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

ROYAL FARMS GREENBELT
Detailed Site Plan, DSP-19045

T R A N S C R I P T
O F
P R O C E E D I N G S

COUNTY ADMINISTRATION BUILDING

Upper Marlboro, Maryland

October 29, 2020

VOLUME 1 of 1

BEFORE:

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

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OTHERS PRESENT:

ADAM BOSSI, Staff Urban Design Section

DAVID WARNER, Principal Counsel

ANDREE GREEN CHECKLEY - Planning Director

TOM MASOG, Staff, Transportation Section

THOMAS HALLER, Attorney for Applicant

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MADAM CHAIR: Okay. So now I'm trying, I lost my little list here. Okay. The next is Item 8, which is Detailed Site Plan 19045, Royal Farms Greenbelt. Let me make sure I have everyone here. Mr. Bossi?

MR. BOSSI: Present, Madam Chairwoman.

MADAM CHAIR: Okay. Mr. Haller?

MR. HALLER: Good morning, Madam Chair, I'm here.

MADAM CHAIR: Mr. Guckert?

MR. GUCKERT: I'm here, good morning.

MADAM CHAIR: Good morning. Mr. Alter?

MR. ALTER: Yes, ma'am.

MADAM CHAIR: Here, okay, wonderful. Ed Scott?

MR. SCOTT: Yes, ma'am.

MADAM CHAIR: Glen Cook?

MR. GUCKERT: Glen may not be on.

MADAM CHAIR: You've got it covered, Mr. Guckert? I guess so.

MR. GUCKERT: I do. I do.

MADAM CHAIR: Okay. Okay. George Warholic? I probably didn't get that right.

MR. WARHOLIC: Present.

MADAM CHAIR: Did I pronounce it correctly?

MR. WARHOLIC: (No audible response.)

MADAM CHAIR: People need to mute. Did I

1 pronounce it correctly?

2 MR. WARHOLIC: (No audible response.)

3 MADAM CHAIR: All right. We'll come back to that.

4 Molly Porter?

5 MS. PORTER: Present.

6 MADAM CHAIR: Terri Hruby?

7 MS. HURBY: Yes, present, thank you.

8 MADAM CHAIR: Okay. Todd Pounds?

9 MR. POUNDS: (No audible response.)

10 MADAM CHAIR: Todd Pounds?

11 MR. POUNDS: I'm sorry, Madam Chair, I, I'm here,

12 Madam Chair, good morning.

13 MADAM CHAIR: Okay. Wonderful. Okay. Mayor

14 Byrd?

15 MAYOR BYRD: (No audible response.)

16 MADAM CHAIR: I don't see Mayor Byrd unless he's

17 one of the callers, can you unmute the callers? Mayor Byrd?

18 UNIDENTIFIED PERSON: I know what mean. Okay.

19 MADAM CHAIR: Mayor Byrd?

20 MAYOR BYRD: (No audible response.)

21 MADAM CHAIR: Okay. Susan Walker?

22 MS. WALKER: (No audible response.)

23 MADAM CHAIR: Susan Walker?

24 MS. WALKER: Susan Walker. Yes, Susan Walker is

25 present.

1 MADAM CHAIR: Wonderful, thank you. Macy Nelson?

2 MR. NELSON: Present.

3 MADAM CHAIR: Okay. Thank you.

4 UNIDENTIFIED PERSON: I'll need to interpret.

5 MADAM CHAIR: Okay. Larry Green?

6 MR. GREEN: Present.

7 MADAM CHAIR: Okay, thank you. Ruth Grover?

8 MS. GROVER: Present, Madam Chair.

9 MADAM CHAIR: Okay, wonderful. Bill Orleans?

10 MR. ORLEANS: Here.

11 MADAM CHAIR: Okay, wonderful. That concludes my
12 signup list. We have a number, a number, a number of
13 exhibits but you know this, we have them all. We have the
14 applicant's exhibits and attachments A through M, and then
15 we have additional exhibits from Susan Walker and we have
16 additional exhibits from Macy Nelson and I think that's it.
17 Okay. And I think Mr. Nelson's exhibits go through G, no,
18 no, that's not right, oh no, his go up to 8, I think. Okay.
19 So Mr. Bossi, you are on.

20 MR. BOSSI: Yes, Madam Chairwoman. Good morning
21 again --

22 MADAM CHAIR: Good morning.

23 MR. BOSSI: -- Madam Chair and members of the
24 Planning Board. For the record, I am Adam Bossi with the
25 Urban Design Section and this case is Item 8, it's a

1 Detailed Site Plan, DSP-19045, which proposes the
2 development of a Royal Farms food and beverage store, a gas
3 station and a commercial building. This hearing was
4 previously continued from the Board's September 24th and
5 October 15th agenda dates.

6 The first continuance allowed for the City of
7 Greenbelt City Council to enter their decision and
8 recommendation on the DSP into the Board's record. The City
9 Council did vote to disapprove the project and included 14
10 recommended conditions with their decision should the Board
11 choose to approve the DSP, that they would like you to
12 consider. The City's decision as well as materials
13 submitted by the applicant and opponents of the case were
14 entered into the record prior to your last hearing on
15 October 15th.

16 The second continuance of October 15th allowed for
17 staff to make clarifications to the Technical Staff Report.
18 Staff's memo of proposed clarifications along with two
19 supporting exhibits were entered into the record for this
20 case prior to Tuesday's deadline this week.

21 As you mentioned, the second round of additional
22 exhibits were also received earlier this week and added to
23 the record from Mr. Haller on behalf of the applicant, from
24 Mr. Nelson and from Ms. Walker. With those updates noted I
25 will begin the presentation, so if we could move on to Slide

1 2, please.

2 This subject property is located in Planning Area
3 67, Council District 4. Slide 3, please.

4 Outlined in red, the property is located on the
5 north side of Greenbelt Road approximately 635 feet east of
6 its intersection with Walker Drive. The site and area of
7 existing development are bound, excuse me, the site and the
8 area of existing development around it that are bounded by
9 Kenilworth Ave, the Capital Beltway and Greenbelt Road is
10 known as the Golden Triangle. Slide 4, please.

11 The subject site is in the commercial office zone,
12 that's the C-O Zone. To the east of the subject site are
13 several small lots also zoned C-O which are associated with
14 Capital Beltway and with a Pepco Utility structure. To the
15 south of the site across Greenbelt Road is Greenbelt Park
16 operated by the National Park Service shown in green. This
17 is in the reserved open space zone. To the west and north
18 are properties in the commercial shopping center and
19 commercial miscellaneous zones. Slide 5, please.

20 Greenbelt Road abuts the south side of the subject
21 site and is shown in red. This road is classified as an
22 arterial roadway and just to the east of the site but not
23 abutting it is the Capital Beltway shown in orange which is
24 classified as a freeway. Slide 6, please.

25 This aerial image shows the existing site, again

1 outlined in Restaurant Depot. The northern portion of it is
2 developed with a gravel parking area and remainder of the
3 site is undeveloped. The building shown to the east of the
4 site is a small Pepco structure and to the north and west of
5 the site is the Capital Cadillac Car Dealership. Adjacent
6 to the southwest corner of the site is Capital Drive and
7 that is a small roadway that connects Greenbelt Road and
8 Walker Drive. Slide 7, please.

9 As shown on here on the topographic map, the site
10 does generally slope from a high point at its northeast
11 corner down to the southwest, so generally sloping from the
12 high side on the beltway to a low point adjacent to the
13 intersection of Greenbelt Road and Capital Drive. Slide 8,
14 please.

15 This aerial image does provide a nice view of the
16 existing condition of the site and adjacent area. Again, we
17 see the gravel parking area utilized as storage in the
18 northern portion of the site, with most of the remainder of
19 the site currently wooded. The site is the subject of a
20 Preliminary Plan of Subdivision that is 4-75259 which was
21 approved in the 1970's. There was also a formally approved
22 Detailed Site Plan, DSP-05038 which approved for a planned
23 expansion of the adjacent automobile dealership that ended
24 up not occurring. DSP-05038 subsequently did expire and the
25 current DSP proposes a new development scheme for the site.

1 Slide 9, please.

2 This Illustrative Plan provides a clear overview
3 of the development proposed for the site. Moving from west
4 to east that's again looking from the left side of the slide
5 moving to the right, we see that two access points are
6 provided to the site from Capital Drive, the southern
7 driveway will provide ingress only and the larger northern
8 driveway was designed to provide ingress and egress. I do
9 want to point out here with this driveway access that the
10 applicant has since proffered to revise this design to
11 provide for a single point of connection to Capital Drive.
12 And moving the lower driveway as we see here to connect
13 internally within the site rather than to a separate point
14 along Capital Drive. This change is outlined in the
15 applicant's recent exhibit as Exhibit G, which is on page 54
16 of their backup material dated October 27th. Staff has
17 reviewed this design change and an associated condition that
18 was provided to accompany it and staff does find those
19 acceptable. Staff's memorandum dated October 22nd
20 recommends the inclusion of new Condition 5, which would
21 require the change in driveway design be reflected prior to
22 certification of the Detailed Site Plan, should it be
23 approved.

24 Looking more toward the interior of the site, the
25 gray rectangle represents the gas station canopy with four

1 fuel dispensing stations. North of this is 4,649 square
2 foot Royal Farms food and beverage store shown in a red
3 color. A separate 4,368 square foot commercial building is
4 shown on the east side of the site, also in a red color.
5 Parking is provided proximate to each building and to the
6 south of the gas station canopy. In the southeast corner of
7 the site shown as a series of gray squares are foundations
8 and associated remains of the Toaping Castle, which was
9 designated a county historic site by the Historic
10 Preservation Commission on September 15th of this year.

11 The DSP provides for the historic site to be
12 delineated with wooden fencing and highlighted with
13 interpretative signage. Slide 10, please.

14 So the applicant did provide a truck turning
15 exhibit, which allowed staff a better view to look at
16 circulation here on the site. We do see the exhibit helps
17 illustrate that the layout does provide for adequate
18 maneuvering space for truck servicing both buildings and the
19 gas station. Based on this exhibit, staff did find that
20 circulation is adequately accommodated by the DSP. In
21 discussing the change to a single driveway access, we do not
22 believe that that will have a major change in onsite
23 circulation. Slide 11, please.

24 Adequate landscaping has been provided throughout
25 the site in conformance with the requirements of the Prince

1 George's County Landscape Manual as noted in Finding 9 which
2 is on page 11 of the Technical Staff Report. Slide 12,
3 please.

4 The Type 2 Tree Conservation Plan filed with the
5 DSP shows a total of 2.68 acres of existing woodland on the
6 net tract. The site is a woodland conversation threshold of
7 15 percent of the net tract which is 0.61 acres. The TCP2
8 shows that a total woodland conservation requirement of 1.74
9 acres with the requirement being met with 0.61 acres of
10 onsite afforestation reforestation and 1.13 acres of offsite
11 woodland conservation credits. Slide 13, please.

12 The proposed Royal Farms building is a single
13 story structure. Shown here is the southern elevation of
14 the building which would face the gas station and Greenbelt
15 Road. It includes a gable covered main entrance with a
16 height of approximately 32 and a half feet, and that's
17 topped with a decorative cupola that extends the height to
18 approximately 38.5 feet. Slide 14, please.

19 The remaining facades of the Royal Farms building
20 are faced with a combination of beige cementitious siding
21 and brick and stone veneers. The second rear entrance to
22 the building is shown on its northern facade, that's on the
23 top image here. Next slide, please.

24 The gas station canopy has been designed to
25 include materials and colors that are complimentary to the

1 Royal Farms building. On the top of the slide we also see
2 the sites, or excuse me, the detail for the site's trash
3 enclosure of which two are provided, one for each building.
4 Slide 16, please.

5 The proposed 4,368 square foot commercial building
6 is also shown as a single story rectangular structure. This
7 one is oriented perpendicular to Greenbelt Road. It's 18
8 feet in height with a raised parffit height of 20 feet at
9 the building's southwest corner, which coincides with its
10 entrance. Larger windows and wood tone cement panels are
11 also used in this corner of the building to further
12 emphasize the entrance. Ample fenestration is provided on
13 the western southern facades of the building. Facades on
14 all sides are proposed to be clad with brick veneer and
15 cement panel siding in tones of gray. Slide 17, please.

16 The DSP also provides for signage for the Royal
17 Farms commercial building and gas station canopy as well as
18 two freestanding signs, one along Greenbelt Road and another
19 along Capital Drive. Originally this departure was filed
20 with this application with the City of Greenbelt seeking a
21 larger signage area. Those departure plans were
22 subsequently withdrawn, and the DSP revised so that the
23 signs do conform with the applicable requirements of the
24 ordinance.

25 As I move towards to concluding this presentation,

1 I would like to request that Slide 9, the Illustrative Site
2 Plan be brought back up for display.

3 So Madam Chair and members of the Board, staff has
4 reviewed the materials submitted by the City of Greenbelt,
5 the applicant and opponents of the DSP and we do thank them
6 for these thoughtful contributions.

7 In regard to the City of Greenbelt's opposition
8 and recommended conditions of approval as provided in their
9 letter dated October 12th, staff believes many of the issues
10 raised fall outside of the scope of the Zoning Ordinance or
11 outside of the area subject to this Detailed Site Plan.
12 However, of the 14 City requested conditions, staff is
13 recommending four be adopted into conditions of approval,
14 and we also believe that one of the City's requested
15 conditions is already addressed through an existing
16 condition staff has provided. So ultimately that means
17 staff does agree with five of the 14 City recommended --

18 MADAM CHAIR: Mr. Bossi, I'm looking at, I poured
19 over the City of Greenbelt's letter dated October 12th and
20 I'm on pages 46 and 47 of our backup and then well actually
21 48 and 49 have the proposed conditions. The City has
22 definitely made their position in opposition clear but
23 they're saying, you know, as you said if we decide to go
24 forward these are their proposed conditions. Which of the
25 five are you referring to?

1 MR. BOSSI: Yes, thank you, Madam Chair. So the
2 specific conditions from the City that we support are Number
3 1 --

4 MADAM CHAIR: Okay.

5 MR. BOSSI: -- which is very similar to existing
6 Condition 1B --

7 MADAM CHAIR: Okay.

8 MR. BOSSI: -- in the Staff Report.

9 MADAM CHAIR: Okay.

10 MR. BOSSI: And we are also supporting Conditions
11 3, 4, 7 and 11.

12 MADAM CHAIR: Okay. All right. Wonderful.

13 MR. BOSSI: And --

14 MADAM CHAIR: Okay. Okay. Actually, I pass by
15 that way an awful lot so I think, you know, I see some of
16 them pertain to sustainability and I understand the single
17 driveway site, as a matter of fact the Park and Planning has
18 a site right there on Walker Mill. So I mean, excuse me, on
19 Walker Drive. So 11 is really good, that signage would be
20 helpful. And I, you know, I had planned to address the
21 City's letter because though, well I'll address the letter
22 later, it's carefully written but many of the concerns
23 raised are outside the scope of what we can address in a
24 Detailed Site Plan and we have legal parameters, but I'm
25 glad we can accommodate, if it goes forward, at least some

1 of the conditions. Okay. What I was going to, you went
2 back to the slide for a reason, Mr. Bossi.

3 MR. BOSSI: Yes, ma'am. I thought given the
4 number of speakers signed up this would be a good point of
5 reference to have up should it be necessary.

6 MADAM CHAIR: Okay. The other question I had for
7 you was in an earlier, in one of the slides you mentioned
8 the castle and we didn't have the cursor up at the time.
9 Can you go back to that slide for a second and we'll come
10 back, it's right here, which one --

11 MR. BOSSI: (Indiscernible) --

12 MADAM CHAIR: -- this one right there, right
13 there.

14 MR. BOSSI: -- this is actually visible on that.

15 MADAM CHAIR: Okay. Thank you. Right there.

16 Okay. Thank you. I'm good. So that --

17 MR. BOSSI: It's that lower right hand corner.

18 MADAM CHAIR: Okay. So were you finished or not
19 finished?

20 MR. BOSSI: Just one more minute, Madam Chair.

21 MADAM CHAIR: Okay. That's fine.

22 MR. BOSSI: If you don't mind indulging me.

23 MADAM CHAIR: That's fine. No, nope, we're good.

24 MR. BOSSI: So those conditions that we just
25 discussed from the City that staff does agree with, it's our

1 understanding that the applicant is in agreement with those
2 as well and some of the conditions that they have put forth
3 do mimic those.

4 MADAM CHAIR: Okay.

5 MR. BOSSI: So the applicant has also requested to
6 modify one other staff condition, specifically Condition 2C.

7 MADAM CHAIR: Okay.

8 MR. BOSSI: And as mentioned, the applicant's
9 requested conditions are similar to two of those requested
10 by the City. So in total there's five staff supported
11 changes associated with the City and applicant have put
12 forth in their most recent submissions. These are noted on
13 page 6 of staff's memorandum dated October 22nd. So that's
14 a good place just to go and look and see --

15 MADAM CHAIR: Okay.

16 MR. BOSSI: -- what exactly staff did agree with
17 based on what the City and applicant has asked for.

18 MADAM CHAIR: Okay.

19 MR. BOSSI: And then just very quickly, Madam
20 Chair, in regards to materials submitted by Ms. Walker and
21 Mr. Nelson, they did not include any requested revisions to
22 the Staff Report. And with that, staff is pleased to
23 recommend that the Planning Board approve DSP-19045 and TCP2
24 117-05-01 and with the conditions included in the Technical
25 Staff Report as modified by staff's memorandum dated October

1 22, 2020, which again provides for modifications of
2 Conditions 2C and adds Conditions 4, 5, 6 and 7. With that,
3 Madam Chairwoman, I'm happy to conclude this presentation.
4 Thank you.

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 at this time,
8 thank you.

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

11 COMMISSIONER WASHINGTON: No questions, but thank
12 you to Mr. Bossi for just such a clarifying conclusion. I
13 appreciate it. Thank you.

14 MADAM CHAIR: And such a smooth landing. Okay.
15 Commissioner Geraldo?

16 COMMISSIONER GERALDO: No questions, but I also
17 want to thank Mr. Bossi for referencing page 6 of the staff
18 memorandum.

19 MADAM CHAIR: Thank you. Commissioner Doerner?

20 COMMISSIONER DOERNER: No questions. Just for a
21 point of order as we start to get the applicant and then
22 other people who testifying, if they're going to refer to
23 things in the backup it would be really helpful if they
24 would refer to, if they know which document it is, because
25 we have a backup, we have a memorandum, we have three other

1 backups and then a drop box series of exhibits.

2 MADAM CHAIR: It's a lot.

3 COMMISSIONER DOERNER: So if they mention
4 documents that would be helpful to reference.

5 MADAM CHAIR: Yes, that would be good and give us
6 a chance to locate it amidst this pile that we have. Okay.
7 Okay. So that was it, no questions. Okay. Mr. Haller?

8 MR. HALLER: (No audible response.)

9 MADAM CHAIR: Okay. We're --

10 COMMISSIONER WASHINGTON: He's muted.

11 MADAM CHAIR: Yes, but we're unmuting him, he's
12 got to unmute himself over there too. There you are. Okay.

13 MR. HALLER: I'm sorry, Madam Chair.

14 MADAM CHAIR: No worries.

15 MR. HALLER: I was on mute, again Thomas Haller,
16 I'm pleased to be here today on behalf of the applicant and
17 I do want to note as a preliminary matter that it would
18 appear that I am as equally unprepared as Mr. Tedesco and
19 Mr. Lynch with regard to my attire. But I did want to note
20 that the Board stole a little bit of my thunder, because I
21 did bring with me today to display to the Board a photo of
22 one our past events at the Planning Board --

23 MADAM CHAIR: And you were there.

24 MR. HALLER: -- that I was prepared to wear, but
25 you've already shown it, so --

1 MADAM CHAIR: Okay.

2 MR. HALLER: -- congratulations on that --

3 MADAM CHAIR: We give you a half credit. Okay.

4 MR. HALLER: Thank you. Thank you very much.

5 Almost as lame as the breadwinner but not quite. I did want
6 to note that with me today to assist in the presentation are
7 two representatives of the ownership group, Mr. Richard
8 Alter and Mr. Ed Scott. I also have Mr. Wes Guckert, who is
9 our traffic consultant and Mr. George Warholic, who is with
10 Dewberry and who prepared the engineering plans that are
11 before you today.

12 I do want to thank Mr. Bossi, he provided a very
13 thorough overview of the project. As he noted, we do agree
14 with staff's findings and their conditions as revised in
15 their October 22nd memo. I do have one minor revision to
16 one of the recommended conditions that I will address later,
17 but it's really just a clarifying modification.

18 As the Board noted, I submitted a supplementary
19 materials into the Board's record prior to the October 15th
20 hearing and then submitted another larger package of
21 supplementary materials for this hearing. The information
22 submitted for the hearing in our most recent submission is
23 largely the same as what was submitted as part of the prior
24 submission but it was two main differences with regard to
25 our most recent submission, are that as noted in the Staff

1 Report, in the original Staff Report, there was a prior
2 Preliminary Plan of Subdivision that was applicable to this
3 case, application 4-75259 and staff had initially indicated
4 that the records of that file were unavailable and they were
5 not aware of any conditions of approval of that subdivision.
6 Subsequently, it was determined that a list of the
7 applicable conditions was found in the record of Detailed
8 Site Plan 05038 and there were four conditions referenced in
9 that Detailed Site Plan and so my revision in the
10 supplementary materials addresses each of the requirements
11 related to the approval of the subdivision, most of which
12 relate to the requirement to undergo a Detailed Site Plan
13 which is what we have here before you today.

14 In addition to that, our supplementary materials
15 included some additional analysis by Mr. Guckert with The
16 Traffic Group, and I'm going to ask him to summarize that
17 information for you shortly.

18 I did want to highlight a couple of things from
19 the supplemental information that we submitted earlier this
20 week. In that supplemental statement of justification I
21 extensively discussed the development history of the Golden
22 Triangle. I think the Board is well aware of the Golden
23 Triangle, it's an area of land that comprises approximately
24 50 acres of land that is bounded by Kenilworth Avenue, the
25 Capital Beltway and Greenbelt Road is the triangle formed by

1 those three roads, and the tremendous access that this
2 property enjoys that caused it to be designated as the
3 Golden Triangle about 50 years ago. And the development of
4 the project began in the mid-1970's with the approval of the
5 subdivision I referenced earlier. This lot is part of what
6 was originally proposed in the Golden Triangle to consist of
7 a million square feet of development and this particular
8 parcel that's part of Lot 7 that's before you today ends up
9 being the last of the properties to develop and that's
10 relevant for two reasons.

11 Number one is, and Madam Chair, is it possible for
12 me to be designated as a presenter to assist in the review
13 of some of the exhibits?

14 MADAM CHAIR: We're doing it right now. Okay. So
15 you're sharing your screen, is that what you're asking?

16 MR. HALLER: Yes.

17 MADAM CHAIR: Okay. They just gave you
18 permission, Mr. Flanagan (phonetic sp.) heard you.

19 MR. HALLER: Okay.

20 MADAM CHAIR: But now you've got to do your part.

21 MR. HALLER: Can you now see my screen?

22 MADAM CHAIR: No. We see you.

23 MR. HALLER: Okay.

24 MADAM CHAIR: We gave him permission, right?

25 MR. FLANAGAN: Hold on.

1 MADAM CHAIR: Oh no, now we see Manny. Okay.

2 MR. HALLER: (Sound).

3 MR. FLANAGAN: There you go.

4 MADAM CHAIR: Okay.

5 MR. HALLER: Does that work? Now can you see my
6 screen?

7 MADAM CHAIR: Yes.

8 UNIDENTIFIED PERSON: Yes.

9 MR. HALLER: Okay. So the image that's before you
10 right now is a current aerial of the Golden Triangle just so
11 everybody can be oriented to where this is in relationship
12 to Kenilworth Avenue, the beltway and Greenbelt Road. And
13 as I indicated, the property that is the subject of this
14 application which is in the southeast corner of the Golden
15 Triangle ends up being the last property to fully develop
16 and so you can see the existing development within the
17 Golden Triangle. The condition that was imposed in 1975
18 requiring Detailed Site Plan review was imposed before any
19 development had occurred in this area and it was focused on
20 issues such as parcel configuration, access, visibility from
21 the beltway and natural development constraints.

22 As the last parcel to develop in the Golden
23 Triangle, the lotting pattern has now obviously been
24 established, access has been determined, and visibility from
25 the beltway has been largely addressed because the property

1 doesn't immediately front on the Capital Beltway, other
2 properties do and did but this property does not.

3 The other thing that we had pointed out in the
4 information we provided and this is taken from our
5 justification statement, is that the area that constitutes
6 this property was largely graded back in the late 1970's,
7 this is a 1980 aerial photograph and it shows much of the,
8 at that time, much of the southern portion of the Golden
9 Triangle had already been completely graded. And as a
10 result of that, again going back to the purposes for which
11 the Detailed Site Plan was concerned and concerns about
12 natural features and what not, this property as it currently
13 sits today has no regulated environmental features on the
14 property. There is no streams, there are no wetlands, there
15 are no steep slopes, there are no specimen trees. In fact,
16 as the forest and delineation that we submitted with our
17 materials indicated, this is second generation growth trees
18 that are dominated by invasive species and not a high
19 priority for retention. So this property from the
20 environmental features standpoint is about as clean as you
21 will ever see. In fact, there are no specimen trees on the
22 site. So there are no impacts related to the development of
23 this site from the standpoint of impacting regulated
24 environmental features.

25 So what remains for review is simply the site

1 layout and whether it satisfies the code requirements and
2 what we have presented to the Planning Board is a plan that
3 satisfies all of the Zoning Ordinance requirements. We are
4 this point requesting no waivers, we're requesting no
5 variances, we're requesting no departures as it relates to
6 the development of the property.

7 The additional information that we submitted
8 regarding traffic was intended to address an issue raised in
9 the letter sent to the Board by the City of Greenbelt. As
10 we noted in our justification statement we met with the City
11 of Greenbelt on multiple occasions and one of the concerns
12 that was raised and it's reflected in their letter was a
13 concern about access to the property from Capital Drive and
14 Maryland 193. And if I can show, let me see, I think this,
15 so this is a copy of the rendering that staff showed you
16 earlier with some additional information on it related to
17 the existing wooded buffer between the property and the
18 Capital Beltway. And so the City had raised the concern
19 because the intersection of Capital Drive and Greenbelt Road
20 is an unsignalized intersection. Capital Drive does connect
21 to Walker Drive to the west and vehicles can easily make the
22 movement to that location, but the City of Greenbelt
23 expressed a concern without submitting any evidence that
24 there would be an issue with the increased traffic generated
25 by this subdivision to be able to make a turning movement

1 onto access, excuse me, a left turn from Capital Drive onto
2 Greenbelt Road, or a left turn from Greenbelt Road into
3 Capital Drive and so we wanted to further address that
4 concern.

5 Now one thing that was recommended to us by our
6 traffic consultant was the construction of, excuse me, the
7 addition of signage to the site. So what I wanted to
8 address to you is that signage and there's a condition which
9 specifically relates to providing signage. So as I
10 discussed you have Walker Drive which intersects with
11 Greenbelt Road at a signalized intersection, and then you
12 have Capital Drive which allows for full turning movements
13 which is an unsignalized intersection. And so our traffic
14 consultant recommended to us that at our site exit, that we
15 place signage to direct traffic intending to travel
16 eastbound on 193 to proceed to Walker Drive and take
17 advantage of the traffic signal at that location. And so
18 what this exhibit shows and this exhibit is Exhibit L in our
19 supplemental materials, shows the signage that would be
20 added at the site exit, an additional sign to show that the
21 turning movement at Walker Drive and then to encourage
22 motorist to go left at the traffic signal back going east on
23 Greenbelt Road. And so we had proposed that condition
24 initially, we had proposed that as well to the City of
25 Greenbelt and we've offered that as an amended condition to

1 staff in this particular instance.

2 Since the continuance a couple of weeks ago,
3 however, we asked our traffic consultant to do some
4 additional investigation, because while this is a Detailed
5 Site Plan, and an adequacy analysis is not required, we did
6 want to make sure that we addressed any potential safety
7 concern and that there were two issues that we asked The
8 Traffic Group to address. The first was if we're going to
9 be directing customers to use the intersection of Walker
10 Drive and Greenbelt Road we wanted to make sure that weren't
11 sending them to an intersection that was failing and could
12 not accommodate the traffic. So we asked Mr. Guckert to
13 take a look at the adequacy of that intersection. He had
14 indicated in a prior memo that based on State Highway
15 Administration counts, that the intersection operates a
16 level of service A but those counts were older than what
17 staff would normally allow to be used, so we asked him to do
18 an update on that.

19 The second thing we asked him to do was to
20 investigate whether or not there were sufficient gaps in
21 traffic that would allow for the safe movement of left
22 turning vehicles into and out of this intersection in the
23 event that a motorist knowing the area knew that they could
24 make a left hand turn and just didn't want to go up to the
25 traffic signal. So we asked Mr. Guckert to look at both of

1 those issues and I'm going to ask Mr. Guckert now to provide
2 for you a summary of his findings. I would like to note for
3 the record that Mr. Guckert, his resume is included in our
4 supplementary materials as Exhibit I, Mr. Guckert has been
5 accepted as an expert witness by this Board many times, and
6 so I would like to ask that Mr. Guckert be accepted as an
7 expert in presenting his evaluation of the intersection.

8 MADAM CHAIR: Mr. Guckert has been accepted as an
9 expert not just many times, but many years and I'd venture
10 to say a few decades. So we're certainly not going to un-
11 expert him now. Thank you. So Mr. Guckert?

12 MR. GUCKERT: Yes, ma'am. Thank you. Thanks Tom
13 for the explanation. Indeed, we undertook traffic signal
14 analyses regarding the traffic signal at Walker Drive and
15 even though the State Highway Administration found about
16 nine years ago that it was operating at a level of service A
17 it is still operating at level of service A even when adding
18 the four percent. We undertook counts in September, added
19 the four percent, that was under the normal processing
20 guidelines and found it operating at level of service A.

21 We also went into extreme detail and did a gap
22 analysis to determine how many gaps were going to be
23 available for westbound traffic coming from the Lake Crest
24 Drive (phonetic sp.) traffic signal and indeed that signal
25 as well as the traffic signal at Walker because they're

1 signalized provides natural gaps in the traffic stream. So
2 we examined the amount of gaps that exist during both the
3 morning and evening peak hours and peak periods and found
4 that there were more gaps actually necessary to accommodate
5 what we think will be 30 percent of the traffic making a
6 left in potentially making a left out. That does not assume
7 that in the 30 percent number members of the Board, that
8 there will be anyone who would elect to go out of the site
9 along Capital Drive, make a left to Walker and a left onto
10 193 to proceed eastbound on 193. We assumed that no one
11 would do that when we made our 30 percent assumption and
12 examined the gaps that would be available. Bottom line is
13 that as you may be aware from the previous writings of the
14 City of Greenbelt, they were concerned about folks being
15 able to make a left turn primarily out of Capital Drive onto
16 eastbound --

17 MADAM CHAIR: 190.

18 MR. GUCKERT: -- 193. And there are enough gaps
19 created by the traffic signal, by the two traffic signals,
20 the one at Lake Crest and the one at Walker to allow
21 vehicles to safely make that maneuver.

22 MADAM CHAIR: So let me make sure I heard, one
23 thing I want to make sure I heard correctly was that,
24 because I too have a problem having lived in Greenbelt for a
25 long, long, long time I wanted to make sure that I know

1 exactly where Lake Crest Drive is and when you, and there is
2 the gas station and everything on Lake Crest Drive, there is
3 that traffic signal there and you're saying in your
4 analysis, even though you're going to put signage there
5 directing people to use Walker Drive if they want to go
6 eastbound on 193, as you did the analysis you still factored
7 in that people might not do that and they might just use
8 Capital Drive and still turn left to go east. And you're
9 saying given the traffic signals at Walker Drive and at Lake
10 Crest, there's still not a huge safety problem, but you know
11 the signage would help. Is that what you're saying?

12 MR. GUCKERT: I am, 100 percent correct. And so
13 you know this is not, we did not do an analysis, we did
14 actual gaps --

15 MADAM CHAIR: Okay. Okay.

16 MR. GUCKERT: -- that are available.

17 MADAM CHAIR: Okay.

18 MR. GUCKERT: But based upon doing traffic counts
19 and a gap analysis using video technology to determine the
20 amount of time that gaps occur four to five seconds or
21 greater.

22 MADAM CHAIR: I do know, I've seen those gaps
23 myself because as you know we have Park and Planning has a
24 satellite Parks and Recreation Office up Walker Drive, and
25 you know so I'm over there a lot, so I see that. But I do

1 think the signage will help anyway, you know, some people
2 will still, you know, take the shortest distance between two
3 points, but I do think the signage is a good thing and I'm
4 glad that you're adding that anyway.

5 MR. GUCKERT: I think the signage will be
6 extremely helpful especially for those that are completely
7 unfamiliar --

8 MADAM CHAIR: Yes.

9 MR. GUCKERT: -- or not completely familiar,
10 number one.

11 MADAM CHAIR: Correct. Correct.

12 MR. GUCKERT: And number two, during peak hours if
13 you don't want, it's going to be easy to understand how
14 traffic is flowing just by looking at it, and it's going to
15 be a safer movement, obviously --

16 MADAM CHAIR: Yes.

17 MR. GUCKERT: -- to go down Capital make a left
18 and make a second left onto eastbound.

19 MADAM CHAIR: Yes.

20 MR. GUCKERT: And the good thing, Madam Chair and
21 members of the Board, is that this is a convenience site, a
22 convenience store site.

23 MADAM CHAIR: Yes.

24 MR. GUCKERT: Meaning that most folks who are
25 going to be making a right in right out anyway. Those that

1 maybe wanting to stop as the City of Greenbelt noted, to get
2 fried chicken on their way home that are east of the
3 beltway, clearly they'll be making a left in and a left out.
4 But they always do not need to make the left out at Capital
5 Drive and that was the point of doing these extra studies
6 and these extra analyses because the City of Greenbelt
7 logically and rightly brought that to our attention. And so
8 we wanted to make sure that the clients of Royal Farms could
9 safely make that maneuver.

10 MADAM CHAIR: Okay. Is that it for you, Mr.
11 Guckert?

12 MR. GUCKERT: That concludes my immediate response
13 to Mr. Haller, unless Tom you have anything else you want me
14 to discuss?

15 MR. HALLER: No. No, that's all I have for no,
16 and I do want to note a couple of things. So we had
17 initially and proposed and offered to place the signage
18 prior to doing the gap analysis. If you, based on existing
19 traffic today you can see from the aerial photograph that
20 the only use that really fronts on Capital Drive and not on
21 Walker Drive is the Capital Cadillac dealership. And so
22 there isn't a high volume of turning movements coming in and
23 out of Capital Drive today, so you know Mr. Guckert did pull
24 State Highway accident records and there were no accidents
25 related to the movement that the City expressed concern

1 about. And it is interesting that the roadway network that
2 serves the Golden Triangle it was set up as I mentioned
3 earlier to accommodate up to a million square feet of
4 development, and it was designed to provide options to
5 motorists. You can go in and out Walker Drive where there's
6 a signalized intersection, you can also go in and out
7 Capital Drive.

8 The concern raised by the City was obviously given
9 the nature of the use that we're going to be adding more
10 traffic for people that may want to make those left turning
11 movements into and out of Capital Drive and so we felt that
12 it was appropriate to go and to do a deeper dive than just
13 saying we're going to put up a sign and actually determine
14 whether or not there were sufficient gaps to accommodate
15 that movement. So while those options will still be
16 available as Mr. Guckert noted, and while we are going to
17 use signage to make sure they know that those options are
18 available if they're unfamiliar with the area, it is also
19 nice to know that there are in fact sufficient gaps to allow
20 motorists to safely turn in and out of Capital Drive, should
21 they desire to do so without the need for any additional
22 road improvements.

23 I also would like to before I conclude, I do want
24 to show one other thing because staff discussed this and I
25 just wanted to make sure that the Board can visualize it.

1 So utilizing the original Site Plan that we prepared, the
2 one that was submitted, we originally designed the site with
3 two points of ingress and one point of egress. So the idea
4 was that anybody going to the second commercial building on
5 the eastern side of the property would enter Capital Drive
6 and would immediately turn right into this driveway that
7 would lead to the second building. And then if you were
8 going to the Royal Farms store that you would utilize the
9 second ingress to be able to go to the gas station to avoid
10 vehicles cutting through where the gas pumps were and where
11 people are going back and forth to the convenience store.
12 And so we had actually created that design based upon
13 meetings that were held about two years ago with the City of
14 Greenbelt who asked us to separate the traffic within the
15 site to accommodate two different uses.

16 When we submitted this Site Plan, the City
17 expressed a concern about having two entrances and the
18 possible confusion that that could create and asked us if we
19 would evaluate doing an internal channelization of the
20 traffic. And so what we did and this internal
21 channelization exhibit is attached to the backup as Exhibit
22 G and it's a little harder to see because it's not in color,
23 but if you look at it we've eliminated the entrance in that
24 you saw previously, so that if somebody takes a right
25 they'll come up to the one entrance into the property, will

1 enter into the site and then make a right hand turn to be
2 able to go to the second building. We will be able to have
3 directional signage inside so that people know which
4 direction to go. And so since Capital Drive is within the
5 jurisdiction of the City of Greenbelt and they expressed a
6 concern about the nature of that dual entrance design, we
7 have agreed to modify it to provide for the single entrance
8 which is shown on this Exhibit G before you as well.

9 So we wanted to make sure that the Board was aware
10 that we addressed the City's concern about the safety of the
11 entrance. We addressed the City's concerns about the left
12 turning movements in and out of Capital Drive and we are
13 also adding the signage to make sure that we've provided
14 information to motorists that they have other options.

15 At this point, I'm going to conclude my
16 presentation in order to allow other participants to address
17 the Board and then I'll be back after they're done to be
18 able to respond to any of the concerns that they raise.

19 MADAM CHAIR: Okay. Thank you, Mr. Haller. First
20 I'm going to see if our Board has any questions of you or
21 Mr. Guckert at this time. So Madam Vice Chair?

22 MADAM VICE CHAIR: No questions at this time,
23 thank you.

24 MADAM CHAIR: Thank you. Commissioner Washington?

25 COMMISSIONER WASHINGTON: Yes, I would just like

1 to ask Mr. Haller, the Greenbelt Condition Number 11, does
2 that adequately address all that you've just covered in
3 terms of turns and signage onto 193 as well as 295?

4 MR. HALLER: Yes. The City's Condition 11 relates
5 to the signage that I just showed you and then the City's
6 Condition 3 relates to the revision to the entrance onto
7 Capital Drive to provide for internal channelization.

8 COMMISSIONER WASHINGTON: Okay.

9 MR. HALLER: So what I've just shown you addresses
10 both City's Conditions 3 and 11.

11 COMMISSIONER WASHINGTON: Great. Thank you, Mr.
12 Haller.

13

14 MADAM CHAIR: Okay. Commissioner Doerner?

15 COMMISSIONER DOERNER: No questions, thank you.

16 MADAM CHAIR: Commissioner Geraldo?

17 COMMISSIONER GERALDO: No questions, Madam Chair.

18 MADAM CHAIR: Thank you. Okay. So we have a
19 number of people signed up, so I don't know if there's any
20 particular order. I can go, I can start with the Mayor of
21 the City of Greenbelt, Mayor Byrd, do you wish to go first?

22 MAYOR BYRD: (No audible response.)

23 MADAM CHAIR: Or Mr. Pounds representing the City.

24 MR. POUNDS: Madam Chair, this is Todd Pounds so
25 could I go? I'm not sure if Mayor Byrd was going to be or

1 not.

2 MADAM CHAIR: Okay.

3 MR. POUNDS: Could I go next in representing the
4 City?

5 MADAM CHAIR: Absolutely.

6 MR. POUNDS: Okay. Thank you. Madam Chair, good
7 morning to you --

8 MADAM CHAIR: Good morning.

9 MR. POUNDS: -- and also to the members of the
10 Planning Board. Todd Pounds and I represent, I'm the City
11 Solicitor for the City of Greenbelt.

12 This application originally came before the City
13 staff, the City Planning staff and also the City Advisory
14 Planning Board. Through those reviews a number of different
15 issues were raised and those issues and comments were sent
16 to the City Council at a public hearing. At that time, the
17 City Council rejected this proposal. A letter was sent to
18 the Planning Board indicating the rejection by the City
19 Council, as well as outlining some of the reasons for really
20 rejecting this application, including but not limited to the
21 use, the need, the location, the traffic, the intersection
22 that's involved here, the neighborhood, the suitability and
23 also environmental issues that are involving Snow Creek as
24 well as the tree cutting that would be required with this
25 application.

1 As a result, as you mentioned earlier, the City in
2 its letter of rejection, did send a letter saying that the
3 City Council did vote against this project, however, with
4 that realization of the authority of the Planning Board,
5 they did send conditions that we were requested that it be
6 reviewed and adopted as a result of its internal review
7 also. And while we appreciate the five of those conditions
8 were adopted by the applicant, we would request that all 14
9 conditions actually be adopted.

10 Another issue that came from the City came to the
11 fact that the second commercial building which is there on
12 the site, which really has not, at least to my knowledge,
13 been adopted for any particular use at this time. We find
14 this to be objectionable in that it's sort of a long term
15 view of it and the City believes that there should be, that
16 building should be viewed separately in the future for
17 review when that may occur. So attached to the opposition
18 letter by the City, again as stated, is a list of the
19 conditions that it's going to be adopted we would request
20 that all the conditions be adopted with regard to that.

21 It is the City's view that the application before
22 it was opposed by the City Council and indeed many of the
23 conditions were discussed at that time. And we know the
24 City's opposition is a request and obviously is not binding
25 before the Planning Board. So the reason that the City

1 included the conditions is that if the Planning Board votes
2 to approve the project, obviously, you know over the City's
3 objection, the City would request that the conditions be
4 reviewed in the Planning Board decision. So thus, on behalf
5 of the City Council the City is in opposition to the
6 application and we request that it be denied.

7 However, if it is approved, we would request that
8 the conditions be adopted, all the conditions be adopted
9 into the decision as well as another reason for the denial
10 as I stated in the letter is we're concerned about the
11 building that is being proposed and we think it would be
12 better to have that building be reviewed at some time in the
13 future, when we have a better idea as to that use. Thank
14 you very much.

15 MADAM CHAIR: Okay. Thank you, Mr. Pounds and
16 it's good to see you, however virtually, but it's good to
17 see you. Let me say this, let me just say this. Having
18 reviewed the City of Greenbelt's letter and I know the City,
19 it was close, they voted 4-3 to oppose but as you've
20 indicated they submitted the conditions just in case the
21 Board decides to go forward. While we take the information
22 from the municipalities and everybody very, very seriously
23 as we have to evaluate everything we still as you know as an
24 attorney, we still have to evaluate everything in accordance
25 with the laws that have been prescribed and the legal

1 parameters that we have. And as you know traffic analysis
2 is part of a Preliminary Plan analysis and not as a Detailed
3 Site Plan analysis. Also, people have referenced the number
4 of gas stations, that is something that we absolutely cannot
5 consider in terms of, in a Site Plan in terms of need, the
6 need for another gas station is not something that we can
7 address. This is a permitted use as determined by the
8 Prince George's County Council. So I just wanted to make
9 sure so while the conditions are good, many of them are
10 good, now there are some things in the letter about the
11 storm water runoff and things of that nature and the castle
12 and other things in the letter which are pertinent, I think
13 some of these conditions that the staff has accepted and the
14 applicant has accepted are good. I notice there is
15 Condition Number 8 which is a \$3,500 contribution to the
16 City of Greenbelt. We can't get into that per se, we can't
17 impose on the applicant something to donate to the City.
18 But, there is strong interest from this Board historically
19 on bike racks and things of that nature. So you, applicant,
20 ought to be thinking of something along those lines.

21 You know, and I don't know, I mean Mr. Haller, you
22 know I'll turn to you to address some of those other things
23 after we finish all the presentations. But just like the
24 request to modify the Tree Conservation Plan and things of
25 that nature and one of which is, you know, as Mr. Pounds

1 indicated, you know, you'll have to respond to the City's
2 concerns about the unknown use of the second building. But
3 you know I would ask you to look through those conditions
4 again and see if any of them are viable to you and also to
5 be cognizant of the interest of this Board in promoting
6 bicycle usage. So with that, I'm going to see if the Board
7 has any questions of Mr. Pounds. Madam Vice Chair?

8 MADAM VICE CHAIR: No, I have no questions for Mr.
9 Pounds. Thank you.

10 MADAM CHAIR: Okay. Commissioner Washington?

11 COMMISSIONER WASHINGTON: No questions, thank you
12 Madam Chair.

13 MADAM CHAIR: Okay. Commissioner Doerner?

14 COMMISSIONER DOERNER: No questions, thank you.

15 MADAM CHAIR: Okay. Commissioner Geraldo?

16 COMMISSIONER GERALDO: I have no questions. I
17 just want to thank Mr. Pounds for presenting the City of
18 Greenbelt's position.

19 MADAM CHAIR: Okay. Thank you. And I think we
20 also have some others representing the City unless you
21 actually represented for everybody, but I don't think that
22 that's accurate. So we have Ms. Molly Porter.

23 MS. PORTER: Yes, present, thank you, Madam Chair.

24 MADAM CHAIR: Do you wish to --

25 MS. PORTER: I will defer to Mr. Pounds to present

1 the City's position and I am here and available for any
2 questions.

3 MADAM CHAIR: Okay. Thank you.

4 MS. PORTER: Thank you.

5 MADAM CHAIR: Thank you. Would that be Ms. Hruby
6 also?

7 MS. HURBY: Yes, it would be.

8 MADAM CHAIR: Okay. Thank you, Ms. Hruby.

9 MS. HURBY: Thank you very much.

10 MADAM CHAIR: Okay. No problem whatsoever, you're
11 welcome. Ms. Walker?

12 MS. WALKER: (No audible response.)

13 MADAM CHAIR: We don't see your name here, so she
14 may be one of the unidentified callers. Susan Walker?

15 UNIDENTIFIED PERSON: (Indiscernible) submission
16 activity --

17 MS. WALKER: Hello this is, hello this is Susan
18 Walker.

19 MADAM CHAIR: Okay. Hold on a second, Ms. Walker.
20 Somebody else is talking and you know you have to be careful
21 on these things because people can hear your conversations.
22 So okay, so if everyone else can mute while Ms. Walker
23 speaks. Ms. Walker?

24 MS. WALKER: Thank you, Madam Chair. I appreciate
25 the ability to speak. When I learned about Royal Farms

1 plans in Greenbelt I did an analysis of Greenbelt Road and I
2 learned from my drive on Greenbelt Road that currently
3 Greenbelt has seven gas stations between Hanover Parkway and
4 Branch Wood Road. You can see my attached chart which is
5 C102820 page 94.

6 In addition, two more gas stations are one block
7 off of Greenbelt Road, one on Cherry Wood Lane and another
8 on South Way, as well as the gas station at Old Greenbelt
9 Center. Royal Farms would make the eleventh gas station and
10 this feels to me to be too much duplication of gas stations
11 on two miles of road.

12 Also, supposedly Royal Farms is known for its
13 fried chicken, but on Greenbelt Road we have three other
14 fast food chicken restaurants, KFC, Mable's and Popeye's.

15 Finally, Royal Farms offers a convenience store.
16 I counted no less than 10 convenience stores, six in gas
17 stations, two 7-Eleven's and two CVS stores from Hanover
18 Parkway to Branch Wood Road. I have no objection to the
19 owners building on their property but I wonder how they
20 think that this duplication by Royal Farms adds value to the
21 Greenbelt community. Thank you for your attention and I
22 realize that apparently this is not necessarily going to
23 have any to do but I hope that in the future that developers
24 will look at adding value to a community before they just
25 start to build. Thank you.

1 MADAM CHAIR: Thank you, Ms. Walker. I just want
2 to make sure I'm clear. It's the need that we cannot
3 approve or deny an application based on the need for like in
4 this case. That's one thing I just wanted to address. But
5 everybody's testimony is very, very relevant and I hear what
6 you're saying and you're sending a message to developers.
7 But the Council has already predetermined this to be a
8 permitted use. So at this point, you know, we'll see what
9 happens, but the permitted use has to be in conformance with
10 the laws that have been enacted. So anyway, but we thank
11 you for your testimony. Let's see if the Board has any
12 questions of you. Madam Vice Chair?

13 MADAM VICE CHAIR: (No audible response.)

14 MADAM CHAIR: She's muted. Madam Vice Chair?

15 MADAM VICE CHAIR: Sorry about that, I did
16 respond.

17 MADAM CHAIR: Okay.

18 MADAM VICE CHAIR: I said no thank you --

19 MADAM CHAIR: Okay.

20 MADAM VICE CHAIR: -- but I thank the citizens who
21 have come down to present their testimony.

22 MADAM CHAIR: Thank you so much. Commissioner
23 Washington?

24 COMMISSIONER WASHINGTON: No questions, thank you.

25 MADAM CHAIR: Commissioner Doerner?

1 COMMISSIONER DOERNER: No questions, thank you.

2 MADAM CHAIR: Commissioner Geraldo?

3 COMMISSIONER GERALDO: No, thank you. I just want
4 to thank the citizen for her comments.

5 MADAM CHAIR: Thank you so much. Okay. Macy
6 Nelson?

7 MR. NELSON: Yes, thank you, Madam Chair. Macy
8 Nelson, can you hear me adequately?

9 MADAM CHAIR: Yes, we can, thank you.

10 MR. NELSON: Thank you. Macy Nelson and I'm here
11 on behalf of various citizens, let me just take a moment to
12 identify them. Of course my clients oppose this project and
13 I align in summary form why we outline it and, why we oppose
14 it and we have two witnesses, we have a land planner Ruth
15 Grover and we have a traffic engineer, a certified traffic
16 engineer, Larry Green. But if staff could bring up my third
17 exhibit, this is an aerial images of the persons of record,
18 I want to identify where two of my citizen clients own
19 property.

20 MADAM CHAIR: Hold on a second, they're trying to
21 get it here. Okay.

22 MR. NELSON: Now these aren't my exhibits.

23 MADAM CHAIR: Okay. So what number is this again?

24 MR. NELSON: Well, I submitted in accordance with
25 the schedule --

1 MADAM CHAIR: Yes.

2 MR. NELSON: -- eight PDF's.

3 MADAM CHAIR: We all have them.

4 MR. NELSON: Right, I was asking to bring it up on
5 the screen and it's my third exhibit.

6 MADAM CHAIR: The aerial. Okay.

7 MR. NELSON: Yes.

8 MADAM CHAIR: Can you pull it up?

9 MR. NELSON: It should be with the file with each
10 of my exhibits in it.

11 MADAM CHAIR: Yes, we have hard copies. Okay.
12 Hold on a second.

13 MR. NELSON: That's the wrong file.

14 MR. WARNER: Madam Chair, this is David Warner,
15 Principal Counsel, I believe it's page 112 of the backup
16 with the original Technical Staff Report, the original
17 backup that came in the first hearing and was continued to
18 this --

19 MADAM CHAIR: If you have to go down one, I think.

20 MR. HALLER: Madam Chair, if it would be helpful
21 at all, I can pull it up on my computer. I've got it pulled
22 up on my computer --

23 MADAM CHAIR: Okay.

24 MR. HALLER: -- if you'll make a presenter.

25 MADAM CHAIR: I have it in front of me, but I

1 don't have mine virtually, I have mine as a physical copy,
2 so if you can do that, that's fine.

3 MR. HALLER: Is that it, Mr. Nelson?

4 MR. NELSON: All right. Thank you very much.

5 MADAM CHAIR: Can we enlarge it?

6 MR. NELSON: This is the third exhibit that we
7 submitted electronically --

8 MADAM CHAIR: Right.

9 MR. NELSON: -- of course we can all see the
10 Golden Triangle in the lower left hand corner. We see the
11 Capital Beltway on the east edge of the Golden Triangle and
12 you'll see Belle Point Road. My clients, Mr. Masoud
13 (phonetic sp.) and Mr. Ahmed (phonetic sp.) each own
14 property on Belle Point Road, 7923 Belle Point and 7855
15 Belle Point Road. So those are where two of my citizen
16 clients own a property.

17 I also would ask staff to bring up Exhibit 1, my
18 Exhibit 1, because this identifies some of my other clients.
19 And Exhibit 1 is an aerial of the Greenbelt Road corridor
20 west of the Golden Triangle which identifies some of my
21 small business clients. Greenbelt Road Shell, U.S. Fuel,
22 Greenbelt Sunoco, Greenbelt Exxon, Extra Fuel Gas Station,
23 Beltway Plaza Shell, Berwyn Heights Shell, Spring Hill Lakes
24 Shell, and Greenbelt and also Exhibit 2 I won't bore you
25 with that, but we have an image of the small businesses to

1 the east of the Golden Triangle including I think Greenbelt
2 Auto and Trucks. Each of these small business owners is a
3 client of mine and each opposes this application --

4 MADAM CHAIR: How many gas stations was that? How
5 many gas station owners was that, Mr. Nelson? Mr. Nelson?

6 MR. NELSON: I beg your pardon?

7 MADAM CHAIR: I was trying to get the number of
8 them because you were talking so fast, the gas station
9 owners that you had, you represented? The number?

10 MR. NELSON: Let me just count. One, two, three,
11 four, six, seven, eight, nine, I count nine.

12 MADAM CHAIR: Okay.

13 MR. NELSON: And I counted 10 which is the
14 Greenbelt Auto and Truck shop.

15 MADAM CHAIR: And then the other two business
16 owners on Belle Point, right?

17 MR. NELSON: Correct.

18 MADAM CHAIR: Okay. Got it.

19 MR. NELSON: My assignment, my legal assignment in
20 this case was to advise my clients as to whether this
21 application conformed with the requirements of the law.
22 That was my legal assignment and we have concluded that it
23 does not for both procedural and substantive grounds.

24 Let me address the procedural grounds. Section 27
25 of the Zoning Ordinance, 27-125.05 requires the publication

1 of a Staff Report no less than two weeks prior to the
2 scheduled public hearing. We assert that the revised Staff
3 Report filed on October 22, 2020 violates that mandatory
4 requirement in the Zoning Ordinance. We also assert that
5 the late filing by the applicant of the additional
6 materials, the additional substantial materials violates the
7 Planning Board process guidelines at page 6, which requires
8 the filing no more than 35 days prior to the Planning Board
9 of any additional information.

10 So what we have here in this case is a new Staff
11 Report published one week ago, that's a violation. We have
12 the filing by the applicant of substantial materials less
13 than 35 days ago. The applicant's materials were so late
14 that staff in its report filed one week ago didn't even have
15 the opportunity to address some of Mr. Guckert's new traffic
16 opinions.

17 MADAM CHAIR: Mr. Nelson, would this include the
18 publication of the City's requested conditions then too?
19 The City of Greenbelt's?

20 MR. NELSON: I'm sorry, I didn't hear the Chair's
21 question.

22 MADAM CHAIR: I said would this include the
23 publication of the City of Greenbelt's requested conditions
24 as well?

25 MR. NELSON: Would my objection include that?

1 MADAM CHAIR: I mean would that be considered too
2 late to consider their conditions?

3 MR. NELSON: I haven't analyzed that issue. What
4 my legal position is the Staff Report is too late.

5 MADAM CHAIR: Okay.

6 MR. NELSON: The applicant's materials are too
7 late and for that reason we assert the Planning Board
8 doesn't have the authority to conduct this hearing today.
9 Those are our procedural objections --

10 MADAM CHAIR: Okay.

11 MR. NELSON: -- to this application. We have
12 substantive objections in addition.

13 MADAM CHAIR: Okay.

14 MR. NELSON: The application as we all know must
15 conform with the Site Design Guidelines in 27-274. We are
16 directing the Planning Board to consider 27-274 subpart
17 (a) (C) regarding access and the effect on offsite traffic.
18 This is a point that our traffic engineer will discuss in
19 detail. We assert that staff didn't discuss this issue,
20 that this application should be denied because the applicant
21 has failed to conform with 27-274 (indiscernible) one and
22 two. And as I say Mr. Green will address that point.

23 Now the Chair made some comments earlier about the
24 absence of a need requirement. As we all know sometimes
25 there is, for example, for a special exception the

1 requirement to prove need.

2 MADAM CHAIR: Yes.

3 MR. NELSON: We're not arguing need, what we're
4 arguing is there's a mandatory requirement in the Zoning
5 Ordinance that the application conform with the Sector Plan,
6 27-102.82 requires conformance with the Sector Plan. 27-
7 446(a)(6) requires conformance with the Sector Plan. Our
8 land planner, Ruth Grover, will discuss these issues in
9 greater detail but I wish to highlight two pages of the
10 approved Greenbelt Metro Area and MD-193 Corridor Plan.
11 Page 147 talks about protecting and strengthening existing
12 business and this is what, we will present our argument is
13 that this the addition of this Royal Farms proposal will
14 violate that principal at page 147 of the Sector Plan.

15 I would also like to direct the Planning Board to
16 page 109 of the Plan, which talks about how Golden Triangle
17 should be an office park. We assert that this proposal
18 violates that provision of the Sector Plan.

19 We also assert that the design of this project
20 violates, is inconsistent with the requirements in the
21 Preliminary Plan of Subdivision 4-75259 and if staff could
22 please bring up the Exhibit 6 that I submitted.

23 MADAM CHAIR: Can, Mr. Haller? Okay. Let me find
24 your Exhibit 6 which is the Royal Farms National Harbor
25 Night View?

1 MR. NELSON: That's correct.

2 MADAM CHAIR: Okay. All right. Okay. There we
3 go.

4 MR. NELSON: All right. As we all know, Royal
5 Farms has a template for these new Royal Farms, they're
6 throughout the county now. This is just one example of a
7 Royal Farms design which is if it's not identical to the
8 proposed design, it's virtually identical to it. We assert
9 that the condition that the Preliminary Plan 4-75259
10 requires as a mandatory matter enhanced architecture and we
11 can go to the Preliminary Plan to look at the language but
12 we assert that Preliminary Plan requires enhanced
13 architecture. We assert that the proposed design violates
14 that requirement and we have of course not only my Exhibit
15 6, but the PowerPoint slides 13 and 14 which are the
16 renderings. So we assert that the design itself violates
17 the requirements of the governing Preliminary Plan.

18 So for all those reasons, my clients oppose the
19 application for procedural and substantive grounds. Also I
20 wish to note that many, many citizens signed up as persons
21 of record and stated that they oppose the project, although
22 they're not formally my clients they signed up in opposition
23 to the project. One is the --

24 MADAM CHAIR: Okay. Hold on, Mr. Nelson, I need
25 for other people to be muted because other people I can hear

1 the background from other people. All right. Go ahead, Mr.
2 Nelson, I'm sorry.

3 MR. NELSON: I just want to make the point that
4 there are many citizens who signed up as persons of record
5 in opposition and they all live in the City of Greenbelt,
6 which shouldn't be a surprise when in fact the City of
7 Greenbelt as a municipality recommended disapproval of this
8 project. But one of the citizens, Mr. Benjamin Fischler
9 (phonetic sp.) authorized me not as his lawyer, but to speak
10 on his behalf formally. So on his behalf, I would like to
11 incorporate all of the objections that my formal clients
12 made in opposition to this project for both procedural and
13 substantive grounds. So that concludes my remarks. I would
14 like to allow our land planner, Ruth Grover to address her
15 land planning comments and then our traffic engineer,
16 certified traffic engineer Lawrence Green can speak after
17 Ms. Grover, if that's acceptable with the Planning Board.

18 MADAM CHAIR: That's fine. I think what might
19 make more sense unless, can I see the Board, to hold
20 questions, let me just do it this way, see if the Board has
21 any questions of you before you go to Ms. Grover. Okay.
22 Madam Vice Chair?

23 MADAM VICE CHAIR: No questions, thank you, Madam
24 Chair.

25 MADAM CHAIR: Okay. Commissioner Washington?

1 COMMISSIONER WASHINGTON: No questions, Madam
2 Chair.

3 MADAM CHAIR: Okay. Commissioner Doerner?

4 COMMISSIONER DOERNER: No questions.

5 MADAM CHAIR: Okay. Commissioner Geraldo?

6 COMMISSIONER GERALDO: No questions.

7 MADAM CHAIR: Okay. Thank you. All right. Ms.
8 Grover.

9 MS. GROVER: Hi, my name is Ruth Grover and I'm
10 testifying as the land planner on the Greenbelt Royal Farms
11 DSP-019045 project. I've worked a variety of public and
12 private planning jobs and most recently have been working
13 with Macy Nelson, which brings me to this hearing. There
14 are many reasons why from a land planning perspective this
15 project should not be approved.

16 The Zoning Ordinance. First, the project does not
17 meet the required findings. Section 27-285(b) of the Zoning
18 Ordinance requires that in order to approve a DSP the
19 Planning Board must find that the project is a reasonable
20 alternative to satisfying the Site Design Guidelines of
21 Section 27-274 for CSP's made applicable to Detailed Site
22 Plans by Section 27-283 and we do not feel that it does.
23 Most prominently we do not feel the project meets the
24 guidelines for safe access from Greenbelt Road via Capital
25 Drive. I will, however, allow Larry Green, our

1 transportation planner, address that point in greater
2 detail.

3 We would also like to note that of the nine or so
4 DSP's that have been approved in Prince George's County for
5 Royal Farms, that's DSP-20017, DSP-17057, DSP-15012, DSP-
6 19043, DSP-02026, DSP-07073, DSP-15020, DSP-16027 and DSP-
7 13007. Of all these different applications this is the only
8 project located in a C-0 Zone and the use is permitted here
9 not in the main body of the use table, but by footnotes, and
10 seems a variance with the stated purposes of the C-0 Zone in
11 Section 27-453(a) of the Zoning Ordinance. These purposes
12 are to provide locations for predominately nonretail
13 commercial uses such as business offices and services of a
14 professional, clerical or administrative nature in such
15 retail and service uses that are desirable for the efficient
16 and convenient operation of the nonretail use.

17 To date in Prince George's County, Royal Farms
18 establishments have been permitted only in much more intense
19 zones including commercial shopping center, C-S-C,
20 commercial marine C-M and mixed-use transportation related
21 M-X-T Zones. There's a reason for this. They are big trip
22 generators and generally they're more commercially intense
23 than those otherwise permitted in the C-0 Zone.

24 With respect to the Sector Plan, the project is
25 inconsistent. This consistency is required by the Zoning

1 Ordinance, more particularly its required by Section 27-
2 102(a)(2) which states that the purpose of the Zoning
3 Ordinance is to implement the General Plan, Area Master
4 Plans, and Functional Master Plans. Also Section 27-
5 446(a)(6) of the Zoning Ordinance places this requirement on
6 development in commercial zones, stating that the general
7 purpose of commercial zones is to promote the efficient and
8 desirable use of land in accordance with the purposes of the
9 General Plan, Area Master Plan and the Zoning Ordinance.

10 The approved Greenbelt Metro Area and Maryland 193
11 Corridor Plan and Sectional Map Amendment, the applicable
12 Master Plan, has a goal on page 147 of promoting and
13 strengthening existing office and retail markets and
14 facilitating the revitalization and redevelopments of
15 existing commercial properties. This is to enhance the
16 competitiveness of the area businesses. These goals focus
17 on eating and protecting the existing commercial land use
18 instead of allowing new development which may negatively
19 impact existing commercial land use in the area.

20 Additionally, the Sector Plan states on page 109,
21 the policy for the Golden Triangle. This is the area in
22 which the project is located as promoting a successful and
23 competitive regional office park. It states its strategy
24 1.1 that this should be accomplished by supporting existing
25 office uses and retaining zoning. This policy and strategy

1 are not being fulfilled by the subject proposal for a
2 convenience store with gas pumps, and an unspecified
3 commercial use which would bring more traffic to the area.
4 It could create a variety of other negative offsite impacts.

5 Third, the approved Sector Plan specifically
6 suggests incorporating and celebrating the history of the
7 Toaping Castle as part of the Golden Triangle's open space
8 network which this project does not do. The roads are to be
9 preserved with a bench and a sign but the open space
10 surrounding the resource is to be greatly compromised. Note
11 that the City of Greenbelt has a unique history of being a
12 federally designed and built new town following the era of
13 the Great Depression, with aspirations of making it a better
14 than usual preplanned environment. In this case, that
15 vision is not being furthered.

16 Fourth, we find issues with the Preliminary Plan
17 of Subdivision. Though there was some debate regarding
18 which Preliminary Plan was applicable at the last Planning
19 Board hearing on projects, staff in their supplemental
20 memorandum dated October 22, 2020, staff has indicated that
21 the Preliminary Plan of Subdivision 4-75259 was the
22 applicable plan. This approval suggests enhanced
23 architecture, it says.

24 This approval suggested that development on the
25 subject property provide for an integrated development of

1 the parcels of the property to achieve a coherent and
2 aesthetically desirable development including, but not
3 limited to, unification of architectural elements such as
4 color, texture, height, signs, lighting, et cetera, which
5 affect the visual image of the site and bring a benefit to
6 the community and economic benefit to the development. As
7 you saw Macy showed you Exhibit 6, oh it's still up, good.
8 This architecture is approximately the same as that which is
9 reflected in the PowerPoint for the subject project and in
10 my opinion this requirement is not subject by this, is not,
11 in my opinion this requirement is not satisfied by the
12 subject project.

13 Further, the Preliminary Plan of Subdivision was
14 approved subject to four conditions and note that Condition
15 1 requires approval of a Site Plan for each individual
16 parcel in the development, considering many factors
17 including the nature of the land use on the site and access.
18 Staff's discussion of conformance to this condition is
19 perfunctory and subjective. Condition 3 requires that the
20 Planning Board will consult with the City of Greenbelt in
21 its review of the Site Plans for the individual uses. The
22 Site Plan was shared with the City of Greenbelt then issued
23 a letter dated October 12, 2020 recommending disapproval.
24 We'd like to suggest that this condition requires more
25 deference to the City of Greenbelt's recommendation in the

1 project. Reporting Greenbelt's comments in the Staff Report
2 and adding a few of Greenbelt's recommended conditions seems
3 insufficient, especially when there's no trigger for those
4 conditions that have been included in staff's recommended
5 conditions. These are new conditions 1, 5, 6, and 7 on page
6 6 of staff's clarification to the Technical Staff Report.
7 Normally these changes would be conditioned to be prior to
8 certificate approval.

9 Lastly, in Revised Finding 12N of staff's
10 clarifications to Technical Staff Report it clarifies that
11 though initially it was thought that several different
12 Preliminary Plans of Subdivision were relevant to the site,
13 only Preliminary Plan of Subdivision 4-75259 is actually
14 applicable. In its findings, staff without sufficient
15 evidence precludes that the DSP is in substantial
16 conformance with the approved Preliminary Plan of
17 Subdivision. In my opinion, the DSP does not conform with
18 the Preliminary Plan of Subdivision. The conditions of that
19 approval require that the Site Plan approved to be evaluated
20 regarding access. Again, we suggest that access to the site
21 is inadequate and I will again defer to Larry Green
22 regarding that discussion and suggest that it generates
23 safety and stacking concerns.

24 We note that new proposed Condition 4 and 5
25 attempt to improve the access by requiring a sign directing

1 vehicles to use Walker Drive and require a single driveway
2 and internal circulation. We would suggest the sign and the
3 suggested or the required revisions to the entrance will be
4 inadequate to create a safe access in accordance with the
5 requirement Condition 1 of the approval of 4-75259 and the
6 Site Design Guidelines.

7 With respect to process, as Macy noted, Section
8 27-125.05(a) of the Zoning Ordinance requires that Technical
9 Staff Reports be published on the Planning Board's website
10 no less than two weeks prior to the scheduled public
11 hearing. In this instance instead of revising the Staff
12 Reports, staff wrote a six page memorandum entitled Staff's
13 Clarifications to the Technical Staff Report and posted it
14 together with several pages of other supplementary material,
15 one week before the Planning Board's hearing. It was stated
16 that the revised language in the memorandum would be
17 reflected in the resolution to the draft, to be drafted for
18 the project. We're of the opinion that these materials
19 should have been provided two weeks prior to the hearing to
20 afford time to process the new information in accordance
21 with the legislative intent of the Zoning Ordinance
22 provision.

23 Based on our examination of the Zoning Ordinance,
24 the Sector Plan and the Preliminary Plan of Subdivision,
25 together with the process guidelines, I'm of the opinion

1 that the project is not in conformance with all the relevant
2 requirements, and therefore would suggest that the Planning
3 Board disapprove the subject project.

4 Thank you for your time.

5 MADAM CHAIR: Okay. Thank you, Ms. Grover. Let's
6 see if the Board has any questions for you at this time.
7 Madam Vice Chair?

8 MADAM VICE CHAIR: Madam Chair, I don't have any
9 questions but I think I heard Ms. Grover say in her comment
10 something about the historical significance of the City of
11 Greenbelt and after the Planning Board, I will give Ms.
12 Grover a call so we can talk a little bit more about the
13 historical significance of Greenbelt in terms of a
14 (indiscernible) so we'll talk about that later, which has
15 nothing to do with this case. Thank you.

16 MADAM CHAIR: It has all kind of historical
17 significance. Yes, it does, thank you. Okay. So the next
18 thing is Commissioner Washington?

19 COMMISSIONER WASHINGTON: No questions, thank you,
20 Madam Chair.

21 MADAM CHAIR: Okay. Commissioner Doerner?

22 COMMISSIONER DOERNER: No questions.

23 MADAM CHAIR: Commissioner Geraldo?

24 COMMISSIONER GERALDO: I have no questions.

25 MADAM CHAIR: I was remiss in not calling upon our

1 Principal Counsel, Mr. Warner following Mr. Nelson's
2 presentation because I couldn't see him because of the
3 exhibit on the screen. So Mr. Warner?

4 MR. WARNER: Thank you, Madam Chair, David Warner,
5 Principal Counsel. I did want to step in at this point just
6 because Mr. Nelson raised a procedural issue at the
7 beginning of his presentation, and I think the Board should
8 consider it at this point before we continue to hear further
9 testimony. His procedural issue as he said, was from 27-
10 125.05(a) of the Zoning Code, which requires that the
11 Technical Staff Report be published no less than two weeks
12 prior to the scheduled public hearing. He didn't mention
13 this, but that provision also had a condition that if after
14 the Technical Staff Report is --

15 MADAM CHAIR: Okay. I need to stop you for a
16 second, because I think somebody's, is Ms. Grover still on
17 because most of the noise we heard was when Ms. Grover was
18 testifying, because we muted everybody else. So we want to
19 make sure everybody else is muted now and then you can go
20 ahead, Mr. Warner. Okay.

21 MR. WARNER: Okay. So he had addressed that
22 section of the Code, but he didn't address that that there
23 is a provision in that same section that says that if new
24 information is provided by the applicant or any governmental
25 agency after the Technical Staff Report is published, any

1 party of record shall be allowed a one week postponement if
2 such party so requests. So there is a provision in that
3 same paragraph that allows for a party of record to request
4 a postponement and essentially our Technical Staff Reports
5 do get revised from time to time after they are published
6 that it happens on a regular basis because certain things
7 are clarified, conditions are addressed at the hearing.
8 Those kind of changes are not substantive changes that fall
9 within this section. But this section does talk about a
10 process where a party of record can be allowed to postpone
11 if they so request. And, in this particular case it was the
12 fact that at our last hearing there was a substantial amount
13 of information that still needed to be considered by staff
14 which is why they wrote the five page substantive
15 memorandum.

16 So I don't know if that clarifies it enough for
17 the Board, but I think that the question should be posed to
18 Mr. Nelson, who represents the parties of record, I believe,
19 as to whether he's requesting a postponement --

20 MADAM CHAIR: Well that was my --

21 MR. WARNER: -- or he's noting his (indiscernible)
22 issue.

23 MADAM CHAIR: -- my question as of now I had not
24 heard a request for a postponement, so I guess --

25 MR. NELSON: May I respond, Madam Chair?

1 MADAM CHAIR: -- I guess you opened that door --

2 MR. NELSON: Macy Nelson, may I respond?

3 MADAM CHAIR: Yes. I guess that opened the door.
4 Okay. Mr. Nelson?

5 MR. NELSON: I'll be very brief. 27-125.05
6 requires the publication at least two weeks in advance of
7 the Staff Report. That's a mandatory obligation. We assert
8 the Staff Report for one week you know violates that
9 mandatory requirement. The sentence to which Principal
10 Counsel refers about seeking a postponement, that's where
11 there's new information is provided by the applicant or any
12 governmental agency, that is not in response to a late filed
13 Staff Report.

14 UNIDENTIFIED PERSON: It wasn't late.

15 MR. NELSON: In the event that the Planning Board
16 interprets the second sentence --

17 MADAM CHAIR: Do you want to speak?

18 UNIDENTIFIED PERSON: (Indiscernible).

19 MR. NELSON: -- to include a late file Technical
20 Staff Report, I then do request a postponement.

21 MADAM CHAIR: Okay. Was the staff report posted
22 late or not? I don't know the answer to that. Mr. Hunt?

23 MR. HUNT: Madam Chair?

24 MADAM CHAIR: Mr. Hunt?

25 MR. HUNT: Madam Chair, James Hunt, from the

1 Development Review Division for the record. The Staff
2 Report, the original Staff Report was published on September
3 30, 2020. Last week on October the 22nd, was when the
4 memorandum to update a few, a bit of information on there
5 which included information from the City of Greenbelt was
6 included on that. So the Staff Report has been published
7 since September 30, 2020.

8 MADAM CHAIR: Okay.

9 MR. WARNER: Madam Chair, David Warner, Principal
10 Counsel, I agree with that. The Technical Staff Report was
11 published, however, new information was provided by a
12 government agency, us, after the Technical Staff Report was
13 published. So I hesitate, obviously, because everybody that
14 is here today in this hearing has commenced and you heard
15 testimony that a decision would be obviously very difficult
16 on everyone if the Board were to consider that postponement
17 request. But I have to interpret the section as I see it,
18 so that's my advice.

19 MR. BOSSI: Excuse me, Madam Chair --

20 MADAM CHAIR: Okay.

21 MR. BOSSI: -- it's Adam Bossi from Urban Design
22 Section. I did just want to make a quick correction. The
23 original hearing for this case was scheduled for September
24 24th and that Staff Report published on September 10th, so I
25 just wanted to --

1 MADAM CHAIR: Okay.

2 MR. BOSSI: -- correct the statement from Mr.
3 Hunt.

4 MADAM CHAIR: Okay. So the Staff Report was
5 published on September 10th, the original hearing was
6 September 24th. It was continued. Our Planning Director
7 would like to say something. Mr. Haller, I'll turn to you
8 as well. Okay.

9 MS. CHECKLEY: Thank you, Madam Chair. I would
10 just like to point out that the supplemental report issued
11 by staff was based entirely upon additional information
12 received not only from the City but also from Mr. Nelson --

13 MADAM CHAIR: Okay.

14 MS. CHECKLEY: -- and other people, other parties
15 to this case. So that's the only reason that staff
16 submitted supplemental information is to address some of the
17 issues presented by other parties.

18 MADAM CHAIR: Well this presents a little problem
19 here because I don't want to open a Pandora's Box and then
20 so that every time just before we hear a case somebody can
21 submit some new information and somebody can submit some new
22 information and somebody could submit new information ad
23 infinitum to the point where we could never have a hearing.
24 So my concern is, I mean, you know, when these laws were
25 passed obviously we want citizens to have notice. We want

1 everybody to have notice. On the flip side of that is
2 sometimes with the compressed time that we have with these
3 applications you know you amass all this information from
4 all the respective entities from the State Highway
5 Administration in some cases, from the Army Corps of
6 Engineers, from DPIE, from DPW&T, you know from the
7 Department of the Environment, I mean they come in from
8 every which direction, not to mention those in our own
9 agency, the various divisions. And people have to
10 synthesize all of that and put it in a report, then people
11 here read the report and then they start the process of
12 addressing some of those concerns that we were raised by
13 some of the other entities and it results in changes in
14 sometimes.

15 Then you get the feedback from the municipalities
16 which typically only meet monthly and then you try to say
17 okay, in any case, not just this case, what positions of the
18 municipality can we address and so sometimes these result in
19 changes. And if we can't go forward at any point because
20 we're trying to improve upon an application based on
21 information that is submitted and synthesized, then we have
22 a huge problem. So you know what I heard the Planning
23 Director say and you know what she said is this information
24 was almost entirely based on the information received by the
25 City of Greenbelt and by Mr. Nelson, is that accurate?

1 MS. CHECKLEY: That is correct.

2 MADAM CHAIR: Mr. Haller?

3 MR. NELSON: You know I'm sorry, Macy Nelson, that
4 is not from my opinion accurate. We had submitted materials
5 that triggered these comments.

6 MADAM CHAIR: Okay.

7 MR. NELSON: The revised report.

8 MADAM CHAIR: Okay. That's fine. I'm going to
9 turn to Mr. Haller --

10 MR. NELSON: We've been trying to master and
11 understand the Staff Report and the submissions by the
12 applicant. Nothing we did triggered that postponement.

13 MADAM CHAIR: Okay.

14 MR. NELSON: Nothing we did triggered the revised
15 Staff Report.

16 MADAM CHAIR: Okay. What I'm trying to get to the
17 bottom of is, because, I never heard a request until Mr.
18 Warner mentioned that just now. So now I'm hearing a
19 request from you to continue. We also need to hear from the
20 applicant on this issue.

21 MR. HALLER: Yes, thank you, Madam Chair. Tom
22 Haller, on behalf of the applicant. I would note that Mr.
23 Nelson did submit into the record a copy of the resolution
24 from DSP-05038 which is where the specific conditions of the
25 Preliminary Plan of Subdivision 75239 were located. So I

1 don't think it's necessarily accurate for Mr. Nelson to say
2 that he had nothing to do with resulting in the new
3 information being submitted.

4 I would also note that it's interesting that Mr.
5 Nelson is complaining about getting information late when
6 he's providing information to the Board that he could have
7 outlined prior to noon on Tuesday, and he elected not to do
8 so. So he's throwing information in the Board's lap at the
9 last minute without giving them the opportunity to review it
10 and then suggesting that the Board has no option but to deny
11 the application, so you know, I think that needs to be taken
12 into account. I think Mr. Warner's evaluation is correct.
13 I think the information that was provided was a supplement
14 to the Staff Report, the Staff Report was timely published
15 originally. Mr. Nelson has the right under that
16 interpretation to request a continuance and the Board has it
17 within their discretion to determine whether a continuance
18 is appropriate and whether or not that would provide any new
19 information that the Board would need to have in front of
20 it. But at this particular point in time, given the
21 information that's been provided, I do not see and would not
22 support a continuance of the hearing at this point.

23 MADAM CHAIR: Okay. Well let me see if the Board
24 members have any questions on the issue of whether we need
25 to continue this.

1 COMMISSIONER GERALDO: Madam Chair --

2 COMMISSIONER WASHINGTON: No, I --

3 COMMISSIONER GERALDO: -- I would like to hear,
4 I'm sorry, go ahead Ms. Washington.

5 COMMISSIONER WASHINGTON: Oh no, I don't have a
6 question but I'd like to make a motion.

7 MADAM CHAIR: Okay.

8 COMMISSIONER WASHINGTON: That we deny the request
9 for a continuance and move the case forward.

10 MADAM VICE CHAIR: Is that a motion?

11 MADAM CHAIR: Yes, that a motion.

12 COMMISSIONER WASHINGTON: Yes.

13 MADAM VICE CHAIR: Second.

14 MADAM CHAIR: Okay. If you're making a motion to
15 move forward, what you just did actually, Commissioner
16 Washington and seconded by Vice Chair Bailey, then I would
17 like the reason articulated for the record under discussion.

18 COMMISSIONER WASHINGTON: Sure.

19 MADAM CHAIR: Okay.

20 COMMISSIONER WASHINGTON: Yes, based on the
21 comments by Counsel Warner.

22 MADAM CHAIR: Okay. That it was not the Staff
23 Report but it was supplemental information added, is that
24 what you're saying?

25 COMMISSIONER WASHINGTON: Exactly.

1 MADAM CHAIR: Subsequent clarification, was that
2 the gist of your statement, Mr. Warner?

3 MR. WARNER: (No audible response.)

4 MADAM CHAIR: You're muted.

5 MR. WARNER: Madam Chair, David --

6 MADAM CHAIR: Yes.

7 MR. WARNER: -- Warner, Principal Counsel. Yes,
8 my point was that the governmental agency added new
9 information that existed of clarifying its Technical Staff
10 Report. The same recommendation existed before and after
11 the additional material was submitted.

12 MADAM CHAIR: Okay. Thank you. So that is your
13 motion and it was seconded by Madam Vice Chair.
14 Commissioner Geraldo, did you have something under
15 discussion?

16 COMMISSIONER GERALDO: Yes, I didn't hear our
17 counsel's opinion as such and perhaps I misunderstood, but I
18 thought it was as a result of a government agency submitted
19 something else that would give anyone the right to seek a
20 continuance. That's number one and then number two, and I
21 didn't hear anybody request a continuance. I heard it was
22 discussed, but I didn't hear any motion or a request being a
23 made for a continuance in the first instance.

24 COMMISSIONER WASHINGTON: Mr. Nelson made the
25 request.

1 MADAM CHAIR: Hold on, there was no request
2 initially. Following Mr. Warner's discussion, Mr. Warner's
3 legal opinion, Mr. Nelson did make the request for a
4 continuance for one week. But --

5 COMMISSIONER GERALDO: I would like to hear the
6 opinion of Mr. Warner, our counsel with regards to the
7 request for a continuance having been made and whether it
8 fits within purview of the statute. That's all.

9 MR. WARNER: Madam Chair, David Warner, Principal
10 Counsel. So the request fits within the framework of the
11 statute because the statute merely says if new information
12 is provided by the applicant or any governmental agency
13 after the Technical Staff Report is published, any party of
14 record shall be allowed a one week postponement if such
15 party so requests. And then the question for the Board to
16 consider, however, because as you stated --

17 (End of recording 1.)

18 MR. WARHOLIC: -- Madam Chair, new information is
19 provided by everybody up until the day of the hearing, when
20 we discuss changes to the conditions that'll be in the
21 Technical Staff Report. So you know when does it rise to
22 the level that it is substantive enough that it necessitates
23 granting this motion? And that's for the Board to consider.

24 MADAM CHAIR: And that's a huge problem because it
25 could easily --

1 UNIDENTIFIED PERSON: Right.

2 MADAM CHAIR: -- mean that we'd never hear a case.
3 It could easily mean that, because very often we get
4 something from the State Highway Administration after the
5 publication. It's very often we get something from the
6 Department of Public Works and Transportation. Very often
7 we get something from DPIE, very often we get something
8 regarding storm water management, very often we get
9 something from the Army Corps of Engineers. You know, very
10 often we get something from, even the Fire Department, the
11 Health Department, all of these entities who write in
12 because when an application is filed it is the information
13 as Ms. Grover knows is disseminated to a bazillion people, a
14 bazillion entities, the governmental entities. It's very
15 often we hear late from the municipalities, from you know
16 DPIE, from DPW&T, from the Department of the Environment,
17 from Army Corps of Engineers, from so many and Board of
18 Education, Health Department, you know, just the Fire
19 Department. So many different entities that when do we get
20 to the point where we actually hear a case? Somebody could
21 intentionally file something, intentionally, just to thwart
22 our ability to have a hearing.

23 This could go on and mean that we can never get to
24 the point where we can never have a hearing. So I just want
25 us to be cognizant of that. Now I don't --

1 MR. GORDON: Madam Chair, can I just --

2 MADAM CHAIR: Yes, who, I don't even know who that
3 is because I can't see. Who was that?

4 MR. GORDON: Scott Gordon.

5 MADAM CHAIR: Okay. Go, I still don't know --

6 UNIDENTIFIED PERSON: (Indiscernible).

7 MADAM CHAIR: Okay. Go ahead.

8 COMMISSIONER DOERNER: Yes, so I'm actually
9 familiar with the original posting, because I read it back
10 on September 10th, which is like right after one of our
11 hearings. We got out fairly early that day and I actually
12 read through the case and the materials because I go hiking
13 across the street in the national park there. And yes, I
14 agree that the substantive nature of the case has not
15 necessarily changed.

16 Staff had their opinions that we were written in
17 the memo at the end of August for the recommendations. Some
18 of the recommendations had been altered, but the overall
19 findings and what's been presented today may have been
20 tweaked slightly just to kind of bring in some of the newer
21 issues, but they haven't changed, so I don't think a
22 reconsideration is necessary. Any of these complaints about
23 the choices of the land use or the quote unquote need, could
24 have been raised on September 24th when the original hearing
25 was scheduled. Or, when I read it and was posted on the

1 10th of September, they could have raised that with staff at
2 that point. Waiting until now I don't think absolves the
3 situation or it means that we need to reconsider this
4 because I actually reached out to staff with a question and
5 asked that on the 10th. And other parties could have done
6 the same thing.

7 MADAM CHAIR: Okay, so thank you. I'm going to
8 conclude the Board discussion at this point unless any --

9 UNIDENTIFIED PERSON: Madam Chair?

10 MADAM CHAIR: No, we're in the middle of a Board
11 discussion on our vote. And so the Board is able to ask
12 someone a question if it helps clarify our position on the
13 vote. So --

14 UNIDENTIFIED PERSON: I'm just wondering if we're
15 going to continue with the public hearing.

16 MADAM CHAIR: We don't know that yet.

17 UNIDENTIFIED PERSON: Before (indiscernible).

18 MADAM CHAIR: We haven't voted yet. We're in the
19 middle, we have a motion and a second and we were under
20 discussion, so we don't know that yet.

21 COMMISSIONER GERALDO: Madam Chair, I just want to
22 thank Principal Counsel Warner for his explanation. So I'm
23 ready to vote as well.

24 MADAM CHAIR: Okay. So we have four Board members
25 on here besides myself. Okay. So I'm going to make sure

1 that every Board member has said their peace in terms of
2 discussion. Is that accurate?

3 COMMISSIONER WASHINGTON: Yes, call for the vote,
4 Madam Chair.

5 MADAM CHAIR: Okay. Madam Vice Chair?

6 MADAM VICE CHAIR: I vote aye.

7 MADAM CHAIR: Commissioner Washington?

8 COMMISSIONER WASHINGTON: Aye.

9 MADAM CHAIR: Commissioner Geraldo?

10 COMMISSIONER GERALDO: I vote aye.

11 MADAM CHAIR: Commissioner Doerner?

12 COMMISSIONER DOERNER: I vote aye.

13 MADAM CHAIR: Okay. The ayes have it 5-0 that we
14 will continue with this hearing, the vote to postpone, there
15 was a vote not to postpone and that passed unanimously. So
16 we will continue with the public hearing, however it is
17 imperative that we take at least a mental health break at
18 this time.

19 UNIDENTIFIED PERSON: (Sound.)

20 MADAM CHAIR: As a matter of fact, we probably
21 have a ways to go. Mr. Nelson, were you getting ready to
22 say something?

23 MR. NELSON: (No audible response.)

24 MADAM CHAIR: He's muted.

25 MR. NELSON: I didn't know whether you wanted me

1 to call my next witness, but I'll mute myself until I'm
2 called upon.

3 MADAM CHAIR: Okay. I'm trying to figure out the
4 position of the Board, at a minimum we need a health break,
5 because Mother Nature is calling. So at a minimum we need a
6 health break, but I'm trying to see if this is really an
7 opportune time to take a lunch break. So that --

8 UNIDENTIFIED PERSON: I think it --

9 MADAM CHAIR: Can someone check with, yes, can you
10 hold? All right. So how about we take a lunch break and
11 resume at 1:30, does that work for everyone?

12 UNIDENTIFIED PERSON: Yes.

13 MADAM CHAIR: Okay.

14 MR. NELSON: Yes, it does. Thank you.

15 MADAM CHAIR: Okay. So we'll resume at 1:30.

16 Thank you, everyone.

17 MR. HALLER: Thank you.

18 MADAM CHAIR: Okay.

19 (Whereupon, a luncheon recess was taken.)

20 MADAM CHAIR: Okay. The Prince George's County
21 Planning Board is back in session. My apologies. Okay.
22 Let me make sure we have everyone that we need. I see we
23 have the Planning Board, all five members of the Planning
24 Board, right, do I?

25 UNIDENTIFIED PERSON: Uh-huh.

1 MADAM CHAIR: Oh there they are, okay. There we
2 go. Okay. So we have all five members of the Planning
3 Board, we have Macy Nelson, we have Todd Pounds. Okay. Do
4 we have Mr. Bossi?

5 MR. BOSSI: Yes, Madam Chairwoman.

6 MADAM CHAIR: Okay. Okay. And I thought I saw
7 Todd Pounds, I said, okay. Do we have Mr. Warner?

8 MR. WARNER: (No audible response.)

9 MADAM CHAIR: Okay. There we go.

10 MR. WARNER: Yes, Madam Chair.

11 MADAM CHAIR: Okay. Okay. We have Ms. Grover
12 spoke, do we have her? And do we have Mr. Green?

13 MR. GREEN: Yes, Mr. Green's here.

14 MADAM CHAIR: Okay. Wonderful. Okay.

15 MS. GROVER: Ruth is here too.

16 MADAM CHAIR: Okay. Wonderful. Do we have Mr.
17 Orleans?

18 MR. ORLEANS: (No audible response.)

19 MADAM CHAIR: Mr. Orleans?

20 MR. ORLEANS: (No audible response.)

21 MADAM CHAIR: He might be a caller.

22 MR. ORLEANS: Yes.

23 MADAM CHAIR: We got Mr. Orleans, yes? Okay.
24 Okay. That was a yes, right?

25 MR. ORLEANS: Yes.

1 MADAM CHAIR: Okay. Good. Okay. Do we have Mr.
2 Haller?

3 MR. HALLER: Yes, I'm on as well.

4 MADAM CHAIR: Okay. And Mr. Guckert?

5 MR. GUCKERT: (No audible response.)

6 MADAM CHAIR: And all the people that you may
7 need?

8 MR. GUCKERT: Yes, I'm here.

9 MADAM CHAIR: Okay. I think that's the main one
10 that you needed, okay, at this point. Okay. All right. So
11 Mr. Nelson, you were still in your case and you had Ms.
12 Grover speak and I know you wanted to have Mr. Green speak
13 as well. Do you want to take the floor, Mr. Nelson, and
14 proceed in the order that you want to proceed?

15 MR. NELSON: Yes, thank you very much. Macy
16 Nelson for the citizen protestants. We'd like to call
17 Lawrence Green as our next witness. And I note that his
18 curriculum vitae, I think it's Exhibit 8 of the material I
19 submitted several days ago. So --

20 MADAM CHAIR: We do have it. I'm sorry.

21 MR. NELSON: You say you have that?

22 MADAM CHAIR: Yes, we do.

23 MR. NELSON: All right.

24 MADAM CHAIR: And he's --

25 MR. NELSON: So I'll mute myself and Mr. Green

1 will testify.

2 MADAM CHAIR: Okay. Thank you.

3 MR. GREEN: Thank you, Macy. If I could actually
4 get Slide 6 of the applicant's PowerPoint slide, I wanted to
5 talk for a minute.

6 MADAM CHAIR: This one, this --

7 MR. GREEN: That'll do, thank you.

8 MADAM CHAIR: Okay. Thank you.

9 MR. GREEN: As indicated in the CV, I'm a
10 registered professional engineer in the State of Maryland
11 and I am a nationally certified professional traffic
12 operations engineer. I'm testifying to present the case
13 that this application does not meet Section 27-274
14 requirement for approval. Specifically, in order to gain
15 approval within Section C the location number and design of
16 driveway entrances to the site should minimize conflict with
17 offsite traffic.

18 I'm specifically concerned with the capability of
19 the site to process the outbound site generated traffic. As
20 previously mentioned the Maryland 193 at Capital Drive
21 intersection is controlled by a stop sign on Capital Drive.
22 Maryland 193 has a 45 mile per hour speed limit and provides
23 four lanes in both the eastbound and westbound directions.
24 Based upon a May 2018 traffic count on Maryland 193,
25 Maryland 193 services over 4,000 a.m. peak hour vehicles and

1 over 4,600 vehicles during p.m. peak hour. Therefore, any
2 vehicles attempting to turn left from southbound Capital
3 Drive to eastbound Maryland 193 will need to wait several
4 minutes or longer to find an acceptable gap in traffic to
5 make this turning movement.

6 MADAM CHAIR: Mr. Green?

7 MR. GREEN: I do --

8 MADAM CHAIR: Mr. Green, just is that even with
9 the gap caused by the traffic lights at Walker Drive and
10 Lake Crest?

11 MR. GREEN: Yes. Yes, and the reason and I'm
12 going to get into more details --

13 MADAM CHAIR: Okay.

14 MR. GREEN: -- about that.

15 MADAM CHAIR: Okay.

16 MR. GREEN: Basically based upon the volume that
17 the site's going to be generating --

18 MADAM CHAIR: Okay.

19 MR. GREEN: -- this is why I disagree with that
20 finding.

21 MADAM CHAIR: Okay.

22 MR. GREEN: And in order to make my finding I
23 first had to generate the traffic that this development is
24 going to generate and the site is actually going to generate
25 619 a.m. peak hour trips and 535 p.m. peak hour trips and

1 approximately half of those vehicles are going to be
2 entering and half of those vehicles are going to be exiting
3 during both the a.m. and p.m. peak hours.

4 Therefore, approximately 310 a.m. and 268 p.m.
5 outbound trips are going to be generated by this site. I
6 then determined that of those a.m. trips, 124 a.m. and 161
7 p.m. peak hour trips want, or desire, to exit the site to go
8 eastbound on 193 and that's a very problematic movement --

9 MADAM CHAIR: Okay. So let me make --

10 MR. GREEN: -- because to go eastbound on --

11 MADAM CHAIR: -- I'm following you, how many, 124
12 a.m., did I get that right?

13 MR. GREEN: Yes, 124 a.m. and 161 p.m.

14 MADAM CHAIR: Okay. Thank you.

15 MR. GREEN: And those are just the vehicles that
16 want to exit the site to --

17 MADAM CHAIR: To turn east.

18 MR. GREEN: -- go eastbound on 193.

19 MADAM CHAIR: Got it.

20 MR. GREEN: Okay. So based upon the very heavy
21 traffic volumes on Maryland 193 very few of those vehicles
22 are going to be able to exit at Capital Drive. And as shown
23 in this exhibit, Capital Drive of course parallels Maryland
24 193 over to Walker Drive, and that intersection is a stop
25 sign controlled intersection. Now, Walker Drive is a four

1 lane divided roadway that serves a very large business park,
2 restaurants and hotels. The distance along Walker Drive
3 between Maryland 193 and Capital Drive is only about 100
4 feet, which can only accommodate four to five vehicles of
5 stacking. Therefore, the traffic cues during the p.m. peak
6 hour frequently extend beyond Capital Drive.

7 Therefore, this site is going to create a
8 situation where up to 161 p.m. peak hour trips are going to
9 attempt to go down Capital Drive, try to make a left hand
10 turn onto Walker Drive and then make another left hand turn
11 to go eastbound on 193. And this is going to be a situation
12 where these vehicles are going to be approaching an
13 intersection that's going to be frequently blocked by cued
14 vehicles and then they're going to need to slowly navigate
15 through this cued area to reach the Maryland 193 at Walker
16 Drive intersection.

17 In my opinion, this represents a safety and
18 operational concern. In order to get into the cued area
19 along southbound Walker Drive, the left turning vehicles
20 from westbound Capital Drive to southbound Walker Drive will
21 need to stop in the median area to wait for the courtesy of
22 other drives to allow these vehicles into the cue, waiting
23 to turn left at Maryland 193 during the p.m. peak period.
24 In my opinion, these median dwelling vehicles that will
25 partially block the left lane along the northbound Walker

1 Drive into the business park represents a safety concern.

2 So in summary due to the control of Maryland 193
3 at Capital Drive via a stop sign and the thousands of a.m.
4 and p.m. peak hour vehicles on 193, vehicles from the
5 proposed Royal Farms site to eastbound 193 cannot
6 effectively perform the left turn movement from southbound
7 Capital Drive to eastbound Maryland 193. Therefore, this is
8 going to cause a redistribution of the outbound traffic to
9 the Maryland 193 intersection with Walker Drive.

10 However, as I indicated earlier, this creates
11 operational and safety issues. Again Walker Drive serves a
12 large business park, restaurants and hotels that generate a
13 significant amount of peak period traffic. And due to the
14 high traffic generating characteristic of the Walker Drive
15 corridor, traffic cues along southbound Walker Drive from
16 the traffic signal at Maryland 193 frequently extend beyond
17 Capital Drive during the p.m. peak period. Therefore, it
18 would be very difficult for the projected 161 peak hour
19 Royal Farms generated traffic volumes to navigate into the
20 southbound Walker Drive traffic cue to Maryland 193 and the
21 magnitude of this traffic volume performing this movement
22 through a cued intersection raises serious safety concerns.
23 Thus, I've concluded that the proposed Royal Farms site does
24 not meet the Detailed Site Plan requirements as outlined in
25 Section 27-274. Thanks.

1 MADAM CHAIR: Thank you, Mr. Green. Let me see if
2 there are any questions. Madam Vice Chair?

3 MADAM VICE CHAIR: No questions at this time.
4 Thank you.

5 MADAM CHAIR: Okay. Commissioner Washington?

6 COMMISSIONER WASHINGTON: No questions but I
7 imagine at some point our staff will respond --

8 MADAM CHAIR: Yes.

9 COMMISSIONER WASHINGTON: -- from the
10 transportation team?

11 MADAM CHAIR: Yes.

12 COMMISSIONER WASHINGTON: Thank you.

13 MADAM CHAIR: We have our transportation and the
14 applicant has their transportation person too. Okay.
15 Commissioner Doerner?

16 COMMISSIONER DOERNER: No questions.

17 MADAM CHAIR: Okay. Okay. Where did he go,
18 Commissioner Geraldo? That's the guy, I'm looking for the
19 wrong face. Commissioner Geraldo?

20 COMMISSIONER GERALDO: No questions, Madam Chair.

21 MADAM CHAIR: Okay. Thank you. So Mr. Nelson,
22 does that conclude your presentation at this time?

23 MR. NELSON: Yes, it does. I just wonder whether
24 Mr. Green may have misheard, he may have inverted the Code
25 number, I think he said 274 as opposed to 724.

1 MADAM CHAIR: Yes, he did.

2 MR. NELSON: I would defer to the --

3 MADAM CHAIR: He did.

4 MR. NELSON: -- Chair, I think that was just an
5 invert.

6 MADAM CHAIR: So 724? Okay.

7 MR. NELSON: Yes.

8 MADAM CHAIR: Thank you.

9 MR. NELSON: It's 27-724 I believe, yes.

10 MADAM CHAIR: 724, got it. C.

11 MR. NELSON: Yes, that concludes my citizens, my
12 clients' case, yes.

13 MADAM CHAIR: Okay. Thank you. So no one had
14 questions at this point. Mr. Orleans?

15 MR. ORLEANS: (No audible response.)

16 MADAM CHAIR: He's a phone. Hold on, Mr. Orleans,
17 we're coming to you. Mr. Orleans, can you hear us?

18 MR. ORLEANS: I can hear you, can you hear me?

19 MADAM CHAIR: Yes, we can hear you now, thank you.
20 Please identify yourself --

21 MR. ORLEANS: (Indiscernible).

22 MADAM CHAIR: Okay.

23 MR. ORLEANS: Bill Orleans, I'm a Greenbelt
24 resident. I would just associate myself with all the
25 opposition comments made thus far. I heard earlier the

1 emphasis made by the Chair that the Board must adhere to
2 legal parameters it's affected by. I'd like to suggest
3 again that all of us should question legal parameters at
4 least some of the time, and every now and again we should
5 challenge those parameters.

6 I believe the public interest supersedes property
7 rights and for those reasons, any such constrictions that
8 the Board feels it's under to approve a sanctioned
9 application without question should be, it should be
10 considered by the Board inappropriate.

11 With regard to the history cited by Mr. Haller, in
12 the development of the Golden Triangle, there was a time
13 when all of that was woods. This preceded the beltway, it
14 preceded the development of Beltway Plaza, preceded
15 development of Spring Hill Lake Apartments, and Greenway
16 Center, and all of what's now on Hanover Parkway which was
17 then just air strips for Schwab's Airport (phonetic sp.).

18 I would not suggest that is, it is those woods
19 were, we should return to that point. But Greenbelt has
20 lost probably 80 percent of its woodshed since its
21 development, it's no longer Greenbelt, it's Greenbelt with a
22 lot of developed properties within the city limits. I would
23 suggest again that Greenbelt and Prince George's County
24 should adopt the policy and I would encourage Council to
25 consider this as well as the Board and its staff, the, the

1 Planning Department staff to adopt the policy that we, while
2 we encourage development we no, do not encourage development
3 where there are just the green spaces. We encourage the
4 reuse of existing developed parts of the county for our
5 future needs. And with that, again I associate myself with
6 all of the opposition comments and would urge the Board to
7 challenge itself as well as challenging Council with regard
8 to the necessity of accepting the applications without
9 consideration of their merit and it's, their impact on
10 nearby existing businesses.

11 And one other point, with regard to the
12 applicant's presumed, proposed use, Royal Farms, I think
13 it's within the Board's purview to examine Royal Farms
14 practices, this practices themselves. I have a friend who
15 had worked for Royal Farms and my understanding from that
16 friend is that they over hire and under employ.

17 MADAM CHAIR: Okay.

18 MR. ORLEANS: Like they have --

19 MADAM CHAIR: Mr. Orleans --

20 MR. ORLEANS: -- I think it's relevant, Madam
21 Chair, may I just continue for one minute?

22 MADAM CHAIR: Depends on where you're going with
23 this. That is not something we can consider. Their --

24 MR. ORLEANS: Well, with regard to --

25 MADAM CHAIR: -- hiring practices are not

1 something that are before this Board. It's beyond --

2 MR. ORLEANS: (Indiscernible).

3 MADAM CHAIR: -- the legal parameters of what we
4 can vote, what we can address. And the other part of this
5 problem is we will get chastised by courts if we go beyond
6 our parameters as well. So I have --

7 MR. ORLEANS: I think it's entirely appropriate to
8 in turn chastise the courts for adhering to the rule of the
9 law without adhering to the public interest affected by --

10 MADAM CHAIR: Okay.

11 MR. ORLEANS: -- this, by law.

12 MADAM CHAIR: I don't get to chastise the courts
13 very well. Okay. Okay. Mr. Nelson, I saw you smile at
14 that. Okay. You're muted, I can't hear you but I'll come
15 back to you. I see a bigger smile. Let me come back to Mr.
16 Orleans. Okay. Go ahead, Mr. Orleans, but we've got to
17 refrain from their business practices.

18 MR. ORLEANS: I think this practices if any, and
19 they are relevant I think the health impacts of any entity
20 are relevant. Royal Farms fabled chicken is from my
21 understand, what I understand from my friend, are fried in a
22 particularly deleterious manner --

23 MADAM CHAIR: Okay.

24 MR. ORLEANS: -- to the consumers of their chicken
25 products.

1 MADAM CHAIR: Okay.

2 MR. ORLEANS: And all such considerations I would
3 urge the Board to consider if they are relevant and I would
4 be happy to join with the Board in chastising any court
5 review of a decision --

6 MADAM CHAIR: Okay.

7 MR. ORLEANS: -- the Board would make that with.

8 MADAM CHAIR: Okay.

9 MR. ORLEANS: -- (Indiscernible) existing
10 prerogatives of the process.

11 MADAM CHAIR: Okay. Thank you, Mr. Orleans.
12 Okay. Okay. Now Mr. Nelson, it's not your turn yet, its
13 Mr. Haller's but I know you were commenting at something I
14 think I said. Can you unmute him? Did you want to say
15 something quick before I go to Mr. Haller?

16 MR. NELSON: No, Madam Chair, I have nothing
17 further at this time.

18 MADAM CHAIR: Okay. Okay. So Mr. Haller?

19 MR. HALLER: Thank you, Madam Chair for giving me
20 the opportunity to speak again. I do want to comment on a
21 couple of things. The first would be --

22 MADAM CHAIR: Let me stop you for a second. I
23 want to explain what's going to go on now, because in
24 accordance with our Rules of Procedure you as the applicant
25 have the right to go next. Then Mr. Nelson has the right to

1 respond in terms of surrebuttal and as does Mr. Pounds. And
2 then the Board asks any questions of anyone, you close it
3 out and that's what, and then we go next. Then the Board
4 votes.

5 COMMISSIONER WASHINGTON: I'm sorry, Madam Chair,
6 when will we hear from our staff?

7 MADAM CHAIR: Oh we can ask questions of anyone
8 that we want to, anyone that we want. Mr. Haller gets the
9 opportunity to go now and he may want to put his
10 transportation expert on and then we can turn to, I don't
11 know who our transportation expert is on ours.

12 MS. CHECKLEY: Tom Masog.

13 MADAM CHAIR: Okay. Mr. Masog. All right. Well
14 Mr. Haller has the right to go first and that may include
15 his transportation, Mr. Guckert, and then if you want
16 further, you know if you have further questions for our
17 staff, which I believe is Mr. Masog, then we can have him
18 respond as well. Okay. Mr. Haller?

19 MR. HALLER: Thank you, Madam Chair, and I'll be
20 brief. First of all, I just want to respond very briefly to
21 some of the comments that Ms. Grover made. You know she
22 suggests that the Board has the obligation as part of
23 approval of a Detailed Site Plan to comb through every
24 Master Plan and look at every line of a Master Plan and find
25 conformance with every line of a Master Plan. But the Board

1 is well aware that that's not the case.

2 There is no requirement in a Detailed Site Plan to
3 find conformance with the Master Plan. The section of the
4 Code she cited Section 27-102 talks about the general
5 purposes of the Zoning Ordinance being to implement Master
6 Plans. And while the Detailed Site Plan is part of that
7 process, there is no obligation or requirement on the part
8 of the Board to specifically make findings related to Master
9 Plan comments.

10 I would note she made a comment that the Master
11 Plan calls for the Golden Triangle to support existing
12 office uses. But it also supports commercial infill uses
13 and office serving retail. And so we would submit that
14 providing a convenience use and gas in the midst of a
15 million square feet of office space is an office serving
16 retail. And so we do not believe there's any issue with
17 regard to the findings, with regard to the Planning Board.
18 We think the Staff Report adequately addresses the
19 requirements and the Site Design Guidelines and meet the
20 criteria that the Board is required to find under Section
21 27-285(b).

22 With regard to Mr. Green's comments, I do want to,
23 I'm going to ask Mr. Guckert to weigh in on them, but I do
24 want to make the comment that what he has suggested to you
25 is he's trying to convince the Board to turn Section 27-274

1 into an offsite adequacy requirement and that is simply not
2 the case. The section of the Code that he cited
3 specifically relates to vehicular and pedestrian circulation
4 on a site, and it says that that circulation should be safe,
5 efficient and convenient for pedestrians and drivers. And
6 then it talks about the location of entrances to minimize
7 conflict with offsite traffic. I don't think there's any
8 question here that the location of our entrance is the only
9 location that it can possibly be given the configuration of
10 the site. And the location of the entrance itself does not
11 create conflict with any offsite traffic.

12 What Mr. Green is attempting to do is to suggest
13 to you that you should go off and do some sort of an
14 analysis which isn't appropriate at the time of Detailed
15 Site Plan because of the amount of trips that the site can
16 generate. We don't think that's appropriate at this space.

17 But having said that, we understood that traffic
18 safety was a concern at least raised by the City of
19 Greenbelt and I would like Mr. Guckert to specifically
20 respond to the comments that Mr. Green made.

21 MADAM CHAIR: Okay. Before you do that I want to
22 make sure I'm following you. So basically you're saying
23 that 27-724(c) refers to the internal traffic circulation
24 and plus the access but not the external traffic analysis
25 that comes under subtitle 24 at the time of Preliminary Plan

1 of Subdivision?

2 MR. HALLER: That's right, and it is 274 not 724.

3 MADAM CHAIR: Oh, okay. So it's 274, okay, went
4 back to that. Okay. Okay. And then 274(c), okay. And
5 then the other part of it was as Ms. Grover indicated, well
6 you know what I'll come back to that later, don't worry
7 about it. I'll come back to that later. All right. So you
8 want to put Mr. Guckert on?

9 MR. HALLER: Yes.

10 MADAM CHAIR: Okay. All right.

11 MR. GUCKERT: Good afternoon again, Planning
12 Board. As you painfully indicated Chairwoman, for decades I
13 have been working on projects in Prince George's County.
14 Decades. And throughout that time we have obviously, I
15 personally have been involved in projects in and around the
16 Golden Triangle, in and around Greenbelt on and on and on
17 again.

18 While occasionally there may be blockage of
19 Capital Drive at Walker, frequently as testified to is not
20 something that I over decades have seen. I would expect
21 that planning staff may find frequently blocked to be a bit
22 overstated.

23 Number two, I'm at a loss as to why the traffic
24 volumes that were given are well beyond that which the staff
25 has testified to or put in their report and that we concur

1 with. I just don't understand under the new guidelines for
2 ITE that planning staff has adopted, I'm not sure why
3 there's such a big difference between Larry Green's volumes
4 and those that are in the Staff Report.

5 Finally, the issue of cuing on the distance
6 between the site access on Capital Drive and 193, certainly
7 is something to look at. But when you start to use
8 appropriate traffic volumes and appropriate trip
9 distribution which we said were 70 percent right in right
10 out because it is a convenience store, and 30 percent left
11 in left out, you need to continue to understand that there
12 is an option to continue west on Capital Drive for a few
13 hundred feet, make a left and go out of the traffic signal.
14 That's the purpose of the traffic signal to provide safe and
15 efficient movement. This is not just about this site, this
16 is about the cars that are traveling along Capital Drive
17 that are from Capital Cadillac or the adjacent restaurant
18 use. If they feel that they cannot make safely a left turn
19 out of Capital Drive at 193, they can do so at safely at the
20 traffic signal.

21 Remember, please, that traffic signal and I'm not
22 sure if Mr. Green's counts were in 2018, we conducted counts
23 in 2020 this fall, 2020 counts this fall. That intersection
24 is still operating level of service A. While there may be
25 some cuing occasionally, not frequently, occasionally the

1 cuing clears with the traffic signal because it's operating
2 at a level of service A. And so in opinion this offsite
3 traffic cuing issue really is not going to exist because the
4 volumes are dramatically less than what was testified to and
5 there's an alternative to going out at Capital Drive at 193,
6 to me.

7 MADAM CHAIR: Okay.

8 MR. HALLER: Thank you, Mr. Guckert.

9 COMMISSIONER GERALDO: Madam Chair I do have a
10 question for Mr. Guckert.

11 MADAM CHAIR: Okay.

12 COMMISSIONER GERALDO: And so when did you do your
13 measurements of the traffic?

14 MR. GUCKERT: Last week, October 20.

15 COMMISSIONER GERALDO: Okay. So I have question
16 just for what effect if any does the pandemic have?

17 MR. GUCKERT: We have to add, we've got to
18 multiply those volumes by 1.04 --

19 COMMISSIONER GERALDO: Okay.

20 MR. GUCKERT: -- which is the approved rate that
21 the Planning Commission uses. We did that and we're still
22 well, well, well, well within level of service A.

23 COMMISSIONER GERALDO: Okay. Thank you.

24 MADAM CHAIR: So let me ask you this because I
25 remember this came before the Board for approval for traffic

1 analysis during this unusual pandemic. So obviously the
2 pandemic definitely affects the traffic flow, we know that
3 and so that's why you're using this formula. But it would
4 be next to impossible to go from Point A to something like
5 Point E or F at this juncture, which would be the failing.

6 MR. GUCKERT: Absolutely correct.

7 MADAM CHAIR: Failing. Okay. All right. And
8 it's not done at Site Plan stage but anyway my question then
9 well let me see if anyone else has questions of Mr. Guckert
10 at this time. Madam Vice Chair?

11 MADAM VICE CHAIR: No questions, thank you.

12 MADAM CHAIR: Okay. Commissioner Washington?

13 COMMISSIONER WASHINGTON: No questions, thank you.

14 MADAM CHAIR: Commissioner Doerner?

15 COMMISSIONER DOERNER: No questions.

16 MADAM CHAIR: You know, I still have to get this
17 who you are thing down. Okay. Commissioner Geraldo?

18 COMMISSIONER GERALDO: No questions.

19 MADAM CHAIR: Okay. Let's turn to Mr. Masog for
20 follow up, I know Commissioner Washington definitely wanted
21 to hear from our own transportation expert.

22 MR. MASOG: Hi, this is Tom Masog of the
23 Transportation and Planning Section.

24 MADAM CHAIR: Hello, Mr. Masog.

25 MR. MASOG: I guess I'd just like to start to

1 taking questions, if folks have questions.

2 COMMISSIONER WASHINGTON: Well, Mr. Masog, this is
3 Commissioner Washington.

4 MR. MASOG: Yes, ma'am.

5 COMMISSIONER WASHINGTON: I would just really
6 appreciate your input, you've heard two different pieces of
7 testimony with regards to transportation circulation so I
8 would like both for Mr. Green as well as Mr. Guckert, and
9 forgive me if I'm pronouncing that incorrectly. But I would
10 just welcome your perspective, based on what you've heard.

11 MR. MASOG: Yes, my perspective is that the
12 Capital Drive and 193 intersection is hardly used by the
13 public out there today. The only thing that really uses
14 Capital Drive to any degree is the existing auto dealership.

15 Second of all, we are aware that the 193 and
16 Walker Drive intersection operates at level of service A, it
17 has operated that way for some time. And while there may be
18 occasional cuing that goes back past Capital Drive on Walker
19 Drive, it would be typical of those cues at that level of
20 service to clear the intersection and thereby allowing folks
21 from Capital Drive to be able to turn onto Walker Drive
22 safely.

23 MADAM CHAIR: Mr. Masog --

24 MR. MASOG: (Sound.)

25 MADAM CHAIR: -- oh go ahead.

1 MR. MASOG: Yes, ma'am?

2 MADAM CHAIR: Mr. Green and Mr. Guckert have two
3 different impressions and I'm told I guess you all do, our
4 own transportation do, in terms of how many people will be
5 exiting this site and turning eastbound on 193. So he said
6 basically right now we have 4,000 a.m. and 4,600 p.m. peak
7 hour traffic trips in and out on Walker Drive, I guess and
8 then 619, no on that road right there, I'm sorry, on 193.
9 And then 619 a.m. and 535 p.m. enter in and out of that
10 site, that are site specific. And then of that 124 a.m. and
11 161 p.m. are headed eastbound on 193. Mr. Guckert seemed to
12 indicate that it's fewer than that turning eastbound and
13 most of them will be going westbound.

14 MR. MASOG: In a typical traffic study we would
15 show the turning movements for the trips that are original
16 to the site, in other words, going into the site
17 specifically for that purpose and pass-by trips, trips that
18 happen to already be on Greenbelt Road. And so that may
19 account for the discrepancy.

20 MADAM CHAIR: Okay. Can anybody answer this
21 question for me, I've heard I guess it was Mr. Green and a
22 couple other people refer to the hotels on this site and I
23 know there is a hotel but I didn't realize there are
24 several? There are a couple hotels, how many hotels are
25 there?

1 MR. MASOG: There's several.

2 MADAM CHAIR: Okay. Really, okay, how many?

3 MR. MASOG: I believe there are three.

4 MADAM CHAIR: Okay. Got it. Okay. Thank you.

5 So Commissioner Washington, do you have additional questions
6 of Mr. Masog?

7 COMMISSIONER WASHINGTON: No, I do not and thank
8 you, Mr. Masog.

9 MADAM CHAIR: Okay.

10 MR. MASOG: Thank you.

11 MADAM CHAIR: Okay. So how about this? Let me
12 double check, we need to get to Mr. Pounds as well and Mr.
13 Pounds, I understand the Mayor may have logged on.

14 MR. POUNDS: (No audible response.)

15 MADAM CHAIR: Mayor Byrd, are you on?

16 UNIDENTIFIED PERSON: (Sound.)

17 MADAM CHAIR: We're going to look for his name.

18 MR. POUNDS: And I'm looking also but I think we
19 have outlined --

20 MADAM CHAIR: Okay.

21 MR. POUNDS: -- in pretty much, I think we've
22 already outlined the City's position but I'll let the Mayor
23 you know speak also. I don't see his initials, I'm looking.

24 MADAM CHAIR: Okay. I don't see them either.

25 Okay.

1 MR. POUNDS: But I think --

2 MADAM CHAIR: Okay.

3 MR. POUNDS: -- we have outlined the position of
4 the City, we don't have any further comments.

5 MADAM CHAIR: We do have an unknown person there.
6 Do we think that's the Mayor? Can you unmute that number?

7 UNIDENTIFIED PERSON: Is it?

8 MADAM CHAIR: Who is that?

9 UNIDENTIFIED PERSON: There's a caller 13.

10 MADAM CHAIR: Can we check and see who that is for
11 a second, caller 13?

12 UNIDENTIFIED PERSON: Uh-huh.

13 MADAM CHAIR: Mayor Byrd, are you on?

14 MAYOR BYRD: (No audible response.)

15 MADAM CHAIR: Okay.

16 MADAM VICE CHAIR: I don't think so.

17 MADAM CHAIR: Okay. Can you unmute, but we do
18 have a couple of just phone calls with no name.

19 UNIDENTIFIED PERSON: An unknown just left.

20 MADAM CHAIR: An unknown left. Okay. Got it.
21 Okay. All right.

22 MADAM VICE CHAIR: Yes.

23 MADAM CHAIR: With that, okay so does the Board
24 have any questions of anyone and then Mr. Nelson you get to
25 say something and then Mr. Haller gets to close out.

1 MR. BOSSI: Madam Chair, it's Adam Bossi from the
2 Urban Design Section.

3 MADAM CHAIR: Okay. Adam Bossi.

4 MR. BOSSI: May I interrupt with a quick
5 correction?

6 MADAM CHAIR: You can. Okay.

7 MR. BOSSI: Earlier in the discussion I did state
8 that the Staff Report for this case was published I believe
9 it was on September 10th --

10 MADAM CHAIR: Yes.

11 MR. BOSSI: -- for the original hearing scheduled
12 for the 24th and that was an error. Mr. Hunt was correct in
13 noting that the Staff Report did publish two weeks before
14 the October 15th hearing.

15 MADAM CHAIR: Okay.

16 MR. BOSSI: So I do just want to put that on the
17 record. Thank you.

18 MADAM CHAIR: Okay. Thank you, Mr. Bossi. Okay.
19 Let's go to Mr. Nelson.

20 MR. NELSON: Thank you. I'll respond to a point
21 made by the applicant's traffic planner. He raised a
22 question about the discrepancy in the traffic counts that
23 our traffic engineer Mr. Green relied on. And then Mr.
24 Masog eluded to this issue when he talked about one possible
25 explanation for the discrepancy was all of the traffic or

1 the pass-by traffic, and the point that Mr. Masog was making
2 was that if we're looking at the effect, if we were doing an
3 adequate facilities analysis for a Preliminary Plan we would
4 subtract from the traffic count the pass-by traffic. In
5 other words the traffic that was already on the road system
6 that stopped by to use this facility. We're all familiar
7 with that concept but what Mr. Green was saying was that
8 when we're looking at the site design requirement for the
9 impact on the access to the offsite, you have to look at all
10 of the traffic. You don't subtract the pass-by traffic
11 because all the traffic will either be entering the facility
12 and exiting the facility and that is the explanation for the
13 discrepancy between the low number that Mr. Guckert used and
14 the correct number that Mr. Green used.

15 So I would like just to make that clarification
16 and if the Board wanted to hear from Mr. Green on that
17 point, I'd have no objection to the Board asking for his
18 testimony on that subject, but I think I've fairly
19 characterized it.

20 MADAM CHAIR: Okay.

21 MR. NELSON: That's the only point I have with
22 respect to traffic. With respect to Mr. Haller's point on
23 the Sector Plan, this is the classical argument. Does this
24 Sector Plan comply, developers say no, it doesn't. The
25 community wants the conformance of law says it does. We

1 believe that the Zoning Ordinance provisions that we cited
2 mandate that this project conform with the Sector Plan and
3 we believe unequivocally that it fails to conform for the
4 reasons articulated by our land planner, Ms. Grover.

5 So for all those reasons on behalf of my citizen
6 clients, I urge the Planning Board to disapprove this
7 application, it's the wrong project for the wrong location.
8 Thank you.

9 MADAM CHAIR: Okay. Thank you, Mr. Nelson. Mr.
10 Haller?

11 MR. HALLER: Thank you again, Madam Chair. I do
12 want to close out with a few comments. First of all, while
13 Mr. Nelson refers to his clients as citizen clients, as he
14 mentioned they're competitors within the market and the
15 Board is absolutely correctly that suppression of
16 competition is not an appropriate tool to use in zoning law.
17 It does not have any applicability.

18 I do want to note and Ms. Walker submitted a chart
19 into the record listing a number of gas stations in the
20 corridor. But I do want to note that if you go back and do
21 a very simple search through SDAT records, what you find is
22 that the most recently constructed gas station within the
23 corridor of all the stations that she cited was in 1982,
24 which is almost 40 years ago. And you know there was one
25 station that was originally constructed in 1965, the U.S.

1 Fuel Gas Station that was reconstructed in '91, but most of
2 those gas stations go back literally decades.

3 What this facility that is being proposed on this
4 site is not the same as what is located within the corridor.
5 It is a modern well run, well designed facility that
6 provides multiple levels of services that would be a great
7 compliment as the final piece of the Golden Triangle
8 development. And that is the reason why there is an
9 interest in wanting to go to this location because there
10 really is nothing within the corridor cited that is anywhere
11 close to this type of use.

12 And I would also, the Chairman indicated some
13 interest in us responding to the conditions asked for by the
14 City of Greenbelt, and I did want to comment on that --

15 COMMISSIONER GERALDO: Yes.

16 MR. HALLER: -- because the applicant made an
17 exceptional effort to try to work with the City of
18 Greenbelt, to address the concerns of the City of Greenbelt
19 and to seek the support of the City of Greenbelt. We had
20 numerous conversations with staff, I've outlined in my
21 supplemental justification statement the many meetings that
22 we had with the City of Greenbelt and we did work on a
23 number of potential conditions, many of which are way above
24 and beyond what the Code can require the applicant to do.

25 MADAM CHAIR: That's true.

1 MR. HALLER: To the point where we had even
2 proposed to enter into an agreement with the City that would
3 give the City control over a future Site Plan for the second
4 building of the site. But the City rejected those proposals
5 and as a result of that, we have gone through the conditions
6 that we've proposed and we have incorporated a number of
7 them into our proposed conditions. And so you know as staff
8 indicated there were a number of conditions that we had
9 proposed to the Planning Board that are now incorporated
10 five of those conditions and there are a couple of other
11 conditions which we certainly do not have any objection to
12 having incorporated into the Planning Board's
13 recommendation, should the Planning Board feel them
14 appropriate.

15 For example, one of the conditions that we had
16 discussed with the City was the, provision of infrastructure
17 for two electric car charging stations. Royal Farms has an
18 existing program with electric car manufacturers, including
19 Tesla and where there is a need for such stations, where
20 they see a need for such stations, they will install them.
21 And so we had had a conversation about installing the
22 infrastructure so that if it was determined that the need
23 exists here, it would facilitate the addition of electric
24 car charging stations. So the proposed City Condition 5 we
25 would not object to if the City were to incorporate into

1 their recommendation.

2 And in addition we had also discussed one of the
3 Councilmembers had raised a question about providing a
4 specific area as a dog walking area on the site and we had
5 suggested a location where we could provide that. And that
6 would be City's Condition Number 9 and we wouldn't have any
7 objection to that condition also being incorporated into the
8 Planning Board recommendation should they desire to do so.

9 There was also reference earlier to bicycle
10 facilities. There are bicycle racks proposed for both the
11 proposed buildings. There are two racks for each of the
12 buildings and so we have provided for that.

13 We did have a conversation with the City about
14 there are bike lanes on Maryland 193, the City expressed
15 some interest in possibly putting bike lanes onto Capital
16 Drive, which is a City street. We had indicated to them
17 that while this project is not required to conform with the
18 DPIS requirements which the Planning Board is aware of, that
19 if it were subject to those requirements we would be subject
20 to about a \$3,300 payment and we felt that and we actually
21 proffered to the City that that payment would be better used
22 by them as part of a bike lane program as opposed to how far
23 that small amount of money would be able to go relative to a
24 larger project. And we did proffer that to the City, but
25 the City indicated that they would need much more money than

1 that to even be willing to consider it and that is way
2 beyond any statutory obligation that we would have.

3 So as I say we've made a number of proposals to
4 the City that we felt were in response to their concerns but
5 the City rejected them and we think the ones that we've
6 proposed are directly related to statutory obligations or
7 requirements or just make for good site design. And we
8 would ask the Planning Board to accept those proffers.

9 The one, I did mention in the beginning of my
10 presentation that we had one minor revision to the staff's
11 conditions proposed New Condition 7.

12 COMMISSIONER WASHINGTON: I'm sorry, Mr. Haller?

13 MR. HALLER: I'm sorry?

14 COMMISSIONER WASHINGTON: Before you move on to
15 that, could you please comment on Greenbelt's Conditions
16 Number 4 and 7, I believe those were, our staff indicated
17 that they would support those but you didn't address either
18 of them.

19 MR. HALLER: Well, so Condition Number 4 --

20 MADAM CHAIR: Because --

21 MR. HALLER: -- City Condition Number 4 regarding
22 lighting, the staff has incorporated --

23 MADAM CHAIR: It's in there.

24 MR. HALLER: -- it into their Staff Report, it's
25 Condition 6 and we are supportive of that and are fully

1 willing to accept that condition.

2 MADAM CHAIR: You said 4 and 6? Or just 4?

3 COMMISSIONER WASHINGTON: 4 and 7.

4 COMMISSIONER GERALDO: 4 and 7.

5 MADAM CHAIR: And 7, yes.

6 MR. HALLER: Condition 7.

7 MADAM CHAIR: Yes. And you said you're willing to
8 go with 9 also?

9 COMMISSIONER WASHINGTON: Yes.

10 MADAM CHAIR: Okay.

11 MR. HALLER: And 9 yes.

12 MADAM CHAIR: So now you've got 1 --

13 UNIDENTIFIED PERSON: It's five --

14 MADAM CHAIR: -- 1, 3 --

15 COMMISSIONER WASHINGTON: It was 7 (indiscernible)

16 if I could just get my question in first --

17 MADAM CHAIR: Okay.

18 COMMISSIONER WASHINGTON: -- I'll yield the floor.

19 MADAM CHAIR: Okay.

20 COMMISSIONER WASHINGTON: I'm clear on 4, and

21 Number 7, Mr. Haller.

22 MR. HALLER: And 7 is the one that I was going to
23 propose the modification to. So staff has recommended that
24 their Condition 7, City's Condition 7 that the proposed
25 Royal Farms would be constructed in accordance with their

1 sustainable construction practices. We had provided to the
2 City staff a copy of Royal Farms' sustainable construction
3 practices. I do not believe that is part of this record and
4 so that condition doesn't have as much meaning if it is not
5 in the, if those are not in the record. So what I would
6 propose that we do is to revise Condition 7 to state that
7 prior to certification the applicant shall submit a copy of
8 Royal Farms' sustainable construction practices and that the
9 proposed Royal Farms shall be constructed in accordance with
10 those sustainable construction practices. Just to make sure
11 that those, a copy of those practices are included into the
12 file of this case so that it's clear as to what requirement
13 is being requested by the Planning Board.

14 MADAM CHAIR: So let me make sure, let me ask our
15 staff about that and if so, if the motion does go forward
16 then that, it would be as read into the record by Mr.
17 Haller, assuming that our Board goes along with that and
18 assuming that Mr. Bossi, are you okay with that?

19 MR. BOSSI: Yes, ma'am --

20 MADAM CHAIR: Okay.

21 MR. BOSSI: -- we are.

22 MADAM CHAIR: Okay. Commissioner Washington, you
23 have other questions?

24 COMMISSIONER WASHINGTON: No, I'm fine thank you,
25 Madam Chair.

1 MADAM CHAIR: Okay. So basically we have already
2 incorporated, we're okay with the City of Greenbelt's
3 Conditions 1, 3, 4, 6, 7 as modified, 9 you're proffering
4 today and 11.

5 MR. HALLER: No, I think that it's 1, 3, 4, 5 --

6 MADAM CHAIR: Oh 5 then, okay, I thought it was 5.

7 COMMISSIONER GERALDO: Right.

8 MADAM CHAIR: Okay.

9 MR. HALLER: -- 7, 9, and 11.

10 MADAM CHAIR: Okay. Okay. Got it. Okay. Got
11 it.

12 COMMISSIONER WASHINGTON: Those were already
13 incorporated in staff's --

14 MADAM CHAIR: Right.

15 COMMISSIONER WASHINGTON: -- conditions, so.

16 MADAM CHAIR: Okay. Got it. Okay.

17 COMMISSIONER GERALDO: I have one question, Madam
18 Chair.

19 MADAM CHAIR: Yes.

20 COMMISSIONER GERALDO: Commissioner Geraldo, just
21 to Mr. Haller. Mr. Haller, I appreciate the applicant
22 putting up the bicycle racks, do you think you guys could
23 make a proffer that they put one of those repair facilities
24 right there, included with the bicycle racks?

25 MR. HALLER: Yes, I'm sure that we can do that as

1 well. We can add that to the condition.

2 MADAM CHAIR: Okay.

3 COMMISSIONER GERALDO: Okay. Great thank you.

4 MADAM CHAIR: So let me say for the record the
5 applicant is proffering that, we're not asking the applicant
6 to proffer because then it's no longer a proffer but okay.
7 Okay. But the applicant is proffering that at this
8 juncture. Okay. All right. So let me do, okay, were you
9 finished Mr. Haller or not yet?

10 MR. HALLER: Yes, ma'am, I am.

11 MADAM CHAIR: Okay. So let me say where we are.
12 We've heard, this has been a long case we've heard from
13 every citizen, we've heard from all sides, and we did
14 rebuttal and surrebuttal and we have now just concluded with
15 summation.

16 So I just want to go ahead because we need to get
17 to a vote and so let me see if the Board doesn't have any
18 questions of anyone, is there a motion?

19 MR. NELSON: Well, may I interrupt for one moment,
20 Macy Nelson?

21 MADAM CHAIR: Yes. No, okay if you go you had
22 summation, what do you need?

23 MR. NELSON: I think the Mayor --

24 MADAM CHAIR: You've had --

25 MR. NELSON: -- signed on.

1 MADAM CHAIR: Okay. But we're in summation at
2 this point. Okay. I called on the Mayor but --

3 MR. NELSON: (Indiscernible).

4 MADAM CHAIR: What?

5 MR. NELSON: (No audible response.)

6 MADAM CHAIR: Okay.

7 MR. NELSON: I just thought the Mayor had signed
8 on, that's all.

9 MADAM CHAIR: Okay. But I called on the Mayor, oh
10 there he is, I called on him repeatedly. I hate to violate
11 our rules in terms of you know we've called on every
12 citizen, we've called on the Mayor, we've called on the City
13 of Greenbelt, we called on the other representatives from
14 Greenbelt, we called on Greenbelt's attorney. Mayor Byrd, if
15 you've got something succinctly, but then once you finish
16 then the applicant gets to go again in terms of summation
17 because summation is always last. Mayor Byrd?

18 MAYOR BYRD: Thank you very much, Madam Chair --

19 MADAM CHAIR: Yes.

20 MAYOR BYRD: -- and members of the Board. I will
21 be very brief --

22 MADAM CHAIR: Okay.

23 MAYOR BYRD: -- and succinct as requested. I just
24 wanted to make sure that I went on record prior to this vote
25 letting you know that I am opposed to this project and I

1 support the comments that have been offered by our City
2 Planning staff.

3 MADAM CHAIR: Okay.

4 MAYOR BYRD: And I thank with gratitude Ms. Hruby
5 for sharing that but in short this is really about the
6 people and I think as you guys may have heard by now, sorry
7 I wasn't able to get on a little earlier, those concerns are
8 numerous and those concerns among many of our residents are
9 intense. So for me representing the people of Greenbelt I
10 wanted to make sure I went on record prior to any vote
11 taking place at this level --

12 MADAM CHAIR: Okay.

13 MAYOR BYRD: -- to share that thought. But I
14 thank you guys for your consideration and I appreciate your
15 hard work.

16 MADAM CHAIR: Okay. Thank you, Mayor Byrd. So
17 with that and our applicant gets to go again for summation
18 if you have anything to add, you know, hopefully what you
19 said will suffice.

20 MR. HALLER: Nothing to add, Madam Chair.

21 MADAM CHAIR: Okay. Nothing to add? Okay. We
22 need a motion.

23 COMMISSIONER WASHINGTON: Madam Chair, I move that
24 we adopt the findings of staff as outlined in staff's report
25 in addition to the amended findings as outlined in staff's

1 memo dated October 22nd and approve DSP-19045 and TCP2-117-
2 05-01 along with the associated conditions as outlined in
3 staff's report, and as further amended by staff's memo dated
4 October 22, 2020. In addition to that, staff's new
5 Condition 7 as outlined in the October 22nd memo shall be
6 revised as read into the record by Mr. Haller, the
7 applicant, in addition to an applicant proffered condition
8 related to repair station for bicycles and I would ask staff
9 to ensure that the resolution reflects the appropriate
10 wording to accommodate that. In addition to the resolution
11 incorporating the City of Greenbelt's Conditions Number and
12 this would be based on their memo dated October 12th,
13 Conditions 1, 3, 4, 5, 7, 9 and 11 and I would just note
14 that some of the Greenbelt conditions have already been
15 incorporated by staff into their revised conditions.

16 COMMISSIONER GERALDO: Second.

17 MADAM CHAIR: Okay. A motion and a second and
18 Item 7 from the City of Greenbelt's letter as you already
19 indicated is modified as indicated, right. Okay.

20 COMMISSIONER GERALDO: Yes.

21 COMMISSIONER WASHINGTON: Well I said it based on
22 staff's memo because it's --

23 MADAM CHAIR: The staff, that's right. The same
24 thing. Okay, I just wanted to make sure we're clear on
25 that. Under discussion I would want to thank everyone for

1 participating. I'm going to add the additional finding
2 that, a couple different additional findings. I think this
3 does, this is not in any way in conflict with the plans for
4 that Golden Triangle area. Even as Ms. Grover indicated,
5 she said obviously it should be predominately nonretail uses
6 there. Predominately, but not solely nonretail uses. So
7 this can benefit and support those nonretail commercial uses
8 that are there at that site. So that's number one, so I do
9 think it meets that criteria and I do think it meets the
10 criteria of Section 27-285(b) as the required finding for
11 approval of a Detailed Site Plan.

12 I am so pleased and I know that the City of
13 Greenbelt was split 4-3 on this but there were many
14 conditions proffered in the event that this goes forward and
15 I am very pleased to at least that the applicant and staff
16 has incorporated a number of these, actually I think it's
17 close to the majority of these, if not the majority. So
18 anyway, or half of them at least which is good and I'd like,
19 you know, to commend the applicant and the City on that for
20 working very, very hard on that.

21 The other comment I need to make because the Mayor
22 wasn't on before, I so appreciate, I think all of us
23 appreciate the the letter and the feedback that we got from
24 the City of Greenbelt. Some of the issues that were raised
25 in there about traffic and the fact that it's not the

1 highest and best use for this subject site and regarding the
2 economic demand and things of that nature are not criteria
3 that we are legally allowed to consider. So and our
4 decisions have to conform to the parameters as established
5 by the Council legislation, state legislation and as
6 interpreted by all of the courts. So those are things that
7 we cannot consider at the Detailed Site Plan stage, but
8 we've had a nice robust discussion and there have been some
9 concessions made in terms of the access and safety so I just
10 wanted to add all of those things to the findings, if we
11 can.

12 And also that you know while, I just wanted to say
13 this, while we must adhere to the legal parameters, we are
14 not the legislative body and we are not the judicial body
15 that establishes these rules and regulations, we've just got
16 to follow them. So and yes, laws do need to be challenged
17 from time to time, Mr. Orleans, and thankfully they have
18 been because you know some people wouldn't even be able to
19 live in Greenbelt, let's start right there, so but laws have
20 changed and many for the better, not all for the better, but
21 many for the better but they have to be addressed in the
22 right forum. So with that, is there any additional
23 discussion?

24 (No audible response.)

25 MADAM CHAIR: I'll call for the vote. Madam Vice

1 Chair?

2 MADAM VICE CHAIR: Madam Chair, thank you for
3 reiterating what we should consider and I vote aye.

4 MADAM CHAIR: Okay. Commissioner Washington?

5 COMMISSIONER WASHINGTON: I vote aye.

6 MADAM CHAIR: Commissioner Doerner?

7 COMMISSIONER DOERNER: I vote aye.

8 MADAM CHAIR: Commissioner Geraldo?

9 COMMISSIONER GERALDO: I vote aye, and I want to
10 thank Commissioner Washington for an excellent summary of
11 the motion.

12 MADAM CHAIR: As always, thank you.

13 COMMISSIONER WASHINGTON: Thank you.

14 MADAM VICE CHAIR: (Indiscernible).

15 MADAM CHAIR: Okay. Thank you everybody for, the
16 ayes have it 5-0. Thank you everyone for your participation
17 and Mr. Mayor, we're sorry you didn't get to get on earlier,
18 but was pleased to hear from you at the very end as well.

19 Okay.

20 MAYOR BYRD: Thank you, guys.

21 MADAM CHAIR: Thank you.

22 MR. HALLER: Thank you, Madam Chair.

23 MADAM CHAIR: With that we're going to go to Item
24 9.

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

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:

ROYAL FARMS GREENBELT

Detailed Site Plan, DSP-19045



By: _____

Date: February 18, 2021

Diane Wilson, Transcriber