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OFFICE OF THE ZONING HEARING EXAMINER
FOR PRINCE GEORGE'S COUNTY

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WOODSIDE VILLAGE, LLC : Case No. A-9973-C-02
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A hearing in the above-entitled matter was held on
September 29, 2021, at the Prince George's County Office of
Zoning, County Administration Building, Room 2174, Upper
Marlboro, Maryland 20772 before:

Maurene McNeil
Hearing Examiner

A P P E A R A N C E S

On Behalf of the Applicant:

Robert Antonetti, Esq.

On Behalf of People's Zoning:

Stan Brown

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P R O C E E D I N G S

1
2 MS. MCNEIL: Good morning everyone. I'm Maurene
3 McNeil, I'll be your Hearing Examiner today. I do want to
4 let you know, I let Mr. Antonetti know, that we were going
5 to have another Hearing Examiner but she had a little
6 illness to deal with, but she's doing much better this
7 morning. Because I know, you had concerns, Mr. Antonetti.

8 Today is September 29, 2021, we're here on the
9 case of A-97, I am so sorry, wait a second, there's so much
10 paper here, A-9973-C-02, the applicant is Maurene, not
11 right, forgive me, I got the paper, Woodside Development
12 LLC. I'm so sorry and before counsel identifies themselves
13 for the record, I would note that this is a virtual hearing,
14 so if you're not speaking please stay on mute because the
15 matter is being recorded and that helps the recording.
16 Also, if there is anyone opposed to this request, they
17 should identify themselves for the record or put it in chat.
18 I don't believe, I believe everyone here is with you, Mr.
19 Antonetti.

20 MR. ANTONETTI: That's correct.

21 MS. MCNEIL: You can see everyone?

22 MR. ANTONETTI: Yes.

23 MS. MCNEIL: Okay. And Mr. Brown isn't here yet,
24 so but I'm sure he will come in, would you like to start or
25 would you like to wait a few more minutes? I --

1 MR. ANTONETTI: I would leave it to your
2 discretion, Madam Examiner. I'll leave it to your
3 discretion.

4 MS. MCNEIL: I guess since there doesn't seem to
5 be anyone in opposition, we could start. So I'll turn it
6 over to you to briefly describe what we're doing today, Mr.
7 Antonetti.

8 MR. ANTONETTI: Okay. Thank you. Thank you,
9 Madam Examiner. Good morning and for the record my name
10 again is Robert Antonetti with the Law Firm of Shipley and
11 Horne. We are pleased to be here on behalf of the applicant
12 here, which is Woodside Development, LLC. There's another
13 owner applicant, the Atkinson Trust LLC, regarding the
14 request in A-9973-02. Today, with me we have Dr. Charles
15 Edwards, a representative of the applicant. We have Mr. Ken
16 Dunn from Soltesz, who will provide testimony as both the
17 landscape architect who prepared the plan and the land
18 planner, and I'll call him at two separate times, if that
19 meets with your discretion, Madam Examiner.

20 And then additionally, I have Mr. Michael Lenhart,
21 our transportation engineer and I also have with me last but
22 not least, Mr. John Ferrante, who is our senior land planner
23 and paralegal, who without him I would be lost, so I do want
24 to thank him publically for everything that he does to keep
25 the trains running on time, as it were.

1 I'd be remiss if I didn't thank the ZHE staff for
2 their work in preparing this record and for coordinating the
3 virtual hearing today. It's always a pleasure to work with
4 them and without them we would not be able to conduct
5 business as we have been able to do over the last 18 plus
6 months, so I do want to publically thank them and
7 acknowledge them for all their efforts. Madam Examiner --

8 MS. MCNEIL: Mr. Antonetti, before you go forward,
9 you didn't mention Mr. Bickel (phonetic sp.), so is Mr.
10 Bickel with you?

11 MR. ANTONETTI: I apologize, yes. David Bickel,
12 he is an engineer with Soltesz, he's here as well, he's a
13 member of our team. I don't plan on calling him for
14 testimony, but he's here for any additional information or
15 to answer your questions as appropriate.

16 MS. MCNEIL: Okay.

17 MR. ANTONETTI: With that, today's request is for
18 an amendment of a Basic Plan, specifically Basic Plan A-9973
19 which was originally approved by the District Council as
20 part of the 2007 Westphalia Sector Plan and Sectional Map
21 Amendment. The resolution approving that is stylized as
22 CR2-2007.

23 Now the initial Basic Plan was pursued by a
24 subsidiary of Toll Brothers and it was intended to develop
25 between 1,422 and 1,497 dwelling units consisting of single

1 family detached townhouses, two-over-two units and
2 multifamily units on about 381.9 acres in the R-M Zone. The
3 project was to be known as Woodside Village.

4 Showing my age, I was somewhat of a new attorney
5 back then with Shipley and Horne, and we actually worked on
6 this, Ken Dunn and I worked on this together, so many years.
7 So it's particularly gratifying to be able to come back and
8 find a way to have a project move forward and be part of the
9 re-entitlement, as it were from this step moving forward.

10 For background, the approved Basic Plan included
11 five parcels, it included Parcel 5, which is 78.9 acres,
12 Parcel 19 which approved about 79.3 acres. These are both
13 owned by the applicant. The remaining parcels include
14 Parcel 42, which is colloquially known as the Suit Property,
15 it used to be Evelyn Suit owned it. It's 148.7 acres.
16 Parcel 13, which is known as the Patricia Holy Property,
17 it's 11.66 acres. Parcel 42 and Parcel 13 are both now
18 owned by the Maryland National Capital Park and Planning
19 Commission. They purchased this property subsequent to the
20 entitlements for Woodside Village with the intent of
21 bringing the property into the land area for the future
22 Westphalia Central Park, actually future, the developing
23 Westphalia Central Park, which extends all the way into the
24 neighboring Parkside project.

25 I will also add that there is another remaining

1 parcel, not publically owned and not owned by this
2 applicant, that is Parcel 14. That is the subject of
3 another application seeking a similar approach to the Basic
4 Plan known as A-9973-01, we are 02. That plan is for 63.3
5 acres of the original farm assemblage that made up Woodside
6 Village when it was approved back in 2007 initially.

7 So as I stated, Park and Planning owns nearly 160
8 acres of this original Basic Plan. When our client moved to
9 acquire the property and continue with the entitlement path,
10 we did interact with the Park and Planning staff to look at
11 the conditions in the Basic Plan, the approved Comprehensive
12 Design Plan, to see how we can move forward with appropriate
13 amendments to bring this application forward, to recognize
14 current conditions on the ground, including the ownership of
15 Park and Planning. We were told that the conditions as
16 written would need to be amended and the Basic Plan amended,
17 because they were unimplementable, as worded. Specifically,
18 there is a condition regarding the conveyance of 56 acres of
19 land within the assemblage by the applicant for the Central
20 Park. That acreage of land is contained within what is now
21 known as the Suit Property, which Park and Planning owns and
22 is now part of the park. The entirety of it is owned for
23 the park.

24 Nonetheless, there's unfortunate wording in the
25 condition and other conditions which show that the Basic

1 Plan as structured as organized around these five parcels
2 assembled for various residential type development that
3 they're not under common ownership and the conditions and
4 the concept as approved in the original plan are essentially
5 unimplementable. This represents a practical difficulty and
6 under 27-197(b) of the Prince George's County Zoning
7 Ordinance, there is an opportunity under such circumstances
8 to divide an existing Basic Plan into one or more separate
9 basic plans to allow for the application and move forward
10 and to alleviate such practical difficulties or hardships.

11 And that is essentially what we're doing today.
12 We are looking to separate Parcel 5 and Parcel 19 from the
13 original assemblage to move forward. Again, for clarity,
14 this application only applies to Parcel 19 and Parcel 5, if
15 it were to approve any conditions of approval or obligations
16 for development would apply to those parcels.

17 If approved, this application would create a
18 standalone Basic Plan, which just for rough numbers would
19 total 158.28 acres in the R-M Zone, residential medium,
20 157.2 of those acres would be the adjusted gross acreage.
21 The dwelling range proposed would be 626 to 661 dwelling
22 units. This is well below the maximum dwelling unit range
23 approved in the original Basic Plan back in 2007.

24 A breakdown within that shows a range of two types
25 of units, townhouses and single family detached. The range

1 for townhouses would be 110 to 130 dwelling units for
2 townhouses, for single family detached it would be 516 to
3 631 dwelling units. Add it up together, the minimum total
4 number of dwelling units would be 626, the maximum would be
5 661 dwelling units. There would be 37 acres of permanent
6 open space. The dwelling unit per acre would be essentially
7 4.205 dwelling units per acre, or 3.98 to 4.2, I'm sorry, as
8 the range would go. The plan also shows various areas for
9 potential recreational amenities and the Mr. Dunn will
10 testify to that shortly.

11 These density ranges are certainly within the R-M
12 low category, which is the property is zoned which allows
13 3.6 to 5.7 dwelling units per acre. The base density just
14 based on the adjusted gross acreage is 566 dwelling units in
15 the zone, the maximum density that could be achieved on this
16 site under the Zoning Ordinance, it's not what we're
17 pursuing, is 896. Again, we're proposing a minimum of 626
18 dwelling units up to a total of 661. So again, we're well
19 below that maximum 896 dwelling units.

20 Further entitlements will follow. This Basic Plan
21 amendment if it were to be approved including a
22 Comprehensive Design Plan. At that time, we will
23 demonstrate the handful of units over the base density, we
24 will justify that for the appropriate bonus density
25 increments. This approval will not increase the land area

1 or density as approved in the original Basic Plan. It does
2 leave 836 remaining units possible under the total density
3 approved in the original Basic Plan. And that could be
4 allocated to the other privately held application, again,
5 there is an application pending which Madam Examiner your
6 office will hear that in due course.

7 You'll hear testimony that this application will
8 not impair the intent of the 2007 Sector Plan. This
9 application continues to meet all requirements of Section
10 27-195(b) for criteria of approval of the Basic Plan, you'll
11 hear testimony as to that today. This application will be
12 able to stand alone as its own Basic Plan, it will have
13 adequate road connections, adequate space for protection of
14 environmental areas, for our recreational amenities and for
15 the appropriate spacing of different housing types within
16 the four corners of the two parcels that make up this
17 requested amended Basic Plan.

18 And additionally, if this application were
19 approved, there will be no owner of remaining property that
20 will be denied reasonable use of their property. That would
21 include both the Park and Planning Commission and their
22 holdings, as well as the holdings of the remaining privately
23 held parcel subject to the other Basic Plan application
24 which is pending and be heard by this office in the future.

25 The Park and Planning staff produced a Technical

1 Staff Report which is marked as Exhibit 35 for this
2 application. It recommends approval with conditions and
3 findings, the Planning Board endorsed the Staff Report at
4 their public hearing on September 16, 2021. The applicant
5 does agree with the findings and conditions of the staff
6 with the exception of a very slight revision to Condition
7 Number 1 which reflects the land use quantities being
8 sought, there's a slight acreage adjustment which is a
9 technical modification. Mr. Dunn will be able to testify to
10 that when I call him.

11 So with that, Madam Examiner, I'm sorry for going
12 on for so long, but that is the history of this project, the
13 history of this case and the nature of the request and the
14 corresponding conformance with the Zoning Ordinance
15 conditions and regulations applicable to the amendment of a
16 Basic Plan. So unless there's any questions of me, I could
17 move right to calling our first witness.

18 MS. MCNEIL: Before you do that, I just want to
19 clarify again for the record who the applicants are.
20 There's an Exhibit 17, ethic's affidavit for Property and
21 Industry Coordinators, LLC.

22 MR. ANTONETTI: Yes.

23 MS. MCNEIL: There's also an exhibit for Woodside
24 Development, LLC and for Westphalia Land Company, LLC. And
25 I also have the resolutions allowing Mr. Edwards to speak

1 for two of them, but if you could just briefly explain why
2 there are three in this record?

3 MR. ANTONETTI: Yes, ma'am. In fact, there is an
4 additional affidavit that's not in the ZHE record but it has
5 been filed with the clerk back in July, so I'll explain that
6 quickly. So for Parcel 19, the 79.2 acre parcel, that is
7 owned by the Atkinson Trust LLC. So they are an owner
8 applicant in this case. For Parcel 5, that is owned by
9 Woodside Development, LLC, that is a wholly owned subsidiary
10 and managed by, a managing member is the Atkinson Trust LLC.
11 So for purposes of ethics affidavits, there is an ethics
12 affidavit for the Atkinson Trust LLC that's Exhibit 19.
13 There is an ethics affidavit for Woodside Development, LLC.
14 There is an ethics affidavit for, a business entity
15 affidavit for Property Industry Coordinator, they're more
16 than a 5 percent interest holder, so that's why they filed.
17 There should be an ethics affidavit and I will provide it if
18 the record can be kept open after the close of this hearing,
19 it was filed back in July with the Clerk of the Council and
20 submitted to the Development Review Division of Park and
21 Planning. An individual applicant affidavit for Charles C.
22 Edwards, who is the managing member of the Atkinson Trust
23 LLC. The Atkinson Trust LLC is the managing member of
24 Woodside Development, LLC. So that's kind of the connection
25 of everyone and that is one affidavit that's not listed in

1 this ZHE item, but I think that's only through inadvertence.
2 I don't think that perhaps the Clerk of the Council didn't
3 forward that to your office, and if I didn't do that, I
4 apologize for any inconvenience, but I will submit that into
5 the record shortly after this, if the record can be kept
6 open after the hearing.

7 MS. MCNEIL: We will keep it open and then so Lynn
8 Norton (phonetic sp.), we have an ethics affidavit from her.

9 MR. ANTONETTI: Yes. At the time of the filing,
10 our clients they were the contract purchaser of these
11 parcels. They have since closed on the property and they
12 are now the titled owner of these two parcels, as I
13 explained. So they were filed out of an abundance of
14 caution to make sure that the actual owner at the time of
15 filing had filed the appropriate affidavits. But Ms.
16 Norton's affidavit is no longer required or necessary for
17 this case.

18 MS. MCNEIL: Okay. Thank you.

19 MR. ANTONETTI: The same with Westphalia Land
20 Company LLC, again, a prior owner of the property.

21 MS. MCNEIL: Okay. Thank you. You may proceed.

22 MR. ANTONETTI: Thank you. So if I could I'd like
23 to call Mr. Ken Dunn.

24 MR. DUNN: Good morning. Good morning.

25 MS. MCNEIL: Good morning, Mr. Dunn. Do you swear

1 or affirm under the penalties of perjury that the testimony
2 you shall give will be the truth and nothing but the truth?

3 MR. DUNN: I do.

4 MS. MCNEIL: And just before you start, Ms.

5 Rawlings, we have a caller number one. Good morning, Mr.

6 Brown. We're just starting with our first witness.

7 MR. BROWN: Yes, I was having problems connecting
8 on the computer.

9 MS. MCNEIL: Okay. Well caller number one left,
10 okay. All right. Mr. Dunn --

11 MR. BROWN: Well I was caller number one, I was
12 having problems logging in, I finally got it to work.

13 MS. MCNEIL: Okay.

14 MR. BROWN: Sorry.

15 MS. MCNEIL: Okay. Thank you. All right, Mr.

16 Antonetti.

17 MR. ANTONETTI: Thank you. And good morning, Mr.

18 Brown, I just gave an overview and this is our first

19 witness.

20 MR. BROWN: Yes, I heard it, thank you.

21 MR. ANTONETTI: Okay. Thank you. So I'd call Mr.

22 Dunn. Mr. Dunn, can you please state your full name and

23 professional address?

24 MR. DUNN: Yes, thanks. It's Warren Kenneth Dunn,

25 commonly referred to as Ken Dunn. I am with Soltesz, local

1 civil engineer, land planners, landscape architects and
2 surveyors. Our address in the county is 4300 Forbes
3 Boulevard, Lanham 20706.

4 MR. ANTONETTI: Okay. And what is your position
5 with Soltesz, LLC?

6 MR. DUNN: I'm the General Manager and the
7 managing member.

8 MR. ANTONETTI: Okay. And have you provided
9 testimony as a registered landscape architect before any
10 boards, hearing examiners or commissions?

11 MR. DUNN: Yes, I have. I've done it in several
12 cases, including the original Basic Plan Zoning Map
13 Amendment for this particular property.

14 MR. ANTONETTI: Okay. Madam Examiner and Mr.
15 Brown, we do have an Exhibit 38 which is Mr. Dunn's resume
16 which I'd like to point to in the record. I'd like to move
17 Mr. Dunn as an expert in landscape architecture for the
18 purposes of this plan.

19 MR. BROWN: Yes, no objection.

20 MS. MCNEIL: Okay. He'll be accepted as an expert
21 in the area of landscape architecture.

22 MR. DUNN: (Sound.)

23 MR. ANTONETTI: Thank you. Mr. Dunn, are you
24 familiar with the drawing requirements for the preparation
25 of a Basic Plan?

1 MR. DUNN: Yes, I am.

2 MR. ANTONETTI: And were you asked by the property
3 owner in this application to prepare an amended Basic Plan
4 for Parcel 19 and Parcel 5 within the Woodside Village Basic
5 Plan area?

6 MR. DUNN: Yes we were, we were asked to do that
7 project, yes.

8 MR. ANTONETTI: Okay. And have you reviewed the
9 submitted Basic Plan application, the Site Plan and its
10 related statement of justification and other exhibits in
11 support of the application?

12 MR. DUNN: Yes, I have.

13 MR. ANTONETTI: And what is the current zone of
14 the property?

15 MR. DUNN: Currently, the property is zoned R-M,
16 residential medium.

17 MR. ANTONETTI: Thank you. And Madam Examiner, I
18 should have prefaced this before I stated, I would ask for
19 just a few exhibits, one of them, actually the primary
20 exhibit is Exhibit 40, which is the Amended Basic Plan. If
21 it's possible to share screen, or I'm sorry, for your staff
22 to bring up Exhibit 40, I tend to have issues with
23 GoToMeeting and sharing screen, is that possible?

24 MS. MCNEIL: Maybe.

25 MR. ANTONETTI: I can try if that's --

1 MS. MCNEIL: We just need a second, we're sort of,
2 we're having issues with staff this morning as well.

3 MR. DUNN: I should be able to bring it up, if
4 necessary and share my screen.

5 MS. MCNEIL: Whichever is easier if you all want
6 to give it to Mr. Dunn. It looks like it's coming.

7 MR. ANTONETTI: You know it's, oh there you go,
8 okay, sorry. There it is.

9 MR. DUNN: There it is.

10 MR. ANTONETTI: Thank you. And this is
11 referencing to Exhibit 40, do you recognize what is shown as
12 Exhibit 40 on the screen?

13 MR. DUNN: Yes, what's on the screen currently is
14 page 1 of the amended application that we submitted on
15 behalf of the applicant.

16 MR. ANTONETTI: And can you explain the
17 significance of sheet 1 of this proposed Basic Plan
18 amendment for the Examiner and the People's Zoning Council?

19 MR. DUNN: Yes. So the significant of this
20 exhibit is mostly historical so that we all have a record, a
21 running record of how the property has changed over the
22 years in terms of the instant application land bay. The
23 exhibit demonstrates what this particular amendment will do
24 by separating the property and the multiple different
25 properties. So you have Parcel 19 and Parcel 5 denoted as

1 the subject of this application with the black semi-
2 horizontal, semi-vertical striping pattern on what's labeled
3 Case and Urgat (phonetic sp.), Parcel 19 and Parcel 5 and
4 then the crosshatch, the red crosshatching denotes those
5 portions of the original plan that are being separated for
6 lack of a better term and that would be the Holy Property,
7 the Bean Property and the Suit Property as was described
8 earlier in Rob's opening remarks, Mr. Antonetti's opening
9 remarks.

10 MR. ANTONETTI: So Ken could you please, or Mr.
11 Dunn, could you please state the property or identify the
12 property labeled as vacant to the east? Woodrow W. and Joan
13 L. Bean, Parcel 27, is that part of the approved Basic Plan
14 for Woodside Village?

15 MR. DUNN: No, it is not.

16 MR. ANTONETTI: Okay. And if we could go to sheet
17 2, Madam Examiner, Betty, if that's possible, just go down
18 to the next sheet. Right, just a little bit below, there
19 you go. It'll turn on in a second, probably. No, you
20 passed it. Just a little bit lower. Right there. There
21 you go. Thank you. Thank you, Ms. Boteat (phonetic sp.),
22 you're going to kill me after this hearing, but I appreciate
23 your patience with me. This is sheet 2 of Exhibit 40, Mr.
24 Dunn, can you please explain the significance of sheet 2 of
25 the Amended Basic Plan and what it represents?

1 MR. DUNN: Sure, thank you. The sheet 2 is a
2 detail sheet of Parcel 5 and Parcel 19 to demonstrate how
3 the property fits together as a residential subdivision.
4 What types of residential uses, the circulation patterns,
5 the recreational opportunities, the environmental
6 constraints and how this will ultimately relate to some of
7 the adjacent properties. It provides the details in a chart
8 form of the necessary computations to support the zoning
9 application as well.

10 MR. ANTONETTI: And with that orientation in mind,
11 specifically again what are the acreages of Parcel 19 and
12 Parcel 5 which are the subject of this Basic Plan amendment
13 request?

14 MR. DUNN: So the acreages, the total area, the
15 total land bay is 158.28 acres of which Urgat comprises,
16 which is Parcel 5, the Urgat Property is 78.91 acres and
17 Parcel 19, the Case Property is 79.37 acres.

18 MR. ANTONETTI: Okay. And within sheet 2 of
19 Exhibit 40, is there any means of identifying any
20 recreational areas or trail locations within the proposed
21 Basic Plan amendment?

22 MR. DUNN: Yes, we have a multitude of symbology
23 on the plan that represents both the recreational exhibits
24 and some of the pedestrian circulation. The asterisks that
25 you can see located on this sheet represent opportunities

1 for recreational facilities within the site. We will at
2 some point identify those as specific recreational
3 opportunities, that will happen in further applications.
4 One of which will be a community center. The red dotted
5 symbology represents pedestrian pathways outside of public
6 right-of-way sidewalks that will be made available to the
7 residents of the community.

8 MR. ANTONETTI: Thank you. And can you orient the
9 Hearing Examiner and the People's Zoning Council as to any
10 parcels located within the original Basic Plan boundaries
11 that are not included in this application, really as it
12 relates to this sheet 2 and the property that is the subject
13 of the application.

14 MR. DUNN: So the original Basic Plan had a couple
15 of other properties associated with it that have been
16 described previously in this conversation, one of which was
17 the Holy Property which is immediately to the right or east
18 of the property and it's sort of hard to see the way, on my
19 screen but it's, I can't, yes, if you could bring the cursor
20 straight down, no, no, just bring the cursor straight down,
21 and it's right there. That's the Holy Property located to
22 the east. You can see a small sliver of property between
23 the colored portion of this exhibit and the non-colored
24 portion of the exhibit, which is actually the driveway
25 access for the Suit Property which is another portion of the

1 original Basic Plan. The majority of the Suit Property is
2 located just to the south of this, sort of off the screen,
3 the view of the screen. There is --

4 MS. MCNEIL: Mr. Dunn, if I could stop you for one
5 second. I would love to have a hard copy of this delivered
6 to the drop box at the CAB and once I get that hard copy
7 I'll be able to see everything you're saying, right? You
8 can keep justifying but I just want to know will that be a
9 note or will it be easy to see everything you're saying
10 about the properties that aren't part of this application.

11 MR. DUNN: Yes.

12 MS. MCNEIL: Okay.

13 MR. DUNN: The previous sheet, page 1 and page 2
14 combined with page 2 do a very good job of describing
15 exactly visually what I'm verbally describing here. I will
16 have a hard copy dropped off for you, that won't be a
17 problem.

18 MS. MCNEIL: Thanks so much, because even at a 100
19 percent, well you see my glasses, I don't see much. Okay.

20 MR. DUNN: I need my glasses too, ma'am. I just
21 think it's the, it's sort of the compressed element of the
22 screen that's making this a little difficult to see. But
23 that's okay, you will get a hard copy and I think it's very
24 apparent as to how the properties fit together. But just to
25 finalize the Bean Property is just to the east of what was

1 described earlier as the Holy Property which is the final
2 piece of the original land bay puzzle, if you will.

3 MR. ANTONETTI: Okay. And Mr. Dunn, can you
4 please describe the proposed development shown on the Basic
5 Plan amendment and if you could discuss things such as unit
6 types, ranges, locations and other notable features.

7 MR. DUNN: Sure, thank you. So this plan is
8 currently proposing a mix of single-family residential
9 dwelling units, so that would be single family detached
10 residential dwelling units, that's the blue area on the
11 plan. The orange area is single family attached residential
12 dwelling units. These will all be fee simple units and so
13 the mix is really those two product types and that's
14 important because I think what you're seeing here is a
15 unique opportunity where we're bringing to the table a large
16 number of single family detached dwelling units which you
17 don't see being developed in this area, or generally
18 anywhere in the locality at the moment. So I think this
19 will add residential options to the community for sale
20 availability.

21 The remainder of the plan demonstrates the open
22 space, the environmental constraints and the circulation
23 pattern. We have 158 acres worth of developable area, of
24 which 2.07 acres are in the 100 year floodplain. The way
25 that density is calculated in these CDZ's is that you would

1 take half of the floodplain and subtract that from your
2 gross tract and that comes up with your net tract. That's
3 the base denominator from which you would calculate your
4 densities. The R-M Zone allows a dwelling units of 3.6 to
5 5.7 units, so your base number under this acreage would be
6 566 dwelling units with a maximum amount of dwelling units
7 of 896. This is all detailed on the plan.

8 Once you take our design, we're suggesting a range
9 of 626 to 661 dwelling units of the two types that I
10 mentioned earlier would be the most appropriate layout.
11 That gives us a range of units above the base density of 60
12 to 95 dwelling units. We have, like I said, we have a range
13 that we're proposing 626 to 661 units, that leaves us with a
14 density base of 3.98 to 4.205 dwelling units per acre.
15 That's 99 acres worth of residential property or 63 percent
16 of the land bay, that leaves 37 acres or 23 percent of the
17 land bay to be open space, with less than 1 percent
18 dedicated to the frontage road improvements of Westphalia
19 Road which is also known as C-626.

20 MR. ANTONETTI: Mr. Dunn, on that point, it's a
21 good transition, could you please discuss the circulation
22 patterns within the plan and please point out any Master
23 Plan Roadways that might be denoted within or immediately
24 adjacent to the boundaries of this plan.

25 MR. DUNN: Right. So there are two Master Plan

1 Roadways within the boundary of this plan. There are two
2 additional Master Plan Roadways that are adjacent, one of
3 which is the frontage road I mentioned earlier, Westphalia
4 Road that C-626. Adjacent also to the east is MC-631, it
5 does technically run through the site but it's a piece of
6 property that we would dedicate, we would either dedicate to
7 Park and Planning to complete the sort of what we think of
8 as park corridor from Westphalia all the way into the
9 adjacent properties. That's MC-631.

10 616 and P-617 run through the site themselves.
11 The circulation is such that those roadways are all an
12 integral part of our circulation pattern for vehicular,
13 pedestrian and bikes list. We have three opportunities for
14 access to Westphalia Road, that would be to the north and
15 you can see those denoted by the red arrows. We have one
16 opportunity for connection via Master Plan Road to the east,
17 again denoted with red arrows. And there is another one to
18 the south, at least on my screen it's just off what's
19 showing here on the plan, but to the south that connects to
20 616.

21 The roadway system here is a combination of public
22 and private roads. The private roads would generally be in
23 and around the single family attached or townhouse dwelling
24 units in the orange, whereas the rest of them would be
25 public roadways that would accommodate bicyclists and

1 pedestrians as well. That's generally in the area of the
2 blue colors which denote the single family detached dwelling
3 units.

4 MR. ANTONETTI: Thank you. And I should have
5 asked this earlier, Mr. Dunn, was Exhibit 40 this Amended
6 Basic Plan on the screen, was it prepared by you or under
7 your direction?

8 MR. DUNN: It was prepared under my direction and
9 by me, yes, absolutely.

10 MR. ANTONETTI: Thank you. And can you describe
11 for the Examiner and People's Zoning Council any pertinent
12 environmental features that may be located within the
13 boundaries of this Amended Basic Plan sheet 2?

14 MR. DUNN: Yes. We had originally done a natural
15 resource inventory for this property so we're well aware of
16 the location of the environmental constraints on the
17 property which are generally located on this plan that's
18 showing here on the screen in the green. The natural
19 resource inventory identifies what's referred to in Prince
20 George's County as the primary management areas, which is a
21 combination of 100 year floodplain, jurisdictional wetlands,
22 their buffers and streams and their buffers as well as steep
23 slopes. So the environmental constraints on this
24 subdivision are respected with the exception of the
25 occasional road crossing perpendicular road crossing and

1 sewer outfall, which are necessary infrastructure for the
2 development of the project.

3 MR. ANTONETTI: And will the impacts or potential
4 impacts to said environmental features you just testified
5 to, would they be analyzed as part of future entitlement
6 applications for this project if this application today is
7 approved?

8 MR. DUNN: That's correct. They would be analyzed
9 at the next step. The impacts that we are going to request
10 would be minimal impacts.

11 MR. ANTONETTI: Thank you. And in summary, Mr.
12 Dunn, are the amendments proposed in A-9973-02 intended to
13 only apply to Parcel 19 and Parcel 5 within the Woodside
14 Village assemblage?

15 MR. DUNN: That's correct.

16 MR. ANTONETTI: And does this Basic Plan Amendment
17 today in your opinion as a landscape architect satisfy all
18 the technical drawing requirements of the Zoning Ordinance?

19 MR. DUNN: Yes, it does.

20 MR. ANTONETTI: Thank you. Madam Examiner, I have
21 no further questions at this time. I will call Mr. Dunn
22 back as a land planner, as I mentioned in my opening at the
23 end.

24 MS. MCNEIL: One quick question before Mr. Brown,
25 there's an Exhibit 10 in the record. Are these the same or

1 should we say that 10 was revised?

2 MR. ANTONETTI: I would rely on Exhibit 40, I'm
3 not sure, I'm certain Exhibit 40 represents the accurate
4 development data but --

5 MS. MCNEIL: So we'll just say void Exhibit 10.

6 MR. ANTONETTI: I think that's appropriate.

7 MS. MCNEIL: Okay. Thank you. Mr. Brown?

8 MR. BROWN: No questions, thank you.

9 MR. ANTONETTI: Thank you. Well, very good.
10 Thank you, Ken. If I could, I'd like to call our next
11 witness, Dr. Charles Edwards.

12 DR. EDWARDS: Hello.

13 MS. MCNEIL: Hello. Dr. Edwards, do you swear or
14 affirm under the penalties of perjury that the testimony you
15 shall give will be the truth and nothing but the truth?

16 DR. EDWARDS: Yes, I do.

17 MS. MCNEIL: Thank you.

18 MR. ANTONETTI: Dr. Edwards, for the record could
19 you please state your full name and professional address?

20 DR. EDWARDS: Sure. I'm Dr. Charles C. Edwards,
21 3907 Greenway, Baltimore, Maryland 21218.

22 MR. ANTONETTI: And Dr. Edwards, what is your
23 position with the Atkinson Trust LLC and Woodside
24 Development LLC?

25 DR. EDWARDS: I'm the manager of both companies.

1 MR. ANTONETTI: Thank you. And Dr. Edwards, does
2 the Atkinson Trust LLC and Woodside Development, LLC own the
3 land that is subject to the Basic Plan Amendment application
4 before the Examiner today?

5 DR. EDWARDS: Yes, it does.

6 MR. ANTONETTI: And are you authorized by both the
7 Atkinson Trust LLC and Woodside Development, LLC to testify
8 today before the Hearing Examiner regarding this
9 application?

10 DR. EDWARDS: Yes, I am.

11 MR. ANTONETTI: And in the record there is an
12 Exhibit 36 and an Exhibit 37, these are resolutions from the
13 Atkinson Trust LLC and Woodside Development, LLC. Do these
14 resolutions marked as Exhibit 36 and Exhibit 37, do they
15 provide such authorization for your testimony today on
16 behalf of the companies?

17 DR. EDWARDS: Yes, they do.

18 MR. ANTONETTI: Dr. Edwards, how long as the
19 Atkinson Trust LLC and Woodside Development, LLC owned the
20 subject property?

21 DR. EDWARDS: The Urgat parcel which is Number 5,
22 was purchased in March and then Number 19, the Case Property
23 purchased in May of 2021.

24 MR. ANTONETTI: Thank you. And for purposes of
25 existing conditions, are these properties currently

1 developed?

2 DR. EDWARDS: They are not fully developed, the
3 Case Property, Number 19, has a former house and
4 outbuildings that are presently used by a trash removal
5 company. Parcel 5, the Urgat piece is, has been used
6 exclusively for farming.

7 MR. ANTONETTI: And Dr. Edwards, just quickly on
8 Parcel 19, the house with the former outbuildings used as a
9 trash removal company, if this property is developed would
10 that operation cease and would those developed or
11 improvements be removed from the property on Parcel 19?

12 DR. EDWARDS: Yes, they would be removed and
13 everything would be single family or townhouse residential.

14 MR. ANTONETTI: Thank you. Dr. Edwards, in your
15 words, what are the main reasons for this Basic Plan
16 Amendment application being requested today?

17 DR. EDWARDS: I think as both you and Mr. Dunn
18 nicely explained, the previously envisioned assemblage
19 cannot be developed because Park and Planning purchased over
20 150 acres to become a park. So now there is not common
21 ownership and our plan puts forward a way in which to
22 develop two of the contiguous parcels in, into a harmonious
23 residential subdivision, mainly single family homes.

24 MR. ANTONETTI: Okay. And have you had an
25 opportunity to review what is marked as Applicant's Exhibit

1 40 which was on the screen just a second ago, identified as
2 the Amended Basic Plan and as presented and referred to by
3 Mr. Dunn?

4 DR. EDWARDS: Yes, I have.

5 MR. ANTONETTI: And on behalf of the Atkinson
6 Trust LLC and Woodside Development, LLC, is the requested
7 Basic Plan layout, in our opinion, more desirable than the
8 currently approved layout?

9 DR. EDWARDS: As far as desirable because it can
10 in fact be developed for high quality residential use,
11 whereas the existing plan is at an impasse to the diversity
12 of ownership.

13 MR. ANTONETTI: Okay. And Dr. Edwards have you
14 had an opportunity to review the Technical Staff Report
15 prepared by the Maryland National Capital Park and Planning
16 Commission for this application and endorsed by the Planning
17 Board?

18 DR. EDWARDS: Yes, I have.

19 MR. ANTONETTI: And do you agree and accept the
20 conditions in considerations of approval contained within
21 the Staff Report?

22 DR. EDWARDS: Yes, I do.

23 MR. ANTONETTI: Thank you. Madam Examiner, I have
24 no further questions at this time.

25 MS. MCNEIL: Mr. Brown?

1 MR. BROWN: Just a very quick question. Dr.
2 Edwards you indicated that you're the managing member of the
3 LLC, but I think you only described one LLC. Are you the
4 managing member of all of the LLC's that were described
5 earlier as being the owners of the various subject
6 properties?

7 DR. EDWARDS: Yes, sir, I'm a managing member of
8 both Woodside Development and the Atkinson Trust.

9 MR. BROWN: And the Atkinson Trust. And how many
10 members are there of each of those two LLC's?

11 DR. EDWARDS: Good question. Atkinson Trust has
12 27 members. Woodside Development has three.

13 MR. BROWN: And concerning Atkinson Trust, what is
14 the membership percentage of the largest member's ownership?

15 DR. EDWARDS: Probably, this is an estimate, 18 to
16 20 percent. No, no, excuse me, not 18 to 20 percent, 70 to
17 75 percent the Edwards Family Trust.

18 MR. BROWN: Yes.

19 DR. EDWARDS: Would be the largest owner. Myself
20 and wife, I think are 6 percent at this point.

21 MR. BROWN: Yes. And the other LLC, what's the
22 largest percentage of ownership of any individual or single
23 member?

24 DR. EDWARDS: Woodside Development's largest owner
25 is the Atkinson Trust again.

1 MR. BROWN: The trust itself. Okay. Mr.
2 Antonetti, in the file I didn't see it, it may be in there,
3 did you submit affidavits on behalf of persons or entities
4 that own 5 percent or more of those two entities?

5 MR. ANTONETTI: Thank you, Mr. Brown. We
6 submitted affidavits of any individual or entity that had a
7 5 percent or greater interest and either controlled the
8 activities of the entity or did substantial development
9 activities in Prince George's County as stated under the
10 state ethics law. So in that instance, Dr. Edwards is the
11 only individual that has a 5 percent or greater interest in
12 those entities and controls and directs the activities of
13 those entities for purposes of development. I did mention
14 that through inadvertence, but it was filed back in July
15 with the Clerk of the Council an individual applicant
16 affidavit of Dr. Edwards which is not showing in the list of
17 the ZHE record items. So if the record could be kept open
18 I'll make sure that that goes directly to the file. But
19 otherwise all required affidavits are reflected in the ZHE
20 record, in our opinion.

21 MR. BROWN: All right. No other questions. Thank
22 you.

23 MR. ANTONETTI: Thank you.

24 MS. MCNEIL: Thank you, Dr. Edwards.

25 DR. EDWARDS: Yes, thank you.

1 MR. ANTONETTI: Thank you. If I could, I'd like
2 to call Mr. Michael Lenhart, please, as the next witness.

3 MR. LENHART: Good morning.

4 MS. MCNEIL: Good morning, Mr. Lenhart. Do you
5 swear or affirm under the penalties of perjury that the
6 testimony you shall give will be the truth and nothing but
7 the truth?

8 MR. LENHART: I do.

9 MR. ANTONETTI: Good morning, Mr. Lenhart. We
10 have to stop meeting like this, this seems like the only
11 time I see you.

12 MR. LENHART: Yes.

13 MR. ANTONETTI: But if you could please, state
14 your full name and professional address for the record.

15 MR. LENHART: Yes. Michael Lenhart, with Lenhart
16 Traffic Consulting, 645 Baltimore Annapolis Boulevard, Suite
17 214, Severna Park, Maryland 21146.

18 MR. ANTONETTI: And what is your position with
19 Lenhart Traffic Consultants?

20 MR. LENHART: I am the President.

21 MR. ANTONETTI: Okay. And have you been qualified
22 as an expert as a transportation engineer before any boards,
23 hearing examiners or otherwise?

24 MR. LENHART: Yes. Traffic engineer and
25 transportation planner before this Board on numerous

1 occasions, yes.

2 MR. ANTONETTI: Thank you. Madam Examiner and Mr.
3 Brown, there's an Exhibit 39, Mr. Lenhart's resume. I'd
4 like to at this point move him based on his experience as an
5 expert traffic engineer and transportation planner.

6 MR. BROWN: No objections.

7 MS. MCNEIL: This will be a first, Mr. Lenhart,
8 from me call it transportation planning. Okay. He'll be
9 accepted as an expert traffic engineer and transportation
10 planner.

11 MR. ANTONETTI: Okay.

12 MR. LENHART: Thank you.

13 MR. ANTONETTI: Mr. Lenhart, do you recognize what
14 is marked in the exhibit list as Exhibit 12, the traffic
15 impact analysis for this case?

16 MR. LENHART: Yes.

17 MR. ANTONETTI: And did you prepare the traffic
18 impact analysis marked as Exhibit 12?

19 MR. LENHART: I did, yes.

20 MR. ANTONETTI: Are you familiar with the prior
21 approvals concerning the subject property as they pertain to
22 this site shown in Exhibit 40, the Amended Basic Plan?

23 MR. LENHART: Yes, I am.

24 MR. ANTONETTI: And for the record, can you
25 briefly describe or summarize your findings regarding

1 transportation facilities set forth in your traffic study
2 marked as Exhibit 12, for the Examiner?

3 MR. LENHART: Yes. So we conducted a scoping
4 agreement and obtained an approved scope of work for the
5 traffic impact study. I would note that the traffic impact
6 study is consistent with the original study that was
7 conducted for the original amendment, A-9973 for Woodside
8 Village. We used all the same study intersections that was
9 originally used in that analysis and the results show that
10 all of the study intersections will pass the adequate public
11 facilities requirements with the exception of Maryland 4 at
12 Westphalia Road, which is had been longstanding failing
13 intersection for many, many years. And District Council
14 approved a Public Facilities Financing and Implementation
15 Program, otherwise referred to as a PFFIP and all properties
16 located in Westphalia for the past 10 years or so that have
17 received Preliminary Plan approval have been required to pay
18 their pro rata fee into the PFFIP as calculated at the time
19 of Preliminary Plan of Subdivision and payable at time of
20 building permit for all properties. And this project if
21 approved and once it gets to the preliminarily plan stage it
22 will be subject to a new adequate public facilities test and
23 the PFFIP payment would be calculated at that time.

24 MR. ANTONETTI: Okay. And would the requirement
25 of that PFFIP, in your opinion, be placed as part of

1 subsequent entitlement applications and be reflected therein
2 if this application is approved today?

3 MR. LENHART: That's correct.

4 MR. ANTONETTI: Okay. Mr. Lenhart, could you
5 please explain the access points that this site will have
6 for the public road network?

7 MR. LENHART: Yes. Mr. Dunn did a very good job,
8 I don't want to be too repetitive, but this site does have
9 three access points on Westphalia Road, and there will be
10 internal connections through adjacent properties to MC-631
11 and the Master Plan Road Network as defined.

12 MR. ANTONETTI: And in your opinion, will the
13 proposed development in this application including the
14 proposed access points be adequate to safely handle traffic
15 generated from this project?

16 MR. LENHART: Yes it will, as noted earlier all of
17 the study intersections including the access points will
18 pass the adequate public facilities test, based on the study
19 we've done at his time. And again, it will be retested at
20 the time of Preliminary Plan.

21 MR. ANTONETTI: Okay. And Mr. Lenhart, have you
22 reviewed the conditions of approval recommended by the staff
23 pertaining to this application?

24 MR. LENHART: Yes, I have.

25 MR. ANTONETTI: And do you agree with all the

1 conditions in the Staff Report regarding transportation
2 improvements?

3 MR. LENHART: Yes, I do.

4 MR. ANTONETTI: And are you familiar with the
5 criteria of approval for a Basic Plan related to
6 transportation and public facility adequacy set forth in
7 Section 27-195(b) (1) (C) of the Zoning Ordinance?

8 MR. LENHART: Yes, I am.

9 MR. ANTONETTI: And in your opinion, does the
10 subject application satisfy all transportation requirements
11 set forth in the Zoning Ordinance concerning the approval of
12 Basic Plan?

13 MR. LENHART: Yes, it does. That criteria
14 basically says that transportation facilities which are
15 existing or under construction or 100 percent funded through
16 the CIP or state's CTP or others will be adequate to carry
17 the anticipated traffic generated by the proposed
18 development, based upon the maximum proposed density, and
19 that the uses proposed will not generate traffic which would
20 lower the level of service anticipated by the land use and
21 circulation systems shown on the approved General or Area
22 Master Plan. And I would point out that as Mr. Antonetti
23 testified earlier, or stated earlier, there are many reasons
24 for this amendment and there are conditions that need to be
25 changed really to make this a viable project and to allow it

1 to move forward. But the density that is allowed and
2 proposed from the approved to this proposed plan, pardon me,
3 really does not increase significantly and so if we're
4 looking at what's allowable under the current amendment
5 versus what would be allowable under the proposed, it's not
6 a substantial change. It has a very negligible impact on
7 the traffic that could be generated by this site.

8 MR. ANTONETTI: Okay. Thank you, Mr. Lenhart. I
9 have no further questions of him at this time.

10 MS. MCNEIL: Mr. Brown?

11 MR. BROWN: No questions, thank you.

12 MS. MCNEIL: Thank you, Mr. Lenhart.

13 MR. LENHART: Thank you.

14 MR. ANTONETTI: Okay. With that, I'm prepared to
15 call our last witness, if I could have Mr. Dunn return.

16 MR. DUNN: I'm here.

17 MR. ANTONETTI: I'm not sure if he needs, he's
18 already sworn in Madam Examiner, I assume so he doesn't need
19 to do that again.

20 MS. MCNEIL: Yes, he's still under oath.

21 MR. ANTONETTI: Thank you. Mr. Dunn, you
22 testified you are with Soltesz, LLC and you wear multiple
23 hats in that company, one of which is a land planner, is
24 that correct?

25 MR. DUNN: That's correct. I am AICP certified.

1 MR. ANTONETTI: And have you testified in the area
2 of land planning before the Zoning Hearing Examiner on any
3 previous occasion?

4 MR. DUNN: I have, including the original project
5 for which this application seeks to amend.

6 MR. ANTONETTI: Thank you. And at this point we
7 already have Mr. Dunn's resume in the record, and that's
8 marked as Exhibit 38. I would like to move Mr. Dunn as an
9 expert in the area of land planning.

10 MS. MCNEIL: Mr. Brown?

11 MR. BROWN: No objection.

12 MS. MCNEIL: Mr. Dunn, you'll be accepted.

13 MR. DUNN: You went to mute. You're back.

14 MS. MCNEIL: Back. You'll be accepted as an
15 expert in the area of land use planning.

16 MR. DUNN: Thank you.

17 MR. ANTONETTI: Thank you, Madam Examiner. So Mr.
18 Dunn, just for purposes of context you are familiar with the
19 proposed Basic Plan marked as Exhibit 40?

20 MR. DUNN: I am indeed.

21 MR. ANTONETTI: And you initially testified in
22 this hearing today where you described the adjoining
23 properties, could you point to any additional detail for
24 adjoining properties including zones and any development
25 that may exist on those properties? And if it's possible, I

1 might ask you if you could take over the screen, if you're
2 able to put up the plan that might give the best opportunity
3 for --

4 MR. DUNN: Let me see if we can share the screen
5 here. I think somebody has to let it go though. There we
6 go. Okay. Can you see my screen now?

7 MR. ANTONETTI: Yes.

8 MR. DUNN: Okay. So the subject property is in
9 this area --

10 MR. ANTONETTI: Mr. Dunn, if you could just
11 explain what's on the screen in front of us, you know, this
12 looks like it's a website page, you know, if you could give
13 the reference to what we're looking at.

14 MR. DUNN: Yes, thank you. So this is P.G. Atlas
15 which is a website, it's a GIS website, it holds a
16 significant amount of data on properties within Prince
17 George's County and I'm using this screen as a simple way to
18 explain the surrounding properties, their zone and their
19 potential uses, and put context to the property itself.

20 So the subject property is --

21 MS. MCNEIL: One second, Mr. Dunn. Is there a way
22 that I can get this put into the record as well?

23 MR. DUNN: Yes, ma'am. I can --

24 MS. MCNEIL: Are you going to use the layers or
25 are we just print this page and put it in the record?

1 MR. DUNN: I can send you a screenshot of this
2 property with the exact information that I am going to
3 cover. And I only use this because it shows a bigger area
4 than the original Basic Plan. I could use the original
5 Basic Plan but I just think this shows --

6 MS. MCNEIL: Well no --

7 MR. DUNN: -- in --

8 MS. MCNEIL: -- right, I understand I just want to
9 make sure for the record it'll be in there. So whoever is
10 doing the exhibit list this will be the next exhibit, it'll
11 be --

12 MR. DUNN: What's the -- what number?

13 MS. MCNEIL: -- screen P.G. Atlas --

14 MR. ANTONETTI: 45.

15 MS. MCNEIL: Mr. Dunn will be submitting it, but
16 not --

17 MR. DUNN: I will be sending you a screenshot of
18 this and I will label exactly what it is that I'm describing
19 here. So the subject property is located right here, you
20 can see the Master Plan Roadway that cuts through the
21 properties that were described earlier. This piece of
22 property right where my screen is, cursor is now is also
23 part of the subject application. Again, you can see a
24 Master Plan Roadway that runs through this. To the south --

25 MS. MCNEIL: Excuse me. Excuse me, Mr. Dunn, I

1 hate doing this to you. Where is my People's Zoning
2 Council? How will I know this and this?

3 MR. BROWN: Well I mean I'm, giving him the
4 benefit of the doubt since Mr. Dunn indicated he's going to
5 subsequently give us a document that identifies everything
6 he's talking about. We don't understand what the hell he's
7 talking about now, but by saying here and there.

8 MS. MCNEIL: I know, but I mean can you tell us to
9 the south or to the east, this and this won't show up later.
10 That's all I'm saying.

11 MR. DUNN: Yes, ma'am. No, I understand the issue
12 and I was trying to move in that direction. So I appreciate
13 that and I will make sure that these are clearly labeled so
14 that you have, since you both have the information at your
15 fingertips.

16 To the south is a portion of the original Basic
17 Plan located, well to the south, in this area here. To the
18 east is the Bean Property, I'm sorry, the southward property
19 was always referred to as the subject property colloquially.
20 The east is the Bean Property right in this location here.
21 You can see how it shares the various Master Plan Roadways,
22 MC-631, P-617 and of course 616 as well, this being 616,
23 617, MC-631.

24 To the north across Westphalia Road is a
25 subdivision that has been developed under the R-E Zone, it's

1 got Matapeake Road internal to it, I don't know the name of
2 that subdivision but it is a residential subdivision under
3 the R-E zoning regime. Also to the north is an R-A zoned
4 property that remains undeveloped. To the west is an R-R
5 zoned single family residential property that has been
6 developed, again I don't know the name of that property but
7 you can see that it consists of Castile Drive and a few
8 other roads. And then immediately sort of the southwest as
9 well as Suit, what's called the Smith Home Farm property
10 which is currently under development now. That should
11 describe all the surrounding zones and the surrounding
12 properties.

13 MR. ANTONETTI: Thank you.

14 MR. BROWN: I've got my bearings off just a little
15 bit. Mr. Dunn, can you remove the layers thing that you
16 have there so I can see that little corner map there?

17 MR. DUNN: I believe so, bear with me one second
18 as I do that.

19 MR. ANTONETTI: You can just hit the X, Ken, next
20 to the layers.

21 MR. DUNN: Yes, the zoning is now off. And Master
22 Plan Roadway --

23 MR. ANTONETTI: No, I think he wants to close the
24 layer box.

25 MR. BROWN: Yes, just take the layers box off.

1 MR. DUNN: Oh I'm sorry. I'm sorry, I did not
2 understand that.

3 MR. BROWN: No problem.

4 MR. DUNN: Is that better?

5 MR. BROWN: Okay.

6 MR. DUNN: Do you want me to turn the zoning back
7 on?

8 MR. BROWN: No, no, I understand now. I was
9 getting confused as to what section of Westphalia Road we
10 were looking at, as it surrounds this property. But I see
11 now.

12 MR. DUNN: Again, so yes, the Case here --

13 MS. MCNEIL: Close to Ritchie --

14 MR. DUNN: -- Urgat Property are generally are in
15 the center of the screen, Westphalia Road runs along the
16 north, the Bean Property is to the east, the Suit Property
17 is to the south, those were both parts of the original
18 application. The Smith Family Farm property that's
19 currently under development is located to the southwest in
20 this area. And then you have the remainder of the
21 surrounding property are generally residentially developed
22 to the north and to the west. And then there is an
23 undeveloped residential property in the R-A regime to be
24 northwest.

25 MR. BROWN: Yes.

1 MS. MCNEIL: Mr. Dunn, if you went over to Ritchie
2 Road, Ritchie Marlboro Road and you see that development
3 there, I was just wondering because now I have to get my
4 bearings. Is the development along Ritchie Road that
5 equestrian development that was approved years ago? Or is
6 that some other development?

7 MR. DUNN: That's Claggett Farm, which is located
8 right here, if you can see my cursor to the --

9 MS. MCNEIL: Yes.

10 MR. DUNN: -- generally to the southeast of the
11 subject application.

12 MR. ANTONETTI: And that is known today as
13 Marlboro Ridge.

14 MR. DUNN: Yes, Marlboro Ridge.

15 MS. MCNEIL: Okay. Okay. So we now know we need
16 three screen shots from Mr. Dunn.

17 MR. DUNN: Not a problem, I will make sure --

18 MS. MCNEIL: One with layers, one without layers,
19 one even bigger showing Marlboro Ridge. Okay.

20 MR. DUNN: So the purpose of this was to orient
21 you and answer Mr. Antonetti's question about the
22 surrounding neighboring properties and the relationship of
23 this application to that and I believe that hopefully I've
24 answered your questions.

25 MR. ANTONETTI: Thank you, Mr. Dunn. Mr. Dunn,

1 are you familiar with the various referrals by the divisions
2 of the Maryland National Capital Park and Planning
3 Commission and other agencies provided as the basis for the
4 Staff Report which is marked in the record as Exhibit 35?

5 MR. DUNN: Yes, I am.

6 MR. ANTONETTI: And are you familiar with the
7 previous Basic Plan approved for this property?

8 MR. DUNN: Yes, I am.

9 MR. ANTONETTI: And again for context, what is the
10 current zone of the property?

11 MR. DUNN: The current zone is R-M.

12 MR. ANTONETTI: And in your words what are the
13 purposes of this Basic Plan Amendment?

14 MR. DUNN: The purpose of this Basic Plan
15 Amendment is simply to separate the Case and Urgat Property
16 Parcels 5 and Parcel 19 from the original application in
17 order to assist in the further development of the property
18 and to make it a cohesive project.

19 MR. ANTONETTI: And what's the maximum density the
20 applicant is seeking again?

21 MR. DUNN: The maximum density is 661 dwelling
22 units or 4.205 dwelling units per acre.

23 MR. ANTONETTI: And is this density consistent
24 with the ranges allowed within the underlying zone and the
25 currently approved Basic Plan?

1 MR. DUNN: It is.

2 MR. ANTONETTI: And are you familiar with all the
3 materials submitted by the applicant as part of this Basic
4 Plan Amendment request?

5 MR. DUNN: Yes, I am.

6 MR. ANTONETTI: Are you familiar with the
7 recommendations of the 2007 Westphalia Sector Plan?

8 MR. DUNN: Yes, I am.

9 MR. ANTONETTI: And is the subject property in
10 this application governed by the 2007 Westphalia Sector
11 Plan?

12 MR. DUNN: It is indeed.

13 MR. ANTONETTI: And could you please in your words
14 for the Examiner and People's Zoning Council could you state
15 what the recommendations are in the 2007 Westphalia Sector
16 Plan for this site?

17 MR. DUNN: Yes, I can. The 2007 Westphalia Sector
18 Plan and the Sectional Map Amendment recommended a low
19 density residential land use in this area of the Basic Plan
20 Amendment. It also recommended that residential areas
21 outside of the core areas of the Westphalia Town Center
22 consist of townhomes and small single-family homes for the
23 added diversity to the neighborhoods, as a transition
24 between higher density and it's lower family, single family
25 neighborhoods. That came from Policy 5 of the residential

1 area from the 2007 Westphalia Sector Plan. This
2 application, this Basic Plan Amendment application does
3 that. It does exactly what the recommendation in the Sector
4 Plan is calling for, specifically the proposal contained
5 single family attached and detached units to serve the
6 transitional buffer between the denser Parkside and
7 Westphalia Town Center projects to the south and the less
8 dense portions of the Sector Plan area to the north and
9 west. The design proposed in this Basic Plan Amendment
10 reflects an efficient and interconnected street system that
11 ties with the adjacent Parkside project and includes a
12 development pattern that is organized around the Westphalia
13 Central Park acreage located on the Suit Property in Parcel
14 13, which has already been acquired by Park and Planning.

15 MR. ANTONETTI: And Mr. Dunn, so in your opinion,
16 this Basic Plan Amendment, excuse me, this Basic Plan
17 Amendment is conformance with the recommendations you just
18 referenced?

19 MR. DUNN: Yes, it is.

20 MR. ANTONETTI: And are you familiar with Section
21 27-197(b) of the Zoning Ordinance, which authorizes an
22 amendment to an approved Basic Plan that divides such a plan
23 into one or more separate Basic Plans?

24 MR. DUNN: I am. I am familiar with that section
25 of the Code. That section allows for the amendment of the

1 Basic Plan to be divided into, divide a plan into a single
2 approved Basic Plan or two or more separate Basic Plans. So
3 the application before us here today is relying on that
4 section of the Zoning Ordinance, and it's clear that the
5 circumstances have significantly changed since the original
6 approval specifically the Maryland National Capital Park and
7 Planning Commission has purchased a key portion of the
8 property located within the original approved Basic Plan.

9 Outside of that portion of the land now owned by
10 Park and Planning, there's also multiple or an additional
11 owner operator of the remaining portion of the land bay such
12 that there's no common ownership between the entire original
13 Basic Plan, making the development of this property
14 practically impossible, or a practical impossibility. It's
15 also impractical to comply with many of the land use
16 requirements as written from the original application. So
17 this application seeks to address those changes in
18 circumstances that create practical difficulties that were
19 not self-imposed by separating the Case and Urgat
20 properties, Parcels 5 and 19 from the remainder of the
21 original proposal.

22 MR. ANTONETTI: Thank you. And Mr. Dunn, so are
23 you familiar with the criteria of approval specifically set
24 forth for the division of a Basic Plan such as you just
25 referenced, set forth in Section 27-197(b) (4) (A) through

1 (F)?

2 MR. DUNN: Yes.

3 MR. ANTONETTI: I'm going to just ask you quickly
4 a few questions related to that, and I'm going to refer to A
5 through F, for context. Relative to A in 27-197(b) (4) (A)
6 would this Basic Plan, if approved, would it result in a
7 change of land area or an increase in land use density or
8 intensity for the overall area included in the original
9 approved Basic Plan?

10 MR. DUNN: It would not involve an increase in the
11 overall density approved for Woodside Village Development
12 set forth in the original plan. As we stated, the simple
13 purpose of this Basic Plan Amendment is to divide the Basic
14 Plan by deleting the Urgat and Case properties from the
15 total assemblage of the properties in A-9973. The Urgat and
16 Case Properties are controlled by the applicant and will
17 stand on their own as a separate Basic Plan, the residential
18 development of Woodside Village would not exceed the 1,497
19 dwelling units approved original in A-9973.

20 The applicant proposes a maximum aggregate density
21 of 661 dwelling units, that leaves a density of 836
22 remaining units that were originally approved and that can
23 be reallocated to the Bean Property which is the remaining
24 developable property, Parcel 14, that's the only remaining
25 privately held property. So this Basic Plan Amendment is

1 eligible to be processed under the condensed review
2 procedures set forth in 27-197(b).

3 MR. ANTONETTI: And in your opinion would the
4 approval of this Amended Basic Plan would it significantly
5 impair the character of the original approved Basic Plan
6 with respect to land uses, density ranges, unit types,
7 circulation, accessibility and open space?

8 MR. DUNN: No, it would not impair the character
9 of the originally approved Basic Plan. The land use density
10 ranges, circulation patterns, and amenities proposed for
11 Case and Urgat are substantially consistent with those
12 approved under the initial plan.

13 MR. ANTONETTI: And by Case and Urgat, you're
14 referring to Parcel 19 and Parcel 5, respectively?

15 MR. DUNN: That's correct.

16 MR. ANTONETTI: In your opinion, does the proposed
17 Amended Basic Plan conform to the requirements for approval
18 of a Basic Plan set forth in 27-195(b)?

19 MR. DUNN: Yes, yes it does.

20 MR. ANTONETTI: And does the Staff Report make
21 reference to the findings for 27-195(b) and if it does, do
22 you agree with those findings?

23 MR. DUNN: Yes, it does and I do agree.

24 MR. ANTONETTI: Thank you. And that would be
25 beginning on page 11 of the Staff Report marked as Exhibit

1 35, is that correct?

2 MR. DUNN: That's correct.

3 MR. ANTONETTI: The approval for 27-195(b)?

4 MR. DUNN: Yes, that's correct.

5 MR. ANTONETTI: Thank you. Would the separation
6 of these Basic Plans as proposed today, would it result in
7 these projects or properties being capable of standing by
8 themselves and individual cohesive developments in your
9 opinion?

10 MR. DUNN: Yes, absolutely. In fact, I think it
11 facilitates that.

12 MR. ANTONETTI: Was any staging of development
13 required as part of the original Basic Plan?

14 MR. DUNN: No, no staging of development was
15 required under A-9973, the original approval.

16 MR. ANTONETTI: And in your opinion, if this
17 application is approved, would any owner of land which is
18 included in the original approved Basic Plan, by the
19 approval of this Amended Basic Plan would they be denied any
20 reasonable use of their property?

21 MR. DUNN: No. No owner of the land included in
22 the original Basic Plan will be denied any reasonable use of
23 their property. The Suit Property and Parcel 13 are owned
24 by Park and Planning and is contiguous with other land
25 holding by Park and Planning to be utilized for the

1 Westphalia Central Park. The Urgat and Cast properties,
2 Parcels 19 and 5, are controlled by the applicant, will
3 stand on their own as a separate Basic Plan. The
4 residential development of Case and Urgat portions of
5 Woodside Village would not exceed the total of 1,497
6 dwelling units. So the applicant proposes a maximum, as
7 we've discussed the applicant proposes a maximum aggregate
8 density of 661 dwelling units and this leaves 836 that could
9 be allocated to the Bean Property which can stand on its own
10 as well, with that remaining density.

11 MR. ANTONETTI: Thank you. And Mr. Dunn, so have
12 you heard and understood the testimony provided by the other
13 witnesses in this case that have appeared before the Zoning
14 Hearing Examiner today?

15 MR. DUNN: I have, yes.

16 MR. ANTONETTI: Have you reviewed the Technical
17 Staff Report recommending approval of this case with
18 conditions?

19 MR. DUNN: I have.

20 MR. ANTONETTI: Do you agree with the recommended
21 conditions of approval set forth in the Staff Report
22 endorsed by the Planning Board marked as Exhibit 35?

23 MR. DUNN: Yes, with the exception of one
24 modification, one minor modification that you originally
25 discussed in your opening remarks regarding some of the

1 technical aspects of the preparation of the Basic Plan and
2 specifically the chart. It's been corrected and Exhibit 40
3 reflects the correct information, but to detail it here,
4 under the base residential density, the original application
5 showed 569 dwelling units, it's 566 and that the maximum was
6 901, it's actually 896. That means the number of units
7 above the base density was written as 57 and 92 dwelling
8 units it's actually 60 to 95. Those are all numbers that
9 we've been referencing in our application testimony here
10 today.

11 MR. ANTONETTI: Thank you. And are these changes
12 reflected in the applicant's revised conditions marked as
13 Exhibit 41 in the ZHE record?

14 MR. DUNN: That's correct, they are.

15 MR. ANTONETTI: I will bring your attention to one
16 minor change, I don't think it necessary requires your
17 testimony but on Condition 15C as shown in the Staff Report
18 and Exhibit 41, it deals with the Dunblane Cemetery or
19 Magruder Family Cemetery, it mistakenly states that on C
20 that the applicant shall submit for review and approval by
21 the Historic Preservation staff the design of the wall and
22 design and proposed text for the marker at the Dunblane
23 Cemetery. The answer actually, the terminology should be
24 the marker beside it. Would you agree with that minor
25 verbiage change?

1 MR. DUNN: I would agree with that change.

2 MR. ANTONETTI: Thank you. Mr. Dunn, based on
3 your review of the application materials, the recommended
4 findings and conditions of approval in the Staff Report,
5 your understanding of the testimony from the witnesses that
6 have testified in this case, is it your opinion that this
7 application meets all the requirements and criteria for
8 approval of Basic Plan Amendment as set forth in the Zoning
9 Ordinance?

10 MR. DUNN: Yes, I believe it does. That is my
11 opinion, yes.

12 MR. ANTONETTI: Thank you. I have no further
13 questions at this time of Mr. Dunn.

14 MS. MCNEIL: Thank you. I was going to ask about
15 the cemetery, so I'm glad you brought that up. Can you show
16 me approximately where that is on any of our exhibits?

17 MR. DUNN: Yes, ma'am. Can you still see my
18 screen?

19 MS. MCNEIL: Yes.

20 MR. ANTONETTI: And this screen up for the record
21 is reflecting Exhibit 40, page 2, or sheet 2 of the Basic
22 Plan proposed.

23 MR. DUNN: Thank you for keeping me straight, Mr.
24 Antonetti. If you can see my cursor right now on page 2 of
25 the plan, it's located right there. It's labeled Dunblane

1 Site and Cemetery.

2 MS. MCNEIL: So sort of northwest?

3 MR. DUNN: It's in the northwest corner of the
4 property, relatively close to Westphalia Road.

5 MS. MCNEIL: Okay. Thank you for that. Mr.
6 Brown, do you have any questions?

7 MR. BROWN: Yes, just a couple very quickly.
8 Refresh my memory, Mr. Dunn, what year was the, I'm sorry,
9 this computer is acting up again. One second here. What
10 year was the existing Basic Plan approved?

11 MR. DUNN: As I recall it was 2006, 2005/2006.

12 MR. ANTONETTI: If I could, just for the record it
13 was 2007, it was approved just -- in February as part of the
14 Westphalia Sector Plan and SMA.

15 MR. DUNN: Yes, thank you, Mr. Antonetti. It's
16 been a long time.

17 MR. BROWN: Yes, I thought so.

18 MS. MCNEIL: And the resolution was CR2, it's in
19 the record.

20 MR. ANTONETTI: It was CR2 2007, I'm sorry, thank
21 you.

22 MR. BROWN: Right. And there have been no
23 amendments of that Basic Plan since 2007, correct?

24 MR. DUNN: No, sir.

25 MR. BROWN: In 2007 excluding the Park and

1 Planning recent purchase of the property, how many owners
2 were there of properties within this Basic Plan? One or
3 more?

4 MS. MCNEIL: Mr. Brown, can I stop you one
5 second? Mr. Dunn, didn't it change after 2007?

6 MR. DUNN: The property ownership?

7 MS. MCNEIL: Yes.

8 MR. DUNN: The property ownership, there are more
9 than, there was more than one owner at the original, under
10 the original plan and there are more than one owner of the
11 original land bay now but I couldn't tell you at the moment
12 what the transactional history is from property to property.
13 I don't have that information at hand.

14 MR. BROWN: No, no, that's fine. But I guess my
15 ultimate question is I recall at the 2007 review of this
16 case by the Council, that there was a commercial component
17 within this Basic Plan. Is that accurate?

18 MR. ANTONETTI: No.

19 MR. DUNN: No. I do not recall any commercial
20 proponent on the original Basic Plan.

21 MR. BROWN: So the existing Basic Plan does not
22 have any commercial component?

23 MR. DUNN: No, sir.

24 MR. BROWN: All right. So the fact that you're
25 amending the plan and parceling out this Urgat and Case

1 Property with only commercial, the remaining properties
2 within the overall Basic Plan are residential as well?

3 MR. DUNN: We are --

4 MR. BROWN: Based on the Basic Plan?

5 MR. DUNN: Yes, it's --

6 MR. BROWN: All right.

7 MR. DUNN: -- I don't think we're deviating from
8 the intent of the old Basic Plan.

9 MR. BROWN: Right, right, right. I don't know why
10 I had recalled that there was some commercial related to
11 this Basic Plan but if you say it's not, it's not. Okay.
12 Thank you.

13 MR. ANTONETTI: Mr. Brown, just for what it's
14 worth since our firm is involved with the Parkside case
15 immediately to the south, there is an L-A-C component
16 immediately to the southwest, that has a commercial
17 component, but it's offsite, but it's very close to this but
18 it's not within this Basic Plan area.

19 MR. BROWN: Yes, I think that may be what I'm
20 thinking about. All right. Thank you.

21 MR. ANTONETTI: Thank you. So Madam Examiner, Mr.
22 Brown, I have no further witnesses. I just would state in
23 conclusion, well a couple of things. One, if you could be
24 so kind to keep the record open so we could submit the
25 screenshots that Mr. Dunn had referenced in his testimony,

1 that I could submit again what was filed with the Clerk of
2 the Council, the individual affidavit of Dr. Edwards and I
3 will also submit for the record the certificate of good
4 standing for Woodside Development, LLC from the State
5 Department of Assessments and Taxation. I see that that's
6 not in the listed area map, something just for completeness,
7 I'd like to submit those items as well.

8 In conclusion, I, you know, respectfully request
9 your support for this Basic Plan Amendment, it satisfies all
10 the criteria for separation of this Basic Plan. As I
11 mentioned earlier in my opening, I am personally pleased to
12 see this project move forward as it was something that I had
13 the pleasure of working with with the original applicant,
14 Toll Brothers, back in 2007. And with the changes of
15 ownership that have been articulated through the testimony I
16 think this project will provide a needed market option in
17 terms of the large amount of single family detached
18 dwellings that it's proposing, and will be very well
19 received by the market and the community and residents of
20 Prince George's County.

21 So with that, we greatly appreciate your time and
22 attention today and we appreciate the opportunity to be able
23 to present this case before you.

24 MS. MCNEIL: Thank you, Mr. Antonetti. But I do
25 have one question of you, I'm so sorry.

1 MR. ANTONETTI: Okay.

2 MS. MCNEIL: The Basic Plan with all that hatch
3 through will you have to submit one without all of that?

4 MR. ANTONETTI: So what we submitted is a two
5 sheet plan. Sheet 1 is what's in front of you right now on
6 Exhibit 40. That took the original Basic Plan and that is
7 really the contextual orienting plan before you get to sheet
8 2 showing the parcel. So what's X'd out as Mr. Dunn
9 testified there in the red X's or hatching, those are the
10 areas that are not included in this Basic Plan. What's
11 shown with the striking or hatching are the areas that are
12 controlled by this applicant and are included in the Basic
13 Plan Amendment request, the 02 request that's before you.

14 MS. MCNEIL: But I'm asking if it were approved,
15 will there be one that's just for you?

16 MR. ANTONETTI: Yes, it will be what sheet 1 and
17 sheet 2 in tandem, if this is approved, will be the new
18 Basic Plan. The titling of this even on this sheet 1 is A-
19 9973-02. So it starts with this first orienting sheet and
20 then moves to the second sheet too, zooming in on what is
21 hatched on this sheet 1 and the land use quantities that
22 would be applicable. Everything else is struck through as
23 shown on this sheet 1.

24 MS. MCNEIL: Got you, so for the last time if this
25 were approved, you'd have no problems submitting a Basic

1 Plan Amendment that just covers you?

2 MR. ANTONETTI: Yes, maybe we're saying the same
3 thing.

4 MS. MCNEIL: I guess we are. Well I would want to
5 see one if this were approved. I understand why this is
6 here it's very good historically, but it seems like you'd
7 have to do one when it's approved it just shows Urgat and
8 Case Property and everything about it.

9 MR. ANTONETTI: We do, and it's sheet 2.

10 MS. MCNEIL: Okay.

11 MR. ANTONETTI: The Basic Plan has one sheet, was
12 the one we just were looking on Exhibit 40.

13 MS. MCNEIL: Okay.

14 MR. ANTONETTI: What is on sheet 2, this is the
15 stand alone Basic Plan with control all the land use
16 quantities and --

17 MS. MCNEIL: Got you.

18 MR. ANTONETTI: -- other materials. So it's --

19 MS. MCNEIL: Okay.

20 MR. ANTONETTI: -- so hopefully that's sufficient,
21 but if there's (indiscernible) the question.

22 MS. MCNEIL: Yes, I hear you now.

23 MR. ANTONETTI: Yes.

24 MS. MCNEIL: And not being able to see it well
25 enough on the bottom so it's marked that way on the bottom

1 as well?

2 MR. ANTONETTI: It is, if you can get to the title
3 block.

4 MS. MCNEIL: Okay. Thank you.

5 MR. ANTONETTI: And it --

6 MS. MCNEIL: Nothing further from me. I thank you
7 all for being here today, and I look forward to getting my
8 copy of this Basic Plan that I can actually read.

9 MR. ANTONETTI: Madam Examiner, you want a full
10 set?

11 MS. MCNEIL: Yes, but you know this one copy of --

12 MR. ANTONETTI: Full size? Full size.

13 MS. MCNEIL: Yes.

14 MR. ANTONETTI: Yes

15 MS. MCNEIL: Yes.

16 MR. ANTONETTI: Okay.

17 MS. MCNEIL: Thank you all so much and the hearing
18 is held and we can close the record once your exhibits come
19 in.

20 MR. ANTONETTI: All right. Thank you very much.

21 MS. MCNEIL: Thank you.

22 AUTOMATED RECORDING: This conference is no longer
23 being recorded.

24 (Whereupon, the hearing was concluded.)

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C E R T I F I C A T E

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 Office of the Zoning Hearing Examiner in the matter of:

WOODSIDE VILLAGE, LLC

Case No. A-9973-C-02

By:

Diane Wilson

Diane Wilson, Transcriber