to really when I looked at the, the Staff Report and
20 everything, that was sent by the applicant, there was
21 nothing in there that actually, that actually addressed how
22 the applicant as the other side, what the other potential
23 land owner on, on the other side of I-310 is going to
24 contribute to the planning, financing and, and eventual
25 building of road I-310. And I say that because as we all

1 know the District Council in, as it relates to DSP-18024 for
2 Woodmore Overlook made a certain condition that the
3 developers pay for the, the improvements and bondos
4 (phonetic sp.) before any commercial permit is anything that
5 was, that was issued.

6 MADAM CHAIR: Let me ask you a question, was that
7 in a Detailed Site Plan or was that in the Preliminary Plan?

8 MR. BENTON: No, that was, they, they, they made
9 that decision in the Detailed Site Plan.

10 MADAM CHAIR: Okay. The District, okay. Okay.

11 MR. BENTON: So and as I-310 is a Master Plan Road
12 and with a Master Plan Road both sides or both owners of
13 that road contribute to the building of the road.

14 Now I understand that this DSP is related to the
15 residential side which is on the back side of it and the
16 applicant may be addressing this with the next DSP with DSP-
17 04067-10 but that is yet to be seen. But the question still
18 stands is you know really how is the applicant going to or
19 is looking or is working to actually address that. And
20 again they just really going off of the premise that I-310
21 is a Master Plan Road and both owners, land owners or
22 property owners on both sides of that road are required to
23 contribute to, to the development of it.

24 So I just wanted to go on record and ask that
25 question but I also understand that the Planning Board may

1 not have the jurisdiction to set that condition on the
2 applicant. I do, I do know and understand that the District
3 Council does and even if there is a simple condition to this
4 DSP that requires the applicant to, to, to actually address
5 that particular condition or that particular issue with,
6 with the next DSP for the commercial side of it, that's why
7 I'm bringing it up now. So that's really my only comment
8 and discussion at this point. So you know with, without
9 that being within the actual Staff Report and proposed
10 resolution itself, you know, I would have to oppose what's
11 being offered at this point. That's my only comment.

12 MADAM CHAIR: Okay. Thank you, Mr. Benton. Let's
13 see if the Board has any questions for you. Commissioner
14 Washington?

15 COMMISSIONER WASHINGTON: None from Commissioner
16 Washington.

17 MADAM CHAIR: Okay. Commissioner Doerner?

18 COMMISSIONER DOERNER: No, ma'am.

19 MADAM CHAIR: Commissioner Geraldo?

20 COMMISSIONER GERALDO: (No audible response.)

21 MADAM CHAIR: Oh no, okay, I'm sorry, Commissioner
22 Geraldo is not on at this point. Okay. Okay. So that
23 concludes our speakers. So I'm going to come back to you,
24 Mr. Gibbs.

25 MR. GIBBS: Yes, Madam Chair.

1 MADAM CHAIR: Well, you know what before we come
2 back to you, before I come back to you, I guess I need to
3 come back because I want to make sure that we respond, we
4 need to hear back from our staff, Mr. Bishop with regard to
5 your proposed, your condition. His response to your
6 sidewalk condition, the proposed deletion.

7 MR. BISHOP: Madam Chair, this is Andrew Bishop
8 with the Urban Design Section. We are not in agreement with
9 the applicant --

10 MADAM CHAIR: Okay.

11 MR. BISHOP: -- to delete the condition.

12 MADAM CHAIR: Okay. Well we got that part. But I
13 want to hear your response to the rationale that he
14 provided.

15 MR. BISHOP: So while the CSP may not have shown
16 the connection, pedestrian connection to Tolson Lane, the
17 DSP is still the appropriate time to explore and propose the
18 connection. And a Preliminary Plan of Subdivision 4-18024
19 required the pedestrian connections were due at the time of
20 DSP. And then we, Mr. Ballard talked about the Landscape
21 Plan and how the existing landscaping will be removed in
22 that area to accommodate the site grading. And I wanted to
23 point out that in light of situations such as we're
24 experiencing now with COVID-19, it would probably be
25 beneficial for the community to have a connection to allow

1 families to walk and get exercise in the area.

2 MADAM CHAIR: All right. All right. Does any of
3 the Board members have any questions or do any of the Board
4 members have any questions for Mr. Bishop?

5 (No audible response.)

6 MADAM CHAIR: Ms. Kosack, do you have anything to
7 add?

8 MS. KOSACK: Just a couple of quick points to
9 clarify from what Andrew said. You know the recommended
10 condition doesn't specify the exact location of the
11 pedestrian connection to Tolson Lane. It could possibly
12 happen closer to where the parking lot is as opposed to
13 closer to the residential home. You know, again this
14 property is part of all, one CSP, this pedestrian connection
15 was recommended to the applicant since the time of pre-
16 acceptance on this Detailed Site Plan, which again you know
17 a Detailed Site Plan is the appropriate time to look at
18 specific pedestrian connections to serve purposes. Again
19 you know pedestrian connections aren't just about you know
20 access to certain locations or destinations. They're also
21 just about allowing for more walkability within a community
22 and you know connections between them. So, staff would
23 still suggest it continues to, as we have from the
24 beginning, suggest a pedestrian connection to the existing
25 pedestrian sidewalk within Tolson Lane.

1 MADAM CHAIR: Okay. Thank you. So okay,
2 Commissioner Doerner, questions?

3 COMMISSIONER DOERNER: No, I think staff have made
4 very good and pointed remarks.

5 MADAM CHAIR: Okay. Commissioner Washington?

6 COMMISSIONER WASHINGTON: I have no questions,
7 Madam Chair.

8 MADAM CHAIR: Okay. Thank you. Mr. Gibbs?

9 MR. GIBBS: Oh thank you very much, Chair Hewlett.
10 Yes, just a couple things that I need to respond to. First,
11 the most recent comments by Mr. Benton, the impact or
12 relevance of I-310 would have no bearing on the
13 consideration of this Site Plan in any event, given the fact
14 that I-310 is a connection from Ruby Lockhart Boulevard to
15 Maryland 202. So it has no bearing on this property
16 whatsoever as this property is on the north side of Ruby
17 Lockhart, that connection goes from the south side of Ruby
18 Lockhart out to 202.

19 The other point about that is you know even if it
20 could have been deemed relevant as a matter of discussion,
21 on the Master Plan I-310 never touches even Parcel 2, and
22 when we were in the early stages of planning the development
23 of both Parcels 1 and 2. We met with Mr. Masog and we also
24 met with the Director of DPIE, Mr. Ajawsi (phonetic sp.) at
25 that time and his Deputy Director. And everyone agreed that

1 that roadway did not touch this property and of course after
2 that the developer of Woodmore Overlook had the location of
3 the roadway 9 moved. So that's our comment to that, it has
4 no relevance to this case.

5 Relative to Mr. Dean's comments, a couple of
6 things. He talked about restriction of access on 202 and on
7 St. Joseph's Drive from 202 to Ruby Lockhart. We are not
8 proposing any access onto 202 other than at the intersection
9 of St. Joseph's Drive and 202 at the traffic light. And
10 similarly, the section of St. Joseph's from 202 up to Ruby
11 Lockhart fronts on Parcel 2 and we're not proposing at any
12 point in the CSP or the Preliminary Plan any direct access
13 from Parcel 2 onto St. Joseph's Drive. So we're fully in
14 compliance with that.

15 Mr. Dean made reference to the community paying 17
16 million dollars for road improvements. I would at this time
17 like to place into evidence the copy of CB-95 of 2010 which
18 was one of the documents attached to my second May 5th
19 letter, which was a potential to be used document.

20 MADAM CHAIR: First, your voice --

21 MR. GIBBS: And --

22 MADAM CHAIR: -- is fading in and out. Okay.

23 Hold on a second. Let me find that. Okay. It was, all
24 right, hold on a second. Oh yes, okay, got it. Okay.

25 MR. GIBBS: You got it?

1 MADAM CHAIR: Yes, but everybody --

2 MR. GIBBS: Okay.

3 MADAM CHAIR: -- all of these were loaded up for
4 everyone, okay, just so we're clear. Okay. Okay.

5 MR. GIBBS: Okay. Yes, I would like to have that
6 accepted into evidence.

7 MADAM CHAIR: I've got news for you --

8 MR. GIBBS: Because --

9 MADAM CHAIR: -- all of it's been accepted into
10 evidence.

11 MR. GIBBS: Yes, please.

12 MADAM CHAIR: Okay. I'm saying it's all in
13 evidence now. Okay. Got it. Okay.

14 MR. GIBBS: Okay. Thank you very much. If you
15 look at the first page of that document it references 17
16 million dollars for road improvements. This TIFF was
17 exclusively funded by Woodmore Town Center and the way it
18 was funded is Woodmore Town Center put the money up. A note
19 was signed and the 17 million dollars will be refunded to
20 the developers of Woodmore Town Center not Balk Hill, based
21 upon the incremental increase in taxes which occurs as a
22 result of the improvements being built at Woodmore Town
23 Center. So that's how the 17 million dollars gets repaid.
24 But this is actually money that Woodmore Town Center
25 developer put up and if you look at the map attached to the

1 rear of that TIFF bill, you will see that that is a map of
2 Woodmore Town Center and that is in fact the TIFF District
3 Balk Hill has nothing to do with that. And that 17 million
4 dollars plus many million dollars in excess of that were
5 paid by the developers of Woodmore Town Center for the list
6 of road improvements which are attached to that legislation.

7 Mr. Dean referred to page 10 of the Planning Board
8 Resolution approving 4-18024, with regard to a meeting
9 between the developer and DPIE. I don't see any reference
10 to a meeting in that finding. We certainly were not part of
11 that meeting with Mary Giles and our only meeting with DPIE
12 was to discuss the location of I-310 not impacting our
13 property. We had nothing to do with moving it and didn't
14 request that it be moved.

15 Mr. Dean referenced page 10 relative to the trip
16 cap and I would direct an invite the Board's attention to
17 page 12 of the Planning Board Resolution approving 4-18024.
18 Mr. Dean questioned whether the trip cap was being exceeded
19 and there is an analysis of the trip cap. The trip cap
20 that's approved for all of Balk Hill is 1,013 a.m. trips and
21 1,058 p.m. trips. And if you look at the bottom of that
22 chart the total trip generation as I understand it and Mr.
23 Masog can correct me if I'm wrong, is 740 a.m. and 947 p.m.
24 So the entire development, the residential plus Parcels 1
25 and 2 is beneath the trip cap.

1 The comments about the Advisory Planning
2 Committee, again, you know, the Planning Board's own
3 resolution confirmed that the committee had been established
4 as required by the original Condition 10, but in any event
5 it's no longer, that original condition is no longer
6 relevant since it has been replaced by amended Condition 10
7 in the most recent revision to the conditions as requested
8 by the applicant.

9 I would like to have, are you indicating, Madam
10 Chair, that all of the documents in our second May 5th
11 letter are now in the record including --

12 MADAM CHAIR: (Sound.)

13 MR. GIBBS: -- Ms. Benjamin's letter to Mr. Dean,
14 which --

15 MADAM CHAIR: Yes, so let me --

16 MR. GIBBS: -- I believe there's --

17 MADAM CHAIR: Okay. I got to find Ms. Benjamin's
18 letter to Mr. Dean. But once we get this, it has to be
19 submitted for everybody. Everybody has it, I am accepting
20 every exhibit that you submitted and the two that Mr. Dean
21 submitted into the record unequivocally in total.

22 MR. GIBBS: Okay. Thank you very much.

23 MADAM CHAIR: Okay.

24 MR. GIBBS: Because that is not just her letter,
25 but 47 pages of attachments as well.

1 MADAM CHAIR: Okay.

2 MR. GIBBS: So I think that concludes our response
3 to Mr. Dean and Mr. Benton. In response to Mr. Bishop and
4 to Ms. Kosack, we certainly understand and appreciate, you
5 know, where their comments from and the general support for
6 connecting various sections of the development. Again, I
7 would only say that the history of the approvals indicate
8 that the 393 residential units were separate and distinct
9 and we just don't see the appropriateness of this particular
10 connection because it really doesn't facilitate the
11 residence of the multifamily component ever going out
12 through that sidewalk when they can go directly up to St.
13 Joseph's Drive. That is the most direct pedestrian and
14 bicycle route to get into Woodmore Town Center and after Mr.
15 Ballard explained the grading that was going to occur in the
16 very unlikely event that anyone ever wanted to get to that
17 office townhouse they could get there through the crosswalk
18 that's going to provide connection through the commercial
19 component to the north on Parcel 10 or just walk across the
20 13 foot grass strip.

21 We just, you know, given the circumstances of this
22 case, given the way that we have worked with Ms. Dantzler to
23 try to facilitate a good position for her, vis-à-vis this
24 development, we think that the negative impacts that will
25 occur as a result of that connection far outweigh the

1 benefits of any connection because it's just simply not, in
2 our view, going to be a connection that's used.

3 So with that being said, thank you very much for
4 your time. Sorry it's taken so long and as always, we
5 appreciate your being here during these difficult times.

6 MADAM CHAIR: Okay. Thank you, Mr. Gibbs. This
7 case has taken a very, very long time. I think we've heard
8 from everyone. I don't know if there's any rebuttal or
9 surrebuttal but that sounded like a closing argument. Let
10 me see, I think everyone's pretty much said everything but I
11 do have to check. Mr. Dean?

12 MR. DEAN: Yes, I do have rebuttal.

13 MADAM CHAIR: Okay.

14 MR. DEAN: Yes. Again, I listened to Mr. Gibbs,
15 who I have a great deal of respect for. He's talking about
16 the 17 million dollars TIFFF. I was on the Council when we
17 did the TIFFF, so I understand what the TIFFF was for and what
18 was paid for. Balk Hill Village had a special taxing
19 district and a special taxing district was 9 million dollars
20 to do infrastructure and part of that money is around Ruby
21 Lockhart, there's Woodmore Village which is on Lottsford
22 Road and there was a special taxing district at, over 8
23 million dollars to do all of the infrastructure on Lottsford
24 Road, Campus Way and so they issue that, you know, they're
25 kind of piecemealing this and I know I gave you this and you

1 know both Bill Shipp and Attorney Benjamin said that you
2 know basically what they did was okay and she sent me a
3 letter, which I don't have but nevertheless, let's go back
4 to where we started.

5 Remember the development for Balk Hill Village.
6 When they bought into Balk Hill Village they did not buy
7 into having 100, no, a 258 unit rental development that was
8 going to back into them. When they bought in the 20 acres
9 that's in, in discussion right now what they have been
10 commercial and what they have been office buildings and
11 employment center, nothing about residential. They went
12 back in, they rezoned and that's become problematic for me
13 because when people buy in they go to the Master Plan, the
14 Master Plan says one thing, a person comes in and buy the
15 property, come to the Planning Board and have the property
16 rezoned so now we --

17 MADAM CHAIR: No, no. No, no. Hold up. They go
18 to the Council for it to be rezoned. I'm sorry.

19 MR. DEAN: They come to the Planning Board for
20 Preliminary Plan of Subdivision, right?

21 MADAM CHAIR: Yes, but you said that it comes to
22 the Planning Board for rezoning. I was just saying no, no,
23 that's --

24 MR. DEAN: Oh no, no, no. They come to you for a
25 Preliminary Plan of Subdivision, just like they did for

1 Overlook commercial. They came in with subdivision. What
2 happens to us because we sit here and don't have the high
3 powered attorneys that developers have and we're trying to
4 catch up, so let's deal with the issue at hand since this is
5 nine parcels that we're only dealing with two of the nine
6 parcels. We don't have a clue what they're going to do with
7 the other seven. We've had issues come up where they're
8 going to bring in a, a discount grocery stores and I've gone
9 back to the developer and say this doesn't make sense. We
10 spent 17 million dollars to get Wegman's to come into this
11 area and now you're going to bring in an Aldi's? And
12 they're saying well you know the people wanted that, they're
13 going to bring in a Chick-fil-A, we got a Chick-fil-A that's
14 owned by an African American less than a mile away, so
15 they're going to bring in a Chick-fil-A and this is
16 basically not what we bought into.

17 But then the 258 unit rental, it backs into the
18 lady's property, they're talking about doing a buffer. How
19 can you do a buffer when you got, come out your house and
20 you've got a five story building that you have to look at.
21 That destroys her right for having what she thought she was
22 buying into. And also if you talk about they come in here
23 for, to amend the number of parking spaces they need to have
24 going back and this is what I started with, going back to
25 page 16 of DDS-669 on Number 4 said the, this analyst is not

1 endorsed by the review of staff reason, they give the
2 reasons. Then they talk about areas will not be infringed
3 upon. The area that they're talking about will not be
4 infringed upon, it is the residential development that this
5 project is going to affect. So you know of course, who do
6 we go to for resolution? They went back and again you know
7 what's happening here is just beyond my comprehension. I
8 mean things are quite different.

9 They went back, they got the property rezoned,
10 they went through the process. They got the property broken
11 up into nine parcels when they went for subdivision. What
12 we're not talking about is the other seven parcels and
13 that's when I was talking about in all of the Chick-fil-A
14 and what have you. They do not impact the so called Grand
15 Way Boulevard that's in dispute, but they will benefit from
16 it. And in your policy it says that there will be no
17 entrance for these nine parcels off of 202.

18 The developer is right because they're saying well
19 we're not going to have entrance off of 202 but we're going
20 to utilize this so called Grand Way Boulevard to get into
21 our property. So the Grand Way Boulevard is the Woodmore
22 Overlook so if you take the, if you take these projects and
23 what we're doing is that we're separating them, we're
24 dealing with one and one we get the approval and then we'll
25 deal with the other one and we'll get the approval, and so

1 why can't we look at this whole area as it is being
2 developed. Again, I think you're doing a disservice to the
3 people in Balk Hill Village. They've invested a lot of
4 money in their property and when you start bringing in low
5 end development what it's going to do is have a major impact
6 on the price of their property.

7 The developer is going to do what they need to do.
8 Once they put their project in, they won't be, have to be
9 there to look at this stuff every day. So my issue is that
10 I would recommend that we deny the request for the
11 reductions in the parking and we'll have to deal with this
12 stuff you, you need to come out to the community, Park and
13 Planning usually come out to the community and advise them
14 on you know how this system work. Most of these people are
15 new, don't understand what's going on and then when they
16 find out about it, we're long past Preliminary Plan of
17 Subdivision.

18 So anyway, that's what I wanted to say because
19 actually what Mr. Gibbs is talking about had no relevance to
20 really what we're here for, but I do appreciate the fact
21 that he's talking about 17 million dollars from Woodmore
22 Town Center. We understand that it's a TIF, we understand
23 that there's payment back. I sat there. We passed the TIF
24 because we thought it was going to be a great project. We
25 passed the TIF without the signature of the County

1 Executive because we thought it was worthwhile and so I am
2 really displeased with Petrie, because the expectation was
3 that we're going to have what we look at, what you see
4 develop in College Park, what you see develop in Laurel,
5 what you can see develop in New Carrollton and so we've
6 become kind of the stepchild of this whole area.

7 So that's what I needed to say. Thank you.

8 MADAM CHAIR: Thank you very much, Mr. Dean.

9 Okay. Mr. Benton, are you good?

10 MR. BENTON: Yeah, I'm good. I mean the only
11 thing I would say is --

12 MADAM CHAIR: And Mr. Benton, I forgot to ask you,
13 can you please identify yourself for the record? I had
14 everyone else do that, name and address. Thank you.

15 MR. BENTON: I'm sorry, LaRay Benton, 1731
16 Stonebridge Court. Yeah, in regards or in response to Mr.
17 Gibbs, well yeah, Mr. Gibbs' comment about the, the I-310 if
18 possible could he or Mr. Masog send, if there was any, any
19 meets and bounds or any legislation because typically when
20 you dedicate the right-of-way both sides of the road have to
21 actually give, donate land to, to the right-of-way to
22 actually build, build the road. So where, if they're, well,
23 if there got to be a recordation of the dedication of the
24 road I-310 then I would like to see, if possible.

25 MADAM CHAIR: Okay.

1 MR. BENTON: But, but, but either way I do agree
2 with him that I do understand that it's not related to this
3 particular development, but it is going to come up with the
4 DSP --

5 MADAM CHAIR: Okay.

6 MR. BENTON: -- for the commercial side, which is
7 part of, which is part of the same applicant. So that's why
8 I just put it on the record early for both the staff and for
9 the applicant to think about it and consider because it is
10 something I'm going to bring up to the Council.

11 MADAM CHAIR: Okay.

12 MR. BENTON: That's it.

13 MADAM CHAIR: Thank you. So Mr. Gibbs, it sounded
14 to me like you gave a summation already and am I correct?

15 MR. GIBBS: And so I mean --

16 MADAM CHAIR: I didn't hear you. Okay. Did you
17 hear my question?

18 MR. GIBBS: I did hear your question.

19 MADAM CHAIR: Okay. Because I didn't hear how you
20 started.

21 MR. GIBBS: Can you hear me?

22 MADAM CHAIR: Okay.

23 MR. GIBBS: Okay. Yes. Yes, but I mean it's very
24 difficult when people come back up and then say different
25 things.

1 MADAM CHAIR: Well, okay, go ahead.

2 MR. GIBBS: So under the theory that the applicant
3 is heard last --

4 MADAM CHAIR: Yes.

5 MR. GIBBS: -- let me just say once again in
6 regard to Mr. Dean's comments, you know, obviously we didn't
7 rezone the property we just amended Conditions 5 and 10,
8 nothing else. And in terms of his objection to the uses,
9 Ms. Sigrid Samuel (phonetic sp.) who's testimony is
10 excerpted in the documents we submitted, on behalf of the
11 Lake Arbor Civic Association she indicated she had no
12 objection to the change we were making to Condition 5 as
13 this was a mixed-use project.

14 And again, the other seven parcels are not part of
15 this Detailed Site Plan application, they will be coming in
16 in the very near future and we didn't make any proposal
17 relative to moving Grand View Boulevard/I-310 and you know
18 that was entirely an effort undertaken by Woodmore Overlook
19 without any consultation with us or collaboration by us.

20 And finally, the comment that Mr. Dean references
21 in the Staff Report relative to the transportation staff not
22 endorsing the use of the Parking Generation Manual, that was
23 with regard to the methodology used by Mr. Lenhart to
24 compute the required number of parking spaces which are
25 needed in the M-X-T Zone. Because as you well know that is

1 a decision made by the Planning Board based upon
2 recommendation by the staff after an analysis provided by
3 the applicant as to what the appropriate number of spaces
4 should be. The comment in the Staff Report, I believe,
5 referenced the initial review of the methodology suggested
6 by Mr. Lenhart. We then went back and added more parking
7 spaces and then I believe that transportation staff was in
8 agreement with his methodology. That's literally all I have
9 to say and thank you very much.

10 MADAM CHAIR: Okay. So let me do this. First of
11 all, it's been a very long day but we thank each of you for
12 hanging in there. You know, it's difficult sometimes but
13 we're very, very appreciative. There's a lot of history
14 here and there was a lot of history interjected into the
15 case, some of which was relevant and a lot which was not
16 particularly relevant. But nevertheless it was provided and
17 this is an administrative hearing so we do allow some
18 leeway.

19 Now we're going to have a motion on the actual
20 contents of a Detailed Site Plan that has been submitted.
21 Okay. Along with the Departure of Design Standards. You
22 know, okay, and I'm just going to leave it at that. So I'm
23 going to see if there's a motion because I'll save some
24 other comments for discussion. Is there a motion?

25 COMMISSIONER WASHINGTON: Madam Chair, this is

1 Commissioner Washington and I would like to make a motion.
2 But before so doing, let me just comment by thanking
3 everyone for their testimony today. And as you just stated,
4 Madam Chair, a lot of what we heard was I don't believe
5 particularly germane to the case that's before us. But
6 nevertheless, you know, I'm encouraged by the comment and
7 obviously the active engagement and participation.

8 And as I view it, I think the principle issue in
9 chief really has to do with the connectivity and in that
10 regard, let me just say that I actually like the design that
11 the applicant has put forward, especially in the context of
12 circulation within the development. I think the access to
13 Ruby Lockhart Boulevard is certainly appropriate and then
14 the planned access also to Parcel 2. And I say it with a
15 high degree of confidence because I think I've mentioned
16 before you know I live within this area, frequent this area
17 quite a bit. And with regards to the access on Tolson Lane,
18 I guess I have a couple of comments and one related to our
19 staff recent comment, I believe it was Ms. Kosack wherein
20 she indicated that staff was not recommending necessarily a
21 specific location on Tolson Lane, but any other direction
22 other than in front of Mrs. Dantzler's house would be
23 introducing an access into a parking lot. And I just do not
24 believe that introducing pedestrian traffic into vehicular
25 traffic, quite frankly, just makes any sense.

1 And then with regards to right outside of Mrs.
2 Dantzler's property or right in front of her property, and I
3 was particularly struck by Mr. Tedesco's comments in that
4 you know we are always encouraging applicants to work with
5 the community, try to strike the right balance so that
6 everyone feels very, you know, comfortable about whatever is
7 taking place in their respective community. And Mrs.
8 Dantzler, I was also struck by your testimony and I thank
9 the applicant for proffering something that was to her
10 stated agreement with regards to the development.

11 So with that, Madam Chair, I'd like to move that
12 we adopt the findings of staff and approve DDS-669 with the
13 exception of the finding as it relates to Condition
14 (B) (1) (b) and approve Detailed Site Plan 04067-09 and TCP2-
15 082-05-05 along with the associated conditions as outlined
16 in staff's report and as further amended, and I don't know
17 that you gave it a number, Madam Chair --

18 MADAM CHAIR: I did.

19 COMMISSIONER WASHINGTON: -- but I'm going to say
20 Applicant Exhibit Number 1 or the proposed conditions that
21 are already entered into the record. And I would ask staff
22 and our legal team to ensure that the final resolution
23 reflects and appropriate finding related to the deletion of
24 (B) (1) (b) .

25 MADAM CHAIR: We have a motion. Is there a

1 second?

2 COMMISSIONER DOERNER: Yes, this is Commissioner
3 Doerner, I'll second the motion. And then I'll just sort of
4 add in my discussion now so that way we don't have to do it
5 again --

6 MADAM CHAIR: That's fine.

7 COMMISSIONER DOERNER: -- afterward.

8 MADAM CHAIR: Go ahead.

9 COMMISSIONER DOERNER: But yes, so I agree with
10 Commissioner Washington on most of the points, and
11 everything and then I sort of viewed the sidewalk access at
12 the very bottom of the slide that we have up now a little
13 bit differently but in the same light that, with the
14 testimony I think it was helpful. It was helpful from
15 staff, but it was also helpful from Mr. Gibbs and then
16 particularly from the residents who are living nearby there.

17 Just in general my approach is yes, I agree that
18 more access or creating more access points is usually a
19 pretty good thing. But the opening of it into the cul-de-
20 sac I don't think it's necessarily going to be in the
21 parking lot but the opening into a cul-de-sac or into the
22 parking lot is not necessarily ideal because there's nowhere
23 else for people to go right now. And I think that would
24 have needed to be thought out a little bit more. Given that
25 there is access potentially coming out of the commercial

1 area above that, I think that might be okay.

2 I'm not particularly compelled by Mr. Gibbs'
3 comment that people could walk across the grassy knoll
4 because if you have a stroller or if you're in a wheelchair
5 or if you are impaired in some way and you can't walk across
6 the grass, or if it's muddy, you just can't do that. And
7 going up, and this is sort of presumptively on the crux that
8 the commercial lot to the north is actually going to have a
9 cut through there. Otherwise, I think I would stick much
10 stronger to the guns that they need to have that connection.
11 But given that they are going to have it, I think that's
12 okay.

13 Also though given that the expert who testified on
14 the engineering side also that perhaps it's not great that
15 all the vegetation and the buffers being cut down between
16 the commercial area and the development, but that will give
17 people an access point. I wouldn't have used that as sort
18 of an excuse that people can walk across the grass, but
19 given that that is a or that will be a possibility if folks
20 are working in that commercial area or need to go to it for
21 whatever reason, I think that that's okay. I don't like the
22 idea of them having to potentially go out to Ruby Lockhart
23 Boulevard, go up to St. Joseph's Drive, come back down to
24 Tolson if that's where their destination needs to be if they
25 can simply walk across or walk across a cut out. So I'm

1 trusting that Mr. Gibbs is going to stay true to the fact
2 that or to the comments that the commercial area that will
3 be developing later on will connect that through.

4 And just sort of on the gut that if we're making
5 these connections we kind of need to have connections to
6 elsewhere that are going to get activated later on. So
7 sometimes we make connections where we have a Master Plan
8 Right-of-way that's going to be coming or a trail that's
9 going to be happening down the road. I don't think that's
10 going to happen in that cul-de-sac, unfortunately, and if
11 that was the case that we had some sort of a plan down the
12 road for that, I'd be fully supportive of it. But I think
13 there's been enough sort of comments that have indicated
14 that that's probably not going to happen down the road and
15 that just sort of makes me a little bit hesitant to push for
16 it for a variety of other reasons. So that's why I'll go
17 ahead and I'll support the motion for that.

18 MADAM CHAIR: Thank you. Under discussion, I'd
19 like to say that there's been a significant amount of
20 acrimony here and it happens sometimes but this case is
21 going to, this development is going to proceed with other
22 applications. We don't know the outcome, but it's going to
23 proceed and I think we need greater communication and in a
24 less acrimonious fashion. And that's really important
25 because otherwise if people just dig in you get nowhere.

1 Secondly, I wanted to say that notwithstanding the
2 fact that there's been a lot of history and some of it was
3 illustrative and informative for us, as I said some of it
4 was not particularly relevant, but it was informative and
5 people got their comments on the record. But one of the
6 things I know about Mr. Dean is he's always been concerned
7 about citizen input. He was concerned before he became a
8 Councilman, when he became a Councilman and after he was a
9 Councilman. And that is very important too, so that is why
10 we have these requirements, these notice requirements CB-12
11 and things of that nature, because of his insistence and
12 initiative.

13 And in that vein, the Planning Department to over
14 many, many years that I've been here too, not only do we
15 comply with those rules and regulations, but he mentioned
16 something today and that the Planning Department used to go
17 out to the communities and speak with them, and we still do.
18 Now not in this COVID environment so much, but we have to be
19 responsive when people call, individuals call us. But when
20 we have been invited to a homeowner's association, civic
21 associations over the years, people have gone. They've gone
22 with teams because he's right in that if you only get
23 involved at the time of a Preliminary Plan or a Detailed
24 Site Plan you're kind of late in the process. So that is
25 why when we do a General Plan we send notices out to the

1 entire county because we want citizen engagement early on.
2 Because that's where they have the greatest input to shape
3 things and then we do it again with the Master Plans and the
4 Sector Plans and things of that nature. You still have
5 input at the Site Plan and Preliminary Plan stage, but it is
6 more limited. It's limited to the criteria that in which we
7 have to evaluate these applications.

8 Also, we all live in subdivisions where somebody
9 didn't want us. Things change and where there was no
10 expectation of us being there. I live in such a subdivision
11 where the people in my community didn't want us there
12 either. I'd venture to say most of us do because people get
13 used to their neighborhoods being a certain way and it
14 happens sometimes. And I haven't always been thrilled with
15 what I've seen develop around me either, but I know that we
16 have laws that have been enacted by the Council, that have
17 been enacted by, or interpreted by the courts and we have to
18 abide by them. And so we evaluate each and every case
19 against those ordinances and laws that have been enacted.

20 And so I wanted to put on the record that we still
21 meet, I have to carve out this COVID period because nobody's
22 meeting with anybody right now, except virtually. But I
23 have to carve that out but we have continued to do that in
24 that vein because we too care about citizen input as well.
25 And we too care about and we just, so yes, we do have and we

1 actually just had a big one yesterday, a big virtual citizen
2 meeting with over 60 participants.

3 And then the other thing is so things change, you
4 know, people do move in a community, myself included, where
5 we have a certain expectation, but the zoning can change.
6 Things can change and then there's two ways to go about
7 rezoning as you know with the comprehensive rezoning process
8 or an individual piecemeal zoning application based on
9 change or mistake. Things can change. So when the Council
10 changed the zoning here to M-X-T, it allowed for these uses
11 and some residential. So it does happen sometimes through
12 nothing nefarious. So but the thing is I would just ask
13 that everyone continue to communicate and I'm not saying you
14 didn't communicate well, but I do sort of feel like
15 something is amiss here and I would like maybe for you to
16 try to communicate better and come prepared on the actual
17 issues that are in front of us, because maybe through some
18 kind of real conversation everybody can get closer to what
19 they want.

20 And so with that, I'm going to call the roll.
21 Commissioner Washington?

22 COMMISSIONER WASHINGTON: Aye.

23 MADAM CHAIR: Commissioner Doerner?

24 COMMISSIONER DOERNER: Aye.

25 MADAM CHAIR: Okay. And I too vote aye, the ayes

1 have it. So with that, I thank everyone, I ask everyone to
2 please remain safe. These are very challenging times. We
3 all care about Prince George's County. This Board lives in
4 Prince George's County. I know some of those attorneys who
5 were talking to us live right here in Prince George's
6 County. We all care about this county and that includes not
7 only in these various applications and the way we delve deep
8 into these applications, but also the other things that
9 we're doing for this county. Like make sure you complete
10 your census, make sure you give back, make sure we donate
11 for food because people are starving during this time.
12 There's so much that we can do for the county that we love
13 so very much and I'm going to close by wishing a Happy
14 Mother's Day to everyone, to all the moms and mom-like
15 figures because and all the moms in our village because we
16 all know it takes a village so I really want to express our
17 thanks and love and hugs to all the moms and ask everyone to
18 remain safe. And in the midst of this crisis still remain
19 hopeful and helpful. Mr. Hunt, are you on?

20 MR. HUNT: Yes, madam Chair, I'm here.

21 MADAM CHAIR: Is there any other business to come
22 before the Planning Board today?

23 MR. HUNT: Happy Mother's Day to all, there are no
24 other items before the Board today.

25 MADAM CHAIR: Okay. The Planning Board is

1 adjourned. Thank you.

2 (Discussion off the record.)

3 (Whereupon, the proceedings were concluded.)

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DIGITALLY SIGNED CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies 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:

WOODMORE COMMONS

Detailed Site Plan, DSP-04067-09

Departure from Design Standards, DDS-669



By: _____

Date: August 17, 2020

Diane Wilson, Transcriber