

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

3  
4  
5 7-ELEVEN AT BRANDYWINE VILLAGE  
6 Specific Design Plan, SDP-1803

7  
8 T R A N S C R I P T  
9 O F  
10 P R O C E E D I N G S

11  
12 COUNTY ADMINISTRATION BUILDING

13 Upper Marlboro, Maryland

14  
15 July 30, 2020

16 VOLUME 1 of 1  
17

18  
19 BEFORE:

20 ELIZABETH M. HEWLETT, Chair

21 DOROTHY F. BAILEY, Vice-Chair

22 MANUEL R. GERALDO, Commissioner

23 WILLIAM M. DOERNER, Commissioner (Absent)

24 A. SHUANISE WASHINGTON, Commissioner  
25

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OTHERS PRESENT:

ADAM BOSSI, Staff Urban Design Section

JILL KOSACK, Staff, Urban Design Section

KIM FINCH, Staff, Environmental Planning Section

GLEN BURTON, Staff, Transportation Section

BEN RYAN, Staff, Transportation Section

ARTHUR HORNE, Attorney for Applicant

C O N T E N T S

<u>SPEAKER</u>	<u>PAGE</u>
Jamila Balamani	15
Tashara Burgess	18
Angela Simmons	20
Jennifer Jackson	22



1 MADAM CHAIR: Meredith Byer?

2 MS. BYER: Present.

3 MADAM CHAIR: Mike Lenhart?

4 MR. LENHART: Present.

5 MADAM CHAIR: Joseph Caputo?

6 MR. CAPUTO: Present, Madam Chair.

7 MADAM CHAIR: Arthur Horne?

8 MR. HORNE: Present.

9 MADAM CHAIR: Sarah Coombs?

10 MS. COOMBS: Present.

11 MADAM CHAIR: Okay. Jamila Balamani?

12 MS. BALAMANI: Present.

13 MADAM CHAIR: Tashara Burgess?

14 MS. BURGESS: Present.

15 MADAM CHAIR: Angela Simmons?

16 MS. SIMMONS: Present.

17 MADAM CHAIR: Jennifer Jackson?

18 MS. JACKSON: Present.

19 MADAM CHAIR: Okay. That's the list of people I  
20 had signed up for Item 11. Okay. So now we have a number  
21 of exhibits in the record as well and I am incorporating the  
22 record of Item 12 into this case, Item 11. So okay, so  
23 that's that. Thank you. Mr. Bossi, you're on. Okay.

24 MR. BOSSI: Yes, Madam Chairwoman and members of  
25 the Board. Good afternoon. For the record, Adam Bossi with

1 the Urban Design Section. This case as you mentioned is  
2 Item 11 with Specific Design Plan, SDP-1803 for the proposed  
3 7-Eleven at Brandywine Village. This SDP does propose a  
4 3,062 square foot 7-Eleven food and beverage store and a gas  
5 station with eight fueling islands. The hearing on this  
6 case was continued from your July 16th agenda and these were  
7 for the same reasons as the last case, waiting on the  
8 District Council's final order.

9 As with the last hearing, the Council's final  
10 order has been added to your additional backup material and  
11 the applicant in this case has submitted additional backup  
12 documents as well, these are labeled Exhibits A through E.  
13 I do want to point out that Exhibit A requests to amend a  
14 single condition of the Staff Report and those other  
15 Exhibits B through E are provided in support of that  
16 revision request. I'll discuss those a little bit later in  
17 the presentation.

18 As you mentioned there are obviously a number of  
19 items and concerns that were associated with SDP-1802 that  
20 are applicable in this case. With that being said, Madam  
21 Chairwoman, slides 2 through 8 in this presentation are very  
22 similar to those in the last presentation. Would you like  
23 me to review those quickly or would you like to skip to --

24 MADAM CHAIR: Skip.

25 MR. BOSSI: -- more of the meat?

1           MADAM CHAIR: Get to the heart of the matter,  
2 because we've incorporated the record, so thank you.

3           MR. BOSSI: All right. Thank you, ma'am. All  
4 right. Here on slide 8 I do just want to point out that the  
5 yellow outlined area does show the area of Parcel 1 which is  
6 subject of SDP-1803. So if we could move on to slide 9,  
7 well we'll get started.

8           The subject site is circled here in red roughly  
9 and it is shown here in context with the site access road,  
10 the Taco Bell and commercial buildings that were subject of  
11 SDP-1802 that we just discussed. And here with this  
12 application 1803, it's proposing full development of Parcel  
13 1. Slide 10, please.

14           As shown, the proposed development includes the  
15 food and beverage store in the west central portion of the  
16 site and a gas station canopy with eight fuel dispensers to  
17 the east, closer to U.S. 301. Access is provided at two  
18 points to the north and south of the building, here in the  
19 image that's to the left and right of it, respectively.  
20 Parking is shown to the south and east of the building, the  
21 trash enclosure unloading space north of the building  
22 adjacent to that northern driveway. Sidewalks and bike  
23 racks are also provided near the building.

24           The recommended conditions are included in the  
25 Staff Report for minor adjustments to associated plan

1 labeling, again the bike racks and sidewalks. Not shown  
2 here, but of note are that the SDP does also provide  
3 sufficient exterior lighting and the landscaping that is  
4 provided, generally conforms with the Landscape Manual but  
5 staff has recommended a series of conditions to address some  
6 minor issues with the landscaping as noted on page 18 of the  
7 Staff Report. Slide 11, please.

8           This exhibit shows the general vehicular  
9 circulation pattern and truck turning radius throughout the  
10 site. Given the proximity of the southern driveway again to  
11 the left of the building, to the intersection of Chadds Ford  
12 Drive and the commercial access road, staff did discuss in  
13 our report that we had concerns regarding circulation and  
14 safety in terms of the southern driveway, specifically to  
15 egressing from the southern driveway onto the commercial  
16 access road and then Chadds Ford Drive. Staff did recommend  
17 Condition 1K which is in the Staff Report which would  
18 essentially have required the applicant to restrict egress  
19 and existing from that southern driveway. After publication  
20 of the Staff Report, the applicant and transportation staff  
21 did continue to discuss this concern and the applicant did  
22 provide more detailed information to show that the southern  
23 driveway could operate safely and effectively for ingress as  
24 well as egress. This additional information is reflected in  
25 applicant's exhibits that I mentioned at the start of the

1 presentation that are included in your backup.

2           Through the review of this more detailed  
3 information, staff was convinced that the southern driveway  
4 access could operate at an acceptable level and as such,  
5 Applicant's Exhibit A requests to strike Condition 1K from  
6 the Staff Report, and staff does agree with the requested  
7 removal of Condition 1K. Slide 12, please.

8           So this slide and the following two show the  
9 proposed signage with this SDP. The signed package that is  
10 proposed for 7-Eleven is typical for the brand in use and  
11 has been demonstrated in other 7-Eleven's that this Board  
12 has reviewed.

13           In general, the proposed signage package conforms  
14 with the applicable requirements of the Zoning Ordinance,  
15 subject to a couple adjustments as provided in Condition 1B  
16 on page 17 of the Staff Report. If we could move to slide  
17 13, please?

18           These conditions do include the removal of two  
19 freestanding signs from the SDP, the first of those is shown  
20 in the lower central area. There are actually two of these  
21 monument identity and fuel price signs proposed along 301.  
22 Staff has recommended the removal of one of the two. Slide  
23 14, please.

24           The other sign that staff has recommended to be  
25 removed through conditions is the large monument sign, this

1 is shown at the lower left portion of this image. This is  
2 actually the same sign that is provided with SDP-1802. So  
3 it's not necessary with this application. Slide 15, please.

4           The rectangular shape, single story 7-Eleven  
5 building elevations do show a fairly typical façade design  
6 for the brand and the use. Some architectural interest is  
7 provided through the breaking up of the roof line, which is  
8 with some raised sections on its corners and above the main  
9 entry which is on the eastern façade of the building. This  
10 is most evident in the top image here.

11           The façade of the building is to be clad with  
12 stone veneer and efface panels in complimentary tones of  
13 brown and tan. Slide 16, please.

14           Shown in the upper portion of the slide are the  
15 elevations for the gas station canopy. Surfacing to be  
16 utilized is the same as on the building, on the lower images  
17 here show the proposed trash enclosure which again is to be  
18 clad with stone veneer and efface, the same as the building  
19 and gas station canopy.

20           In conclusion, staff recommends that the project  
21 proposed in this SDP conforms with the applicable  
22 requirements of the Zoning Ordinance and prior approvals  
23 subject to the conditions included in the Technical Staff  
24 Report. Staff does recommend to the Planning Board approval  
25 of SDP-1803 and TCP2-002-2014-06 for 7-Eleven Brandywine

1 Village, with the conditions included in the Technical Staff  
2 Report as amended by Applicant's Exhibit A, which again  
3 removes Condition 1K only. This concludes staff's  
4 presentation.

5 MADAM CHAIR: Okay. Thank you, Mr. Bossi. Let's  
6 see if there are any questions. Madam Vice Chair?

7 MADAM VICE CHAIR: No questions, Madam Chair.

8 MADAM CHAIR: Commissioner Washington?

9 COMMISSIONER WASHINGTON: No questions, thank you,  
10 Madam Chair.

11 MADAM CHAIR: Commissioner Geraldo?

12 COMMISSIONER GERALDO: No questions.

13 MADAM CHAIR: Okay. Thank you. With that, Mr.  
14 Tedesco?

15 MR. TEDESCO: Good afternoon, Madam Chair, thank  
16 you. Again for the record, Matthew Tedesco with the Law  
17 Firm of McNamee Hosea, here on behalf of the applicant in  
18 this case which is 7-Eleven, Incorporated along with me, my  
19 co-counsel Mr. Arthur Horne, with the Law Firm of Shipley  
20 and Horne who represents the property owner and developer,  
21 Mr. Joe Caputo, who we are all familiar with given the prior  
22 case.

23 Also in attendance, you've called their names, but  
24 just I want to introduce them again Ms. Brianne Wilson,  
25 Laverna Olkowski with 7-Eleven as well as Curtis Williams

1 with 7-Eleven. Nick Speach and Mira Ganzer with Bohler  
2 Engineering and Mike Lenhart with Lenhart Traffic Consulting  
3 and we also have Chantelle Marino with EBI Consulting.

4 MADAM CHAIR: I do not --

5 MR. TEDESCO: I want to --

6 MADAM CHAIR: -- just so you know I do not have a  
7 Curtis Williams signed up, so.

8 MR. TEDESCO: Okay.

9 MADAM CHAIR: Okay. Thank you.

10 MR. TEDESCO: I wasn't sure but --

11 MADAM CHAIR: Nope.

12 MR. TEDESCO: -- I saw his name on the --

13 MADAM CHAIR: Screen?

14 MR. TEDESCO: -- attendee list so I just --

15 MADAM CHAIR: Yes.

16 MR. TEDESCO: -- I didn't know if he signed up or  
17 not.

18 MADAM CHAIR: No.

19 MR. TEDESCO: I just wanted to acknowledge him.  
20 He's with 7-Eleven.

21 MADAM CHAIR: Okay.

22 MR. TEDESCO: Ms. Olkowski is retiring and Mr.  
23 Williams is taking her spot, so this is his first one in  
24 Prince George's County and Ms. Olkowski's retirement.

25 MADAM CHAIR: Okay.

1           MR. TEDESCO: So I just wanted to acknowledge him  
2 as you may be hearing his name more.

3           MADAM CHAIR: Okay.

4           MR. TEDESCO: With that, Madam Chair, I wanted, I  
5 didn't get a chance at the 19802 case but I want to take an  
6 opportunity to just publically thank the citizens. They  
7 were quite patient in dealing with us and trying to get  
8 these applications to you over the last many months.  
9 Dealing with the District Council's not having hearings  
10 since March 9th. They were at every one of the continuances  
11 that either Mr. Horne requested, which he outnumbered me, I  
12 think I only requested one, but I know they were at the one  
13 I attended and I believe they were at all of Mr. Horne's.  
14 And I just want to publically thank them for their  
15 commitment, for their comments, and their well thought out  
16 testimony today as well as all of their exhibits.

17           We are certainly mindful and I think Mr. Caputo  
18 said it best, we understand the concerns with respect to the  
19 users. I think that was primary concern that they have is  
20 the users not necessarily the uses. This property as part  
21 of the other application was zoned L-A-C for the commercial  
22 component associated with the Chadds Ford development that  
23 has been completed through the residential portion of it.

24           Some of the citizens that testified, I have met  
25 throughout the course of them attending other hearings for

1 other applications that I have handled in the Brandywine  
2 area. Although that's been some time since that predates  
3 COVID again I just want to thank them and I do want to thank  
4 Ms. Burgess for her service. I think she mentioned that she  
5 was in the service, and I just want to thank her for her  
6 service to this country.

7           With that being said, Madam Chair, we don't really  
8 have anything to add that it hasn't already been said with  
9 respect to the prior case. I know everything has been  
10 incorporated and adopted. I did have one, well five  
11 exhibits but primarily one and the rest were supplemental  
12 exhibits to support the requested deletion of Condition K.  
13 I'm happy to answer any questions. I could say more, but I  
14 don't know if I necessarily need to. So I'm happy to submit  
15 on the Staff Report as provided. I want to thank Mr. Bossi  
16 for his presentation, also his patience in dealing with us  
17 and trying to get these cases to you all. We're happy to  
18 submit on the Staff Report, happy to submit on the  
19 justification statement that was provided. We do request  
20 the condition of 1K to be deleted and if the Board is so  
21 inclined to make that deletion in support of staff's  
22 concurrence of that, we would also ask that the condition,  
23 the finding, excuse me, Finding 15B on page 15 of your Staff  
24 Report be modified to reflect the additional information  
25 that was provided and then the subsequent deletion of that

1 condition.

2 And with that, I'm happy to stop talking and take  
3 any questions.

4 MADAM CHAIR: Okay. So let me first see if the  
5 Board has any questions of you at this time and then we're  
6 going to hear from as many citizens as we can hear from  
7 before we break. Okay. So Madam Vice Chair, do you have  
8 any questions?

9 MADAM VICE CHAIR: No questions, Madam Chair.

10 MADAM CHAIR: Commissioner Washington?

11 COMMISSIONER WASHINGTON: No questions, thank you.

12 MADAM CHAIR: Commissioner Geraldo?

13 COMMISSIONER GERALDO: Thank you, but I have no  
14 questions.

15 MADAM CHAIR: Okay. Thank you. I am going to  
16 turn because our speakers have just been so wonderful and  
17 I'm going to try as many as we can hear before we break, so  
18 I'm going to start with Ms. Balamani. And I'm asking  
19 everyone to remember that your testimony and your  
20 presentations from the last case are also incorporated into  
21 the record of this case. So if you want to enhance it in  
22 any way, please feel free.

23 MS. BALAMANI: Hello?

24 MADAM CHAIR: Ms. Balamani?

25 MS. BALAMANI: Yes.

1 MADAM CHAIR: Okay. Wonderful.

2 MS. BALAMANI: Okay. Good day Madam Chair and  
3 Planning Board. My name is Jamila Balamani and I'm a  
4 constituent of the Chadds Ford community in Brandywine,  
5 Maryland, and representing the Brandywine Health  
6 Neighborhoods Alliance.

7 Now I'll explain why the Alliance members are  
8 deeply troubled by the proposed 7-Eleven gas station. Over  
9 the last decade a number of scientific studies have shown  
10 that the public health impact of gas stations is far greater  
11 than previously thought. These impacts result from  
12 (indiscernible) and other harmful compounds released to the  
13 air from the storage tanks and, and when we fill our cars at  
14 the pump.

15 Our written comments include a letter from our  
16 consultant said that this letter presents the scientific  
17 studies documenting the public health effects that have  
18 prompted Prince George's County and many other jurisdictions  
19 to adopt minimum public health, health safety zones for new  
20 gas stations. In fact, one of these health, health safety  
21 zones laws appear in Section 27-358(a)(2) of the Prince  
22 George's County Zoning Regulations which requires the  
23 subject property shall be located at least 300 feet from any  
24 lot on which a school, outdoor playground, library or  
25 hospital is located. In my written comments you'll find an

1 aerial from the staff's PowerPoint presentation at the April  
2 23, 2020 Planning Board hearing. In the aerial subject  
3 property is outlined in red. Of course the subject property  
4 contains the proposed 7-Eleven gas station, note that  
5 outdoor playground is located less than 200 feet from the  
6 subject property, along with numerous homes.

7           Therefore, the gas station would not meet the 300  
8 foot setback requirement from outdoor playground. As late,  
9 as explained later in the Fitz (phonetic sp.) letter the  
10 most recent scientific study has shown that adverse effects  
11 of gas station emissions threaten public health at a  
12 distance of 500 feet or more. Unfortunately, unfortunately  
13 measurements are not required for these gas stations  
14 (indiscernible) liably (phonetic sp.) resolve the public  
15 health threat.

16           If you wish, we can arrange for you to speak with  
17 the scientist who is arguably the leading authority on this  
18 problem in the United States. The scientist can confirm the  
19 inadequacy of the current control measures. The studies  
20 presented in the Fitz letter were part of the reason why in  
21 2015 Montgomery County increased their gas station public  
22 health safety zone from 300 to 500 feet and including homes  
23 among the list of protected land use. The Montgomery County  
24 (indiscernible) the safety increase is also attached to our  
25 written comments. The aerial photo in my written comments

1 shows that numerous Chadds Ford homes are located within 500  
2 feet of the proposed gas station subject property. These  
3 Chadds Ford residents are deeply troubled by the health  
4 threat posed by the proposed 7-Eleven gas pump. The Brandy  
5 area, the Brandywine area is not lacking for gas stations.  
6 According to U.S. Census Bureau data, the Brandywine area  
7 has twice as many gas stations per capital when compared to  
8 the countywide average. And another gas station is proposed  
9 for the commercial area south of 7-Eleven site.

10           It is for these many reasons that we urge the  
11 Planning Board to condition 7-Eleven Specific Design Plan  
12 approval on eliminating, elimination of the proposed gas  
13 pumps.

14           MADAM CHAIR: Is that it?

15           MS. BALAMANI: That's it.

16           MADAM CHAIR: Okay. Thank you, Ms. Balamani. We  
17 appreciate that and we'll have the applicant respond to  
18 that. Let's see if the Board has any questions of you at  
19 this time. Madam Vice Chair?

20           MADAM VICE CHAIR: No questions and thank you for  
21 coming, for your comments.

22           MADAM CHAIR: Okay. Commissioner Washington?

23           COMMISSIONER WASHINGTON: I have no questions.

24 Thank you, Madam Chair.

25           MADAM CHAIR: Commissioner Geraldo?

1           COMMISSIONER GERALDO: I have no questions, Madam  
2 Chair.

3           MADAM CHAIR: Thank you. Ms. Burgess?

4           MS. BURGESS: Yes, Madam Chair and members of the  
5 Board. I'm going to keep it short and simple because I  
6 don't want to be redundant from my previous testimony. I  
7 just want to just, just say that this had, this experience  
8 and I can say myself and the other ladies, we've worked very  
9 hard and diligent in fighting for our community and so you  
10 know this has just been a, this has been a wonderful  
11 experience, it's been very tough. It has, it has really  
12 opened my eyes in understanding the conditions of P.G.  
13 County. Although we may not be able to prevent some of the  
14 things that is going to be developed, but as you all can see  
15 is that we're fighters and across the street from us we have  
16 another development called Brandywine Crossing and many of  
17 the stores in Brandywine Crossing and restaurants in  
18 Brandywine Crossing pre-COVID are closing. And part of the  
19 reason why those stores are closing is because no one  
20 listened to the voice of the people.

21           So even though I understand from the legal  
22 ramifications there are certain things that you all cannot  
23 do, but I just say don't underestimate the voice of the  
24 people. Mr. Caputo, don't underestimate the voice of the  
25 residents in Chadds Ford because we sent Brandywine Crossing

1 a strong message by not frequenting those establishments.  
2 In the 12 years that I have lived here, I, I do not frequent  
3 any of the restaurants in this community.

4           So and that being said, and I just want to say one  
5 last thing, Madam Chair, you mentioned real quick about the  
6 Aquatic Center and I think it's a beautiful center. I  
7 looked it up and I read about it. But I'm a little bit  
8 disheartened because when I look at the state of, the  
9 conditions of the schools in P.G. County and Southern  
10 Maryland, my heart cannot be excited about that Aquatic  
11 Center. And that will be, that is all I have to say is that  
12 we won't give up. We'll send a message another way. Thank  
13 you.

14           MADAM CHAIR: Okay. Thank you so much, Ms.  
15 Burgess. I just will say this. You are fighters and we do  
16 care about our beloved Prince George's County Maryland and  
17 so I don't think anyone will underestimate you. You've  
18 mentioned that you have a voice and you do indeed have a  
19 voice and keep that voice. So I just want to give you a  
20 shout out for having that voice and that's your right and  
21 you should, all of you should exercise your right. We have  
22 parameters, but within those parameters your voice is being  
23 heard and Mr. Caputo, well not, everyone, I hope you're  
24 listening, Mr. Caputo in particular. And Ms. Wilson and Mr.  
25 Olkowski, no, no Laverna, I'm sorry, Ms. Olkowski. Okay.

1 Thank you. Madam Vice Chair, any questions?

2 MADAM VICE CHAIR: No questions, but we're always  
3 pleased to see citizens from Prince George's County to come  
4 before us and speak on behalf of their communities.

5 MADAM CHAIR: Thank you. Commissioner Washington?

6 COMMISSIONER WASHINGTON: No questions, Madam  
7 Chair. But I associate myself strongly with Madam Vice  
8 Chair's comment.

9 MADAM CHAIR: Okay. Thank you. Commissioner  
10 Geraldo?

11 COMMISSIONER GERALDO: I have no questions, Madam  
12 Chair, and I associate myself with all of my fellow  
13 Commissioner's comments.

14 MADAM CHAIR: Thank you.

15 COMMISSIONER GERALDO: It's important that we hear  
16 from the community.

17 MADAM CHAIR: Thank you. Okay. So therefore I  
18 will now turn to Ms. Simmons.

19 MS. SIMMONS: Yes, Madam Chair. Hello Madam Chair  
20 and the Planning Committee. I researched convenience stores  
21 in our community and within a two-mile radius, KLMV Leasing  
22 team has secured 7-Eleven's with pretty much most of all  
23 their projects. We have 10 7-Eleven businesses in our  
24 community and that's within a two mile radius. I'm happy to  
25 hear that representatives from 7-Eleven is on the call today

1 and I am hoping that they understand that they have  
2 oversaturated our community with their establishments. I  
3 understand they are individually operated and owned,  
4 however, they should understand that we are looking for  
5 better quality establishments in Brandywine. And even with  
6 our neighborhood within 300 feet of our community they're  
7 considering a gasoline station which has its health  
8 concerns. It's adverse health concerns so with that said,  
9 I'm just asking that the Board prohibit the 7-Eleven gas  
10 pumps. Thank you.

11 MADAM CHAIR: Okay. Thank you so much, Ms.  
12 Simmons. Any questions, Madam Vice Chair?

13 MADAM VICE CHAIR: No, but again example of the  
14 amazing citizens we have in Prince George's County.

15 MADAM CHAIR: Thank you. Commissioner Washington?

16 COMMISSIONER WASHINGTON: No questions, Madam  
17 Chair.

18 MADAM CHAIR: Commissioner Geraldo?

19 COMMISSIONER GERALDO: I have no questions, Madam  
20 Chair and I just want to thank Ms. Simmons. I understand  
21 the relationship between gas station and health and perhaps  
22 that's something that has to be changed legislatively but at  
23 this juncture we have to follow what the law is. But I want  
24 to thank --

25 UNIDENTIFIED SPEAKER: Hello?

1 COMMISSIONER GERALDO: -- for your comments.

2 MADAM CHAIR: Okay. Thank you. Jennifer Jackson?

3 MS. JACKSON: Present.

4 MADAM CHAIR: Okay.

5 MS. JACKSON: Hello?

6 MADAM CHAIR: Yes. You're ready, we're ready for  
7 you to speak.

8 MS. JACKSON: Yes.

9 MADAM CHAIR: Okay.

10 MS. JACKSON: So, so I'm not going (indiscernible)

11 I just want to second this evidence just please, you all to  
12 keep in mind that this gas station is close to residential  
13 homes and a playground and with the adverse effects, I know  
14 it's, it's an economical opportunity for the county but  
15 please consider the residents and the potential health  
16 hazards that may come on the residents because of the  
17 proximity of the proposed gas station. Now again, we're not  
18 asking you to eliminate 7-Eleven but reconsider the gas  
19 pumps, which again could adversely affect our health and  
20 this neighborhood. Thank you.

21 MADAM CHAIR: Thank you so much. Okay. Any  
22 questions, Madam Vice Chair?

23 MADAM VICE CHAIR: No questions, thank you.

24 MADAM CHAIR: Commissioner Washington?

25 COMMISSIONER WASHINGTON: No questions. Thank

1 you.

2 MADAM CHAIR: Commissioner Geraldo?

3 COMMISSIONER GERALDO: No questions and I just  
4 associate myself with all the previous comments with regards  
5 to the citizens. Thank you for testifying today.

6 MADAM CHAIR: Okay. Thank you. Okay. So now,  
7 let's see, let me go back to Mr. Tedesco because we have a  
8 few minutes, Ms. Jones, right, we do have a few minutes?

9 MR. GOLDSMITH: Madam Chair?

10 MADAM CHAIR: Okay.

11 MR. GOLDSMITH: Madam Chair, this is Peter  
12 Goldsmith, Senior Counsel, can you hear me for a second?

13 MADAM CHAIR: Yes.

14 MR. GOLDSMITH: I just want to jump in real quick  
15 and address something that the first speaker --

16 MADAM CHAIR: Okay.

17 MR. GOLDSMITH: -- said. I think she made  
18 reference to Section 27-356 and the criteria within that  
19 Section, but that pertains to a gas station that is a  
20 special exception use and so and here we are dealing with a  
21 gas station that has a permitted use in the L-A-C Zone. So  
22 that Section does not apply.

23 MADAM CHAIR: Okay. Okay. Thank you so much.

24 All right. Mr. Tedesco? Who do you want to go now?

25 MR. TEDESCO: I'll go if that's okay, Madam Chair?

1 MADAM CHAIR: That's fine.

2 MR. TEDESCO: And I want to thank Mr. Goldsmith  
3 for his comment. Just a point of clarification, I think Mr.  
4 Goldsmith said 27-356, I believe it was, what was referred  
5 to --

6 MR. GARDINER: 358.

7 MR. TEDESCO: 358, yes, so just for the record to  
8 clarify that and I align myself with Mr. Goldsmith's  
9 comments with respect to 27-358 and the comments that were  
10 made. This use is a by right permitted use in the L-A-C  
11 Zone, not subject to the special exception requirements that  
12 are found in 27-358 that were cited to with respect to  
13 certain distances that have been met. When a gas station is  
14 proposed in a zone that requires a special exception, there  
15 are other instances outside of a special exception for  
16 example in C-M Zone the use table for the C-M Zone  
17 specifically calls out some, not all, but some of the 27-358  
18 findings in those applications none of which exist in this  
19 case. So the application of that Section by this Board as  
20 requested by the citizens would be an erroneous conclusion  
21 of law and a misapplication of law. So I just want to just  
22 state that for the record. I recognize that the citizens  
23 are not attorneys and are lay witnesses with respect or pro  
24 se witnesses with respect to their community and they love  
25 and cherish and want to defend their community and I

1 certainly can appreciate and respect that. But we are  
2 governed by laws and we all have to work within them  
3 including my clients, they just can do whatever they want  
4 wherever they want, we have to abide by the rules and  
5 regulations that are established by our legislatures. And  
6 so while those distance limitations exist they don't apply  
7 in this case.

8           With that, Madam Chair, I have nothing further to  
9 add. We would respectfully request the Board's approval of  
10 SDP-1803 with the requested deletion to Condition 1K, and  
11 then the language in the Finding 15B to be modified to  
12 incorporate, or to reflect the deletion of that condition  
13 and the support of the additional information that was  
14 provided into the record. Thank you.

15           MADAM CHAIR: Okay. Thank you. So Mr. Bossi, do  
16 you have anything else to add?

17           MR. BOSSI: No, ma'am, thank you.

18           MADAM CHAIR: Okay. Does the Board have any  
19 questions of anyone at this time?

20           (No audible response.)

21           MADAM CHAIR: I'm going to look.

22           MADAM VICE CHAIR: No, Madam Chair.

23           MADAM CHAIR: Okay. Commissioner Washington or  
24 Geraldo?

25           COMMISSIONER GERALDO: I have none, thank you.

1 COMMISSIONER WASHINGTON: (Indiscernible).

2 MADAM CHAIR: Okay. Is there a motion?

3 COMMISSIONER WASHINGTON: Madam Chair, I move that  
4 we adopt the findings of staff and approve SDP-1803 and  
5 TCP2-002-2014-06 along with the associated conditions as  
6 outlined in staff's report and as further modified by  
7 Applicant Exhibit Number A and with the modification to the  
8 Condition in Applicant Exhibit A would ask staff to ensure  
9 that Finding 15B be modified as needed to reflect the  
10 deletion of 1K Condition.

11 MADAM VICE CHAIR: Second.

12 MADAM CHAIR: We have a motion and a second,  
13 second by Vice Chair Bailey. I'm going to call for, is  
14 there any additional discussion?

15 (No audible response.)

16 MADAM CHAIR: Just, we've said it throughout the  
17 hearings, we thank the citizens so much for coming. We do  
18 realize we have these parameters within which we have to  
19 live, so we're very, very thankful to you for coming and  
20 continue to exercise that voice. Nothing like good  
21 trouble. Okay. So all in favor, Madam Vice Chair?

22 MADAM VICE CHAIR: I vote aye and I'm sure we've  
23 not heard the last of these very active citizens and we  
24 welcome their input.

25 MADAM CHAIR: Indeed.

1 MADAM VICE CHAIR: Thank you.

2 MADAM CHAIR: Indeed. Commissioner Washington?

3 COMMISSIONER WASHINGTON: Here, here. Aye.

4 MADAM CHAIR: Commissioner Geraldo?

5 COMMISSIONER GERALDO: I vote aye, Madam Chair.

6 MADAM CHAIR: Okay. The ayes have it 4-0. Thank

7 you so very much.

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

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DIGITALLY SIGNED CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Prince George's County Planning Board in the matter of:

7-ELEVEN AT BRANDYWINE VILLAGE

Specific Design Plan, SDP-1803



By: \_\_\_\_\_

Date: October 20, 2020

Diane Wilson, Transcriber

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

3  
4  
5 7-ELEVEN AT BRANDYWINE VILLAGE  
6 Specific Design Plan, SDP-1803

7  
8 T R A N S C R I P T  
9 O F  
10 P R O C E E D I N G S

11  
12 COUNTY ADMINISTRATION BUILDING

13 Upper Marlboro, Maryland

14  
15 July 16, 2020

16 VOLUME 1 of 1  
17

18  
19 BEFORE:

20 ELIZABETH M. HEWLETT, Chair

21 DOROTHY F. BAILEY, Vice-Chair

22 MANUEL R. GERALDO, Commissioner

23 WILLIAM M. DOERNER, Commissioner (Absent)

24 A. SHUANISE WASHINGTON, Commissioner  
25

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OTHERS PRESENT:

ADAM BOSSI, Staff Urban Design Section

JILL KOSACK, Staff, Urban Design Section

MATTHEW TEDESCO, Attorney for Applicant

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P R O C E E D I N G S

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MADAM CHAIR: Let's make sure we have everybody

3

Mr. Bossi?

4

MR. BOSSI: Present.

5

MADAM CHAIR: Mr. Tedesco?

6

MR. TEDESCO: Good morning, Madam Chair, I'm

7

present.

8

MADAM CHAIR: Ms. Kosack? She may not be --

9

MS. KOSACK: Present.

10

MADAM CHAIR: Okay.

11

UNIDENTIFIED SPEAKER: I'm present.

12

MADAM CHAIR: We also have Angela Simmons, are you

13

present?

14

MS. SIMMONS: Present.

15

MADAM CHAIR: Valerie Davis?

16

MS. DAVIS: (No audible response.)

17

MADAM CHAIR: Valerie Davis?

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MS. DAVIS: (No audible response.)

19

MADAM CHAIR: Jennifer Jackson?

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MS. JACKSON: Present.

21

MADAM CHAIR: Okay. Jamila Balamani?

22

MS. BALAMANI: Present.

23

MADAM CHAIR: Tashara Burgess.

24

MS. BURGESS: Present.

25

MADAM CHAIR: Okay. Thank you. So everyone

1 except Valerie Davis. I'll try that, Valerie Davis?

2 MS. DAVIS: (No audible response.)

3 MADAM CHAIR: Okay. So Mr. Bossi?

4 UNIDENTIFIED SPEAKER: Present.

5 MADAM CHAIR: We have two exhibits by the way, we  
6 have the applicant's Exhibit Number 1 which is the request  
7 for a continuance. And then we have an e-mail from Jeremy  
8 Green with a memo from the Chadd's Homeowner's Association  
9 Board of Directors to the HOA members in the Landing HOA.  
10 Okay. Mr. Bossi?

11 MR. BOSSI: Thank you, Madam Chair and members of  
12 the Planning Board, for the record, I'm Adam Bossi with the  
13 Urban Design Section. As you've already noted Item 10 is  
14 the Specific Design Plan, SDP-1803 for a proposed 7-Eleven  
15 at Brandywine Village. The applicant did submit a letter  
16 this Monday, July 13th requesting to continue the matter to  
17 the Board's July 30th agenda. Similar to another case  
18 that's been before you, SDP-1802 this case is also awaiting  
19 District Council's final order on the underlying CDP  
20 amendment. Staff is in support of the continuance request.  
21 Thank you.

22 MADAM CHAIR: Thank you. Were there any  
23 questions? Mr. Tedesco, do you want to add anything?

24 MR. TEDESCO: Good morning, Madam Chair. Just as  
25 Mr. Bossi indicated, SDP-1803 which is this application as

1 well as SDP-1802 deal with the same Brandywine Village  
2 development, although two applications and as you are  
3 familiar, Mr. Horne, who represents the developer on the  
4 SDP-1802 has requested a prior continuances in relation to  
5 the CDP amendment order of approval from the District  
6 Council that is the genesis of this request as well as we do  
7 feel it is in everyone's best interest for these two cases  
8 to be heard together. And so we believe that the  
9 continuance is warranted for those reasons as well as to  
10 continue to work with staff on some conditions.

11 MADAM CHAIR: Thank you so much, Mr. Tedesco. Now  
12 let's see what, let's call the people who have signed up to  
13 speak on the continuance to July 30th. Angela Simmons, are  
14 you okay with the continuance request?

15 MS. SIMMONS: Yes, Madam Chair.

16 MADAM CHAIR: Okay. Thank you. Jennifer Jackson?

17 MS. JACKSON: Yes.

18 MADAM CHAIR: Okay. Thank you. Jamila Balamani?

19 MS. BALAMANI: Yes.

20 MADAM CHAIR: Okay. Thank you. And Tashara  
21 Burgess, you're okay too?

22 MS. BURGESS: Yes, Madam Chair.

23 MADAM CHAIR: Thank you so very much. Is there a  
24 motion from the Board to continue this until July 30th?

25 COMMISSIONER WASHINGTON: (Indiscernible).

1 MADAM VICE CHAIR: Second.

2 MADAM CHAIR: Okay. We have a motion from  
3 Commissioner Washington seconded by Vice Chair Bailey to  
4 continue this to July 30th. Vice Chair Bailey?

5 MADAM VICE CHAIR: I vote aye.

6 MADAM CHAIR: Commissioner Washington?

7 COMMISSIONER WASHINGTON: Aye.

8 MADAM CHAIR: Commissioner Geraldo?

9 COMMISSIONER GERALDO: I vote aye.

10 MADAM CHAIR: So the ayes have it, 4-0. Thank  
11 you. Next on the agenda is Item 11.

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

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