

1 THE PRINCE GEORGE'S COUNTY PLANNING BOARD OF  
2 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
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5 DSP-22001 MCDONALD'S AGER ROAD  
6 Planning Board Meeting, Item 10  
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8 T R A N S C R I P T  
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10 P R O C E E D I N G S  
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12 COUNTY ADMINISTRATION BUILDING  
13 Upper Marlboro, Maryland  
14 October 3, 2024  
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BEFORE:

- PETER A. SHAPIRO, Chairman
- DOROTHY F. BAILEY, Madam Vice-Chair
- MANUEL GERALDO, Commissioner
- A SHAUNISE WASHINGTON, Commissioner
- WILLIAM M. DOERNER, Commissioner

OTHERS PRESENT:

- DELISA COLEMAN, Senior Counsel
- NATALIA GOMEZ ROJAS, County Planner
- SHERRI CONNOR, Development Review Division

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Greg Smith	6
Alexi Boado	8

P R O C E E D I N G S

CHAIRMAN: And item 10 and 11, these are companion cases. Hold on one second, folks. Item 10 is a Detailed Site Plan DSP-22001 McDonald's Ager Road. Item 11 is a Departure from Design Standards DDS-23001 McDonald's Ager Road. This item was continued from September 6th Planning Board meeting.

Before we, again -- Mr. Haller. I'm sorry, Mr. Gibbs. Apologies. Mr. Gibbs, you have a request for us?

MR. GIBBS: Yes, I do. Good morning, Chair Shapiro, members of the Planning Board. Edward Gibbs, an attorney with offices in Largo, here this morning representing McDonald's USA, LLC, the applicant in this case. Yes, I am asking for a two-week continuance of this case. Yesterday -- or excuse me -- Tuesday, I guess it was, at 11:27, I sent an email to staff saying could you please send any new signups to me, as well as advise me of any new written material had been filed? I got a response from staff about three hours later with a sign-up list. I sent another email five minutes after that saying, is there any new material? I received a response saying, I do not believe any new material has been filed. I did not learn until approximately 4:30 yesterday that -- and -- and by the way, I constantly was checking the site. I did not learn until about 4:30 yesterday that there was material. I did

1 not have access to that material until 7:30 last night. I  
2 was continuously checking my computer site, and it turns out  
3 that the opposition in this case filed 471 pages of new  
4 material. There's just no way that I could professionally  
5 or diligently wade through that material starting at 8:30  
6 last night when I got to my home. And my client, I would  
7 respectfully note, deserves that type of analysis from me.  
8 I certainly scanned it. There's a lot of assertions about  
9 traffic elements, assertions about trees and -- but -- but  
10 again, to not have the time to look through that  
11 information, especially when the opposition asked for a  
12 continuance last week when I had filed about 22 pages -- I  
13 think it was -- on Tuesday at noon. So in any event, with  
14 that being said, I'm asking for a two-week continuance. I  
15 would have only asked for a week, but I have to respond by  
16 filing a legal memorandum in the Maryland Supreme Court at  
17 the end of next week, and so next week is going to be  
18 just -- I'm going to be consumed working on that pleading,  
19 and so -- so I'm asking for a two week deferral here, and I  
20 would appreciate the Board's positive review of that  
21 request. Thank you.

22 CHAIRMAN: Thank you, Mr. Gibbs.

23 We have -- let me see if there are other folks who  
24 want to comment on this.

25 Mr. Smith, I see your hand up. You have something

1 you want to add or ask or request or comment on? You're on  
2 mute, Mr. Smith.

3 MS. COLEMAN: Before we move to Mr. Smith, if we  
4 could just have Mr. Gibbs request formally on the record an  
5 extension to the waiver that he provided. I believe that it  
6 is the one that was submitted with a date certain until  
7 October 9th.

8 CHAIRMAN: Thank you for that, Ms. Coleman.  
9 Mr. Gibbs?

10 MR. GIBBS: Yes, I'm happy to do that. It had  
11 been my understanding that we had done an indefinite waiver,  
12 but -- because this case was filed a year ago, I think --  
13 but in any event, yes, we definitely do consent to an  
14 extension -- a further extension of the action time. Thank  
15 you.

16 CHAIRMAN: Thank you, Mr. Gibbs.  
17 And Ms. -- we have Natalia Gomez Rojas or Ms.  
18 Connor, you're going to be taking this from a staff  
19 perspective.

20 MS. CONNOR: Yes. Staff has no issue with the  
21 request for continuance.

22 CHAIRMAN: Okay. Thank you, Ms. Connor.

23 All right, Mr. Smith, you have something you want  
24 to add or ask or comment on?

25 MR. SMITH: Yeah. In keeping with Mr. Gibbs'

1 statement that he had requested a copy of the registered  
2 speakers roster and that he had received that, I had  
3 requested a copy of the September 26th roster before that  
4 hearing and did not receive it, and I've sent more than one  
5 request seeking the speakers roster for this hearing and not  
6 received it, so we are cognizant of the fact that these  
7 hearings take a lot of time and that you would like to see  
8 well organized, nonrepetitive testimony, and that's why we  
9 ask for that. We participate entirely as volunteers, so  
10 we'd love to see a timely presentation of speakers roster  
11 for this next go around. I'll note that -- and I also kept  
12 checking the -- the agenda to see whether additional  
13 materials had been posted, and they were posted pretty late  
14 in the day. With respect to Mr. Haller's (sic) request for  
15 a two-week continuance, I just want to note that when we  
16 earlier requested a longer continuance, Mr. -- I have no  
17 problem with a two-week continuance or a longer continuance.  
18 When we pressed for that longer continuance and based on a  
19 number of factors, including the lack of public availability  
20 of a lot of the files that staff is relying on developing a  
21 Technical Staff Report, and when I noted that there had, in  
22 fact, been an indefinite hold or waiver on this case, we got  
23 a lot of pushback on that. So suddenly, that's available as  
24 a reason to continue for two weeks or preferably more, but  
25 when we made the same arguments to you on the basis of

1 fairness so we could present you with informed public  
2 comment and you can make an informed decision, our request,  
3 our rationale, our reasons did not -- did not count much. I  
4 am -- we are grateful that we got the one-week continuance,  
5 but we think we laid out a pretty good case for a longer  
6 continuance. I'm not pressing for a longer continuance. I  
7 just want to -- want to note this disparity and this  
8 fundamental imbalance in how these requests for continuances  
9 and waivers are approached. Thank you very much, and I also  
10 want to I want to note you all -- we know that you all had  
11 two evening hearings this week, so we are appreciative that  
12 you put this much time into hearings, hearing prep, and  
13 listening to testimony. Thank you.

14 CHAIRMAN: Thank you, Mr. Smith. Appreciate that.

15 All right. If there's nobody else, Mr. Boado?

16 MR. BOADO: Yes. I want to say I want to concur  
17 with Greg. When Mr. Gibbs asked for us to not be given two  
18 weeks -- to be given extra time last week, if not for Mr.  
19 Doerner, you would have immediately denied that, and now  
20 that Mr. Gibbs suddenly needs time, even though he's a  
21 professional operation, he's getting paid. We're  
22 volunteers. We're not -- we're not given the same respect.  
23 I want that noted on the record.

24 CHAIRMAN: Thank you, Mr. Boado. Anything else?  
25 Anyone else who wants to comment?



1           Mr. Smith, yes?

2           MR. SMITH: Yeah, just to reinforce my point, you  
3 know, there was some reluctance to grant that continuance  
4 last time, even though I cited a section of the code that if  
5 the agency or if the applicant submits new materials in the  
6 record, any person of record requested is entitled to at  
7 least a seven-day -- is entitled to a seven-day continuance,  
8 but there was contention over that point. So I say if we  
9 see new material in the record submitted by the applicant,  
10 we're entitled to seek and get a continuance the next time.  
11 That's -- that's just what the law says. Thank you.

12           CHAIRMAN: Thank you. If there's no other  
13 comments on this, and there's no one else who's requesting  
14 to speak on this request for a continuance, Commissioners,  
15 what is your pleasure on this item?

16           COMMISSIONER WASHINGTON: Mr. Chairman, I move  
17 that we approve the request to continue DSP-22001 to  
18 Planning Board hearing date of October 17th, 2024.

19           MADAM VICE CHAIR: Second.

20           CHAIRMAN: We've got a motion by Commissioner  
21 Washington. A second by Vice Chair Bailey. Any discussion  
22 on the motion? Seeing none, I will call the roll.

23           Commissioner Washington?

24           COMMISSIONER WASHINGTON: I vote aye.

25           CHAIRMAN: Vice Chair Bailey?

1 MADAM VICE CHAIR: Vote aye.

2 CHAIRMAN: Commissioner Doerner?

3 COMMISSIONER DOERNER: Vote aye.

4 CHAIRMAN: Commission Geraldo?

5 COMMISSIONER GERALDO: Vote aye.

6 CHAIRMAN: I vote aye as well. The ayes have it  
7 five-zero.

8 MS. COLEMAN: Also, Chair, can we have a motion to  
9 extend the DDS, as well?

10 CHAIRMAN: I'm sorry. If the maker of the  
11 motion -- if the maker of the motion and the second of the  
12 motion will accept this friendly amendment. Both of these  
13 are for the -- for both these items, the DSP and the DDS.  
14 Is that okay?

15 COMMISSIONER WASHINGTON: That's fine.

16 MADAM VICE CHAIR: Yes.

17 CHAIRMAN: Ms. Coleman, will that do? Thank you.

18 Mr. Smith, you have something you want to add?

19 MR. SMITH: Yes. As I have with past hearings  
20 where there have been continuances, I request that the  
21 Planning Board -- Planning Department provide us as soon as  
22 possible with a list of all persons of record in Excel, but  
23 also that, more importantly, that you inform all persons of  
24 record by -- by email and perhaps by First-Class Mail, that  
25 this this case has been continued for another two weeks.

1 Persons of record registration web form requires folks to  
2 provide their email addresses, so it should be a relatively  
3 simple matter to mail notice if the case has been continued  
4 by two weeks.

5 CHAIRMAN: Okay. Thank you, Mr. Smith.  
6 Appreciate that.

7 Commissioners, if there is nothing else before us,  
8 Ms. Connor, any further business before us that you have?

9 MS. CONNOR: I don't think we closed out that  
10 vote, Mr. Chair.

11 CHAIRMAN: Yes. Oh, we didn't. No.

12 MS. CONNOR: No.

13 CHAIRMAN: Oh, well. I should do that. So okay.  
14 So there's a friendly amendment to this, so this includes  
15 both the -- the DSP and the DDS. If there's no further  
16 discussion on the motion, did I call the roll? Am I  
17 actually here today? What am I doing?

18 COMMISSIONER DOERNER: You're actually just an AI  
19 bot. We're going to turn you off.

20 CHAIRMAN: Did I call the roll or I need to call  
21 the roll?

22 COMMISSIONER WASHINGTON: You need to call the  
23 roll.

24 CHAIRMAN: Okay. Thank you. Commissioner  
25 Washington?

1 COMMISSIONER WASHINGTON: Vote aye.

2 CHAIRMAN: Vice Chair Bailey?

3 MADAM VICE CHAIR: I think I'm here today. Vote  
4 aye.

5 CHAIRMAN: All right. Commissioner Doerner?

6 COMMISSIONER DOERNER: Vote Aye.

7 CHAIRMAN: Commissioner Geraldo?

8 COMMISSIONER GERALDO: I vote aye.

9 CHAIRMAN: I vote aye as well. The ayes have it  
10 five-zero. Thank you. This request for a continuance is  
11 granted for two weeks.

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

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DIGITALLY SIGNED CERTIFICATE

ESCRIBERS, LLC, hereby certified that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Prince George's County Planning Board in the matter of:

DSP-22001 MCDONALD'S AGER ROAD  
Planning Board Meeting, PPS Item 10

By:  Date: March 3, 2025

Carrie Johnson, Transcriber