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Transcript of Hearing

Date: December 18, 2023
Case: SE-22006 Dash In Food Stores, Inc.

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PRINCE GEORGE'S COUNTY, MARYLAND
SPECIAL EXCEPTION ZONING HEARING

SE-22006
Dash In Food Stores, Inc.

Monday, December 18, 2023
(Virtual Hearing)

Job No.: 519442
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A P P E A R A N C E S

ON BEHALF OF THE APPLICANT:
MATTHEW TEDESCO, ESQUIRE
MCNAMEE HOSEA

ON BEHALF OF PEOPLE'S ZONING COUNSEL:
STAN BROWN, ESQUIRE

ATTENDEES:
Maureen McNeil, Zoning Hearing Examiner
Stan Brown, People's Zoning Counsel
Matthew Tedesco, Attorney for Applicant
Ronald Beverly
Brian Fenwick
Mark Ferguson
Mike Lenhart
Anthony Speach
Anthony Williams
Fatima Bah, Reporter
Betty

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1 P R O C E E D I N G S
2 MS. MCNEIL: -- request by the
3 applicant, Dash In Food Stores, Inc., for a
4 special exception to operate a car wash at
5 3301 Mill Branch Road in Bowie, Maryland.
6 And if counsel would identify
7 themselves for the record.
8 MR. TEDESCO: Good morning,
9 Madam Examiner. For the record, Matthew Tedesco
10 with the law firm of McNamee Hosea here on
11 behalf of the applicant, Dash In Food Stores,
12 Incorporated.
13 MR. BROWN: Good morning.
14 Stan Brown, People's Zoning Counsel.
15 MS. MCNEIL: Thank you, guys.
16 Some of you on line may be opposed to
17 this application. And if you are, you have the
18 opportunity to question any witnesses and to be
19 sworn in yourself and testify after Applicant's
20 case.
21 So once you've heard from a witness,
22 if you would raise your hand or put something in

6

1 chat to let us know that you're opposed, we'll
2 give you the opportunity to question the
3 witness.
4 So Mr. Tedesco, I'll turn it over to
5 you now.
6 OPENING STATEMENT
7 MR. TEDESCO: Thank you,
8 Madam Examiner. Good morning, Mr. Brown.
9 Again, for the record,
10 Matthew Tedesco on behalf of the applicant.
11 Madam Examiner, I do have some
12 opening remarks. I would ask for your
13 indulgence to run through those, and then if
14 there is no other preliminary matters, we would
15 turn to our first witness at that time.
16 MS. MCNEIL: Okay. You reminded me.
17 We have 46 exhibits, I believe -- I forget now.
18 Forty --
19 MR. TEDESCO: We should be up to 48
20 with --
21 MS. MCNEIL: Right.
22 MR. TEDESCO: Yeah.

7

1 MS. MCNEIL: I was just letting
2 everyone know that might have gone on line. So
3 we had 46 out there on the LZIS site, which is
4 our internet site. And then, since then, we've
5 added two others. And Mr. Tedesco, they're
6 primarily your exhibits, so you'll be able to
7 explain it to everyone. Thank you.
8 MR. TEDESCO: Yes, ma'am.
9 Madam Examiner, again, Mr. Brown,
10 good morning. We are here, as Madam Examiner
11 indicated, on Special Exception 22006 which
12 seeks the approval of a special exception for a
13 car wash in the prior C-S-C Zone under the
14 provisions of the prior Zoning Ordinance, in
15 particular Section 27-317.
16 The property is located on the north
17 side of Saint Chesley Avenue, approximately
18 1,000 feet east of its intersection -- of its
19 planned intersection, excuse me, with Crain
20 Highway in Bowie.
21 The property address has been updated
22 since the Examiner's reference. It's now 16680

8

1 Saint Chesley Avenue. It's known as Outlot 15
2 in Plat Book ME 262, at Plat Number 52, which is
3 Exhibit 25 in your record.
4 The site is part of an overall site
5 known as Mill Branch Crossing. Mill Branch
6 Crossing is approximately 70.11 acres. The site
7 has a pretty lengthy entitlement history, and
8 just for the record and for your indulgence,
9 Madam Examiner, I'd just like to briefly go
10 through that.
11 In 2019, the Prince George's County
12 District Council approved Council Bill CB-45-
13 2019 to amend Section 27-461, which is a
14 Commercial Zoning Table of Uses of the prior
15 Prince George's County Zoning Ordinance.
16 The purpose of that council bill was
17 to permit, by right, a gas station, food and
18 beverage store, in combination with a gas
19 station, apartment housing for the elderly or
20 physically handicapped, dwelling units, multi-
21 family, and townhouse uses in the C-S-C Zone
22 under certain circumstance.

9

1 I will note that the Mill Branch
2 Crossing property satisfies those requirements
3 of CB-45, which is not the subject of this
4 application, but just for your edification.
5 Subsequent to that, on March 18,
6 2021, the Planning Board approved Preliminary
7 Plan 4-19050 for the development of 190 single-
8 family attached dwellings, 408 multi-family
9 dwellings, 150-room hotel, and 77,635 square
10 feet of commercial retail and office space.
11 The first Detailed Site Plan for the
12 overall Mill Branch Crossing development, which
13 was DSP-2003 was -- 20003, there's three --
14 three zeros there -- was approved by the
15 Planning Board on March 24th, 2022. This
16 Detailed Site Plan approved the residential
17 component and infrastructure improvements on the
18 remainder of the site for the future commercial
19 development, including the subject -- the site
20 for this subject application.
21 An 01 Amendment -- DSP-20003-01, was
22 approved by the Planning Board earlier this

10

1 year, a few months ago on July 27, 2023. That
2 DSP amended -- excuse me -- amendment approved
3 construction of approximately 4,809-square-foot
4 food or beverage store and gas station with 9
5 (indiscernible).
6 That turns us to the application
7 before us today. As I mentioned, we do have
8 four witnesses that will testify this morning:
9 Mr. Anthony Williams who is the Director of Real
10 Estate for The Wills Group; Mr. Nick Speach who
11 is a professional engineer for Bohler
12 Engineering; Mr. Mike Lenhart who is a
13 professional transportation engineer with
14 Lenhart Traffic and Consulting; and, finally,
15 Mr. Mark Ferguson, who is a land planner with
16 Site Design, Incorporated.
17 Before I call my first witness,
18 Madam Examiner, I just want to briefly go
19 through the relevant case laws that relates to
20 special exceptions. I know you are familiar
21 with those as well as Mr. Brown, for the benefit
22 of the record, again, I appreciate your

11

1 indulgence.
2 As you know, in evaluating a special
3 exception application, it is not an equation to
4 be balanced with formulated precision. Instead,
5 and as the Supreme Court of Maryland held in
6 People's Counsel vs. Loyola, a special
7 exception, quote, is a valid zoning mechanism
8 that delegates to an administrative board a
9 limited authority to permit enumerated uses
10 which the legislative body has determined can,
11 prima facie, properly be allowed in a specified
12 use district absent any factor or circumstances
13 in a particular case which would change this
14 presumptive finding.
15 And that's from People's Counsel v.
16 Loyola 406 Md. 54, 105-106. Thus, as you know,
17 there is a presumption that the proposed use is
18 prima facie allowed.
19 It is worth noting that in, and I
20 quote, in determining which uses should be
21 designated as permitted or conditional in a
22 given use district, a legislative body considers

12

1 a variety of possible uses available, examines
2 the impact of the uses upon the various purposes
3 of the zoning ordinance, determines which uses
4 are compatible with each other and can share
5 reciprocal benefits, and decides which uses will
6 provide for coordinated, adjusted, and
7 harmonious development of the district.
8 And that's Schultz v. Pritts 291
9 Md. 1, 20-21.
10 The request for special exception use
11 and the associated development will not be
12 detrimental to the adjacent properties or the
13 defined neighborhood.
14 As the Supreme Court of Maryland
15 articulated in Loyola, and Judge Harrell
16 authored that opinion, the local legislature,
17 when -- and I'm quoting: The local legislature,
18 when it determines to adopt or amend the text of
19 a zoning ordinance with regard to designating
20 various uses as allowed only by special
21 exception in various zones, considers in a
22 generic sense that certain adverse effects, at

13

1 least in type, potentially associated with or
2 inherent to, these uses are likely to occur
3 whenever in the particular zone they may be
4 located. In that sense, the local legislature
5 puts on its "Sorting Hat," separates permitted
6 uses, special exception uses, and all other
7 uses. That is why the uses are designated
8 special exception uses and not permitted uses.
9 The inherent effects notwithstanding, the
10 legislative determination necessarily is that
11 the uses conceptually are compatible in the
12 particular zone with otherwise permitted uses
13 and with surrounding zones and uses already in
14 place. And that's Loyola 406 Md. 106-107.
15 In this instance, Madam Examiner, and
16 with the presumptive finding in mind, while some
17 inherent adverse effects impacts may exist, the
18 legislature has previously examined any inherent
19 impacts of those uses and determined in this
20 instance that a car wash in the C-S-C Zone that
21 satisfies the requirements of the Zoning
22 Ordinance is presumptively compatible with other

14

1 uses in the C-S-C Zone, and by placing the
2 property in that zone, shares reciprocal
3 benefits thereby providing for a coordinated,
4 adjusted, and harmonious development of the
5 county, the zoning district, and the property.
6 And finally, in conclusion of my
7 opening, Madam Examiner, substantial evidence
8 has and will be provided that satisfy the
9 requirements of Section 27-317 of the prior
10 Zoning Ordinance as well as all applicable
11 purposes of the code.
12 And with that, Madam Examiner, unless
13 there is any questions, we're prepared to call
14 our first witness.
15 MS. MCNEIL: Okay.
16 MR. TEDESCO: We will call
17 Mr. Anthony Williams.
18 MS. MCNEIL: Mr. Williams, do you
19 swear under the penalties of perjury that the
20 testimony you shall give will be the truth and
21 nothing but the truth?
22 THE WITNESS: Yes.

15

1 MS. MCNEIL: Thank you.
2 EXAMINATION BY COUNSEL FOR THE APPLICANT
3 BY MR. TEDESCO:
4 Q Mr. Williams, could you please state
5 your name and business address for the record?
6 **A Yes. Anthony Williams. The business**
7 **address is 102 Centennial Street, La Plata,**
8 **Maryland 20646.**
9 Q And where do you currently work?
10 **A I currently work for The Wills Group,**
11 **which is a parent company for the applicant,**
12 **Dash In Food Stores, Inc. I am the director of**
13 **real estate. I am responsible for overseeing**
14 **the development of new sites in Maryland,**
15 **Delaware, and Virginia, as well as the oversight**
16 **of the company's property -- portfolio**
17 **properties.**
18 Q And are you authorized to testify on
19 behalf of Dash In Food Stores, Inc., at this
20 hearing?
21 **A Yes.**
22 Q And in what capacity?

16

1 **A As the director of real estate.**
2 MR. TEDESCO: And Madam Examiner, we
3 had submitted into the record pre-marked as
4 Exhibit 42 a limited power of attorney for
5 Mr. Williams, and we would ask for that to be
6 accepted into the record.
7 MS. MCNEIL: It will be, as will all
8 48 exhibits absent any reason someone raises as
9 to why they should not be accepted.
10 MR. TEDESCO: Okay. Thank you very
11 much.
12 BY MR. TEDESCO:
13 Q Mr. Williams, is Dash In Food Stores,
14 Inc., registered to do business in the State of
15 Mayland and currently in good standing?
16 **A Yes and yes.**
17 MR. TEDESCO: And Madam Examiner, we
18 have submitted as Exhibit 40, the Certificate of
19 Good Standing for the applicant, and just for
20 housekeeping purposes, the Certificate of Good
21 Standing for the property owner Green Branch,
22 LLC, which is Exhibit 41.

17

1 BY MR. TEDESCO:
2 Q Mr. Williams, please tell the Hearing
3 Examiner something about Dash In Food Stores,
4 Inc., if you would, please?
5 **A Sure. The company is The Wills**
6 **Group, Inc. We are the 95-plus-year-old private**
7 **-- privately owned company based in La Plata,**
8 **Maryland. Our portfolio sites includes**
9 **approximately 285 gas station convenience stores**
10 **and car washes in the states of Maryland,**
11 **Virginia, and Delaware.**
12 Q And Mr. Williams, I meant to ask you
13 this -- I neglected to ask you previously. Is
14 the applicant, Dash In Food Stores, Inc., a
15 subsidiary of The Wills Group?
16 **A Yes.**
17 Q And does Dash In Food Stores, Inc.,
18 have a contract to purchase the subject
19 property, or is this a ground lease?
20 **A This is a ground lease.**
21 Q And could you describe the proposed
22 use for which you are seeking special exception

18

1 today?
2 **A Sure. Dash In Food Stores, Inc., is**
3 **requesting approval of a special exception for**
4 **the use of a 3,468-square-foot car wash. The**
5 **subject property is part of a larger 70.11-acre**
6 **mixed use development called Mill Branch**
7 **Crossing.**
8 **The subject application is preceded**
9 **by DSP-20003-01, which was approved on July 27,**
10 **2023. The proposed car wash will share the site**
11 **with a 4,809-square-foot food or beverage**
12 **convenience store and a gas station with nine**
13 **fueling dispensers which were approved under**
14 **DSP-20003-01.**
15 MR. TEDESCO: And Madam Examiner,
16 just for your edification, the Technical Staff
17 Report for the application references the square
18 footage of the car wash as 3,230 square feet.
19 And per the testimony, the Amended Site Plan,
20 which is Exhibit 46, I believe, the correct
21 square footage is 3,648 as Mr. Williams just
22 testified to.

19

1 THE WITNESS: That will be 3,468.
2 MR. TEDESCO: 3,468. I apologize.
3 MS. MCNEIL: Thank you.
4 BY MR. TEDESCO:
5 Q Mr. Williams, is the subject property
6 currently improved?
7 **A No, it's vacant land.**
8 Q And what is the current uses -- never
9 mind. Strike that.
10 Are there any grading operations
11 occurring on the subject property as far as you
12 know?
13 **A Yeah, the property is currently being**
14 **graded at prior DSP approval for the overall**
15 **site development for the Dash In -- DSP-20003-01**
16 **approved by the Planning Board on July 27, 2023,**
17 **for the food and beverage and gas station**
18 **component.**
19 MS. MCNEIL: Can I stop you here for
20 one second? because I had taken notes prior and
21 now, Mr. -- don't kill me -- Mr. Williams is
22 testifying to this.

20

1 If you look at DSP-20003-01 on page
2 4, which is also a backup page 21 to the
3 Technical Staff Report, they are saying that the
4 car wash is 3,059 square feet. So the only
5 reason I'm raising it is as long as some witness
6 tells me that this discrepancy doesn't change
7 any other findings, you know, doesn't affect
8 anything else at some point, Mr. Tedesco, I'm
9 going to go with what you all said the square
10 footage is, but I want to make sure everything
11 they told me would stay the same, even if they
12 had cited the correct square footage.
13 MR. TEDESCO: Yes, we will. And that
14 will be clarified in subsequent testimony by
15 Mr. Speach, Mr. Lenhart, and Mr. Ferguson. But
16 the short answer -- I can't testify, but, is
17 yes.
18 MS. MCNEIL: Okay.
19 BY MR. TEDESCO:
20 Q Regarding the operation of the
21 proposed car wash, Mr. Williams, please provide
22 the Hearing Examiner with the hours of

21

1 operation, typical number of employees, and any
2 other information that you feel is relevant.
3 **A Sure. The car wash is intended to**
4 **operate during the hours of 7:00 a.m. to**
5 **7:00 p.m., 365 days of the year. The car wash**
6 **will be closed to the public on inclement and**
7 **rainy days. The car wash typically employs four**
8 **people per shift, that would be two shifts per**
9 **day: A greeter, a loader, a manager, and a**
10 **vacuum attendant.**
11 Q And turning your attention to
12 Exhibit 39, which is the car wash tunnel
13 information exhibit that was prepared, did you
14 prepare that exhibit?
15 **A Yes, I did.**
16 Q And turning to pages 6 and 7, can you
17 please summarize some of the, quote, Things to
18 Know about the use and operation?
19 **A Sure. A couple of things from my**
20 **perspective is that there's one-way circulation,**
21 **one-way -- there's a one-way lane that allows**
22 **car washes to have a queue separate from the**

22

1 **remainder of the site which permits adequate**
2 **stacking space. The tunnel is 95 feet long.**
3 **It's safe and it's on a conveyor belt system.**
4 **The belt is continuously moving at variable**
5 **speed to help eliminate any stacking or delays.**
6 **All the equipment that is used is**
7 **state of the art. SpinRite technology improves**
8 **cleaning and quieter cleaning. We have a spot**
9 **rinse -- spot-free rinse which does not require**
10 **any hand-drying.**
11 **We have exit dryers that are**
12 **contained within the tunnel itself. The tunnel**
13 **doors do close at 45 degrees, all of which help**
14 **limit the noise pollution.**
15 **We also have the ECO, part of our**
16 **Splash In moniker here. The ECO portion of the**
17 **name is very important to us. Dash In uses**
18 **biodegradable chemicals and applications. We**
19 **have technology that helps to optimize**
20 **application materials that prevent waste. We**
21 **also use a water reclaim system to help conserve**
22 **water and protect the quality of nearby bodies.**

23

1 **The vac stalls are limited to 10**
2 **minutes to minimize loitering. Signs are posted**
3 **to help reinforce that intent.**
4 **There is an escape lane designed**
5 **within the queuing area to allow people to**
6 **escape the line if they need to. And last, but**
7 **not least, there is no detailing that we are**
8 **proposing for this operation.**
9 Q And have you reviewed the Statement
10 of Justification, Exhibit 31?
11 MR. TEDESCO: Madam Examiner, just
12 for housekeeping, I noticed Exhibit 15 was also
13 the Justification Statement. I tried to compare
14 those this morning. They look to be the same,
15 but I'll use Exhibit 31 for reference, I guess,
16 moving forward.
17 BY MR. TEDESCO:
18 Q Mr. Williams, have you reviewed the
19 Statement of Justification prepared by my
20 colleague, Mr. Lynch, Exhibit 31?
21 **A Yes, I have.**
22 Q And do you incorporate and adopt your

24

1 testimony -- as additional testimony that
2 Justification Statement?
3 **A I do with the exception of the size**
4 **of the car wash facility -- any reference to it.**
5 Q Yes. Thank you for that
6 clarification.
7 And are you familiar with the
8 Technical Staff Report and the Backup Materials,
9 Exhibit 2?
10 **A Yes.**
11 Q And do you agree with the findings of
12 the technical staff?
13 **A I do, yes.**
14 Q And do you agree with the conditions?
15 **A I do.**
16 MR. TEDESCO: That will be all the
17 questions I have for Mr. Williams,
18 Madam Examiner.
19 MS. MCNEIL: Mr. Brown?
20 EXAMINATION BY PEOPLE'S ZONING COUNSEL
21 BY MR. BROWN:
22 Q Good morning, Mr. Williams, how are

25

1 you?
2 **A Fine. How are you?**
3 Q I'm doing great. Starting at the end
4 of your testimony there where you adopted the
5 Justification Statement as part of your
6 testimony, you are merely adopting the factual
7 assertions or allegations in the Statement of
8 Justification. You are not adopting the legal
9 conclusions or the expert analysis in that
10 justification statement; are you?
11 **A That's correct.**
12 Q You also testified that the proposed
13 car wash has a water reclaim system. The water
14 reclaim system is required either by The State
15 of Maryland Department of Environment or the
16 EPA. Is that not correct?
17 THE WITNESS: Matt, we may need to
18 rely on Brian for that question.
19 BY MR. BROWN:
20 Q Okay. That's fine. I can -- that
21 later. Okay.
22 **A Yeah.**

26

1 Q In addition, you indicated that --
2 basically, you described the site plan. Is it
3 possible to put up the site plan so that we can
4 look at the stacking real quick? because I sort
5 of misunderstood some of your comments
6 concerning the stacking.
7 MR. TEDESCO: I think if we could --
8 if Betty or Fatima could put up Exhibit 38,
9 which --
10 MS. BAH: Sure, just give me one
11 second.
12 MR. TEDESCO: Sure.
13 BY MR. BROWN:
14 Q While we're waiting, Mr. Williams,
15 are there any other Dash In-related car washes
16 within Prince George's County? I can't recall.
17 **A Yes, there are. We have one in**
18 **Clinton, Maryland.**
19 Q Okay. How long has that one been
20 open?
21 **A I want to say maybe two years.**
22 Q Okay. All right. Looking at --

27

1 MS. BAH: Do you all see the
2 document?
3 MR. TEDESCO: Yes.
4 THE WITNESS: Yes.
5 MS. BAH: Okay.
6 BY MR. BROWN:
7 Q Now, when you testified a moment ago
8 that you have -- I forget how you described it,
9 but allowing a car to get out of the line, if
10 you will, describe the circulation plan for me a
11 little bit.
12 **A Okay. The lower page, left of the**
13 **lower, you'll see the entry into the service**
14 **station.**
15 **Yup, right there is the entrance. If**
16 **you were to turn immediately right, that starts**
17 **our queuing -- two-lane queuing into the -- to**
18 **the car wash.**
19 **As you proceed through the line,**
20 **you'll see that there is a "stop lane," so to**
21 **speak, on the -- kind of, like, in the middle of**
22 **the queue. That is the -- what we call "an**

28

1 **abort lane" that would allow vehicles to**
2 **actually exit the line to -- to leave the**
3 **premises.**
4 **Otherwise, there is a payment**
5 **station. It merges into one lane and then those**
6 **-- those cars queue through a multi-automobile**
7 **facility. And then there's an exit.**
8 **If our users would like to use the**
9 **vacuums, they would then pull, you know, pull**
10 **into the vacuum stall area. Otherwise, they**
11 **could, otherwise, exit the facility near the --**
12 **the dumpster area.**
13 Q All right. So to make sure I
14 understand, so at the bottom southern portion
15 for the property line, that's double lanes, two
16 lanes; correct?
17 **A That is correct. Well, it's one lane**
18 **that merges into two, yes.**
19 Q It merges into two. All right. And
20 then it goes all the way around to the eastern
21 -- southeastern corner up to the tunnel car
22 wash. And how long is that tunnel?

29

1 **A Ninety-five feet, sir.**
2 Q And would consumers get out of their
3 vehicle or stay in their vehicle?
4 **A They would stay in their vehicle.**
5 Q All right. Because you testified
6 that there would only be, I think, you said,
7 four or five employees. Most car washes have a
8 lot more than that. But, I guess, this is sort
9 of considered self-serve in some respects. Is
10 that correct?
11 **A Yeah, I -- I would. You know, as**
12 **comparison to other tunnel facilities, they may**
13 **have detailing aspects associated with their car**
14 **wash. We are not proposing that.**
15 Q I see. Okay. All right.
16 MS. MCNEIL: And that's it,
17 Mr. Brown?
18 MR. BROWN: Yes, that's all I have.
19 MS. MCNEIL: And Mr. Williams, I'm
20 sure somebody else will say this, and maybe
21 Mr. Tedesco did, but just to reiterate, that --
22 that food or beverage store also referred to

30

1 colloquially as "a convenience store," is within
2 the special exception boundaries; correct?
3 THE WITNESS: That's correct.
4 MS. MCNEIL: Okay. So is there --
5 will someone else speak to parking?
6 MR. TEDESCO: Nick Speach can speak
7 to parking.
8 MS. MCNEIL: Okay. Thank you,
9 Mr. Williams. So before you go, is there anyone
10 here that may be opposed to this request and
11 would like to ask Mr. Williams questions based
12 on his testimony?
13 It looks like Mr. Ronald has a
14 question.
15 So Mr. Ronald -- I'm sorry, identify
16 yourself for the record, Mr. Ronald. I -- I
17 misplaced your last name. So tell us your last
18 name and your address, please, and then you can
19 ask your questions.
20 MR. BEVERLY: All right. Last name
21 is Beverly, first name Ronald. I am a resident
22 of Mill Branch Estates representing our

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1 community, and my address is 16803 Sleepy Spring
2 Court, Bowie, Maryland 20716.
3 MR. BROWN: Sir, if you could bring
4 up your video, please?
5 MR. BEVERLY: Okay.
6 MS. MCNEIL: And while he's doing,
7 that, Ms. Bah, if you could just minimize this
8 exhibit? We may need it back, but just for a
9 second.
10 MR. BEVERLY: Can I be seen now?
11 MS. MCNEIL: I can see you.
12 Could you go through the street name
13 again? I didn't catch that.
14 MS. BAH: Sure.
15 MS. MCNEIL: I heard "Court," but not
16 --
17 MR. BEVERLY: 16803 Sleepy Spring
18 Court.
19 MS. MCNEIL: "Sleepy." Okay. Thank
20 you.
21 MR. BEVERLY: Mm-hmm.
22 MS. MCNEIL: Okay. What are your

32

1 questions of Mr. Williams?
2 MR. BEVERLY: So in terms of the
3 traffic as far as it's being managed within the
4 property site of the facility, is there any
5 concern or accommodations should that traffic
6 spill into the main arteries of -- of the
7 immediate community? Meaning that is there
8 issues of traffic bottle-necking as they line up
9 spilling out into 301 or spilling out into
10 Mill Branch Road, or is it all self-contained
11 within the property?
12 MR. TEDESCO: That -- Madam Examiner,
13 I obviously want to give some lenience to
14 Mr. Beverly.
15 We do have a traffic engineer expert
16 who will be testifying as it relates to traffic.
17 MR. BEVERLY: Okay.
18 MR. TEDESCO: I'm not sure
19 Mr. Williams' testimony -- that question may go
20 beyond the scope of direct, but --
21 MS. MCNEIL: Okay. I agree that
22 there will be another witness, but maybe

33

1 Mr. Williams, because I think he touched on
2 this, can just talk about the queuing, the
3 number of cars that can queue on-site and would
4 not be spilling right there. If you can.
5 THE WITNESS: Yeah, if -- yeah, I --
6 recollection that the site plan calls for over
7 20 queuing spaces, which we believe is -- is
8 more than adequate in this situation, and given
9 the fact that this is a conveyor belt system, we
10 are perpetually having multiple cars within the
11 building structure.
12 So this is a constant-moving
13 structure versus a traditional car wash where
14 you would pull up, pull in your car, and then
15 those in the queuing lane would have to wait
16 five minutes to go through. This is a
17 constantly, perpetually in motion, and we feel
18 that the -- the design that we have done has
19 been carefully constructed, and we don't
20 anticipate any issues or problems, frankly.
21 MR. BEVERLY: All right. So the
22 other question that might be more directed to

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1 you would be in terms of the sound. As in terms
2 of how the mechanics are operating, was there a
3 decibel testing that falls within, I guess,
4 acceptable limits of --
5 THE WITNESS: I -- I believe that we
6 -- all the manufacturers have sound references.
7 But given the fact that we, you know, especially
8 during the cold months, are capable of closing
9 the doors, everything is self-contained within
10 the building in terms of the car wash itself.
11 And because we're using state of the art
12 equipment, we do believe that -- you know, noise
13 is a consideration whenever you're building
14 this, but we feel as though we've got top of the
15 line equipment that's going to minimize that as
16 --
17 MR. BEVERLY: Is that --
18 THE WITNESS: -- as much as possible.
19 MR. BEVERLY: Is that true for the
20 vacuum stations as well? Is that all self-
21 contained within the building?
22 THE WITNESS: No, the vacuums are

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1 outside the structure contained, basically,
2 within two buildings. We have the convenience
3 store on one side and the car wash on the other.
4 We believe that that helps to buffer some of the
5 noise. If I believe correctly, the -- the
6 residents are located well to the south -- I
7 guess that would be southwest or directly south
8 of the -- of the pad itself. We don't
9 anticipate that this will be a nuisance at all
10 to any residents.
11 MR. BEVERLY: All right. I'll
12 reserve the rest of my comments for the traffic
13 testimony.
14 THE WITNESS: Thank you, sir.
15 MR. BEVERLY: Mm-hmm.
16 MS. MCNEIL: Thank you, Mr. Beverly.
17 Does anyone else have questions of
18 Mr. Williams?
19 Looks like there are no further
20 questions.
21 Thank you, Mr. Williams.
22 THE WITNESS: Thank you.

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1 MR. TEDESCO: Madam Examiner,
2 although I didn't indicate Mr. Brian Fenwick as
3 one of the four witnesses, in light of
4 Mr. Brown's question, I would just like to call
5 Mr. Fenwick just so he can be sworn in and then
6 answer that one particular question regarding
7 Mr. Brown's question, if we could. If I could
8 go out of turn a little bit?
9 Brian, could you queue --
10 MS. MCNEIL: It's totally your turn
11 to do whatever you --
12 MR. TEDESCO: Yeah, I just want to --
13 MS. MCNEIL: -- so Mr. Fenwick?
14 MR. TEDESCO: I'd rather call and
15 address it.
16 MS. MCNEIL: That's fine.
17 Where is Mr. Fenwick?
18 MR. TEDESCO: Could you swear him in?
19 MS. MCNEIL: Oh, there he is. Okay.
20 Mr. Fenwick, do you swear or affirm
21 under the penalties of perjury that the
22 testimony you shall give will be truth and

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1 nothing but the truth?
2 THE WITNESS: I do.
3 MS. MCNEIL: Thank you.
4 EXAMINATION BY COUNSEL FOR THE APPLICANT
5 BY MR. TEDESCO:
6 Q Mr. Fenwick, could you please provide
7 your name, address, and your employment
8 information for the record?
9 **A Brian -- excuse me, Brian Fenwick,**
10 **102 Centennial Street, La Plata, Maryland 20646.**
11 **I work with The Wills Group. I am the**
12 **construction project manager for the**
13 **organization; been employed with them 26 years.**
14 Q And Mr. Fenwick, were you present
15 during the testimony of Mr. Williams?
16 **A Yes.**
17 Q And did you hear Mr. Brown's question
18 to Mr. Williams as it relates to inquiries about
19 waste water, recycling, MDE, and other state
20 regulations?
21 **A Yes.**
22 Q Are you familiar with those?

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1 **A Yes.**
2 Q And could you answer Mr. Brown's
3 question as it relates to the requirements
4 associated with either the State or Federal
5 regulations as it relates to the waste water
6 associated with this use?
7 **A Yes. The -- the development and**
8 **construction of that system is compliant with**
9 **the aforementioned authorities having**
10 **jurisdiction. Yes.**
11 MR. TEDESCO: Those are all the
12 questions I would have for Mr. Fenwick.
13 MS. MCNEIL: Mr. Brown?
14 EXAMINATION BY PEOPLE'S ZONING COUNSEL
15 BY MR. BROWN:
16 Q Yes, just to clarify, Mr. Fenwick, I
17 only asked the question because I didn't want to
18 leave the misimpression that the water reclaim
19 system was something above and beyond that was
20 special to this car wash; that, in fact, it's
21 required by the EPA. Is that correct?
22 **A That's correct. Yes, sir.**

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1 MR. BROWN: All right. Thank you.
2 No other questions.
3 THE WITNESS: Thank you.
4 MS. MCNEIL: Anyone else have
5 questions of Mr. Fenwick?
6 Thank you, sir.
7 THE WITNESS: Thank you.
8 MR. TEDESCO: Thank you, Brian.
9 We will next call Nick Speach.
10 MR. SPEACH: Good morning.
11 MS. MCNEIL: Good morning,
12 Mr. Speach.
13 Do you swear or affirm under the
14 penalties of perjury that the testimony you
15 shall give will be the truth and nothing but the
16 truth?
17 THE WITNESS: I do.
18 EXAMINATION BY COUNSEL FOR THE APPLICANT
19 BY MR. TEDESCO:
20 Q Mr. Speach, could you state your
21 name, address, and occupation for the record?
22 **A Sure. Nicholas Speach. I work for**

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1 **Bohler Engineering, 16701 Melford Boulevard in**
2 **Bowie, 20715, and I'm a licensed civil engineer**
3 **in the state of Maryland.**
4 Q And have you previously been
5 qualified and accepted as an expert in the field
6 of civil engineering before this Hearing
7 Examiner?
8 **A I have.**
9 MR. TEDESCO: And Madam Examiner, we
10 have submitted Mr. Speach's CV and request that
11 he continue in that capacity for this hearing.
12 MS. MCNEIL: Mr. Brown?
13 MR. BROWN: No objection.
14 MS. MCNEIL: Okay. Mr. Speach, you
15 will be accepted as an expert in the area of
16 civil engineering.
17 MR. TEDESCO: Thank you, both.
18 BY MR. TEDESCO:
19 Q Mr. Speach, were you employed by the
20 applicant to perform certain services associated
21 with this -- with the subject property in this
22 application?

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1 A I was.
2 Q And are you familiar with the special
3 exception application that's the subject of this
4 hearing today?
5 A I am.
6 Q Could you please, for the record,
7 verify the correct square footage of the
8 proposed car wash facility?
9 A It is 3468 square feet.
10 Q And does that impact any of the other
11 findings, in your opinion, in the Staff Report
12 as it relates to any Civil Engineering Landscape
13 Manual requirements, environment requirements,
14 et cetera, from the Zoning Ordinance?
15 A It does not.
16 Q And did you or someone in your firm
17 prepare this special exception site plan and the
18 landscape plan associated with this application?
19 A Yes.
20 Q And could you describe the subject
21 property for the Examiner as to the location of
22 the property and surrounding uses?

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1 A Sure. So the -- the subject site is
2 located at the north end of the Mill Branch
3 Crossing development. To the west of the site,
4 is the northbound lanes of --
5 Q Let me stop you there, Mr. Speach.
6 MR. TEDESCO: Fatima, could we pull
7 up Exhibit 46, which is the Amended Site Plan?
8 Just -- that will help orient us as Mr. Speach
9 is testifying, please.
10 MS. BAH: Sure. Just give me one
11 second.
12 MR. TEDESCO: Sure.
13 BY MR. TEDESCO:
14 Q Nick, is there a specific page that
15 may be useful for --
16 A The fourth sheet is probably the
17 best.
18 Perfect.
19 Q So just to clarify the record, could
20 you please describe the subject property and
21 orient the Examiner as to its location on the
22 property and the surrounding uses?

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1 A Sure. As I mentioned, the -- the
2 subject property is on the north end of the Mill
3 Branch Crossing development. Crain Highway is
4 located to the west of the subject site. To the
5 north, there is an existing stream and -- and
6 forested area, and then to the east is the
7 future development as a part of that Mill Branch
8 Crossing development.
9 Q And did you make a field inspection
10 of the subject property?
11 A I have.
12 Q Can you describe the nature of the
13 existing improvements on the property and
14 current grading operations --
15 A Sure.
16 Q -- if you know?
17 A Currently, the site is being rough
18 graded. The retaining wall that is noted on
19 this plan as existing to the north of our site
20 between the car wash and the -- the stream I
21 mentioned previously, has been constructed and
22 as built, and so that is existing as well.

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1 Q And could you take the Examiner,
2 Mr. Brown as well, through the site and
3 landscape plan and explain the changes that are
4 being proposed as a part of this application?
5 A Sure. As mentioned -- excuse me --
6 there was a detailed site plan previously
7 approved for this site that set the layout as
8 far as the convenience store, the entrance off
9 of the -- the service road, and the -- the
10 canopy for the fuel.
11 The site overall, though, and as it
12 relates to this special exception, does have an
13 entrance off of the roundabout to the southeast
14 corner. As you come into the site, there is
15 parking adjacent to the convenience store right
16 off the entrance in between the convenience
17 store and the access lane around the -- the
18 canopy.
19 As mentioned previously by
20 Mr. Williams, as you come down to the east side
21 of the site behind the convenience store, there
22 are stacking lanes for the car wash use itself.

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1 **There are approximately 23 cars that can stack**
2 **in those lanes leading up to the tunnel car**
3 **wash.**
4 **The car wash is located on the**
5 **northern side of the site, and as cars enter the**
6 **car wash and exit to the west, drivers have the**
7 **ability to either go south towards the vacuum**
8 **stalls that are located between the convenience**
9 **store and the car wash and then back out towards**
10 **the -- the west where the end of the tunnel car**
11 **wash is. And then they can exit out to the**
12 **access road or access drive, rather, between the**
13 **-- the car wash -- or the convenience store,**
14 **excuse me, and the canopy to then exit the site.**
15 Q Notwithstanding the fact that the gas
16 and convenience store component of this
17 development is already approved, did you, in
18 preparing the site plan, analyze the parking
19 requirements for the -- for this use as it
20 relates to the previously approved detailed site
21 plan for the convenience and gas or -- how --
22 how does that -- could you explain how that was

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1 done and those interplays?
2 **A Sure. So the -- the parking itself**
3 **is based off of the two different uses -- or the**
4 **multiple uses on the site.**
5 **For the special exception itself, the**
6 **use of the car wash required seven spaces. The**
7 **vacuum stalls, which are a complimentary use to**
8 **the car wash itself, provides 15 spaces. So**
9 **that is part of how the car wash itself was**
10 **approved or -- or is being parked and meeting**
11 **that requirement.**
12 **The C store and the -- the employees,**
13 **the canopy, they have a requirement of 31**
14 **spaces, which are provided throughout the site**
15 **around the convenience store and then into the**
16 **western portion. So that, although, some of**
17 **those spaces are within the special exception**
18 **boundary because of access, they were approved**
19 **previously as a part of the DSP.**
20 Q In your testimony, when you were
21 describing north, east, west, and south, as it
22 relates to Exhibit 46, what direction from this

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1 plan is Plan View north, just for clarification?
2 **A Plan View north is actually west.**
3 **So the right -- the right-hand side**
4 **of the page would be north.**
5 Q In your opinion, is the site
6 sufficiently -- pursuant to code for all uses?
7 **A Yes.**
8 Q Is the special -- and strike that.
9 As it relates to Exhibit 46, the area
10 marked in red, is -- do you know, is that the
11 special exception boundary?
12 **A Yes.**
13 Q And is the special exception site
14 plan in conformance with the approved tree
15 conservation plan?
16 **A Yes.**
17 Q And turning your attention to
18 Exhibit 35, which is the TCP2, could you just
19 briefly describe for the Examiner the tree
20 conservation requirements for this development?
21 **A Sure.**
22 MS. MCNEIL: Excuse me one second.

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1 Before we leave this one, I thought I read
2 somewhere that the gas station also has
3 vacuuming but they're not able to come onto this
4 site to utilize those vacuums. Is that correct,
5 or is that, like, an earlier version that has
6 changed?
7 THE WITNESS: So the -- excuse me,
8 the -- the way the vacuum stalls are accessed,
9 you would need to come out of the car wash
10 tunnel to be able to make a left where the
11 vacuum stalls are.
12 There is a "Do Not Enter" sign that
13 limits cars that are coming from the other
14 direction and not going through the car wash
15 from being able to access the -- the vacuum
16 stalls.
17 MS. MCNEIL: Thank you.
18 I'm sorry, Mr. Tedesco.
19 MR. TEDESCO: No worries.
20 BY MR. TEDESCO:
21 Q Mr. Speach, you were going to
22 elaborate a little bit more on the tree -- the

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1 TCP2.
2 **A Sure. This site is subject to the**
3 **2010 Prince George's County Woodland and**
4 **Wildlife Habitat Conservation Ordinance, the**
5 **Environmental Technical Manual because we're**
6 **subject to a new preliminary plan.**
7 **So the Tree Conservation or Type 2**
8 **Tree Conservation Plan, TCP2-044-2021-02, was**
9 **submitted for review, and it covers the area of**
10 **this special exception.**
11 **As a part of that, there is a**
12 **reduction of 0.08 acres of woodland preservation**
13 **with this application. So there is a total of**
14 **14.77 acres for woodland conservation**
15 **requirement.**
16 **There is a condition in the Staff**
17 **Report to update the woodland conservation**
18 **worksheet to show that 0.08 acres woodland**
19 **conservation requirement, which will be done as**
20 **a part of the certification.**
21 Q And does the proposed special
22 exception site plan demonstrate the preservation

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1 and/or restoration of regulated environmental
2 features in the natural state to the fullest
3 extent possible?
4 **A Yes. Actually, this -- this proposed**
5 **site does not impact any additional**
6 **environmentally regulated features. The -- all**
7 **of the impacts that were previously approved**
8 **under Detailed Site Plan 20003 remain intact and**
9 **-- and there's nothing more that this does.**
10 Q And did you prepare or cause to
11 reprepare the stacking exhibit that was
12 previously referenced on the screen as
13 Exhibit 38?
14 **A Yes.**
15 MR. TEDESCO: And, Fatima, if we
16 could just pull up Exhibit 38? I think it's the
17 next tab.
18 Yeah. Thank you.
19 BY MR. TEDESCO:
20 Q And Mr. Speach, were you present
21 during Mr. Williams' testimony as it relates to
22 explaining this exhibit?

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1 **A I was.**
2 Q And would you add any further
3 testimony from your own perspective as far as
4 preparing this and its requirements as far as
5 adequate stacking, in your opinion?
6 **A I wouldn't add much other than to say**
7 **I believe Mr. Williams said that there were 20**
8 **or more cars that can stack, which is a true**
9 **statement.**
10 **This exhibit shows 23 cars stacking**
11 **prior to entry into the tunnel. That's the only**
12 **thing I would add. Otherwise, I agree this --**
13 **this meets the -- the stacking requirements or**
14 **exceeds the exceeding requirements, in my**
15 **opinion.**
16 Q If you don't know, you can say you
17 don't know. Mr. Ferguson, I know, will hit
18 this. But just to close out the testimony on
19 this, do you -- as I -- strike that.
20 Pursuant to the current zoning
21 ordinance for which this application is not
22 being reviewed, do you know the requirement for

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1 stacking associated for this car wash facility
2 if it were being reviewed under the current
3 zoning ordinance?
4 **A I do not off the top of my head. No.**
5 MR. TEDESCO: I'll put a pin in that
6 one for Mr. Ferguson, flagging it.
7 BY MR. TEDESCO:
8 Q Does the site plan conform to the
9 tree canopy coverage requirements, if you know?
10 **A Yes, it does.**
11 Q In your expert opinion, does the
12 proposed site plan and landscape plan satisfy
13 all of the engineering-related regulations of
14 the C-S-C Zone set forth in the prior zoning
15 ordinance?
16 **A Yes, it does.**
17 Q And have you read the Staff Report in
18 this application, Exhibit 2?
19 **A I have.**
20 Q And in your expert opinion, as it
21 relates to civil engineering and site design, do
22 you agree with the staff's findings and

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1 conclusions as it relates to the applicable
2 guideline's required findings related to the
3 approval of the special exception?
4 **A I do.**
5 Q And are there any proposed amendments
6 to the site plan that you would like to address
7 at this time in Exhibit 46?
8 **A There's only two minor ones. As**
9 **mentioned before, the car wash and subsequent**
10 **notes have been updated to show the proper 3,468**
11 **square foot. And then, also, one of the**
12 **conditions of approval were to change General**
13 **Note 33 on the cover sheet to note that the**
14 **Northview Fire Station is 1.5 miles away. That**
15 **note has been updated.**
16 MR. TEDESCO: No further questions.
17 EXAMINATION BY PEOPLE'S ZONING COUNSEL
18 BY MR. BROWN:
19 Q Good morning, Mr. Speach.
20 **A Good morning.**
21 Q Looking at the exhibit in front of us
22 that shows the stacking plan, you testified a

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1 moment ago that -- if you direct your attention
2 to the middle of the plan where you said you may
3 not enter the vacuum area from the convenience
4 store because there is a "Do Not Enter" sign
5 that will be proposed there.
6 Is there a curb cut that precludes
7 vehicles from coming from the parking spaces in
8 front of the convenience store into the vacuum
9 15-space area?
10 **A There is a sidewalk with -- with**
11 **curbs and wheel stops along the -- the parking**
12 **spaces that are in front of the convenience**
13 **store that would stop any cars from coming**
14 **directly into the vacuum area.**
15 Q Okay. So that Property SW, that's
16 the sidewalk.
17 **A Correct.**
18 Q All right. So the only way a vehicle
19 would be able to enter into the vacuum area or
20 the car wash area, illegally, of course, would
21 be in the top western corner, and that would be
22 improper; correct?

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1 **A That's correct.**
2 Q All right. Also, in terms of
3 security, I think when this property is
4 eventually completed, considering the creek to
5 the north of the property -- and I don't really
6 know what you guys or the adjacent property
7 owner has proposed for the eastern portion -- it
8 looks like the car wash would be somewhat
9 isolated.
10 It was probably in this file, but I
11 didn't see it. Is there adequate lighting along
12 the stacking lane and in front of the entrance
13 to the car wash?
14 **A Yes. There is -- there was a**
15 **photometrics plan that was approved. I believe**
16 **it was as a part of the -- the detailed site**
17 **plan, if I'm not mistaken. But as you can see**
18 **on this drawing in front of you, there are**
19 **multiple lights. They're -- they're noted as**
20 **the -- the darker grey symbols along the -- the**
21 **queuing area and into the car wash. So the**
22 **light levels are -- are there for -- for safety.**

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1 Q All right. And, also, you told us
2 that the square footage of the building is 3,468
3 square feet. In looking at that building there,
4 I see there is a distinction, of course, between
5 the tunnel and the remainder of the building.
6 My layperson question is since you only have
7 four employees, what's the purpose of the
8 building outside of the tunnel?
9 **A That may be something where**
10 **Mr. Fenwick or Mr. Williams can answer. But**
11 **they're also -- I can say there -- there's room**
12 **for the equipment in the ways that the car wash**
13 **can operate, not just for employees.**
14 Q All right. So to your knowledge,
15 that's not a retail area adjacent to the tunnel.
16 **A Correct.**
17 MR. BROWN: All right.
18 MS. MCNEIL: But if I may, there's
19 some mention, in this record, of a retail area.
20 So there is no retail area at all for the car
21 wash?
22 MR. TEDESCO: I think we would recall

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1 Mr. Williams in --
2 MS. MCNEIL: Yeah.
3 MR. TEDESCO: -- to address that.
4 MS. MCNEIL: Okay.
5 MR. TEDESCO: Or Mr. Fenwick.
6 MS. MCNEIL: I'd accept your proffer
7 if you're saying there's none so I can ignore
8 that part or make sure that part is clarified in
9 the record. But if you want to call him, that's
10 fine. So --
11 MR. TEDESCO: I'd like to have him
12 called -- recalled --
13 MS. MCNEIL: Okay.
14 MR. TEDESCO: -- to clarify.
15 MS. MCNEIL: And that lighting
16 plan -- I'm sorry, Mr. Brown, I want to make
17 sure -- I don't see that in our record, but I
18 would think we need it in the special exception
19 record as well since some of it's covering this
20 site?
21 MR. BROWN: Yeah, I didn't see it
22 either.

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1 Mr. Williams, you can go ahead and
2 answer that question of whether or not there is
3 any retail in the building adjacent to or part
4 of the tunnel.
5 MR. WILLIAMS: In fact, there is. I
6 believe the building that's adjacent to the
7 tunnel consists of a couple of things: One, a
8 restroom; I believe there is a small office; and
9 there is a very small retail area that is -- it
10 contains car-wash-only-related or auto-related
11 items.
12 MR. BROWN: All right. Yeah, because
13 I thought that was too large for a mechanical
14 room.
15 If you guys could amend one of these
16 plans to show the floor plan of the building --
17 and I know it's not a separate building, but a
18 floor plan for the retail area to show where the
19 restroom is or where the retail area is, and any
20 other incidental uses within that structure.
21 MR. WILLIAMS: Yes, sir, we -- we
22 should be able to provide that.

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1 MR. BROWN: And then Mr. Speach may
2 or may not be able to answer this; maybe someone
3 else will. But since the testimony earlier was
4 that this special exception includes, I'm going
5 to assume, the entire detailed site plan area
6 for the convenience store, and you now have a
7 special exception overlaid a convenience
8 store -- again, I'm assuming because I haven't
9 seen the detailed site plan recently -- I'm just
10 wondering was it necessary to amend the detailed
11 site plan to now show that there is a car wash
12 on the same property as the detailed site plan?
13 I don't know the answer. I'm just asking.
14 MR. TEDESCO: I can address that,
15 Mr. Brown. It's an excellent question.
16 So the special exception boundary
17 includes a portion of the property as -- as
18 reflected on Exhibit 46. It excludes the canopy
19 and pump islands, but it does include the
20 convenience store and associated parking.
21 And to your point, if you look at the
22 Planning Board Resolution for the 01 Amendment

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1 to the DSP, it references the interplay between
2 the two to ensure consistency between the DSP as
3 well as the special exception. If any revisions
4 of that DSP are a result of this special
5 exception or vice versa, those plans need to
6 match. So there is a condition on that DSP that
7 covers that very thing.
8 MR. BROWN: All right.
9 MR. TEDESCO: And there is also, I
10 think a condition to, in the Staff Report -- I'm
11 going to strike that. That deals with the plat.
12 Never mind. But, yeah, there is a condition to
13 -- there is a condition on the DSP that
14 addresses that.
15 MR. BROWN: All right. Can we add to
16 the conditions in this special exception, the
17 same condition in the Detailed Site Plan? Of
18 course, it would have to be reworded, but that
19 essentially states that this special exception
20 is consistent with condition X, Y, Z in the
21 Detailed Site Pan or still in compliance as
22 opposed to conflict with the detailed site plan.

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1 MR. TEDESCO: Yeah, I'm just looking
2 for the condition so we can reference it.
3 (Indiscernible).
4 MS. BAH: I'm sorry, did someone say
5 something?
6 MR. TEDESCO: Yeah, I'm looking for
7 something.
8 MS. MCNEIL: We're looking for
9 something.
10 MS. BAH: Oh, okay.
11 MR. TEDESCO: It's Condition 6 in
12 Planning Board Resolution PGCPB Number 2023-88.
13 MR. BROWN: All right. So we don't
14 need to draft it now. But, again, just have a
15 condition in this special --
16 MS. MCNEIL: Wait, wait, wait. If I
17 may just -- we can address it clearly at the
18 end, but the special exception is being heard
19 now. So the special exception should have
20 everything you think you need or you'll have to
21 come back. But the DSP --
22 MR. BROWN: That --

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1 MS. MCNEIL: -- no, but I'm saying,
2 but the DSP can be revised later, so maybe this
3 one is the final. But all it has to say is the
4 DSP shall be revised to reflect what's on the
5 special exception. Unless you want to come back
6 twice.
7 MR. TEDESCO: Well, I think that's
8 what I was trying to articulate.
9 MS. MCNEIL: Okay.
10 MR. TEDESCO: What I was trying to
11 articulate, that condition -- what we have shown
12 on our special exception is what we are
13 proposing. So I don't foresee any reason to
14 amend the special exception. The way that the
15 condition of the detailed site plan reads, it
16 says that the DSP shall be amended, if
17 necessary, to reflect the approved special
18 exception.
19 So I was only trying to articulate to
20 Mr. Brown, I think it's covered notwithstanding
21 adding another condition to this because this
22 requires -- you know, the DSP is required to

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1 conform to this application.
2 MS. MCNEIL: But for "belt and
3 suspenders," which is a term I hate and can't
4 believe I'm saying it, I guess well, we'll just
5 throw in a sentence if it were approved to say
6 that if you revise that DSP in any -- that
7 affects the special exception, you'll come back
8 in for a new special exception. We'll figure it
9 out.
10 MR. TEDESCO: Yeah, I mean, that's --
11 yeah, that would be required by Code, but so we
12 would --
13 MS. MCNEIL: Right.
14 MR. TEDESCO: -- exception to that.
15 MS. MCNEIL: That's what I meant by
16 "belt and suspenders."
17 Mr. Brown, I'm sorry, go ahead.
18 MR. BROWN: Well, no, that's what I
19 was trying to accomplish.
20 And I guess the last question is --
21 and I'm assuming this is accurate. The retail
22 uses in the structure adjacent to are part of

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1 the car wash tunnel are accessory uses to the
2 car wash. Is that correct, Mr. Speach or
3 Mr. Williams?
4 MR. WILLIAMS: That -- that is
5 correct. Specifically, as part of our exhibit,
6 we included air fresheners, towels, glass
7 cleaner, weather cleaner, wheel cleaner, stuff
8 like that. It's all regarding car wash cleaning
9 items that you would traditionally find or see.
10 MR. BROWN: All right. No other
11 questions of Mr. Speach or Mr. Williams. Thank
12 you.
13 MS. MCNEIL: And with Mr. Brown's
14 condition about the floor plan, it'll show an
15 exact square footage for this retail area as
16 well? because I thought I saw something if the
17 retail area was of a certain size -- size, it
18 needed a loading space. And I'm thinking this
19 one is really small or smaller than that size,
20 but --
21 MR. TEDESCO: Yeah, that requirement
22 would be 2,000 square feet, if I remember

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1 correctly. And so the -- this portion would be
2 -- I mean, the whole building is a 3 -- 34. So
3 but, yeah, we will provide that breakdown so you
4 have it.
5 MS. MCNEIL: Okay.
6 Thank you, Mr. Williams.
7 MR. TEDESCO: I would have -- well, I
8 guess, if there's any citizen questions for
9 Mr. Speach before I call my next witness.
10 MS. MCNEIL: I might have one of
11 Mr. Speach. Give me one second. I write things
12 on too many pieces of papers.
13 Are there any signs? Urban Design
14 said no signs were addressed by them. So are
15 there any signs we need to consider for this --
16 for the car wash? And, if so, are they on the
17 site plan?
18 THE WITNESS: There is a signage
19 package that was submitted, to my knowledge.
20 Yes.
21 MS. MCNEIL: Okay. So Matt, unless
22 you see it, we probably need that in this record

66

1 as well.
2 MR. TEDESCO: I'll double-check.
3 MS. MCNEIL: Yeah.
4 MR. TEDESCO: If we don't, I will
5 make sure we resubmit it so it's in there.
6 MS. MCNEIL: And then the city of
7 Bowie also considered a smaller square footage
8 when it recommended approval. Do you all know
9 if they're aware of this? I mean, it's a de
10 minimis change, but I -- I want to be on the
11 safe side and make sure nothing changes from the
12 city.
13 They looked at -- they said it was
14 0.82-acre special exception area, so they -- but
15 you all said -- that's -- that was my question,
16 Mr. Speach: What size is the special exception
17 area? because I saw something larger than what
18 Bowie said.
19 THE WITNESS: 1.38 acres.
20 MS. MCNEIL: Thank you.
21 THE WITNESS: Yes.
22 MS. MCNEIL: They didn't really

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1 address the actual size of the car wash, so I
2 think that's okay. I don't know -- I think
3 that's okay.
4 So I'm sorry, one point -- how many
5 acres is the actual special exception?
6 THE WITNESS: Three eight.
7 MS. MCNEIL: Okay. You're not going
8 anywhere; are you?
9 I don't want to hold it up. Knowing
10 me, I'll have a question for you in about 15
11 minutes.
12 THE WITNESS: And I'll -- I'll be
13 here.
14 MS. MCNEIL: Okay.
15 Does anyone else have questions of
16 Mr. Speach?
17 Okay. You can have your next
18 witness.
19 MR. TEDESCO: We will call
20 Mr. Mike Lenhart.
21 MS. MCNEIL: There is Mr. Lenhart.
22 Mr. Lenhart, good morning.

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1 Do you sewar or affirm under the
2 penalties of perjury that the testimony you
3 shall give will be truth and nothing but the
4 truth?
5 I don't know if I heard you.
6 MR. TEDESCO: -- no. You know, Mike
7 was having issues with his Zoom last week that
8 are clearly continuing.
9 He'll call in from his phone if we
10 can just --
11 MS. MCNEIL: Okay.
12 MR. TEDESCO: -- give him one minute.
13 I apologize.
14 MS. MCNEIL: No problem.
15 MR. LENHART: Hi, good morning. Can
16 you hear me now?
17 MS. MCNEIL: Yes.
18 MR. LENHART: I apologize about that.
19 I've been having some issues with Zoom here.
20 MS. MCNEIL: No problem.
21 He is your witness, Mr. Tedesco.
22 MR. TEDESCO: Did you answer the

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1 Examiner's question as far as swearing to tell
2 the truth? I just want to make sure the
3 record's clear.
4 MR. LENHART: Yeah, I did. Yes, I --
5 I swear to tell the truth.
6 MS. MCNEIL: Well, actually -- I'm so
7 glad. Actually, you went out, and Matt said
8 "no." So I thought you were saying "no."
9 So you do swear to tell the truth,
10 sir?
11 THE WITNESS: I do.
12 MR. TEDESCO: I think I said, oh --
13 THE WITNESS: I do, yes.
14 MR. TEDESCO: -- I think I said, "Oh,
15 no, we can't hear him."
16 MS. MCNEIL: Okay.
17 Okay. He has -- he has answered in
18 the affirmative. Go ahead, Mr. Tedesco.
19 MR. TEDESCO: All right. Thank you,
20 Madam Examiner.
21 //
22 //

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1 EXAMINATION BY COUNSEL FOR THE APPLICANT
2 BY MR. TEDESCO:
3 Q Mr. Lenhart, good morning. Could you
4 please state your name and business address for
5 the record?
6 **A Yes. Michael Lenhart of Lenhart**
7 **Traffic Consulting at 645 Baltimore Annapolis**
8 **Boulevard, Suite 214, Severna Park, Maryland**
9 **21146.**
10 Q And have you previously testified and
11 been accepted as an expert in the field of
12 traffic engineering and planning before this
13 Examiner?
14 **A Yes. Many times.**
15 MR. TEDESCO: And Madam Examiner, we
16 would ask that Mr. Lenhart continue in that
17 qualification here today.
18 MS. MCNEIL: He will be accepted as
19 an expert in traffic engineering and planning.
20 THE WITNESS: Thank you.
21 MR. TEDESCO: And we did submit
22 Mr. Lenhart's CV as Exhibit 44.

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1 BY MR. TEDESCO:
2 Q Mr. Lenhart, did you make a personal
3 inspection of the subject property?
4 **A Yes, many times.**
5 Q And are you familiar with the area
6 surrounding the subject property including the
7 roads and the roadway network?
8 **A Yes, I am.**
9 Q And could you please briefly describe
10 the roads and network in the area for the
11 Examiner, Mr. Brown, as well as the attendees?
12 **A Yes. Route 301 is currently an**
13 **arterial road as a master planned designated**
14 **freeway, F-10. The -- the site lacks to have**
15 **access to Mill Branch Road as well as right-**
16 **in/right-out from Route 301 -- or right-in from**
17 **Route 301, sorry.**
18 **The feature master plan calls for a**
19 **grade-separated interchange at Route 301 and**
20 **197. Right-of-way has been identified and**
21 **reserved through the preliminary plan to**
22 **accommodate that and -- yeah, that's -- I mean,**

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1 **that's about it. I can answer more questions if**
2 **you'd like.**
3 Q Well, has part of that area been
4 dedicated as part of the prior plat? Do you
5 know?
6 **A Yes, it was the -- yes, it was either**
7 **through the recent Preliminary Plan from Mill**
8 **Branch or previous -- there was a -- a pre-**
9 **existing. I'm not sure exactly where all of the**
10 **dedication, if it was some in the original and**
11 **then some additional to match in the most**
12 **recent. But yes, the right-of-way was dedicated**
13 **through one or both of those.**
14 Q And have you examined the applicant's
15 special exception application and site plan?
16 **A Yes.**
17 Q And did you make an investigation of
18 the traffic conditions and/or levels of service
19 in the areas surrounding the property?
20 **A We made an investigation of the**
21 **conditions. We -- we did not evaluate the**
22 **levels of service. That was done under the**

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1 preliminary plan of subdivision for the project
2 -- for the overall project for the purposes of
3 this special exception because this special
4 exception is focused on the car wash.
5 The gas and the convenience use are
6 approved uses. This is limited to the car wash.
7 So we did look at how the car wash would impact
8 trips not only from the site but from the
9 overall property perspective.
10 Q And did you prepare a traffic
11 statement in reference to that analysis?
12 A We did.
13 Q And turning your attention to
14 Exhibit 34, which is that Traffic Statement,
15 could you just briefly summarize your findings
16 as it relates to this proposed use at this
17 location?
18 A Yes. The -- the ITE or the Institute
19 for Transportation Engineers Trip Generation
20 Manual is currently on the 11th Edition. In the
21 9th Edition of the Trip Generation Manual, ITE
22 had a specific land use code for gasoline

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1 stations with convenience market and car wash.
2 And that was known as Land Use Code 946.
3 When ITE released the 10th Edition of
4 the Trip Generation Manual, they eliminated the
5 use of Land Use Code 946, which included the car
6 wash because studies had shown that the presence
7 or non-presence of car wash had no impact
8 whatsoever on the trip generation of the
9 convenience store with the service station.
10 And ITE specifically stated that, in
11 quote, gasoline service stations with car wash
12 was removed from the manual and the data were
13 reclassified to existing land uses. An
14 examination of the data for this land use
15 indicates that the presence of a car wash does
16 not have a demonstrable effect on trip
17 generation rates, end quote.
18 And the -- the traffic statement that
19 we prepared also looked at the overall trip
20 caps, not only of this use but the overall
21 property and how this use fits within the
22 property.

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1 The gas station and car wash was
2 included in the original -- the most recent
3 preliminary plan approval as a use that
4 generated traffic and trips were associated and
5 included in the trip cap.
6 And, as stated, the car wash has no
7 demonstrable impact on the trips generated by
8 the service station and convenience market.
9 Therefore, the -- the car wash has no impact on
10 the site as it relates to trip generation.
11 Q Regarding the traffic facilities in
12 the prior APF adequacy determinations from prior
13 the preliminary plan, will this special
14 exception be in keeping or consistent with those
15 prior approvals, if you know?
16 A This would be consistent with the
17 prior approval.
18 Q Would the use proposed impact the
19 prior trip cap established for this property?
20 A It would not. This is -- the use --
21 again, the car wash as this -- the source of
22 this special exception would not impact the

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1 trips generated by the gas station convenience
2 store nor the overall trip cap.
3 Q And based upon your analysis and in
4 your expert opinion, will the roadway network be
5 adequate to safely handle the traffic generated
6 by the car wash facility?
7 A Yes, it will.
8 Q Is the proposed car wash facility
9 within the development -- strike that. Asked
10 and answered.
11 In your expert opinion, does the
12 subject application satisfy all transportation
13 requirements set forth in the Zoning Ordinance
14 concerning the approval of this special
15 exception for the use in the C-S-C Zone?
16 A Yes, it does.
17 Q And could you explain a little more
18 on how?
19 A So, again, the -- the -- a full
20 traffic study is not required for this
21 application. The ordinance does require traffic
22 studies for certain types of uses, mostly heavy

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1 truck uses, you know, landfills, Class 3 fill
2 areas and -- and the such, you know, sand wash
3 or sand and gravel wash plants and things like
4 that.
5 This one does not specifically
6 require a traffic impact study; however, we did
7 submit the traffic statement showing that these
8 proposed volumes associated with the car wash
9 will not have an adverse impact, and will not
10 have a demonstrable impact on the trips.
11 The development as -- as provided
12 will have safe and adequate vehicular access for
13 pedestrians and vehicles circulating within the
14 site. Furthermore, in a memorandum dated
15 September 19th, 2023, that's included as part of
16 the backup materials for the preliminary -- for
17 the special exception, sorry, from Benjamin
18 Patrick to Lockhart, the Transportation Planning
19 Section determined that the proposed plan will
20 not have an adverse impact on traffic
21 conditions, pedestrian movements, nor will it
22 impair the Master Plan.

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1 Q And do you agree with that analysis
2 or that conclusion?
3 A I do agree with that. Yes.
4 Q And from the perspective of traffic
5 engineering and planning, will approval of the
6 application cause any adverse effects upon the
7 adjacent properties or the surrounding
8 neighborhood?
9 A It will not, no. No -- no adverse
10 impact on surrounding neighborhood or
11 properties.
12 Q And were you present during
13 Mr. Williams' and Mr. Speach's testimonies as it
14 related to the stacking exhibit, Exhibit 36, I
15 believe?
16 A Yes.
17 Q And in your opinion, is the stacking
18 of 23 vehicles or the ability to stack 23
19 vehicles more than sufficient for this
20 application for this use?
21 A Yes, it's more than sufficient as --
22 23 vehicles is, I would say, more than needed to

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1 -- to support the queuing for this. These types
2 of uses, as testified by Mr. Williams, they --
3 they run continually. They -- they process not
4 just one car at a time, but they -- they will
5 kind of roll cars through the processor.
6 They're fairly expedient in terms of processing
7 times. And this would easily handle the queuing
8 for the site.
9 Q And would the approval of the
10 application have any detrimental effect upon the
11 health and safety of pedestrians or motorists in
12 the area?
13 A It will not. This is a very low trip
14 generator. It would not have any impact on
15 safety or health and welfare of pedestrians or
16 motorists. The site -- site circulation is very
17 well designed. The -- again, the queuing is all
18 contained. There's no pedestrian activity
19 across the -- the queuing areas. This will
20 operate very well.
21 MR. TEDESCO: No further questions,
22 Madam Examiner.

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1 MS. MCNEIL: Mr. Brown?
2 EXAMINATION BY PEOPLE'S ZONING COUNSEL
3 BY MR. BROWN:
4 Q Good morning, Mr. Lenhart.
5 A Good morning, Mr. Brown.
6 Q Just two or three questions. You
7 just stated that there is no pedestrian
8 access -- or maybe you didn't use the word
9 "access" -- in the queuing area. Is that
10 correct?
11 A That is what I said.
12 Q So my question --
13 A Yes.
14 Q -- so my question is how will
15 customers enter the retail area structure that's
16 adjacent to the tunnel?
17 A Well, there are -- there are parking
18 -- front-in or back-in parking along the side of
19 the -- the convenience store and along the front
20 of the convenience store. There is -- there are
21 sidewalks that front where those vehicles park,
22 and so you would pull into those parking spaces,

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1 get out of the car, walk up to the curb and onto
2 the sidewalk, and then that sidewalk leads into
3 the building and connects around the structure.
4 MR. BROWN: I'll tell you -- Fatima,
5 could you bring up the stacking plan again,
6 please?
7 MS. MCNEIL: Exhibit 38? You said
8 "Stacking"?
9 MR. BROWN: Yes.
10 MS. MCNEIL: Okay.
11 BY MR. BROWN:
12 Q All right. So do you know -- I guess
13 I'm looking at, it looks like there's three
14 doors to that retail area. There's one door
15 toward the front of the entrance to the tunnel,
16 there's another door, looks like to the rear of
17 that door, and then there's a third door that
18 you were just referencing going up toward the
19 western part of that building.
20 Are those the three entrances to the
21 retail area?
22 A I would have to defer to Mr. Speach

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1 or Mr. Williams on the exact usage of each of
2 those doors. I presume -- yeah, I'm -- I'm
3 going to -- I'm going to let them handle that in
4 terms of usage of the doors.
5 Q All right. We'll call them back in a
6 second. But I guess my concern is I don't think
7 we want people getting out of the stacking lane,
8 you know, three or four people in the car, and
9 walking across the stacking lane to enter the
10 retail structure toward the front end of the
11 entrance to the tunnel. So I'm assuming you
12 guys think that consumers are going to come into
13 that door that's toward the north of that
14 structure. But we'll ask him that in a moment.
15 The only other question I had was
16 looking at the stacking lane as well as the
17 entrance to the vacuum area, the roadway that
18 is, and then the -- and the exit from the car
19 wash back out into the general parking lot --
20 and, again, I'm just eyeballing it -- are the
21 widths of those lanes large enough for the fire
22 department to get into the stacking lane?

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1 I'm -- it's -- clearly, they can get
2 in the stacking lane, but is there enough room
3 there for them to make that left into the vacuum
4 area and then to exit out of the car wash exit,
5 if you will?
6 A For the fire department specifically?
7 Is that what you said?
8 Q Yes.
9 A I -- I'm also going to defer that
10 question in terms of I'm -- Mr. Speach, I would
11 assume, would be able to answer the question on
12 how this was set up for fire access. I would --
13 I would --
14 Q Okay.
15 A -- assume that it's all meant to be
16 from the front of the store, not back from the
17 car wash.
18 MR. BROWN: Okay. Mr. Speach can
19 come back. That's all the questions I have for
20 Mr. Lenhart.
21 MS. MCNEIL: Okay. Does anyone else
22 have questions of Mr. Lenhart?

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1 Okay.
2 Why -- I'm having a problem with
3 Mr. Ronald.
4 MR. TEDESCO: Beverly. Mr. Beverly.
5 MR. BEVERLY: I'm -- I'm special, I
6 guess.
7 MS. MCNEIL: You know, I know the
8 last name, but then I forget what page I wrote
9 it on, so please forgive me.
10 MR. BEVERLY: That's fine.
11 MS. MCNEIL: I write almost
12 everything everyone's saying, so -- so
13 Mr. Ronald, tell us your last name one more time
14 and ask your questions.
15 MR. BEVERLY: Beverly is my last
16 name.
17 MS. MCNEIL: Mr. Beverly, Beverly.
18 MR. BEVERLY: Beverly, yes.
19 MS. MCNEIL: Ask your questions of
20 Mr. Lenhart.
21 MR. BEVERLY: Good morning,
22 Mr. Lenhart. I just had, I guess, a couple of

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1 questions to kind of reorientate myself to the
2 facility as far as access points.
3 How many access points are available
4 to motorists to enter that facility? Is it just
5 one?
6 THE WITNESS: To enter the car wash?
7 It's -- is one --
8 MR. BEVERLY: Right, the car wash.
9 THE WITNESS: -- to get into the car
10 wash.
11 MR. BEVERLY: The car wash itself.
12 THE WITNESS: Right. There's one --
13 one entrance lane and from the -- the left side
14 of the store as you're looking at it on this
15 exhibit.
16 MR. BEVERLY: Okay. And in terms of
17 orientation of the stacking of the cars, does
18 that area run parallel to Mill Branch Road or is
19 it not?
20 Or is that -- is that a question for
21 Mr. Speach?
22 THE WITNESS: I -- I'm sorry, I'd

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1 have to see this in the context of the larger
2 orientation of the site.
3 MR. TEDESCO: We can go to Exhibit 25
4 --
5 THE WITNESS: (Crosstalk) off the top
6 of my head.
7 MR. TEDESCO: If we can go to
8 Exhibit 25 that shows the plotted out parcels,
9 and maybe that will help Mr. Lenhart answer that
10 question.
11 THE WITNESS: Yeah.
12 MR. BEVERLY: And while we're waiting
13 on that, is the line of sight to the car wash
14 visible from Mill Branch? I guess that would be
15 the other question. Or is there, like, a tree
16 barrier or something visually that breaks up the
17 line of sight? Or is it totally visible?
18 THE WITNESS: I -- I couldn't answer
19 that question based off of the exhibit in front
20 of us.
21 MR. BEVERLY: Okay. And then --
22 MR. TEDESCO: I think it's -- well,

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1 let me -- if I may?
2 MR. BEVERLY: Sure.
3 MR. TEDESCO: Because the question
4 dealt with Mill Branch.
5 MR. BEVERLY: Right.
6 MR. TEDESCO: This site is also a
7 road that's not been built yet. So would an
8 aerial photograph of the property be helpful?
9 MR. BEVERLY: Sure.
10 MS. MCNEIL: Probably, but you would
11 -- do you know that the street is going to be
12 parallel to Mill Branch once constructed?
13 And we can pull up the aerial. I
14 mean, do you just happen to know that?
15 MR. TEDESCO: I mean, if you pull --
16 if you pull up Exhibit 2, Slide 9 of the
17 PowerPoint from the Planning Board, that may
18 help, but it's at a -- it's at a traffic circle,
19 the access to the site.
20 MR. BEVERLY: Okay.
21 MS. MCNEIL: Okay.
22 MR. TEDESCO: So there is portions of

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1 the road that are perpendicular and then there's
2 portions as you go around the circle that become
3 parallel that front on Outlot 16 and 17. So
4 this is Outlot 15 in this exhibit.
5 MR. BEVERLY: Understood. And then
6 the last question, I guess, it would not be fair
7 to ask given the functionality of the cars
8 stacking and how quickly the cars will be able
9 to move through the facility and the adequacy of
10 the amount of cars that are allowed to stack.
11 But should that exceed that maximum car stacking
12 allotment, what would happen if, you know, 30
13 cars tried to get in there?
14 I guess the bigger question would be
15 what -- is there a possibility of it spilling
16 out into the circle and causing a -- a traffic
17 jam? Or is that not a fair question?
18 THE WITNESS: Well, it -- I don't
19 think it's a fair question. I mean, the -- so
20 the answer is if 30 cars tried to fit in there,
21 it wouldn't stack, it would spill out into the
22 site -- into the larger site.

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1 Based on studies that we've done --
2 based on requirements and studies that we've
3 done and processing of these vehicles, the queue
4 would not even reach the available queuing
5 that's been provided. This is more than
6 adequate. We would not expect it to exceed.
7 And, you know, even if it got close,
8 you think anecdotally somebody, if -- if they
9 see the queue is long, they're not going to --
10 they're not going to get in line to wait for a
11 car wash that is, you know, takes them --
12 MR. BEVERLY: Right --
13 THE WITNESS: -- a long time to get
14 through. That --
15 MR. BEVERLY: So it's a -- it's a
16 very remote possibility I'm -- I'm assuming
17 based on your studies that it's likely not to
18 happen.
19 THE WITNESS: Yeah, I would say
20 not -- no, it's -- it would not happen.
21 MR. BEVERLY: All right. That's all
22 I have.

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1 THE WITNESS: And this site, I mean,
2 this -- this particular location is, I think
3 over -- over 1500 feet from Mill Branch, and
4 there's other development between or other
5 development will be between the car wash and
6 Mill Branch. It's -- it's also not likely that
7 any of that queue would be seen from Mill
8 Branch.
9 MR. BEVERLY: Okay. Well, thank you.
10 That's all I had.
11 THE WITNESS: Certainly.
12 MS. MCNEIL: Thank you, Mr. Beverly.
13 Anyone else have questions of
14 Mr. Lenhart?
15 MR. TEDESCO: I would call -- recall
16 Mr. Speach in response to Mr. Brown's questions
17 regarding the sidewalks and firetruck
18 circulation.
19 MS. MCNEIL: Sure. And we can take
20 down the exhibit, I think.
21 MR. TEDESCO: We can go back to --
22 yeah, we can go back to Exhibit 38, I think it

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1 was?
2 MS. MCNEIL: Exhibit 38.
3 Okay. Mr. Brown, do you remember
4 your -- oh, you're recalling him. Go ahead,
5 Mr. Tedesco.
6 EXAMINATION BY COUNSEL FOR APPLICANT
7 BY MR. TEDESCO:
8 Q Mr. Speach, were you present when
9 Mr. Brown was inquiring to Mr. Lenhart with
10 respect to pedestrian connections to the car
11 wash facility that has a very small retail
12 component?
13 **A Yes.**
14 Q And could you identify from
15 Exhibit 38 whether there are sidewalks
16 connecting that building to the parking
17 associated with the car wash?
18 **A Sure. There is sidewalks -- if**
19 **you -- if you look at the car wash building**
20 **itself, there is a sidewalk between the vac**
21 **spaces -- the seven vac spaces on the right-hand**
22 **side. That's all interconnected.**

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1 **There's also a sidewalk in between**
2 **the convenience store and the eight vac spaces**
3 **that are on the left-hand side. There is not a**
4 **connection across the drive aisle, though, as**
5 **far as the sidewalk is concerned from the left**
6 **side to the car wash on the right side.**
7 Q And did you hear Mr. Brown's question
8 to Mr. Lenhart with respect to traffic -- excuse
9 me, fire circulation within the site? I think
10 Mr. Brown was specifically inquiring about the
11 vacuum stalls. But is -- what would be your
12 response or opinion as it relates to fire access
13 to the special exception use?
14 **A The -- the main fire access is going**
15 **to be, obviously, coming in from the roundabout**
16 **and then in front of the convenience store and**
17 **those parking spaces, there's adequate distance**
18 **there that there can be hose dragged to service**
19 **the car wash or any vac spaces with the truck**
20 **parked in the drive aisle in front of the**
21 **convenience store. And then the truck would**
22 **circulate around the canopy and back out.**

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1 MR. TEDESCO: No further questions.
2 EXAMINATION BY PEOPLE'S ZONING COUNSEL
3 BY MR. BROWN:
4 Q So Mr. Speach, I would think that you
5 would conclude, as I, that the fire department
6 is unlikely to go up the stacking lanes and make
7 a left into the vacuum area to reach a potential
8 fire in the car wash; correct?
9 **A I -- I agree with you. Yes.**
10 Q All right. And then the three doors
11 that are depicted on this illustration, if you
12 know or if Mr. Williams can come back -- are all
13 three of those doorways to be allowed for
14 customers to enter that retail area?
15 **A I would defer to Mr. Williams on**
16 **that.**
17 MR. WILLIAMS: Okay. So we've got
18 two doors on the car wash. One -- south, you
19 can see the door swing open on the appendage of
20 the building.
21 MR. BROWN: Right.
22 MR. WILLIAMS: That's for the retail

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1 area. As you migrate to the north, you'll see
2 another door that's between the tunnel and the
3 vacuum. That is a bay for car wash equipment.
4 So the -- the total car wash only has two doors.
5 MR. BROWN: All right.
6 MR. WILLIAMS: Okay?
7 MR. BROWN: And those are the two
8 doors toward the top of the tip of that --
9 MR. WILLIAMS: That appendage, yes.
10 That is for the car wash equipment, and that is
11 only accessed for -- by employees.
12 MR. BROWN: All right. That makes
13 sense.
14 And so I guess my last question is to
15 address the stacking issue asked by the
16 gentleman who was asking questions a moment ago.
17 I don't think there's a stacking
18 problem, but this particular tunnel is a 95-foot
19 tunnel. I know you guys have it -- you may not
20 have it at your fingertips, but what is the
21 speed of the tunnel to get a car from entrance
22 to exit?

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1 MR. WILLIAMS: Matt, we'll need Brian
2 on that.
3 MR. TEDESCO: We'll recall
4 Mr. Fenwick. Mr. Brown, if that's okay?
5 MR. BROWN: Yes.
6 MR. TEDESCO: Brian, could you queue
7 up? Remember, you're still under oath.
8 MR. WILLIAMS: Yeah, and just for
9 further clarity, there is a third door on the
10 car wash. You can see it just at the entrance
11 of the car wash. That is for our employees that
12 are prepping the cars to be able to access into
13 the building. That is an employee only
14 entrance.
15 MR. BROWN: Okay.
16 MR. TEDESCO: Is Brian still here?
17 MR. FENWICK: Yeah, I'm here.
18 EXAMINATION BY COUNSEL FOR THE APPLICANT
19 BY MR. TEDESCO:
20 Q Brian, did you hear the question as
21 it relates to the timing from entry to exit of
22 the tunnel?

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1 **A I did. And -- and --**
2 Q (Crosstalk) the answer?
3 **A -- very valid -- valid concerns. Our**
4 **methodology for how the operation with the car**
5 **wash works is it's a 95-foot tunnel, and the**
6 **equipment is geared to allow us to wash 95 cars**
7 **an hour. So it is constantly moving. Our**
8 **loaders, our greeters, our staff are -- are**
9 **loading the vehicles on the conveyor, and we**
10 **have the capacity to wash 95 cars an hour. So**
11 **it's -- it's continuously moving through --**
12 **through the wash.**
13 **EXAMINATION BY PEOPLE'S ZONING COUNSEL**
14 **BY MR. BROWN:**
15 Q And you're trying to make me do some
16 math here, man. Ninety-five cars an hour. My
17 basic question is so if it's moving at 95 cars
18 an hour, it's highly unlikely that you're going
19 to get more than 20 cars stacked -- double-lane
20 stacked.
21 **A That's correct.**
22 Q Right. Okay.

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1 **A That's correct, sir. Yes, sir.**
2 MR. BROWN: All right. No other
3 questions. Thank you.
4 MR. TEDESCO: And I think to
5 Mr. Brown's last question, I'll have
6 Mr. Ferguson address it as it relates to this
7 stacking exhibit. And I'll ask Mr. Ferguson --
8 MS. MCNEIL: But, Mr. Tedesco, you
9 remember my eyesight problem. So do you think I
10 can get larger copies of these site plans after
11 the hearing?
12 MR. TEDESCO: Yeah, we'll --
13 MS. MCNEIL: Because my question is
14 are people just going to be in the vacuuming
15 lanes and leave their car and walk into the
16 retail?
17 MR. TEDESCO: No, there's parking
18 spaces there.
19 MS. MCNEIL: There are -- I see
20 parking spaces above the convenience store.
21 Yeah, you're going to have to give me larger
22 ones. I --

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1 MR. TEDESCO: You see those boxes
2 with -- darker boxes and then there's -- those
3 are spaces. And there's -- they're dimensioned
4 aisles, and you can see the parking lines.
5 MS. MCNEIL: Oh, okay. I see boxes.
6 MR. TEDESCO: Yeah. But, yes, we
7 will -- we will -- I will coordinate with
8 Mr. Speach to get hard copies full-size sets
9 delivered to your office.
10 MS. MCNEIL: So if you're leaving by
11 the convenience store and you do not cross
12 between those spaces, you go up -- I still don't
13 see how they access the retail if they're not --
14 if they don't happen to be parked on that side.
15 MR. TEDESCO: Well, the -- we don't
16 anticipate having any customers of the
17 convenience store accessing the retail space of
18 the car wash. It's the --
19 MS. MCNEIL: I don't mean convenience
20 store. I mean -- I mean, if someone happened to
21 be -- okay. So you don't anticipate anyone
22 going to the convenience store and say, "Oh,

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1 that's right. I need something to wash my car
2 and they sell it over there" and just walk
3 across that area that the cars are coming
4 through.
5 MR. TEDESCO: Correct. The -- the
6 retail component of the -- and Mr. Williams
7 testified to this. The retail component of the
8 car wash facility is for the customers of the
9 car wash itself so that they don't have to go to
10 the convenience store to buy any products that
11 they may need to tire shine, air fresheners.
12 All those things are typically sold
13 in the convenience store notwithstanding, but
14 for convenience of those customers at those vac
15 stations that are parked in between the car wash
16 and the convenience store, they can go right to
17 the small retail component of the car wash and
18 not have to traverse with -- and deal with the
19 customers of the actual convenience store if
20 they have their own retail component associated
21 with those types of ancillary items associated
22 with one who would may be cleaning their car.

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1 MS. MCNEIL: I got you. I just have
2 to wait for the bigger site plans. I apologize.
3 Go ahead.
4 Were we -- did any other citizens
5 have questions of the sort of three tandem
6 witnesses we just called to address Mr. Brown's
7 question?
8 All right. Go ahead, Mr. Tedesco.
9 MR. TEDESCO: I was just -- I'll call
10 Mr. Ferguson. And I -- I will just say for the
11 record, this exhibit wasn't necessarily prepared
12 to show the operation of queuing. It was
13 prepared to show the ultimate significant
14 queuing area that has been designed for this
15 particular use. But to Mr. Brown's point and
16 Mr. Fenwick's testimony, the actual operation of
17 this, we do not anticipate a double-stack queue
18 all the way out for 23 cars because of the speed
19 at which this facility operates.
20 And to Mr. Lenhart's anecdotal
21 response to Mr. Beverly's question is -- just
22 human nature is that if there were 23 cars

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1 queued up in this queue, you're not going to get
2 to 24, 25 because people just won't utilize it.
3 So I -- we did not mean for this
4 exhibit to be -- to be confusing in any way. We
5 just wanted to show what was capable. And I
6 think Mr. Ferguson can clarify that more in his
7 testimony. So I'll call Mr. Ferguson at this
8 point.
9 MS. MCNEIL: And while you're calling
10 him, you just clarified my question for Speach,
11 but I'll take your proffer.
12 And people couldn't park or stand
13 within that circle; correct? I mean, most --
14 there will be some reason telling people they
15 can't do that; correct?
16 MR. TEDESCO: Which -- which circle?
17 The circle --
18 MS. MCNEIL: The circle in -- you
19 know, in the odd chance that 30 people were --
20 were stacking. Remember we thought they might
21 come out into the circle? But it -- they
22 shouldn't be able to stand in that circle;

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1 correct?
2 MR. TEDESCO: No, they wouldn't be --
3 MS. MCNEIL: Yeah.
4 MR. TEDESCO: -- able to.
5 MS. MCNEIL: And is that service road
6 Chesley Road -- the new Chesley Road instead of
7 Mill Branch? Where is Chesley Road? I --
8 MR. TEDESCO: It's --
9 MS. MCNEIL: -- those were my
10 questions earlier of Mr. Speach.
11 MR. TEDESCO: I think -- I think it's
12 in --
13 MR. FERGUSON: I can certainly answer
14 this for you, Madam Examiner.
15 MR. TEDESCO: Yeah, I think
16 Mr. Ferguson can --
17 MS. MCNEIL: Mr. Ferguson will tell
18 me.
19 MR. TEDESCO: -- (crosstalk) that.
20 MS. MCNEIL: Okay. All right. So
21 we're ready for Mr. Ferguson?
22 MR. TEDESCO: Yes, ma'am.

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1 MR. FERGUSON: Good morning
2 Madam Examiner, and good morning Mr. Brown.
3 MS. MCNEIL: Good morning.
4 Do you swear or affirm under the
5 penalties of perjury that the testimony you
6 shall give will be the truth and nothing but the
7 truth?
8 THE WITNESS: Yes, I do.
9 MS. MCNEIL: Thank you.
10 EXAMINATION BY COUNSEL FOR THE APPLICANT
11 BY MR. TEDESCO:
12 Q Mr. Ferguson, could you state your
13 name and business address for the record?
14 **A My name is Mark Ferguson. My**
15 **business address is 5407 Water Street,**
16 **Suite 206, in Upper Marlboro, Maryland.**
17 Q And have you previously testified and
18 been accepted as an expert land planner before
19 this Examiner?
20 **A Yes, I have.**
21 MR. TEDESCO: And Madam Examiner, we
22 would ask that Mr. Ferguson continue in that

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1 capacity here today.
2 MS. MCNEIL: He will continue in that
3 capacity accepted as an expert in land use
4 planning.
5 THE WITNESS: Thank you,
6 Madam Examiner.
7 MR. TEDESCO: I always forget the
8 "use" with Madam Examiner.
9 BY MR. TEDESCO:
10 Q I know that's your -- land use
11 planner. Thank you.
12 MR. TEDESCO: And we did submit
13 Mr. Ferguson's CV as Exhibit 43.
14 BY MR. TEDESCO:
15 Q Before we get into the testimony,
16 just because it's still fresh on everyone's
17 mind, could you maybe elaborate a little bit
18 more on a couple of things that have been spoken
19 to about with respect to the dedicated right-of-
20 way as well as the stacking?
21 **A Certainly. So one of the questions**
22 **from earlier in the hearing was whether there**

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1 was a -- a requirement in the current zoning
2 ordinance for stacking associated with car
3 washes. And there is.
4 Table 27-6206(m)(1)(a) provides that
5 for automatic car washes you need six spaces per
6 -- per tunnel. So the -- the 23 that are
7 provided is amply in excess of that requirement
8 of the new and current zoning ordinance.
9 I think the -- the other question
10 that I recall was regarding the orientation of
11 the access lane to the car wash, and I think
12 Mr. Lenhart spoke briefly to this.
13 I will say that the car wash entrance
14 lane where the queuing occurs is going to be
15 roughly perpendicular to Mill Branch Road, but
16 it is at a distance of approximately
17 three tenths of a mile. The intervening
18 commercial development between the subject
19 property and existing Mill Branch Road is
20 actually quite consequential.
21 So this car wash will be, as
22 Mr. Speach testified, on the very northern end

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1 of the entire Mill Branch Crossing development
2 and will be, essentially, maximally distant from
3 the houses in Mill Branch Estates where Mr.
4 Beverly lives.
5 In fact, it's approximately
6 six-tenths of a mile or five-eights of a mile --
7 is probably even closer from the southern edge
8 of the special exception area to the nearest
9 edge of the Mill Branch Crossing subdivision.
10 So it really is fairly substantially removed.
11 THE WITNESS: Madam Examiner, your
12 question as to the circle. So the circle is
13 located at the very end of a dedicated service
14 road which leads to a right-in/right-out
15 entrance from US-301. That service road is the
16 beginning of Saint Chesley Avenue. It was
17 labeled "Chesley Avenue" in the preliminary plan
18 subdivision and -- and apparently it's since
19 been canonized.
20 Saint Chesley Avenue will lead off to
21 the east and then there will be another road of
22 uncertain name, a private -- all of these roads

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1 within Mill Branch Crossing are private roads.
2 That road will lead down past the commercial
3 development, past the multi-family development
4 to a new street called Ridgley Boulevard, which
5 will then connect down to Mill Branch Road at
6 the southern limit of the Mill Branch Crossing
7 development.
8 Lola Lane (phonetic) -- I'm sorry,
9 now that I'm zooming in on two pages up from the
10 exhibit that was most recently on the screen, I
11 can see the name of the -- the private road
12 leading from Saint Chesley Avenue down to
13 Ridgley Boulevard is -- is labeled as
14 "Lola Lane." I'm actually uncertain as to
15 whether that street has been canonized as well,
16 but that's the indication on the exhibit.
17 BY MR. TEDESCO:
18 Q Thank you, Mr. Ferguson. Now turning
19 your attention to more directly your testimony
20 here and your analysis, could you please tell us
21 a little bit more about the developmental
22 history of the subject property?

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1 A I will. So I think Mr. Speach
2 actually did summarize it fairly well. There --
3 there had been development proposals in the past
4 prior to Preliminary Plan 4-19050. At one time,
5 it was contemplated, I believe, to bring a
6 Walmart to the larger Mill Branch Crossing
7 development area.
8 Those have all been superseded by the
9 development pursuant to Preliminary Plan 4-19050
10 and Detailed Site Plan DSP-20003, the original
11 approval, and then, of course, the most recent
12 amendment that added the gas station and
13 convenience store to it.
14 In the course of the review of those
15 two or two and a half -- "two applications and
16 the revision" let's call it, there was
17 substantial review of the entire development's
18 effect on, as you've heard, adequacy of public
19 facilities, on its impact to regulated natural
20 features, on master plan conformance, and so on
21 and so forth.
22 And so, really, all of those findings

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1 will carry forward to this application because
2 this application is only a very small part of
3 the entire Mill Branch Crossing development.
4 You've heard Mr. Lenhart testify to the -- the
5 relationship to the adequacy of public
6 facilities, findings for transportation. And
7 Mr. Speach testified earlier that the actual
8 limits of the special exception area actually
9 don't contain any of the regulated natural
10 features that were -- that were evaluated in the
11 context of the entire development.
12 So really what we have before us is
13 an evaluation of the use and whether the use of
14 a car wash poses undue adverse impacts at this
15 location as opposed to another location in the
16 C-S-C Zone.
17 Q And to that end, did you prepare a
18 Land Use Planning Report for this application?
19 A I did.
20 MR. TEDESCO: And that's been marked
21 as Exhibit 48.
22 BY MR. TEDESCO:

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1 Q Do you further incorporate and adopt
2 that report as your testimony here today?
3 A I do with only one minor caveat. On
4 page 4 of that report, I indicate that the
5 queuing was 21 spaces. I did look at that
6 exhibit. I did count each one of those spaces,
7 but apparently having only 20 fingers and toes
8 proved to be a problem. I just recounted and
9 there are, in fact, 23.
10 Q And do you have an opinion --
11 THE WITNESS: Counting is hard,
12 Madam Examiner. I see the look on your face,
13 it's -- it's very hard.
14 BY MR. TEDESCO:
15 Q Do you have an opinion with regard to
16 the establishment of a neighborhood for this
17 application?
18 A I do. Unusually, for their recent
19 practice, Planning staff did define a
20 neighborhood in this case, and I do agree with
21 it. The -- the neighborhood boundaries on the
22 north are U.S. Route 50. On the east, what they

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1 call "undeveloped land," and what I would
2 characterize more precisely as the Green Branch
3 Athletic Complex of -- of the Park and Planning
4 Commission which is, in fact, as yet
5 undeveloped.
6 To the south Mill Branch Place, which
7 does extend to be roughly including the Mill
8 Branch Estates development where Mr. Beverly
9 lives. So he would be in the neighborhood. And
10 on the west is the substantive boundary of -- of
11 U.S. Route 301. And I do agree with that
12 characterization.
13 Q Are you familiar with the 2022
14 approved Bowie Mitchellville and Vicinity master
15 plan?
16 A I am.
17 Q And is this property within the
18 boundaries of that master plan?
19 A Yes, it is.
20 Q And what land uses does that master
21 plan recommend for the property?
22 A Map 16, as well as there's a more

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1 detailed inset, I think it's 16-A, but I may
2 misremember -- it's a few pages after Map 16 --
3 both indicate commercial land use for the
4 entirety of the Mill Branch Crossing development
5 area as well as the undeveloped currently A-R
6 zoned properties on the west side of Mill Branch
7 Road to the north of the Mill Branch Estates
8 subdivision.
9 Q And are there any other
10 recommendations in the master plan that relates
11 to this application?
12 A Not really that -- that they are
13 consequential discussion. Certainly, many of
14 the recommendations were reviewed in the context
15 of the prior detailed site plan and the
16 preliminary plan before that and -- and those
17 findings do carry forward here as this was a use
18 that was anticipated really at the time of -- of
19 those prior reviews.
20 Q So based upon your familiarity with
21 the application, your land use planning report,
22 the testimony you've provided, the testimony

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1 you've heard, prior approvals, do you believe
2 that this application complies with the
3 recommendations in the master plan?
4 **A I do.**
5 Q And are you familiar with the
6 standards needed to be proven to obtain approval
7 of the special exception for a car wash at the
8 subject property?
9 **A I do. And they are only the general**
10 **requirements of Section 27-317(a) of the prior**
11 **Zoning Ordinance for -- for this application.**
12 **There are no additional requirements for car**
13 **washes in -- in the old Subtitle 27.**
14 Q And does your -- does Exhibit 48,
15 your Land Use Planning Report go through those
16 in detail?
17 **A It does.**
18 Q And would you add any further
19 testimony to that -- to the written testimony?
20 **A The only thing I guess that -- that**
21 **bears some clarification, as Mr. Lenhart**
22 **testified, there is an interchange that is**

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1 **planned in the -- the vicinity of the subject**
2 **property. Ultimately, that interchange will**
3 **serve Collington Road and Mill Branch Road and**
4 **even spur out to Ballpark Road.**
5 **That interchange was the topic of a**
6 **great deal of review at the time of the**
7 **preliminary planed subdivision and the**
8 **subsequent detailed site plan reviews. And in**
9 **those cases, as well as in the subject, Staff**
10 **returned a finding that -- that this application**
11 **was in compliance with the master plan of**
12 **transportation.**
13 Q Does Exhibit 48, your Land Use
14 Planning Report, go through all the applicable
15 purposes of the Zoning Ordinance, the C-S-C Zone
16 --
17 **A And commercial uses.**
18 Q -- and commercial uses?
19 **A Commercial zones, generally. Yes, it**
20 **does.**
21 Q And do you have any further testimony
22 beyond what was provided in your written

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1 testimony in that regard?
2 **A No, I do not. I mean, my -- my**
3 **general finding with respect to this property is**
4 **because of the quality of the site layout, the**
5 **really substantial amount of queuing area that's**
6 **provided, the attractiveness of the architecture**
7 **-- as Mr. Brown mentioned, this car wash is**
8 **tucked even behind the convenience store with**
9 **respect to the -- the development to the south.**
10 **So it will be even -- even further tucked away**
11 **that this -- this really is a -- a lower impact**
12 **car wash than -- than certainly the ones that**
13 **we're familiar with which have tunnels with**
14 **older equipment. And -- and certainly in my**
15 **neighborhood, in Hyattsville, there is one that**
16 **regularly does back out onto -- onto, in my**
17 **case, Baltimore Avenue at U.S. Route 1 right**
18 **after a -- after a snowstorm.**
19 **This -- this property has much more**
20 **queuing and better equipment so that that won't**
21 **happen. And so for that -- for that reason as**
22 **well as the others, no, I don't believe this**

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1 **will have an adverse impact on the public**
2 **health, safety, and welfare, nor on the use and**
3 **development of adjoining properties of the**
4 **general neighborhood.**
5 Q In your expert opinion, does this
6 application meet all the requirements for
7 approval for a car wash at this location in this
8 zone?
9 **A In the Zoning Ordinance, based on my**
10 **review of the Special Exception Site Plan and**
11 **the Landscape Plan, and the Type 2 Tree**
12 **Conservation Plan, yes, it does.**
13 THE WITNESS: I would note actually
14 two more things: One with regard to the Tree
15 Conservation Plan, Madam Examiner, the revisions
16 which are reflected in the conditions, they are
17 actually carry-forward conditions from the
18 Detailed Site Plan. They don't represent
19 changes arising out of this application. But
20 because that Detailed Site Plan has not yet been
21 certified, those -- those revisions that are
22 reflected in the special exception conditions

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1 are actually carried forward from the Detailed
2 Site Plan 01 review.
3 The second thing is when Mr. Fenwick
4 was talking about the operation of the car wash
5 equipment, I did the math for Mr. Brown and I
6 found 37.5, 38 seconds was the path -- was
7 the -- the time through the -- the tunnel at --
8 at a 95-car-per-hour rate.
9 MR. TEDESCO: No further questions.
10 EXAMINATION BY PEOPLE'S ZONING COUNSEL
11 BY MR. BROWN:
12 Q Good morning, Mr. Ferguson. Thank
13 you for doing the math. I was -- do it in my
14 head real quick, but I guess -- on a calculator.
15 **A I -- I -- I did the --**
16 MS. MCNEIL: I --
17 THE WITNESS: Yes, ma'am.
18 MS. MCNEIL: I came up to -- with
19 half a minute. So you could be wrong. I'm not
20 mathematical. So are you sure? I can't believe
21 I was close.
22 THE WITNESS: So (crosstalk) yeah,

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1 yeah, for it to be half a -- half a minute, you
2 would need to put 120 cars an hour through. So
3 it's a little bit slower than -- a little bit
4 slower than that.
5 And nice to see you Mr. Brown. We've
6 -- we've met many times this month and, frankly,
7 I'm ready for it to be Christmas for all of us.
8 MR. BROWN: I've seen you so much,
9 man, I think I'm entitled to a Christmas gift.
10 THE WITNESS: That's true.
11 Madam Examiner, you as well.
12 BY MR. BROWN:
13 Q I just have one question about the
14 architectural façade of the car wash in the
15 retail area.
16 Is it a storefront glass-type façade,
17 or some other material?
18 **A I believe that is indicated on the**
19 **PowerPoint exhibit which Mr. Williams referenced**
20 **in his earlier testimony, I don't recall. Is**
21 **that 42?**
22 MR. BROWN: Fatima, if you could pull

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1 up Exhibit 42, please?
2 THE WITNESS: I may be -- I may be
3 mistaken.
4 MS. BAH: Sure.
5 MS. MCNEIL: It's not 42.
6 MR. TEDESCO: It's not 42.
7 What are you looking for?
8 MS. MCNEIL: Architectural façade.
9 THE WITNESS: Mr. Williams had
10 prepared --
11 MR. TEDESCO: Oh, that is Exhibit --
12 MS. MCNEIL: PowerPoint is Exhibit 1.
13 You say it's in the PowerPoint?
14 MR. TEDESCO: He's referring to
15 Exhibit 39.
16 THE WITNESS: Oh, 39. Thank you.
17 Yes, so that is -- that is page 8 of
18 that -- of that exhibit. And so you can see
19 that there is -- there are windows into the --
20 on that exhibit, on Elevation A1, you can see
21 that there are windows into the car wash tunnel
22 at the very left, and then some siding

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1 containing the equipment that Mr. Williams
2 testified to, and then there are storefront
3 windows into the retail area on the right of the
4 building.
5 BY MR. BROWN:
6 Q And I guess it's your opinion that
7 this is compatible with either and/or the Dash
8 In Store and the surrounding community; correct?
9 **A It is compatible with the -- the Dash**
10 **In Store. I know the Dash In and Splash In**
11 **facilities are -- are regularly found together.**
12 **There is not a finding for car wash regarding**
13 **neighborhood compatibility as there is for a gas**
14 **station, so I actually did not make an**
15 **evaluation of the neighborhood's surrounding**
16 **architecture specifically.**
17 **I will say that in my -- in my visits**
18 **to the site, it will be compatible with the**
19 **newer -- and comparable to the newer development**
20 **particularly to the north around Ballpark Drive.**
21 **The Shell Station there, the Valvoline facility,**
22 **the Chick-fil-A are very typical, small roadside**

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1 **commercial uses -- the Advanced Auto Parts --**
2 **that this would be harmonious with.**
3 MR. BROWN: All right. Thank you.
4 No other questions.
5 THE WITNESS: Thank you, Mr. Brown.
6 MS. MCNEIL: Do you know if any type
7 of green building standards -- I saw something
8 in the background saying that that would be done
9 and that there would be a note included on the
10 DSP, but I didn't really notice it in the final
11 conditions listed by the Planning Board.
12 So will there be green building type
13 of use?
14 THE WITNESS: So certainly,
15 Madam Examiner, there were -- there were
16 conditions to the Detailed Site Plan for the gas
17 station and the car wash. I do not believe that
18 there was evaluation or discussion of the
19 applicability of those to the car wash. Beyond
20 that, I -- I don't have any knowledge.
21 MS. MCNEIL: One in particular. So I
22 guess they will have to meet this.

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1 And Matt, you can make a proffer, but
2 if one of the -- if one of the requests were
3 predominant use of light-colored concrete for --
4 for vehicular surfaces, then that will be all of
5 these vehicular surfaces; correct? Or you can
6 tell me if any of this actually got into the
7 conditions. I -- I didn't see it. Did you all
8 put --
9 MR. TEDESCO: Not in the conditions
10 of the special exception, no.
11 MS. MCNEIL: No, not the -- but on
12 the DSP?
13 MR. TEDESCO: On -- yeah, just I'm
14 failing to understand what one would have to do
15 with the other, to be honest.
16 MS. MCNEIL: Well, the convenience
17 store is part of the special exception --
18 MR. TEDESCO: Mm-hmm.
19 MS. MCNEIL: -- site plan; correct?
20 And the DSP covers the convenience store as
21 well. So I'm just wondering did -- will that be
22 carried out throughout this part of it since the

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1 DSP was not just for the gas station, I don't
2 think.
3 MR. TEDESCO: As far as ensuring
4 consistency between the two?
5 MS. MCNEIL: Yes.
6 MR. TEDESCO: Yes.
7 MS. MCNEIL: Okay. That's all I was
8 concerned with.
9 Does anyone else have questions of
10 Mr. Ferguson?
11 No? Oh, Mr. Beverly? You helped me
12 out. He changed his name.
13 Okay. Mr. Beverly, what's your
14 questions?
15 MR. BEVERLY: Sorry, I was muted.
16 Just going back to the site plan
17 where the stacking occurred, it's a very simple
18 question. With that opening that has the "Do
19 Not Enter" sign --
20 THE WITNESS: Yes, sir.
21 MR. BEVERLY: -- is that sign
22 preventing people from the convenience store

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1 (indiscernible) the stacking or is -- why is
2 that opening there if there's a "Do Not Enter"?
3 THE WITNESS: So if we probably could
4 bring up that exhibit to make sure that I am
5 talking about the same "Do Not Enter" that you
6 are.
7 So certainly, there is one at the
8 outlet of the -- the car wash tunnel and the
9 exits from the vacuum bays.
10 MR. BEVERLY: Right.
11 THE WITNESS: So the idea of that "Do
12 Not Enter" is to prevent people from going
13 backwards into the tunnel. And, actually, from
14 using the vacuum bays that they haven't paid
15 for, you know, that service --
16 MR. BEVERLY: Right.
17 THE WITNESS: -- then, of course,
18 there is, you know, a "Do Not Enter" at the
19 entrance to the tunnel. That is -- so the third
20 "Do Not Enter" -- and perhaps you're referring
21 to that is to prevent people who have exited the
22 tunnel, gone into the vacuum bays, done their --

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1 their vacuuming, it's to prevent them from
2 leaving out of the vacuum bays into the queuing
3 lanes and therefore right back into the car
4 wash. So --
5 MR. BEVERLY: Okay.
6 THE WITNESS: -- the idea would be,
7 you know, go back out at the entrance the other
8 way. The entrance you -- into the vacuum bays
9 you came in and out by the exit from the -- the
10 tunnel.
11 MR. BEVERLY: So if that wasn't -- if
12 that opening wasn't there, that wouldn't -- that
13 would also prevent them from trying to do that
14 as well; correct?
15 THE WITNESS: Well, the -- the
16 opening from the vacuum bays to the queuing
17 lanes provides the important service of being
18 the bailout lane.
19 MR. BEVERLY: Okay.
20 THE WITNESS: So if you've gotten to
21 the front of the pay line or almost to the front
22 and you realize, "Oh, I don't have my wallet" --

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1 MR. BEVERLY: Right, right, right.
2 THE WITNESS: -- then, you know -- or
3 "I just don't have time to wait any longer. I
4 have to pick my son from school" --
5 MR. BEVERLY: Got it.
6 THE WITNESS: -- off you go.
7 MR. BEVERLY: That's what I figured.
8 All right. Thank you.
9 THE WITNESS: Right. Yes, sir.
10 MS. MCNEIL: Thank you. Anyone else
11 have questions of Mr. Ferguson?
12 THE WITNESS: Thank you,
13 Madam Examiner.
14 MS. MCNEIL: I have one last one for
15 you --
16 THE WITNESS: Yes, ma'am.
17 MS. MCNEIL: -- just to clarify.
18 So every -- and Matt too or any other
19 witness. So all of the staff's recommended
20 conditions have been made to the latest Special
21 Exception Site Plan in this file?
22 THE WITNESS: That would be a

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1 Mr. Speach --
2 MS. MCNEIL: Okay.
3 THE WITNESS: -- question.
4 MS. MCNEIL: Then thank you so much,
5 Mr. Ferguson.
6 THE WITNESS: Absolutely.
7 MS. MCNEIL: Mr. Speach?
8 MR. SPEACH: Yes.
9 MR. TEDESCO: Can you repeat --
10 MS. MCNEIL: I told you I would need
11 you so -- the Technical Staff recommended two
12 conditions: One of them was subpart. So have
13 all these changes been made to the Special
14 Exception Site Plan or the TCP-2?
15 MR. SPEACH: They have not yet.
16 MS. MCNEIL: Okay.
17 MR. SPEACH: The first, the -- the
18 note, the General Note 33 has been updated in
19 what you have. The Tree Conservation Plan is
20 being completed, so that will come in at a later
21 date. And the plat is being processed.
22 MS. MCNEIL: Okay.

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1 MR. TEDESCO: So just for clarify,
2 Condition 1(a) has been addressed with the
3 Amended Site Plan exhibit that's been submitted.
4 MR. SPEACH: Correct.
5 MR. TEDESCO: Condition 1(b) and 2
6 should be carried forward in your opinion?
7 MR. SPEACH: Correct.
8 MS. MCNEIL: If, you know, if I
9 agree.
10 MR. TEDESCO: If -- if this were to
11 be approved.
12 MS. MCNEIL: Yes. And -- and the
13 additional site plan that you were not using,
14 Matt, is it okay to say that one is void even if
15 it could be the same, I agree, to avoid
16 confusion?
17 MR. TEDESCO: Yes.
18 MS. MCNEIL: So that's Site Plan 15,
19 we'll put in parens "void." Okay.
20 Okay. Any other witnesses?
21 MR. TEDESCO: No, we would rest and
22 just reserve any closing and/or rebuttal after

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1 any residents testify.
2 MS. MCNEIL: Okay. This is a good
3 opportunity to take, like, a seven-minute break
4 since it's 11:33, and then we'll come back, and
5 anyone here that would like to testify, will be
6 able to do so at that time.
7 So just, you know, mute and -- but
8 stay on. We'll be right back.
9 (Whereupon, a recess was held.)
10 MS. MCNEIL: Okay. Mr. Tedesco would
11 like to recall -- you're muted.
12 MR. TEDESCO: Yeah, one quick
13 question for Mr. Ferguson, if I may.
14 MS. MCNEIL: Okay.
15 Mr. Ferguson.
16 EXAMINATION BY COUNSEL FOR THE APPLICANT
17 BY MR. TEDESCO:
18 Q Mr. Ferguson, did you have an
19 opportunity to evaluate the special exception
20 boundary as far as the size just to clarify
21 prior testimony in this --
22 **A I did. Yeah, there -- there were a**

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1 number of iterations of the special exception
2 area through the review process.
3 As Mr. Brown indicated, there was an
4 early iteration with 1. -- I'm sorry, 0.87 acres
5 and, in fact, that's the -- the limit shown on
6 the little inset on the Staff Report, that did
7 not extend all the way around the convenience
8 store.
9 And then there were a couple of other
10 iterations, and the final -- the final version
11 is what is shown on the special exception, the
12 most recent Special Exception Site Plan which is
13 1.25 acres.
14 MR. TEDESCO: No further questions.
15 MS. MCNEIL: Thank you.
16 Okay. Does anyone wish to testify at
17 this time in opposition to this request? Or
18 have any testimony they'd like to provide?
19 Can you hear me -- okay. I'm not
20 seeing anyone.
21 So then, Mr. Tedesco, I guess you can
22 do your closing.

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1 CLOSING STATEMENT
2 MR. TEDESCO: Thank you,
3 Madam Examiner.
4 I want to thank all those who
5 attended the hearing this morning -- Mr. Brown,
6 Mr. Beverly, as well as any other citizens that
7 may have participated or at least witnessed the
8 hearing this morning.
9 Madam Examiner, I'll be very brief.
10 You've heard testimony from five different
11 witnesses all of which have adequately addressed
12 by providing substantial evidence into the
13 record with respect to he required findings that
14 you must make under Section 27-317 of the prior
15 Zoning Ordinance.
16 All those regulatory requirements
17 have been met either by exhibits and/or
18 testimony provided in your record prior to
19 today's hearing and/or further supplemented by
20 testimony that you heard.
21 And with that, Madam Examiner, we
22 would respectfully request your recommendation

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1 and hopeful approval of this application Special
2 Exception-22006 to facilitate a car wash
3 facility on the subject property being a portion
4 of the Mill Branch Crossing Shopping Center and
5 mixed used development.
6 For all those reasons that you've
7 heard and the reasons that we've articulated
8 previously, we -- we appreciate your time and
9 consideration and hope for your support and
10 approval of this application. Thank you.
11 MS. MCNEIL: Thank you. And I think
12 we're leaving the record open for a copy of the
13 signage package and the lighting package that
14 were submitted with the DSP, and a new exhibit
15 showing the floor plan for the car wash retail
16 area with the square footage and just a little
17 floor plan for that.
18 MR. TEDESCO: Yeah, we will provide
19 the photometric plan from the detailed site plan
20 as well as the floor plan of the -- with the
21 proposed square footage depicted thereon for the
22 car wash building, the signage associated with

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1 the car wash, as well as -- although, I don't
2 think for the record, but provide a courtesy
3 copy of full-sized plans to your office.
4 But, digitally, we will provide those
5 three items to your office, I would think,
6 within the next 24 hours.
7 MS. MCNEIL: Okay. And the record
8 will be closed at that point.
9 MR. TEDESCO: Thank you.
10 MS. MCNEIL: And so I thank you all
11 and happy holidays and Merry Christmas to
12 everyone. Stay safe. If I don't see you this
13 year, maybe I'll see you next year.
14 MR. TEDESCO: I did want to --
15 MS. MCNEIL: Well, look, let me amend
16 that. Hopefully, I will be seeing next year,
17 and you all will be seeing next year as well,
18 and we will see each other. Okay.
19 MR. TEDESCO: We will see everyone in
20 the new year, and I did want to wish you and
21 Mr. Brown and your entire staff and the -- the
22 citizens on as well as my witnesses a very happy

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1 holidays, and thank you for your attention. And
2 Merry Christmas to everybody and happy new year.
3 MR. BROWN: All right. Thanks.
4 Happy holidays, now. Bye-bye.
5 MS. MCNEIL: Thank you. Take care,
6 everyone.
7
8 (The recording was concluded.)
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1 CERTIFICATE OF TRANSCRIBER
2 I, Esther M. Taylor, do hereby
3 certify that this transcript was prepared from
4 the digital audio recording of the foregoing
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9 by any of the parties to the case and have no
10 interest, financial or otherwise, in its
11 outcome.
12
13 Esther M. Taylor
14 Esther M. Taylor
15 January 16, 2024
16 (519442, Zoning Hearing, 12-18-2023)
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