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

CSP-23002 SIGNATURE CLUB EAST

Remand Hearing, Item 5

T R A N S C R I P T

O F

P R O C E E D I N G S

LARGO HEADQUARTERS

Largo, Maryland

January 15, 2026

VOLUME 1 of 1

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BEFORE:

MANUAL R. GERALDO, Vice-Chair  
BILLY OKOYE, Commissioner  
DARRYL BARNES, Chairman

OTHER:

EDWARD GIBBS, Attorney for Applicant  
EMERY HUANG, Staff, Urban Design Section  
ALEX VOTAW, Attorney/Representative

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MR. CHAIR: The time is now 10:07. I will call the January 15th Planning Board meeting to order. Have the following board members with us today. Vice-Chair Geraldo.

MR. VICE-CHAIR: Good morning.

MR. CHAIR: Commissioner Okoye.

COMMISSIONER OKOYE: Morning.

MR. CHAIR: And I am Chairman Barnes. We will now move forward with the business at hand. Please note that the deadline for all participation, pre-registration, and all submission of materials and exhibits was 12, noon, on Tuesday before the Planning Board meeting. Please note that walk-up, or walk-in, speaking signup are no longer permitted. We will now move on with today's agenda. The order of cases for today's meeting is as follows: Item 2, 5, and 6. The first item on the agenda, Item 2 draft minutes of January 8th. Look for a motion.

MR. VICE-CHAIR: Mr. Chair, I move that we adopt the minutes from the meeting of January 8th.

COMMISSIONER OKOYE: Mr. Chair, I'll second this.

MR. CHAIR: Okay. Properly moved to second. I will now call the roll.

Vice-Chair Geraldo?

MR. VICE-CHAIR: I vote aye.

MR. CHAIR: Commissioner Okoye?

1                   COMMISSIONER OKOYE: I vote aye.

2                   MR. CHAIR: I vote aye as well. We will now move  
3 to the regular agenda item. The first item on the agenda is  
4 the remand by the District Council for Conceptual Site Plan  
5 CSP-23002 Signature Club East. Before we hear from staff,  
6 this item is a remand from District Council. The District  
7 Council remand asked the Planning Board to take additional  
8 evidence on nine issues. I will now open up the hearing.  
9 We will now hear from staff who will present these items.

10                   Mr. Huang?

11                   MR. HUANG: Good morning, Mr. Chair, and the  
12 Planning Board. For the record, my name's Emery Huang with  
13 Urban Design section. Item number 5 is Conceptual Site Plan  
14 CSP-23002 for Signature Club East, which is for the  
15 development of up to 300 multi-family dwelling units and  
16 12,600 square feet of commercial retail space. The property  
17 for this project is located in the northern east quadrant of  
18 the intersection of the Berry Road and Manning Road E. The  
19 property is located within the residential multi-family 48  
20 zone. However, this case is being reviewed under the prior  
21 Zoning Ordinance, and this prior zoning is Mixed-Use  
22 Transportation Oriented.

23                   This Conceptual Site Plan, along with Type 1 Tree  
24 Conservation Plan TCP1-052-97-03, were approved by the  
25 Prince George County Planning Board on July 10th, 2025, and

1 the final resolution, Prince George County Planning Board  
2 Resolution No. 2025-057, was adopted on July 31st, 2025.  
3 The Planning Board's decision was appealed to District  
4 Council. On October 21st, 2025, we allowed conduct oral  
5 arguments.

6           The District Council directed the preparation of  
7 an order of remand on all issues raised in the appeal. The  
8 order of the remand was issued by the District Council on  
9 November 4th, 2025, which found the Planning Board's  
10 decision lacking sufficient, well-reasoned, and articulate  
11 administrative findings, to ensure the District Council to  
12 conduct meaningful review, and requested that the Planning  
13 Board conduct a hearing to take additional testimony on nine  
14 issues.

15           On December 8th, 2025, the applicant submitted a  
16 revised Conceptual Site Plans proposing a mixture of  
17 townhouse units and commercial retail space. The previously  
18 proposed multifamily dwelling units was replaced with  
19 townhouse units. Given that the Planning Board previously  
20 reviewed and approved the multi-dwelling use, staff find the  
21 change in this use to the townhouse use cannot be addressed  
22 through a remand hearing. On December 30, 2025, a staff  
23 memorandum was published responding to all issues in the  
24 order remand and recommending one additional condition.

25           As a matter of housekeeping, prior to the January

1 31 deadline, the applicant submit 14 exhibits to the record.  
2 This exhibit addressed the District Council's nine remand  
3 issue through letters from the applicant's attorney and the  
4 memorandum of the applicants' experts. The applicant's also  
5 providing a history of his community outreach efforts and  
6 his experts' resumes.

7           Staff also received seven exhibits opposing the  
8 proposed development. This consists of letter of the  
9 opponent's attorney and supporting exhibits. The supporting  
10 exhibits consists of correspondence from the applicants'  
11 prior Tree Conservation Plans and the report and resume of  
12 Mr. Lawrence Green. The letter and exhibits raise six  
13 arguments.

14           The first three of these six arguments are outside  
15 the scope of this agreement. These are the sufficient of  
16 the applicant's community engagement, whether the  
17 applicant's proposal for townhouse is before the Planning  
18 Board, and whether subject Conceptual Site Plan conforms to  
19 the condition of the approval for a previous Conceptual Site  
20 Plan for the subject property. The other issues raised by  
21 the opponents will be addressed throughout this  
22 presentation. I will now turn to the remand issues.

23           Please move to slide 13 of PowerPoint. Okay.  
24 Issue 1 is about the history of prior Tree Conservation  
25 Plans regarding Lot 12 and Outparcel B covered by this

1 subject Conceptual Site Plan. This slide shows the subject  
2 Concept Site Plan is part of large projects covering  
3 approximately 343 acres. The overall project areas require  
4 a total of 147.2 acres of woodland conservation, as  
5 proposed.

6 This phase of TCP1-052-97-03 for the Conceptual  
7 Site Plan requires 1.61 acres of woodland conservation,  
8 which the applicants proposes to mean in an off-site  
9 mitigation bank, and shall be purchased prior to first  
10 permit of the subject development. 12.55 acres of woodland  
11 requirements for the overall site was deferred from previous  
12 phases of the development. The deferred area was previous  
13 and incorrectly calculated at 7.81 acres. Recommended  
14 Condition 1.e and the associated analysis of staff's memo  
15 will be correct prior to certification the Conceptual Site  
16 Plan -- correct Woodland Conservation worksheet on TCP1-052-  
17 97-03 to reflect the total off-site mitigation required.

18 Similarly, correction will also be met in the  
19 amended resolution, which is Item 6 on the agenda. In  
20 addition, page 6 of the staff's memorandum mistakenly notes  
21 that TCP2-039-01-03 contains a label of future development  
22 on Lot 12, which is incorrect. However, page 29 of Prince  
23 George County Planning Board Resolution No. 17-153(C) for  
24 Detailed Site Plan DSP-04063-04 associated with this TCP2  
25 note that Lot 12 will be developed as a commercial facility

1 in the future.

2           The general note 13 on the cover sheet of the  
3 certified plan for DSP-04063-04 also notes future commercial  
4 retail on Lot 12. TCP2-039-01-03 is for the revision to the  
5 site layout and unit type of residential development on Lot  
6 12. Therefore, there is no intent for Lot 12 to remain a  
7 woodland preservation area. This error in the memorandum  
8 will be corrected before transmitting this memo to the  
9 District Council.

10           Opponents argued the subject property has been  
11 utilized to meet the woodland conservation threshold for  
12 other portions of the overall project, and therefore  
13 clearing is prohibited. Staff found the Environmental  
14 Planning section can provide further explanation, but the  
15 subject property has not been utilized to meet the woodland  
16 conservation threshold for any other development. Even  
17 with the proposed clearing, the overall 343-acre site is  
18 still above the woodland conservation threshold, as  
19 demonstrated on the applicant's woodland conservation  
20 worksheet. Although, the on-site preservation is one method  
21 of meeting the requirements, the applicants has opted in  
22 this case to provide the requirement in an off-site  
23 mitigation bank.

24           Remand issue 2 is about the property description.  
25 Staff agreed there's a minor errors in the property

1 description, which should be corrected with the amended  
2 resolution. Remand issue 3 is about the applicability of  
3 the transitional provision of the Zoning Ordinance. Because  
4 this application was accepted prior to April 1st, 2025, in  
5 accordance with Section 27-1900, sequence of the current  
6 Zoning Ordinance, it may be reviewed under the prior Zoning  
7 Ordinance.

8           Remand issue 4 is about the conformance of the  
9 associated TCP1-052-97-03 to applicable plans. Staff find  
10 this Tree Conservation Plan is in conformance with  
11 Countywide Green Infrastructure Functional Master Plan and  
12 the subsequent area master plan revisions. Opponents argue  
13 that this Tree Conservation does not conform to policies 4.2  
14 and 7.1 of the Green Infrastructure Plan. Staff find that  
15 this Tree Conservation Plan conforms with this policy per  
16 pages 9 and 7 of the staff memorandums.

17           Staff also would like to make a very minor  
18 correction to this memo. The response to the remand  
19 instruction 4 at page 7 references Section 27-542(a)(2) of  
20 the prior Zoning Ordinance, but it should be referred to  
21 Section 25-121(a)(5) of the 2010 Prince George's County  
22 Woodland and Wildlife Habitat Conservation Ordinance.  
23 Regarding issue 5, staff find TCP1-052-97-03 is not subject  
24 to the requirements to provide a justification for clearing  
25 priority for its content in Section 5-1607(c)(3)(i) Natural

1 Resources article of the Maryland Code.

2           Opponents state that this provision took effect on  
3 July 1st, 2024. However, this provision is contained in  
4 section 1 of the House Bill 1511-2024. Per section 10 of  
5 this bill, section 1 takes effect July 1st, 2026. Remand  
6 issue 6 is about compatibility. With additional analysis  
7 and information provided, staff finds that through form and  
8 design standards, the proposed development is compatible  
9 with other off-site, existing, and proposed development in  
10 the vicinity and meet the intended prior Zoning Ordinance.

11           Opponents argue that the proposed multi-family  
12 buildings are incompatible due to height. As discussed in  
13 staff's memorandum, the arrangement of the proposed  
14 buildings' setbacks and the required landscape buffers  
15 rendered the multi-family buildings compatible with  
16 surrounding development. Remand issue 7 is about the  
17 adequacy of transportation facilities. The applicant  
18 submitted a revised traffic impact study dated December  
19 15th, 2025, which includes the analysis of Condition 5 of  
20 the Prince George's County Planning Board Resolution No.  
21 2025-057.

22           Staff find the proposed development meets the  
23 transportation adequacy standards. In so finding, staff  
24 analyzed the traffic impact study according to the 2022  
25 Transportation Review Guidelines, which will apply to a

1 future Certificate of Adequacy for this development.  
2 Opponents argue the Conceptual Site Plan's finding impose a  
3 higher standard. Staff disagreed and interpreted the  
4 transportation adequacy requirement in the Conceptual Site  
5 Plan's findings the same as the findings required at the  
6 time of the preliminary plan of subdivision through the  
7 Certificate of Adequacy. This is due to the references to  
8 the subdivision regulation and preliminary plans in the  
9 findings at issues.

10           Remand issue 8 is about granting a variance for  
11 removal of specimen trees. Staff find no further testimony  
12 is required because the order remand directed the Planning  
13 Board to apply in correct legal standard to the applicant's  
14 variance request. Opponents' attorney raises a series of  
15 arguments about the adequacy of the specimen trees' various  
16 findings. Given specific text of the remand instruction,  
17 staff do not believe these issues to be before the Planning  
18 Boards.

19           Remand issue 9 is about the requirements of the  
20 stormwater Concept Plan in accordance with Section 27-  
21 273(e) (14) of the prior Zoning Ordinance. The unapproved  
22 stormwater Concept Plan, 35682-2023-SDC, was submitted with  
23 this application and was accepted on February 26th, 2024.

24           Move the next slide please. Urban Design staff  
25 recommended the Planning Board approve the Conceptual Site

1 Plan CSP-23002 and issue an amended resolution, which is  
2 Prince George County Planning Board Resolution No. 2025-  
3 057(a). This concludes the presentation. Thank you.

4 MR. CHAIR: Thank you very much. Are there any  
5 questions from the Planning Board? Seeing none, we will now  
6 hear from Mr. Gibbs. Before you arrive, we'd like to swear  
7 you in.

8 UNIDENTIFIED SPEAKER: Everyone intending to speak  
9 on this case, please stand. Do you swear or affirm that you  
10 will tell the truth?

11 MR. GIBBS: I do.

12 MS. VOTAW: I do.

13 UNIDENTIFIED SPEAKER: Attorneys do. Okay.

14 MR. CHAIR: You may begin.

15 MR. GIBBS: Thank you very much, Mr. Chairman,  
16 members of the Planning Board. Edward Gibbs, an attorney  
17 with offices right here in Largo. I am here once again  
18 before you on this case, on remand this time, not --

19 UNIDENTIFIED SPEAKER: Thank you. Thank you.

20 MR. GIBBS: -- remand this time, not as a new  
21 case, coming back to you on specific issues. And I might  
22 add that the record will reflect that when the appeal was  
23 filed to the District Council by the opposition in this  
24 case, I filed a response to that appeal. But at the very  
25 outset of my response, I requested a limited remand because

1 I didn't feel that there was sufficient information relative  
2 to the history of the Tree Conservation Plans. This is its  
3 own application, no question. It is Lot 12 and Outparcel B.

4           However, Signature Club at Manning Village is 343  
5 acres. It spans years of approvals. And so because of  
6 that, when the case went to the District Council, I stood up  
7 when I was called first, and I said, I'm not going to get  
8 into the issues of the case. I'm going to ask for a limited  
9 remand because I think that the tree conservation issue  
10 needs to be more thoroughly vetted and we need to put it to  
11 rest.

12           And that's all I argued before the District  
13 Council. There was no argument on the merits of the case  
14 before the District Council. The District Council simply  
15 said, we're going to remand and we're going to -- and there  
16 were remand requests made by the opposition in their papers.  
17 And so the District Council simply said, we're going to  
18 remand on every issue where remand was requested. And then,  
19 we got this order. So that brings us back here today.

20           I'm likely going to be back up here responding to  
21 issues about community outreach, which we think has been  
22 diligent and very comprehensive. But I'm not going to  
23 anticipate those items. There's criticisms that have been  
24 made in the papers filed by the opposition, which we  
25 vehemently dispute. And I will get into that once it's

1 raised or when I come back. We have with us today Mr. James  
2 Clark, one of the members of the ownership team, Signature  
3 2016 Commercial, LLC. He's with us this morning. I have  
4 our land planner, Mr. Mark Ferguson. I have our civil  
5 engineer, Mr. James Buchheister of VIKA, and our  
6 transportation engineer, Mr. Michael Lenhart of Lenhart  
7 Traffic Consulting.

8           The issues that came back on remand are all set  
9 forth in the order. I agree with staff's analysis that some  
10 of the issues that the opposition brings up before you today  
11 are not responsive to the items that were sent back on  
12 remand, and they shouldn't be considered today. I will say  
13 this; I am going to have each of my witnesses respond to  
14 areas that are within their area of expertise because I  
15 think they can do it far better than I can, simply just  
16 trying to summarize what their reports are. So I'm going to  
17 have them each speak.

18           There are a couple of things, however, that I want  
19 to say. I do want to say that the allegation that we  
20 couldn't file this case because of the provisions of Section  
21 27-1704 of the transitional provisions in the new Zoning  
22 Ordinance are simply unfounded because Section 27-1900  
23 through 1907 of the new ordinance expressly conferred the  
24 right between April 1 of 2022 and April 1 of 2025, to file  
25 any case that you wanted using the prior Zoning Ordinance.

1 And what we did here is we came in -- the prior approval was  
2 for 157,500 square feet of commercial retail space to be  
3 built on Lot 12.

4           Outparcel B came into ownership because it was  
5 part of another parcel called Parcel 25. Parcel 25 needed  
6 to be added to the Signature Club development in order to  
7 provide access out to Manning Road. You couldn't get access  
8 onto Maryland 210 Indian Head Highway. Obviously, it's an  
9 expressway. You also couldn't get access directly onto  
10 Berry Road. It is an arterial roadway, so you had to come  
11 out another way. The property owners before us purchased  
12 Parcel 25 because it had frontage on Manning Road; that was  
13 used as the access to get out. One part of it became  
14 Outparcel A and B, another part became Outparcel B, and this  
15 is the part that my clients acquired.

16           So what we determined to do was to utilize the  
17 provisions of -- the transitional provisions of the prior  
18 Zoning Ordinance, and we filed a new Conceptual Site Plan  
19 within the three-year period. And therefore, we were  
20 entitled to do that. There was nothing legally erroneous  
21 about that whatsoever. So the assignment of error is simply  
22 without merit. We also talked about compatibility and let  
23 me just get to that. One of the issues on the remand was to  
24 discuss the issue of compatibility.

25           When we had filed the original application, we

1 asked for approval in this Conceptual Site Plan of up to 300  
2 multi-family residential units and 12,000 square feet --  
3 12,600 square feet of commercial retail space. Now, bear in  
4 mind, under the new ordinance, the property is zoned RMF-48.  
5 That zoning classification stands for residential  
6 multifamily at 48 units to the acre. That's the residential  
7 that you can do in that zone. That is a -- that is assigned  
8 to this property today under the new ordinance. We were  
9 going under the prior ordinance using the M-X-T Zone because  
10 that is how the balance of Signature Club had been develop  
11 and we wanted to stay with consistency.

12           When we went through the process, we heard a lot  
13 of complaints about multi-family. Questions like, are there  
14 any other multi-family in Accokeek? No. That's right.  
15 That's how it should stay. We don't want that. There were  
16 concerns about traffic associated with multi-family,  
17 notwithstanding the fact that, bear in mind, in the CMA, the  
18 District Council assigned the RMF-48 zone that only allows  
19 multi-family. But be that as it may, we listened.

20           And so when the case was remanded and when we  
21 thought it over, I recommended to my clients, why don't we  
22 cut back? Why don't you amend your application to request  
23 no more than 180 residential townhomes be simple use -- less  
24 density, less traffic, less environmental impact. We did  
25 that in an effort to be considerate of the concerns that

1 were raised at a substantial density reduction and overall  
2 economic vitality of the project for my client. And it was  
3 for that reason that we filed revised plans. We filed a  
4 request to formally amend the application to request  
5 residential townhomes.

6           Now, staff does not want to review that on the  
7 remand. I understand their rationale. However, I have  
8 scoured the Zoning Ordinance. I cannot find in the Zoning  
9 Ordinance one provision that says we cannot do this.  
10 There's nothing that says you cannot do it, especially when  
11 you're doing it to address an issue of compatibility, which  
12 we were charged with looking at in the remand. And  
13 remand -- it doesn't have to be a remand de novo for things  
14 to change. The whole point of remand is they want you to  
15 look at some additional things, clarify some other things,  
16 so forth, and so on.

17           We think that the request to amend the application  
18 to request townhomes, as opposed to multi-family units, is  
19 permitted. We appreciate and respect staff's position that,  
20 well, that wasn't on the remand, but there were a lot of  
21 things that were noted in the remand that could have  
22 resulted in changes, and it doesn't mean that you can't do  
23 it. So we think because it's an ameliorative effort on our  
24 part, an outreach effort to try and do less density and try  
25 to be responsive to comments that were raised -- to

1 objections that were raised. We think that's a permitted  
2 change to the plan. It's not increasing intensity and  
3 density; it's reducing it.

4           So that's just our position on it. I understand  
5 what the staff's position is and what their recommendation  
6 is, but we think it can be considered. If the Board chooses  
7 not to, then we think the original approval could stand, but  
8 that's not what we're looking for. We're looking for a  
9 reduction. Thank you.

10           MR. VICE-CHAIR: Mr. Gibbs, I just wanted -- for  
11 clarity. So what you're saying is, is that the plan that we  
12 approved previously was for multi-family, and what you've  
13 done now is submitted a revision for purposes of taking into  
14 account the views of the community. So to take out the  
15 multi-family and replace it by townhomes.

16           MR. GIBBS: Yes, sir. That's exactly it. And  
17 again, one of the nine issues says, look at compatibility.  
18 And we heard comments during the first time around that  
19 multi-family was not viewed by the residents in the area as  
20 being compatible. Now, personally --it's permitted in the  
21 M-X-T Zone. I've done M-X-T projects where we have multi-  
22 family, single-family detached, and townhomes all in the  
23 same project. Certainly, multi-family can be compatible.  
24 It can be. You can make it compatible through design, so  
25 forth, and so on. But we decided and determined that we

1 would basically cut back the project for that reason because  
2 it does fall under the issue of compatibility.

3           Sorry?

4           UNIDENTIFIED SPEAKER: Okay. (Indiscernible), for  
5 the record. Just to put a little bit more meat on staff's  
6 position since Commissioner Geraldo was asking about it.

7           MR. GIBBS: I'm truly not criticizing.

8           UNIDENTIFIED SPEAKER: No, just kind of the  
9 clarifying --

10          MR. GIBBS: (Indiscernible).

11          UNIDENTIFIED SPEAKER: -- an approach is when  
12 staff approached this remand, they look at it as a remand of  
13 what you previously approved --

14          MR. GIBBS: Uh-huh.

15          UNIDENTIFIED SPEAKER: -- critiquing the decision  
16 to approve multi-family. Townhouses is an entirely  
17 different project from what was previously approved. So  
18 what we're looking at today is that prior approval for  
19 multi-family and whether that was correctly done. So we're  
20 not considering the townhouse. That is the reason that  
21 staff and legal believe that the townhouse proposal is not  
22 before the board at this time.

23          MR. VICE-CHAIR: Okay. Thank you.

24          MR. GIBBS: And I truly respect that comment. I  
25 would object it is before the Board because I filed it and

1 we filed an amendment. And I just think that if you're  
2 on -- if you're on remand and one of the issues is  
3 compatibility, and it's been raised as a compatibility  
4 issue -- and we're actually reducing the development. We're  
5 cutting it back. It's worthy of consideration. That's all  
6 I'm going to say.

7 I recognize and respect the position that was just  
8 articulated by your counsel, but I also have had  
9 conversations with counsel for the Planning Board, and I  
10 have been told that no one has any objection to me taking  
11 the position that I've taken and making the comments that  
12 I've made because I do believe it's a compatibility issue.  
13 But I also believe that the multi-family as originally  
14 proposed can be compatible as well. I'm just saying that we  
15 will do the townhouses if it gets approved. So that's it on  
16 the compatibility.

17 And let me just say that the staff report I find  
18 to be thorough and in general, very well-reasoned on  
19 basically all of the issues. And my witnesses have prepared  
20 reports that we have put into the record which augment those  
21 issues on remand and in particular on compatibility. And so  
22 I am going to have Mr. Mark Ferguson come up here and talk a  
23 little bit about the compatibility issue as well. He  
24 covered it in the report, but he summarize it.

25 The other big issue was the transportation

1 adequacy. So this case has a pretty good history. And so  
2 we filed an original transportation impact study that was  
3 back in November of 2023, and we filed a revision in May of  
4 2025. And then, more recently in December of 2025, we filed  
5 yet another revision. So when the original transportation  
6 study was prepared, it was vetted with staff. A scoping  
7 agreement was arrived at. There were a number of  
8 intersections that we were charged with looking at. And we  
9 looked at the way they function today.

10 We built in a growth factor over a period -- I  
11 think it was six years. We looked at approved but unbuilt  
12 developments, and then we put in all the traffic that would  
13 be generated by this project. And make no mistake about it.  
14 There's a lot of traffic on Maryland 210. I've traveled it  
15 for many, many years, and so I understand concerns that are  
16 articulated, but we followed the letter of the law. And  
17 after all of that analysis, one intersection -- that's the  
18 Indian Head Highway, 373 intersection -- at a failing time  
19 in the p.m. peak hour -- the p.m. peak hour.

20 So what we did is we went and we looked at  
21 mitigation. Mitigation is permitted. People can say what  
22 they want, but it is expressly permitted. And we went  
23 through and identified in the December report certain  
24 mitigation improvements. And when you use mitigation, you  
25 have to mitigate 150 percent of the trips you generate --

1 150 percent. The improvements identified by Mr. Lenhart in  
2 his report mitigates 300 percent of the impact of our  
3 project -- 300 percent.

4           And so when you read the letter put in by the  
5 traffic engineer on behalf of the opposition, he says, well,  
6 wait a second. They're proposing to reduce their units and  
7 so the cross-pollination between the retail and the  
8 residential here is not going to be as great and so you're  
9 not going to get that trip reduction. Well, when you're  
10 mitigating 300 percent of your trips, that's a meaningless  
11 comment. It is truly a meaningless comment. And Mr.  
12 Lenhart will address that when he gets up here to speak as  
13 well.

14           So I think I'm personally going to stop at this  
15 point because I have witnesses who I want to bring up, and  
16 I'll be happy to answer any questions before I do that, sir.

17           MR. CHAIR: Are there any questions for Mr. Gibbs?

18           MR. VICE-CHAIR: None at this time.

19           MR. CHAIR: None.

20           MR. GIBBS: Thank you. I'd like to bring up --  
21 I'd like to bring up Mr. Ferguson, so.

22           MR. FERGUSON: Good morning, Mr. Chairman,  
23 Commissioners, Mark Ferguson with the RDA/Site Design  
24 offices in historic downtown Upper Marlboro. Let me  
25 actually ask a clarifying question of Mr. Gibbs.

1           Did you want me to limit my comments at this time  
2 only to the compatibility issue, or did you want me to speak  
3 to the priority forest question? Or --

4           MR. GIBBS: I think you should address the issues  
5 in your report.

6           MR. FERGUSON: Yeah.

7           MR. GIBBS: In order to get it up to the Board as  
8 possible, and limit (indiscernible).

9           MR. FERGUSON: Okay. Thank you. So I did prepare  
10 a report which was submitted to address items 4, 5, and 6 of  
11 the remand order. Item 4 was the first, which was  
12 whether -- the first item that I covered in my report was  
13 whether the TCP2, as amended, conforms with the Green  
14 Infrastructure Plan and subsequent area master plans. And I  
15 think, certainly, I agree with staff's report.

16           What I would expand on, and I do think it's  
17 important, is that the goal of the Green Infrastructure Plan  
18 is to support at least one goal -- and it starts, support  
19 "the desired development pattern of Plan 2035" by preserving  
20 resources and increasing connectivity of built and natural  
21 green spaces and all of those other things. So all of the  
22 policy items that the staff did review in their report do  
23 need to be seen as implementing the goal of the plan, which  
24 is to implement the desired development pattern of the  
25 larger General Plan, and in fact, the master plan.

1           And the planning for this property, since the  
2 adoption of this plan in 1993, when I'm old enough to have  
3 been practicing back then, has been for the mixed-use  
4 development of the property in the way that it's been  
5 described: low density in the R-A Zone portion on the south  
6 side of Berry Road; higher residential density on the R-R  
7 portion south of Berry Road; the shopping center that's  
8 there now, that's now in the CGO Zone; the M-X-T development  
9 on the north side; both of the existing portions of  
10 Signature Club; and the last remaining parcel of that piece,  
11 which has been comprehensively planned since 1993, when the  
12 zoning was put in place.

13           The General Plan's generalized future land use for  
14 this property -- mixed-use. That's the highest density that  
15 is provided for in the General Plan's land use categories.  
16 The Master Plan recommends mixed-use development for this  
17 property, and this is the 2013 master plan. Not just the  
18 one that's from 30 years ago. It's interesting to note that  
19 the subject property and the area you can see on the  
20 screen -- that's now dirt, but is going to be developing --  
21 those portions the Master Plan recommends for mixed use.

22           Actually, the existing Signature Club, the  
23 existing townhouses to the rest, don't even have that mixed-  
24 use, land use recommendation. So it really is this site  
25 which is now and has been for a long time planned for the

1 intense kind of development that's being proposed, and all  
2 of the policies of the Green Infrastructure Plan are in  
3 place to implement that overall land development.

4           What I will move on to -- on the second part of my  
5 report was the fifth remand items, which was whether or not  
6 TCP2-052-97 [sic] proposes to remove priority retention  
7 areas, and if so, provide written findings and justification  
8 for such removal as required in natural resources article,  
9 et cetera, et cetera. I actually disagree with staff and  
10 agree with the opposition that that provision of the state's  
11 law is enforced today. That specific portion was made to be  
12 enforce as of July 1, 2024, pursuant to HB1511.

13           However, that same bill provided that the  
14 provisions of this plan -- of this bill and this state law  
15 don't apply to plans that were approved before 2024. What  
16 we have before us is a minor amendment to a plan that was  
17 approved first in 1997, which is almost 30 years ago.  
18 Again, a continuation of consistent planning process that  
19 has been going on for 30 years, and this site represents the  
20 last part of it. The CSP may have a limited area for  
21 technical reasons, but the TCP does not. The TCP continues  
22 to cover all of those 343 acres. And the conformance of  
23 that TCP to all of the goals in the Green Infrastructure  
24 Plan and in the Master Plan have to be viewed in the context  
25 of its totality, not just a little corner of it.

1           And to that end, even were the provisions of  
2 HB1511, Section 5-1607, the Natural Resources article  
3 applicable to this Tree Conservation Plans -- which they  
4 aren't because of its age -- priority forests in that  
5 area -- the priority forest in that legislation is described  
6 as, "The largest undeveloped tract of land within and  
7 adjacent to the site." In the context of that overall TCP,  
8 the largest undeveloped tract of land is the Mattawoman  
9 Creek Stream Valley, which is and continues to be protected  
10 by this plan.

11           One of the things that staff also does not mention  
12 regarding priority preservation areas is that the county's  
13 Woodland Wildlife Preservation Ordinance [sic] also contains  
14 priority preservation areas, and as a priority area -- but  
15 they're defined differently, and that is "Contiguous wooded  
16 areas with high structural and species diversity, few  
17 nonnative and invasive species present, very good overall  
18 stand health, and high potential to provide a significant  
19 amount of habitat for forest-interior dwelling plant,  
20 animal, and bird species."

21           Now, staff already did discuss in their findings  
22 that the little bit of forest in the context of the 343-acre  
23 Tree Conservation Plan is actually fragmented because of  
24 Berry Road and Manning Road and the stormwater management  
25 pond, which has already been put in for a portion of the

1 development and the access roads, and so it doesn't support  
2 separate species and doesn't meet that contiguous forest  
3 standard in the county's ordinance. So I state those things  
4 to supplement the staff's findings.

5           The final issue I cover in my report is item 6 of  
6 the remand regarding compatibility. And I actually think  
7 the staff did a very comprehensive job in their discussion  
8 on that. They are absolutely correct. The issues of  
9 compatibility have to be viewed in terms of separation, in  
10 terms of building height. There are other things that  
11 further speak to it.

12           This is a residential use, whether it's multi-  
13 family or whether it's townhouses. The M-X-T Zone also  
14 admits of much more intense uses, like the commercial  
15 development, for instance, which is proposed on the subject  
16 property, but in a way that's removed and buffered from the  
17 surrounding development by the proposed residential  
18 development.

19           So you already have a step down of intensity of  
20 use from Berry Road back to the -- back to the surrounding  
21 neighborhoods. And that amplifies, I think, what staff  
22 already has given you in their report. So I think that's --  
23 things that I've given you that I think bear bringing up.

24           And Mr. Gibbs, do you have anything else you'd  
25 like me to cover?

1 MR. GIBBS: No. No.

2 MR. FERGUSON: Okay. Thank you.

3 MR. CHAIR: Are there any questions?

4 MR. VICE-CHAIR: I have none.

5 MR. GIBBS: Thank you. I'd like to have, briefly,  
6 our civil engineer from VIKA come up and say a few comments  
7 about --

8 UNIDENTIFIED SPEAKER: Ms. Votaw is standing up  
9 behind you, raising your hand.

10 MS. VOTAW: I don't want to shout; I know it's not  
11 appropriate. Should I come up to (indiscernible)?

12 UNIDENTIFIED SPEAKER: Just let her talk.

13 UNIDENTIFIED SPEAKER: She wants -- she is  
14 frightened about that.

15 MR. CHAIR: All right. Come on up.

16 MS. VOTAW: Thank you. For the record, Alex Votaw  
17 from The Law Office of G. Macy Nelson for citizen  
18 protestants [sic] in this case. I did want to cross-  
19 examine, but I don't want to be intimidating and be right  
20 next to the witness. Could I get some guidance on the best  
21 way to do this so I'm not right on top of the witness, and  
22 we both have access to --

23 MR. CHAIR: I understand.

24 MR. FERGUSON: I'm certainly not intimidated.

25 MS. VOTAW: Okay.

1 MR. FERGUSON: So what it's --

2 MS. VOTAW: Okay.

3 MR. GIBBS: Go ahead and proceed.

4 MS. VOTAW: I know sometimes that's frowned upon,  
5 so I just wanted to make sure. So I recall on your  
6 testimony you stating that this property has always been  
7 designated for mixed-use development; is that correct?

8 MR. FERGUSON: Well, certainly since the adoption  
9 of the 1993 Master Plan Sectional Map Amendment. The caveat  
10 to that is that the slice of the property -- the triangular  
11 slice of the property that is in the past been known as the  
12 Vincent Property that Mr. Gibbs talked about that was  
13 acquired to provide access -- that was added to the  
14 assemblage subsequently and was granted M-X-T Zoning in  
15 2006, as the result of an application rather -- an  
16 individual application rather than the comprehensive  
17 process.

18 MS. VOTAW: And during that entire time, the  
19 Forest Conservation Act requirements have been in place; is  
20 that correct?

21 MR. FERGUSON: Which Forest Conservation Act are  
22 you referring to?

23 MS. VOTAW: Whichever one applies in this case.

24 MR. FERGUSON: In my opinion -- and I believe, Mr.  
25 Huang, you read from a resolution earlier regarding the

1 future development --

2 MR. HUANG: Yeah.

3 MR. FERGUSON: -- of the CSP. Did that resolution  
4 not contain a statement that the standards applicable to the  
5 TCP were the 1992 standards?

6 MR. BURKE: Sorry. Tom Burke with the  
7 Environmental Planning Section, Countywide Planning  
8 Division. I'm sorry. Can you repeat the question?

9 MR. FERGUSON: I believe that resolution -- Mr.  
10 Gibbs, do you have a copy that -- we had discussed a  
11 resolution -- Mr. Gibbs and I had discussed a resolution  
12 from one of the prior Signature Club cases that there had  
13 been a finding of the planning board that the prior plans  
14 had been reviewed under the 1992 ordinance; is that correct?

15 MR. BURKE: Let me check on that information for  
16 you. Sorry.

17 MR. FERGUSON: No. Thank you, appreciate that.  
18 And that is my belief that the 1992 standards are the ones  
19 that would apply to the subject property -- to the subject.  
20 Tree Conservation Plans. Mr. Gibbs has handed me a copy of  
21 Resolution 17-153, and reading from page 27, "The finding is  
22 regarding Prince George's County Woodland Conservation and  
23 Tree Preservation Ordinance. The project is grandfathered  
24 with respect to the environmental regulations contained in  
25 Subtitles 24, 25, and 27 that came into effect September 1,

1 2010. Because this is a revision to a previous Detailed  
2 Site Plan approval, DSP-04063-03, that was approved prior to  
3 this date.

4 The current approval request does not affect the  
5 grandfathering status of the project. A Type 2 Tree  
6 Conservation Plan", et cetera, et cetera "was submitted for  
7 review." So based on that, it is, and my own analysis.  
8 Thank you. It is my opinion that the 1992 regulations are  
9 applicable, and --

10 UNIDENTIFIED SPEAKER: Yes.

11 MS. VOTAW: I think I'm being instructed to hand  
12 you this microphone to use.

13 MR. FERGUSON: Thank you.

14 MS. VOTAW: All right. I perhaps made this more  
15 complicated. The point I was trying to make is at every  
16 time during the course of this development there were forest  
17 conservation regulations that required the preservation or  
18 conservation of a certain amount of woodland on-site or  
19 through mitigation; is that correct?

20 MR. FERGUSON: That is correct.

21 MS. VOTAW: So it's not the case, is it, that all  
22 prior General Plans or zoning regulations contemplated that  
23 the applicant must remove every single piece of woodland on  
24 this site; is that correct?

25 MR. FERGUSON: I'm sorry. Could you restate

1 that --

2 MS. VOTAW: Yeah.

3 MR. FERGUSON: -- (indiscernible) circles.

4 MS. VOTAW: Yeah. So the Zoning Ordinance  
5 previously that -- the M-X-T Zone. I'll start with that.

6 MR. FERGUSON: Yes.

7 MS. VOTAW: Did that require the applicant to  
8 remove all of the woodland on site?

9 MR. FERGUSON: The Zoning Ordinance did not, no.

10 MS. VOTAW: Did the Forest Conservation Act  
11 require that?

12 MR. FERGUSON: Did not.

13 MS. VOTAW: Does the General Plan require that?

14 MR. FERGUSON: That does not.

15 MS. VOTAW: So in every circumstance, the General  
16 Plan, the Zoning Ordinance, the Forest Conservation Act --  
17 there is an idea that there would be a balance between  
18 development and forest conservation; is that correct?

19 MR. FERGUSON: I would not necessarily draw that  
20 conclusion. I mean, certainly each of those ordinances'  
21 plans stand on their own.

22 MS. VOTAW: So when you say, for example, that  
23 mixed-use development is the highest density allowed, again,  
24 there's no requirement that a mixed-use development has to  
25 remove all of the woodland on site; is that correct?

1 MR. FERGUSON: That is correct.

2 MS. VOTAW: Okay. That's what I thought. I just  
3 wanted to make sure that was clear. That's not required for  
4 a mixed-use development. The other question I wanted to  
5 touch on is regarding the compatibility. So I just want to  
6 make sure I'm clear. The height of a given structure --  
7 that impacts whether it's compatible; is that correct?

8 MR. FERGUSON: It is one component of  
9 compatibility.

10 MS. VOTAW: And are you able to identify any  
11 property in the vicinity of the subject property that has a  
12 four-story development on it?

13 MR. FERGUSON: In the more limited area that I  
14 described as the vicinity of the property, no.

15 MS. VOTAW: Okay. So there are no properties in  
16 the vicinity that you looked at, for example, in your  
17 testimony, that have four stories, that's correct?

18 MR. FERGUSON: That is correct.

19 MS. VOTAW: So in other words, a four-story  
20 development of any nature, whether that's multi-family,  
21 whether that's townhouses, whatever the structure is, is not  
22 compatible with the less than four-story developments in the  
23 area.

24 MR. FERGUSON: I do not agree with that statement  
25 though.

1 MS. VOTAW: I'm sure, but that's a point I think  
2 is important for the Board to consider. The last question I  
3 want to ask is about the previous --

4 UNIDENTIFIED SPEAKER: Ms. Votaw?

5 MS. VOTAW: Yes.

6 UNIDENTIFIED SPEAKER: So no statements --

7 MS. VOTAW: Understood.

8 UNIDENTIFIED SPEAKER: -- only questions.

9 MS. VOTAW: I --

10 UNIDENTIFIED SPEAKER: That previous four-story  
11 comment seemed more of a statement than --

12 MS. VOTAW: Got it. Understood. I'll bring it  
13 back up when I get back up here.

14 The last question I had is about the prior Tree  
15 Conservation Plans. It's true, is it not, that the Tree  
16 Conservation Plan for Manning Village, I believe the number  
17 is TCP -- let me see if I can find the number on here. I  
18 have it cited, and I just want to be precise. The Board  
19 would indulge me for one moment. So TCP2-039-01-03 -- I  
20 believe that was approved around 2017 -- part of the forest  
21 conservation calculations for that property, which again is  
22 the Manning Village development, contemplated satisfying the  
23 tree conservation requirements through the preservation of  
24 woodland on Lot 12; is that correct?

25 MR. FERGUSON: That is correct. And the TCP

1 you're referring to would be Signature Club at Manning  
2 Village.

3 MS. VOTAW: Okay. Great. Sorry. I apologize for  
4 that mistake. So again, when the previous development that  
5 included Lot 12 was determining how much preservation or  
6 conservation they had to provide, part of that calculation  
7 included the preservation of woodland on Lot 12; is that  
8 correct?

9 MR. FERGUSON: I would say the correct way to  
10 state that is that at the time of that TCP2, which is not  
11 before the Board, part of the conservation requirement for  
12 their development -- which was Signature Club West -- was  
13 satisfied by the designation of tree preservation area on  
14 Lot 12.

15 MS. VOTAW: And do you know if the developer at  
16 that time for the Manning Village development had clear cut  
17 Lot 12, as is being proposed in your development, would the  
18 developer in that case -- had to be required to provide more  
19 woodland conservation than they were previously required to  
20 provide?

21 MR. FERGUSON: The short answer is, yes. The long  
22 answer is more complicated because we have TCP1s and TCP2s  
23 that you're kind of mixing and matching. The overall TCP1,  
24 which has always contemplated clearing of Lot 12 had always  
25 ultimately provided that preservation would be provided for

1 that clearing. The TCP2, which again is not before the  
2 Board, did satisfy some of its requirement at that time by  
3 preservation on Lot 12.

4           What is being proposed is to complete the  
5 implementation of the TCP1, which had proposed future  
6 development, and in doing so we'll need to provide all of --  
7 we'll need to clean up, in other words, all of the remaining  
8 conservation requirement for everything within the whole of  
9 TCP1-52-97 whatever that may be. This is the last bit. So  
10 if there was something that got missed before it has to be  
11 met at the end. If there's clearing associated with the  
12 subsequent TCP2 for the development of Lot 12 and Outlot B,  
13 it will have to be met.

14           MS. VOTAW: And I just want to be clear. The  
15 calculation sheet for the Manning Village development that  
16 lays out the amount of woodland subject to that TCP; is that  
17 correct?

18           MR. FERGUSON: It lays out woodland for a part of  
19 the entire TCP1 area. So looking at the TCP2 for a portion  
20 of the entire development covered by TCP1 is number one, not  
21 before the board, and number two, a little bit misleading in  
22 looking at a TCP1, which is being submitted.

23           MS. VOTAW: With all due respect, is this Board's  
24 job to ensure that the Forest Conservation Act is being  
25 properly --

1 MR. GIBBS: Objection.

2 MS. VOTAW: -- enforced and applied, correct?

3 MR. GIBBS: Objection. Mr. Chairman, it's been  
4 continual testimony being provided here by counsel when  
5 she's supposed to be --

6 MS. VOTAW: I asked a question.

7 MR. CHAIR: I agree. Stick with the question.

8 MS. VOTAW: I'm sorry. I thought that was a  
9 question, but I'll rephrase. Yeah, I'm just going to wait  
10 until I get to my argument. I think we've established what  
11 I need to establish with this witness. Thank you for your  
12 indulgence Board members.

13 MR. FERGUSON: I have some redirect as a result of  
14 that.

15 Mr. Ferguson, questions, or testimony by counsel  
16 led you to make some comments relative to the TCP associated  
17 with the development of the 313 units at Signature Club  
18 West. And is this in fact a copy of the detailed site plan  
19 resolution that approved that project?

20 MR. FERGUSON: It is.

21 MR. GIBBS: And I would direct your attention to  
22 the conditions attached to that approval and specifically  
23 direct your attention to Condition 1(J) (phonetic sp.), and  
24 read that to the Board, please.

25 MR. FERGUSON: That has to do with 65 DBA

1 (phonetic sp.) line. I think you mean 1(K) (phonetic sp.),  
2 revise the TCP2 as follows.

3 UNIDENTIFIED SPEAKER: No, actually it's --

4 UNIDENTIFIED SPEAKER 2: I.

5 UNIDENTIFIED SPEAKER: 1(I).

6 MR. GIBBS: I.

7 UNIDENTIFIED SPEAKER 2: I.

8 MR. GIBBS: Yes, I.

9 MR. FERGUSON: "The applicant shall indicate a  
10 note on the cover sheet of the landscape plans indicating  
11 that Lot 12 is Phase 2 of the subject" -- "of the subject  
12 project for future commercial development."

13 MR. GIBBS: Okay. And that lot that's being  
14 referred to for commercial development, do you know if  
15 whether or not that is the subject property here?

16 MR. FERGUSON: It is a portion of the subject  
17 property. Yes.

18 MR. GIBBS: So in your experience, this resolution  
19 be controlling over what is --

20 MR. FERGUSON: I think what is again very clear is  
21 that the Detailed Site Plan, which indicated an intended  
22 future development on the subject property, was reviewed in  
23 conjunction with the same Tree Conservation Plan that  
24 opposing counsel was cross-examining about -- that does show  
25 tree preservation on the subject property. So it was

1 understood at the time of that detailed site plan approval  
2 for Signature Club West that yes, there would be tree  
3 conservation on Lot 12, and that Lot 12 would be developed  
4 in the future.

5 MR. GIBBS: Would that lead you to believe it was  
6 a placeholder?

7 MR. FERGUSON: Yes, it would.

8 MR. GIBBS: Thank you very much.

9 UNIDENTIFIED SPEAKER: Oh, yes. Sorry.

10 MR. GIBBS: Yes. Mr. Chairman, I'd like to ask  
11 our civil engineer to come up briefly and give us some  
12 comments relative to plan approvals.

13 MR. BUCHHEISTER: Good morning, Chairman,  
14 Commissioners. My name is James Buchheister. I work with  
15 VIKA Maryland, located at 4041 Powder Mill Road in  
16 Beltsville, Maryland. VIKA is the record civil engineer for  
17 this project. We also offer the Forest Conservation Plan  
18 preparation services. I am a landscape architect qualified  
19 to prepare landscape plans. I'm up here to basically talk  
20 to remand item number 1, regarding the history of the TCP2  
21 and the various things that have been presented by staff and  
22 Mr. Gibbs and Mr. Ferguson.

23 Effectively, I do agree with staff's very  
24 comprehensive and diligent summary of the TCP history, both  
25 1 and 2. I make note of my letter that was submitted

1 previously that the various findings and the staff report  
2 are correct. I agree with them, and I've been working with  
3 Environmental Planning staff very closely over the last few  
4 weeks, especially and up until this morning trying to figure  
5 it out. And I say that because it's not that we're not able  
6 to. It's that the 30-year history of this development, as  
7 was mentioned by Mr. Ferguson -- there's a lot of plans,  
8 there's a lot of nuance, there's a lot of things that aren't  
9 known due to changing personnel, et cetera.

10 We do the best we can with the plans that are  
11 available. We do the best we can with receipts and  
12 validation of woodland conservation off-site credits that  
13 have been purchased. And so what I do -- what I will  
14 summarize in saying, is that we've worked through the  
15 various worksheets, both individually on each TCP2 -- again,  
16 Mr. Ferguson has represented those TCP2s -- are the  
17 mechanisms by which the TCP1 gets implemented overall for  
18 the 300-and-some acre development.

19 So I believe that -- I mean, we concur with  
20 staff's latest phase worksheet that shows the history of the  
21 plan, and we concur with those numbers.

22 UNIDENTIFIED SPEAKER: Thank you.

23 MR. BUCHHEISTER: That's effectively it.

24 MS. VOTAW: Okay. Again, for the record, Alex  
25 Votaw, from law office of G. Macy Nelson. Again, I just

1 want to be clear on the numbers. So the prior TCP2 that  
2 we've been describing, it's true, is it not -- that the  
3 applicant was not required to provide as much off-site  
4 conservation credits because they preserved woodland on Lot  
5 12; is that correct?

6 MR. BUCHHEISTER: That is correct, with the  
7 understanding that it was a placeholder and that each TCP2  
8 implements the underlying TCP1. And that had been the  
9 history of the project, where preservation has been done  
10 temporarily and then changed as the overall development was  
11 built out.

12 MS. VOTAW: So at what point was sufficient off-  
13 site woodland credits purchased to make up for the  
14 clearcutting of Lot 12?

15 MR. BUCHHEISTER: So Lot 12 is not being clearcut.  
16 The forthcoming TCP2 associated with the development for  
17 this lot will account for the Forest Conservation  
18 preservation provided by the temporary nature of this  
19 particular site.

20 MS. VOTAW: I just want to turn back to the prior  
21 TCP2. Did you have a chance to look at that TCP2?

22 MR. BUCHHEISTER: Very closely.

23 MS. VOTAW: Okay. And you reviewed the Tree  
24 Conservation table; is that correct? On the front of it?

25 MR. BUCHHEISTER: Correct.

1 MS. VOTAW: And that table states, does it not,  
2 that there is a woodland conservation threshold of 9.65  
3 acres; is that correct? It's not a memory test.

4 MR. BUCHHEISTER: Yeah, that sounds correct.

5 MS. VOTAW: Okay. And because the applicant in  
6 that case preserved the woodland on-site on Lot 12, they  
7 were able to provide woodland conservation credits at a  
8 ratio of .25 to 1; is that correct?

9 MR. BUCHHEISTER: That is correct.

10 MS. VOTAW: Because it was above the woodland  
11 conservation threshold. If they had clearcut or removed the  
12 woodland on Lot 12, they would have been below the woodland  
13 conservation threshold of preserving nine acres; is that  
14 correct?

15 MR. BUCHHEISTER: That would be correct if it were  
16 a standalone TCP2 and that was the framework for the TCP1,  
17 but we look at the threshold established by the overall  
18 TCP1. So the TCP2 would reflect that the clearing that's  
19 being done on this particular site -- it would be adjusted  
20 to account for the overall woodland conservation for the  
21 TCP1, for the entire 300-some acres.

22 MS. VOTAW: Okay. So where on the TCP2 does it  
23 state that?

24 MR. BUCHHEISTER: It doesn't as far as I know.

25 MS. VOTAW: Okay. And where in the Forest

1 Conservation Act ordinance does it state that you can do  
2 that?

3 MR. BUCHHEISTER: I don't recall that the Forest  
4 Conservation Act specifically says that.

5 MS. VOTAW: Okay.

6 MR. BUCHHEISTER: It's a matter of practice that  
7 was done through the Park and Planning Environmental section  
8 over the last 30 years.

9 MS. VOTAW: Okay. Got it. And again, if the  
10 applicant and the Manning Village application had removed  
11 the woodland on Lot 12 so that they were below the woodland  
12 conservation threshold, would they not have been required to  
13 replace the woodland below the threshold at a ratio of two  
14 to one?

15 MR. BUCHHEISTER: Under normal circumstances, yes.

16 MS. VOTAW: Thank you.

17 UNIDENTIFIED SPEAKER: Thank you.

18 MR. GIBBS: Mr. Buchheister, to the last question  
19 asked by counsel -- I'd like to present to you a copy of  
20 Section 25-119 of the County Code, Subtitle 25.

21 MR. BUCHHEISTER: Um-hum.

22 MR. GIBBS: And I would direct your attention to  
23 Section 25-119(c)(4), small i, small bb, and is it not  
24 correct that that envisions and allows that reduction?

25 MR. BUCHHEISTER: Yes, that is correct.

1           MR. GIBBS: Thank you. Thank you very much. We  
2 will call Mr. Michael Lenhart real quick (indiscernible).

3           MR. VICE-CHAIR: Just for purposes of the  
4 residents, can you explain what the placeholder means?  
5 Because we may know, but it may not be that residents  
6 understand.

7           MR. BUCHHEISTER: Sure, absolutely. What I mean  
8 by placeholder is that it was temporary in nature to satisfy  
9 the requirements at that time, effectively delaying the  
10 ultimate resolution of the TCP1 to be mostly woodland off-  
11 site credits on top of preservation of the forest and the  
12 Mattawoman Stream area.

13           MR. VICE-CHAIR: Okay. Thank you.

14           MR. GIBBS: Yes. Mr. Lenhart, for some brief  
15 testimony.

16           MR. CHAIR: Yep.

17           Mr. Lenhart?

18           MR. LENHART: (Indiscernible) for the record  
19 again, Michael Lenhart with Lenhart Traffic Consulting.  
20 I'll be brief. Just like to point out, I think that the  
21 opposition is going to state that the intersections are not  
22 all adequate. The Subdivision Regulations and the  
23 Transportation Review Guidelines specifically, expressly  
24 allow mitigation as a means of achieving adequacy. And I'd  
25 like to quote Section 24-4505(b)(3) that states that,

1 "Transportation (indiscernible) existing revenue source to  
2 alleviate any inadequacy in the adopted level of service  
3 standard within the Transportation Impact Area." This  
4 applicant has proposed improvements that will alleviate the  
5 requirement in the guidelines, and the subdivision  
6 regulations is a mitigation of 150 percent. This  
7 improvement will mitigate over 300 percent.

8           Page 21 of the technical staff report and the  
9 backup materials quotes that, "The mitigation results in  
10 meeting the requirements of mitigating a minimum of 150  
11 percent of the development site impact for the 2022  
12 Transportation Review Guidelines and therefore meets the  
13 adequacy requirement." End quote. Staff in their  
14 presentation today emphasized the fact that they agree that  
15 mitigation is provided and that adequacy is met. I would  
16 like to also emphasize that while this CSP is proposing to  
17 replace 300 multi-family units with 180 townhomes, the  
18 traffic study that we submitted for the record for this  
19 remand was based on 300 units.

20           We also included an appendix for the 180-townhouse  
21 reduction. That was not the basis of the study. Staff  
22 advised us they would like to make their findings based on  
23 the original application, which was 300 multi-family units.  
24 We did that. That generates more traffic than what would be  
25 proposed by the 180-unit reduction. Therefore, we're

1 providing the same mitigation that's going to mitigate more  
2 of this site's impact than what is shown in this traffic  
3 study. That's all I have.

4 MR. CHAIR: Ms. Votaw.

5 MS. VOTAW: Thank you. Thank you.

6 Oh, I'm going to hand you this microphone. Thank  
7 you. I just have a brief question. So you were just  
8 describing proposed mitigation efforts; is that correct?

9 MR. LENHART: Sorry, I couldn't --

10 MS. VOTAW: Yeah, absolutely. So you were just --  
11 you were just describing proposed mitigation efforts; is  
12 that correct?

13 MR. LENHART: Yes.

14 MS. VOTAW: But you also submitted -- I can't  
15 remember the date. I want to say it was January 5th,  
16 January 10th, something like that.

17 MR. LENHART: It was the 5th.

18 MS. VOTAW: Okay. A letter stating that the  
19 applicant should be exempted from mitigation requirements;  
20 is that correct?

21 MR. LENHART: Yes.

22 MR. GIBBS: So that's still your position; is that  
23 correct?

24 MR. LENHART: Yes. However, we've offered  
25 proposed mitigation that does satisfy the requirements

1 regards.

2 MS. VOTAW: Okay. And last question, the  
3 mitigation that you've proposed, have you submitted that to  
4 the State Highway Administration?

5 MR. LENHART: The State Highway Administration, I  
6 would have to (indiscernible) approval.

7 MS. VOTAW: Thank you.

8 MR. GIBBS: So you have, in fact, had  
9 conversations with State Highway?

10 MR. LENHART: Yes, I have.

11 MR. GIBBS: Okay. And --

12 MR. LENHART: They have acknowledged that the  
13 proposed improvement would be an operational benefit and  
14 that they agree with the improvement.

15 MR. GIBBS: Right. And your January 5 memo --  
16 which is in the record -- relative to your analysis of the  
17 requirement for further mitigation, are you proposing that  
18 should be implemented here or was that for information  
19 purposes and you're accepting the condition through  
20 mitigation?

21 MR. LENHART: It was for informational purposes.  
22 The January 5th memo confirmed that we are proposing to  
23 mitigate the intersection that satisfies the requirements  
24 and that includes informational backup. And the fact is  
25 that this project already has a automatic certificate of

1 adequacy issued April 1st of 2022 from prior subdivision  
2 approval. That actually has more trips than what this  
3 project is generating.

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

5 MR. LENHART: Yeah.

6 MR. GIBBS: Yes. Mr. Chairman, that basically  
7 concludes our initial presentation. We reserve the right to  
8 rebuttal. I would say that with regard to the specimen tree  
9 variance issue, we align ourselves with the analysis in your  
10 staff report. It's interesting because the District Council  
11 remand order says that we should apply zoning variance  
12 standards to the specimen tree variance. And it's just  
13 flatly wrong. And what's further interesting is that the  
14 case cited in your staff report on remand cites the Bhargava  
15 case and Attorney David Warner, Chief (indiscernible) for  
16 the planning board, represented the Park and Planning  
17 Commission in that case.

18 And interestingly, counsel for the opposition  
19 represented the appellants in that case where she argued  
20 that zoning variance standards should apply to a specimen  
21 tree variance. And the Court flatly stated, that is  
22 absolutely incorrect. And if you looked at the statute  
23 itself in Subtitle 25, it specifically states that a  
24 specimen tree variance is not a zoning variance. So that  
25 issue in the mitigation remand -- or in the remand order is

1 simply wrong.

2           The only other thing I would say is that the one  
3 thing -- I did make a commitment to some of the opposition  
4 that I would also proffer an additional condition to be  
5 added. Buffering and screening is going to be the subject  
6 of -- assuming that we are successful with our Conceptual  
7 Site Plan, it'll be more apropos at the time (indiscernible)  
8 Subdivision Plan, Detailed Site Plan. But I did make a  
9 commitment that I would proffer a condition to require site-  
10 height, six-foot-high screening barrier along the entire  
11 northern boundary of our property.

12           There will be a buffer there, make no mistake  
13 about it, but this is in addition, because of concerns  
14 raised relative to -- those are two large parcels -- one's  
15 ten acres and one's five acres, approximately -- and both of  
16 those ownership representatives are here today. And I did  
17 make a commitment to them that I would proffer that as a  
18 condition to be added simply because of concern over  
19 trespassing and so forth once the property is divided. I  
20 would just offer that as a condition. Thank you very much.  
21 If I can.

22           MR. VICE-CHAIR: Mr. Gibbs, so you're proffering  
23 that today, and that would be on Lot 12?

24           MR. GIBBS: It would be on both Lot 12 and  
25 Outparcel B, the entire north --

1 MR. VICE-CHAIR: Northern part.

2 MR. GIBBS: Yes, sir. I don't think that's  
3 inappropriate.

4 MR. CHAIR: No, it's not.

5 MR. GIBBS: Thank you very much. That would  
6 conclude our initial presentation. Obviously, we have some  
7 rebuttal potential.

8 MR. CHAIR: Okay. I know we have several in  
9 opposition.

10 Ms. Votaw.

11 MS. VOTAW: Thank you. Good afternoon. It's a  
12 pleasure to be before the Board for the first time in  
13 person. I've gotten to see you all virtually, so I'm  
14 excited to be here, actually, in person for the first time.

15 Again, for the record, my name is Alex Votaw from  
16 The Law Office of G. Macy Nelson, and today, I also have the  
17 pleasure of representing Carolyn Keenan, Jordan Eberst,  
18 Victor Christiansen, Rana Dotson, Julian Dotson, and Caleb  
19 Dotson. Their addresses are in the record as well.

20 I want to start my arguments by just a preliminary  
21 procedural matter. I want to make sure that we're clear.  
22 We are incorporating and embracing all of our prior  
23 arguments in this case. I want to make sure that I'm clear  
24 because I erroneously failed to include one argument in my  
25 written exceptions. We still hold very strongly to the

1 argument about whether this CSP application is appropriate  
2 under the transitional provisions, specifically 27-1704(a).  
3 I also want to make sure I'm clear that it's my  
4 understanding the record incorporates all of the prior  
5 testimony and prior documents that were before the Planning  
6 Board. So I just want to make sure that's clear for  
7 preserving the record purposes.

8           What I really want to start with, members of the  
9 Board, is the community engagement piece of this, because I  
10 think that's a repeated issue we've had. I know I've had it  
11 representing citizens across the state, in this county in  
12 particular, and has been noted by this Board and by the  
13 District Council. And just to give some examples, in the  
14 July 10th hearing on this case the Chairman stated, quote,  
15 "We're trying to transform Prince George's County to what we  
16 want it to be. And part of that transformation, in my  
17 opinion, is being good teammates, being good partners,  
18 communicating with folks, letting them know that, yes,  
19 change is coming, but I'm going to do all that I can to make  
20 sure that I am a good partner in that change."

21           Similarly, Counsel Member Sydney Harrison at the  
22 District Council hearing on October 21st in this case,  
23 stated, "I would really like both parties to work together  
24 with the community to hash out any differences or grievances  
25 and an understanding under the zoning laws what is allowed

1 and what is not." But community buy-in is everything. It  
2 is everything. And I'd really like the community and the  
3 business developers that are looking to do some improvements  
4 on the property that they own, that they work with the  
5 community to build capacity that is harmonious to the  
6 community.

7           And unfortunately, Members of the Board, that did  
8 not occur in this case. With all due respect to my  
9 colleague for the applicant, he reached out to me in mid-  
10 November and asked if my clients would be open to  
11 townhouses. I responded that my clients were not  
12 enthusiastic about townhouses, and their primary concerns  
13 were the density, related to how it would impact traffic,  
14 its compatibility, and then also the tree preservation. And  
15 they were open to ideas that better balanced preservation of  
16 woodland and development of the site. My clients are very  
17 reasonable people. They're pleased to hear about the  
18 condition regarding the fence.

19           But again, what they've consistently been asking  
20 for is a plan that better balances preservation of woodland,  
21 particularly given the ongoing flooding and sewage issues in  
22 this area. With the development of the site -- again, they  
23 are reasonable people. They understand that this site is  
24 intended to be developed. And to be frank, it would have  
25 been helpful if my clients were approached with a plan that

1 said, maybe it's townhouses, but we're reducing the  
2 footprint of the townhouses, so we're providing more on-site  
3 preservation and better landscaping. I think my clients  
4 would have been much more enthusiastic about that option.

5           When I expressed my client's concerns about not  
6 having that balance and instead proposing, again, a plan  
7 that clearcuts, essentially, the entire property, provides  
8 no on-site woodland, provides very limited landscaping based  
9 on the plan provided, we were we were not met with any  
10 meaningful response. We were told on January 6th that they  
11 had submitted a plan for a townhouse, and no further details  
12 were provided. And the applicant had already submitted the  
13 plan before contacting us that second time. So again, I  
14 think that there is some wiggle room, there is some  
15 commonplace that I think our clients would have been open to  
16 hearing.

17           And I will, at the conclusion of my statements,  
18 which I promise will not be very long, provide some  
19 conditions that I think my clients would go a long way to  
20 meet community issues. One of those, again, is  
21 compatibility. Compatibility, yes, is about the use, but  
22 it's also about the scale of that use, and the height of  
23 that use. As we've heard testimony today, and we've heard  
24 testimony previously, there are no structures in this area  
25 that are four stories high, none.

1           I think, having a limit -- or a condition of  
2 approval, for example, that limits the height of any  
3 development on this site to three stories or less would go a  
4 long way on that compatibility issue. Same thing with the  
5 amount of screening. For example, there's a prior condition  
6 of approval that applies to this property that requires  
7 perimeter landscaping that must exceed the minimum landscape  
8 requirements by 100 percent, that's already a condition of  
9 approval.

10           I think if this board were to approve this plan in  
11 any way, a condition of approval that reaffirms all  
12 landscaping must exceed minimum amounts by 100 percent,  
13 that, again, would go a long way to addressing the  
14 compatibility issue. And I want to touch on the tree  
15 conservation issue. One of the main concerns in this case  
16 is that lot 12, as we've heard many times at this point, was  
17 used to reduce the amount of woodland conservation required  
18 by previous applicants. I know that it's been designated or  
19 described as a holdover.

20           But fundamentally, what the prior applicants did  
21 in this case is say, we are not -- we are going to preserve  
22 lot 12, so we don't have to provide as much off-site  
23 mitigation. And in the calculation of off-site mitigation,  
24 if you are below the threshold, if you remove too much  
25 woodland, you have to replace that woodland at a 2 to 1

1 ratio. If you preserve enough woodland, the amount that you  
2 remove only has to be replaced at a .25 to 1 ratio. And  
3 what the prior developer did in the Manning Village  
4 development is say, we will get to reduce the amount of off-  
5 site woodland that we are providing by preserving lot 12.

6 We will not go below the threshold, and therefore,  
7 we only have to reduce at a .25 ratio. We outlined in our  
8 objections, I don't see anywhere in the Forest Conservation  
9 Act that allows this type of behavior in the first place, or  
10 the removal of woodland once it's been designated for  
11 preservation.

12 But if that is allowed, at the very least, the  
13 applicant proposing to remove land designated for  
14 preservation has to make up for the violative effect of that  
15 removal. In other words, we believe the applicant has to  
16 provide the conservation that would have been required, had  
17 the previous developer removed the woodland on lot 12. And  
18 we outline in our written objections, on pages 9 through 11,  
19 the math that goes along with that. So I know planning  
20 staff has identified -- I think it's about an additional  
21 seven acres of off-site woodland preservation that is  
22 required.

23 Truthfully, I didn't 100 percent understand where  
24 that came from. It's my understanding it's from prior  
25 developments in the Signature Club that never purchased

1 their off-site credits. This is separate from that. This  
2 creates an additional violative effect. And based on the  
3 calculations provided on the Woodland Conservation Sheet,  
4 the applicant should be required to provide a total of 33.72  
5 acres of off-site preservation, excluding, I believe, the  
6 seven acres that was never purchased in the first place for  
7 other developments.

8           That's the total we believe is required if the  
9 board is going to allow for the removal of woodland that was  
10 used to, what seems like, arbitrarily reduce the amount of  
11 woodland conservation previously required for the Manning  
12 Village development. We think that's a very minimum that  
13 needs to be required in this case.

14           I also want to touch on the tree conservation  
15 variance that -- the request to remove -- I believe it's  
16 four trees primarily located along the border of the subject  
17 property. I acknowledge what my colleague has said about  
18 the case law regarding uniqueness for the property. And  
19 you'll see in our briefs we've never asked for the  
20 application of the uniqueness test as articulated by the  
21 District counsel.

22           What we focus on, more specifically, are  
23 requirements that apply specifically to Forest Conservation  
24 Act variances. For example, for the requirement that they  
25 demonstrate an unwarranted hardship, there is case law,

1 primarily the West Montgomery case, that applies to forest  
2 conservation acts. That says the hardship you're  
3 experiencing, the reason you need to remove these trees has  
4 to apply to the entire property. In other words, if you  
5 could reduce the size of your development -- this is how we  
6 interpret it. I'm sure my colleague will interpret it  
7 differently.

8           If you can reduce the size of your development, or  
9 alter, or shift part of your development so you don't have  
10 to remove the trees, that's not an unwarranted hardship, and  
11 that's exactly the case here. You have trees on the  
12 boundary of this property, that's the only place. They're  
13 not located in the middle. They're not dispersed  
14 throughout. They're on the boundary of this property.

15           If this applicant provided more room for  
16 buffering, for screening, for onsite preservation, by  
17 reducing the footprint of the development, they would be  
18 able to preserve those trees. The other requirement for a  
19 Forest Conservation Act variance is that it cannot be -- the  
20 reason that you need a variance cannot be a self-created  
21 hardship. Meaning you cannot -- and this is important, your  
22 predecessor in title could not have done something to  
23 require you to ask for a variance. Meaning, if the prior  
24 owner isn't eligible for a variance, they can't sell it to  
25 you, and then you get to be eligible for a variance.

1           And in this case, part of the reason they  
2 assert -- the applicant asserts they need a variance for  
3 these trees is because of the onsite stormwater pond.  
4 That's not a natural feature of this property, that was  
5 specifically created by the prior applicants, by the prior  
6 owners of this property. Therefore, any need for a variance  
7 based on the fact that there is a stormwater management  
8 facility on this site is entirely a self-created hardship.

9           It was created by the prior owner. And through  
10 the Prosser case that we've cited in our briefs, repeatedly,  
11 that means it's a self-created hardship. So for those  
12 reasons, we don't believe the applicant satisfies the  
13 need -- the criteria for a full Conservation Act variance.  
14 I'd like to move on to the traffic piece.

15           MR. CHAIR: Let me just say -- before you move on,  
16 I want you to stay focused on why we're here, and that is  
17 for the remand.

18           MS. VOTAW: Yes, sir.

19           MR. CHAIR: I think a lot of what you're saying is  
20 out of the scope of the remand itself. And I can appreciate  
21 the quote that you gave of myself, but community engagement  
22 is not also part of the remand. So as we continue to go  
23 through this process, if you can stay focused on why we're  
24 here, and what the remand is all about, then I think that,  
25 quickly, we can all get out of here.

1 MS. VOTAW: Absolutely, sir. And I just want to  
2 reiterate the tree conservation variances, those elements I  
3 was describing. The self-created hardship and the  
4 unwarranted hardship, those are certainly within the scope  
5 of the remand, and as well as the compatibility aspect.

6 MS. TALERICO: (Indiscernible) Talerico (phonetic)  
7 for the record, just to jump in and provide a little bit of  
8 color to what my client's stating. The scope of the remand  
9 with respect to the forest -- the tree conservation  
10 variances, as staff understands it, was to address that  
11 zoning variance case law we've addressed. We believe that  
12 addressing that is as simple as we all agree that that  
13 zoning variance case law is inapplicable. The remand  
14 instruction didn't request that the Board reopen its other  
15 findings on that tree conservation variance.

16 MS. VOTAW: If I may respectfully disagree. The  
17 remand order states, "On remand, the Board's decision must  
18 be precise and clear on the contested issues raised by  
19 opposition". That was one of the contested issues that we  
20 raised in our opposition, and we've repeatedly raised  
21 throughout. My understanding is that issues on remand was  
22 just to provide additional clarity on some of those issues,  
23 but it did not limit the scope.

24 And again, if you look at the brief transcript, or  
25 hearing from the District counsel, Sydney -- Council Member

1 Harrison stated that he's doing a full remand on all of the  
2 issues that were provided by citizen opponents. So I won't  
3 belabor the point. I just want to make sure I preserve the  
4 record that I do believe those are part of the remand  
5 considerations.

6 For traffic, I'll be very brief, Mr. Chairman. I  
7 have a witness that should be online, Larry Green. I just  
8 wanted to make sure he has an opportunity just provide a few  
9 comments.

10

11 MR. CHAIR: I don't see Larry Green.

12 MS. VOTAW: Or Lawrence.

13 MR. GREEN: I'm here.

14 UNIDENTIFIED SPEAKER: I (indiscernible) hear him.

15 MR. GREEN: Can you hear me?

16 MS. VOTAW: Yes. Yes, Larry, we can hear you.

17 MR. GREEN: Okay.

18 MS. VOTAW: Mr. Green, could you just provide the  
19 Board, briefly, your professional background?

20 MR. GREEN: Yes. I am a registered professional  
21 engineer in the State of Maryland, as well as a nationally  
22 certified professional traffic operations engineer. I have  
23 about 39 years' experience in traffic engineering and  
24 transportation planning.

25 MS. VOTAW: Thank you. And you provided a brief

1 report that we submitted into the record; is that correct?

2 MR. GREEN: That's correct.

3 MS. VOTAW: Okay. And I just have one question I  
4 wanted to ask you; did you hear Mr. Lenhart's testimony  
5 earlier?

6 MR. GREEN: I did. Portions of it cut in and out,  
7 but I heard most of it.

8 MS. VOTAW: Okay. Do you recall him noting on the  
9 potential inaccuracies regarding the trips that will be  
10 generated by the property that will go to the proposed  
11 commercial sites? And him saying, essentially, that those  
12 won't be impactful; do you recall, generally, that  
13 testimony?

14 MR. GREEN: Yes. Yes.

15 MS. VOTAW: In your professional opinion, do  
16 discrepancies or errors in traffic impact studies -- are  
17 those meaningless, in your opinion?

18 MR. GREEN: No, they're not meaningless at all.

19 MS. VOTAW: Okay. That's all the questions I  
20 have. I want to give the opportunity to Mr. Gibbs, if he  
21 wants to cross-examine.

22 MR. CHAIR: Mr. Gibbs?

23 MR. GIBBS: I do. Mr. Green, what errors are you  
24 referring to?

25 MR. GREEN: Well, specifically there was two

1 issues that I thought were -- I wanted to bring up. One was  
2 the assumption --

3 MR. CHAIR: I'm sorry. Mr. Green, can you turn  
4 your camera on?

5 MR. GREEN: Sure.

6 MR. CHAIR: (Indiscernible) can -- thank you.

7 MR. GREEN: Sorry. Yes. Yes. Thank you. There  
8 was two issues that I were the primary issues of the  
9 December 15th traffic study that I had concerns with. One  
10 was the fact that there was an assumption that ten percent  
11 of the traffic that would be generated by the fast food  
12 restaurant would be internally served by the townhouse  
13 development.

14 And if you make that assumption -- or include that  
15 in the analyses, it actually results in the traffic  
16 generated by the townhouse development to have negative  
17 trips -- negative inbound and peak hour trips. The  
18 reduction is that great that you would have a negative  
19 conclusion of trips being generated by the townhouse  
20 development, which obviously is erroneous.

21 The second issue is, even for the p.m. peak hour,  
22 if you assume that ten percent of the fast food restaurant  
23 trips would be served by the townhouse development, it's  
24 actually a reduction of about 42 -- as high as 42 percent of  
25 the traffic -- that would be generated by the townhouse

1 development would be served internally by the fast food  
2 development. Which, again, that even 42 percent is very  
3 high, and it's really not within acceptable standards.

4           The second issue I had was the fact I understand  
5 the mitigation measures at the Maryland 210 and Maryland 373  
6 intersection. The main point of those, or the main  
7 operational change is, they change the signal from a  
8 concurrent signal phasing for Maryland 373 to split signal  
9 phasing, which means in split signal phasing, each side runs  
10 separately. That change is a significant change to the  
11 signal.

12           There's traffic progression on Maryland 210 that  
13 when you change it to split signal phasing, that changes the  
14 operational characteristics of Maryland 210. That issue has  
15 to be analyzed by Maryland State Highway, and they would  
16 analyze that before accepting this improvement -- or signal  
17 change. And if the State doesn't accept that, then the site  
18 doesn't -- it can't mitigate your traffic. So that's an  
19 important issue that the -- I felt like the Board needed to  
20 know that the State needs to approve this change, or the  
21 site is not mitigated.

22           MR. GIBBS: Did you reach out to the State Highway  
23 Administration to ask them anything about that issue?

24           MR. GREEN: I did not.

25           MR. GIBBS: Were you here for the testimony of Mr.

1 Lenhart? Did you hear his commentary relative to the  
2 discussions he has had with the State Highway Administration  
3 regarding this issue?

4 MR. GREEN: The only thing I heard is that the  
5 State indicated that there would be some operational  
6 benefits if the signal was split phased. I didn't hear him  
7 say that the State was okay with the signal changes being  
8 proposed.

9 MR. GIBBS: You did not hear him say that the  
10 State said that they preliminarily agreed with his  
11 assessment? You didn't hear that part of his testimony?

12 MR. GREEN: I heard that they were preliminarily  
13 agreeing that if the traffic signal phasing change was  
14 accepted, that it did appear that there would be operational  
15 benefits, that's what I heard.

16 MR. GIBBS: That's great. But you didn't reach  
17 out and do anything; did you actually even prepare a report  
18 of any kind?

19 MR. GREEN: I just prepared a brief memorandum  
20 report outlining these two issues.

21 MR. GIBBS: So your memorandum appears on pages  
22 170 and 171 of the staff backup. It is a page-and-a-half  
23 memo with no citations to any trip numbers, no citations to  
24 any code provisions, no citations to any of the traffic  
25 studies; is that correct?

1           MR. GREEN: It was simply a statement of my  
2 assessment of the report, that's it.

3           MR. GIBBS: And very preliminary at that, correct?  
4 You don't even have to answer that. Let me also ask you,  
5 how many traffic impact analyses have you prepared for mixed  
6 use transportation developments in your experience?

7           MR. GREEN: I can't say definitively, but I  
8 prepared at least, probably, 30 or 40 of those type of  
9 studies.

10          MR. GIBBS: For mixed use developments, for MXT?

11          MR. GREEN: Not necessarily for Prince George's.  
12 I've mixed use developments in general.

13          MR. GIBBS: How about mixed use developments in  
14 Prince George's County?

15          MR. GREEN: That I've prepared personally, I don't  
16 recall. I've reviewed a lot of those studies, but I don't  
17 think I've prepared those.

18          MR. GIBBS: Well, I understand you've reviewed a  
19 lot to oppose cases, but have you ever prepared one  
20 yourself?

21          MR. GREEN: Again, I prepared a mixed use  
22 development proposals at many --

23          MR. GIBBS: Not to cut you off, sir. Not to cut  
24 you off. My question was clear; have you prepared an MXT  
25 traffic impact analysis in Prince George's County?

1 MS. VOTAW: Objection. The witness answered this  
2 question.

3 MR. CHAIR: I agree.

4 MR. GREEN: Well, no, I don't believe I have.

5 MR. GIBBS: Thank you. Thank you, very much. And  
6 let me ask you a question. Do you know when a traffic  
7 impact analysis, then, is required where there --

8 Let me ask my question, please. Thank you very  
9 much.

10 Do you know when a traffic impact analysis is  
11 required, relative to a conceptual site plan for the MXT  
12 zone?

13 MS. VOTAW: Objection.

14 MR. GREEN: I can't quote the actual criteria, no.

15 MS. VOTAW: May I approach? May I approach? I  
16 don't want to -- sorry. I'm going to object again. He's  
17 already testified he has not prepared a traffic impact study  
18 for Prince George's County for the MXT zone, and it's also  
19 not relevant to his testimony here.

20 MR. GIBBS: It is immensely relevant. He's given  
21 critical testimony against the traffic impact analysis in  
22 this case and he has to demonstrate -- she's offered him as  
23 an expert. He has to demonstrate that he has expertise to  
24 criticize a report, and it's obvious he doesn't. And he  
25 needs to answer this question, because it is highly

1 relevant.

2 MR. CHAIR: Mr. Green, if you can answer the  
3 question, please.

4 MR. GREEN: Okay. What was the question, again?

5 MR. GIBBS: I knew that was coming. Yes. Do you  
6 know when a traffic impact analysis is required for a  
7 conceptual site plan in the MXT zone?

8 MR. GREEN: As far as the actual amount of trips  
9 that a specific development would meet a criteria, I believe  
10 it might be 100 or more peak hour trips, but I'm not  
11 positive about that, which this site would generate  
12 significantly more than that anyways.

13 MR. GIBBS: Would it surprise you to know it has  
14 nothing to do with trips? So you obviously don't know, do  
15 you?

16 MR. GREEN: Again, this is a nuance of when or  
17 whether a traffic study is required. I'm certainly very  
18 experienced, and have a lot of experience preparing traffic  
19 studies, reviewing traffic studies. So I object to your  
20 statement that I'm not qualified to provide these.

21 MR. GIBBS: Well, thankfully for us, you're not  
22 allowed to object. You're allowed to answer questions. And  
23 so the answer is, you don't know when it is required.

24 MR. GREEN: I do not know the specific language  
25 about when an MXT requirement is -- traffic study's

1 required, that's correct.

2 MR. GIBBS: So then you also do not know why it is  
3 required, do you?

4 MR. GREEN: Again, I can't quote the language of  
5 why, either.

6 MR. GIBBS: Well, would it surprise you to  
7 understand that the only time that it's required is when  
8 a -- for a conceptual site plan is when a property has been  
9 zoned pursuant to a sectional map amendment? Have you ever  
10 heard that before?

11 MR. GREEN: That does sound familiar, yes.

12 MR. GIBBS: But you don't know it?

13 MR. GREEN: Again, no, I do not know the exact  
14 code of that. No.

15 MR. GIBBS: Have you --

16 MR. CHAIR: So Mr. Gibbs, I think your point, you  
17 have driven that immensely with this witness.

18 MR. GIBBS: Thank you, Mr. Chairman.

19 (Indiscernible) I really have no more questions for this  
20 witness.

21 MR. CHAIR: Fair enough.

22 Ms. Votaw.

23 MS. VOTAW: Thank you, Chairman. I'll just be  
24 brief.

25 Again, Mr. Green, it's your understanding, is it

1 not, that the applicant is required to demonstrate adequate  
2 traffic facilities -- transportation facilities when a CSP  
3 application is being considered; is that correct?

4 MR. GREEN: That is correct.

5 MS. VOTAW: Thank you. That's all I have for this  
6 witness. And then, I have one more witness, Mr. Victor  
7 Christiansen, I'd like to call.

8 MR. CHRISTIANSEN: I'm the adjacent property owner  
9 of where this development --

10 MR. CHAIR: Can you state your name, please?

11 MR. CHRISTIANSON: Victor Christiansen.

12 MR. CHAIR: Yes, sir.

13 MR. CHRISTIANSEN: I'm adjacent property owner of  
14 where this project is being built, and I just wanted to  
15 state that the communication has not been there, despite  
16 what the attorneys -- Gibbs has mentioned. Our attorney is  
17 correct, we haven't had very much communication. In fact,  
18 when they proposed -- made this new proposal on January 6th,  
19 apparently, they sent out some information to some of the  
20 citizens. I did not get it. The other adjacent property  
21 owners did not get it. We didn't hear about it until the  
22 meeting on the 13th, just the other day.

23 And I think that's unacceptable. The other thing  
24 that I would like to mention is, the traffic on 210, once  
25 again -- I'm sorry. I'm having a slight problem here. The

1 traffic on 210 is out of control. At a meeting yesterday,  
2 Reverend -- Dr. Reverend Screen (phonetic sp.), who handles  
3 the 210 safety committee, said that the traffic on 210 in  
4 the last five years has gone from 70 some thousand vehicles  
5 a day to over 90,000 vehicles a day. The infrastructure is  
6 just not there to handle that burden of traffic.

7 I would like to compliment the owner of the  
8 property, Mr. Tim Clark (phonetic sp.). I had a brief  
9 conversation with him on Tuesday, and again today before the  
10 meeting, and he's a very amiable guy. We haven't had this  
11 type of communication before. He's willing to talk to us,  
12 and I appreciate that very much.

13 Just one other comment regarding the traffic. The  
14 traffic study was done on December 15th. I'm a former  
15 government employee. I've traveled 210 for many years. The  
16 government basically shuts down in December. People  
17 have -- usually lose leave, and they use it. The government  
18 just basically shuts down, and the traffic is very  
19 diminished. I think during a traffic study on December 15th  
20 is probably the worst possible time that you could do a  
21 traffic study.

22 And if I could just make one final comment.  
23 There's a project going on -- this isn't a criticism. But  
24 there's a project going on called the Accokeek Gateway  
25 Project. It's a very good project. People in Accokeek love

1 it. It's supposed to maintain the history of the area,  
2 maintain that the area be semi-rural. And the centerpiece  
3 is that intersection of 373 and 210. That's the  
4 centerpiece, that's the gateway -- centerpiece of the  
5 gateway project.

6 This project is basically contrary to that. It's  
7 basically urbanizing the area, and it's saying that it would  
8 be a 24- hour vibrant community, which nobody really wants.  
9 So my question is -- or my concern is, these two projects  
10 don't seem to mesh to me. Yet, you know, you guys are  
11 working on these two projects, and it's just kind of  
12 confusing. So I think you should consider that; they seem  
13 to be at cross purposes. Thank you.

14 MR. CHAIR: Mr. Christiansen, I appreciate you  
15 coming in. This is a remand case. And part of that -- most  
16 of your testimony was involving community engagement,  
17 so -- but I to -- because you have taken time out of your  
18 busy day to come down here to testify, I allowed you to  
19 express yourself, and I really appreciate that. So thank  
20 you so much.

21 Ms. Votaw.

22 MR. CHRISTIANSEN: I really appreciate that you  
23 let me. Thank you.

24 MR. CHAIR: Yes, sir.

25 MS. VOTAW: Again, wrapping up. Thank you, again,

1 Board members, for indulging us and hearing us out on this  
2 issue. And thinking critically about this, it's really  
3 important to the community that this be thoroughly  
4 investigated and understood before decisions are made. And  
5 so with that, for all of the reasons we've provided today,  
6 for all the reasons we've provided in our written objections  
7 filed two days ago, for all the reasons we've provided  
8 previous to that, in the original hearing, and before the  
9 District council, we asked that the District council deny  
10 this application.

11           Particularly, given that the council is reviewing  
12 a request for apartments, and the applicant's own counsel  
13 seems to acknowledge an incompatibility with apartments in  
14 the surrounding area. But I always like to be as safe as I  
15 can. If the Board is not inclined to agree with us, and  
16 deny this application outright -- which, again, I think  
17 there are many reasons to do so, we respectfully ask that  
18 you impose conditions of approval, at minimum, to include  
19 the following.

20           One, any structures on the property be limited to  
21 three stories high. Two, to require onsite -- that the  
22 applicant meet the minimum preservation requirements. I  
23 think it was, like, one acre that staff acknowledged. I  
24 apologize for not remembering the amount off the top of my  
25 head, require that reservation to be onsite. And/or, at the

1 very least, reaffirm that the applicant be required to  
2 provide the landscape buffering not to exceed the minimum  
3 amount by 100 percent, which, again, is a prior condition of  
4 approval that should apply to this property, so reaffirming  
5 that.

6           Also including the fence that Mr. Gibbs described.  
7 We would also ask that the approval be conditioned on the  
8 mitigation of the violative effect of removing the woodland  
9 on lot 12, and out parcel B, by increasing substantially the  
10 amount of off-site mitigation to be required. We think,  
11 again, at minimum, 33 acres for just lot 12's impact.

12           And then, condition approval of any development on  
13 this site, on the approval and execution of the traffic  
14 mitigation measures being proposed. And then, finally,  
15 again, I think if there's more screening, if there's more  
16 onsite preservation, the applicant could be preserving, at  
17 least the specimen trees, or significant trees along the  
18 border of the property, so require those to be retained, as  
19 well.

20           We really appreciate your time. I think I get a  
21 closing later, so I might be back up here. But in case I'm  
22 misremembering the Rules, we really appreciate your time,  
23 and thank you so much for the opportunity.

24           MR. CHAIR: Thank you. I believe that there  
25 were -- you had others that were opposed; did they want --

1 MS. VOTAW: We do. I'm sorry to ask this of you;  
2 would you be able to see if they're online? I know that  
3 they're not here today. It's the Dotsons.

4 MR. CHAIR: Let me ask, is Emily Cabin (phonetic  
5 sp.) here?

6 MS. TALERICO: Chairman Barnes, if a party is  
7 represented by Ms. Votaw, they don't get to speak.

8 MR. CHAIR: Okay.

9 MS. TALERICO: However, if a party is  
10 unrepresented, and if they're signed up to speak.

11 MR. CHAIR: That's what I'm asking.

12 MS. VOTAW: Yeah. And I can -- if you would like  
13 me to verify who on the list I represent, I'm happy to do  
14 that, or --

15 MR. CHAIR: Probably not.

16 MS. VOTAW: Thank you.

17 MR. CHAIR: Ms. Emily Cabin? No. Carolyn Keenan?  
18 Okay. Tiana (phonetic sp.) Gomez)?

19 Is she your client?

20 Yes, ma'am?

21 MS. GOMEZ: Morning, members of the Prince  
22 George's County Planning Board, and members of the  
23 community. My name is Tatiana Gomez, and I have lived in a  
24 Accokeek, especially (indiscernible) west for just over a  
25 year. We chose this community because it felt peaceful,

1 safe, and connected to nature. It felt like a place where  
2 families can --

3 MR. CHAIR: You just put the mic a little closer?  
4 Because I'm not hearing very well.

5 MS. GOMEZ: Okay. My name is Tatiana Gomez and I  
6 have lived in Accokeek for just over a year. Especially  
7 Signature Cloud was we chose this community because it felt  
8 peaceful, safe, and connected to nature. Fell like --

9 MS. TALERICO: (Indiscernible).

10 MS. GOMEZ: Yes?

11 MS. TALERICO: You heard everything she said?

12 MR. CHAIR: Yeah, I heard her.

13 MS. GOMEZ: I'm good?

14 MR. CHAIR: No, keep going.

15 MS. GOMEZ: Okay. Feel like a place where  
16 families could build a family, and a future. Since last  
17 June, when we first saw the hearing signs for this  
18 development, the sense of security has started to fade. I  
19 attend the hearings. And at the last one, we were told the  
20 developer will engage with the community. That did not  
21 happen.

22 Most of the neighbors had no idea about meetings  
23 or plans. I personally have to reach out and inform people  
24 so they could be here. The lack of communication has been  
25 deeply discouraging. Since buying our home in February

1 2024, we have also watched townhouses sit on the market for  
2 months, with at least one still unsold today. This tells me  
3 that demand here is (indiscernible), and it makes me  
4 question why we are being asked to accept a 100 unit  
5 multifamily development that will be -- remove green space  
6 and change the character of our neighborhood.

7           We are already feeling the impact. Heavy  
8 construction vehicles, damaged roads, and increased traffic  
9 are not part of our daily lives. Just this Monday there was  
10 a car theft on (indiscernible). These are not  
11 (indiscernible) concerns. This is our safety, our children,  
12 and our quality of life.

13           I ask the Board, please consider the people who  
14 already live here, what is the real plan to support schools,  
15 the responders, roads, and public safety? Without clear and  
16 enforceable solution, this development feels less like  
17 progress, and more like a risk to the community we chose and  
18 love. Thank you.

19           MR. CHAIR: Thank you.

20           MR. VICE-CHAIR: Thank you.

21           MR. CHAIR: Jordan Edwards (phonetic sp.)? Julian  
22 Dotson? Rana Dotson? Good stuff. Caleb Dotson?

23           MS. DOTSON: Hello. Hello, this is Rana Dotson.  
24 Hi.

25           MR. CHAIR: (Indiscernible) party?

1 MS. DOTSON: Can you hear me?

2 MR. CHAIR: Okay. No, we don't need you.

3 MS. DOTSON: Okay.

4 MR. CHAIR: Thank you. Monica Barnes (phonetic  
5 sp.)? I believe that's all. That I have (indiscernible).

6 Your Name?

7 MR. WILLENFALL: Michael Willenfall (phonetic  
8 sp.), party of record. Thought I'd signed up to speak.

9 MR. CHAIR: No, sir.

10 MR. WILLENFALL: Okay to speak?

11 MR. CHAIR: No, sir. All right. Mr. Gibbs?

12 MR. GIBBS: Mr. chairman, I don't have anything  
13 further to add. We're to sum up here. Although, I would  
14 say this, my client and I have been criticized for alleged  
15 lack of community outreach, which we take massive umbrage  
16 with. We would like to reply to that, but you have said  
17 that it's really not relevant, and so we won't. We won't.  
18 But we take massive umbrage with that comment. With that  
19 being said, we're ready to sum up. And so I think since I  
20 go last, it would be appropriate for the other counsel.

21 MS. VOTAW: Thank you, Mr. Chairman. Members of  
22 the Board. Again, we believe the Board has numerous grounds  
23 that would require denial of this application. In the event  
24 that the Board doesn't, we provided those proposed  
25 conditions. I think they would address, at the very least,

1 the compatibility issue, which is a required finding. The  
2 Board would have the authority to impose those conditions,  
3 and we appreciate the Board's time and consideration. Thank  
4 you.

5 MR. CHAIR: Thank you. Mr. Gibbs?

6 MR. GIBBS: Thank you, Mr. Chairman.

7 MR. VICE-CHAIR: Before you begin, I have one  
8 concern, and I don't know how it can be resolved. I  
9 understand Mr. Lenhart's testimony, and I appreciate that,  
10 but I'm well aware of the traffic situation on 210 and 373,  
11 since I'm a resident in that area. So what happens if the  
12 State Highway Administration does not allow the signal  
13 change? Can there be some -- can you proffer some language  
14 that would -- that Mr. Lenhart, or whoever you choose to,  
15 would communicate to the State Highway Administration, the  
16 importance of that, and that the project is being approved  
17 as a condition?

18 MR. GIBBS: I'll be happy to -- we're more than  
19 happy to make that communication with the State Highway  
20 Administration. Regardless of the legalities, we're 100  
21 percent on board with those mitigation measures. And we are  
22 going to do everything in our power to make sure they  
23 happen. We will continue our outreach to the State Highway  
24 Administration. I will join, personally, with Mr. Lenhardt  
25 in discussing those issues further with the State Highway

1 Administration. And quite frankly, I have very little doubt  
2 that there's going to be any problem with that.

3 MR. VICE-CHAIR: Thank you.

4 MR. GIBBS: Yeah, I'm going to be brief, as well,  
5 Mr. Chairman. I appreciate patience that the Planning Board  
6 has displayed, allowing us to put this information on. I do  
7 want to thank the staff in this case. I think they did just  
8 an outstanding job going through the remand issues that,  
9 when this case was sent back by the District Council, I  
10 think that the staff report that's been published is  
11 well-reasoned, thoroughly supported by the evidence.

12 Again, when we went to the District counsel, we  
13 specifically said, please send this case back so we can  
14 straighten out this issue on tree conservation, and we have  
15 done that. The staff has gone back -- I mean, this  
16 is -- the tree conservation plans are really for a 343-acre  
17 property, and they've evolved over the course of time. And  
18 so staff had to go back and look at all those Tree  
19 Conservation plans 1; Tree Conservation plans 2; they had a  
20 very detailed analysis in the staff report.

21 And quite frankly, with possible -- some minor  
22 exceptions, we embraced and agreed with all those, so much  
23 so that we understand there is some tree conservation that  
24 has to be prepared off-site, which is our right to go  
25 off-site for that. It's not our responsibility for lot 12

1 and out parcel B. We don't create that responsibility, but  
2 we're accepting it. And we're going to go off-site and take  
3 care of that, in addition to taking care of the tree  
4 conservation -- the 1.61 acres, I think it is, that this  
5 particular project generates.

6           But there's additional above and beyond that, and  
7 that is a condition in the staff report that we accept. And  
8 we want to do the right thing. We want to make sure it  
9 happens the right way. But it's very, very important to  
10 bear in mind that when you go back and look at all the Tree  
11 Conservation 1 plans, okay, which is the -- really the base  
12 that you start with, and when you look at the site plans,  
13 and the resolutions of approval for the site plans, not once  
14 in anything that we looked at that's in the record, not once  
15 did we find anything other than an affirmation that this  
16 property was going to be the subject of commercial  
17 development at that time, because it was approved for  
18 157,500 square feet, that's just lot 12 alone.

19           Nowhere in the record do we find any reference  
20 whatsoever that this property cannot be developed, and it  
21 has to be permanently tree preservation. It was always just  
22 a placeholder to carry forward, because this was such a  
23 major development. And it wasn't carried forward in every  
24 instance. In some instances, the off-site mitigation and  
25 easements occur. But this is what we were left with, this

1 is what we have to accept, and we're going to take care of  
2 it.

3           But nowhere -- every place you look -- you look at  
4 plans and it says this -- these are tree conservation plans  
5 with stamps on lot 12, future commercial development -- or  
6 future development area. The resolutions, including the one  
7 that I presented to Mr. Ferguson today, the most recent  
8 resolution, December of 2017, clearly says lot 12 will be  
9 developed with commercial uses.

10           It was never the intent that this property was  
11 going to be burdened by 12, 14, whatever acres, to be  
12 preserved on this site. It was always part of the plan that  
13 this would be part of the development of Signature Club, so  
14 we think that's clear. We accept what the staff has in  
15 their report. We think we've supplemented that with  
16 testimony from our witnesses.

17           I made a commitment to Mr. Christiansen, and to  
18 Ms. Keenan, and Mr. Eberg (phonetic sp.), that I would  
19 proffer that condition relative to the screening along the  
20 northwest property boundary, the entirety of it, and we  
21 would recommend that. The conditions that counsel for the  
22 opposition parties has just proffered, I've never seen it.  
23 Never been presented to me. I've heard her read them here  
24 today for the first time.

25           We can't agree to those at this point in time,

1 simply because we haven't even had an opportunity to look at  
2 what their impact might be. And there are ample -- we got  
3 to come back for a preliminary subdivision plan before you.  
4 We have to come back before you for a detailed site plan on  
5 this project. These conditions, if they're going to be  
6 implemented, are more appropriate to be implemented at later  
7 stages in the process. I'm not saying that we wouldn't  
8 agree to all of them.

9           But for instance, I can't agree to 33 acres of  
10 preservation, when that applies -- that resulted from TCP 1  
11 plans for 343 acres. We don't even know where that's been  
12 taken care of already. So respectfully, I don't think those  
13 conditions are appropriate to be added at this point in  
14 time, especially when the first time we hear about them was  
15 ten minutes ago. Thank you very much.

16           MR. CHAIR: Thank you. Are there any questions?  
17 The hearing is now closed. First, I want to thank everyone  
18 for coming out today and providing their testimony. As a  
19 reminder, this is a conceptual site plan, the first step in  
20 the process for this development. To develop this project,  
21 the applicant will need to return to this body again for  
22 additional approvals.

23           This will represent another opportunity for the  
24 community to be engaged with the applicant, staff, and the  
25 Planning Board. As stated at the beginning of this hearing,

1 this remand was limited to taking testimony on nine issues  
2 raised in the District Council's remand order. Based on the  
3 testimony and argument we have heard today, I am inclined to  
4 update the findings in our resolution, and include the  
5 additional findings and conditions recommended by staff  
6 commissioners. Are there any other discussion?

7 MR. VICE-CHAIR: I have none, Mr. Chair. I'm  
8 ready to make a motion.

9 MR. CHAIR: If so, what's your motion?

10 MR. VICE-CHAIR: Okay. Mr. Chair, I move that we  
11 approve -- reapprove CSP 23-002, TCP 1-052-97-03, and  
12 variance from Section 25-122(b)(1)(g), and amend resolution  
13 2025-057 to reflect the additional findings of staff, as  
14 PGCPB amended by staff's presentation, and additional  
15 condition (1)(E), as read into the record by staff. And a  
16 further condition proffered by the applicant to provide  
17 screening along the northern property of lot 12 and  
18 outlet -- out lot B.

19 COMMISSIONER OKOYE: So move, (indiscernible).

20 MR. CHAIR: It's been properly moved and second.  
21 I will now call the roll.

22 Vice-Chair Geraldo.

23 MR. VICE-CHAIR: Vote aye.

24 MR. CHAIR: Commissioner Okoye.

25 COMMISSIONER OKOYE: I vote aye.

1 MR. CHAIR: And I vote aye, as well.

2 MR. GIBBS: Thank you very much. Have a nice day.

3 MR. CHAIR: Thank you. The next item on the  
4 agenda is item 6, draft resolution PGCPB numbers  
5 2025-057(A)-CSP-2302, Signature club East.

6 MR. VICE-CHAIR: Mr. Chair, I move that we --

7 MS. TALERICO: (Indiscernible) hold on. Mr. Huang  
8 has brief remarks.

9 MR. HUANG: Before the Board make a motions, they  
10 want to request to incorporate the testimony, discussing in  
11 the item number 5, and make the correction to the amended  
12 resolution.

13 MR. CHAIR: I would move that we adopt the amended  
14 resolution of CSP 23002, and adding the proffer made by the  
15 applicant regarding the screening along the northern side of  
16 the properties of lot 12 and lot 8 -- out lot 8.

17 COMMISSIONER OKOYE: I'm going to (indiscernible).

18 MR. CHAIR: Property moved as second. All in  
19 favor signify by saying aye.

20 MR. CHAIR: Aye. I will now call the role. I'm  
21 sorry.

22 Commissioner Geraldo.

23 MR. VICE-CHAIR: I vote aye.

24 MR. CHAIR: Commissioner Okoye.

25 COMMISSIONER OKOYE: I vote aye.

1           MR. CHAIR: And I vote aye, as well. That  
2 concludes all items on today's agenda. I want to thank the  
3 staff, and others for coming out today. The time is now  
4 12:15. The meeting is now adjourned.

5                       (Whereupon, the proceedings were concluded.)

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