

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

3  
4  
5 WOODMORE COMMONS

6 Detailed Site Plan, DSP-04067-10 and  
7 Departure from Design Standards, DDS-672

8  
9 T R A N S C R I P T

10 O F

11 P R O C E E D I N G S

12  
13 COUNTY ADMINISTRATION BUILDING

14 Upper Marlboro, Maryland

15  
16 March 18, 2021

17 VOLUME 1 of 1

18  
19  
20 BEFORE:

21 ELIZABETH M. HEWLETT, Chair

22 DOROTHY F. BAILEY, Vice-Chair

23 MANUEL R. GERALDO, Commissioner

24 A. SHUANISE WASHINGTON, Commissioner

25 WILLIAM M. DOERNER, Commissioner (Absent)

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OTHERS PRESENT:

HENRY ZHANG, Staff, Subdivision & Zoning Section

BRIAN BARNETT-WOODS, Staff, Transportation Section

ED GIBBS, Attorney for Applicant

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MADAM CHAIR: Okay. The Prince George's County Planning Board is back in session. I thank everyone. You know, sometimes it's tough when you can't get up for anything, so, so, anyway, let me do a check to make sure we have everyone.

So, we have Mr., Mr., we have the Prince George's Planning Board. I see Madam Vice Chair Bailey. I see Commissioner Washington. I see Commissioner Geraldo. I see Mr. Gibbs on behalf of the applicant. I see Chris Duffy. I see, I said Mr. Zhang, right? Okay. Did I say Mr. Zhang? Okay. Andrew Lohr.

MR. ZHANG: Good afternoon, Madam Chair.

MADAM CHAIR: Good afternoon, Mr. Zhang. I see James Hunt. Do I see Mr. Lohr from Bohler Engineering?

MR. LOHR: Yes. Good afternoon, everyone. This is Andrew Lohr.

MADAM CHAIR: Wonderful. Glen Cook? Glen Cook or Wes Guckert?

MR. COOK: (Indiscernible.)

MADAM CHAIR: I heard something. Glen Cook, that was you? Okay. Wonderful. Is Mr. Guckert on, too, or you got it, Mr. Cook?

MR. COOK: Mr. Guckert is sitting here with me.

MADAM CHAIR: Okay. Well, okay. I hope you all

1 are spaced out. Okay. Well, spreads out, excuse me, not  
2 spaced out. Okay. We have Billy Ancheta, are you on?

3 MR. ANCHETA: (No audible response.)

4 MADAM CHAIR: Billy Ancheta?

5 MR. ANCHETA: (No audible response.)

6 MADAM CHAIR: Okay. Jasmine Smith?

7 MS. SMITH: (No audible response.)

8 MADAM CHAIR: Sam Dean, Mr. Samuel Dean?

9 MR. DEAN: On.

10 MADAM CHAIR: Good morning, I mean good afternoon,  
11 Mr. Dean.

12 MR. DEAN: Good afternoon to you, Madam Chair.

13 MADAM CHAIR: Thank you. Bilatina Yifru, Yifru?

14 MS. YIFRU: (No audible response.)

15 MADAM CHAIR: Bilatina Yifru?

16 MS. YIFRU: (No audible response.)

17 MADAM CHAIR: Okay. So, let me -- Ericka Fareed.

18 MS. FAREED: I'm here, Madam Chair.

19 MADAM CHAIR: Wonderful. Thank you. Bec Beccles.

20 MR. BECCLES: (No audible response.)

21 MADAM CHAIR: Bec Beccles? Oh, there you are.

22 MR. BECCLES: I'm here. Thank you.

23 MADAM CHAIR: Thank you. Wonderful.

24 MR. BECCLES: I'm here.

25 MADAM CHAIR: Okay. Wonderful. Robert Barbour.

1 MR. BARBOUR: (No audible response.)

2 MADAM CHAIR: And if at any point I'm

3 mispronouncing a name, please let me know. Robert Barbour?

4 MR. BARBOUR: (No audible response.)

5 MADAM CHAIR: Okay. Ky Gibbs?

6 MR. GIBBS: (No audible response.)

7 MADAM CHAIR: Ky, K-Y, Gibbs?

8 MR. GIBBS: (No audible response.)

9 MADAM CHAIR: Felecia Hogue?

10 MS. HOGUE: (No audible response.)

11 MADAM CHAIR: LaRay Benton?

12 MR. BENTON: I'm here.

13 MADAM CHAIR: Okay. Wonderful. Is it Jo Vi, or

14 Jo Vi?

15 MS. VI: I'm here, Madam Chair.

16 MADAM CHAIR: Is it Jo Vi or Jo Vi?

17 MS. VI: Vi.

18 MADAM CHAIR: Vi? Thank you. Okay. Ashley

19 Hayes? Excuse me. Ashley Hayes?

20 MS. HAYES: No audible response.

21 MADAM CHAIR: Danita Saunders?

22 MS. SAUNDERS: Here.

23 MADAM CHAIR: Danita Saunders?

24 MS. SAUNDERS: Here.

25 MADAM CHAIR: Okay. Wonderful.

1 MS. SAUNDERS: Here.

2 MADAM CHAIR: Okay. Okay. And Mesay Bekure?

3 MR. BEKURE: Mesay Bekure, I'm here.

4 MADAM CHAIR: Mesay? I'm sorry. Thank you.

5 Wonderful. Tanya Woolfolk?

6 MS. WOOLFOLK: I'm here.

7 MADAM CHAIR: Wonderful. Denise Dyer? Denise

8 Dyer?

9 MS. DYER: (No audible response.)

10 MADAM CHAIR: Derek Curtis?

11 MR. CURTIS: (No audible response.)

12 MADAM CHAIR: His name is there. Derek Curtis is

13 there. I saw the name. I didn't hear anything. Derek

14 Curtis?

15 MR. CURTIS: (No audible response.)

16 MADAM CHAIR: Okay. Well, we see you. We see

17 your name anyway. Cashenna Cross?

18 MS. CROSS: I'm here, Madam Chairman. Thank you.

19 MADAM CHAIR: Wonderful. Thank you. And then we,

20 that concludes the sign-up list, I believe, although we have

21 several exhibits in the record, several additional exhibits.

22 So, we have, and I guess I'll let Mr. Gibbs explain, but we,

23 and you can identify them please. Give them a number and

24 we'll accept them into the record; but we also have a letter

25 from Mr. Dean, from a Council Member Dean from the Lake

1 Arbor Civic Association. That will be Opponent's Exhibit  
2 No. 1. And we have an opposition from LaRay Benton, which  
3 is Opponent's Exhibit No. 2. So, with that, I'm going to  
4 turn to Mr. Zhang to please start, you can start presenting.

5 MR. ZHANG: Good afternoon, Madam Chair, and  
6 members of the Planning Board. For the record, this is  
7 Henry Zhang with the Design Section. Can everybody hear me  
8 all right?

9 MADAM CHAIR: Yes.

10 COMMISSIONER WASHINGTON: Yes.

11 MR. ZHANG: Okay. Thank you all. We have two  
12 items here. Basically, Item 8 is a Detailed Site Plan for  
13 development of 71,411 square feet of commercial retail and  
14 office uses. The companion case, No. 9, Item No. 9, is a  
15 departure from design standards for reducing parking space  
16 size to 9 feet by 18 feet. Excuse me, Madam Chair. So,  
17 would you like to just consolidate the record --

18 MADAM CHAIR: Oh, yes, we're going to consolidate --

19 MR. ZHANG: -- for this one because --

20 MADAM CHAIR: -- the record from one into each  
21 other. So, it's one, it's one record. Thank you.

22 MR. ZHANG: Okay. Thank you. Next slide please.  
23 The proposed development is in Planning Area 73 of the  
24 District 5. Next slide please. Specifically, this site  
25 consists of two sections on both sides of Ruby Lockhart

1 Boulevard, as outlined in red. The site that's in the  
2 northeast quadrant will be the section of MD-202, which is  
3 Landover Road, and St. Joseph's Drive.

4 Next slide please. The site is in a MXT zone,  
5 which is a mixed use transportation-oriented zone, and then  
6 surrounded by the same, by the property, excuse me, in the  
7 same zone. Across the street of the St. Joseph's Drive is  
8 the property in the RR zone, which is the only RR zone  
9 surrounded by the larger MXT zone properties.

10 Next slide please. This site is just outside of  
11 Largo Town Center development district overlay zone.  
12 Basically, the Largo Town Center development district  
13 overlay zone is just across the street further to the south  
14 of 202.

15 Next slide please. This is the aerial photo show  
16 the side physically outlying on both sides of Ruby Lockhart  
17 Road, Boulevard, basically, vacant and wooded. I would like  
18 to point to the Planning Board that if you look at this  
19 aerial photo, there is a wide linear property which is  
20 basically degraded --

21 MADAM CHAIR: Can you, can you correct --

22 MR. ZHANG: -- roadway.

23 MADAM CHAIR: Excuse me, Mr. Zhang. Mr. Flannagan  
24 is here, so you're, make sure you direct him wherever you  
25 need him to put the cursor.

1 MR. ZHANG: Okay.

2 MADAM CHAIR: Thank you.

3 MR. ZHANG: Yeah. Can I please put the cursor to  
4 the lower, lower-hand, lower right hand? There's a longer  
5 linear, wide, wide property here. No, no, keep to the left.  
6 No, keep going to the left.

7 MADAM CHAIR: Oh, I see.

8 MR. ZHANG: Here.

9 MADAM CHAIR: This one right --

10 MR. ZHANG: Yeah, this, yeah, this is a  
11 connection, that's the connection, no, not that one.

12 MADAM CHAIR: This --

13 MR. ZHANG: It's not that big.

14 MADAM CHAIR: Yeah, that one right there.

15 MR. ZHANG: Just a linear -- yeah, yeah, there,  
16 yeah, yeah.

17 MADAM CHAIR: Okay.

18 MR. ZHANG: Okay. This is basically the, the  
19 graded roadway for the I-310, which is in the, in the  
20 opposition's --

21 MADAM CHAIR: Did he freeze? Oh, boy. Hold on,  
22 people. Mr. Zhang, you froze.

23 MR. ZHANG: Design --

24 MADAM CHAIR: Hold on, Mr. Zhang. Everybody is  
25 frozen. So, that must be on our end. Okay. For, can they

1 hear me? For those of you who can hear me, we have a little  
2 technical glitch here. So, just hold tight for a moment,  
3 okay?

4 MR. ZHANG: I can, I can share my screen --

5 MADAM CHAIR: Okay.

6 MR. ZHANG: -- with my, my --

7 MADAM CHAIR: Okay. So, we didn't -- over here we  
8 didn't hear anything that you were saying just now, Mr.  
9 Zhang.

10 MR. ZHANG: No.

11 MADAM CHAIR: Okay.

12 MR. ZHANG: Oh, oh, okay. I'm sorry.

13 MADAM CHAIR: You froze.

14 MR. ZHANG: Next slide please. Next slide please.

15 UNIDENTIFIED SPEAKER: Slide 7.

16 MR. ZHANG: Yes, please.

17 MADAM CHAIR: We did it. I think it is a delay on  
18 your end. We, we, it is on slide 7.

19 MR. ZHANG: Okay. Yeah. Yeah. I saw it. Okay.  
20 I'm sorry for that. This is a side match show generally the  
21 side basically leveled with no regulated environmental  
22 features on this side. Next slide please. This is the  
23 Master Plan roadway show the side basically surrounded by  
24 the different categories of the roadway. The roadway you  
25 see here, the brown places, which is the Ruby Lockhart and

1 also the extension to the 202. Basically, that's the Master  
2 Plan roadway. The mission in the prior slides, the real  
3 location has been shifted as a result of prior approvals.

4           Next slide please. This is the Balk Hill Village  
5 Plan. The side is part of a larger Balk Hill Village as no,  
6 as Parcels 101 and two. You see here at the lower, lower  
7 portion of the slides. This development has a very long  
8 approval history. As of right now, the Balk Hill Village,  
9 the rest of Balk Hill Village you see here on the upper  
10 portion of the slide has all been built out.

11           In 19, excuse me, in 2014, the current applicant  
12 purchasing Parcel 1 and 2 from the Revenue Authority. In  
13 2019, the applicant filed a Conceptual Site Plan which you  
14 see here, all the footprint here; also, exactly like the  
15 approved Conceptual Site Plan for development of up to 284  
16 multi-family and up to 100,000 square feet of retail  
17 commercial and office spaces. Also, in 2019, the Planning  
18 Board approved a Preliminary Plan of Subdivision 4-18024 for  
19 the proposed development. That approved a logging pattern  
20 and an access point for this side.

21           In, I mean last year, in 2020, the Planning Board  
22 approved the ninth revision to this Detailed Site Plan,  
23 which is DSP04067-9, which you see here at lower portion of  
24 this slide, which is the, excuse me, which is the multi-  
25 family residential component of this development.

1           Next slide please. And then you see here this  
2 Detailed Site Plan consists of the two sections of which  
3 will be the last, you know, commercial portion of the, of  
4 the development, and they are, in this overall site plan,  
5 you see the site on both side of Ruby Lockhart Boulevard,  
6 and there was, was a big portion of the parcel on the west  
7 side. That's the Parcel 1 of the, excuse me, Parcel 2 of  
8 the original parcel; and then on the, on the right-hand  
9 side, basically it's the remaining Parcel 1 of the original  
10 parcel.

11           Next slide please. This is the western portion of  
12 the site which has five buildings proposed with this  
13 Detailed Site Plan. The site will be accessed from Ruby  
14 Lockhart Boulevard with the frontage on both St. Joseph's  
15 Drive and Landover Road.

16           Next slide please. The largest building in the  
17 western section is the inline retail building that you see  
18 which is here. It's about 53,000 square feet with, with  
19 enormous articulations on the, on the elevations, which will  
20 be consisting of all the inline retail without identifying  
21 specific tenant at this time. The building is designed in a  
22 very contemporary style with tower elements, especially  
23 those double tower element on both side of main entrance.

24           Next slide please. The building is finished with  
25 a combination of efface and cultured stone veneer, along

1 with the aluminum store fronts.

2           Next slide please. This is the proposed office  
3 building, which is part of the, the inline commercial  
4 building. This office building is finished completely with  
5 stucco, which staff believes we need to be consistent with  
6 the, you know, the rest of the building and the condition  
7 has been proposed, ask the applicant to use the same  
8 cultured stone, which --

9           MADAM CHAIR: Hold on. Hold on. Hold on. Mr.  
10 Zhang, you may still be talking.

11           MR. ZHANG: -- other building in the shopping  
12 center. Next slide please.

13           MADAM CHAIR: Okay. Mr. Zhang, Mr. Zhang --

14           MR. ZHANG: Yes?

15           MADAM CHAIR: Can you hear me, because sometimes  
16 you freeze --

17           MR. ZHANG: Yes.

18           MADAM CHAIR: -- and other people can't hear you,  
19 so there was a phrase you said. I just want to make sure  
20 you go back just a little bit, just for one sentence, your  
21 previous sentence to make sure we all hear you.

22           MR. ZHANG: Yes. I think I just said that the  
23 building of this proposed office building is finished with  
24 stucco.

25           MADAM CHAIR: Yes.

1 MR. ZHANG: It's completely stucco, which staff  
2 has proposed some condition which asks them to use some  
3 cultured stone veneer as used on the other building,  
4 specifically shadow rock, rock veneer to be on the portion  
5 of this building, to be consistent with the rest of the  
6 building in the shopping center.

7 MADAM CHAIR: Okay.

8 MR. ZHANG: Okay. Next slide please. This is the  
9 Chick fil A. It's about almost 5,000 square feet. It's  
10 completely finished with brick and it's drive through. This  
11 building also includes a complete sign package, which  
12 consisted of normal logo of the, of the Chick fil A, and  
13 also text. Next slide please.

14 MADAM CHAIR: And at some point, you're going to  
15 show us the orientation where each of these buildings is,  
16 right?

17 MR. ZHANG: Yes, this --

18 MADAM CHAIR: Okay.

19 MR. ZHANG: -- this building basically you see  
20 here on the upper-hand corner.

21 MADAM CHAIR: Uh-huh.

22 MR. ZHANG: That's the orientation of the  
23 building. Basically, it's oriented towards the, the long  
24 side, along St. Joseph's Drive; the shorter side facing  
25 Landover Road; and then the whole package of the signage has

1 been proposed here is on the four sides of the building.  
2 So, basically, this is a four-side building. You can see  
3 everywhere from the roadway.

4           Next slide please. This is the Arby building.  
5 It's about 24,000 square feet. It's in a rectangular form.  
6 It's also fronting, directly fronting the St. Joseph's  
7 Drive. It's finished with a combination of efface, of  
8 brick, aluminous store front.

9           Next slide please. This is just a different side  
10 of the abolition. You see here they basically emphasized  
11 the desire of four sides. That's all front elevation. They  
12 don't have a rear one in terms of articulation.

13           Next slide please. Once again, this Arby's also  
14 include a whole building-mounted sign package. Next slide  
15 please. This is the Chase Bank, which is fronting n Ruby  
16 Lockhart Road. This is a very modern design, a specific  
17 design for this site by using the same cultured stone  
18 material which will be consistent with the rest of the,  
19 majority of the building in the shopping center. And in  
20 addition, a (indiscernible) panel and also aluminum store  
21 front also being used here.

22           Next slide please. This one also shows the whole  
23 duty-mounted, excuse me, building-mounted signage package  
24 also used proposed with the typical logo and Chase,  
25 (indiscernible) of Chase. Next slide please. This is the

1 (indiscernible) show you how the ATM looks like. Next slide  
2 please. This is the Gateway sign, the only Gateway sign  
3 proposed for the western section of this development. It's  
4 located at intersection of Landover Road and St. Joseph's  
5 Drive. Also, this is the tallest sign, which is 25 feet.  
6 You see here the design and articulation is pretty much  
7 follow the same design concept of the inline retail building  
8 with the cultured stone veneer base, in addition to  
9 cementitious panel, and a cap which has been used in the  
10 inline retail building. Once again, this, this freestanding  
11 sign is 25 feet, consistent with the other commercial  
12 Gateway signage.

13           Next slide please. This is the eastern section of  
14 the proposed development. As I stated previously, this  
15 eastern section is the remaining portion of the original  
16 Parcel 1 to the, to the lower hand. I mean, basically, the  
17 lower portion of this slide you, you couldn't see, but you  
18 see some parking location. That's basically the residential  
19 components of this development which was approved by the  
20 Planning Board in the '09 revision of this Detailed Site.

21           Next slide please. On this side, there's only one  
22 building which is a 7-Eleven building. It's about 4,000  
23 square feet and you see here the building is designed in a  
24 very symmetrical composition. The building is finished with  
25 a combination of brick and also stone veneer, and you see

1 here the building is designed -- this is a 7-Eleven  
2 convenience store. It's designed in a full site elevation,  
3 pretty much emphasized the same way, use the same design,  
4 but also finished material.

5           Next slide please. This is the canopy of pretty  
6 much design same way used, the store veneer base and also  
7 with brick column for the canopy. The same material and  
8 design also apply to the trash enclosure you see here on the  
9 right-hand side of the slides.

10           Next slide please. A complete signage package  
11 also proposed for the 7-Eleven convenience store and gas  
12 station canopy. As you, as you see here, pretty much the  
13 very typical 7-Eleven signage package. Next slide please.

14           MADAM CHAIR: So, the, the signage, signage is  
15 typical, but the, the building itself is somewhat upgraded  
16 from your --

17           MR. ZHANG: Oh, yeah, yeah. Exactly. Actually,  
18 the building is pretty high-quality in a way. The finish --

19           MADAM CHAIR: For a 7-Eleven, it looks very  
20 different from the other 7-Elevens.

21           MR. ZHANG: (Indiscernible). Yeah.

22           MADAM CHAIR: Okay.

23           MR. ZHANG: There are several, there are, I should  
24 say one monumental sign, which you see here. It's a, it's a  
25 50-foot high. It's not, it's not that high, 50 feet. The

1 design was similar concept with the stone veneer base and  
2 also brick column to frame the, the sign. And then you see  
3 here the, your right-hand, lower right-hand corner of this  
4 slide, this is the directional sign. It's very, it's five  
5 feet. Those are the freestanding sign proposed for this  
6 application.

7           Actually, this is pretty much all the, the slides  
8 I have for this case. This Detailed Site Plan has been  
9 reviewed for conformance with all MXT zone regulations and  
10 also site design guidelines. The Detailed Site Plan is in  
11 conformance with all conditions attached to the old prior  
12 approvals, including a Zoning Map Amendment condition,  
13 Conceptual Site Plan condition, and also condition attached  
14 to the Preliminary Plan of Subdivision.

15           This Detailed Site Plan is formed to comply with  
16 all the applicable regulations as contained in woodland and  
17 wildlife habitat conversation ordinance, a tree canopy  
18 coverage ordinance, as well landscape manual, except for  
19 4.332, which is the interior planting requirement for the  
20 surface parking, but only for the eastern portion of the  
21 development.

22           The Planning Director (indiscernible) also fire a,  
23 attorney compliance AC-2105. Ask for relief under  
24 requirements of 4.3(c)(2). The Planning Director reviewed  
25 this AC and then recommended approval to be -- this AC has

1 been included with this Detailed Site Plan Staff Report.

2           No agency opposed to the approval of this Detailed  
3 Site Plan and DDS; however, we received citizen opposition,  
4 I think, two exhibits has been entered into the record of  
5 this Detailed Site Plan. The Urban Design Section recommend  
6 approval of Detailed Site Plan DSP and also this DDS because  
7 all the recalled findings of approval has been completely  
8 satisfied as you see in the Staff Report. Specifically,  
9 Urban Design Section recommended approval of DDS-672 to  
10 allow all the surface parking to be reduced to 9 by 18  
11 seats; and the Urban Design Section also recommend the  
12 Planning Board adopt a finding of this report and approved  
13 Detail Site Plan 04067-10; and also include AC21005, Type 2  
14 Tree Conservation Plan TCP2-082-5-6, subject to the  
15 condition as written on page 25 and 26 of the Staff Report.

16           As Madam Chairman, excuse me, as Madam Chair  
17 mentioned at the very beginning, there are six exhibits  
18 being entered. All of the six exhibits, six by the  
19 applicant and then two are by the opposition, Mr. Dean and  
20 then Mr. Benton.

21           MADAM CHAIR: So, that's, okay.

22           MR. ZHANG: Out of the six Applicant's exhibit,  
23 there is one the Applicant propose two revisions to be  
24 conditions of approval, which Staff has reviewed and agree  
25 with it. With that, that concludes the Staff presentation.

1 Thank you.

2 MADAM CHAIR: Thank you, Mr. Zhang. I have a  
3 quick question. I know that the District Council zoned this  
4 property to MXT in, in 2002; but, but there was a  
5 subsequent, the counsel made a subsequent amendment in 2018.  
6 Can you just quickly touch on those?

7 MR. ZHANG: Yeah. Yeah. Yeah. Yeah, go ahead  
8 please.

9 MADAM CHAIR: No, you go ahead.

10 UNIDENTIFIED SPEAKER: We couldn't hear you, Madam  
11 Chair.

12 MADAM CHAIR: Oh, it's me?

13 MR. ZHANG: You just broke.

14 MADAM CHAIR: Oh, I froze. Okay. Can you hear me  
15 now?

16 UNIDENTIFIED SPEAKER: Yes. Yes.

17 MADAM CHAIR: Okay. So, I said the District  
18 Council approved the zoning?

19 MR. ZHANG: Yes, ma'am.

20 MADAM CHAIR: The District Council approved the  
21 zoning in 2002?

22 MR. ZHANG: You just froze again.

23 MADAM CHAIR: Okay. Hold tight.

24 UNIDENTIFIED SPEAKER: You're going in and out.

25 MADAM CHAIR: Okay. Hold tight.

1 MR. ZHANG: We can hear you now.

2 MADAM CHAIR: You can? You can --

3 MR. ZHANG: Yes, ma'am.

4 MADAM CHAIR: Okay. All right. Okay. So, what I  
5 said is the District Council approved the zoning from I-3,  
6 the rezoning from I-3 to MXT in 2002; but in 2018, the  
7 District Council made another amendment. Can you just touch  
8 on that please? Could you hear me? No?

9 MR. ZHANG: Oh, yes.

10 MADAM CHAIR: Okay.

11 MR. ZHANG: Yes, I'm thinking, yes, I can. Yes, I  
12 can hear you. Yes, I think at the time of original  
13 approval, those two, I mean the, those two parcel included  
14 in this Detailed Site Plan was identified as Parcel 1 and 2,  
15 which have been recalled to be transferred to the Revenue  
16 Authority.

17 MADAM CHAIR: Okay.

18 MR. ZHANG: Maybe it's after that transfer they  
19 don't have, I mean the Revenue Authority didn't do anything  
20 to this property. In the year 2014, the Revenue Authority  
21 decided to, to just give out to, I mean property, those two  
22 parcels; and then the applicant bought these two parcels in  
23 2014; and then they requested District Council to, to rise  
24 the condition attached to the, to the prior approval of what  
25 to, I mean the possible use of these two properties. And

1 the Council approval it and in 2019, the Applicant file a  
2 Conceptual Site Plan for those two parcels only proposed for  
3 a mixed use development up to 284 multi-family dwellings and  
4 they're up to 100,000 square feet of commercial retail and  
5 office uses.

6 And in the same year, the Applicant filed a  
7 Preliminary Plan of Subdivision, which is 4-18024; and then  
8 that's basically established (indiscernible) pattern and the  
9 street pattern for this development, which we see here today  
10 on the Site Plan.

11 MADAM CHAIR: Okay. Okay. Thank you. I'm going  
12 to see if the Board has any questions. So, basically, we're  
13 at -- here's the thing, we're at a Detailed Site Plan stage  
14 and I guess our council can help us where we're doing a  
15 Detailed Site Plan and a departure from design standards  
16 applications. We've combined the records and we're hearing  
17 only those two matters. So, the, so issues like the traffic  
18 and certain other issues that may be the subject of a  
19 preliminary plan are not germane in this particular case, is  
20 that right, Mr. Warner?

21 MR. WARNER: Yes, that's correct, either one, or  
22 principle council, I agree.

23 MADAM CHAIR: Okay. So, I just want to make sure  
24 we're clear. Okay. So, let me see if the Board has any  
25 questions of you, Mr. Zhang. Madam Vice Chair?

1 MADAM VICE CHAIR: No questions at this time.

2 Thank you.

3 MADAM CHAIR: Okay. Commissioner Washington?

4 COMMISSIONER WASHINGTON: No questions. Thank  
5 you.

6 MADAM CHAIR: Commissioner Geraldo?

7 COMMISSIONER GERALDO: I have no questions, Madam  
8 Chair.

9 MADAM CHAIR: Thank you. Okay, Mr. Gibbs, you're  
10 on.

11 MR. GIBBS: Good afternoon, Chair Hewlett and  
12 members of the Planning Board. Edward Gibbs, an attorney  
13 with offices in Largo, right across the street from this  
14 property actually. And I'm pleased to be here this  
15 afternoon representing the Applicant Balk Hill Ventures, and  
16 that Applicant is now the owner of the property that forms  
17 the subject matter of this Detailed Site Plan this  
18 afternoon.

19 Chair Hewlett, it's going to be important for me  
20 to go through some of this history to flush out a few things  
21 --

22 MADAM CHAIR: I understand.

23 MR. GIBBS: -- with the, so I'm going to have to  
24 do that, and I think it will also address you question  
25 directly relative to 2018. So, I'm going to do that before

1 I get into addressing the conditions and the exhibits that I  
2 have. So, thank you very much.

3           This property in total, the Balk Hill project was  
4 125 acres; and it was originally zoned to the MXT zone by  
5 Rocky Gorge communities, a residential developer. I did not  
6 represent them. I did not file that rezoning application.  
7 I represent Balk Hill Ventures and Balk Hill Ventures, the  
8 principles of Balk Hill Ventures are the principles of  
9 Petrie Richardson Ventures. Of course, they were the master  
10 developer and the commercial developer of Woodmore Town  
11 Center, which is just, you know, around the corner from this  
12 particular property. And, of course, Woodmore Town Center,  
13 the commercial component, is, you know, if I do say so,  
14 probably one of the most successful commercial development  
15 in the County.

16           So, when, when this property was rezoned by Rocky  
17 Gorge, they're a residential developer and that occurred  
18 back in 2002. They wanted to go from I-3 to MXT, and you  
19 need to have a second use, so they designated two parcels,  
20 each of which were approximately 9 acres to be developed  
21 non-residential uses; and those became Parcels 1 and 2,  
22 which are the subject of, of this application.

23           When the original rezoning was approved in 2002 in  
24 Case A-9956C, there was, there were a number of conditions;  
25 and, and it approved basically 393 residential units of

1 varying types and commercial uses to be developed on Parcels  
2 1 and 2. After the rezoning was approved, Rocky Gorge went  
3 forward and they filed a Conceptual Site Plan application,  
4 and I might add the documents for all these approvals are in  
5 the back-up of this case. So, the Conceptual Site Plan was  
6 03001, and it was approved in 2003. It included the entire  
7 125 acres.

8           Thereafter, in March of 2004, a Preliminary  
9 Subdivision Plan designated as 4-03094, was approved, once  
10 again, for the entire project. So, it included the 394  
11 residential units, as well as Parcels 1 and 2, each of which  
12 are approximately 9 acres in size. Then in June of 2006, a,  
13 the first Detailed Site Plan was approved, DSP04067. Once  
14 again, it included the entire 125 acres. It included all  
15 the residential units. It included Parcels 1 and 2, but no  
16 development was shown in that Detailed Site Plan for Parcels  
17 1 and 2.

18           In 2012, at the request of the County Executive at  
19 the time, Parcels 1 and 2 were deeded to the Revenue  
20 Authority. By that time, DOR Horton had succeeded Rocky  
21 Gorge and was actually developing the residential component  
22 of Balk Hill, and so they deeded the Parcels 1 and 2 revenue  
23 authority; and, ultimately, the Revenue Authority entered  
24 into a contract of sale with Balk Hill Ventures and my  
25 client became the contract purchaser of the property.

1           So, at that point in time, my client's involvement  
2 in the entitlement process commenced and I was representing  
3 them from the outset. So, what we did is we looked at the  
4 conditions attached to the, to the original rezoning and  
5 there were two conditions that we wanted clarification on.  
6 The first was Condition 5, which in the original, in the  
7 original approval, Condition 5 read that you could develop  
8 the property with 393 residential units; 20,000 square feet  
9 of retail; 328,480 square feet of office; and, quote, "Other  
10 permitted uses," in the MXT zone, as long as you did not  
11 exceed a trip cap of 1,013 a.m. peak hour trips and, a.m.  
12 trips; and 1,058 p.m. peak hour trips.

13           So, we wanted to clarify that to make certain that  
14 any uses permitted in the MXT zone could be developed on the  
15 property. We were told that you already had that  
16 flexibility by virtue of the phrase, or other permitted  
17 uses, but we wanted to be crystal clear.

18           There was also another condition, Condition 10,  
19 which when it was added to the rezoning in 2002, provided  
20 that an Advisory Planning Committee would be established to,  
21 quote, "Advise either the Revenue Authority or some other  
22 non-profit entity relative to development of Parcels 1 and  
23 2."

24           By the time my client became the contract  
25 purchaser, that DSP04067 had been approved; and if you look

1 in the resolution approving that DSP on page 7, finding 16,  
2 Condition 10, states that the Advisory Planning Committee  
3 had been formed, established and had given advice, and that  
4 Condition 10 had, therefore, already been satisfied. So, we  
5 wanted to reflect that that had occurred, so we asked the  
6 District Council to amend that condition as well. That went  
7 through a lengthy process. We had a hearing before the  
8 Zoning Hearing Examiner. The Hearing Examiner recommended  
9 approval and it then went to the District Council, and the  
10 District Council did, in fact, amend those two conditions;  
11 and so today Condition 5 reads that the property can be  
12 developed with 393 residential units, quote, "Plus  
13 additional permitted uses in the MXT zone which generate no  
14 more than 1,013 a.m. and 1,058 p.m. peak hour vehicle trips.  
15 So, the Council agreed that any use permitted in the MXT  
16 zone could be developed on the property.

17 MADAM CHAIR: So, hold on.

18 MR. GIBBS: Condition 10 --

19 MADAM CHAIR: Hold on a second. Let me make sure  
20 I'm with you, because, so and these use, these uses, I  
21 guess, Mr. Zhang would have said -- these uses, legally, I  
22 guess, part of this is Mr. Warner. When a use is permitted,  
23 when the District Council determines that a use is permitted  
24 in a particular zone, then you can't, then we cannot then  
25 say this use is allowed and this use is not allowed so long

1 as, as it's within the, the list of permitted uses as  
2 determined by the Council, is that not correct?

3 MR. WARNER: Good morning, principal council.  
4 Yes, that is correct. That is the effect of the zoning, uh-  
5 huh.

6 MADAM CHAIR: Okay. And because I know we've,  
7 I've argued case law myself on that years ago, so I know.  
8 You can't limit the uses that the District Council has  
9 determined are permitted. So, are these particular uses,  
10 they all fall within that MXT zone category? You can't just  
11 nod your head, Mr. Zhang.

12 MR. ZHANG: I --

13 MADAM CHAIR: Okay. Yeah?

14 MR. GIBBS: Well, I can answer that. I can tell  
15 you that, yes, under the Use Table 274547, they're all  
16 permitted as a matter of right, and there is a finding to  
17 that effect in the Staff Report.

18 MADAM CHAIR: Okay. I just want to, I just wanted  
19 to confirm that because --

20 MADAM VICE CHAIR: I did not hear the response  
21 from our attorney --

22 MADAM CHAIR: Okay.

23 MADAM VICE CHAIR: -- to you.

24 MADAM CHAIR: Okay. Mr. Warner?

25 MR. WARNER: Thank you, Commissioner Bailey. Yes,

1 I agree with the Chair that the uses that are permitted  
2 under the Zoning Law that applies to a particular parcel are  
3 what is permitted. We can't pick and choose among those  
4 uses what we permit and what we don't permit, or I should  
5 add the type of retail use, or commercial use, whether it's  
6 a 7-Eleven or a Royal Farms, that kind of thing either.  
7 That's not within our purview.

8 MADAM CHAIR: Okay. And --

9 MADAM VICE CHAIR: (Indiscernible) Mr. Zhang was  
10 are all of the proposed uses permitted?

11 MR. ZHANG: That's correct. It's on Staff Report  
12 under the finding of the eight, it's clearly states so.  
13 Thank you.

14 MADAM CHAIR: Thank you.

15 MADAM VICE CHAIR: Thank you, Mr. Zhang.

16 MADAM CHAIR: And we have that. I just, I just  
17 want to confirm because I know I've, this argument has come  
18 up before when, when I was legal counsel years ago and I  
19 know I had to argue this, but you, you can't pick and  
20 choose. Okay. And thank you, and thank you, Mr. Gibbs, for  
21 the citation. Okay. So --

22 MR. GIBBS: Surely.

23 MADAM CHAIR: Okay.

24 MR. GIBBS: And then I also want to, that  
25 Condition 10 was also amended; and so, today that condition

1 reads, "Prior to the acceptance of a Detailed Site Plan for  
2 development of the 20 acres (Parcels 1 and 2), the applicant  
3 shall provide written confirmation that it has held a  
4 community meeting with stakeholders which shall include an  
5 invitation to at least representatives from St. Joseph's  
6 parish and Balk Hill Homeowner's Association. And so, our  
7 statement of justification provides the written confirmation  
8 of that fact that, an important fact. We have never limited  
9 who we meet with. Even though, even though Condition 10  
10 says there are two you have to meet with before the Detailed  
11 Site Plan is accepted, we have extended another invitation  
12 to meet with all the community associations which we started  
13 meeting with from the beginning, and we, we did that in this  
14 case again. So, we had a meeting with St. Joseph's Church  
15 to show them these plans on July 1, 2020, and then on July  
16 24, 2020, my client met directly with the, with the full  
17 Board of Directors of Balk Hill Homeowner's Association, and  
18 went over the plans; and then more recently on February  
19 25th, we sent an email out to a number of different  
20 associations and we had a Zoom meeting which took place on  
21 February 25th to show them the plans as well. And we've  
22 done that with every single application that we have filed  
23 in this case; and so, in point of fact, after the conditions  
24 were amended, we filed a revision to the Conceptual Site  
25 Plan and that was approved by the Planning Board in June of

1 2019, and approved by the District Council in October of  
2 2019; and in that plan, we proposed, and it was approved,  
3 that Parcels 1 and 2 would be improved with up to 284 multi-  
4 family units and between 65,000 and 100,000 square feet of  
5 commercial uses.

6           In 2018, we filed a Preliminary Subdivision Plan,  
7 a new plan, because it was needed. We were adding  
8 residential units that would require a new Preliminary Plan.  
9 That's what Staff wanted us to do and we did it. That was  
10 approved by the Planning Board in September of 2019. That  
11 approved the multi-family, as well as up to seven lots on  
12 what is Parcel 2. Parcel 2 is the parcel that is located at  
13 the intersection of 202 and St. Joseph's Drive. Parcel 1 is  
14 the parcel is that is located at the intersection of St.  
15 Joseph's Drive and Ruby Lockhart Boulevard.

16           So, that Preliminary Subdivision Plan was  
17 approved, and then we went to our first Detailed Site Plan,  
18 which was the multi-family units which are currently, maybe  
19 construction is about to commence by Varsity, those multi-  
20 family units were, were approved pursuant to DSP0406709 and  
21 that was approved by the Planning Board in May of 2020, and  
22 it was approved by the District Council in November of 2020.

23           Shortly after the approval of that Detailed Site  
24 Plan, we went to record plat on what was then Parcel 1 where  
25 the multi-family is located, and that's at the northeast

1 quadrant of the intersection of St. Joseph's Drive and Ruby  
2 Lockhart Boulevard. And maybe if you could, someone could  
3 pull the next, the next slide up? I think it might show it.

4 MADAM CHAIR: Okay. Mr. Flanagan, okay, do you  
5 know the slide number?

6 MR. GIBBS: There we go.

7 MADAM CHAIR: Okay.

8 MR. GIBBS: There we --

9 MADAM CHAIR: There we go. Okay. Thank you.

10 MR. GIBBS: Okay. So, what you're looking at  
11 here, so Parcel 1 is the, your regularly shaped parcel, and  
12 you can see Ruby Lockhart Boulevard runs between the two  
13 parcels.

14 MADAM CHAIR: Yes.

15 MR. GIBBS: So, that was formerly platted as  
16 Parcel 1. After the approval of DSP04067-09, which was for  
17 the multi-family component, we went to record plat on that  
18 parcel and so that is now two parcels, Parcel 10 and Parcel  
19 11.

20 MADAM CHAIR: Okay.

21 MR. GIBBS: Varsity has purchased Parcel 11 from  
22 us and they're in the process of securing their permits to  
23 build that multi-family building; and so, my client retains  
24 ownership of Parcel 10, which is where the 7-Eleven with gas  
25 is proposed to be located; as well as --

1 MADAM CHAIR: Okay. So, okay, Mr. Gibbs --

2 MR. GIBBS: -- plat --

3 MADAM CHAIR: -- hold on a second. Please direct  
4 Mr. Flanagan, because you're talking about one is the  
5 regular, rectangular shape, and one is a slightly irregular  
6 shape. So, the 7-Eleven --

7 MR. GIBBS: (Indiscernible.)

8 MADAM CHAIR: Okay. So, just go to the first --

9 MR. GIBBS: 7-Eleven, on the irregular-shaped  
10 parcel, the 7-Eleven with gas is to be located right at the  
11 intersection of Ruby Lockhart Boulevard and St. Joseph's  
12 Drive on the irregular parcel, not on the rectangular  
13 parcel, the next parcel over.

14 MADAM CHAIR: I, irregular -- okay. Got it.

15 MR. GIBBS: There you go, right there.

16 MADAM CHAIR: Okay. Okay.

17 MR. GIBBS: Right there. Okay? And then the  
18 remaining uses are proposed to be located on the rectangular  
19 parcel, and if you could pull up the Site Plan itself, I  
20 could, I could take you through that. There we go. Okay.  
21 So, as you look at this Detailed Site Plan, the irregular  
22 parcel is to the right.

23 MADAM CHAIR: Correct.

24 MR. GIBBS: And so, what you see, there's a void  
25 that just looks like an empty piece of paper below --

1 MADAM CHAIR: Uh-huh.

2 MR. GIBBS: -- the 7-Eleven site. That is where  
3 the multi-family is. It's not included in this Detailed  
4 Site Plan because it was approved in DSP04067-09.

5 MADAM CHAIR: Okay.

6 MR. GIBBS: This Detailed Site Plan --

7 MADAM CHAIR: So, that's good.

8 MR. GIBBS: -- 04067-10. So, it includes the 7-  
9 Eleven, which is now on platted Parcel 10.

10 MADAM CHAIR: Okay.

11 MR. GIBBS: And then to the left, or south, is  
12 what is, what is old platted Parcel 2.

13 MADAM CHAIR: Okay.

14 MR. GIBBS: It has a Preliminary Subdivision Plan  
15 approval for seven separate lots.

16 MADAM CHAIR: Okay.

17 MR. GIBBS: So, as you enter the site, and bear in  
18 mind, and this is going to be very significant later on, but  
19 this parcel is denied, where the, where the six buildings  
20 you're going to be located, the -- let me take you through.  
21 As you come in off of Ruby Lockhart Boulevard, you'll turn  
22 right into Ruby Lockhart Boulevard. As you come in, the  
23 Chase Bank is on your right-hand side; and then as you  
24 proceed down to the next building, it's the Arby's  
25 restaurant.

1 MADAM CHAIR: Hold on. No. Is that, that's --

2 MR. GIBBS: And, no, it proceeds south.

3 MADAM CHAIR: That's up top next to it?

4 MR. GIBBS: If you proceed south, there you go.

5 Right up top there --

6 MADAM CHAIR: Yeah.

7 MR. GIBBS: -- right up top. That's Arby's.

8 There you go. And then just go to your left. The next

9 building down is the Chick fil A, right there. All right.

10 Now from, right there, and then come right straight down and

11 bring your arrow down into that box.

12 MADAM CHAIR: Okay.

13 MR. GIBBS: Okay. That is the office building.

14 MADAM CHAIR: Okay.

15 MR. GIBBS: Now my client had a signed letter of  
16 intent with the Revenue Authority for them to take the space  
17 in this building; a lease had been negotiated, but not  
18 signed. The architecture and the layout for that building  
19 had been per the specifications of the Revenue Authority.  
20 With the impact of the pandemic, the, the revenues that the  
21 revenue authority normally collects have been severely  
22 strained and at this point they have indicated that, that  
23 they cannot now go forward with occupying that office  
24 building; and we hope that might change. We've gone ahead  
25 and included it in the Detailed Site Plan, but at this point

1 they have indicated they cannot go forward and sign the  
2 lease.

3           The inline building, Mr. Rawlings, if you took  
4 your arrow and went directly to the right of the office  
5 building, yeah, all those little small rectangular cubicles,  
6 that's the inline retail building. Mr. Duffy, who is on, on  
7 with us could, and can at the appropriate time, tell you  
8 about some leases that have been signed in there. I know  
9 that we are talking with the Children's Hospital. My client  
10 built the office building for Children's Hospital over in  
11 Woodmore Town Center and they need more space. So, there  
12 are conversations ongoing with them. It takes certain of  
13 these sleeves, which would be consolidated.

14           MADAM CHAIR: Okay. Let me --

15           MR. GIBBS: And --

16           MADAM CHAIR: -- I need to stop, Mr. Gibbs, for  
17 one second because I want to make sure, and I have a hard  
18 copy of this, of this slide 10, which is the overall site  
19 plan. So, I want to make sure I'm straight. So, on the, on  
20 the irregular site, there's a 7-Eleven. That's the only  
21 thing we need to worry about over there. Then you come --

22           MADAM CHAIR: Right.

23           MR. GIBBS: -- on this one and we have the, the  
24 bank, right?

25           MR. GIBBS: Yes, ma'am.

1 MADAM CHAIR: And then Arby's, and then Chick fil  
2 A?

3 MR. GIBBS: Yes, ma'am.

4 MADAM CHAIR: And then you come down from Chick  
5 fil A, you got the office building, and then you got --

6 MR. GIBBS: Correct.

7 MADAM CHAIR: -- next to that, you have the inline  
8 retail, and then next to the inline --

9 MR. GIBBS: Correct.

10 MADAM CHAIR: -- retail, again, is, is what again?

11 MR. GIBBS: That is a, that is a pad site that is,  
12 has no purchase --

13 MADAM CHAIR: Okay.

14 MR. GIBBS: -- purchaser or lease, lease, lessee  
15 at this time.

16 MADAM CHAIR: Okay, good.

17 MR. GIBBS: And we just don't have that ready  
18 today.

19 MADAM CHAIR: Okay. Thank you.

20 MR. GIBBS: Yeah, so that's it. And then, and so  
21 I think if you look, if you look back at the architecture,  
22 and I don't really want to ask Mr. Rawlings to have to go  
23 through each and every slide of the architecture, but --

24 MADAM CHAIR: No.

25 MR. GIBBS: -- but, but we, and by the way, I, I

1 also have to commend Mr. Zhang for the time that he put in  
2 on this case; and, and he was immediately accessible as well  
3 by telephone.

4 MADAM CHAIR: Okay.

5 MR. GIBBS: And, you know, we negotiated with him.  
6 He wanted upgrades to the architecture. We thought that  
7 there was a lot of good, the architecture looked quite good  
8 when we filed it, but he asked for even more; and I think  
9 that basically that is reflected, you know, in the use of  
10 masonry and stone and steel panels and the, you know, the  
11 architectural interest with the, the treatments above the  
12 top of the buildings and so forth.

13 MADAM CHAIR: And thank you, Mr. Gibbs. Thank you  
14 for that because, and thank you, Mr. Zhang for that, because  
15 we, you know, even though it might have looked okay, we  
16 don't want just okay. We want really good. Okay. Thank  
17 you.

18 MR. GIBBS: No, he, he asked for more, and he  
19 asked for more stone; and, and we also worked with him to  
20 coordinate the entrance side out front so that it mimics the  
21 architecture of the buildings. One thing we did, Mr. Zhang  
22 didn't have in his presentation is we also have a wall that  
23 runs around the corner of the intersection of Maryland 202  
24 and St. Joseph's Drive, a masonry wall which also mimics the  
25 same earth tones and, and boating material treatments that

1 you find carried through throughout all of the buildings on  
2 the Detailed Site Plan. So, when you look at it, when it's  
3 built, you'll be able to look at it and say, you know, that  
4 this is an architectural theme that carries through for each  
5 of the buildings that we have.

6 MADAM CHAIR: Okay.

7 MR. GIBBS: So, so, you know, with that being  
8 said, I think that, you know, that really completes my  
9 initial comments. I know I'm going to have a lot more to  
10 say. I do want the, if I could, to bring up -- I filed  
11 rendered landscape plans with my letter of March 16th, and I  
12 would like to move those into evidence if I could --

13 MADAM CHAIR: Yeah. Yeah.

14 MR. GIBBS: -- and show them to the Board.

15 MADAM CHAIR: They're all in the record, but I  
16 just want to make sure that you can get to them. Okay. Is  
17 this the Bohler?

18 MR. GIBBS: Yes, ma'am.

19 MADAM CHAIR: Okay. Illustrative plan? Can you  
20 get, do you, Kenny, it looks like this. So, he's going to  
21 pull it up for us.

22 MR. GIBBS: There we go.

23 MADAM CHAIR: There we go right there, 15. Thank  
24 you.

25 MR. GIBBS: Okay. I don't know if you can

1 rotate that, but certainly, I guess, there we go. Okay. So  
2 --

3 MADAM CHAIR: Can --

4 MR. GIBBS: -- this is the, this is the  
5 rectangular parcel, 202, there we go.

6 MADAM CHAIR: Well, which way -- okay. Is that  
7 okay, the way you want it right there?

8 MR. GIBBS: (Indiscernible.)

9 MADAM CHAIR: Okay.

10 MR. GIBBS: Okay. That's fine. Now 202 is on the  
11 left-hand side of this drawing.

12 MADAM CHAIR: Okay.

13 MR. GIBBS: St. Joseph's Drive is at the top.

14 MADAM CHAIR: Okay.

15 MR. GIBBS: And Ruby Lockhart Boulevard is on the  
16 right-hand side. So, so, this rectangular parcel has a  
17 denial of access on 202, and it has a denial of access on  
18 St. Joseph's Drive. So, all of the access into this  
19 property will come from Ruby Lockhart Boulevard.

20 MADAM CHAIR: Uh-huh.

21 MR. GIBBS: There is a common cross access  
22 easement that was approved with the Preliminary Subdivision  
23 Plan in 2019. So, when you come in, there is parking at the  
24 front of the buildings and then, of course, the three  
25 buildings at the top also have parking on their individual

1 development sites; but we took pains to make sure that there  
2 was a substantial amount of landscaping within the parking  
3 lot so that we didn't have, you know, a barren, paved area;  
4 and, you know, I think it's going to look pretty nice once  
5 it's completed.

6           And if you could move to the next, the next  
7 rendered landscape plan, Mr. Rawlings? Thank you. And so,  
8 this is the, the Parcel 10 across the street where the 7-  
9 Eleven with gas would be located; and, again, as you can  
10 see, we have taken pains to provide a lot of green area  
11 there, and there will be also a pedestrian connection was a  
12 part of the requirement of the approval of the multi-family  
13 building. The Planning Board might recall that, that  
14 hearing that we had. It wasn't that long ago. So, those  
15 are the rendered landscape plans and I would like to have my  
16 letter of March 16th marked.

17           MADAM CHAIR: Okay. Hold on a second. So, I've  
18 go to pull it up here. So, your letter of March 16th -- so,  
19 marked as what, Applicant's what?

20           MR. GIBBS: Well, if we were going to, if we  
21 marked the two rendered plans as Applicant's Exhibits 1 and  
22 2, respectively --

23           MADAM CHAIR: Yeah. How about 1A and B since  
24 they're both landscaping?

25           MR. GIBBS: Okay. That's fine. So, the, the

1 larger, the rectangular piece will be 1A --

2 MADAM CHAIR: Okay.

3 MR. GIBBS: -- and the piece for the 7-Eleven will  
4 be 1B.

5 MADAM CHAIR: Okay.

6 MR. GIBBS: Okay. I would, if I could then make  
7 my letter of March 16th Applicant's Exhibit 2 --

8 MADAM CHAIR: Okay.

9 MR. GIBBS: -- and it has attached to it an  
10 Exhibit A, which are the conditions from the Preliminary  
11 Subdivision Plan approval that we, we processed in 2019.

12 MADAM CHAIR: Okay. So, all right, hold on a  
13 second. Wait a minute. I'm going to pull that up here.  
14 So, okay, so your March 16th letter would be -- wait a  
15 minute, one, two, Applicant's Exhibit No. 2. Okay. And  
16 what are you saying --

17 MR. GIBBS: Uh-huh.

18 MADAM CHAIR: Okay. And what about --

19 MR. GIBBS: It has --

20 MADAM CHAIR: Attachments?

21 MR. GIBBS: -- it has Exhibit, it has Exhibits A,  
22 B and C.

23 MADAM CHAIR: Okay. And, hold on a second. And  
24 Exhibit A would be what, which one?

25 MR. GIBBS: Exhibit A is just the conditions --

1 MADAM CHAIR: From the --

2 MR. GIBBS: -- as to the accrued --

3 MADAM CHAIR: -- the resolution? No?

4 MR. GIBBS: Oh, yes, of the Planning Board  
5 resolution approving Preliminary Plan 4-18024.

6 MADAM CHAIR: Okay. So, wait a minute. I'm,  
7 okay, so the resolution would be 2A, that's what you're  
8 saying, or no?

9 MR. GIBBS: Well, or you could say it's all  
10 Exhibit 2 with, with, it's all Exhibit 2 with, attached to  
11 the letter.

12 MADAM CHAIR: Okay.

13 MR. GIBBS: Whatever, whatever the Board wants to  
14 do --

15 MADAM CHAIR: That's fine.

16 MR. GIBBS: -- I'm sorry to be so --

17 MADAM CHAIR: That's fine, because mine are, once  
18 we print things out, mine are all attached. So, where does  
19 your attachment, where do your attachments stop, because we  
20 have the letter, and then we --

21 MR. GIBBS: My attachments stop --

22 MADAM CHAIR: Okay. Keep, okay.

23 MR. GIBBS: -- with, with Exhibit C. Exhibit B is  
24 a drawing.

25 MADAM CHAIR: Okay.

1 MR. GIBBS: Exhibit C, Exhibit C is the coversheet  
2 and --

3 MADAM CHAIR: From the February 2nd --

4 MR. GIBBS: -- one --

5 MADAM CHAIR: -- 2009?

6 MR. GIBBS: Correct.

7 MADAM CHAIR: Okay.

8 MR. GIBBS: Correct.

9 MADAM CHAIR: Okay.

10 MR. GIBBS: And that is the Detailed Site Plan for  
11 Woodmore Town Center.

12 MADAM CHAIR: Okay.

13 MR. GIBBS: And I attached the sheet that includes  
14 Condition 16.

15 MADAM CHAIR: Got it. Okay.

16 MR. GIBBS: Because what, what I have proposed as  
17 Condition 2, new Condition 2 to the staff conditions, really  
18 replicates Condition 16 from the Woodmore Town Center  
19 approval.

20 MADAM CHAIR: Okay.

21 MR. GIBBS: So, just to explain, there's a staff  
22 condition that recommends an 8-foot side path or sidewalk  
23 along 202, and that has to be outside of our property within  
24 the right-of-way; and, and there simply is not enough room  
25 to put that in there if, in fact, there's going to be any

1 green area between the curb and the sidewalk; and that's the  
2 purpose of Exhibit B, it displays that. So, so I simply  
3 wanted to very, very subtly amend the condition that imposes  
4 that requirement, which is 1(a)(3), just make sure that it  
5 says 8-foot shared use side path, or a wide sidewalk which  
6 would give us the flexibility in areas where we could not  
7 put an 8-foot wide sidewalk, to perhaps do something a  
8 little more narrow in certain places along 202; and Staff  
9 agrees with that.

10           And then we want to add condition 2, which would  
11 add the capability to, if you looked at that file pad site  
12 where I explained that we did not have a user, we have  
13 really set the architectural standard for all of the uses in  
14 this Detailed Site Plan; and so, as we did at Woodmore Town  
15 Center, I was hoping that the architecture for that building  
16 could be approved by the Planning Director as the designee  
17 of the Planning Board as long as it was in conformance with  
18 the architectural standards that have been set. And I know  
19 the Staff has no objection to that condition but, of course,  
20 that's up to you --

21           MADAM CHAIR: The Planning, the Planning Director --

22           MR. GIBBS: -- as to whether or not --

23           MADAM CHAIR: -- is here, so I'm sure she, you  
24 know, that she can address that. Okay. Okay.

25           MR. GIBBS: So, my, and then my revised proposed

1 conditions, I guess, would be Applicant's Exhibit 3.

2 MADAM CHAIR: Okay. Wait a minute. Your proposed  
3 revised conditions would be 3?

4 MR. GIBBS: Yes.

5 MADAM CHAIR: Okay. Okay.

6 MR. GIBBS: And --

7 COMMISSIONER WASHINGTON: Okay. What's listed as  
8 Exhibit 1, and what we're receiving, so I don't know if  
9 that's a contradiction without (indiscernible).

10 MADAM CHAIR: Well, let me, let me, let me just  
11 say this, because we're receiving this, but what happens,  
12 Mr. Gibbs, and we'll, you know, we'll talk separately, but  
13 I, I need, we need a different way of identifying these, you  
14 know, when we have a lot of exhibits so that they have a  
15 number when we get them. Okay.

16 MR. GIBBS: I understand. It's very, it is  
17 cumbersome.

18 MADAM CHAIR: It's hard when you, when, when  
19 everything is virtual and we're printing stuff out and, you  
20 know, so it's very hard. So, so now, so the conditions will  
21 be Applicant's Exhibit No. 3. So, here we're kind of trying  
22 to figure it out when we get them. So, so that's --

23 MADAM CHAIR: I get them.

24 MR. GIBBS: -- it for the future. Okay. All  
25 right. So, that will be Condition 3.

1 MR. GIBBS: Okay.

2 MADAM CHAIR: I mean Exhibit, Applicant's Exhibit  
3 No. 3; but then you have --

4 MR. GIBBS: Right.

5 MADAM CHAIR: -- then you have Mr. Duffy.

6 MR. GIBBS: Then I had, I had an email from the  
7 president of Balk Hill Homeowner's Association to Mr. Duffy,  
8 which I had filed with my letter; and I would ask that that  
9 be Applicant's Exhibit 4.

10 MADAM CHAIR: Okay. Okay. And then we go to,  
11 you're going to Mr. Cook, I guess?

12 MR. GIBBS: Yes, I just wanted to mark the, Mr.  
13 Cook and Mr. Guckert are both on.

14 MADAM CHAIR: Yes.

15 MR. GIBBS: They don't need to testify at this  
16 point in time, but I am suspecting that they may have  
17 something to say when we respond to what we're anticipating  
18 may be said as we go to --

19 MADAM CHAIR: Okay.

20 MR. GIBBS: -- opposition.

21 MADAM CHAIR: Well, we shouldn't have too many  
22 transportation issues because this is no longer a  
23 Preliminary Plan. We are at a Detailed Site Plan in DDS  
24 stage; but okay. So, let me -- so, are you saying, now  
25 they've been recognized as, as experts for, for, for years

1 and years now.

2 MR. GIBBS: Correct.

3 MADAM CHAIR: I'm not, you know, I'm not --

4 MR. GIBBS: Correct.

5 MADAM CHAIR: -- so, so, but so are you still, do  
6 you want to do -- what are we up to now, 5?

7 MR. GIBBS: Five. I think their, their resumes, I  
8 would like to just have them marked --

9 MADAM CHAIR: Yes, that's what I'm saying, so, so --

10 MR. GIBBS: -- as 5.

11 MADAM CHAIR: -- I have Glen --

12 MR. GIBBS: 5 and 6.

13 MADAM CHAIR: -- I have Glen as 5, Glen Cook as 5  
14 because that's the order in which we have them here; and  
15 then Wes Guckert --

16 MR. GIBBS: That's fine.

17 MADAM CHAIR: -- as 6.

18 MR. GIBBS: That's fine.

19 MADAM CHAIR: Okay. I just want to get this stuff  
20 marked so I'm straight here.

21 MR. GIBBS: I understand.

22 MADAM CHAIR: Mr. Guckert, you got to do something  
23 about all these pages to your resume, but okay. Okay.

24 There we go. All right. So, that's it for you guys, right?

25 MR. GIBBS: Yes, sir; yes, ma'am.

1 MADAM CHAIR: Yeah, watch that, okay?

2 MR. GIBBS: Now that, and that also concludes our  
3 initial presentation. Mr. Duffy is, is here to answer any  
4 questions, obviously; and our, our civil engineer, Andrew  
5 Moore from Bohler, is on and signed up, and he is available  
6 to answer any questions as well. So, but, but at this  
7 point, that would conclude our presentation.

8 MADAM CHAIR: Okay.

9 MR. GIBBS: And we've, and we would like to  
10 incorporate the Staff Report and all the materials that we  
11 filed as part of our case.

12 MADAM CHAIR: As, as one, okay? All, the exhibits  
13 have been filed; I mean, so they're accepted in the record.  
14 They were, they were received timely and so they are  
15 admitted into the record; the cases have been consolidated;  
16 and so, so they are in the record for both. Let me see if  
17 the Board has any questions of you, Mr. Gibbs. Madam Vice  
18 Chair.

19 MADAM VICE CHAIR: No questions. Thank you.

20 MADAM CHAIR: Okay. Commissioner Washington?

21 COMMISSIONER WASHINGTON: No questions. Thank  
22 you.

23 MADAM CHAIR: Commissioner Geraldo?

24 COMMISSIONER GERALDO: I have no questions. I  
25 just want to make sure that I have the exhibits. I have 3,

1 4, 5 and 6. I'm not, is No. 1, Mr., Mr. Gibbs' letter?

2 MR. GIBBS: No, sir. No. 1 were the, 1A and 1B  
3 were the rendered landscape plans.

4 MADAM CHAIR: The color, yeah.

5 COMMISSIONER GERALDO: Okay.

6 MADAM CHAIR: Yeah, the color plan, yeah, that  
7 Mr., Mr. --

8 COMMISSIONER GERALDO: And No. 2?

9 MADAM CHAIR: And Mr., that Mr. Flanagan pulled up  
10 on the, on the, for us to see. Okay. And, and No. 2 was  
11 his, a letter that was submitted from Mr. Gibbs dated --

12 COMMISSIONER GERALDO: That's the March 16th  
13 letter?

14 MADAM CHAIR: Correct.

15 MR. GIBBS: That's correct.

16 MADAM CHAIR: And then there's a 2A, which --

17 COMMISSIONER GERALDO: Thank you.

18 MADAM CHAIR: -- is the resolution, and, and  
19 there's a 2B, which is the SHA sidewalk exhibit, the  
20 Boehler; 2C, which is the February 2, 2009 cover letter from  
21 Ari Souton (phonetic sp.), the late Ari Souton, and with the  
22 attached conditions from page 52 from the, the Detailed Site  
23 Plan 09 --

24 COMMISSIONER GERALDO: Got it.

25 MADAM CHAIR: -- 03 featuring Condition 16. 4, 4,

1 Applicant's Exhibit No. 4 -- well, where is 3? What  
2 happened to 3?

3 COMMISSIONER GERALDO: 3 is the conditions, the  
4 revised conditions.

5 MADAM CHAIR: 3 is the conditions, 3 is the  
6 conditions, and Applicant's --

7 COMMISSIONER GERALDO: I've got the rest.

8 MADAM CHAIR: Okay. You got the rest? Okay.  
9 We're good. Okay.

10 MR. GIBBS: Yeah.

11 MADAM CHAIR: Thank you. So, that concludes the  
12 questions of you at this time, Mr. Gibbs.

13 I am now going to go to our, to, and then your  
14 folks, Mr. Gibbs, you have a number of people signed up.  
15 They are here for now if there are any questions, right?

16 MR. GIBBS: That's correct and --

17 MADAM CHAIR: Okay.

18 MR. GIBBS: -- and, and I would just, before I,  
19 before I stop here, I would just say that I will be  
20 interposing objections to -- and I object to the documents  
21 as well because they address, by Mr. Dean and Mr. Benton,  
22 they address issues which are irrelevant to a Detailed Site  
23 Plan. They are, they are relevant subdivision case.

24 MADAM CHAIR: Yes.

25 MR. GIBBS: They are not relevant in any fashion

1 to a Detailed Site Plan. So, I'll, at some point I'll have  
2 to interpose an objection.

3 MADAM CHAIR: That's, that's fine.

4 MR. GIBBS: So --

5 MADAM CHAIR: And, and some of us know that from a  
6 legal standpoint. We can't address the subdivision issues  
7 as a matter of law. We are prohibited from addressing the  
8 subdivision issues at the time of a Detailed Site Plan and  
9 departure from design standards. Notwithstanding that, you  
10 know, this is an administrative hearing and the entirety of  
11 the stringent rules of evidence are not entirely applicable,  
12 and so I will exercise discretion in what I will allow,  
13 including these two exhibits as submitted by Mr. Benton and  
14 Mr. Dean. So, but you, but if and when you object, if you  
15 need to, it will be noted for the record. So, now I'm going  
16 to go down the list in the order of which I called the  
17 people before, many of whom did not answer. They may have  
18 signed on since then, so I'm just going to go down the  
19 entire list.

20 Billy Ancheta, are you here? Going once, Billy  
21 Ancheta?

22 MR. ANCHETA: (No audible response.)

23 MADAM CHAIR: I'm going to Jasmine Smith. Okay.

24 We do have a caller. I don't know who that is. Okay.

25 After Jasmine Smith, we have Mr. Dean. I know he's on.

1 UNIDENTIFIED SPEAKER: Mr. Dean was on.

2 MADAM CHAIR: He's --

3 MR. DEAN: Here.

4 MADAM CHAIR: Yes. Hello, Mr. Dean.

5 MR. DEAN: You ready for me to go?

6 MADAM CHAIR: Yes, I am.

7 MR. DEAN: Okay. Good afternoon, Madam Chair,  
8 Vice Chair and Commissioners.

9 MADAM CHAIR: Good afternoon.

10 MR. DEAN: And let me kind of, let me kind of also  
11 go back on history since Mr. Gibbs wanted to share with you  
12 what transpired. Let me be clear. I was a member of the  
13 County Council when we passed 9956C in 2002.

14 MADAM CHAIR: Okay.

15 MR. DEAN: What happened was that prior to that,  
16 Rocky Gorge built Woodview development and he wanted to  
17 build Balk Hill. He went back to the Planning Board and Ms.  
18 Fourette said you cannot build in the residential because  
19 you have to build commercial. He then made a proffer back  
20 to the County that if you allow me to build the residential,  
21 which is Balk Hill, which is the Balk Hill Village, then I  
22 will give 20 acres to the County for them to build  
23 commercial development. In the interim, in order for the  
24 road to be built, the County at that time created two  
25 special taxing districts, one for Woodview and one for Balk

1 Hill Village. We raised \$17 million to do road  
2 improvements.

3           What was to have happened was that there's two  
4 projects and no, one doesn't apply to the other, but they're  
5 both on the same land mass. Woodmore Overlook was to be a  
6 residential and commercial --

7           MADAM CHAIR: Okay. Hold on. Mr., Mr. Dean, if  
8 at any point during your testimony you need from Mr.  
9 Flanagan over here to, to show us visually, you know, you  
10 can ask him to use his cursor. I just want to let you know  
11 that. Okay.

12           MR. DEAN: Okay. The whole land mass --

13           MADAM CHAIR: Okay.

14           MR. DEAN: -- the whole land mass went from  
15 Lottsford Road over to St. Joseph Drive, Landover Road. All  
16 that land mass, Woodview Overlook, we're dealing with two  
17 separate projects --

18           MADAM CHAIR: Okay.

19           MR. DEAN: -- and that's a problem.

20           MADAM CHAIR: Okay.

21           MR. DEAN: Two separate projects and I heard you  
22 talking about transportation is not part of the description,  
23 but I need to kind of make sure that you all understand  
24 what's going on. Let me be clear, I feel very strongly that  
25 when I left the council, I didn't feel that I was going to

1 get back into the community going through this mess again,  
2 but we continued to get screwed. Let me be clear, we  
3 continued to get screwed.

4 Woodmoore Overlook bought property that was  
5 supposed to be commercially developed. They came back to  
6 you all; you all gave them the, the conditions and they got  
7 MXT.

8 MADAM CHAIR: Okay, but wait, who gave them MXT,  
9 the council?

10 MR. DEAN: No, that, no, the Planning Board.

11 MADAM CHAIR: The Planning Board? We did, we did  
12 zoning?

13 MR. DEAN: Yeah. Yeah.

14 MADAM CHAIR: I don't see how we have authority to  
15 change it to MXT.

16 MR. DEAN: It came back for MXT subdivision.

17 MADAM CHAIR: Oh, for a subdivision? Okay.

18 MR. DEAN: On our property, yes.

19 MADAM CHAIR: Okay.

20 MR. DEAN: Okay? Let me, let me also be clear;  
21 and so, they subdivided a project and now they have MXT.  
22 They have built 154-unit rental and they're going to bring  
23 in a gas station also.

24 MADAM CHAIR: Okay. I got to, I just want to make  
25 sure I'm clear, because I'm taking notes on what you're

1 saying, Mr. Dean, so bear with me because --

2 MR. DEAN: Okay.

3 MADAM CHAIR: -- I had to do the same thing for  
4 Mr. Gibbs as, and, you know, I struggle through these  
5 numbers.

6 MR. DEAN: All right.

7 MADAM CHAIR: So, basically, you're saying the  
8 Council zoned the property MXT, but we approved a  
9 subdivision, the Planning Board approved a subdivision?

10 MR. DEAN: You approved the subdivision and I  
11 assumed that, okay?

12 MADAM CHAIR: Yeah, okay.

13 MR. DEAN: Let me also go forward. At the time  
14 9956C was approved, I was on the Council and at the time  
15 Peter Shapiro was the chair; and the problem we're dealing  
16 with now is Peter Shapiro sold the property. There's  
17 supposed to be an advisory group. The Revenue Authority  
18 never met with the Advisory Group, period, until we found  
19 out that the property had been, it had not been sold.  
20 Petrie had put a bid on it. What they initially bid it for  
21 for this community was to build a restaurant park; and they  
22 went back and had the property subdivided, and they went  
23 before the ZHE and the ZHE said, fine, and they made two  
24 charges and the Condition 5 and, let me get my notes, and  
25 Condition 10. Well, Condition 10 was Advisory Board where

1 they said we cannot have this Advisory Board because people  
2 are not going to buy this property with these community  
3 people jumping up and down, so they modified that. So,  
4 we're now --

5 MADAM CHAIR: Okay. So, okay, I'm still following  
6 you. The ZHE made changes to what exactly, not the  
7 subdivision, because they don't have that authority?

8 MR. DEAN: Well, well --

9 MADAM CHAIR: To what? I'm just trying to follow  
10 you, that's all.

11 MR. DEAN: Revenue Authority went back and had the  
12 property changed to MXT. They went before the ZHE and  
13 saying that there were, there were --

14 MADAM CHAIR: Okay.

15 MR. DEAN: -- 14 conditions, and two conditions  
16 that they needed to change and was changed was five, that's  
17 to reduce the amount of commercial development they had to  
18 do on, on, on Woodmore Commons; and also, to modify the  
19 Advisory Group. So, we're going through that. So, they  
20 issue is that the Revenue Authority said they had the  
21 authority to solve it and we went through a whole host of  
22 changes. My understanding in that the Revenue Authority got  
23 \$5 million for this property. I don't know whether that's  
24 true or not. The Revenue Authority paid off one of the  
25 communities to take, to tell them to move away from

1 complaining about the position; and so, all this stuff took  
2 place --

3 MADAM CHAIR: Now is that --

4 MR. DEAN: -- (indiscernible).

5 MADAM CHAIR: -- speculative or about the, is that  
6 speculative or, I mean, you know --

7 MR. DEAN: No, I don't speculate.

8 MADAM CHAIR: Okay. So, you know that for a fact  
9 that the Revenue Authority, because you said, you said you  
10 weren't sure. You said maybe they got 5 million, but then  
11 you're saying they definitely paid five --

12 MR. DEAN: No, I'm not sure, I'm not sure about  
13 that amount.

14 MADAM CHAIR: Okay.

15 MR. DEAN: I'm not sure about that amount. That's  
16 what they're saying they got from Petrie for this property.

17 MADAM CHAIR: Okay.

18 MR. DEAN: Okay. Also, the question that's before  
19 us and, again, I was on the Council; I knew what this  
20 property was to be, how the property was supposed to be  
21 developed. Peter Shapiro was on it at the time. Peter  
22 Shapiro at the Revenue Authority, he knew what the property  
23 was supposed to be developed, okay; and we went through a  
24 whole host with them and they just kind of blew us off to in  
25 saying, well, they met whatever they had to me; but the

1 community is the one that got the short end of the stick.

2           You were also the Chair when we had a 202 corridor  
3 study on how this area was to have been developed and the  
4 basic thing was that we wanted to make sure that there was  
5 upscale development. That's why we did the special taxing  
6 district to build the roads so we could begin. In talking  
7 to the applicant for the Woodmore Commons, he was part of  
8 the Woodmore Shopping Center, and, and for Woodmore to come  
9 in, I was also on the Council, and they gave a \$17 million  
10 TIF to bring them in and I keep telling them, you know, this  
11 is what we did to make sure that we were going to have  
12 quality development in this area and, again, they said, you  
13 know, even when you gave us a TIF, we paid it all; but the  
14 TIF was to bring in quality development and bring in  
15 Wegmans, Costco and the rest of them; and so, the person  
16 again was that, you know, this is the difference,  
17 development, and so we got to do what we got to do. I know  
18 that --

19           MADAM CHAIR: Okay. So, let me make sure I  
20 understand you. Was the TIF supposed to apply to the  
21 property in its entirety, is that what you're saying?

22           MR. DEAN: The TIF for, for, for, for the Woodmore  
23 was for the whole property.

24           MADAM CHAIR: Okay. Okay. And so --

25           MR. DEAN: And, and so --

1 MADAM CHAIR: Okay.

2 MR. DEAN: -- and so, Petrie was part of that  
3 project and Petrie is the one that, that has purchased what  
4 is now called Woodmore Commons, okay? And my conversation  
5 with him was that we spent a lot of money and at the  
6 corridor between what the, what the citizens built, what the  
7 citizens paid through special taxing, and what we paid when  
8 I was on the Council for the TIF, that we had expected  
9 quality development, not this mess that they're bringing in  
10 with the 7-Eleven gas station and all that. Now I know  
11 about why they can do that.

12 MADAM CHAIR: But you, but --

13 MR. DEAN: So, the question --

14 MADAM CHAIR: -- but when, but, Mr. Dean, here's  
15 my problem -- okay, I want to hear what you have to say, but  
16 here's my problem with that. In 2002 when this property was  
17 rezoned to MXT, you were on the Council and it was  
18 determined that it was -- these uses were permitted by  
19 right. Now I think, I think what I, what I'm surmising that  
20 you're saying is that even though they were permitted by  
21 right, your expectation was different because of the \$17  
22 million TIF, is that --

23 MR. DEAN: No.

24 MADAM CHAIR: No?

25 MR. DEAN: In, in the legislation, there was two

1 parts. I'm talking about Woodmore Overlook. There were two  
2 parts. One was the residential, one was the commercial, the  
3 office; and the 20 acres that the revenue sold to Petrie,  
4 the 20 acres was supposed to be also employment, okay; and  
5 that whole 20 acres was supposed to be employment. And so,  
6 they gave it as subdivided and that's fine, but, but what  
7 I'm trying to get to is that I heard you make the statement  
8 and your attorney made the statement that, you know, at this  
9 point in time you can't deal with transportation issues  
10 because that's all off the table; and the question for you  
11 is that I'm not dealing with so-called a transportation  
12 issue.

13 MADAM CHAIR: Okay.

14 MR. DEAN: In 9956(c) and 9956, it required that  
15 there be a ramp built along that entire property line from  
16 west to east. That is one of the conditions and it belongs  
17 to this whole process that is one of the conditions; and  
18 also, in, and let me get my, potentially, I get flustered.  
19 I really, I get so upset I don't know what to do.

20 MADAM CHAIR: Okay.

21 MR. DEAN: But anyway, listen to me, okay? Let me  
22 first begin like I was supposed to begin. I am saying then  
23 I resided at 10710 Wood Oak Drive, Mitchellville, Maryland,  
24 as a party of record and the vice president of Lake Arbor  
25 (indiscernible), we opposed the approval of the Detailed

1 Site Plan, DSP0467-10, Woodmore Common, because the  
2 applicant has not met all of the requirements of the  
3 District Council Zoning Ordinance No. 16202X899566 enacted  
4 in 2002 for Rocky Gorge Homes, aka, Woodmore Commons, which  
5 states on page 2, in Section 2, application 8956 is approved  
6 subject to the following conditions; and on page 3, it says  
7 under Condition 3, future submitted plans shall demonstrate  
8 position of adequate right-of-way for the following  
9 facility, which is a concept future ramp to and from the  
10 West (indiscernible) Ruby Lockhart Boulevard between  
11 Maryland 202, and it says that the March 27, 2018 final  
12 decision from the District Council states failure to comply  
13 with any stated condition shall constitute a zoning  
14 violation and shall constitute sufficient grounds for the  
15 District Council to annul the rezoning approved herein.

16 MADAM CHAIR: Okay. Now stop, let me make sure  
17 I'm, let me make sure I'm following you. So, you take a  
18 breath while I make sure I'm following you. You said  
19 initially that the, you referred to A9956, approval subject  
20 to them these conditions, and that was the 202 rezoning,  
21 right? Then, then I think you said something about 2018, is  
22 that, I just want to make sure I'm getting the two, they're  
23 --

24 MR. DEAN: What I'm doing, okay, what I'm doing --

25 MADAM CHAIR: I just want to make sure I'm

1 following you.

2 MR. GIBBS: Madam, Madam Chair, with respect to  
3 Mr. Dean -- Mr. Dean, I apologize. I'm not trying to  
4 interrupt you, sir; I have the utmost respect for you; but,  
5 again, this is not a Detailed Site Plan issue, so for  
6 purposes of the record, I just have to interpose an  
7 objection. And this is --

8 MADAM CHAIR: Yes. And you, okay.

9 MR. GIBBS: -- would have been a (indiscernible)  
10 condition, but not now. Thank you.

11 MADAM CHAIR: I understand. Mr., okay, Mr. Gibbs,  
12 you have made your objection. It will be noted for the  
13 record. You went through some history. It is preserved.  
14 You went through some history.

15 MR. GIBBS: Thank you.

16 MADAM CHAIR: Mr. Dean felt the need to go through  
17 some history as well. There, and I'm trying to, this is,  
18 even though some of us were here, we've heard hundreds of  
19 thousands of cases by now, and so I can't say we remember  
20 every specific detail for all of these years going back to  
21 2002. So, so --

22 MR. GIBBS: Mr. Dean, I apologize.

23 MR. DEAN: And this, again, is presentation. He  
24 also talked about transportation issues. So, the question  
25 is that if he can talk about it --

1 MADAM CHAIR: Okay, but --

2 MR. DEAN: -- why can't I talk about it?

3 MADAM CHAIR: But I understand. He's, he's made  
4 an objection. His objection is noted for the record. I am  
5 not going to stop you, but what I, what I will want to know  
6 at some point was, is that, because your focus is a lot, has  
7 a lot to do with this, the ramp and I don't know if there  
8 was any subsequent decision from the Council that changed  
9 that in any way. That's what I don't know. Okay.

10 MR. DEAN: The Council never changed that  
11 requirement, period.

12 MADAM CHAIR: Okay. Okay.

13 MR. DEAN: And even the last Conceptual Site Plan,  
14 they said you had to file a A9956, the Preliminary Plan of  
15 Subdivision, it talked about the ramp and I'm going all the  
16 way back to 2002. So, the question was that in 27, March  
17 27, 2018, it, there was the final decision that the Council  
18 rendered, or the District Council rendered when they came  
19 and had the two amendments to the conditions. So, let me  
20 finish reading it. March 27, 2018, final decision from the  
21 District Council; failure to comply with any stated  
22 conditions shall constitute a zoning violation and shall  
23 constitute sufficient grounds for the District Council to  
24 annul the rezoning approved hearing, and that was in 2018;  
25 and each subsequent decisions after the above-referenced

1 2002 decision, the requirements will remain as follows:  
2 Conceptual Site Plan 03001-1, approved on June 2019 for Balk  
3 Hill, aka Woodmore Commons, states on page 8, No. 8 the  
4 9A9956-C was originally approved by the District Council on  
5 July 23, 2002, with 14 conditions. Subsequently, the  
6 District Council approved their request and then Condition 5  
7 and 10 on February 26, 2018. Most of the conditions were  
8 A9956 have been addressed through previous approvals and  
9 development of property. Preliminary Plan of Subdivision 4-  
10 18024, Woodmore Commons, dated October 22, 2019, and prior  
11 approval on page 13 it states, prior application A9956C  
12 contains transportation-related conditions. The status of  
13 the transportation-related conditions from A9956C are  
14 described before. Due to submitted plans shall demonstrate  
15 provisions of adequate right-of-way for the following  
16 facilities: A concept for future ramps to and from the west  
17 via Ruby Lockhart Boulevard between Maryland 202 and St.  
18 Joseph Drive. District Council Zoning Ordinance No. 2-2018,  
19 enacted February 2018 for the Revenue Authority, aka  
20 Woodmore Commons, states that a District Council  
21 conditionally approves Zoning Map Amendment 9956, which is  
22 A9956C, subject to the following conditions. Future  
23 submitted plans shall demonstrate provisions of adequate  
24 right-of-way for the following facilities. A concept for  
25 future ramps to and from the west via Ruby Lockhart

1 Boulevard between Maryland 202 and St. Joseph Drive. The  
2 Zoning Map Amendment herein held on June 14 and July 21,  
3 2017, for the Revenue Authority D. R. Horton, Incorporated,  
4 Balk Hill Village, aka Woodmore Common, recommended that the  
5 District Council amend Conditions 5 and 10 that was imposed  
6 by the District Council appointed its adoption of Zoning  
7 Ordinance 16-2002, in which the District Council gave final  
8 approval for A9956C.

9           The Hearing Examiner recommended that the District  
10 Council's conditions of approval at A9956C be revised as  
11 follows. On page 14, Condition 3, future submitted plan,  
12 shall demonstrate provisions of adequate right-of-way for  
13 the following facilities: A, a concept, a concept for  
14 future ramps to and from west via Ruby Lockhart Boulevard  
15 between Maryland 202 and St. Joseph Drive. To reiterate,  
16 the District Council's Zoning Ordinance No. 16-2002, which  
17 our Zoning Council, page number 89956, enacting 2002 Rocky  
18 Gorge homes; Balk Hill, aka Woodmore Commons; stated on page  
19 2, section 2, the applicant 89956 is approved subject to the  
20 following conditions. On page 3 under Condition 3, future  
21 submitted plan shall demonstrate provisions of adequate  
22 right-of-way for the following facility: A concept for  
23 future ramps to and from the west via Ruby Lockhart  
24 Boulevard between Maryland 202 and St. Joseph Drive.  
25 Further, permits within proposed right-of-way are authorized

1 subject to the following: No building permit may generally  
2 be issued for any structure on land located within the  
3 right-of-way or acquisition lands of opposed, of a proposed  
4 street, or a proposed relocation, or widening of an existing  
5 street, rapid transit right, or rapid transit facility as  
6 shown on the Master Plan.

7           So, the issue is that this may not be, how do you  
8 say, a road can be discussed with any, the buildings that  
9 are being proposed are built in the right-of-way of a ramp  
10 that's supposed to be built. So, you can't really just  
11 negate that and say, well, that didn't exist anymore because  
12 they do exist. So, I'm saying as a result of the foregoing,  
13 the requirement for the ramp has not been met by the  
14 applicant. Moreover, based on how the retail tenants are  
15 aligned at this site, the 7-Eleven store and gas station,  
16 possibly one of the fast food tenants and the building will  
17 be in the right-of-way of the ramp. Therefore, the  
18 Applicant's request for DSP approval must be denied. So,  
19 the question becomes do, do they have the right whether  
20 there's a road or not to building a right-of-way of an  
21 identified road?

22           MADAM CHAIR: Okay. Thank you, Mr. Dean. Let me,  
23 let me just say this. For purposes of the Detailed Site  
24 Plan, transportation adequacy is, is not discussed in terms  
25 of a Detailed Site Plan. Layout is an appropriate

1 discussion for a Detailed Site Plan. The site --

2 MR. DEAN: Okay.

3 MADAM CHAIR: == does not, is appropriate. So, I  
4 see what you're saying. I hear, I see what you're saying  
5 because you're saying that the condition was imposed in  
6 2002; there were some changes to Conditions 5 and 10 in, in  
7 2018; and those were specific changes is what you're saying;  
8 and they did not obviate the need for this road and then,  
9 furthermore, you're saying that the decision went even  
10 further than that saying that future plans, on page 14,  
11 future submitted plans shall demonstrate provision of the  
12 adequate right-of-way for -- and then it goes to F, a  
13 concept for future ramps to and from the west via Ruby  
14 Lockhart Boulevard between Maryland 202 and St. Joseph  
15 Drive. And then, and then you go on to say no building or  
16 sign permit, except provided in Part 12 of this subtitle may  
17 generally be issued for any structure of land within the  
18 right-of-way, or acquisition lines, of a proposed street or,  
19 you know, the other stuff that you have on page 3 of your,  
20 your opponent's Exhibit No. 1. Okay. So, that --

21 MR. DEAN: And, and, and --

22 MADAM CHAIR: Okay.

23 MR. DEAN: -- yeah, basically what I'm saying is --

24 MADAM CHAIR: I just want to make sure I got it.

25 MR. DEAN: -- that --

1 MADAM CHAIR: Okay.

2 MR. DEAN: Okay. All right. Is that the  
3 buildings are in, in the right-of-way, whether the road or  
4 not, they're not permitted to build --

5 MADAM CHAIR: Yeah.

6 MR. DEAN: -- notwithstanding.

7 MADAM CHAIR: Okay. Okay. Okay.

8 MR. DEAN: Okay. And, and, and I thank you for  
9 allowing me to speak because every time I come here, I get  
10 frustrated because, A, developers are coming in and building  
11 low-end crap; and, you know, why do we need to have a 7-  
12 Eleven gas station? I know it's permitted by right. Why do  
13 we need to have a Chick fil A when we have one less than a  
14 half a mile away? So, this is the stuff that they're  
15 bringing, so I'm, I'm, I'm extremely frustrated.

16 MADAM CHAIR: But, Mr. Dean, you authorized that.  
17 You and that Council authorized these kinds of, of uses by  
18 making them permitted as of right. We can't say, you know,  
19 well, we want this type of restaurant, but not that type of  
20 restaurant. It is a permitted use in the Zoning Ordinance  
21 that the Council enacted. That part, that part is accurate.  
22 We, we can't, so what, what we can't say, we can't cherry-  
23 pick which of the uses within a category. It is illegal for  
24 us to do that. We cannot do that. But what we can do, what  
25 we can do is say, you know, as, as -- I'm thankful to Mr.

1 Zhang at this point for at least trying to make sure these  
2 buildings are upgraded and whatnot. I think, I think Mr.  
3 Warner wants to say something too, but I don't, I know it's  
4 frustrating and I, I can hear and I can understand it  
5 because you were expecting a ramp had, had a, this TIF.

6 The uses are a different matter because that,  
7 they're allowed as of right in that MXT zone; but, but what --

8 UNIDENTIFIED SPEAKER: And I just wanted to  
9 clarify one thing, Chair.

10 MADAM CHAIR: Okay. Okay.

11 UNIDENTIFIED SPEAKER: Just in the record, the  
12 copy of the 2002 Zoning Ordinance doesn't show that Mr. Dean  
13 was on the Council at that time, so you might want to  
14 clarify that if that's going to be an issue as part of your  
15 consideration of the case. It, it doesn't --

16 MADAM CHAIR: Well, it's not really, it's not  
17 really, but I thought, you know, am I mistaken it was prior  
18 to your joining the Council, Mr. Dean?

19 MR. DEAN: No, I came on the Council in 2002.

20 MADAM CHAIR: Yes, you did. I remember.

21 MR. DEAN: I came on the Council in 2002. This  
22 was passed in 2002. Now the issue is that maybe I had not  
23 been sworn-in --

24 MADAM CHAIR: Okay.

25 MR. DEAN: -- but we were --

1 MADAM CHAIR: That's fine.

2 MR. DEAN: So, first off --

3 MADAM CHAIR: And maybe it was earlier, maybe it  
4 was earlier in the year, because you get sworn-in in  
5 December, so I got that, yeah.

6 MR. DEAN: Again, Madam Chair, the issue for us is  
7 that since I can't deal with roads, the question depends  
8 whether I'm dealing with roads or not, you cannot build  
9 within the right-of-way.

10 MADAM CHAIR: I got that part.

11 MR. DEAN: And they're building the right-of-way.

12 MADAM CHAIR: Okay. I got that part. I just, I  
13 know, but the point is the, I know you were on the Council  
14 in 2002. Now whether you were on the Council when it was  
15 rezoned MXT, I, I can't say. So, Mr., you know, but, but  
16 the, but I know that the, the Council, our District Council  
17 zoned this as MXT and, and the whole array of permitted uses  
18 that the Council determined are, in fact, permitted uses.  
19 So, that part I have no control over. I, I understand what  
20 you're saying and I'm, and, and we're trying to address  
21 these issues. What I, at some point I'm going to need  
22 Council, our Council and, and either Mr. Gibbs will have the  
23 opportunity to rebut as the representative of the Applicant  
24 as well, but we are, we are at a different stage and I don't  
25 know if there was any -- I know you're saying there was no

1 change with regard to the ramp, but I, I don't know that.  
2 Here, I want to hear what everyone has to say on this issue.

3 MR. DEAN: Okay. Let me just say one more thing,  
4 Madam Chair, and --

5 MADAM CHAIR: I'm sorry, hold on; no, hold on a  
6 second. Can you, can you stop? Okay. Okay. Is, is, he,  
7 okay. Thank you. And, and I understand, I just need to, I  
8 just, I just want to hear from -- we all want to hear from  
9 everybody on this issue and make the decision that is right  
10 within our legal parameters.

11 MR. DEAN: Okay. There's, then, again, I know you  
12 can't, I know certain things allowed in MXT, but there's the  
13 7-Eleven gas station for this property; there's going to be  
14 a, a, a gas station for Woodmore Overlook.

15 MADAM CHAIR: Okay. But that's not a criteria  
16 that we, it doesn't matter how many gas stations.

17 MR. DEAN: I hear you.

18 MADAM CHAIR: I, I can't. That's not what --  
19 that's not what the law says.

20 MR. DEAN: I hear you. I, I hear you. Thank you  
21 for the opportunity to speak.

22 MADAM CHAIR: But thank you, Mr. Dean, and we may  
23 come back to you and we may have other questions. What I am  
24 trying to do is address the things that we can legally  
25 address, not, not in terms of what's already been

1 predetermined by the Council as permitted uses. Okay. I'm  
2 going to see if the, now we have a lot of people still  
3 signed up, so I want to see if the Board has any additional  
4 questions at this time? Madam Vice Chair?

5 MADAM VICE CHAIR: Well, later on I probably --  
6 not at this point, but the discussion about the ramp that  
7 Mr. Dean referenced, I'd like to hear more about that, and  
8 we'll come back to that.

9 MADAM CHAIR: Yes, we, we, I mean -- okay because  
10 I think maybe our Council can step in; and I'm sure, Mr.  
11 Gibbs, that's what I was saying, we can't, you know, okay.  
12 Let me go to Commissioner Washington.

13 COMMISSIONER WASHINGTON: No questions. Thank  
14 you, Madam Chair, and thank you, Mr. Dean.

15 MADAM CHAIR: Okay.

16 MR. DEAN: You're welcome.

17 MADAM CHAIR: Thank you. Mr. Geraldo, any  
18 questions?

19 COMMISSIONER GERALDO: No, I'm going to wait, I'm  
20 going to thank Mr. Dean for his presentation, and I would  
21 like to hear from, from our own Council.

22 MADAM CHAIR: Okay. And, you know, Mr. Warner can  
23 jump in, and also, I don't know if Mr. Mason is on or not,  
24 you know, and he can be, maybe he can be of assistance as  
25 well. I am going to go to the next person who I have signed

1 up who is on the list, was Ms. Bilatina Yifru; wasn't on  
2 initially when I called the name. Okay. But I do see the  
3 next person, Ericka Fareed.

4 MS. FAREED: Yes, I'm here.

5 MADAM CHAIR: Okay. How are you today? Okay.

6 MS. FAREED: I am well, thank you. Can you all  
7 see me?

8 MADAM CHAIR: Let's see. I'm --

9 UNIDENTIFIED SPEAKER: No.

10 MADAM CHAIR: I don't see you, but we hear you.  
11 Oh, there you are. We see you now.

12 MS. FAREED: Can you --

13 MADAM CHAIR: We see you.

14 MS. FAREED: Okay.

15 MADAM CHAIR: Yeah.

16 MS. FAREED: Okay. Well, thank you for the, the  
17 lesson and the history on how this is all done. I think  
18 maybe my question is a moot point now given that my comments  
19 were really around the usage of the space; but I did want to  
20 express my concern, and really dismay, about how that space  
21 is being used. I think aesthetically it's very pleasing,  
22 and I'm very happy to see that it's complimentary to the  
23 area; but in terms of the usage of the space, it really  
24 seems to be largely dedicated to fast food and convenience  
25 food establishments, and that's concerning given that, you

1 know, childhood obesity is a challenge in our county and  
2 that even amongst adults we have a greater percentage of  
3 obese residents than the states does.

4 MADAM CHAIR: Yes.

5 MS. FAREED: So, I'm not sure why we aren't  
6 looking to bring more healthy options to the area. Also, as  
7 Mr. Gibbs stated, the retail has been very successful in  
8 this area and the demographic can support more moderately  
9 priced, and even fine dining establishments; and so, I would  
10 really like to see that we have those types of options in  
11 our own neighborhood so that we don't have to go to other  
12 counties to experience what they have right in their own  
13 backyards.

14 I'd also like to understand if any small  
15 businesses were solicited specifically to fill this retail  
16 space, or if we're just going to continue to kind of fill  
17 these spaces with large chain, you know, stores who may not  
18 be fully invested in our communities like our small business  
19 owners might be.

20 MADAM CHAIR: So, Ms. Fareed, let me say this.  
21 First of all, thank you very much for your testimony. You  
22 raise some concerns that are probably at the heart of the  
23 matter for a lot of residents in Prince George's County. We  
24 would like healthier options, I, I, but you heard what we  
25 were saying. When, we do not legislate at all.

1 MS. FAREED: Right.

2 MADAM CHAIR: We do not zone at all, but when,  
3 when, when a permitted use, when the Council determines that  
4 a range of uses are permitted by right, that's the end of  
5 it. We can't pick a fancy restaurant over a fast food  
6 restaurant. We, we don't have that right, so we have to  
7 evaluate the applications as they come in in accordance with  
8 the laws that have already been established. It's, it would  
9 be nice to have a fine dining restaurant there. I agree  
10 with you. And the only, the good thing that we can say  
11 since a permitted use is a permitted use is that most of  
12 these fast food restaurants at this point in time have  
13 healthier options. You would not know this, but I am  
14 endeavoring to eat healthier options. I am about 50 years  
15 too late, but I am trying to do that. So, I do go -- so,  
16 when we go, like when we're stuck here, we'll go sometimes  
17 to grab something from, from a fast food restaurant and,  
18 thankfully, they all have salads; they all, they all are  
19 increasing, McDonalds, all of them are increasing their  
20 healthier options. So, they, you have the greasy options  
21 and you have the healthier options.

22 So, so we, since we don't have control over that,  
23 at least I'm thankful that they're trying to provide  
24 healthier options. At least I'm glad that they are trying  
25 to improve the architecture to make it complimentary as you,

1 as you so noted here; but and it would be nice that  
2 sometimes if they bring more, more restaurants.  
3 Unfortunately, some didn't do well during this quarantine,  
4 but once we get past this, and we will get past this,  
5 hopefully we, hopefully, you know, businesses can get back  
6 up.

7           Your other question regarding what kinds of  
8 businesses, the small mom and, smaller, you know, local  
9 businesses and whatnot as opposed to chains for the retail,  
10 that is not something that we can consider. That is a  
11 conversation you can have with them offline, because we're  
12 looking at a Site Plan, the layout right now. But that is a  
13 conversation that you can feel free to have with them  
14 offline. It's not something that is, that is within our  
15 purview to consider, though. It's a good point, it's a good  
16 point, I'll say that; but it's not something that's within  
17 our purview. But, you know, your testimony was right on  
18 time and I'm sure people are hearing you.

19           MS. FAREED: Okay. Thank you so much --

20           MADAM CHAIR: Thank you.

21           MS. FAREED: -- for the opportunity to speak.

22           MADAM CHAIR: Thank you. So, let --

23           UNIDENTIFIED SPEAKER: Thank you.

24           MADAM CHAIR: Thank you. I don't know -- I will  
25 look to the Board because we still have a lot of people to

1 go to see if there's any questions from the Board. And I  
2 don't see any, so I'm going to go down to Bec Beccles. No  
3 Bec -- I saw the name before and he responded, huh, but I  
4 don't see him now.

5 MS. FAREED: He had to jump off.

6 MADAM CHAIR: Oh, okay. So, okay, thank you. So,  
7 Robert Barbour we called earlier, but there was no response.  
8 I'm just checking again; and the same thing with Ky Gibbs.  
9 Ky Gibbs? And then there was Felecia Hogue.

10 (No affirmative response.)

11 MADAM CHAIR: Okay. And then there's LaRay  
12 Benton. Mr. Benton, are you on?

13 MR. BENTON: Good evening, good evening, Madam  
14 Chair.

15 MADAM CHAIR: Good evening. Is it evening?

16 (Indiscernible.)

17 MR. BENTON: Good evening. Just, just a second.  
18 I'll switch it over to my handsfree because I'm driving.  
19 Can everyone hear me?

20 MADAM CHAIR: We can hear you and, and you got  
21 your windows up now? Okay. Okay. Okay. We -- Mr. Benton?

22 MR. BENTON: (No audible response.)

23 MADAM CHAIR: Mr. Benton?

24 MR. BENTON: Well, my windows is up. I'm just on  
25 the road, so --

1 MADAM CHAIR: Okay. So, you're clear, you're  
2 clearer now.

3 MR. BENTON: But are you ready for me?

4 MADAM CHAIR: Yes.

5 MR. BENTON: Just let me know.

6 MADAM CHAIR: We're ready.

7 MR. BENTON: Yeah. Can you hear me?

8 MADAM CHAIR: Yes.

9 MR. BENTON: I am here. Can you hear me?

10 MADAM CHAIR: Yes, we can hear you.

11 UNIDENTIFIED SPEAKER: Madam Chair, if he could  
12 sit --

13 MR. BENTON: Okay.

14 UNIDENTIFIED SPEAKER: It may be good for --

15 MR. BENTON: All right. So, yeah --

16 UNIDENTIFIED PERSON: He's stationary.

17 MR. BENTON: Okay. So --

18 MADAM CHAIR: Okay. But, you know, that is a good  
19 idea for -- you know what, Mr. Benton, because you're very  
20 impassioned about this and, and --

21 MR. BENTON: I'm actually, you know --

22 MADAM CHAIR: Mr. Benton, because, I mean  
23 hopefully you're on hands-free, let's start there.

24 MR. BENTON: I'm actually pulling over. So --

25 MADAM CHAIR: You are pulling over?

1 MR. BENTON: I am.

2 MADAM CHAIR: Okay.

3 MR. BENTON: So, okay, I am pulling over. So, if  
4 you need to move to the next, to --

5 MADAM CHAIR: Let's do that.

6 MR. BENTON: -- to the next --

7 MADAM CHAIR: Okay. We'll do that and we'll come  
8 back to you.

9 MR. BENTON: Okay. Fine.

10 MADAM CHAIR: Okay?

11 MR. BENTON: That way I'll be, I'll be fully --  
12 thank you very much.

13 MADAM CHAIR: You're welcome. Okay. Jo Vi?

14 MS. VI: Hi.

15 MADAM CHAIR: Hi.

16 MS. VI: Thank you for the opportunity to speak.  
17 Can you all hear me?

18 MADAM CHAIR: We can. Yes, we can.

19 MS. VI: Yes, perfect. Yeah, so I, again, thank  
20 you for the opportunity to speak. I, basically, I have the  
21 same sentiments at my neighbor, Ms. Ericka Fareed, who spoke  
22 earlier.

23 MADAM CHAIR: Okay.

24 MS. VI: I did get your response to her, to her  
25 points, and so I, I, I genuinely, you know, it's been a long

1 call and I just want to cut to the chase; and so, I know you  
2 mentioned there is no, we can't dictate what type of  
3 restaurants or retail, if you will, come to this center. It  
4 was zoned for retail. It was zoned for, for commercial  
5 space, and so we can't -- if it, if I'm not mistaken, you're  
6 saying we ultimately can't dictate what restaurants come to  
7 the --

8 MADAM CHAIR: Correct. That's correct. That's  
9 correct.

10 MS. VI: So, I, I'm, I'm very, well, first of all,  
11 I'm very disheartened to hear that. I thought our voices  
12 would matter today here on this meeting and it sounds like  
13 it won't because ultimately there are a lot of folks in my  
14 community who feel the same way as Ms. Ericka Fareed; and,  
15 you know, we don't care for 7-Eleven; we don't care for an  
16 Arby's, another fast food chain; and so, I don't know what  
17 there is left to say at this point. You've made it very  
18 clear that we're basically going to get what we're getting  
19 and we can't decide --

20 MADAM CHAIR: Well --

21 MS. VI: We have no, we have no say so, if I'm not  
22 mistaken.

23 MADAM CHAIR: You do, you do, you do have a say  
24 so. Here's the thing. So, here's the thing.

25 MS. VI: Uh-huh.

1           MADAM CHAIR: When we, when, when, when we have  
2 comprehensive rezonings which are, are few and far between,  
3 it's like maybe 20 years or so, we now have a county-wide  
4 map amendment process that hopefully we're under, we'll be  
5 able to undertake pending some other things that have to  
6 happen. And we, what we do then is we solicit information.  
7 We have written to every household in the entire Prince  
8 George's County community, within the entire Prince George's  
9 County boundaries. Early on during the planning stages, we  
10 solicit input for this, for the County-wide Map Amendment, I  
11 know I'm digressing, but we had over 400 some odd community  
12 meetings with people with the business community, faith-  
13 based community, so many other homeowner's associations,  
14 community organizations, the business community -- so many  
15 different people because we solicit input early on because  
16 that goes into a plan which will then go to the Council,  
17 which, and they, after they hear all of that, then they  
18 determine the zoning.

19           So, once they determine the zoning, then things  
20 are pared down. Then there's, you know, somewhere along the  
21 line there's the zoning is in place; we come in, then  
22 there's subdivisions; and then there's site plans and things  
23 of that; and each one has a narrower and narrower list of  
24 things that we can consider in the decision.

25           So, in this particular case, the zoning has

1 already been determined by another body, by the body that is  
2 charged by state law with establishing the zoning. That is  
3 the District Council which is the County Council wearing a  
4 different hat; and that has been determined already. We do  
5 not have that authority. We do not do zoning, but we have to  
6 abide by that zoning and that, that zoning and MXT allows  
7 for restaurants which in the zoning ordinance are defined,  
8 is defined as, you know, includes the whole gambit. It  
9 includes fast food. It includes retail. You can't say,  
10 okay, it includes retail. You can't say we like Nordstroms,  
11 but we don't like this store, you know? We don't have that  
12 authority. It is, it is precluded by tons and tons of case  
13 law and tons, you know, so we don't have that authority.  
14 So, this is why we invite people to participate early,  
15 early, early on in the plans, and we welcome that. You, and  
16 I advise you to go to our website because you will see some  
17 of the things that are underway now for the entirety of  
18 Prince George's County and then you get your voice in early  
19 before the zoning is in place. So, that --

20 MS. VI: Well --

21 MADAM CHAIR: -- so that's all -- what I, what I  
22 said to, you know, before was, was those are very, very  
23 valid concerns; very, very valid concerns that Ms. Fareed  
24 raised so eloquently. It's just that they are outside the  
25 scope of our authority. That's the issue here. So, it's

1 not like you don't --

2 MS. VI: And --

3 MADAM CHAIR: -- it's not like you don't have a  
4 voice or we don't hear you, we hear you; but we have legal  
5 parameters that we have to stay within, that's all.

6 MS. VI: Okay. I think I, the gentleman  
7 beforehand, Mr. Benton, I think you all were saying, you  
8 know, this stuff was taking place in 2002 and whatnot; so,  
9 you know, I didn't get to this community until 2016 --

10 MADAM CHAIR: Yeah.

11 MS. VI: -- actually.

12 MADAM CHAIR: Yeah.

13 MS. VI: I think the other issue that I'd like to  
14 raise is that I don't think we're, we necessarily mind  
15 having, you know, that area zoned as retail or commercial,  
16 or whatnot; so, I, you know, I love living next to Wegmans  
17 and Costcos, et cetera; but, you know, an Arby's, a 7-  
18 Eleven, so I don't think the residents are necessarily up in  
19 arms that it was zoned commercially or --

20 MADAM CHAIR: Right.

21 MS. VI: -- or for retail purposes; I, I do,  
22 however, feel like we should have a say in what businesses  
23 come here, especially given that, you know --

24 MADAM CHAIR: You, you can have a say; you just  
25 can't have a say with us.

1 MS. VI: I'm sorry?

2 MADAM CHAIR: You can, you can have a say. You  
3 can communicate with any applicant that comes in. You have,  
4 you can communicate there. We, we just can't make the  
5 decision about, if, if it --

6 MS. VI: Okay.

7 MADAM CHAIR: -- if it allows a, if the zoning  
8 ordinance allows commercial, it allows office, it allows  
9 retain, it allows -- we can't make the, we can't make the  
10 distinction between this retail and that retail, this  
11 business and that business, this office and that office,  
12 this restaurant and that restaurant. We don't have that  
13 authority.

14 MADAM VICE CHAIR: We the Planning Board, Madam  
15 Chair.

16 MADAM CHAIR: Yeah, we, we the Planning Board  
17 don't have that authority. We are not the legislators. We  
18 do not make those, and we do not do the zoning. So, we  
19 don't have that authority. Right now, we're at a, at a  
20 Detailed Site Plan, Detailed Site Plan phase, which looks at  
21 the design; and so that is why you're saying architecture  
22 and things of that nature. That's where we are today.  
23 That's the application that is in front of us.

24 MS. VI: All right. Well, that's what -- thank  
25 you.

1           MADAM CHAIR: But, but but I am, what I am saying  
2 is, though, so you came here in 2016. Just stay involved  
3 because there will be, there will, you know, at some point  
4 in time there may be a rezoning application just like there  
5 was in 2002 when it went from industrial to, to MXT. So,  
6 sometimes, and, and, and, and there, when there's a  
7 comprehensive rezoning which is different from some, from an  
8 applicant coming in saying, you know, I want you to change  
9 my property; but comprehensive rezoning is initiated by the  
10 Government when they look at segments of the County or the  
11 County in its entirety; and we, and we solicit input from,  
12 from citizens then. So, you know, whenever you get those  
13 kinds of notices, you know, please jump in. We want to hear  
14 from you on the front end before it's too late when the  
15 zoning and things like that are in place.

16           MS. VI: Yeah, that's, yeah, I, I agree; but  
17 you're, I, if I'm not mistaken, I think the, when you all  
18 were talking initially, or earlier with Mr. Benton, that  
19 kind of stuff wasn't -- I, okay, I guess my question is when  
20 was the last time that that stuff was discussed, the zoning  
21 and whatnot, because I had heard 2002?

22           MADAM CHAIR: No, they said there was a change in  
23 2018, but it was a change --

24           MS. VI: Oh, boy.

25           MADAM CHAIR: -- for, for specific conditions.

1 MS. VI: Okay. All right. Got it. Thank you.

2 MADAM CHAIR: Thank you so very much. I  
3 appreciate it. Okay. And let me say to all the citizens  
4 right now, first of all, if you, if you wish, like Ms. Vi,  
5 Ms. Vi was really echoing the sentiments and concerns raised  
6 by Ms. Fareed. If you wish to just associate yourself with  
7 the, with the comments made by any previous speaker, you  
8 have the opportunity to do that. That's an option. You can  
9 give your own testimony when I call your name, you can  
10 associate yourself; or you can associate yourself with the  
11 testimony of someone else; or, you know, some people have  
12 submitted things in writing; or you can say, you know,  
13 whether you're opposed or not; you know, you have, you have  
14 choices here, but I, I want the citizens to know we, the  
15 Planning Board consists of five members, all of whom live in  
16 Prince George's County; and we have development proposals in  
17 our respective neighborhoods as well. Sometimes we're not  
18 too keen on them. Sometimes we're not, but we, but, you  
19 know, we all have stuff that, we all, no matter where it is,  
20 even if it's in our own neighborhood, we have to abide by  
21 the laws that have been enacted, that are in place for us.  
22 So, I want to make it really clear, we really, we hear what  
23 you're saying; we care what you're saying; we, there, we  
24 have the limited jurisdiction to -- so, that's all I'm  
25 saying. So, I'm not saying, you know, no, you don't have a

1 voice or we don't care. We're saying this is, this is what  
2 our legal parameter is and this is, this is all we can  
3 consider.

4           So, I just want to make that clear for everyone,  
5 and I do thank you; and I think on behalf of the entire  
6 Board, we thank Ms. Vi and, and, and, of course, Ms. Fareed  
7 for your, your comments. And now I know, Mr. Benton, you  
8 appear to be stationary?

9           MR. BENTON: I am.

10          MADAM CHAIR: Okay. So, you're ready?

11          MR. BENTON: Yes, ma'am.

12          MADAM CHAIR: Thank you.

13          MR. BENTON: All right. For the record, LaRay  
14 Benton. I, my address is, my address because I changed it,  
15 it's 9801 Apollo Drive, Unit 9816 --

16          MADAM CHAIR: Okay.

17          MR. BENTON: -- here in Largo, Maryland.

18          MADAM CHAIR: Okay.

19          MR. BENTON: And so --

20          MADAM CHAIR: That's a business address? Is that  
21 a business address?

22          MR. BENTON: Yes, it is.

23          MADAM CHAIR: Okay.

24          MR. BENTON: It is a business address, yes. I,  
25 and so I am here, you know, representing myself and,

1 obviously, as the majority owner for LGB Enterprises, and  
2 Woodmore Manor, LLC. All right. I'm just saying that for  
3 the record. So, you have my opposition before you.

4 MADAM CHAIR: Yes, we do.

5 MR. BENTON: Just, just to lay a little background  
6 to give a little color around my opposition, one, I want to  
7 refer, I want to, I want to actually say this, because I  
8 wrote some, some notes. One, on the record, I didn't want  
9 to do it at the time because I didn't want to, want to speak  
10 out of turn, but I do object to the additional exhibits that  
11 the Applicant submitted on March 16th. One, it's just  
12 simply, they were not timely filed before the March 15th  
13 deadline at 12:00 p.m.

14 MADAM CHAIR: No, no, hold on.

15 MR. BENTON: All right? So, so --

16 MADAM CHAIR: Hold on, hold on a second. Hold on  
17 a second. Today is the 18th. The deadline is March 16th at  
18 12:00 p.m., not March 15th. It's the Tuesday before the  
19 Thursday. We didn't accept any --

20 MR. BENTON: Okay. Okay.

21 MADAM CHAIR: -- we, we accepted no exhibits after  
22 the deadline from anybody.

23 MR. BENTON: Just like, okay, I, I stand  
24 corrected.

25 MADAM CHAIR: Okay.

1 MR. BENTON: I stand corrected on that.

2 MADAM CHAIR: No worries.

3 MR. BENTON: All right? All right. And also, so,  
4 again, just as legislative color and case law, that's going  
5 to be very supportive to my opposition, the case of the  
6 Zoning Appeals Board v. McKinley, 174 Md. 551, 199A540 in  
7 1938, that was a very applicable case law in regards to  
8 zoning legislation, as this is, and --

9 MADAM CHAIR: This, no, this is not.

10 MR. BENTON: -- in particular --

11 MADAM CHAIR: What is zoning legislation -- we  
12 don't have any zoning here today.

13 MR. BENTON: I understand that.

14 MADAM CHAIR: I just want to make -- I just want  
15 to make sure, you said what this is, you mean the case that  
16 you're -- I just want to make sure I understand what the  
17 this is that you're referring to.

18 MR. BENTON: Okay. It's just applicable to the  
19 subject case that I'm opposed to for, for, for the current  
20 DSP here, DSP0406F-10; and, and the DDS672, right?

21 MADAM CHAIR: Okay.

22 MR. BENTON: In particular, the, in particular,  
23 within that particular case, one main point was brought up  
24 is that, is that when the Board, such as yourself, right,  
25 the Planning Board must actually look at the entire body of

1 not only case law, but the entire body of statutory law that  
2 is actually on the books before, you know, in making a  
3 ruling, right?

4 MADAM CHAIR: Does that pertain to --

5 MR. BENTON: And in terms, in this particular --

6 MADAM CHAIR: Does that pertain to zoning? I mean  
7 we do look at the law in its entirety. We have to do that  
8 for each and every case. So, we have, not only do we have  
9 our own attorneys, but we, many of us on, several of us are,  
10 few of us on this Board are attorneys as well. So, we do  
11 look at that; but are you saying that that's, that's what  
12 this case law says, I mean from -- it's cited in your, in  
13 your, by the way, you may or may not have been on; we did  
14 accept your letter into the record. I mean it was already  
15 in the record, but we gave it a number. It's Opponent's  
16 Exhibit No. 2. Okay.

17 MR. BENTON: Okay. Thank you.

18 MADAM CHAIR: So, so that case is a cite, cited in  
19 your memo; and you're saying that the zoning, the zoning, it  
20 applies from the Zoning Board v. McKinney, and you're saying  
21 that this applies, this, whatever the decision is in that  
22 case, or whatever the case law is in that case pertaining to  
23 the Zoning Board applies to the Planning Board?

24 MR. BENTON: Well, it, it, it applies to how the  
25 Planning, to what the Planning Board should consider --

1 MADAM CHAIR: Okay.

2 MR. BENTON: -- in formally ruling, in formally  
3 ruling on this, in this particular case.

4 MADAM CHAIR: Yes. Okay.

5 MR. BENTON: I'm not saying, I'm not, and I'm not  
6 saying everything in particular, right, but specific I would  
7 like to point out the fact that, that before the Planning  
8 Board makes a ruling, right, it obviously had, one, the  
9 Planning Board has to consider, you know, all of the case  
10 law in their law that's on the books --

11 MADAM CHAIR: Yes.

12 MR. BENTON: -- and, likewise, and, likewise, the  
13 Applicant actually has the burden of proof --

14 MADAM CHAIR: Yeah.

15 MR. BENTON: -- to showing that, to prove that  
16 they, that they actually showed good cause as to why the  
17 application, right, actually marries up against those  
18 particular, the laws that's on the books.

19 MADAM CHAIR: The application, the Applicant,  
20 there's no burden of good cause for the Applicant. I can  
21 turn to our attorneys for that, but, but --

22 MR. BENTON: There is no burden of proof for the,  
23 for the --

24 MADAM CHAIR: No, no, I didn't say --

25 MR. BENTON: -- (indiscernible).

1           MADAM CHAIR: -- I didn't say burden of proof. I  
2 said good cause. There's no burden, there's no good cause  
3 requirement for that. There's --

4           MR. BENTON: Okay. Well, okay, I understand.  
5 Well, I'll revise my statement and just simply say that the  
6 Applicant has the burden, has the burden of proof.

7           MADAM CHAIR: They do.

8           MR. BENTON: All right. So, with that, you know,  
9 and so with that being, being said, all right, one of the,  
10 one of the laws that's on the book is, is, is I'm referring  
11 to Prince George's County Code and/or community code Section  
12 27-259, right? Mr. Dean referred to it before in regards to  
13 that section of the code clearly states that, that, that,  
14 that in terms of the layout of the building, right, you  
15 cannot build within a currently approved plan the right-of-  
16 way, right? And so just for a reference, in the Staff, in  
17 the actual Staff presentation, if Mr. Zhang can actually  
18 pull up the transportation or overview plan where it's the  
19 different colors and show the different roles, if you can  
20 pull that up for everyone?

21           MADAM CHAIR: Can you, can you see from where you  
22 are, Mr. Benton?

23           MR. BENTON: I can't, I can't, because I'm on my  
24 phone, but I got it in my memory, so I can see.

25           MADAM CHAIR: Okay, because I'm just trying to

1 figure out -- is this the best slide do you think?

2 MR. ZHANG: It is.

3 MADAM CHAIR: Okay.

4 MR. ZHANG: It's No. 8.

5 MADAM CHAIR: Okay.

6 MR. ZHANG: No. 8, yes.

7 MADAM CHAIR: Okay. Yeah, that one, okay.

8 MR. BENTON: Yeah. So, and so with that being  
9 said, if you look at the flyover in I-310 that it is  
10 currently in the Transportation Master, Master Plan, you'll  
11 see the brown road, it's a little obtuse shape; but, but  
12 for, for, for, for, mostly just for clarity, right, that  
13 road shares the actual property line, or goes along the  
14 shared property line of this particular site, all right, as  
15 well as the adjacent site, you know, the, that is owned by  
16 Old Woodmore Overlook, Overlook Commercial, right?

17 Now in the Staff's approval, right, I did not see,  
18 I did not see anything where the Staff and/or the Applicant  
19 either, either presented any arguments to support and show  
20 how, how the layout of their particular site, right, was  
21 actually, actually conformed with CSP10, well, 10-10004, all  
22 right? That was done for the adjacent site on Woodmore  
23 Overlook, right; and the reason why I bring that up in  
24 particular, right, is, is on that particular Conceptual Site  
25 Plan, right, I wrote I-310 is showed along that shared

1 boundary, right? It's showed there, right? Therefore, both  
2 the Staff and the Applicant has to consider how their, how  
3 their proposed Detailed Site Plan also marries up with that  
4 particular, well, with that particular location of I-310 on  
5 that Conceptual Site Plan not only from the landscape,  
6 landscape perspective in terms of the setbacks, right?

7           Mr. Zhang noted before earlier in his presentation  
8 that, that, that per the landscape plan, they're required to  
9 have at least a 20-foot setback from the actual road. That  
10 is nowhere identified on the plans as submitted by the  
11 Applicant, right? In addition, he also stated, now one  
12 thing I also want to note is I want to refer the Board to  
13 Section, Zoning Code Section 27-640, 27-641, and 27-642,  
14 right? All of those, all of those codes when you look at  
15 them and you read them in their, in their entirety, they all  
16 echo the same sentiment, which is, one, only the District  
17 Council can actually determine and move where a road is,  
18 where, where a road is on the Master Plan, but is built and  
19 developed, right? The District Council has already done  
20 that, right, with the Transportation Master Plan that was  
21 approved back in 2009. So, when the, so, when the, so, when  
22 the District Council laid out the road for I-310 in 2009,  
23 they did it, they did it according to the law that is, that  
24 were currently on the books, well, Prince George's County in  
25 Maryland, and they placed their roadway along that shared

1 boundary between the properties, right?

2           Now also, when you, also within that, when you  
3 consider 27-641 and 27-642, right, the wording in that  
4 legislation clearly states that the only entity that can,  
5 again, move a road, all right, or adjust the location of the  
6 road, is the District Council, right? The Applicant in this  
7 case cannot use the zoning process or the Zoning Map  
8 Amendment process to actually, to actually, to move where,  
9 where, where the road is; and I know that they are not  
10 trying to do that. That's not what I'm saying, that this  
11 particular Applicant is trying to do that, right? But what  
12 I am, but, but, but what I am saying is this, to date there  
13 is no finding on the record; there is no finding and no case  
14 law, right, on the books to, that, to whereas the District  
15 Council of Prince George's County has rightfully instituted  
16 and actually, and actually instructed both the Planning  
17 Board and the Planning Board Staff to re-evaluate where  
18 their road is and to, and to, and to legislatively move that  
19 road. The District Council has, the Planning Board has, has  
20 not done that, right? So, I mean, I mean, I mean the  
21 District Council has not, has not done that, right? So,  
22 with that being said --

23           MADAM CHAIR: You, you, hold on a second. Hold on  
24 -- he dropped off?

25           MR. ZHANG: He just left.

1           MADAM CHAIR: I think he, I think, I don't think  
2 he left intentionally. I think he must have -- something  
3 must have happened. Is he back?

4           MR. ZHANG: Arrived.

5           MADAM CHAIR: Yes, but I don't see him. What do  
6 you mean he's back?

7           MR. BENTON: Can you --

8           MADAM CHAIR: Okay. There you are. We hear you.  
9 Okay, we hear you.

10          MR. BENTON: There we go. There we go.

11          MADAM CHAIR: Okay.

12          MR. BENTON: Yeah, I, a call came in and I blocked  
13 it, but either way I'm back on now. But, again, there is no  
14 ruling on the record from the District Council that said  
15 that they decided to move their road and per County law,  
16 they are the only ones who have that authority. The  
17 Applicant does not have that authority. This Planning Board  
18 does not have that authority, right? Neither Maryland Park  
19 and Planning, I mean Maryland Department of Transportation,  
20 none of the, none of the Prince George's County agencies  
21 have that authority. The only one who has the legislative  
22 authority to move their road is the District Council and  
23 there is no rule, all right, because there, there hasn't  
24 even been a case filed or anything where, where, where  
25 District Council has considered that, right?

1           So, with that being said, right, if there, if  
2 there has been no legal ruling where the District Council  
3 has chosen to move the location of I-310, all right, away  
4 from that shared property line, right, that means that as  
5 the, as the current laws are to date, the Applicant, the  
6 design and layout of their, of their particular proposed  
7 buildings, right, as they are designed now, they are located  
8 within the designed roadway of I-310 as approved by the  
9 District Council. So, so with that being, with that being,  
10 being, being said in opposition, right, how can, you know,  
11 in opposition the, the Applicant has not submitted any  
12 argument of anything that says that, that says that, that,  
13 that they can actually rightfully development within the  
14 right-of-way. There's been no argument subject to 27-25259  
15 by the Applicant; there's been no argument and no  
16 consideration to 27-259 by the Planning Board Staff, right?

17           Also, there's been no argument by either the  
18 Applicant or the Planning Board Staff certifying how this  
19 application also conforms with, conforms with 27-640, 27-  
20 641, or 27-642. So, with that being -- so, so with that  
21 being, being said, the Planning Board should actually deny  
22 this application, right; and, and, and, and at a minimum,  
23 force the Applicant and the Planning Board Staff to go back  
24 and evaluate against those approved standards that's on the  
25 books.

1 MADAM CHAIR: Okay.

2 MR. BENTON: Because, because, because within,  
3 within the Planning Board proposed resolution and/or, and a  
4 proposed approval for the site, I'm talking the Staff, I, I,  
5 I --

6 MADAM CHAIR: We don't have a proposed --

7 MR. BENTON: -- myself.

8 MADAM CHAIR: -- resolution yet. We, I mean they  
9 do have proposed conditions; yes, they do have that, yeah.  
10 Okay.

11 MR. BENTON: Right. Right, but in, but, but, but,  
12 and what I, and what I read in there and what I've read,  
13 nothing in the record is showing and is certifying how the  
14 Applicant met any of those conditions.

15 MADAM CHAIR: Yes. You say that, I'm sorry --

16 MR. BENTON: And it's not, and, and --

17 MADAM CHAIR: Yeah.

18 MR. BENTON: Okay. And, and, and the Applicant  
19 has the burden of proof --

20 MADAM CHAIR: Yes.

21 MR. BENTON: -- to prove that and they haven't.

22 MADAM CHAIR: Yeah, but you've said that.

23 MR. BENTON: They have not met their burden.

24 MADAM CHAIR: We're hearing you. We hear you and  
25 that's what, what I'm going to get to at some point, but I

1 want to hear what everyone has to say.

2 MR. BENTON: Okay.

3 MADAM CHAIR: I do want to hear what everyone has  
4 to say, but I don't --

5 MR. BENTON: Okay.

6 MADAM CHAIR: -- you know, we, we, we hear it, and  
7 we've heard it a few times in your testimony; so, you know -  
8 -

9 MR. BENTON: Okay. No, but I mean --

10 MADAM CHAIR: And I'm sorry, Mr. Ivey --

11 MR. BENTON: -- but, but, but --

12 MADAM CHAIR: -- I'm sorry, I didn't mean Ivey,  
13 Mr. Benton, I'm sorry, go ahead. Okay.

14 MR. BENTON: No, but, but just, just in general,  
15 you know, I'm not going to belabor the issue, but just in  
16 general, that's my argument in a nutshell.

17 MADAM CHAIR: Okay.

18 MR. BENTON: Right?

19 MADAM CHAIR: Thank you.

20 MR. BENTON: It's simply, it's, that's my argument  
21 in a nutshell is that, is that they, they have the  
22 application that is presented, right, and does not conform  
23 with, and it's not in compliance with the Conceptual Site  
24 Plan 10004; it's not, it's not in conformance with the  
25 Transportation Site General Plan for this site. It's not in

1 conformance with the land or the corridor plan, the 2035  
2 Master Plan.

3 MADAM CHAIR: Okay.

4 MR. BENTON: And, and also, all of the, all of the  
5 Zoning Ordinance, which I, which I've already laid out in my  
6 opposition letter --

7 MADAM CHAIR: Yes, you did.

8 MR. BENTON: They don't, that's my argument.

9 MADAM CHAIR: Okay. Thank you, Mr. Benton. I  
10 appreciate it, and we're going to keep on going because  
11 we're going to give everyone a chance to speak; and, of  
12 course, then --

13 MR. GIBBS: Madam Chair --

14 MADAM CHAIR: I don't know who that is. Mr.  
15 Gibbs, is that you?

16 MR. GIBBS: That's Edward Gibbs.

17 MADAM CHAIR: Okay. I'm going to ask other people  
18 to turn, turn their mikes off; and you know what else, hold  
19 on a -- okay, I'm going to ask others to turn their mikes  
20 off so we can hear Mr. Gibbs. Okay. Mr. Gibbs?

21 MR. GIBBS: I have some questions of Mr. Benton.

22 MADAM CHAIR: Okay. All right. Well, then, Mr.  
23 Benton, you got to turn your mike back on. Okay.

24 MR. GIBBS: Thank you. Mr. Benton, this is Edward  
25 Gibbs. I'm the attorney for the Applicant in this case.

1 Can you hear me?

2 MR. BENTON: Yes.

3 MR. GIBBS: Thank you. I have some questions,  
4 and, you know, I got to ask you some questions about your  
5 standing to participate in this case; and so, it's just,  
6 it's something that I have to do to protect the record.  
7 It's not meant to try to give you a hard time, but something  
8 that I have to do. So, you testified that you're just now,  
9 that, well, first of all, let me just ask you this. So, in  
10 your, in your letter that you filed on March 16th in this  
11 case, you list your address as 1731 Sturbridge Court,  
12 Mitchellville, Maryland, is that, is that what that, you  
13 would agree that's what that says, correct?

14 MR. BENTON: Yes.

15 MR. GIBBS: Well, if you say your address is  
16 Apollo Drive now, why would you say it was Sturbridge Court  
17 on a paper that you filed two days ago?

18 MR. BENTON: Because I'm correcting the record and  
19 stating my actual address, right, because that was my  
20 previous address that I've, I've been used with various  
21 other previous submittals that I've submitted to this Board  
22 and others. So, I've corrected my address and me and, and  
23 me and, and me, and me and Attorney 1 have already had that  
24 email discussion. So, for the record, again, I've already  
25 corrected my address.

1 MR. GIBBS: But on this filing, you said your  
2 address was Sturbridge Court, Mitchellville, is that  
3 correct?

4 MR. BENTON: Yes, and I corrected it on the  
5 record.

6 MR. GIBBS: When is the last time you lived at  
7 Sturbridge Court, Mitchellville, sir?

8 MR. BENTON: That's irrelevant to this case.

9 MR. GIBBS: But, sir, it's really not, with all  
10 due respect. It bears upon your standing to participate,  
11 particularly since you have been appealing cases to the  
12 Circuit Court. So --

13 MR. BENTON: Asked --

14 MR. GIBBS: -- I'm asking --

15 MR. BENTON: Asked and answered.

16 MR. GIBBS: I'm asking that the witness please be  
17 instructed to answer a question.

18 MR. BENTON: Asked and answered. I've already  
19 answered your question.

20 MADAM CHAIR: You, you, well --

21 MR. GIBBS: My question was, when is the last time  
22 you lived at Sturbridge Court?

23 MR. BENTON: I don't remember.

24 MR. GIBBS: But is it correct to say that that  
25 property when you owned it was subject to a foreclosure

1 proceeding and taken by the bank back in --

2 MR. BENTON: I'm going to object to your line of  
3 questioning because, because none of your questions are  
4 lining up with my testimony.

5 MADAM CHAIR: Okay. Let, let me say this for a  
6 second. Mr. Benton, Mr. Gibbs does have the right to ask  
7 you questions. It was not asked and answered because you  
8 had not answered. At the same time, Mr. Gibbs, I, I'm not  
9 sure about his standing in terms of being able to speak  
10 here. If you're telling me he doesn't have standing to  
11 speak here, I'm not sure that I would agree with you, Mr.  
12 Gibbs. If you're talking about legal --

13 MR. GIBBS: Well, I think --

14 MADAM CHAIR: Okay.

15 MR. GIBBS: I think he can speak here.

16 MADAM CHAIR: Right.

17 MR. GIBBS: But this is only, this is the only  
18 record that is going to be made in this case. When this  
19 case goes up to the District Council, there's not going to  
20 be any more testimony to be taken; and so, this is my only  
21 chance to establish Mr. Benton's standing to participate in  
22 this matter, which I do not believe he has.

23 MADAM CHAIR: Okay. So, let me make sure --

24 MR. GIBBS: And so --

25 MADAM CHAIR: -- let me ask you this question, Mr.

1 Gibbs. I'm going to ask both of you and you will have the  
2 opportunity to continue your questioning, Mr. Gibbs, because  
3 our Planning Board rules and procedures, and our  
4 administrative procedures allow for that. So, my, my, what  
5 I heard Mr. Benton say is that he no longer lives at that  
6 site, at that location, even though it had the address on  
7 there two days ago; but he corrected it today, which I am  
8 interpreting as meaning he made a mistake. The thing I may  
9 have a problem with is that he said that he doesn't remember  
10 how long ago, when he lived there; or since, how long it's  
11 been since he did live there, because he says he doesn't  
12 remember. You know, you all, everybody has to use their own  
13 judgment on that one.

14 But he did say that he's correcting the record  
15 today. I think, basically, he was saying that was a  
16 mistaken to have that on that letter. Is that correct, Mr.  
17 Benton?

18 MR. BENTON: Yes, it is.

19 MADAM CHAIR: Okay. And you are still saying that  
20 you don't remember how long it's been since you did live  
21 there?

22 MR. BENTON: I, the last time I lived at that  
23 location was 2016.

24 MADAM CHAIR: Okay. 2016? Okay. Thank you. Mr.  
25 Gibbs, go ahead.

1 MR. GIBBS: Okay. And now you're indicating today  
2 that your address is 9801 Apollo Drive in Largo, is that  
3 correct, sir?

4 MR. BENTON: That's the business address that I  
5 stated.

6 MR. GIBBS: So, you don't live there, do you, sir?

7 MR. BENTON: That's the business address that I  
8 stated.

9 MR. GIBBS: Okay. Do you live there, sir?

10 MR. BENTON: It's my business address.

11 MR. GIBBS: Okay. So, would it be fair to say  
12 since it's your business address, you do not live there?

13 MR. BENTON: That's my business address.

14 MADAM CHAIR: Okay. So, he's not, he's not  
15 answering your question, Mr. Gibbs, but you know that we, we  
16 can't, you, we don't allow residential in a business  
17 building, if that's what --

18 MR. GIBBS: Okay.

19 MADAM CHAIR: Okay.

20 MR. GIBBS: Mr. Benton, is it fair to say that  
21 9801 Apollo Drive is the U.S. Post Office?

22 MR. BENTON: Yes.

23 MR. GIBBS: So, your business, to the extent that  
24 it exists in the U.S. Post Office, that you have a Post  
25 Office there, is that correct?

1 MR. BENTON: That's my business address.

2 MR. GIBBS: And that's your Post Office box, is  
3 that correct, sir?

4 MR. BENTON: That's my business address.

5 MR. GIBBS: Okay. You said you were testifying on  
6 behalf of Woodmore Manor, LLC?

7 MR. BENTON: Yes.

8 MR. GIBBS: I --

9 MR. BENTON: No, no, no, no, correction. I said I  
10 was testifying on behalf of myself and individually as the  
11 majority owner of Woodmore Manor, LLC, and the majority  
12 owner of LGB Enterprises. That's what I stated in my  
13 individual capacity.

14 MR. GIBBS: But you're just testifying as an  
15 individual, is that correct?

16 MR. BENTON: Yes.

17 MR. GIBBS: Okay. Thank you very much. Do you  
18 own any real property in Prince George's County?

19 MR. BENTON: Objection. It's not relevance to,  
20 to, to that question.

21 MR. GIBBS: With all due respect, sir, it's  
22 relevant to your standing; and, again, I just asked you --

23 MR. BENTON: Madam Chair, I'm, I'm objecting to  
24 that question --

25 MADAM CHAIR: You, you --

1 MR. BENTON: -- because it's irrelevant to my  
2 testimony.

3 MADAM CHAIR: Okay. So, you can, you can object.  
4 I think the record is self-explanatory at this point, Mr.  
5 Gibbs. He's not answering that question as to whether he  
6 owns any property in Prince George's County; he's objecting  
7 to it. So --

8 MR. GIBBS: Okay. Do you, do you reside in Prince  
9 George's County, Mr. Benton?

10 MR. BENTON: I object to that question. It's not  
11 relevant to my testimony.

12 MR. GIBBS: So, you, you refuse to answer that  
13 question, sir?

14 MR. BENTON: I don't refuse, I just object to  
15 your, I just objected to your question.

16 MR. GIBBS: Well --

17 MADAM CHAIR: Well --

18 MR. GIBBS: -- you can object and still answer.

19 MADAM CHAIR: Mr. Benton, are you --

20 MR. BENTON: Asked and answered.

21 MADAM CHAIR: Okay. So, no, Mr. Benton, he is  
22 asking a question. If you're saying you're not going to  
23 answer that question, then, then just, you're not going to,  
24 say you're not going to answer it. It's not asked and  
25 answered.

1 MR. BENTON: Okay. Okay. I'm not going to answer  
2 the question.

3 MADAM CHAIR: Okay.

4 MR. GIBBS: Okay. Now did you appeal the Woodmore  
5 Overlook Detailed Site Plan. Woodmore Overlook is  
6 immediately abutting the Woodmore Commons property to the  
7 east, is that correct, Mr. Benton?

8 MR. BENTON: Objection. Relevance. That question  
9 is not related to my testimony, nor this case.

10 MR. GIBBS: Madam Chair?

11 MADAM CHAIR: Yes. Is that Mr. Hunt?

12 MR. GIBBS: No, this is Mr. Gibbs.

13 MADAM CHAIR: Oh, Mr. Gibbs, I'm sorry. You know,  
14 I have all these people here, but that's okay, and I keep  
15 them there. Mr. Gibbs, your head is kind of down, so I  
16 really couldn't see your face. Okay. Sorry. Okay, Mr.  
17 Gibbs?

18 MR. GIBBS: Yeah. It's a relevant question and if  
19 Mr. Benton is just going to refuse to answer every question  
20 that I have --

21 MADAM CHAIR: It's preserved --

22 MR. GIBBS: -- then --

23 MADAM CHAIR: Well, go ahead.

24 MR. GIBBS: No. Well, we're going to be here for  
25 a long time.

1           MR. BENTON: Well, I mean, I mean all you got to  
2 do is ask me questions on my testimony. They had nothing to  
3 do with my testimony.

4           MR. GIBBS: Well, there's no, there's no verifying  
5 your testimony, Mr. Benton, because you, you actually made  
6 reference to Woodmore Overlook in your paper that you filed.  
7 As a matter of fact, most of everything you wrote refers to,  
8 not to this property, but to Woodmore Overlook; and I would  
9 quote from page 2 of your paper where you say in line one,  
10 two, three, four, five, six, adjacent property owned by  
11 Woodmore Overlook commercial has been no consideration of  
12 setback, walkways and/or bike lanes to match up against this  
13 approved Master Plan roadway; and also, no good cause was  
14 argued by the Applicant as to why any exceptions to  
15 Community Code 27259 or any proposed buildings and structure  
16 within the currently approved right-of-way along the mutual  
17 property lines as currently approved and mandated by  
18 CSP10004. Now CSP10004 is the Woodmore Overlook Conceptual  
19 Site Plan, Mr. Benton. So, I'm trying to figure out why in  
20 a paper where you're purportedly contesting Woodmore Commons  
21 case, all of your written testimony is about another piece  
22 of property. Can you explain that?

23           MR. BENTON: No, it's not in my -- my testimony is  
24 directly to the Woodmore Commons case and that particulate  
25 site.

1 MADAM CHAIR: So, let me ask this question.

2 MR. BENTON: I, per --

3 MADAM CHAIR: Mr. Benton, it's --

4 MR. BENTON: Hold on, let me, let me finish, if  
5 you don't mind?

6 MADAM CHAIR: You can finish and then I'm going to  
7 ask you --

8 MR. BENTON: I was going to go ahead --

9 MADAM CHAIR: -- a question. Okay.

10 MR. BENTON: Okay. Per Prince George's County  
11 law, right, not only does the District Council can actually  
12 take judicial notice of any previous approvals and any  
13 previous cases that were brought before them when  
14 considering a case. Therefore, the Woodmore Overlook case  
15 and every, and all of the, all of the Detailed Site Plan,  
16 Conceptual Site Plans and Preliminary Site, Site Plans,  
17 right, not only, not only this body, but, but definitely the  
18 District Council can actually take judicial notice of those  
19 cases to make sure that any, any, any, any ruling that may  
20 come out of that is not only consistent to what they've  
21 ruled before, but in, but in this particular case, right,  
22 all of the rulings and everything from the District Council  
23 as associated with the adjacent property has a direct effect  
24 on, on the Applicant's, on the Applicant's property right  
25 next door to it, you know, because, you know, at a minimum,

1 you have a shared property line, all right, and that's under  
2 the, and, and you can look all that up within the Maryland  
3 Land Use Code; but also, but, but, but, but simply, this, my  
4 testimony is directly related to the Woodmore Commons case -  
5 -

6 MADAM CHAIR: Mr., Mr. Benton --

7 MR. BENTON: -- so --

8 MADAM CHAIR: -- Mr. Benton, I have a question.  
9 You are testifying today, but you've also submitted a  
10 document into the record, which has been identified  
11 Opponent's Exhibit No. 2. And you, and you are correct in  
12 saying it's not judicial notice, that we can take  
13 administrative notice of, of prior decisions; that we can  
14 take, we can take judicial, I mean administrative notice of  
15 prior decisions, as can the District Council; but at the  
16 same time, there's a concept when you open the door in your  
17 presentation, in your exhibit, and in your testimony, then  
18 the, the other side has the ability to question you on that.  
19 You did open the door with -- maybe not so much in your  
20 testimony today, but in your exhibit that you submitted into  
21 the record, which is known as Opponent's Exhibit No. 2.

22 MR. BENTON: Understood.

23 MR. GIBBS: So, and here's my, here's why I'm  
24 filled with a sense of wonderment, Mr. Benton, because I'm  
25 going to direct your attention to page 1 of your paper that

1 you filed; and under the heading of argument, you state, and  
2 I quote, "The Applicant has not shown good cause as to how  
3 the Applicant substantially complied with (indiscernible),  
4 previously approved Conceptual Site Plan 10004 for the site,  
5 and then you go on to talk about the, the Corridor Plan and  
6 the Master Plan; but, again, CSP10004 has no bearing to the  
7 Woodmore Commons property. That conception, I pled, is for  
8 Woodmore Overlook; and so, I'm wondering why you're arguing  
9 about Woodmore Overlook when you say you're arguing about  
10 Woodmore Commons?

11 MR. BENTON: Well, to answer your question,  
12 Conceptual Site Plan 10004, it was the first time that, that  
13 I wrote I-310 was conceptually laid out on any approved  
14 plan.

15 MR. GIBBS: From --

16 MR. BENTON: That's irrelevant. So, I mean, I  
17 mean, and, and, and, and again, and again, in the design and  
18 layout of, of the buildings, the Applicant's buildings are  
19 designed within, within the right-of-way and easement that  
20 was given for, for the road I-310; and that violates 27-259.

21 MR. GIBBS: Well, Mr. Benton --

22 MR. BENTON: And, and, and, again, and again in my  
23 testimony, I also talked about setbacks, right, because,  
24 because as a, as a formally approved and dedicated road,  
25 right, in your design, in the Applicant's design, you also

1 are supposed to, are supposed to incorporate any setbacks,  
2 any walkways, and all, and all, and all of that, all right,  
3 to actually, to actually separate and really just give some  
4 deference, some distance between the actual roadway, all  
5 right, as it is planned, and the planned buildings.

6 MR. GIBBS: But --

7 MR. BENTON: And, and, and your client has not  
8 done that. That's my testimony.

9 MR. GIBBS: But, Mr. Benton, that's, that's not  
10 what I'm asking you, because here's your argument. You're  
11 saying the Applicant, and you identify the Applicant as my  
12 client, and you're saying the Applicant has not shown good  
13 cause; the Applicant has substantially complied with  
14 CSP10004. Why would my client be complying with a  
15 Conceptual Site Plan for a different piece of property?  
16 That's your argument. I'm trying to figure out why you  
17 would argue that.

18 MR. BENTON: Well, my argument is as stated on the  
19 record, but as I stated --

20 MR. GIBBS: Has it been -- so, are you stating  
21 then your paper is wrong, that you just wrote it wrong, is  
22 that it; because it definitely --

23 MR. BENTON: My -- my argument is as stated on the  
24 record.

25 MR. GIBBS: Let me ask you another question,

1 because on your paper, on your paper, the bottom of page 1,  
2 the last sentence, you say, Mr. Benton and his Benton  
3 companies simple exceptions in opposition of the Planning  
4 Staff recommendation are as follows. So, you say there you  
5 are actually not just you individually, but you're  
6 representing Benton Companies as well, which you refer to as  
7 all those LLC's up in the top of that first page there. So,  
8 are you, is it correct that you're trying to represent other  
9 companies as well; or are you really just representing  
10 speaking individually, as you said orally when I questioned  
11 you about it?

12 MR. BENTON: I've already answered that question.

13 MR. GIBBS: Well, then please explain to me why  
14 you say Benton Companies is taking exception in opposition  
15 if it's just you?

16 MR. BENTON: Because I'm speaking in my individual  
17 capacity as the majority owner of those companies.

18 MR. GIBBS: Well, at the top in your now comes  
19 paragraph, you identify yourself as an individual and then  
20 you identify a number of LLCs, and you call them  
21 collectively the Benton Companies. At the bottom of page 1,  
22 you're clearly saying that, saying that the Benton Companies  
23 is taking exception in opposition. So, are we saying, is it  
24 fair for us to say that was probably just a mistake and it's  
25 nothing, the Benton Companies are not part of this whole

1 thing, it's just you, is that correct?

2 MR. BENTON: My argument is as stated on the  
3 record.

4 MADAM CHAIR: Okay. Mr. Gibbs, you know what, Mr.  
5 Gibbs, I want you to think about something. You know, we  
6 still have other people to get to. I know you have to make  
7 your case. You, the, the answers are revealing in and of  
8 themselves. I think --

9 MR. GIBBS: Thank you.

10 MADAM CHAIR: -- I think that, you know, you, you  
11 may or may not have --

12 MR. GIBBS: I'll work off of these copies, but I  
13 have a couple other questions --

14 MADAM CHAIR: Okay.

15 MR. GIBBS: -- that I need to ask.

16 MADAM CHAIR: Okay.

17 MR. GIBBS: Mr. Benton, you asked for slide 8 to  
18 be pulled up. Are you aware that slide 8 is not the Master  
19 Plan?

20 MR. BENTON: I never stated that slide 8 was the  
21 Master Plan.

22 MR. GIBBS: Well, your testimony will speak for  
23 itself, but I believe you did.

24 MR. BENTON: No, I didn't.

25 MR. GIBBS: But are you --

1 MR. BENTON: I told him, I told, I asked them to  
2 pull up slide 8 to actually have a visual. That was the  
3 best slide within the Staff's presentation to support my  
4 testimony. That's why I asked him to pull it up.

5 MR. BENTON: Are you arguing that this represents  
6 that the Master Plan roadway for I-310 comes onto the  
7 Woodmore Commons property, is that your argument?

8 MR. BENTON: My argument is as stated on the  
9 record. Like the Woodmore Commons property, all right, is,  
10 is designed within their right-of-way, and then there's no  
11 design setbacks from, from I-310 as it is approved within  
12 the, the Transportation Master Plan, approved back in 2009.

13 MR. GIBBS: Well, are you aware that this map is  
14 nothing more than P.G. Atlas? It's not an adopted plan map  
15 at all. Are you aware of that?

16 MR. BENTON: I never referred to that plan, I  
17 never, I'm aware of that, and I never referred to the plan  
18 in my, in my argument, in her, in her testimony, right? I,  
19 I, I made reference to it just as a visual but, again, in my  
20 written argument and my written testimony, it is clear I'm  
21 talking about the alignment of I-310, and it is currently  
22 approved in the 2009 Master Plan. So, there.

23 MR. GIBBS: Are you aware that it wasn't approved  
24 in the 2009 Master Plan but, rather, in the 1990 Largo  
25 Lottsford Master Plan, are you aware of that?

1 MR. BENTON: I was not.

2 MR. GIBBS: Okay. Are you aware that there isn't  
3 a 2009 Master Plan?

4 MR. BENTON: There is, there is an updated Master  
5 Plan that's been updated since, I mean since, since, since  
6 the 1990 plan.

7 MR. GIBBS: Okay.

8 MR. BENTON: But, but, but, but if you, but --  
9 excuse me?

10 MR. GIBBS: Can you tell us what that is?

11 MR. BENTON: The most currently updated  
12 Transportation Master Plan on record.

13 MR. GIBBS: Well, are you aware that the 1990  
14 Largo Lottsford Master Plan is still the current Master Plan  
15 for this property in this area? Are you aware of that?

16 MR. BENTON: If that's what you stated.

17 MR. GIBBS: Well, are you aware that the Master  
18 Plan Map doesn't show any property boundaries whatsoever  
19 from where I-310 is supposed to go?

20 MR. BENTON: I agree with you that's where the  
21 relevance of the Conceptual Site Plan 10004 comes into play  
22 because, again, that was the first document where it was  
23 legally documented where I-310 would go.

24 MR. GIBBS: Did you look at the, the District  
25 Council approval order for that Conceptual Site Plan?

1 MR. BENTON: Yes, I did.

2 MR. GIBBS: Could you tell me where in there they  
3 said that this, that, that the road splits the property  
4 boundary between Woodmore Commons and Woodmore?

5 MR. BENTON: If you look at the actual, if you, if  
6 you look at the actual exhibit, right, because there is a  
7 Conceptual Site Plan exhibit, right; and who at the time,  
8 who at the time Mr. Pete Kaine, all right, with the Kaine  
9 organizations, he got that Conceptual Site Plan approved  
10 back in 2010. So, if you look at that Conceptual Site Plan,  
11 it clearly delineates and lays out both the easement and  
12 right-of-way for not only for I-310, but for the extension  
13 of Ruby Lockhart Boulevard, all of which, all right, all of  
14 which is relevant to this case.

15 MR. GIBBS: Are you aware that when Mr. King filed  
16 a Preliminary Subdivision Plan for his property, which is  
17 Case No. 4-10022, he proffered, and the Planning Board  
18 agreed, that the entirety of I-310 was going to be dedicated  
19 through his property and built by him without touching any  
20 part of the Woodmore Commons Property, are you aware of  
21 that? Did you read that resolution?

22 MR. BENTON: I did. It's still relevant in terms  
23 of setbacks as associated with your client's proposal  
24 because, because even if, even if I-310 is not on your  
25 client's property, right, your client still has to account

1 for its setbacks as stated within the Land Use Manual and  
2 all the architectural design for the sites; and none of  
3 that, none of that has been considered here. You haven't  
4 argued it. It's not, it's not in your submittal. The  
5 Planning Board Staff has not commented on it. It hasn't  
6 been done. Therefore, again, the layout, the layout and  
7 design of your, of your, of your client's site is not in  
8 accordance with the zoning regulation and, in particular, is  
9 not in accordance with CSP-10004.

10 MR. GIBBS: Well --

11 MR. BENTON: It's not consistent. You, you, you  
12 have to consider it; and, again, the District Council has  
13 not approved to move that road. Therefore, the location of  
14 that road, according to law, the location of that road is  
15 at, is at, is at where it is indicated along the joint  
16 property line in that CSP, right? And, again, you even need  
17 by reference, you ain't going to reference the previous  
18 Preliminary Site Plan 4-18007, and even with DSP, 18-005,  
19 none of those are final because I (indiscernible), all  
20 right, so none of those are final; therefore, if they're not  
21 final, right, and, and, and, again, any of those cases are  
22 in none of those cases; and none of those cases, all right,  
23 they, you cannot use a Zoning Map Amendment process; you  
24 cannot use the regular zoning process to move the location  
25 of a road. Per County law, only the District Council, only

1 the District Council can move the location of the road. I  
2 don't care. I don't care whether money was spent to build  
3 the road where it is; it's not supposed to be there. It's  
4 illegal.

5 MR. GIBBS: Well --

6 MR. BENTON: Because, because, because it doesn't  
7 conform with the Transportation Plan; it doesn't, and it  
8 doesn't conform with the CSP; or, nor, nor the general plans  
9 of the 2035 plan for the area. It's inconsistent.

10 MR. GIBBS: Let me ask you this question. Are you  
11 relying upon this map that's on the screen right now to make  
12 an argument that I-310 impacts my client's property?

13 MR. BENTON: No, no, in my, in that argument, I'm  
14 referring directly to the map and layout associated with  
15 Conceptual Site Plan 10004.

16 MR. GIBBS: Are, are, are you aware that the  
17 various approvals for the Woodmore Overlook property back  
18 when Mr. King owned it required that he dedicate the right-  
19 of-way for I-310 and not my client's property? Are you  
20 aware of that? Did you know about those resolutions?

21 MR. BENTON: Yep.

22 MR. GIBBS: So, so, how can you argue that this  
23 impacts my client's property if you're aware that the  
24 various approvals for the King property required him to  
25 totally dedicate I-310 through his property?

1 MR. BENTON: That's not the argument. That's, I  
2 never made the argument, so --

3 MR. GIBBS: You did make the argument because you  
4 said that under 27259, my client couldn't go to our right-  
5 of-way. That would mean that you were arguing that the  
6 right-of-way of I-310 is on my client's property.

7 MR. BENTON: Part of it is because when you, when  
8 you, when you extend it, and then again, you got, you got,  
9 you got, you got to consider setbacks.

10 MR. GIBBS: Let me, let me ask you --

11 MR. BENTON: So, so --

12 MR. GIBBS: -- let me ask you this final question  
13 because we're really going nowhere here, but let me ask you  
14 this final question. Did you read Section 27259 in its  
15 entirety?

16 MR. BENTON: I sure did.

17 MR. GIBBS: Well, then let me ask you this  
18 question, because I'm going to read you paragraph A(1)(2)(b)  
19 from Section 27259, because both you and Mr. Dean properly  
20 cite the first paragraph; however, this paragraph say,  
21 quote, "Land which was subdivided after the adoption of a  
22 Functional Master Plan of Transportation, Area Master Plan  
23 or General Plan, but was not reserved or required to be  
24 dedicated for a street or rapid transit route facility shown  
25 on the plan as exempt from the prohibitions in 27259. Are

1 you aware that Parcel 2, which my client owns, sir, was, in  
2 fact, the subject of a record plat, it's a platted parcel,  
3 and no dedication for I-310 was required, are you aware of  
4 that?

5 MADAM CHAIR: Okay.

6 MR. BENTON: What's the question --

7 MADAM CHAIR: Can you -- turn my mike?

8 MR. BENTON: -- that he was asking?

9 MADAM CHAIR: Okay. You know what, we're going to  
10 stop with the plucking thing, whatever that is, okay? Thank  
11 you. It's very distracting. Thank you.

12 MR. DEAN: Madam, Madam Chair --

13 MADAM CHAIR: Yes.

14 MR. DEAN: This is, this --

15 MADAM CHAIR: Yes?

16 MR. DEAN: I do have standing, and let me ask this  
17 question because I know that Mr. Gibbs is going up to Mr.  
18 (indiscernible). Even though I can't deal with  
19 transportation at Detailed Site Plan, the full process has  
20 been an error, and Preliminary Plan of Subdivision, it says  
21 that they needed to show the concept for a future ramp. In  
22 the field plan, they said the same thing.

23 MADAM CHAIR: Okay. But, Mr. Dean, let me, let me  
24 stop you for a second.

25 MR. DEAN: Uh-huh.

1 MADAM CHAIR: Let me stop you for a second --

2 MR. DEAN: Yes.

3 MADAM CHAIR: -- honestly, because I'm trying to,  
4 I mean, okay, in accordance with our rules, the attorney can  
5 cross-examine any of the witnesses; so, that's what he's  
6 doing. I don't know that he's finished, and which, you know  
7 --

8 MR. DEAN: All right. I --

9 MADAM CHAIR: Hold on, I'm hoping that he does,  
10 but soon because we also have other people who have signed  
11 up to speak and at some point, I'd like to get to these  
12 other people; and, furthermore, we're going to have to get,  
13 we have a little bit more time on this link, and then, then  
14 it looks like we have, we, you only have a finite time on  
15 the platform. So, then we have to send out new numbers for  
16 the next platform. So, we have, I think --

17 MR. DEAN: Okay.

18 MADAM CHAIR: -- maybe we have a little more than,  
19 maybe about a half hour or so on this platform, and then we  
20 have to send out new numbers. And I do want to, I can't  
21 interrupt -- he needs to get done with his cross-examination  
22 and then I got to get to these other people who have signed  
23 up who have yet to be able to speak. Then I can come back -  
24 -

25 MR. DEAN: Okay.

1 MADAM CHAIR: -- Mr. Dean, but --

2 MR. DEAN: Mine is going to take five minutes.

3 MR. GIBBS: Madam Chair --

4 MADAM CHAIR: Yes?

5 MR. GIBBS: -- I have no further questions.

6 MADAM CHAIR: Okay. You have no further questions  
7 of Mr. Benton? Okay.

8 Mr. Dean, I'm going to come back to you, but not  
9 right this second, honestly, because we have other people  
10 who have not had their opportunity to speak as everyone else  
11 has. We can come back, but okay. So, I'm going -- now I  
12 can't even find my list here. Okay. And who was the next  
13 name? Ashley? I had my -- okay, here we go, there we go.  
14 So, my next person who was on the list was Ashley Hayes, who  
15 was not on before, and let's see if she's joined. Ashley  
16 Hayes; because we have six more people after her. Ashley  
17 Hayes?

18 (No affirmative response.)

19 MADAM CHAIR: Okay. No Ashley Hayes? I will come  
20 back. Danita Saunders?

21 MS. SAUNDERS: Good afternoon.

22 MADAM CHAIR: Good afternoon.

23 MS. SAUNDERS: How is everyone doing? Right now,  
24 I'm really kind of perturbed.

25 MADAM CHAIR: Okay.

1 MS. SAUNDERS: Been on here since 10 o'clock and I  
2 thought maybe this would have resolved a little something  
3 other than downgrading a person who is trying to ask a  
4 question. I don't have anything as far as like poles and  
5 I'm not sure if what Mr. Benton said had anything relevant  
6 to the property; and I understand the lawyer had to ask some  
7 questions, but the questions that was asked, I think, was a  
8 little concerning. However, I do oppose to this zoning. I,  
9 too, have been in this area for a long time and within a  
10 radius of 10 miles we've had the Giant put up, we've had the  
11 hospital put up, we've had the, what do you call it, the  
12 stadium put up. They also have been talking about putting  
13 the FBI building up. You said you can't talk about traffic  
14 but, however, this little zone section right here will, will  
15 be making traffic heavy. That's one thing.

16 We don't necessarily, I don't believe, need a gas  
17 station there in this area. We don't necessarily need fast  
18 food restaurants. You said that you had no control over  
19 what kinds of restaurants can go in an area, but this is our  
20 neighborhood.

21 MADAM CHAIR: It is.

22 MS. SAUNDERS: And I do remember -- yes, correct --  
23 - I do remember when you said we have to put in applications  
24 or have a say so about what type of restaurants or stores  
25 come in our area. I do remember when Woodmore came up with

1 the, what do you call it, Costco and the other store over  
2 there, we did approve that, and we did have a say so --

3 MADAM CHAIR: Right.

4 MS. SAUNDERS: -- in the type of stores that we  
5 wanted in this area. This program, or I can say program,  
6 but this particular format that we're on, the majority of  
7 homeowners cannot afford to be on a meeting from 10 o'clock  
8 to 5 o'clock. A majority of people work, and if they aren't  
9 working, they have kids that they have to take care of.  
10 This has been a very long process --

11 MADAM CHAIR: Yeah.

12 MS. SAUNDERS: -- of coming to hear this, these  
13 cases; and a majority of people cannot come and see what is  
14 being said at these type of meetings, which is unfortunate.  
15 It just so happens that I am finally retired. When I was  
16 working, it was no way in the world that I could have been  
17 able to do this.

18 MADAM CHAIR: Yeah.

19 MS. SAUNDERS: But --

20 MADAM CHAIR: And if we started at night, it would  
21 be like 1 o'clock in the morning, or 2 o'clock in the  
22 morning by now, so that's the other problem.

23 MS. SAUNDERS: Okay. Well, you know, we also  
24 have, when you put fast food restaurants, we have, no one  
25 ever addresses the problem that we have with the trash

1 that's on 202. There is so much trash that is not being  
2 dealt with. Yes, we have someone picking up trash up off  
3 of, what is it, off of Lottsford Road the other day, but we  
4 have not seen any trash being picked up -- you're putting  
5 the, if you end up putting fast food restaurants, more fast  
6 food restaurants, that's all it's going to do; it's going to  
7 be more trash in the neighborhood.

8           And then you have, you're tearing down nature once  
9 again. It seems like everywhere in P.G., if there's a piece  
10 of property that has trees, then you want to put  
11 developments up.

12           MADAM CHAIR: Yeah.

13           MS. SAUNDERS: I understand that we supposed to be  
14 moving forward, but do you ever think about the trees that  
15 we are destroying, and all we're doing is, is putting up  
16 more and more housing, more and more traffic --

17           MADAM CHAIR: Yeah.

18           MS. SAUNDERS: -- in every division in this area.

19           MADAM CHAIR: Yeah.

20           MS. SAUNDERS: Now you said that we had, we  
21 couldn't make a decision about what type of stores --

22           MADAM CHAIR: We --

23           MS. SAUNDERS: -- or restaurants --

24           MADAM CHAIR: I didn't say you can't. I said we  
25 can't. We have no authority to do that because once the, a

1 couple of things, because you mentioned this is a zoning  
2 application. It's not. It's a site plan. It's different.  
3 The traffic situation was, was addressed at a Preliminary  
4 Plan in terms of adequacy of transportation. And then the  
5 other thing, and the trees are an issue but, you know, this,  
6 this is a mixed use zone that the Council, you've heard us  
7 mention this over and over again; the Council determined  
8 that this was a mixed use zone, so it does allow for  
9 residential. It does allow for commercial. You, as, you  
10 know, you want some, a combination actually as a requirement  
11 of the zone to have a combo. And so, you know, sometimes it  
12 does, you know, it does necessitate cutting trees. That's  
13 what they envision, just like there were trees where my home  
14 is, probably where your home was, it was, there were trees  
15 at one time before someone built your home. So, just like  
16 there was before someone built my home. And, and, but those  
17 decisions --

18 MS. SAUNDERS: Yes.

19 MADAM CHAIR: -- were made, those decisions were  
20 made already, so we are now looking at, at applications to  
21 come in to ensure that they conform with those, those zoning  
22 decisions. So, that's where we are with this and we, we,  
23 you know, I know you may have had input. You can talk with  
24 the applicant. You can, you may have influence with, with  
25 whomever, but we, but we are precluded by law from saying,

1 okay, this use is allowed, this use isn't once the Council  
2 has determined it's a permitted use. That is a legal term,  
3 a permitted use by right.

4 MS. SAUNDERS: Okay. So --

5 MADAM CHAIR: That's what, that's what -- that's  
6 what my, and when I say get involved early, I'm, I'm just,  
7 I'm not -- I understand I'm not, this is not a criticism; it  
8 is not a chastise. It is, what I'm talking about is future  
9 opportunities. The next time you see a plan come for the  
10 County or a certain segment of the County, get involved  
11 early. If we're seeking, if we're sending out notices  
12 seeking input, that's everybody's opportunity because once  
13 the zoning is in place, then it narrows down our  
14 flexibility. That's all I'm saying.

15 MS. SAUNDERS: Oh, I understand that.

16 MADAM CHAIR: Okay.

17 MS. SAUNDERS: But what, also what I'm saying is  
18 that the way your meetings are, the average person, once the  
19 virus is gone, the average person cannot sit down on a  
20 meeting like this to sit here --

21 MADAM CHAIR: It's not --

22 MS. SAUNDERS: -- and listen to --

23 MADAM CHAIR: It's hard.

24 MS. SAUNDERS: -- what goes on.

25 MADAM CHAIR: It's hard because we have a lot of

1 cases.

2 MS. SAUNDERS: So, therefore --

3 MADAM CHAIR: Yeah, but what would you suggest?

4 MS. SAUNDERS: So, therefore, the majority of  
5 people who are, that these type of developments it hurts,  
6 they're at work.

7 MADAM CHAIR: Yeah. They can submit letters in  
8 the record, though --

9 MS. SAUNDERS: or they're -

10 MADAM CHAIR: -- just so you know.

11 MS. SAUNDERS: -- they're with children.

12 MADAM CHAIR: They can submit letters.

13 MS. SAUNDERS: Excuse me?

14 MADAM CHAIR: We always, we allow -- that's how  
15 Mr. Benton and Mr. Dean submitted items into the record.  
16 You can always submit something in writing. So, we were  
17 able to follow --

18 MS. SAUNDERS: Well let's --

19 MADAM CHAIR: -- in advance, and that's what we're  
20 -- and even on some of the prior cases, there was one  
21 gentleman we couldn't hear very well, but luckily, he had  
22 submitted something into the record, so we were able to  
23 follow him by reading it, yeah.

24 MS. SAUNDERS: No, I heard, I heard, like I said,  
25 I've been on this since 10 o'clock.

1 MADAM CHAIR: Okay.

2 MS. SAUNDERS: However, how do you go about to get  
3 quality restaurants in the area over there such as like the  
4 Cheesecake Factory, Clyde's, Red Hot and Blue, P. F. Chang,  
5 Cracker Barrel --

6 MADAM CHAIR: The developer needs to --

7 MS. SAUNDERS: -- Uncle Julio's?

8 MADAM CHAIR: -- has to want to be able to come to  
9 this County for, for those areas. We, the, any particular  
10 Applicant can try to work with a developer, but you can't  
11 make somebody, you can't make, not, you can't make a  
12 restaurant come here. We would love to --

13 MS. SAUNDERS: Oh, I understand that.

14 MADAM CHAIR: We would love to, believe me, we  
15 would love to have some -- and we, and we have gotten some  
16 better restaurants over the years; and I don't know, and,  
17 unfortunately, the sad part of it is that some of them are  
18 closed down.

19 My heart broke when Timothy Dean shut down in  
20 Bowie. It was an African-American owned restaurant, great  
21 chef, just closed down because he couldn't, couldn't  
22 withstand the, the, the, the COVID impact, the pandemic  
23 impact; and there are others like that. That's tragic but,  
24 you know, we have done better with getting, you know, newer  
25 restaurants; but, you know, they have to, any prospective

1 restauranteur is going to do their research and, and, and  
2 sometimes, to be honest, sometimes they are dismissive of us  
3 when they should not be because we, as someone said earlier,  
4 we have the, the, we have the interest, we have the desire  
5 for higher-end restaurants; we have the desire for higher-  
6 end stores. We deserve it. They, we also have to, we want  
7 them to come. I know our County Executive, our elected  
8 officials, have been working on this year end and year out  
9 for high-end businesses; for high-end -- they're trying to  
10 work on schools; for higher-end restaurants; and all of the  
11 above. You just can't make them, but it's not like the  
12 outreach isn't occurring, I will say that.

13           And the other thing I need to tell you is that in  
14 about -- is it five minutes -- I think we have to, we're  
15 going to have to sign off on this because this platform  
16 expires, and it will just cut off. So, I think our, our  
17 Planning Board Administrator is going to be sending out a  
18 new number for people to call in and, because you have to  
19 have a new platform. I just wanted to tell everybody that  
20 because --

21           MS. SAUNDERS: Okay. Well, so is there a way, so  
22 is there a way that we could contact businesses to ask if  
23 they could come into the, the area --

24           MADAM CHAIR: Sure.

25           MS. SAUNDERS: -- over there in that section?

1           MADAM CHAIR: I mean I, you know, I, I can't say  
2 over there in that section. You can talk with the Applicant  
3 because I don't know who he's got in mind over there, who  
4 they have in mind over there, but there are also, you can --  
5 we have the Maryland, the Business Industry Association. We  
6 also have the Chamber of Commerce. All of those places are  
7 working to, to bring additional, you know, higher-end  
8 restaurants and whatnot; and everybody is working together  
9 and it's happening very slowly. I mean even in terms of  
10 supermarkets, we, you know, I love Giant; I love Safeway,  
11 things like that; although, but it took a long time to get a  
12 Wegmans. It took a long -- and then we finally got that,  
13 you know, we're all celebrating. It took a long time to get  
14 a, a Harris Teeter, which we have finally. It took a long  
15 time to get Whole Foods that's in College Park. We're  
16 getting there, but it's been a slow process. It's been a  
17 slow, so maybe working with the business community; maybe,  
18 you know, I mean we're all, we're all working towards it.  
19 If you have a way -- we're all working towards it, let me  
20 put it that way. I, we just can't make it happen and maybe,  
21 maybe Mr. Gibbs or someone else can elaborate a little more;  
22 but --

23           MADAM VICE CHAIR: The Economic Development  
24 Corporation, Madam Chair.

25           MADAM CHAIR: Oh, yes, they're working, too.

1 Thank you. Yeah.

2 MS. SAUNDERS: So, is this a complete done deal  
3 that this is going to happen?

4 MADAM CHAIR: No, we haven't voted yet, number  
5 one; but, you know, the problem is once they comply with  
6 requirements which, you know, that remains to be seen here  
7 because we haven't heard that, we haven't heard from our  
8 Council yet; we haven't heard from, from Mr. Gibbs yet and  
9 his summation. So, it, you know, a lot depends; but, you  
10 know, we can't, we just don't have the legal authority, as I  
11 said, you know, I don't know any other way to say it. We  
12 don't have the authority to dictate what kind of stores,  
13 what kind of business, what kind of restaurants. We just  
14 don't have that authority.

15 MS. SAUNDERS: Okay. Okay. One other question.  
16 We had Mr. Benton talking and the lawyer, Mr. Gibbs, was  
17 asking him a lot of personal questions.

18 MADAM CHAIR: Well --

19 MS. SAUNDERS: Regardless, will you all take in  
20 consideration what he was saying, because I'm not sure, I  
21 don't have any idea exactly.

22 MADAM CHAIR: He was trying to determine, I think  
23 he was trying to determine legal standing.

24 MS. SAUNDERS: I just --

25 MADAM CHAIR: Yeah.

1 MS. SAUNDERS: Yeah, but is --

2 MADAM CHAIR: It's required.

3 MS. SAUNDERS: -- what he was, was what Mr. Benton  
4 was saying, was that true, or do you all have to go back and  
5 --

6 MADAM CHAIR: We haven't gotten to that point yet  
7 because we're trying to hear from everyone first.

8 MS. SAUNDERS: Okay. Okay.

9 MADAM CHAIR: We just haven't gotten to that.

10 MS. SAUNDERS: All right. All right. Thank you.

11 MADAM CHAIR: Okay. Thank you so much. Okay. Do  
12 we need to do it now? Are they ready? Okay. So, we, all  
13 right, you know what, okay, so we have to change the disk.  
14 Okay. So, we need about -- hold on a second. Can -- but  
15 can someone check with Ms. Jones and see how she's coming  
16 with that? Does she need to do it now, because we should do  
17 it all at the same time. I don't want to take the, take the  
18 break twice. Let her know that Marie has got to change the  
19 tape. Well, she's got to change the tape now. How long  
20 does it take you to change the tape? Can you do it while  
21 I'm, right now?

22 Okay. So, two things. We had to change, you  
23 know, obviously, we have our record here. We had to change  
24 the recordings and whatnot, and then we have until 5:15  
25 before we need to go to another number. So, let me make

1 sure, do we still have everyone?

2 COMMISSIONER WASHINGTON: Yes, Madam Chair.

3 MADAM CHAIR: Okay. I apologize. We're trying to  
4 get through everybody, but we're trying to make sure that  
5 everyone has the right to, everyone gets heard so that --  
6 so, we were down to, I know I said it wrong, Mesay, is that,  
7 Mesay Bekure?

8 MR. BEKURE: Mesay Bekure, yes, I'm here.

9 MADAM CHAIR: Mesay? I'm sorry. I apologize.  
10 Okay. Your turn, and then followed by Tanya Woolfolk.  
11 Excuse me. Mesay, I'm sorry, okay.

12 MR. BEKURE: Hello. Yes. This has been a very  
13 long day.

14 MADAM CHAIR: Yes, for all of us, yeah, it is.

15 MR. BEKURE: Yes. Okay. So, I'm a resident here  
16 on St. Joseph's Drive, so I am directly impacted by this, so  
17 I wanted to speak on that. I live on the 2000 block of St.  
18 Joseph's Drive, which is right on the circle right after  
19 Ruby Lockhart Boulevards.

20 MADAM CHAIR: Can you, can you guide -- Mr.  
21 Flanagan is here. He's, can you see the cursor?

22 MR. BEKURE: Yes, I can see the cursor.

23 MADAM CHAIR: Okay. Can you sort of guide him to  
24 where, where your home is? You said by the circle?

25 MR. BEKURE: Okay, so that first circle, that

1 first circle, yes, uh-huh. Yes.

2 MADAM CHAIR: Up there? Okay. Okay.

3 MR. BEKURE: So --

4 MADAM CHAIR: So, you live in that circle? Okay.

5 MR. BEKURE: Within, within, yes, within a, I'd  
6 say 100 steps away from the proposed site of the 7-Eleven  
7 gas station.

8 MADAM CHAIR: Uh-huh.

9 MR. BEKURE: So, that is going to directly affect  
10 me and my neighbors. Now considering initially when the  
11 Woodmore Town Center was developed, it was obvious that St.  
12 Joseph's Drive from 202 all the way through at least to Ruby  
13 Lockhart had to be developed and enlarged to handle the  
14 traffic because it was a disaster initially when the  
15 shopping center opened; and now that a gas station is going  
16 to be placed within 100 steps from homes, the amount of  
17 traffic that comes off of the highway, 495, which is one  
18 light away, is going to hugely and negatively impact the  
19 community just purely from through traffic coming off of the  
20 highway to get gas. And this is relatively a quiet  
21 neighborhood, which it's pretty active as far as family  
22 activities, but a gas station right there will bring nothing  
23 but extreme stress to that initial circle, which only has  
24 one lane that circles it. It is definitely not a major  
25 thoroughfare, or wasn't designed to handle that, and I

1 understand you guys are here to discuss the Site Plan  
2 specifically and not talk about anything else; but putting a  
3 gas station there is, I mean to be frank, a terrible,  
4 terrible idea.

5           And right now, that circle is being used to  
6 capacity just alone by the through traffic coming from the  
7 Woodmore Town Center. I mean it's managed, but the amount  
8 of traffic, there's been several accidents in that, in that  
9 circle because of high-speed thoroughfare of cars trying to  
10 come and go, I guess, from the shopping center, generally  
11 not the neighbors. I've witnessed several myself. And now  
12 that gas station will be placed on that inner corner of St.  
13 Joseph's and Ruby Lockhart, that has an exit on, onto St.  
14 Joseph's after Ruby Lockhart Road or, excuse me, Ruby  
15 Lockhart Boulevard, that anybody exiting has only a right-  
16 hand turn to make and has to go to that circle, circle, come  
17 around that roundabout to exit out of this community, which  
18 is, I mean as plain as day, anybody with common sense can  
19 see it's going to be a disaster.

20           And I'm very active in my community. A lot of my  
21 neighbors are active in my community and it's, it's  
22 borderline hectic just crossing St. Joseph's Drive at the  
23 circle because of the through traffic. A gas station, I  
24 mean I don't know if this gas station is going to be 24  
25 hours or whatever it may be, but just purely off of cars

1 coming into this community, it's, it's going to be terrible.  
2 It's going to be the demise of this community and that is my  
3 biggest concern that that placement of a gas station there  
4 is terrible.

5 MADAM CHAIR: Okay.

6 MR. BEKURE: I mean that's pretty much my argument  
7 there.

8 MADAM CHAIR: Okay. Thank you, Mr. Bekure. I  
9 appreciate it. Okay. We're going to take that into  
10 consideration. We, I'm going to turn to Council at some  
11 point, you know, to address some of these issues, but I'm,  
12 at this point --

13 MR. BEKURE: Do you see, do you see my concern as  
14 far as --

15 MADAM CHAIR: I do see the concern --

16 MR. BEKURE: -- looking at --

17 MADAM CHAIR: -- but my question, let me ask the  
18 question now, Mr. Warner, our legal counsel, is, is the, is  
19 the gas station a permitted use in the MXT zone, Mr. Warner?

20 MR. WARNER: Yes.

21 MADAM CHAIR: Okay. Who determined that the gas  
22 station, what entity determined that the gas station is a  
23 permitted use in the MXT zone?

24 MR. WARNER: That's determined by the District  
25 Council --

1 MADAM CHAIR: Okay.

2 MR. WARNER: -- when they approve the zoning for a  
3 particular piece of property, and in this case that was done  
4 in 2002.

5 MADAM CHAIR: Okay. So, that is what we have  
6 before us. Then that, and that's what I'm -- so, that is  
7 what we have before us, Mr. Bekure. We cannot say, now say  
8 that we cannot put a gas station because that, it was  
9 determined that that was permitted, and the number of gas  
10 stations, I know there's a gas station right at, Costco has  
11 a gas station for starters and --

12 MR. BEKURE: Right.

13 MADAM CHAIR: -- and --

14 MR. WARNER: Well, let me, let me just add to  
15 that, Ms. Chair, Ms. Chair, please, if I could, because I  
16 think relevant to his concerns are who was looking at the  
17 impacts of the autos that are going to be visiting that  
18 particular site, and it's not like that was never looked at.  
19 That particular issue has been examined in great detail  
20 twice in 2004 when the preliminary plan for this property  
21 was approved; and, again, in 2019 when a new Preliminary  
22 Plan was approved. We're just not at the stage now where  
23 we, we're examining traffic impacts any longer. We already  
24 did that twice for this property on two different occasions  
25 quite thoroughly.

1           MR. BEKURE: And that was specifically for a gas  
2 station with that type of entrance and exit on that  
3 intersection?

4           MADAM CHAIR: You're muted, you're muted, Mr.  
5 Warner. You're muted.

6           MR. WARNER: Sorry.

7           MADAM CHAIR: Okay.

8           MR. WARNER: Yes, at the time someone comes with a  
9 Preliminary Plan, or reviewed an approval by this body, they  
10 have to lay out all of the information necessary to  
11 determine how many automobiles are going to be generated  
12 from a particular site, and that was done for this property;  
13 and if you go back to our approvals in 2019, you can see a  
14 long examination by the Planning Board making findings as to  
15 what improvements should be made to the roads to deal with  
16 the traffic that's going to be generated by this property;  
17 and as well as in the packet of materials, the traffic study  
18 that the Applicant is required to provide, the reviews by  
19 the other agencies, state agencies, that if there's a state  
20 road involved. All of that you'll see a quite significant  
21 amount of examination is done to determine how the roads are  
22 going to be impacted by development. They have to address  
23 that, these developers do. It's just that that already was  
24 done in 2019, in 2004. It's not an issue now. Now we're  
25 looking at the design of the site and saying, okay, is this

1 site designed appropriately? Okay.

2 MR. BEKURE: And I completely understand what  
3 you're saying, but I think you were saying, yes, that they  
4 specifically addressed it for a gas station on the corner?

5 MADAM CHAIR: He said yes.

6 MR. BEKURE: Is that a yes?

7 MR. WARNER: Uh-huh.

8 MR. BEKURE: Okay.

9 MADAM CHAIR: Yes.

10 MR. BEKURE: So, and, and I understand, I also  
11 understand what he's saying about the traffic. So, now he's  
12 saying the design of that site. So, putting a gas station  
13 on that corner is a part of the design of that site, and not  
14 even considering the gas station on 202 and St. Joseph's  
15 Drive, away from the community and the circle on the major  
16 thoroughfare is not a possibility instead of putting a gas  
17 station literally adjacent to homes that have active traffic  
18 from family, children that are constantly outside playing,  
19 and now there will be a 7-Eleven gas station within a --

20 MR. WARNER: District Council said that was okay  
21 in 2002. That was their decision. We can't do anything  
22 about that.

23 MR. BEKURE: So, so --

24 MADAM CHAIR: We know, we know -- okay. So, let  
25 me ask this question. Mr. Bekure, how long, when did you

1 move to, to that site, to your home there?

2 MR. BEKURE: When it was built. That was 2017, I  
3 believe, January.

4 MADAM CHAIR: Yeah. Yeah. And they're, and  
5 they're beautiful homes, and I know that. I mean I'm over  
6 there an awful lot. They're beautiful homes and I travel in  
7 that circle --

8 MR. BEKURE: And it's looking like -- it's a  
9 beautiful community and it's going to look, it's starting to  
10 look like it's no longer going to be; and it's going to, you  
11 know, my fear is not only the impact on the community and  
12 the value, I mean we pay taxes, very high taxes. I'm sure  
13 everybody can agree with to, to have these nice communities,  
14 and what's being proposed this, this extreme  
15 commercialization and developing of these nice  
16 neighborhoods, relatively quiet neighborhoods, is, I mean,  
17 again, going to be the demise, of --

18 MADAM CHAIR: So --

19 MR. BEKURE: -- these nice neighborhoods.

20 MADAM CHAIR: So --

21 MR. BEKURE: So, I don't, I don't know how else to  
22 explain.

23 MADAM CHAIR: I, I hear what you're saying and --

24 MR. BEKURE: Explain it. It is undesirable, it is  
25 going to make you want to move.

1           MADAM CHAIR:  When, when I, I advise people when,  
2 before they move into a particular piece of property, go  
3 check the, the zoning maps to see what's permissible all  
4 around you, and not everybody knows that.  And then we have,  
5 and prior to COVID, we, we, you know, you can still call  
6 here, but you can, people could come to the County  
7 Administration building.  We have an information office on  
8 the lower level.  People would come and look at a map and  
9 say I'm thinking about buying here, what's all around me,  
10 what is allowed all around me that may not be built yet?  
11 What are the zones are around me that can tell you what will  
12 be built because all of this predated, that zoning predated  
13 your move, and --

14           MR. BEKURE:  Absolutely, it did.

15           MADAM CHAIR:  And, and, but now we're, but now  
16 we're living with it; and I, and I think people have, are  
17 well-intentioned and the MXT zone, and maybe Mr. Warner, or,  
18 or, you know, we can come back to you, Mr. Gibbs, but Mr.  
19 Warner, you're neutral here.  If you can go to the zoning  
20 ordinance and look up MXT zoning, it requires -- it cannot  
21 be just residential there.  It requires a mix of uses, a  
22 combination.

23           MR. BEKURE:  Absolutely and, again, you guys are  
24 arguing the actual detail of the Site Plan itself and,  
25 again, I'm not opposed to development of that area; it's the

1 placement of a gas station directly adjacent to single-  
2 family homes.

3 MADAM CHAIR: Okay.

4 MR. BEKURE: I mean that, that is my specific  
5 argument, and this is if we're discussing how we're placing  
6 this mixed use development and what goes where, why would  
7 the gas station be placed on a 2-lane road leading right  
8 into a circle, which is St. Joseph's Drive, that has one  
9 lane that would surround -- that would, you know, that's  
10 used to, to go around the roundabout at that circle? It  
11 would, it just does not make sense.

12 MADAM CHAIR: Okay. I appreciate, I appreciate  
13 your comments.

14 MR. BEKURE: I mean I'm speaking --

15 MADAM CHAIR: I think we all do. I think we all  
16 appreciate --

17 MR. BEKURE: Okay.

18 MADAM CHAIR: -- your comments. At some point,  
19 we're going to hear from everyone, and then we need to get  
20 back to the issues. I think we have about 10 minutes before  
21 we have to switch over.

22 MR. BEKURE: Okay.

23 MADAM CHAIR: So, I, I, I want to continue to get  
24 to the other folks who signed up. I think we have Tanya  
25 Woolfolk. Are you on?

1 (No affirmative response.)

2 MADAM CHAIR: And I appreciate, I appreciate  
3 everybody's stamina and cooperation in staying with us. You  
4 know, it's very, very hard, and, and, and luck, and not  
5 luckily, but you know at least it's virtual this time  
6 because it used to be that people, you know, would have to e  
7 here and we hear from everybody. We, we hear from every  
8 single person who signs up. So, and there have been times  
9 where we've gone to, even starting early in the morning,  
10 like 9 o'clock in the morning. We start later right now  
11 because it's more challenging for us with the technology, so  
12 we start a little later; but there are times when we used to  
13 start at 9:00 and still go to like 9:00, and 10:00, and  
14 11:00, and midnight, and 1:00 in the morning on occasion,  
15 not all the time, but on occasion depending on how many  
16 cases we had and how many people were signed up, because we  
17 make sure we hear from every single person.

18 So, Tanya Woolfolk, I didn't hear your response.  
19 I can go on to Denise Dyer. Denise Dyer?

20 (No affirmative response.)

21 MADAM CHAIR: Okay. I see Derek Curtis, I see  
22 that name there, so Derek Curtis, are you on?

23 MR. CURTIS: Yes, I'm here. Can you hear me?

24 MADAM CHAIR: Yes, we can hear you. Thank you.

25 And we apologize for it being late, but you have the

1 opportunity to go, to speak.

2 MR. CURTIS: So, I only stayed on because I mean I  
3 think it's pointless. I, I mean I've been online for most  
4 the day. Of course, I have to get off for some other stuff,  
5 but it seems to me that we've been invited to this meeting  
6 to pretty much say screw you and what you think about what  
7 we're doing here because everything we say is, it's the same  
8 response. I don't, I don't know what the purpose was for me  
9 coming here if there is no chance. So, what am I supposed  
10 to talk about, the aesthetics of what you guys already  
11 decided that --

12 MADAM CHAIR: Well, that's what --

13 MR. CURTIS: -- is very --

14 MADAM CHAIR: -- the aesthetics is, that is on the  
15 table today. That's, that, that is, there was, there was  
16 an, you know, maybe, maybe I need for Mr. Zhang or someone  
17 to go to talk about the different stages already. I mean I  
18 think we, I think you're, I think you're --

19 MR. CURTIS: It's okay.

20 MADAM CHAIR: Okay.

21 MR. CURTIS: It's all right.

22 MADAM CHAIR: Because we did some of that --

23 MR. CURTIS: It's all right. I don't --

24 MADAM CHAIR: -- at a previous application and I  
25 don't know --

1 MR. CURTIS: So --

2 MADAM CHAIR: -- I don't remember if you were on  
3 at that time or not.

4 MR. CURTIS: It's fine. I just, you know, just  
5 kind of just, it's hard because sometimes you go to one  
6 place, you say, oh, I'm not the body you should talk to; you  
7 should go talk to the other place. Then you go to the other  
8 place, oh, I'm not supposed, I think you're supposed to talk  
9 to. Go talk to them. It's just --

10 MADAM CHAIR: Well --

11 MR. CURTIS: -- it's just, it's just -- I'm not  
12 going to be long. If I can just finish my thought and then  
13 we can move on? But I just echo Ms. Fareed's comments. I  
14 think, I mean if LaRay Benton doesn't have standing,  
15 hopefully somebody who does have standing will speak more on  
16 it and I will probably like to yield the rest of my time to  
17 Samuel Dean because he seems to be more well-versed in the,  
18 I guess, the politics of this because it's just, I mean I  
19 didn't know this was a hearing to have a lawyer question  
20 different people. So, if I can, I'll just yield my time to,  
21 to Samuel Dean, who seems to be more well-versed in this  
22 than I. I do plan to, to be more involved, which I already  
23 am. I came in this community in 2017 and it seems a little  
24 counterproductive to prove something like 2002, 2004, and  
25 then sticks us; and then we did look at what's going on

1 around us, but not everybody has told me like I know what a  
2 MQX zoning is, or --

3 MADAM CHAIR: MXT, yeah.

4 MR. CURTIS: -- anything like -- so, so it is  
5 just disheartening to see this happen to like our community,  
6 while other communities don't seem to have the same issues.  
7 But I yield my time. Thank you very much.

8 MADAM CHAIR: And, and, look, Mr. Curtis, we, we  
9 thank you very much for coming, and we thank you for joining  
10 us; and right, and there are different stages, and right now  
11 we are looking at the, the, the Detailed Site Plan; and so  
12 that's why they went through some of the aesthetics of the,  
13 of the respective buildings because, as we said, the zoning  
14 has been in place. We're not sending you to other bodies  
15 saying this is the wrong body, that's the wrong body. This  
16 is the right body for what we're hearing today; the problem  
17 is the decisions were made a long time ago in terms of  
18 what's permitted in this zoning, and not everyone would  
19 know, but I will tell everyone we have an information desk  
20 in the future. You can come when we, when we reopen, or you  
21 can call and they will tell, and you can always ask  
22 questions. You can say, okay, I see this property next to  
23 mine, one says RR; one says I-3; one says MXT. I don't know  
24 what that means. I don't do this for a living. I don't  
25 know what that means. Can you explain it to me, and our

1 folks will be happy to, to do that? That's just for the  
2 future. I, I can't undo what's already done, but I can --

3 MR. CURTIS: I appreciate it.

4 MADAM CHAIR: -- for the future, and that's all I  
5 can do in terms, that's all we as a Board can do with our  
6 hands tied on certain things. That's all I'm saying.

7 MR. CURTIS: Okay. Even like, even like, so I  
8 know that you guys can't do much, but even looking at it and  
9 saying, and people are expressing and pouring their hearts  
10 out, even for something that you can't change and the body  
11 language of some of the Board members that are on camera are  
12 like, oh, here we go again; or some of them have their head  
13 on their hand like as if they're just disinterested. It's  
14 just, to me this whole exercise today was, with all due  
15 respect, a waste of my time.

16 MADAM CHAIR: Okay.

17 MR. CURTIS: But it's good, because I got to, to  
18 know different, you know, things of how this works; but I  
19 mean, but like I said, no disrespect to you guys. You guys  
20 can move on because it has been a long day.

21 MADAM CHAIR: And just so you know, we're  
22 listening, all of us are listening to every word. I mean  
23 some of us are looking down sometimes because we're writing.  
24 I've got a pad full of notes here, and I'm sure we all do,  
25 you know? We all do because we're trying to write down what

1 each person is saying, the gist of their testimony and the  
2 questions that we have, and the questions that we have for  
3 our counsel; so, so, you know, we are hearing you. We know  
4 what our parameters are, but we are hearing you; and we  
5 apologize if it's frustrating, because we can see that; and,  
6 and not only that, we've all been through it for the  
7 developments that come in our own neighborhood, and we have  
8 to be fair when it's in our own neighborhood. I've had  
9 developments come right smack in my area and I don't like  
10 it, but I have to be fair. You know, we all do.

11 So, anyway, I, you know, I'm going to, I'm going  
12 to move on to the next person which is Cashenna Cross.

13 MS. CROSS: Yes, I'm here. Thank you.

14 MADAM CHAIR: Oh, you know what, Ms. Cross, we, we  
15 are almost at the 2:15 where we have to switch numbers. You  
16 can start now if you're going to be succinct; or we can wait  
17 until we're going to go to the, to the next number.

18 MS. CROSS: Okay. Maybe I can start now --

19 MADAM CHAIR: You can.

20 MS. CROSS: -- and then if it cuts me off --

21 MADAM CHAIR: You can.

22 MS. CROSS: -- then I'll pick back up.

23 MADAM CHAIR: Okay. There you go.

24 MS. CROSS: Okay. My acknowledgements to Madam  
25 Chair and the Vice Chair, and all of the Commissioners that

1 are present; the resilient community members that are in  
2 attendance. For the record, I am Cashenna Cross. I am a  
3 resident of the Woodmore Town Center at Glen Arden. My  
4 comments involve two parts, three rounds, a few points for  
5 this to matter.

6           The first point is relative to the 7-Eleven and  
7 the current revenue conditions as we have now heard have now  
8 effectively been accepted because on its face presently, I  
9 believe it's permissible. The addition of the gas station  
10 resolved my concern. The beautification strategy of the  
11 items at least appeal to the developmental environment which  
12 is next to where I reside at Woodmore Town Center. Aside  
13 from Costco, which is not a 24/7, I do highly recommend that  
14 if this is the next closest alternative, that there at least  
15 be road signs on I-495 and off Landover Road, Route 202,  
16 which would help yield a more positive revenue for the  
17 future; and also, I thank you for considering the current  
18 strategy with the future road signs and placards to preserve  
19 this improvement.

20           Now does the Board have the ability to petition  
21 the Costco to make their gas station off hours, credit card  
22 enabled? If not, then what you're actually asking is if the  
23 gas station itself also shuts down at the same time, you're  
24 forcing community members to have either a Costco membership  
25 or drive farther down Route 202 to the singular gas station

1 in the Largo community for gas. The pattern of traffic  
2 construction has been eloquently addressed by all of the  
3 citizens, and I do echo their concern. Along with more  
4 general conversation with regards to the eating  
5 establishments and the health quality of the food  
6 selections, I, too, echo Ms. Fareed.

7           My second point involves the preponderance of  
8 population of the adjoining communities in relation to these  
9 new establishments. While they are elegant and they are  
10 beautiful, and they are beyond compare with stucco, and  
11 round rock, and all of the beautiful adjectives that was put  
12 forward, I think that it is important that we understand  
13 that we are employing the citizens in the future patrons  
14 where we must consider the long-term effects of higher  
15 cholesterol and a fatty-based contents. Madam Chair, I do  
16 recognize your acknowledgement that there are alternative  
17 menus.

18           In my response, I have four recommendations that I  
19 would like to offer for consideration in your deliberation.  
20 They are for soliciting input frequently. As a member of  
21 this community, I, too, arrived in 2016. Your development  
22 in 202, unfortunately, missed me because you will have  
23 definitely had an opportunity to hear from Madam Cross. I  
24 thank you for your detailed site map. Mr. Zhang, Mr. Gibbs,  
25 you have designed what looks like a feasible layout. At

1 least, again, the present site plan with inline retail  
2 buildings displayed by Mr. Zhang's presentation with the  
3 aluminum storefront, shadow rock store veneer with stucco  
4 preserves the environmental appeal of the evolving  
5 community, so I thank you.

6           Should we expect to have a relative transportation  
7 study they relayed in the minutes of this meeting? As a  
8 citizen, I ask that you do really socialize that for all of  
9 us who, unfortunately, were not present in 2002 to 2012  
10 where the preponderance of the deliberation occurred, the  
11 current location of I-95 and Landover Road, 202, Prince  
12 George's County, and the entrance to St. Joseph's is a  
13 relative traffic jam which we all endured daily. The  
14 Woodmore Town Center in this junction is a key area. The  
15 entrance of the I-495 and Route 202, I am intimately  
16 familiar with that pattern. The evolution of traffic  
17 management specifications, wheelchair access, pedestrian  
18 crossings, parking concerns, all due to the current traffic  
19 flow. Who wants to see citizens killed? Whenever you take  
20 the roundabout in front of the Woodmore Town Center, you  
21 pray before you enter.

22           Lastly, in addition to the expansion of commerce,  
23 I thank you for your consideration of small business space.  
24 I further highlight the nice to have a 300 to 500 patron  
25 capable event center and a future development to

1 essentialize the state of Maryland's driver to evolve a  
2 diversified revenue base.

3           Madam Chair, I thank you for the opportunity to  
4 speak and I thank you to Mr. Zhang, and I thank you to Mr.  
5 Gibbs for the Detailed Site Plan, and I thank you to the  
6 citizens who have endured such as I since 10:30.

7           MADAM CHAIR: Thank you, Ms. Cross. You got it  
8 in. You really got it in, so thank you so very much. I  
9 think, you know, the Board may have questions at some point.  
10 That concluded my sign-up list, for starters; but I think at  
11 this point -- have you already sent the emails? So, the  
12 emails have gone out to all of you already with the new  
13 numbers. So, so we're going to take a break. So, we, we'll  
14 start in a few minutes, or maybe we'll take about 10 minutes  
15 or so? No, well, we're going to start about 10, about 10  
16 minutes or so with a new number, okay; but every, well, let  
17 me just do this. Let me check and make sure everyone has  
18 the email because every, well, they were sent to the email  
19 address that you used to sign up here where you received  
20 your --

21           UNIDENTIFIED SPEAKER: Yes, like it's there. I  
22 just checked mine, so --

23           MADAM CHAIR: Okay.

24           MR. DEAN: I hear you. Okay.

25           MADAM CHAIR: Mr. Dean, you're good?

1 MR. DEAN: Yeah, we have it.

2 MADAM CHAIR: Okay. Everyone else who wishes to  
3 be on, Commissioner Washington? Okay. Commissioner Bailey,  
4 Vice Chair Bailey?

5 MADAM VICE CHAIR: You know, I can find it.

6 MADAM CHAIR: Okay. Okay. We'll find it. It's  
7 just, it's just now coming to everyone. Commissioner  
8 Geraldo, you're good?

9 COMMISSIONER GERALDO: (No audible response.)

10 MADAM CHAIR: Okay. Mr. Benton?

11 MR. BENTON: Yeah, I got it.

12 MADAM CHAIR: Okay. You got it? Okay. Okay.  
13 So, anyone who hasn't spoken, Mr. Gibbs, where is Ms. --  
14 Mr., did I lose him? Okay. So, we're going to sign off.  
15 We're, give us about, it's about 5:20 now, so give us until  
16 5:30 and, and so that, probably everyone needs a health  
17 break at this point anyway. So, give us until 5:30 and  
18 we'll be back on. Thank you.

19 UNIDENTIFIED SPEAKER: Thank you.

20 (Recess.)

21 MADAM CHAIR: Hello? Okay. You can turn my  
22 camera back on.

23 MR. GIBBS: Hello? This is Ed Gibbs.

24 MADAM CHAIR: Okay. So, you're on? Okay?

25 MR. GIBBS: I'm sorry.

1 MADAM CHAIR: You're on speakerphone, Mr. Gibbs.  
2 You're on speakerphone. You're on, okay?

3 MR. GIBBS: Okay. I'm sorry. I could, I could, I  
4 tried to get on; I couldn't get on.

5 MADAM CHAIR: Okay.

6 MR. GIBBS: Okay. You're on. Okay. So, but let  
7 me make sure, but I'm checking still to make sure we have  
8 everyone else. We have Mr. Dean. We have two Planning  
9 Board members. I want to make sure we have the others.  
10 They were on a second ago. Okay. Okay. That's, yeah,  
11 there we go. We have the Board members. Okay. Mr. Benton,  
12 are you on?

13 MR. BENTON: (No audible response.)

14 MADAM CHAIR: And, Mr. Zhang, we have you? Okay.

15 MR. ZHANG: Yes, ma'am, ma'am, I'm here.

16 MADAM CHAIR: Okay. Thank you. Okay. So,  
17 everybody finish -- we went through all of the speakers.  
18 Mr. Gibbs, you get to respond. I think there's some  
19 questions that the Board has of, of Mr. Warner, too, on, on,  
20 on this -- I know we've addressed it before, and before, and  
21 before, and everyone is saying that this, this road is still  
22 in effect and I don't know what our counsel says; and Mr.,  
23 maybe I'll put that burden on Mr., Mr. Gibbs right now. And  
24 also, Mr. Gibbs, there was a question raised about the gas  
25 station. Do you happen to know whether it's 24 hours or

1 not? So, Mr., so I know you get to do summation right now,  
2 or rebuttal, and then there's surrebuttal. So, you know,  
3 maybe Mr. Dean wants to do surrebuttal; or Mr. Benton, you  
4 know, somebody, some people have referred to, deferred to  
5 Mr. Dean. I think that's probably a good idea. And then,  
6 and then our Board can ask any questions of Mr., of our own  
7 counsel. And also, Mr. Masog, are you on? Did we send it  
8 to Mr. Masog?

9 MR. ZHANG: Yes.

10 MR. MASOG: Yes, ma'am, I'm available.

11 MADAM CHAIR: Okay. Thank, thank you. Okay. So,  
12 Mr. Masog, maybe I should start with you per our planning  
13 director. Mr. Masog, can you tell us, do you have any light  
14 to shed on this ramp?

15 MR. MASOG: This ramp, let me introduce myself.  
16 I'm Tom Masog of the Transportation Planning Section. The  
17 ramp is I-310. It was identified on the 1990 Largo  
18 Lottsford Plan. It was shown again on the 2009 Master Plan  
19 of Transportation. Both of those plans are not based on  
20 property lines. They are just lines on a map and that is  
21 what is published in the plan.

22 MADAM CHAIR: Wait a minute, what's published in  
23 the plan, that they're not property? Are you, are you  
24 saying that last part is published in the plan as well?

25 MR. MASOG: The maps are not based on property

1 lines. And so, that makes these roads extremely difficult  
2 to identify where they are. We plotted them on P.G. Atlas  
3 to sort of establish at least a common knowledge base of  
4 where we think they might be, but they really can move.  
5 What the Council approved was just a set of general maps  
6 without property lines, and so you really have to look at  
7 the roads relative to each other, relative to environmental  
8 features, and if there are no environmental features around,  
9 we can't, we can't say specifically exactly where the roads  
10 are.

11           With the approvals of the adjacent Woodmore  
12 Overlook property, I-310 was placed in the location  
13 approximately 250 feet to the east and southeast of where it  
14 shows up on P.G. Atlas. That was done with the coordination  
15 of the, of DPIE and with the State Highway Administration as  
16 a means trying to move the junction of that road farther  
17 away from the St. Joseph's Drive intersection.

18           MADAM CHAIR: Okay. So --

19           MR. MASOG: It is, it has never been -- we've  
20 often termed it a ramp; it's not really a ramp. Our  
21 numbering system as I-310 means that it's an industrial  
22 road. An industrial road is intended to provide access to  
23 the adjacent properties, as well as perhaps serve other  
24 functions. Can I answer further questions --

25           MADAM CHAIR: Yes.

1 MR. MASOG: -- Madam Chair?

2 MADAM CHAIR: Yes. My question -- initially you  
3 said it's not based on property lines, they can be moved.  
4 So, one of my questions is -- and you said it says that in  
5 the plan. What I was trying to ascertain, does it say that  
6 there's not, does it say in the plan itself that it's not  
7 based on property lines? Does the plan indicate that it was  
8 some flexibility? Does the plan itself indicate that?

9 MR. MASOG: Well, the plan doesn't necessarily  
10 indicate it --

11 MADAM CHAIR: Okay.

12 MR. MASOG: -- but if you look at the maps in that  
13 1990 plat, you can't see property lines. You can see some  
14 environmental features; and so, we have to, as  
15 professionals, we have to take a guess at where we think  
16 that would go.

17 UNIDENTIFIED SPEAKER: I can clarify that if, if  
18 you'd like, Madam Chair.

19 MADAM CHAIR: Okay. So, okay, so wait. Hold on a  
20 second. So, you're saying it's about 250 feet east with,  
21 based on DPIE and SHA.

22 MR. MASOG: Yes.

23 MADAM CHAIR: Okay. And, and did, and then was  
24 this shown on a Conceptual Site Plan? Does, I mean did, a  
25 Conceptual Site Plan was approved by --

1           MR. MASOG: It would have, yes, there was a  
2 Conceptual Site Plan for Woodmore Overlook. There would  
3 have been a Conceptual Site Plan prior to their recent  
4 preliminary plan.

5           MADAM CHAIR: Okay.

6           MR. MASOG: I don't have that number on me.

7           MADAM CHAIR: Well, maybe Council --

8           MR. MASOG: I can certainly look it up.

9           MADAM CHAIR: -- or Mr. Zhang can do it. What I'm  
10 trying to find out is, is there -- let me turn to counsel  
11 then and just hold that thought for a second. Mr. Warner?

12          MR. ZHANG: Madam Chair --

13          MADAM CHAIR: Yes, Mr. Zhang?

14          MR. ZHANG: Madam Chair --

15          MADAM CHAIR: Okay.

16          MR. ZHANG: -- if I may?

17          MADAM CHAIR: Okay.

18          MR. ZHANG: First, I'd like, can you just move the  
19 slides to No. 6 please?

20          MADAM CHAIR: Okay.

21          MR. ZHANG: Yeah. Here we go. Okay, Madam Chair,  
22 and the members of the Planning Board for the record, this  
23 is Henry Zhang with the Urban Design Section. I think Mr.  
24 Masog's presentation just give you a general idea of how,  
25 you know, sometimes Master Plan roadway has been, you know,

1 moved here and there because of the practical difficulty and  
2 the environmental features; and then in this case I believe  
3 I, I-310 basically was approved at the time of the King  
4 property approval, it was approved as a condition of the  
5 adequacy test. That means the approval specifically, I  
6 believe it's, it's a preliminary, okay, that's the  
7 Preliminary Plan of Subdivision for the King property which  
8 was require them to, you know, dedicate and construct this  
9 roadway.

10 I think you see here this roadway eventually,  
11 according to Mr. Masog and then, you know, which involved  
12 operational agency, and then eventually you see on this  
13 exhibit it's, it's, if you look at this one, it's in the  
14 pretty much, it's a -- Ken, would you please point to this  
15 linear --

16 MADAM CHAIR: The white one?

17 MR. ZHANG: -- white --

18 MADAM CHAIR: Yeah.

19 MR. ZHANG: No, white, yeah, yeah, here you go.  
20 That is to be the exact location, this roadway will be built  
21 because of the prior approval and also the involvement of  
22 the operational agency; and then, therefore, at the time of  
23 this, this subject Site Plan, and then when we review it,  
24 there's no, you know, Master Plan right-of-way encumbered  
25 aside. And then as Mr. Gibbs indicated, and also, I'm sure

1 Mr. Gibbs will have a, you know, more comprehensive history  
2 about this roadway and the relationship to the, to the  
3 subject site.

4 I think I heard Mr. Dean and Mr. Benton's  
5 argument, there's two things we had to consider first. One  
6 is that whether there is a, you know, Master Plan roadway  
7 encumber this, this property under this Site Plan in  
8 question. And then we found that the, because of the  
9 roadway, relocation of the roadway as a result of the prior  
10 approval, and also the Agency (indiscernible), and then  
11 there is no master roadway right in an encumbered the  
12 property of the western section. And then I think the  
13 second issue will not be an issue at all because there is no  
14 public right-of-way and then, therefore, there is no  
15 violation when we reviewed this Detailed Site Plan. That's  
16 why this site plan doesn't have any setback as required, but  
17 they do have separate, you know, some spaces over the  
18 bumping of that area, but that's not strictly setback. And  
19 I think everybody see here the roadways are even graded, and  
20 then that's basically the I --

21 MADAM CHAIR: 310.

22 MR. ZHANG: -- 310 --

23 MADAM CHAIR: Okay.

24 MR. ZHANG: -- we all talk about.

25 MADAM CHAIR: Okay. Wait a minute. Mr., Mr.

1 Zhang, let, okay, so we're following you now. So, you're  
2 showing, we're looking at slide 6, the aerial map that shows  
3 the graded roadway, which is outside of the two, the two  
4 parts that are part of this Detailed Site Plan, and, and  
5 I'm, now do you have Mr. Deans' letter in front of you, or  
6 can you pull that up?

7 MR. ZHANG: Yes, I do.

8 MADAM CHAIR: Okay.

9 MR. ZHANG: I do have it.

10 MADAM CHAIR: So, I'm on page 2, and it talks  
11 about what the Zoning Map Amendment hearing says somewhere  
12 on the bottom half of it, and under C, 3C. A concept for  
13 future ramps to and from the west via Ruby Lockhart  
14 Boulevard between Route, Landover Road and, and Ruby  
15 Lockhart Boulevard. And it's --

16 UNIDENTIFIED SPEAKER: Madam Chair --

17 MADAM CHAIR: And it's, I'm sorry, I'm sorry, I'm  
18 sorry, okay, and, and, and I guess so are you saying that  
19 that is what has been determined to satisfy this condition,  
20 Mr. Zhang?

21 MR. ZHANG: Yes. Yes, I think as Mr. Masog  
22 talking about, there is a lot of things happening.

23 MADAM CHAIR: Okay. Okay.

24 MR. ZHANG: This I can clarify. I think --

25 MR. WARNER: I think it, I think it tries to

1 speculate and just clarify this --

2 MADAM CHAIR: Okay.

3 MR. WARNER: -- because I think we're, we're  
4 confusing two things here.

5 MADAM CHAIR: Okay. Okay.

6 MR. WARNER: Okay?

7 MADAM CHAIR: Well, let's not confuse this.

8 MR. WARNER: Can I, this is David Warner,  
9 principle counsel.

10 MADAM CHAIR: Yes, please. Please. Please.

11 MR. WARNER: Can I just, yeah, okay. So, you've  
12 got two things here. One, Mr. Dean is saying in 2002, this  
13 property was rezoned --

14 MADAM CHAIR: Uh-huh.

15 MR. WARNER: -- and in part of that rezoning --

16 MADAM CHAIR: Uh-huh.

17 MR. WARNER: -- which happens on occasion when you  
18 rezone to MXT --

19 MADAM CHAIR: Uh-huh.

20 MR. WARNER: -- there are conditions attached to  
21 that rezoning. That's conditional rezoning necessary  
22 sometimes because zoning is a very, a static thing, and when  
23 you put an MXT next to like in this case an RR, that MXT, it  
24 has some adverse effects on the neighbors, so they add  
25 conditions; and in 2002, the District Council adds 14

1 conditions to this property in its zoning approval when it  
2 rezoned it to MXT. Now the conditions cover all sorts of  
3 things. Some get satisfied right away. For instance,  
4 Condition 4, the applicant has to commence the study an  
5 intersection at the time they come in for Preliminary Plan.  
6 Well, they do that. They satisfy the condition. It's done.

7 MADAM CHAIR: Uh-huh.

8 MR. WARNER: Condition 6, however, no more than  
9 119 of the single family dwelling units shall be attached  
10 units. That just continues to be enforceable on this  
11 property. But when they pass the law, all those 14  
12 conditions are in the law, including the one that Mr. Dean  
13 continues to refer to and says, rightly so, it just keeps  
14 showing up in all of our approvals. That's right, because  
15 it's the law.

16 Now Condition 3, however, was satisfied as early  
17 as 2004 when the developer of this property came in and got  
18 approval for a CSP and in that CSP, the finding was made  
19 that the CSP was in conformity with the requirements of  
20 A9956 and that Condition 3 was met because the submitted  
21 plans show an adequate right-of-way exists where needed.  
22 That same finding has continued throughout all of the  
23 development approvals subsequent to that finding in 2003  
24 because --

25 MADAM CHAIR: Did that same --

1 MR. WARNER: -- the requirement --

2 MADAM CHAIR: -- does that CSP stay with the  
3 Planning Board, or did it go to the Council?

4 MR. WARNER: That one did not go to the Council.

5 MADAM CHAIR: Okay. Okay.

6 MR. WARNER: However, the DSP in 2006 that had to  
7 conform to this CSP did go to the Council and did get  
8 approved.

9 MADAM CHAIR: Okay. So, wait a minute. So, so,  
10 wait a minute. The DSP that conformed to the -- okay --  
11 Detailed Site Plan that conformed to the Conceptual Site  
12 Plan that shows, that says that Condition 3 was satisfied  
13 went to the Council, the County Council in the year 2006;  
14 and you're saying it was approved by the Council in 2006?

15 MR. WARNER: Yes, they first remanded it on  
16 different issues --

17 MADAM CHAIR: Okay.

18 MR. WARNER: -- to have the Planning Board take  
19 another look at it, and then it came back and they approved  
20 it on July 18, 2006; and they affirmed the Planning Board's  
21 finding that Condition 3 is satisfied because it shows  
22 adequate right-of-way has been provided where needed. It  
23 says it exactly and that's the finding the Planning Board  
24 made and the County for the District Council confirmed that  
25 when they approved the DSP.

1 MADAM CHAIR: Do you have the decision of the  
2 District Council?

3 MR. WARNER: Yes.

4 MADAM CHAIR: Okay. And, okay.

5 MR. WARNER: It's in our, it's in our, it's in our

6 --

7 MADAM CHAIR: I know, but okay. So, all I'm just  
8 saying is that was the year 2006? Okay. All right.

9 MR. WARNER: Yes.

10 MR. ZHANG: Madam Chair, if I may?

11 MADAM CHAIR: Okay.

12 MR. ZHANG: I would like to add an additional --

13 MR. WARNER: I wanted to continue, but --

14 MADAM CHAIR: Okay. One second. Okay. Go ahead.

15 Hold on, Mr. Zhang.

16 MR. ZHANG: Thank you.

17 MADAM CHAIR: Okay.

18 MR. WARNER: I just wanted to complete the thought  
19 because subsequent to that DSP for the same property, this  
20 Applicant came in with a Preliminary Plan, a new CSP and a  
21 new Preliminary Plan for these two parcels, and that same  
22 finding was made, they reviewed that same 2002 Zoning  
23 Ordinance and said, oh, those conditions have already been  
24 met; in fact, Mr. Dean quotes the finding that we made that  
25 those conditions were met. So, as far as the issue with the

1 ramps and the Condition in the 2002 Zoning Ordinance, for  
2 almost 18 years this property has been found to have met  
3 that condition. It's still --

4 MADAM CHAIR: Right, but the District Council?

5 MR. WARNER: The law --

6 MADAM CHAIR: Okay. Okay, as --

7 MR. WARNER: Now that's different from I-310, and  
8 I just want to talk about I-310 for two seconds, okay?

9 MADAM CHAIR: Okay.

10 MR. WARNER: I-310 is in the Master Plan of  
11 Transportation from 2009. It's recommended in that plan.  
12 It says I-310 will be a new road, recommended as a new road,  
13 from Ruby Lockhart Way to Landover Road. That's the  
14 recommendation. If you go into the Master Plan of  
15 Transportation in the back, there are maps where they did  
16 their best guess as to where those roads were going to go,  
17 but they didn't want you to think for a minute that those  
18 maps were accurate, which is why they put on the first page  
19 of the section of the maps this statement. The entries in  
20 this map said, our approximations and illustrations of the  
21 detailed recommendations in those texts in the case of  
22 conflicts between items in the maps and in the texts, the  
23 plan text is controlling. The graphics in this map set are  
24 not intended to be legally sufficient. So --

25 MADAM CHAIR: That was my question.

1 MR. WARNER: -- when you go on P.G. Atlas, you  
2 will see these different roads in approximate locations, but  
3 the very first disclaimer you see when you go on P.G. Atlas  
4 is, this isn't legally applicable; this is our best guess as  
5 to where these roads are going to go. Well, in this case,  
6 it was determined, I believe by a proffer from the, the King  
7 developers, that they would put I-310 right where it shows  
8 on the map that Henry has put before you; and so, the Master  
9 Plan of Transportation recommendation is being met.

10 MADAM CHAIR: Okay. Thank you. Mr. Zhang, you  
11 wanted to add something to that?

12 MR. ZHANG: Yes. On the Staff Report, page 18, we  
13 have the CSP03001-01. This is the revision of the detailed,  
14 of the Conceptual Site Plan which went to the Council in  
15 2019. The reason I mention this CSP, because this is the  
16 CSP specifically for the two parcels contained in this  
17 Detailed Site Plan. That CSP basically arrive at the  
18 conclusion, because the I-310 has been decided to be on the  
19 King property, therefore, that A dash approval, 9956C  
20 condition, that ramp basically considered to be fulfilled.  
21 And then that's, that's the ultimate --

22 MADAM CHAIR: And that's, that's, and that went to  
23 the District Council, and we, are we looking at the --

24 MR. ZHANG: Exactly.

25 MADAM CHAIR: -- opinion? Okay. All right.

1 MR. ZHANG: Yes. Yeah, that's, that's all I  
2 wanted to add.

3 MADAM CHAIR: Okay. Thank you. Okay. All right.  
4 So, let me see if the Board has any questions of anyone at  
5 this point. I know, I know -- Mr. Benton, I know you're  
6 writing in the chat. We, we, you know, that's not going to  
7 be a part of the record, so I know you're trying to ask a  
8 question; but I do want -- at this point Mr. Gibbs gets to  
9 go in accordance with our rules and procedure; then Mr. Dean  
10 or whoever wants to speak, you know, Mr. Dean or Mr. Benton,  
11 and then Mr. Gibbs closes it out. Okay. Mr. Gibbs, do you  
12 have anything at this point?

13 MR. GIBBS: I do.

14 MADAM CHAIR: Okay.

15 MR. GIBBS: To build upon what has been said, so I  
16 agree with everything that Mr. Warner said, but I do want to  
17 add, hope what, what I hope will be some clarity from my  
18 perspective as well. So, when, when, as Mr. Warner said,  
19 when you look at the 1990 Master Plan Map, there are no  
20 property lines. There is a dashed line that shows I-310 and  
21 you really, you really can't tell where it goes, although if  
22 I were looking at it, I would say it's beneath my client's  
23 property. So, let's talk about what Mr. Dean said in his  
24 testimony because he keeps coming back to this Condition 3C,  
25 Condition 3C that the District Council had in the rezoning

1 case A9956C when the Woodmore Commons property as part of  
2 Balk Hill was zoned MXT.

3           And Mr. Warner is absolutely right, it does, it  
4 doesn't, when we went in and asked for two conditions to be  
5 amended, whenever the District Council amends conditions,  
6 and it's the same way as when the Planning Board reconsiders  
7 a condition in a Preliminary Plan. You then really state  
8 all of the old conditions and with, and include in there the  
9 amended condition. So, it wasn't like that Condition 3C was  
10 applied again. It is just what it was all along; and it  
11 would be the same thing as if in an original approval you  
12 had a requirement to pay X number of dollars per building  
13 permit and you built, you built 50 of the hundred units, and  
14 then you, you revised a condition. That, that payment would  
15 be restated, but you wouldn't have to pay it twice. You  
16 would have satisfied it already. So, that's the same thing  
17 here.

18           And what's, the wording of the condition is very  
19 important. When you go look at Condition 3C in A9956-C, my  
20 rezoning case, look at, look at it and it says future  
21 submitted plans to demonstrate provision of adequate right-  
22 of-way for the following facilities, and when it gets on  
23 number A, says 120 feet of right-of-way for Campus Way.  
24 Number B says St. Joseph's Drive, 80-foot right-of-way.  
25 Number C says, doesn't say anything about dedicating right-

1 of-way. It says a concept, a concept for future ramps --

2 MADAM CHAIR: Okay.

3 MR. GIBBS: -- to and from the west via Ruby  
4 Lockhart Boulevard between Maryland 202 and St. Joseph's  
5 Drive. So, there was never a requirement for this property  
6 to dedicate anything for a ramp. It was to make sure that a  
7 concept could exist. So, the next thing that happened was  
8 that the Balk Hill property developer in 2004 got, got its  
9 Conceptual Site Plan approved; and part of the resolution  
10 that the Planning Board adopted analyzed prior conditions.  
11 And when it got to Condition 3, it says, Condition 3  
12 requires that adequate right-of-way for needed Master Plan  
13 facilities is provided. The submitted plans show adequate  
14 right-of-way where needed. So, they were saying Condition 3  
15 was satisfied. The reason is that the CSP was showing where  
16 it abuts this property, 80 feet of right-of-way for St.  
17 Joseph's Drive, 70 feet of right-of-way for Ruby Lockhart  
18 Boulevard, and dedication of whatever was required for  
19 Maryland 202 widened. So, that was preserving the concept  
20 for a future ramp, even though as Mr. Masog said, it was  
21 never going to be a ramp, but rather a road.

22 And, and so, you would have gone and, and you get  
23 to the Preliminary Subdivision Plan for the Balk Hill  
24 property, and that is 4-03094; and they, once again,  
25 discussed compliance with the prior conditions, and they say

1 on page 16, and I quote, in reviewing A9956, the District  
2 Council determined that an amount of money in the road  
3 corridor, 202 corridor study would be paid as a fair share  
4 contribution; and it says, the current plan addresses the  
5 future right-of-way needs identified in Condition 3 of the  
6 District Council order which was A9956C. So, the Planning  
7 Board erred once again, found that Condition 3 had been  
8 satisfied via, via dedication of the right-of-way required  
9 for those three roads.

10           Then when my client comes in, we amend the  
11 Conditions 5 and 10, everything gets restated, but that  
12 doesn't mean that Condition 3 was not already satisfied. It  
13 had been satisfied.

14           MADAM CHAIR: Uh-huh.

15           MR. GIBBS: And, and then we went and did an  
16 amended conceptual Site Plan and, and in that Conceptual  
17 Site Plan, there is yet, there is yet another finding that  
18 the adequate, that the right-of-way given is adequate, no  
19 additional dedication is required from this plan.

20           Then we go to the Preliminary Subdivision Plan,  
21 once again for this property that we filed and was approved  
22 in 2018 or '19, 2019, 2019. There is a discussion by the  
23 Planning Board in that resolution of Condition 3A, 3B, 3C  
24 from A9956C. They're set out on page 14 of the Planning  
25 Board resolution. They set them out, one of which is a

1 concept for future ramps to and from the west via Ruby  
2 Lockhart Boulevard. Quote, "This was confirmed during  
3 review of PPS4-03094. All required rights of way have been  
4 dedicated.

5           So, over and over and over again, as Mr. Warner  
6 said, for 18 years there have been findings that as to  
7 Woodmore Commons Property, aka Balk Hill, Condition 3 that  
8 Mr. Dean continues to refer to has, in fact, been satisfied.  
9 Now you have to contrast that, contrast that with the  
10 approvals for the King property which is now called Woodmore  
11 Overlook and which is shown on this aerial here where  
12 actually A, I mean I-310 is actually shown as having been  
13 graded, okay? That property, that property was rezoned by  
14 the District Council pursuant to Zoning Map Amendment  
15 application A-10020, and that occurred in 2010. And here is  
16 Condition 4, Condition 4 attached to that rezoning, and I  
17 quote, "The Conceptual Site Plan shall show the right-of-way  
18 along I-308 which is Ruby Lockhart Boulevard, and I-310, the  
19 ramp roadway linking Ruby Lockhart Boulevard and Maryland  
20 202, consistent with Master Plan recommendations, and here's  
21 the key.

22           MADAM CHAIR: Okay.

23           MR. GIBBS: Here's the key. The right-of-way  
24 shall be shown for dedication at the time of Preliminary  
25 Subdivision Plan.

1 MADAM CHAIR: Okay.

2 MR. GIBBS: So, District Council put a condition  
3 on the King property to dedicate through its property the  
4 right-of-way for I-310. That was never a condition on the  
5 Balk Hill property.

6 MADAM CHAIR: Okay. Wait a minute. I need to  
7 make sure, because that, you know, there's been a lot said  
8 and a lot covered, and not just in this case, although there  
9 was plenty in this case, too. So, so that was in 2010.  
10 That was in 2010.

11 MR. GIBBS: Correct.

12 MADAM CHAIR: Okay.

13 MR. GIBBS: Correct. Now that, but that's a  
14 condition added by the Council requiring that the King  
15 property --

16 MADAM CHAIR: Right.

17 MR. GIBBS: -- the one that shows the graded road  
18 --

19 MADAM CHAIR: Right.

20 MR. GIBBS: -- dedicate the right-of-way for I-  
21 310 through its property.

22 MADAM CHAIR: What --

23 MR. GIBBS: Okay?

24 MADAM CHAIR: -- month, do you have the, what  
25 month was that?

1 MR. GIBBS: I don't, I --

2 MADAM CHAIR: Okay. You don't have that? Okay.

3 MR. GIBBS: I just have the excerpted condition.

4 MADAM CHAIR: Okay, that's fine.

5 MR. GIBBS: But let me go on because it gets even  
6 clearer, okay? So, the King family came in after they got  
7 zoned and they did a Conceptual Site Plan; but what I want  
8 to refer to is their Preliminary Subdivision Plan, because  
9 their Preliminary Subdivision Plan Implemented Condition No.  
10 4 in their rezoning. And what happened was at that point in  
11 time, their Preliminary Plan was approved in 2012; and by  
12 then, you couldn't just pay money into the 202 corridor  
13 study, you have to show adequacy. They had two phases to  
14 their development. The phase that was on the north side of  
15 Ruby Lockhart was residential. The phase on the south side,  
16 which they called parcel, or area B, was their commercial.  
17 They could not satisfy adequate transportation facilities,  
18 so they had to use mitigation, okay? And so, there, what  
19 they did, their mitigation proposal was to dedicate and  
20 fully construct through their property I-310; and I, and I  
21 read to you from page 30 of Planning Board Resolution No.  
22 12-13 in approving Preliminary Plan 4-10022 for the King  
23 property.

24 And it says, "The Applicant also proposes  
25 dedication and construction of a proposed ramp from Ruby

1 Lockhart Boulevard to Maryland 202, and the completion of  
2 Ruby Lockhart Boulevard. The ramp and the full Ruby  
3 Lockhart connection is part of a proposed future interchange  
4 at Maryland 202 and St. Joseph/McCormick. Besides being an  
5 important component of that interchange, it will take some  
6 trips out of the critical movements at the intersection in  
7 the short term and this means mitigating the intersection.

8           And then that resolution goes on to state on page  
9 33 at the top, and I quote, "The I-310 facility is a Master  
10 Plan, commercial industrial roadway as well, with a proposed  
11 width of 70-feet. This facility is intended to connect  
12 northbound 202 to Ruby Lockhart Boulevard at such time as  
13 the McCormick/St. Joseph's intersection with 202 is  
14 converted to a flyover." The proposed right-of-way limits  
15 are correctly shown on the submitted plan, and it is shown  
16 for dedication. Notably, the District Council order in  
17 approving A10020 conclude, or includes Condition 4, which  
18 requires that the right-of-way for I-310, and I-308 as well,  
19 be shown for dedication at the time of Preliminary  
20 Subdivision Plan approval.

21           So, it is very clear that this Preliminary  
22 Subdivision Plan as a mitigation proposal undertook the  
23 responsibility to implement Condition 4 and to dedicate  
24 through the King property I-310 as was required by the  
25 District Council in Condition 4 when it actually rezoned the

1 property to MXT.

2 MADAM CHAIR: In 2010?

3 MR. GIBBS: In 2010.

4 MADAM CHAIR: Okay.

5 MR. GIBBS: In accord therewith, in accord  
6 therewith, the current developer, the current developer of  
7 Woodmore Overlook, in consultation with DPIE, and I assume  
8 State Highway Administration, and I assume Park and Planning  
9 Transportation, granted the right-of-way for I-310 in a deed  
10 of dedication which is recorded in libre 41329, page 467, in  
11 October of, no, in September 17th of 2018. That, that deed  
12 of dedication is recorded among the land records. It  
13 implements the Preliminary Plan condition, and thereafter,  
14 and thereafter, the current developer of Woodmore Overlook  
15 did a new Preliminary Subdivision Plan --

16 MADAM CHAIR: Okay.

17 MR. GIBBS: -- because they were changing the  
18 line pattern, and that was 4-18007 in Planning Board  
19 Resolution 19-32(a) because it was an amended resolution.  
20 And I read to you from Planning Board Condition of Approval  
21 in that subdivision resolution, Condition No. 6(b). Prior  
22 to the issuance of building permits, the following road  
23 improvements shall have full financial assurances, have been  
24 permitted for construction through the operating agency's  
25 access permit process, and have an agreed upon time table

1 for construction with the appropriate operating agency; B,  
2 I-310, Grand Way Boulevard, construct the entire roadway  
3 between Maryland 202 and Ruby Lockhart Boulevard within the  
4 dedicated right-of-way to County standards. And then on  
5 page 5 of that resolution, there is a recitation that Grand  
6 Way Boulevard, an unimproved roadway, bisects Parcel 27,  
7 which is the King property, and was conveyed to Prince  
8 George's County via deed recorded September 20, 2018.

9           So, this history makes it clear that there was  
10 never an intent that the ramp was going to go through the  
11 Woodmore Common/Balk Hill property, but rather through the  
12 King property to the east. A further comment is that when  
13 you approved the Preliminary Subdivision Plan that we filed  
14 for Woodmore Commons in 2019, you put a condition on us  
15 which is in our resolution, which absolutely denies any  
16 access from that property, the Maryland 202.

17           MADAM CHAIR: Okay.

18           MR. GIBBS: So, how would we ever build I-310  
19 through our property if we had a denial of access onto 202?  
20 The reason is that I-310 was never supposed to go through  
21 our property. It was to go through the King property.

22           MADAM CHAIR: And what, and let me, let me ask you  
23 a question.

24           MR. GIBBS: I would say we're --

25           MADAM CHAIR: Would it have made sense to have it

1 on both properties, your property and the King property? It  
2 wouldn't have made --

3 MR. GIBBS: No.

4 MADAM CHAIR: Okay. So, it wouldn't have made  
5 sense to have two?

6 MR. GIBBS: But (indiscernible).

7 MADAM CHAIR: Okay.

8 MR. GIBBS: Let me, let me tell you, let me tell  
9 you something here. So, in 2017, when I was working to, to  
10 process plans on behalf of my client, there was a, that very  
11 question was raised and we met with Director Hajazzi  
12 (phonetic sp.) at DPIE and we also, Mr. Guckert and I, met  
13 with Mr. Masog. And there was, and Mr. Masog can speak for  
14 himself, there was a universal agreement that I-310 was not  
15 supposed to go through the Woodmore Common property, and  
16 that there wasn't going to be a splitting, and there's a  
17 very practical reason for that, too, Madam Chair, and it  
18 really gave rise to the genesis for the denial of access.  
19 If you tried to move I-310 up and build it splitting the  
20 boundary line of Woodmore Commons and Woodmore Overlook,  
21 that road would come out and hit 202 right in the D-cell  
22 lane of 202 to turn right on St. Joseph's Drive.

23 MADAM CHAIR: Okay.

24 MR. GIBBS: And what Mr. Guckert explained to Mr.  
25 Masog, and which I believe Mr. Masog can speak for himself --

1           MADAM CHAIR: So, okay, well, hold on a second,  
2 Mr. Gibbs. So, let me, let me stop you. So, if you had  
3 done it on the boundary line, Mr. Flanagan, I want to make  
4 sure you're following with the cursor, the boundary line  
5 right there, if you had gone down there and come down to  
6 Route 202, you would come in the deceleration lane, is that  
7 what you're saying?

8           MR. GIBBS: That, that is correct, and it also  
9 would be closer to the intersection of 202 and St. Joseph's  
10 Drive --

11          MADAM CHAIR: Right.

12          MR. GIBBS: -- than what --

13          MADAM CHAIR: It would be too close together?  
14 Okay.

15          MADAM CHAIR: -- the State Highway Administration  
16 criteria specified for adequate distance between two  
17 intersections to a road of the 202 classification.

18          MADAM CHAIR: Okay. I need -- okay, go ahead. I  
19 need you to wrap that part up right now because I see now  
20 with the King property right there, I mean, and you see it's  
21 graded, and then the conversations were with the State  
22 Highway Administration and the District Council put that  
23 condition, the District Council put that condition in in  
24 2010, sometime, sometime in 2010; I don't know if it was  
25 before December or not, but --

1 MR. ZHANG: Yes, it's, it was December, Madam  
2 Chair, if I may? Actually, the hearing is in July and the  
3 Council issued order in August.

4 MADAM CHAIR: Okay. All right.

5 MR. GIBBS: Yeah, and I'm going to wrap it up.

6 MR. ZHANG: They sent it on August 6th.

7 MADAM CHAIR: Okay. So, that's --

8 MR. GIBBS: I don't want to misstate anything, so  
9 I would like either Mr. Masog or Mr. Guckert to confirm the  
10 comment that I made about where it would have come out in  
11 the decel lane for the 202 turn-off into St. Joseph's. Mr.  
12 Masog?

13 MR. HUNT: Yeah, hi, Madam Chair, this James Hunt.  
14 Tom Masog had to leave.

15 MADAM CHAIR: Okay. All right. Well --

16 MR. GIBBS: Mr. Guckert is here.

17 MADAM CHAIR: Okay. Mr. Guckert, you can answer  
18 the question --

19 MR. GUCKERT: Wes Guckert.

20 MADAM CHAIR: -- but I think, I think, I suspect  
21 that the Board had this question, and I think the question  
22 has probably been answered. It's been answered for me, you  
23 know? So, let's, you know, Mr. Guckert, if you want to add,  
24 add, you know, succinctly --

25 MR. GUCKERT: I just want, thank you, Madam Chair.

1 I just want to confirm that I met with Tom Masog. I met  
2 with, with Ed Gibbs, and I met with him and said this is a  
3 silly, wrong place to put this road on the property line.  
4 It needs to be moved back. It would never be approved by  
5 the Maryland State Highway Administration. Tom Masog agreed  
6 that it did not belong on the property line, and that's why  
7 it ended up where it's shown, like somebody has cut grass  
8 where that road has been, road has been cut in. Thank you  
9 very much.

10 MR. GIBBS: I just have one final thing to say,  
11 Madam Chair --

12 MADAM CHAIR: Okay.

13 MR. GIBBS: -- and that is with regard to Section  
14 27259. So, Mr. Dean and Mr. Benton made the proffer and the  
15 argument that, that I-310 was on, was on my client's  
16 property and that's a Master Plan right-of-way and you can't  
17 build on it pursuant to 27259 unless you get an order  
18 approved by the District Council. That is, that is a  
19 correct statement of fact if, if the right-of-way is on this  
20 property, which it was not. But even if we were to assume  
21 that the right-of-way in some way touched this property,  
22 which it doesn't, but even if we were to assume that,  
23 Section 27259A2B, it has, it has exemptions; and it says  
24 that if, in fact, you were subdivided, when the road right-  
25 of-way existed in a Master Plan, and when you were

1 subdivided, you were not required to dedicate, then 27259 no  
2 longer has any application to you and you can build anyhow,  
3 and, and this property, the Master Plan impact was 1990. It  
4 continues to be 1990. This property was subdivided in 2004  
5 and it went to record plat with no request for dedication.  
6 It was platted as parcel 2, so 27259 would have on  
7 application in this case anyway.

8 MADAM CHAIR: Okay.

9 MR. GIBBS: So, that's all I have.

10 MADAM CHAIR: Okay. All right. So, let me, let  
11 me stop there, because I think several Board members had the  
12 question based on what Mr. Dean had asked, and also a couple  
13 citizens said, well, okay, what's the answer? So, we wanted  
14 to know. Okay. So, now, turning to -- you still get the  
15 right -- that was rebuttal, there's surrebuttal. I'm going  
16 to turn to Mr. Dean at this point. Okay. Thank you.

17 MR. DEAN: Madam Chair, thank you.

18 MADAM CHAIR: Thank you.

19 MR. DEAN: And, you know, I'm not really a high-  
20 paid attorney. I don't do this for a living, so I don't  
21 have all the documents before me.

22 MADAM CHAIR: Okay.

23 MR. DEAN: But let me kind of begin where I  
24 should. Even though they're saying that the ramp is not  
25 required and everything that you all have done from your

1 Preliminary Plan, Subdivision, your Conceptual Site Plan,  
2 going all the way back to the decision made by the District  
3 Council in ZHE and during the amendment on the five and 10,  
4 it always kept saying you need to have a concept for future  
5 ramps to and from Ruby on west, via Ruby Lockhart Boulevard,  
6 Maryland 207. The question first is did you all ever  
7 require them to do the Concept Plan, period? They show,  
8 even he's saying I don't have to do it, but in your, in your  
9 document, you're saying that he has to show it. So, the  
10 Concept Plan, the way the road runs, the ramp, is running  
11 from south, southwest to northeast. That is the way the  
12 road was supposed to run.

13           Now the question becomes, if you have a Concept  
14 Plan and when you put the site Concept Plan up, would the  
15 Concept Plan run through the right-of-way of, of the 7-  
16 Eleven, and the, the fast food, and the building on Woodmore  
17 Commons because, because the concept ramp runs through both  
18 Woodmore Overlook and Woodmore Commons. Again, we went  
19 through this with Woodmore Overlook. It went before the  
20 District Council. There was a decision made in 2019 from  
21 the District Council that said -- let me get my notes -- that  
22 said that they had to have a -- this is on the  
23 transportation portion on page 13, and it's three.  
24 Applicant shall revise the site plan that show right-of-way  
25 at the Ruby Lockhart Boulevard and I-310, the ramp roadway

1 linking Ruby Lockhart Boulevard, Maryland 202 consistent  
2 with Master Plan recommendations. This right-of-way shall  
3 be shown for dedication as (indiscernible) plan of  
4 subdivision on this No. 620, at Condition 4. Also, they  
5 further --

6 MADAM CHAIR: So --

7 MR. DEAN: -- they find the fact that in March of  
8 2012, the Board also approved a plan of subdivision 4-  
9 1022PGCB No. 12-13PGS4-4, required I-310, also known as  
10 Grand Way Boulevard, to build a ramp connecting connected at  
11 grade crossover Maryland from McCormick Drive to St.  
12 Joseph's Drive. It's 209 approved county-wide Master Plan  
13 of Transportation included I-310 road and ramp; the 1990  
14 Largo Lottsford Master Plan in Section Map Amendment also to  
15 build the ramp, and the flyover Maryland 202 pursuant to  
16 PPS4-1022 to satisfy adequate public facilities. Public  
17 facility test for traffic. The development of the property  
18 was divided in two, two phases. Phase 1 and, and Phase --  
19 this is, this is Woodmore Overlook. Required the ramping  
20 connect Maryland 202 (indiscernible).

21 MADAM CHAIR: Okay.

22 MR. DEAN: (Indiscernible.) In March 28th, the  
23 Board approved the Preliminary Plan of Subdivision  
24 indicating the ramp and the flyover required to be funded  
25 and constructed. The problem, what they, what they did was

1 Woodmore Overlook moved the so-called ramp from intersecting  
2 St. Joseph's Drive and moved it towards his property. Now  
3 we went through this when we came before you --

4 MADAM CHAIR: Yeah. But it --

5 MR. DEAN: -- so the question becomes for me,  
6 whatever they've saying, do you have in any of your  
7 decisions the concept for the ramp? Do they show a concept  
8 for the ramp that's in there; and for, and for citizens, if  
9 you said that you need to look and find out what's going to  
10 happen in your community when you buy in to make sure that  
11 whatever the Master Plan is going to say is going, is, is,  
12 is, is going to happen, you need to be sure. We're reading  
13 these documents. The documents are saying that there's a  
14 requirement for a concept for the ramp. It starts with 2019  
15 and goes all the way back down to 2002. They keep saying,  
16 well, we don't have to do that. They just put this in and  
17 it really doesn't mean what it, what it says; but for us,  
18 we're reading this; and if we're reading this and this is  
19 stuff we're reacting on, and this is what we're reacting to,  
20 then you say, well, it doesn't make any difference because  
21 it doesn't mean anything, then why are you going to put it  
22 in? That's the question.

23 MADAM CHAIR: Okay. My question for you is, you  
24 know, granted, this is complicated and convoluted, and, and,  
25 and I see what Mr. Gibbs said, that the, that that property,

1 that connection between Route 202 and Ruby Lockhart was  
2 moved to the, the King property, and you can see it. It's  
3 graded. You can see that now. So, are you saying that  
4 there should be two, that there should be another one in  
5 addition to that, Mr. Dean?

6 MR. DEAN: No, no, no, no. Madam Chair, they  
7 started doing the grading; they went to DPIE. They gave  
8 land to DPIE. In order for DPIE to determine a Master Plan  
9 road, which is Grand Way Boulevard, had nothing to do with  
10 what you all have decided along with the District Council.  
11 We've, we are still fighting that. So, the issue is that  
12 that was the decision that I just read --

13 MADAM CHAIR: Right.

14 MR. DEAN: -- when --

15 MADAM CHAIR: It --

16 MR. DEAN: -- that this road should never have  
17 been constructed until this project had won. They've  
18 constructed it, it's at grade, they're building it again.  
19 It's going to be a, it's going from south to north, in and  
20 out, so they can build a gas station at that site. This is  
21 the whole process. So, you got a gas station at this site,  
22 then you got a 7-Eleven gas station at Woodmore Commons. I  
23 mean how much, how many gas stations do we need? So, the  
24 question becomes, did you borrow your Conceptual Site Plan,  
25 Preliminary Plan, did you require the Applicant to give you

1 a Concept Plan for, for the route.

2 MADAM CHAIR: Okay. So, let me ask you this  
3 question.

4 MR. DEAN: It's not, it's not --

5 MADAM CHAIR: If they showed us a Concept Plan  
6 that would never be built, you're okay with that?

7 MR. DEAN: If they show a Concept Plan, where  
8 it's going, if the Concept Plan --

9 MADAM CHAIR: No, no, it might not ever go there,  
10 but you're saying just show a Concept Plan, because they,  
11 and here's the problem, that right now through -- however it  
12 got done, however it got done, right now there's a, the,  
13 the, the, the road connects with 202 to Ruby Lockhart. I  
14 don't know how it got done, but I do know that what we're  
15 hearing is that Council approved that in 2010; and there  
16 were Preliminary Plans after that; and so, either you're  
17 saying, I don't, I can't explain how all that got done, but  
18 it got done. So, either you're saying that we should have a  
19 Concept Plan to show two roads, that one right there where  
20 it is, and another one on this property, the Woodmore  
21 Commons property, doing, making the same connections, are  
22 you saying we should have both? That was my question to  
23 you, because this one --

24 MR. DEAN: The, the --

25 MADAM CHAIR: -- this other one we can't stop

1 right now.

2 MR. DEAN: Now the ramp running southwest to  
3 northeast, I am saying that Woodmore Commons needed to do  
4 the concept ramp because I need to see whether the concept  
5 ramp is going to be the right-of-way into the development  
6 that they're getting ready to put in, the 7-Eleven, the fast  
7 food, and --

8 MADAM CHAIR: Okay.

9 MR. DEAN: -- and the building. So, therefore,  
10 if this --

11 MADAM CHAIR: Well, when you say, let me make, let  
12 me make sure I am following the direction that you're  
13 talking about. Can you guide Mr. Flanagan with the cursor  
14 here, Mr. Dean? No, he means on the other property. No,  
15 the --

16 MR. DEAN: No.

17 MADAM CHAIR: No --

18 MR. DEAN: The issue is, you know --

19 MADAM CHAIR: I know we -- what I'm saying is  
20 there's, because you're saying northeast to, I forgot --

21 MR. DEAN: I'm saying, no, I'm saying, I'm saying  
22 southwest --

23 MADAM CHAIR: Southwest?

24 MR. DEAN: -- Lottsford Road, southwest going  
25 straight up to the property --

1 MADAM CHAIR: Right.

2 MR. DEAN: -- and going to St. Joseph's and go  
3 over to McCormick Drive. So, the, so the ramp is running  
4 this way.

5 MADAM CHAIR: Oh, that way? Okay.

6 MR. DEAN: There's the --

7 MADAM CHAIR: So, it doesn't say, it doesn't say  
8 Ruby Lockhart and, and 202? It says McCormick?

9 MR. DEAN: It, it says, hold on --

10 MADAM CHAIR: I thought we were talking about Ruby  
11 Lockhart, between Ruby Lockhart and 202?

12 MR. DEAN: It is the connection for the, for, for  
13 the ramp should be flyover built over Maryland 202 from  
14 McCormick Drive to St. Joseph's Drive is really, and rolls  
15 from north, from southwest to northeast. It intersects --

16 MADAM CHAIR: Well, what's --

17 MR. DEAN: -- St. Joseph and really it goes over  
18 to McCormick Drive. That would be to what this whole thing  
19 was about. So, the first thing is that there is a concept  
20 that you're not going to build; the question becomes, does  
21 that Concept Plan create a problem for the right-of-way for  
22 the development that's coming into DSP. That's the  
23 question. If it does, then they have to do something with  
24 whatever the -- whatever they're bringing in. You can't  
25 build buildings in, in, in the right-of-way. That's my

1 question.

2 MADAM CHAIR: My question to you then is I'm  
3 trying to understand your letter of, your letter that you  
4 submitted that's dated March 18th, and that, where you so  
5 quote on the second half of page 2, you said they're  
6 supposed to draw a concept for future ramps to and from west  
7 via Ruby Lockhart Boulevard between 202, oh, 202 and St.  
8 Joseph's, I guess it is. Okay.

9 MR. DEAN: So, the question become, I'm still,  
10 and I know when you all started saying what transportation  
11 can be discussed at Detail Site Plan, and that's fine, but  
12 again this concept ramp intersects the Detailed Site Plan of  
13 the tenants that they're bringing in, then they have to do  
14 something different.

15 MADAM CHAIR: Okay. Okay.

16 MR. DEAN: That's what I'm saying.

17 MADAM CHAIR: Okay. Thank you. Okay.

18 MR. DEAN: You're welcome.

19 MADAM CHAIR: All right. So, now, Mr. Benton, you  
20 had, you had a question or two, and then we, and then we  
21 close out. Then the Board gets to ask any questions of  
22 anybody, and then, Mr. Gibbs wraps up and we're done, okay?  
23 Mr. Benton, you had some questions?

24 MR. BENTON: Yes. Mr. Masog, well, between Mr.  
25 Masog and Mr. Zhang, well, I'll start with, I'll start with

1 Mr. Masog.

2 MADAM CHAIR: Mr., Mr., Mr. Brian Barnett-Woods is  
3 in for Mr. Masog now. They work together in the  
4 Transportation Department, division, okay.

5 MR. BENTON: That's fine.

6 MADAM CHAIR: Okay.

7 MR. BENTON: That's cool. So, in his testimony,  
8 right, he spoke of, you know, he, he spoke of the  
9 Transportation Master Plan, right? He also spoke to the  
10 fact, to the, to the fact that, that I-310 was, was, and I'm  
11 paraphrasing, was pretty much left open as to where it was  
12 located, right? And I think you asked the question before,  
13 but, but, but my question was simply, you know, where is it,  
14 you know, where is it formally stated an I-310 wasn't  
15 proposed to go, all right, where the Conception Site Plan  
16 10, 10004 said it was supposed to go, right? And I'm  
17 referring, and my question is just simply, right, he's, in  
18 his statement, like what legal document whether it is an  
19 approval or it, or where is it specifically in the  
20 Transportation Plan that specifically said that I-310, you  
21 know, you know, was not supposed to be where, you know,  
22 where, where the, where the Conceptual Site Plan 10.004  
23 indicated to where it should be.

24 MADAM CHAIR: I don't think that, if that's your  
25 question, I don't know if Mr. Brian Barnett-Woods was on

1 there before, but what Mr., Mr. Masog indicated, and, and  
2 maybe Mr. Woods was on, but Mr. Barnett-Woods was on, but  
3 what, what he was saying was that it's, there are no  
4 property lines there. There's no, that's, that's, was  
5 illustrative for me. There was no property lines. It was  
6 not based on property lines and it's a, there are, there are  
7 some measure of generalities there is what he said, and then  
8 Mr., and I asked the question before -- he didn't  
9 specifically answer the question, but Mr. Gibbs did by  
10 reading the provision in the front of the Master Plan of  
11 Transportation that says it's not a legal description; it's  
12 not a binding --

13 MR. BENTON: Okay.

14 MADAM CHAIR: Yeah, that's, when that, that,  
15 because that was, that was a good question and I, I needed  
16 to know the answer to that as well. So, Mr. Barnett-Woods,  
17 you can chime in, and maybe Mr. Warner chimed in before,  
18 too; but, okay, Mr. Brian Barnett-Woods?

19 MR. BARNETT-WOODS: Of course. Thank you. Good  
20 evening. My name is Brian Barnett-Woods for the record with  
21 the Transportation Planning Section, with the Planning  
22 Department. You know, what you stated right now, Madam  
23 Chair, is correct; what Tom had mentioned earlier, as well  
24 as David Warner. The 1990 Largo Plan, as well as the 2009  
25 Master Plan of Transportation, in the maps that are included

1 in these plans, they do not include property boundaries; and  
2 so, while a map is made, and the way the alignment is shown,  
3 this alignment is that at a planning, a planning level; and  
4 while Staff uses their professional judgment when making  
5 maps for P.G. Atlas to make sure the roads follow  
6 appropriate geometry, it's understood that when it comes  
7 time to building these roadways, we always do a more  
8 detailed inspection needs to be taken to make sure that  
9 we're taking into account topography, or environmental  
10 features, or maybe the historic site or something, that the  
11 road may not exactly be where it is.

12 In terms of this road, I-310, the 2009 Master Plan  
13 simply called it a new road that goes from Ruby Lockhart  
14 Boulevard to Landover Road as an industrial, 70-foot lift;  
15 and the road that, as it's shown on the map here, we cans  
16 see meets that criteria and I think it's consistent with the  
17 plan conditions.

18 MADAM CHAIR: Okay. Thank you. Mr. Benton, did  
19 you have any other questions?

20 MR. BENTON: Okay. Nothing, my, my other  
21 question was for Mr. Zhang. Is he still on?

22 MADAM CHAIR: Yes.

23 MR. ZHANG; Yes, yes, Mr. Benton --

24 MR. BENTON: Okay. Okay.

25 MR. ZHANG: -- I'm here.

1           MR. BENTON: Okay. All right. So, so, Mr. Zhang,  
2 now if you pull up, if you pull up the Conceptual Site Plan  
3 for DSP10004, right, do you actually see, do you actually  
4 see property lines, all right, on that Site Plan, and can  
5 you actually --

6           MR. ZHANG: Yes.

7           MR. BENTON: -- just, just speak on the record  
8 where those property lines on the Site Plan in particular,  
9 the property line for this property, right, where their  
10 property lines are in reference to I-310 as they are on  
11 that, on Conceptual Site Plan 10004?

12           MR. ZHANG: Well, I think if you look, generally,  
13 okay, let me, let me just step back, yeah, take one step  
14 back. The Prince George's Planning Department's development  
15 review process is basically set up to match the stage of  
16 development; and, specifically, in the MXT zone, we have  
17 multiple step of approval and I think the DSP is a  
18 Conceptual Site Plan level. Usually, will give you a very  
19 general concept of the approval. For example, normal CSP  
20 only show the property boundary of your property. For  
21 example, if the King property, which includes both, both  
22 parcels on both sides of Ruby Lockhart, and then at the same  
23 time they show the generally illustrative location of the  
24 access, possible access, okay, if you have a Master Plan  
25 roadway, basically, they need to require, generally show it;

1 but that doesn't mean that location is in a (indiscernible)  
2 zone because after the CSP approval, the process also set up  
3 another two stage at least for the MXT. One is the  
4 Preliminary Plan of Subdivision. Okay. So, what the CSP  
5 approved, the set-up in general, you know, density,  
6 intensity, and then the boundary of the property; and then  
7 later on, the Preliminary Plan of Subdivision, that's the,  
8 that's the time, well, the adequacy task will be carried  
9 out, which, which means, you know, they had a task to,  
10 whether there is a sufficient roadway to support it, or  
11 whether school; you know, police; you know, service will be  
12 able to support your development --

13 MR. BENTON: Uh-huh.

14 MR. ZHANG: -- to, to, that means the specific  
15 roadway will not be shown until you do the adequacy test;  
16 and then that's basically carried out at the King's property  
17 4-16019. I think, as Mr. Gibbs indicated, King property was  
18 rezoned to the MXT zone back in 2010, and then the Council  
19 specifically in Condition 4 tell them you have to have your  
20 I-310 be on your property. So, even the CSP approval, they  
21 just said, okay, we're going to have that, but we don't  
22 know; we haven't, you know, haven't go to that detail,  
23 engineering detail to see where the roadway will be  
24 specifically located; and then that's, that thing had to  
25 happen at the time of Preliminary Plan of Subdivision, not

1 the time of approval which the Planning Board decision will  
2 establish the logging pattern and the street pattern.

3           So, to answer your question on the CSP, we don't  
4 have that roadway, but the, obviously, this roadway won't be  
5 on the King property because of the Council's decision  
6 already say that. I think at the time of this Preliminary  
7 Plan of Subdivision, when they evaluate whether adequate  
8 public facility were in place to support the proposed  
9 development, that I-310 has been, you know, put on the  
10 paper.

11           Okay. Let's back to, to the DSP approval. DSP  
12 approval is another stage which is the detail following the  
13 approval of the Preliminary Plan of Subdivision. That's why  
14 Madam Chair keep mentioning, I mean keep telling citizens  
15 those are the issues, you know, you know, roadway adequacy  
16 is not an issue with you at this time. I think the, this  
17 DSP basically is a site related review. You know, we  
18 really, we review all those site-related fixtures because we  
19 can't change the access point to the site. We can't change  
20 the roadway which has been, you know, established at the  
21 time of Preliminary Plan of Subdivision, and then which must  
22 get directly to this DSP.

23           There is no, any Master Plan roadway, you know,  
24 encumbered this site; therefore, the planning decision, very  
25 limited and Planning Board's jurisdiction is limited only to

1 the boundary of the Detailed Site Plan. Anything beyond  
2 that boundary is not a decision they can make, I mean  
3 technically; so, that's why, you know, we, we, because we  
4 have went through so many stages, now is the last stage of  
5 the Detailed Site Plan approval. We can't go back and, you  
6 know, try to, to re-think about access points for the site.  
7 That's why we, we review this only site-related, for  
8 example, like architecture; how the roadway will be tied up  
9 to the approved, you know, Master Plan roadway, or the  
10 existing public right-of-way. How did the landscaping will  
11 be, you know, proposed, or will be, you know, installed; and  
12 what's the signage, what's the lighting, so on and so forth.  
13 But all this reveal is limited to the site features only.  
14 Those access point roadway, logging pattern, are being,  
15 being established.

16           Okay. So, technically, the Planning Board can  
17 make a decision without, you know, discuss the King property  
18 because it's totally outside the boundary of the, of today's  
19 review. Therefore, I mean technically, after we review all  
20 the previous approval, we found the old finding of approval  
21 of Detailed Site Plan has been met.

22           MADAM CHAIR: Okay. Thank you. Okay. Are you  
23 talking, Mr. --

24           MR. BENTON: Okay.

25           MADAM CHAIR: Okay.

1 MR. BENTON: Okay. Mr. Zhang --

2 MADAM CHAIR: Okay, because we're going to get to  
3 the point where we're wrapping up.

4 MR. BENTON: -- is there any setbacks -- I'm  
5 sorry.

6 MADAM CHAIR: Okay.

7 MR. BENTON: I had one --

8 MADAM CHAIR: Okay, one other question, and then  
9 we're going back to, then we're going to see if the Board  
10 has any --

11 MR. BENTON: All right.

12 MADAM CHAIR: -- questions.

13 MR. BENTON: My question is simply is --

14 MADAM CHAIR: Go ahead.

15 MR. BENTON: Well, I just, and my formal, my  
16 formal --

17 MADAM CHAIR: Uh-oh.

18 MR. BENTON: -- (indiscernible), so I ask Mr.  
19 Zhang (indiscernible).

20 MADAM CHAIR: We, we're, we're not hearing you so  
21 well, Mr. Benton, at least I'm not.

22 MR. BENTON: So, can, can you hear me?

23 MADAM CHAIR: Oh, now we do. Okay.

24 MR. BENTON: Can you hear me?

25 MADAM CHAIR: Yes.

1 MR. ZHANG: Yes. Yes.

2 MR. BENTON: Can you hear me?

3 MR. ZHANG: Yes.

4 MR. BENTON: Can you hear me? Can you --

5 MADAM CHAIR: Yeah, now we hear you.

6 MR. BENTON: Okay. All right. You can hear me

7 okay? So --

8 MADAM CHAIR: Right.

9 MR. BENTON: Listen, so I just, okay, how do you  
10 have, did you and/or, has the Planning Board Staff  
11 considered any setbacks, right, because, because my, my  
12 arguments, and let me be clear, my arguments is, is not  
13 related to rather the property as they are laid out, right;  
14 is in, is in the actual right-of-way as three, where, where  
15 I-310 is as it is, as the District Council approved it as is  
16 laid out on Conceptual Site Plan 10004, right? However,  
17 when the, when the, when the District Council approved that  
18 Conceptual Site Plan, right, they did approve I-310 to be in  
19 a specific location because you just attested that it does  
20 show up on, on the Conceptual Site Plan, all right? On this  
21 particular, on this particular property, right, right, on  
22 where the design, there is, there is no setback  
23 considerations as to, as to how their property is laid out  
24 to where I-310 is, is there; so, that's, a simple question  
25 is, has any setback consideration, all right, been evaluated

1 for this, for this, for this project in regards to where I-  
2 310 is located per that, per Conceptual Site Plan 10004?

3 MR. ZHANG: Well, to answer your question, you  
4 know, no, because the previous approval as we studied the,  
5 we reviewed this case, we studied adjacent to this property;  
6 and there then we found from the history of approval, I-3  
7 zone property, I'm sorry, I-3 zone right-of-way issue has  
8 been settled; and then this, this I-3 zone alignment is far  
9 away from the property; and then what we considered is  
10 everything we've seen the boundary of this Detailed Site, we  
11 don't need to consider, you know, a roadway, like 200 feet  
12 away from the property. No, we are not, I mean according to  
13 the DSP approval criteria, although we're not required to  
14 review this, regarding the generous setback from the  
15 property line, yes, we do have, you know, technical  
16 consideration of those setbacks and how the site will be  
17 laid out. But in the MXT zone, there is no specific number  
18 as we normally, you know, see in the regular conventional  
19 zone. For example, in the R-55 zone, you have a rear yard  
20 setback of 20 feet you had to observe when you lay out the  
21 site. In the MXT zone, there is no specific number, but  
22 that doesn't mean they can set the building anywhere they,  
23 they like; but we need to, as a Technical Staff, we use all  
24 knowledge and then general, you know, knowledge and the  
25 knowledge of other zone to review the site; and then believe

1 those setbacks are appropriate and that, you know,  
2 beneficiary to the development of the site; and then that's  
3 why we recommend approval after careful review of the Site  
4 Plan.

5 MADAM CHAIR: Okay. Thank you. You, that was,  
6 okay. So, Mr. Benton said --

7 MR. BENTON: Okay. I don't have any --

8 MADAM CHAIR: -- that was his last question.

9 MR. BENTON: -- I don't have any questions and I  
10 just want to begin --

11 MADAM CHAIR: I can, you're --

12 MR. ZHANG: Thank you very much.

13 MR. BENTON: Yeah, but I just need to give my  
14 rebuttal to, Madam Chair --

15 MADAM CHAIR: Okay. I need, okay, because we, we,  
16 okay, Mr. Dean is finished. I thought you were. Okay. So,  
17 you need to wrap up; so, then Mr., Mr. Gibbs can wrap up so  
18 we can all be done.

19 MR. BENTON: That's fine. So, listen real quick,  
20 real quick. So, in regards to, to Mr. Gibbs' testimony, or  
21 the Applicant's testimony, right, I see really it's a matter  
22 of both design, right, in terms of, in terms of the setback  
23 locations, right; and really it's a matter of a question of  
24 law. Let me, let me explain why I believe it's a, it's a,  
25 it's a question of law.

1           So, pretty much you read Prince George's County,  
2 County Code 27103, right, in terms of conflicting  
3 ordinances, right; when you look at, when you look at Part A  
4 of that Code, it says whenever any position of this Zoning  
5 Ordinance supposedly, a requirement on a higher standard  
6 that is required at many Federal, Federal, state or county,  
7 or list of regulations, pretty much the, the, the provision  
8 of the Zoning Ordinance shall govern, right?

9           So, so, so pretty much when you got conflicting  
10 ordinances, right, the higher ordinance is the one that  
11 actually applies, right? So, Mr. Gibbs, he refers to 27259,  
12 right, which I, which I actually, you know, which I actually  
13 referred to; but at the same time, he has neglected to  
14 actually, to actually state and look at 27640, 27641, 27642,  
15 which all collectively states that, that only the District  
16 Council can indicate the exact location of a road.

17           MADAM CHAIR: Yeah. You said that. Yeah, you did  
18 say that.

19           MR. BENTON: Right. Right. So, so, you know,  
20 so, and so, so, and what I, and what I, what I am saying is  
21 this; they are trying, so, they're referring back to --

22           MADAM CHAIR: You're frozen, Mr. Benton. Okay. I  
23 don't know if you can hear me.

24           MR. BENTON: The zoning approvals that, that  
25 really feel they can be because they're not final, that

1 Woodmore, I can hear you, yeah, I can hear you.

2 MADAM CHAIR: Okay.

3 MR. BENTON: Can you hear me?

4 MADAM CHAIR: Yes.

5 MR. BENTON: Can you hear me?

6 MADAM CHAIR: Yes.

7 MR. BENTON: Okay. All right. Listen, simply,  
8 okay, simply put. Look, I've already, I've already stated,  
9 stated my objection, right; but I believe that 27640 and  
10 27641, 42, stating to whereas that should actually, that  
11 should actually govern here, right, because, again, the  
12 District Council directed where the road would be when they  
13 approve CSP 10004, all right? It doesn't, and, and no other  
14 body, in fact, not the, not the Board, not the, not MDOT,  
15 not any of the (indiscernible) zoning nor the body has any  
16 legal authority to make that determination. So, it doesn't  
17 matter what, what, what the Applicant talked with, or, or  
18 even with Woodmore Overlook talking with, with Mr. Masog and  
19 the other gentleman on the phone, and the Department of  
20 Transportation; that really, technically it doesn't matter  
21 because legally it's already written in law that the only  
22 body that can actually make that determination is the actual  
23 District Council; and they made that determination back in  
24 2010 with CSP 10004.

25 MADAM CHAIR: And maybe they'll make --

1 MR. BENTON: Therefore --

2 MADAM CHAIR: Okay.

3 MR. BENTON: -- therefore, therefore, with the,  
4 like Mr. Zhang just stated that, that, no, they did not  
5 consider setbacks and what I'm saying is they rightfully  
6 should have. The Planning Board Staff should have because  
7 it's a part, it's a part of the Zoning Code. That's what  
8 you are supposed to do, right? But it is a little, you  
9 know, I, and it's, it's, I don't believe it's  
10 (indiscernible). I believe that it, that it's, that's it's  
11 clear. So, that, that's my only statement. I'm done.

12 MADAM CHAIR: Okay. Thank you, Mr. Benton. Mr.  
13 Gibbs, are you still on? Do I even see you?

14 MR. GIBBS: I'm here. Yes.

15 MADAM CHAIR: Okay.

16 MR. GIBBS: I'm here.

17 MADAM CHAIR: Okay.

18 MR. GIBBS: Okay. Just --

19 MADAM CHAIR: No, no, wait a minute, Mr. Gibbs.  
20 Hold on one second, Mr. Gibbs.

21 MR. GIBBS: Okay.

22 MADAM CHAIR: I'm going to turn to the Planning  
23 Board because, Mr. Gibbs, you have the final -- on behalf of  
24 the Applicant when you make a case when there's an order of  
25 testimony and, and there's a back and forth, there's a

1 rebuttal, and there's a surrebuttal, and then there's  
2 summation. We are now at the point of summation, but I am  
3 going to turn to the Planning Board to see if they have any  
4 questions of anyone at this point in time. I am going to  
5 turn to Dorothy Bailey, our Madam Vice Chair. Do you have  
6 any questions of anyone?

7 MADAM VICE CHAIR: Not, no, no questions at this  
8 time. Thank you.

9 MADAM CHAIR: Thank you. Commissioner Washington,  
10 do you have any questions of anyone?

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

13 MADAM CHAIR: Okay. Commissioner Geraldo, do you  
14 have any questions?

15 COMMISSIONER GERALDO: I have no questions, Madam  
16 Chair. I think Mr. Gibbs and our counsel, Mr. Warner, did  
17 an adequate job of explaining what has led to this plan and  
18 I think I don't need any more information.

19 MADAM CHAIR: Okay. Thank you. Okay. Mr. Gibbs,  
20 summation?

21 MR. GIBBS: Yes. Thank you very much. Just one  
22 point in response to Mr. Dean. So, I think some of the  
23 confusion is that, is that there's a perception that original  
24 Condition 3C attached to the zoning of the Balk Hill, aka  
25 Woodmore Commons property, required the showing of some type

1 of a ramp, and that's not what the condition says. It says  
2 future submitted plans shall demonstrate provision of adequate  
3 right-of-way for the following facilities, and then C says, a  
4 concept for future ramps. So, you need right-of-way on Ruby  
5 Lockhart Boulevard, Maryland 202 and St. Joseph's Drive. You  
6 know, the ramp, a, and it's a road, not a ramp, but the ramp  
7 is just that the actual section of the connecting road is just  
8 one part of it. You need adequate right-of-way on Ruby  
9 Lockhart to connect to it; you need adequate right-of-way on  
10 202 because, ultimately, it was going to be a flyover; and you  
11 need adequate right-of-way on St. Joseph's Drive; and those  
12 rights-of-way were called out. And so, when the determination  
13 was made that 3C had been satisfied it was because in the  
14 subsequent plans the right-of-way, as called out in the Master  
15 Plan, were St. Joseph's Drive, Ruby Lockhart Boulevard, and  
16 202 wasn't back dedicated. And, and, and it was, and,  
17 therefore, it was satisfied. I think the other resolutions  
18 and approvals, of which I'd ask the Board to take  
19 administrative notice, because they're not in the record that  
20 I read from relative --

21 MADAM CHAIR: Well, that's fine.

22 MR. GIBBS: -- to Woodmore Overlook property  
23 makes it abundantly clear this I-310 facility was never,  
24 never intended to be on the Woodmore Commons property. So,  
25 thank you very much. I'm sorry it's been so long.

1           MADAM CHAIR: Okay. All right. And we will take  
2 administrative of both you and Mr. Benton asked that we take  
3 administrative notice of other cases. So, that's fine.

4           MR. GIBBS: Thank you. Thank you.

5           MADAM CHAIR: Okay. I want to thank everyone for  
6 their attendance today, for their participation today. It  
7 is, it's been trying. You know, there will be, there are  
8 clearly differences of opinion here, and I suspect there  
9 will continue to be differences of opinion on this; and, you  
10 know, we'll see where it goes. So, I, but I do want to  
11 thank everyone for their passion in this matter. Is there a  
12 motion?

13           COMMISSIONER WASHINGTON: Madam Chair, I'd like to  
14 make a motion, but before so doing, I certainly associate  
15 myself with your comments with regards to thanking everyone  
16 for their participation; and especially the neighboring, the  
17 neighbors, if you will, to this property; our citizens,  
18 fellow, fellow citizens; and either a couple of them  
19 commented throughout the discussion regarding this case  
20 about what they, what their intended expectations were as it  
21 relates to showing up and participating; relative to the  
22 overall process; and I thank you, Madam Chair, for  
23 describing how they can and should be involved early on; but  
24 I also want to reiterate that, you know, encourage our  
25 citizens to be in touch with our local Chambers of Commerce;

1 you know, the Business Roundtable; and the Economic  
2 Development Corporations because these are the entities that  
3 are actually actively and aggressively seeking those major  
4 chains and companies to do business in this County, and I  
5 think it would be not only instructive, but certainly  
6 helpful for them to hear from citizens, and they need to  
7 know that the citizens are, are, are very, you know --

8 MADAM CHAIR: Interested.

9 COMMISSIONER WASHINGTON: -- very tuned into, very  
10 interested in this; and there may be a way that they can  
11 help, citizens can help. So, with that, Madam Chair, I move  
12 that we adopt the findings of Staff and approve DDS-672, in  
13 addition to approving DSP-04067-10, AC-21005, and TCP2-082-  
14 05-06, along with the associated conditions as outlined in  
15 Staff's Report, and as further amended by Applicant Exhibit  
16 No. 3.

17 COMMISSIONER GERALDO: I'll second that motion,  
18 Madam Chair, and I just, I also share in the comments, your  
19 comments, and those of Commissioner Washington. I'm  
20 particularly pleased that the residents come out, and I  
21 understand their concerns, and they need to look at all  
22 aspects of Government and become involved; and I know that  
23 there is, there is a concern about supermarkets locating and  
24 other supermarkets that they want; and I'll let them know  
25 that there's a bill pending in the State Legislature now

1 that would allow supermarkets, as well as big box stores to  
2 sell beer and wine, which would put us in a more competitive  
3 position with the state surrounding us.

4 MADAM CHAIR: So, we have a motion by Commissioner  
5 Washington, seconded by Commissioner Geraldo. I, too, even  
6 though I made some comments, I would like to associate  
7 myself with the comments of Commissioner Washington as well,  
8 and Commissioner Geraldo, frankly. And I also want to  
9 dispel any notion -- I, with, back to the citizens. We  
10 thank you for participating and we can hear your frustration  
11 because, because we are at a later stage in the development  
12 process for this particular property. We are in a later  
13 stage, so the things that could have been considered early  
14 on in terms of the zoning back in 2002, you know, and, and,  
15 and as the, as slightly amended in 2009 and then the  
16 Conceptual Plan that was approved and then the, also the  
17 Preliminary Plan that was approved, we are now at the  
18 Detailed Site Plan stage; and we're so limited in what we  
19 can consider by law. And that is how our hands are tied at  
20 this point in terms of what we can consider, but it does not  
21 mean for one second that we're not listening, that we don't  
22 hear you, that we're not taking copious notes. We can tell  
23 you pretty much what every single person said. I mean we  
24 couldn't copy word for word, but we're all listening and  
25 we're thankful, and you have good ideas, and we want you to

1 stay involved. And, Mr. Gibbs, you know, stay involved on  
2 behalf of the Applicant. Stay involved with this community  
3 because, you know, they did have questions like, you know,  
4 somebody asked about what the gas station -- we heard one  
5 person say we wanted the gas station, we didn't want it to  
6 be 24/7. We heard another person say, you know, maybe it  
7 should be open 24/7 because where are people going to go if  
8 Costco is not 24/7? So, you know, we heard a number of  
9 different things.

10 So, so it's necessary that you keep communicating,  
11 Mr. Gibbs, you and your client, okay? It's very, very  
12 important and we, and --

13 MR. GIBBS: I understand.

14 MADAM CHAIR: And that includes, and that includes  
15 with Mr. Dean. I know there's a level of frustration there,  
16 Mr. Dean. We hear you. We feel you. We just can't fix  
17 everything here, but, but it's not like we didn't hear  
18 anything that you've said. So, we're very appreciative and,  
19 and when someone made the comment in terms of body language,  
20 you know, I mean we're, we're sitting a long time, too; and,  
21 you know, you might change your position. You might change  
22 -- even when I, when I sit like this sometimes when I'm  
23 writing; so, you know, you can't read, don't mistake that  
24 for not hearing and not being fully, fully, fully engaged,  
25 because we are.

1           So, I just wanted to thank everyone again. I'm  
2 going to call for the vote. Madam Vice Chair?

3           MADAM VICE CHAIR: Madam Chair, I, aye, and I  
4 would also like to associate myself with the comments, I'm  
5 missing the comments of my colleagues. I first met this  
6 property, not this plan at all, but this property in October  
7 the 4th in 2002 as a member of the Prince George's County  
8 Council, and so I've lived with it for quite a while as  
9 well; and I look back, look, I just took a look back at  
10 October the 4th in 2002. But I really do appreciate our  
11 citizens. I thank you for coming and we assure that we were  
12 listening, we hear you, and we share some of your concerns;  
13 but on the other hand, we have certain guidelines that we  
14 absolutely must follow and, but stay involved. We'll figure  
15 out how we can solve some of the issues that you bring to  
16 us, and they're always that can be resolved and so we look  
17 forward to chatting with you in other environments and  
18 following what we do, and offering suggestions, and we look  
19 forward to that. Thanks, Madam Chair. I do say, vote aye.

20           MADAM CHAIR: Okay. Thank you. Thank you, Madam  
21 Vice Chair. Commissioner Washington?

22           COMMISSIONER WASHINGTON: I vote aye.

23           MADAM CHAIR: Commissioner Geraldo?

24           COMMISSIONER GERALDO: I vote aye, Madam Chair.

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

1 you, everyone else. Have, you have a good evening. The  
2 Planning Board is not done, so, so don't, don't get excited,  
3 every, Board members; but thank you, everyone.

4 Mr. Gibbs, we're counting on you to continue  
5 communications with the neighbors, okay?

6 MR. GIBBS: Yes. Yes, absolutely. Thank you.

7 MADAM CHAIR: Thank you.

8 MR. GIBBS: Thank you.

9 MADAM CHAIR: Okay.

10 MR. GIBBS: Thank you. Have a nice evening.

11 MADAM CHAIR: Thank you. Ms. Hightower --

12 (Whereupon, the proceedings were concluded.)  
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DIGITALLY SIGNED CERTIFICATE

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

Woodmore Commons

Detailed Site Plan, DSP-04067-10 and

Departure from Design Standards, DDS-672

By: 

Date: April 2, 2021

Tracy Hahn, Transcriber