

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

3
4
5 9113 BALTIMORE AVENUE
6 Detailed Site Plan, DSP-21001

7
8 P A R T I A L T R A N S C R I P T

9 O F

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

11
12 COUNTY ADMINISTRATION BUILDING

13 Upper Marlboro, Maryland

14 October 5, 2023

15 VOLUME I of I

16
17 BEFORE:

18 PETER A. SHAPIRO, Chairman

19 DOROTHY F. BAILEY, Madam Vice-Chair

20 MANUEL R. GERALDO, Commissioner

21 A. SHAUNISE WASHINGTON, Commissioner

22 WILLIAM M. DOERNER, Commissioner

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OTHERS PRESENT:

JILL KOSACK, Staff
NORMAN RIVERA, Attorney for Applicant
JAMES HUNT, Division Chief, Development Review Division
DELISA COLEMAN, Senior Counsel

C O N T E N T S

<u>SPEAKER</u>	<u>PAGE</u>
Holly Simmons	7
Greg Smith	8
Christopher Currie	16

P R O C E E D I N G S

1
2 MR. CHAIR: Next item on our agenda is Item 7.

3 This is a remand by the District Council for Detailed Site
4 Plan, DSP 21001 Suffrage Point. Just a note that this case
5 was approved at the Planning Board Meeting of February 2nd,
6 2023 and remanded by the District Council on April 24, 2023.

7 So just a reminder for folks in the public too, as
8 well as for us, this is a continuance request. This is not
9 a public hearing on the remand. The testimony should be
10 limited just to this hearing request.

11 The District Council remanded the hearing to us on
12 May 11th to have the planning board address the DPI waiver,
13 which isn't -- we're essentially passing information through
14 to the District Council on this, because, you know,
15 obviously we don't consider what DPI considers. But we're
16 making sure that the DPI information is in the record and
17 will be transmitted to the District Council.

18 And the one item that is truly before us on this
19 are the density calculations; just to make sure that we feel
20 that there's enough information, and that the backup
21 information on how the density calculations will come to are
22 adequate.

23 One other note is pursuant to the prior zoning
24 ordinance, upon which the application was decided, the
25 Planning Board is to make a decision on these DSP's within

1 60 days. So the purpose of the timeline is to protect the
2 applicant from any undue delay by having matters linger and
3 linger and linger. So this application's actually already
4 extended beyond the 60 days. So the applicant has asked for
5 a one week extension because there are some technical notice
6 issues that they want to address. And that's what's before
7 us, is just the extension request on this. So that's my
8 preamble for this case.

9 We have Mr. Rivera is representing the applicant.
10 We have Ms. Kosack, who's going to give the staff
11 presentation. Anyone who testifies on this --

12 This is an evidentiary hearing; is that right, Ms.
13 Coleman? That's not right.

14 MS. COLEMAN: No. Since it's simply a continuance
15 request --

16 MR. CHAIR: So scrap what I just said about that.
17 That's just some old notes.

18 So let's turn to Staff for the presentation on
19 this, on this very, very limited scope.

20 And Ms. Kosack, take it away.

21 MS. KOSACK: Yes. Good morning, Mr. Chair. Can
22 you hear me?

23 MR. CHAIR: We can hear you fine. Thank you.

24 MS. KOSACK: I don't have much to say for the
25 record. This is Jill Kosack with the Urban Design Section.

1 Again, Item No. 7 is the remand of DSP-21001 for Suffrage
2 Point. And the applicant's representative requested
3 continuance to the October 12th plan hearing date, and Staff
4 is in agreement. It should be noted that the Staff memo and
5 backup have already been published online for the October
6 12th hearing date, in case that is what happens today. And
7 again, Staff recommends approval of the continuance to
8 October 12th. And that concludes Staff's presentation.
9 Thank you.

10 MR. CHAIR: Okay. Did we -- Ms. Kosack -- I mean,
11 we'll hear from the applicant. But the request for the
12 continuance, do you have an understanding of what the
13 applicant was needing the additional week for? We'll hear
14 from the applicant, but I just want to make sure that was
15 taken in by you all as well, and you all were comfortable
16 with that.

17 MS. KOSACK: Yes. No, the issue was that the
18 applicant posted signs for the October 5th hearing date.
19 The code is very specific that there should be -- the signs
20 should be in a V-shape, and I guess the signs that were
21 picked up weren't enough to do the V-shape on the property.
22 And so in an abundance of caution, they asked for the
23 continuance to allow them to get the additional sign to have
24 the V-shape posting signs on the property as specifically
25 required by code, so.

1 MR. CHAIR: Okay. That's about as technical as
2 you can get. Thank you for that, Ms. Kosack.

3 MS. KOSACK: Yeah.

4 MR. CHAIR: So Commissioners, any questions for
5 Staff before we hear from the applicant on this continuance
6 request? None.

7 Mr. Rivera, take it away. The floor is yours.

8 MR. RIVERA: Good morning, Mr. Chair, members of
9 the board. As you stated in your preparatory remarks, this
10 is a very limited hearing today as to the continuance
11 opinion and in the future as to the remand. The continuance
12 request, which is before you today, is to address the
13 posting issue that Ms. Kosack just referenced, as well as
14 they gave us additional time to address the very important
15 density calculation issue that you had just mentioned. So
16 with that, they were able to complete their report. It's
17 now been published for the next week's hearing with two
18 weeks' notice. And we would appreciate the continuance to
19 that day. Thank you very much.

20 MR. CHAIR: Thank you. We have some -- thank you.

21 Questions -- Commissioners, questions for the
22 applicant before we hear from the public? None.

23 So we have a few folks signed up to speak on this.
24 Again, this is not on the substance of the issue; this is on
25 the continuance request. We have Mr. Smith, where I see

1 online.

2 There's a representative from the City of
3 Hyattsville, Holly Simons. Ms. Simons, are you here?

4 MS. SIMMONS: Yes, Mr. Chair. I'm here.

5 MR. CHAIR: Yes. Thank you, Ms. Simons.

6 We also have Irene Marsh. Ms. Marsh, are you with
7 us? No.

8 And we also have Chris Currie. Mr. Currie.
9 Christopher Currie. No Mr. Currie.

10 So we have Mr. Smith and Ms. Simons. Let me --
11 Ms. Simons, unless you object, I'm going to start with you.
12 And take it away.

13 MS. SIMMONS: Thank you so much. Good morning,
14 Chair Shapiro and members of the planning board. For the
15 record, Holly Simons, acting director of Community and
16 Economic Development with the City of Hyattsville, speaking
17 on behalf of the mayor and city council. The applicant has
18 requested the hearing for this agenda item be continued to
19 October 12th to ensure full compliance with the notice
20 provisions for the hearing. As noted in our letter to the
21 Planning Board, dated October 3rd, 2023, the agenda item
22 includes nearly 200 pages of materials, including, but not
23 limited to, the technical staff report, PowerPoint
24 presentation, and materials submitted by the applicant in
25 response to the District Council's May 11th order of remand.

1 The agenda and materials were posted on September
2 28th, and many of our impacted residents, interested
3 parties, and parties of record will not have had adequate
4 time to digest and respond to this information if the agenda
5 item is continued to October 12th. We request that the
6 Planning Board continue the hearing until November 2nd to
7 allow adequate time for city residents and interested
8 parties to review and respond to the lengthy and detailed
9 materials. Thank you for your consideration.

10 MR. CHAIR: Thank you, Ms. Simmons.

11 Now I'll turn to Mr. Smith.

12 MR. SMITH: Great. Can you hear me, Mr. Chair,
13 Planning Board members?

14 MR. CHAIR: Yes, sir. We can hear you well.

15 MR. SMITH: Just a few points. Under section
16 125.05 regarding technical staff reports, it's likely the
17 Planning Board cannot hear this case today anyway because
18 the technical staff report and technical staff memo wasn't
19 published until one week prior to today, and the law
20 requires that the Planning Board publish TSRs on its website
21 no less than 14 days prior. That's one point.

22 Second point is that the technical material, the
23 backup for this case, wasn't posted until September 28th,
24 and only -- the link was provided only under the October
25 12th agenda item. So based on those two points, you cannot

1 hear the case today anyway.

2 The applicant's request only mentioned -- in
3 addition to the sign posting, says that it will give the
4 applicant and the planning staff additional time to review,
5 but where's the public in that picture? And this has been a
6 question all the way through.

7 Mr. Shapiro mentioned the 60-day action deadline.
8 That passed two months ago in July -- or close to -- more
9 than two months ago in July. So there's no action deadline
10 here.

11 You should hear this case sometime in the not-too-
12 distant future, but only after the Planning Board and the
13 department have provided the concerned public and the
14 affected community with the transparency, access, and
15 opportunity needed for review and comment, the kinds of
16 transparency and access and opportunities that's for
17 nonprofits, the City of Hyattsville, and multiple local
18 residents have reasonably requested. And we placed that --
19 we put that request in a detailed letter to you. The City
20 of Hyattsville submitted a letter on September 25th -- or
21 September -- I think September 28th -- or 25th to 28th, and
22 the nonprofits submitted on, I think, October 1st. These
23 are reasonable requests. And it's precisely because of the
24 controversial complex in this case, the environmental
25 sensitivity of the site, the long history of procedural

1 errors by the agencies, and the long history of
2 environmental violations by the applicant, that's it's not
3 only the public's interest, but the Planning Board's, and
4 the District Council's, and arguably the applicant's
5 interest to ensure that you can make an informed decision
6 based upon a robust, evidentiary record created through a
7 fair and transparent process. And this has been an issue
8 for more than five years.

9 We pointed out in our letter -- actually, we
10 pointed this out to the Planning Board in the letter on July
11 25th of 2018 and in our more recent letters that the
12 Planning Board still continues to publish on its website the
13 false statement that there are no related documents are
14 available for this case. It's through your development
15 activity monitoring system. This is more than five years
16 since we've raised this issue, and we've raised it
17 repeatedly, and yet, it persists.

18 We've made reasonable requests. And the 170 pages
19 of new material published on the website about a week ago
20 after the close of business includes multiple technical and
21 legal documents, some of which refer to other documents or
22 information that are not in the record that we then need to
23 chase down just so that we can provide you with informed
24 comments. And we've raised a number of really relevant
25 issues with you in the past and with the District Council.

1 And we think they're important with respect to complying
2 with the zoning ordinance and serving the public with a
3 really well informed decision that protects the communities
4 in the environment, complies with the law, conforms with the
5 general plan and all the other plans that this should
6 conform to.

7 We've -- we've made reasonable requests in our
8 letters to you. We've given you our rationale. And I hope
9 that you will honor the City's request to continue to at
10 least November 2nd, or farther down the line based on our
11 request. But we need time to give you -- to review these
12 documents, look at the documents they refer to, and provide
13 you with informed comments on the full scope of the issues
14 that are outlined in the District Council's memo -- or final
15 decision order.

16 And I guess there -- there's a troubling history
17 around this very density issue. And if I were you, I would
18 want to make sure that that history does not continue. And
19 that is a history where we've raised the issues around the
20 law that applies to the density issue. And not only have
21 Staff and the Planning Board ignored some of that law, we
22 have emails that we obtained through a Public Information
23 Act request that show communication between the staff and
24 the applicant's attorney discussing how to convince the
25 Planning Board and the District Council --

1 MS. COLEMAN: Chair --

2 MR. SMITH: -- to ignore how --

3 MS. COLEMAN: -- I -- I --

4 MR. SMITH: -- (indiscernible) is calculated.

5 So --

6 MS. COLEMAN: Chair, I just want to make sure

7 we're still talking about the continuance request --

8 MR. SMITH: (Indiscernible) --

9 MR. CHAIR: Mr. Smith. Mr. Smith --

10 MS. COLEMAN: -- and not the merits of the case.

11 MR. CHAIR: Mr. Smith, Hold your thought. We want
12 to hear from Ms. Coleman.

13 MS. COLEMAN: Thank you, Chair. Delisa Coleman,
14 Senior Counsel for the record. I just want to make sure
15 we're not getting into the merits of the remand, but that
16 we're staying focused on the continuance.

17 MR. CHAIR: Agreed.

18 MR. SMITH: That -- I'm sorry. I appreciate that
19 point, Ms. Coleman. And I understand your point. I'm not
20 trying to get into the merits. I'm pointing out the
21 troubling history behind the decision-making around this
22 project, and how it would be -- it would wise for the
23 Planning Board and would serve the Planning Board's
24 interest, and the public's interest, and the District
25 Council's interest to avoid that kind of error and make sure

1 that we have sufficient opportunity to review all the
2 relevant materials and provide you with well-informed
3 comments so you can make a well-informed decision,
4 recommendation, to forward to the District Council. Let's
5 avoid the mistakes of the past where this has happened over
6 and over and over.

7 MR. CHAIR: Thank you.

8 MR. SMITH: And again, for nonprofits, who focus
9 on protecting the watershed, and the resources, and the
10 communities. You've got the City of Hyattsville, which has
11 jurisdiction around this property; you've got multiple
12 residents, some of whom live adjacent to the site and have
13 had to endure what the applicant has done to the site for
14 several years, all asking you -- all we're asking for is a
15 fair process and a real opportunity to provide you with
16 informed comments. Thank you very much.

17 MR. CHAIR: Thank you. Thank you, Mr. Smith. I
18 appreciate that.

19 And thank you, Ms. Coleman, as well.

20 Anyone else -- I don't think we have anyone else
21 that's signed up to speak on this.

22 So Commissioners, back to us. Let me just say --

23 COMMISSIONER DOERNER: I have a question for Ms.
24 Simmons, real quick.

25 MR. CHAIR: I'm sorry?

1 COMMISSIONER DOERNER: I have a question for Ms.
2 Simmons.

3 MR. CHAIR: Yes, Commissioner.

4 COMMISSIONER DOERNER: So I wanted to find out the
5 November -- not sure what dates, I think 3rd or 2nd,
6 whatever that Thursday is that you proposed. Is that purely
7 because it's a month away? Or is there any sort of
8 significance to that particular date that it couldn't be
9 sooner or later than that?

10 MR. SMITH: In all honesty, I don't have an
11 informed response to that. I believe that it is -- I know
12 that it is the desire of Council. I believe that it's
13 reflecting community desire as well, and anticipate that
14 that would allow sufficient time for comprehensive review by
15 community members and other interested parties.

16 MR. CHAIR: Commissioner Doerner, back to you.
17 Commissioner Doerner.

18 COMMISSIONER DOERNER: I would pose the same
19 question to Mr. Smith, because I think he has maybe a
20 comment on it.

21 MR. CHAIR: Okay.

22 MR. SMITH: Sure. I actually think that the
23 decision on when to reschedule should be based on when the
24 Planning Board and planning department provide the kind of
25 transparency requested and we can give you informed

1 comments. But the other thing is, as you probably know, the
2 city council meets on a regular schedule, just the way you
3 do, and they need time to review material; Staff needs time
4 to review material. They need time to hear from us, their
5 constituents, on our review of the materials. And their
6 next meeting -- the materials that are on the site now were
7 released after the close of business on the 28th. The city
8 council met the evening of Monday, October 2nd. You know
9 that they practically work as volunteers. And their next
10 meeting is not scheduled until at least October 16th. So
11 the 2nd would be probably about the soonest this should be
12 rescheduled.

13 But again, we're not saying don't hear the case.
14 We're saying we should hear it in the not-too-distant
15 future. But give yourselves a chance to get fully informed
16 comments from the public, and the City, and the nonprofits
17 who are engaged in this process.

18 COMMISSIONER DOERNER: That was more of what I was
19 actually looking for, FYI. I was trying to find out, again,
20 does the city council have a meeting at some later date that
21 they would actually be able to fit it into there, as well as
22 if the planning committee for the City is meeting during
23 that time. Because that, just logistically, it has to go
24 actually in that reverse order, where the planning committee
25 would potentially give advice or kind of opinions to the

1 City, and then the City would have it later on. So that's
2 actually what I was looking for a little bit more.

3 MR. CHAIR: Thank you for that. So are you okay,
4 Commissioner Doerner? You got your info?

5 COMMISSIONER DOERNER: Yes. Thank you.

6 MR. CHAIR: Okay. Thank you.

7 So I saw Chris Currie hop on. Are you still
8 there?

9 MR. CURRIE: I'm here. Am I muted?

10 MR. CHAIR: No. I can hear you now. We saw you
11 for a second but we don't see you now. But we can
12 definitely hear you.

13 MR. CURRIE: Yeah. Sorry about that. I just
14 wanted to --

15 MR. CHAIR: (Indiscernible), sir.

16 MR. CURRIE: Oh. Sorry. Chris Currie at 4100
17 Crittenden Street in Hyattsville. I just wanted to endorse
18 Greg Smith's comments. And as a former city councilman in
19 Hyattsville, I know that it can be frustrating sometimes to
20 fit in with the schedules that pertain to the development
21 review process. But it is really, really important that the
22 will of the people of Hyattsville be heard. So I hope there
23 is a continuance.

24 MR. CHAIR: Thank you, Mr. Currie. I appreciate
25 it.

1 Okay. We have no one else from the public
2 speaking on this matter. So let's turn back to us,
3 Commissioners, and our deliberation. So I had conversation
4 with Staff about this. And the thing that I'm most focused
5 on is what is before us for the continuance request and the
6 reason why we're having the continuous request, which was
7 for very, very technical reasons. It's a very limited scope
8 with what's before us. I mean, there's the DPI -- the
9 issues with the DPI permitting information. We're simply
10 transmitting that through us back to the District Council.
11 So the only issue that we're going to be taking up of
12 substance is going to be this one issue around the density
13 calculation.

14 So I feel like there's been more than adequate
15 time. And in fairness to the applicant, this has been going
16 on for a long time. So I -- for what it's worth,
17 Commissioners, I am quite comfortable with this continuance
18 for the technical reasons that have been described and
19 hearing this on October 12th. I'm looking to hear from you
20 all as well to see if you have any differing opinions about
21 this.

22 But I'm -- I certainly am always looking for ways
23 to make sure the public has their voice heard and respect
24 the city council's position, but this has been going on a
25 long time. And this is a very, very specific and narrow

1 reason that we're taking this case up again.

2 So with that, I'm looking to hear from my
3 colleagues here. Any thoughts and reactions from you all?

4 COMMISSIONER WASHINGTON: I had -- I came to a
5 very similar conclusion, Mr. Chairman, unless someone can
6 articulate why a week would not give us time to deal with
7 such a very limited-scope issue. I mean, we're literally,
8 to your point, brokering -- transmitting information from
9 one to the other. Not to oversimplify, but.

10 MR. CHAIR: That's fair. I mean, that's kind of
11 the way I'm reading it, too.

12 So Commissioner Doerner, you were going to say
13 something?

14 COMMISSIONER DOERNER: Yeah. So my view is
15 different. I think we need to give them a month on this
16 issue. And I'm frustrated with the whole process from a
17 number of different angles. I'm frustrated kind of with
18 Staff on some level, I'm frustrated with the applicant,
19 frustrated with the opposition.

20 I'm not interested in seeing a bunch of letters --
21 I'll just start in the reverse order. I'm not interested in
22 seeing a bunch of letters from the opposition stating the
23 same darn thing in its informed letter, that's not -- it's
24 just not helpful. To some extent, the opposition is
25 culpable in us having thousands of pages and hours-long

1 hearings on this because you're not -- you haven't been
2 succinct at stating the issues that we've been discussing.

3 To some extent the applicant is at their own sort
4 of fault for being at this stage and for doing some of these
5 things, because they haven't been working with the City, and
6 they haven't been working with the opposition on these
7 things. And they've flagrantly just not cared about local
8 laws and county laws. And they brought this on themselves.
9 So I really don't care to have to do them a favor because
10 they haven't been following the laws and doing things
11 appropriately on their end.

12 On the Staff side, I'm frustrated because I feel
13 like some of the criticisms that has come to Staff from the
14 opposition are well placed. It's not clear to me that we
15 should be helping the applicant. And it appears, from my
16 angle, that we are -- that we're playing favoritism to the
17 applicant or helping them through this process -- and that's
18 not our role.

19 In the Staff reports -- I have reviewed some of
20 the materials. In the Staff report, it's not clear to me
21 that we are actually being served by our own staff in
22 knowing exactly or precisely what happened in that remand
23 hearing on October 8th before we voted on -- sorry -- May
24 8th, before it was voted on May 11th, I think, later on.
25 There are specific issues that even the zoning hearing

1 examiner brought up at the very end, when they were
2 determining what the remand was going to be based upon, that
3 aren't clearly expressed in the Staff report. One of the
4 issues is on the DPI waiver. And there was one complication
5 where whether or not DPI could actually issue the waiver in
6 that regard because it was conflicting with some county
7 code.

8 The other issue that the zoning hearing examiner
9 brought up were issues that I raised, when I was sort of
10 questioning in the last case we had in February about
11 chicken and egg kind of timeline in terms of when you're
12 raising floodplain issues. And the argument is that it's
13 not in the floodplain, then those issues don't apply. But
14 it is a floodplain originally, and whether or not we can
15 actually raise it up in a manner that isn't dangerous or
16 harmful to the surrounding community and ecosystem, those
17 still apply. And that particular issue is not in the
18 revised waiver.

19 So when I'm looking at the materials that we have
20 posted for next week, the waiver is being granted on
21 specific factors. Lacking in there is something that the
22 DPI supposed to -- or the acting director, whoever signed
23 off, was supposed to consider. One of them was whether or
24 not there's going to be additional threats to public safety
25 or adverse impacts on other public or private properties,

1 either upstream, downstream --

2 MR. CHAIR: Commissioner Doerner, let me jump in
3 for a second, respectfully. You're getting pretty deep into
4 the merits of the case.

5 COMMISSIONER DOERNER: Yes, but this has to be --
6 this isn't just us transmitting information. This is stuff
7 that we need to know from DPI whenever this case comes up
8 before us, and it cannot happen in the next week. It
9 just -- it's not going to happen. There's not enough time
10 for this to be -- for our staff to go back to DPI, get
11 clarifications, or get DPI at that hearing so they can
12 actually testify to this. It's not enough time for the
13 citizens or for the City to go back and comment on these
14 sorts of things. It's not enough time for Mr. Rivera,
15 potentially, to actually get the evidence that he would need
16 to speak on these things. And because of that, I don't
17 think we should be hearing this next week. There's no
18 reason why we can't wait a month or a month and a week to
19 have this later on.

20 And I won't be voting in favor on the case right
21 now if we're going to be having it extended only a week.
22 And there's some serious concerns, I think, if we push it
23 only a week that they're definitely not going to be able to
24 address. And I don't even know if they're addressable
25 entirely a month from now. My opinion hasn't changed on

1 these issues. And I watched the hearing that sent us the
2 remand from the County Council.

3 I don't think we are just transmitting
4 information. We are also voting on whether or not we want
5 to support this DSP going forward. It's not just as simple
6 as transmitting information. If the assumption is that
7 everyone's going to vote in favor, then yeah, it's just
8 transmitting information. But that's not actually what the
9 vote would be about.

10 MR. CHAIR: Okay. Thank you. Thank you,
11 Commissioner.

12 COMMISSIONER GERALDO: Mr. Chair?

13 MR. CHAIR: Vice Chair? Commissioner Geraldo?

14 COMMISSIONER GERALDO: Since the City of
15 Hyattsville has requested at least a 30-day extension, and
16 granted this project has been around for a while, another 30
17 days or 40 days, I don't think it's a problem. And I think
18 we need to respect the City of Hyattsville's request to
19 postpone it, and at the same time give their citizens
20 additional time to review the material. So I'm inclined to
21 grant a continuance, but not until next week. I would like
22 to concur in favor along with what the City of Hyattsville
23 wants.

24 MR. CHAIR: I mean, I hear you. For what it's
25 worth, I think even the City of Hyattsville made it clear

1 that their request is based upon what they've heard from
2 folks in the community. That Mr. Smith and others are
3 looking for more time, and the City of Hyattsville is
4 willing to be supportive of that. For what it's worth,
5 Commissioner Geraldo, that's what I heard. And that's what
6 I assumed was the case.

7 Vice Chair Bailey, your thoughts about this?

8 MADAM VICE CHAIR: No initial thoughts.

9 MR. CHAIR: All right. I know we're divided
10 around this. Again, I'm back to the same point. And as
11 much as I tend to want to provide as much space for
12 community input as possible, I'm just absolutely comfortable
13 with the shorter continuance, because it's such a limited
14 scope that we're working on here. So I don't know where
15 this is going to go with the five of us, but I would look
16 for a motion. And we'll see how it plays out.

17 COMMISSIONER WASHINGTON: Mr. Chairman, I move
18 that we approve the request for continuance for DSP-21001 to
19 planning board hearing date of October 12th, 2023.

20 MR. CHAIR: Do we have a second?

21 I'll second it. So we have a motion and a second.

22 Discussion on the motion, please. Any discussion?

23 No discussion. I'll call the role.

24 Commissioner Washington?

25 COMMISSIONER WASHINGTON: Vote aye.

1 MR. CHAIR: Vice Chair Bailey?

2 MADAM VICE CHAIR: Abstain.

3 MR. CHAIR: Well, that's not going to help.

4 MADAM VICE CHAIR: No. No.

5 MR. CHAIR: Vote no?

6 MADAM VICE CHAIR: Yes.

7 MR. CHAIR: Okay. Commissioner Geraldo?

8 COMMISSIONER GERALDO: I vote no.

9 MR. CHAIR: Commissioner Doerner?

10 COMMISSIONER DOERNER: I vote no.

11 MR. CHAIR: I'll vote aye. The nays have it 3 to
12 2. So with that, I'll look for another motion.

13 COMMISSIONER DOERNER: I'll make the motion. I
14 wasn't sure if Commissioner Washington was going to amend
15 her motion. But I'll make the motion that on -- that we
16 grant the continuance for Thursday, November 2nd, for DSP-
17 21001.

18 COMMISSIONER GERALDO: I'll second it. But I just
19 wanted to put an amendment, because I saw something with
20 regards to that November 2nd date, that it's an extremely
21 heavy docket. So I was wondering if you would push it over
22 to the next week.

23 COMMISSIONER DOERNER: Yeah. That's fine. I can
24 accept that motion -- or amendment to the motion if Mr. Hunt
25 knows whether or not the 9th would work a little bit better.

1 MR. HUNT: My apologies. For both November 2nd
2 and November 9th, they are pretty heavy planning board
3 dates. So probably November 2nd would work better than the
4 November 9th. November 9th is pretty heavier than the 2nd
5 right now.

6 MR. CHAIR: So you're comfortable with November
7 2nd, Commissioner Doerner and Commissioner Geraldo? That's
8 okay?

9 COMMISSIONER GERALDO: Yes.

10 COMMISSIONER DOERNER: Yes.

11 MR. CHAIR: Okay. We've got a motion and second
12 to continue to approve the request for continuance to
13 November 2nd. Any further discussion on the motion?

14 Seeing none, I'll call the role.

15 Commissioner Doerner?

16 COMMISSIONER DOERNER: I vote aye.

17 MR. CHAIR: Commissioner Geraldo?

18 COMMISSIONER GERALDO: I vote aye.

19 MR. CHAIR: Vice Chair Bailey?

20 MADAM VICE CHAIR: Vote aye.

21 MR. CHAIR: Commissioner Washington?

22 COMMISSIONER WASHINGTON: Vote no. At least I'm
23 consistent.

24 MR. CHAIR: I'll go with Commissioner Washington
25 and stick with consistency and vote no as well. So the ayes

1 have it 3-2. So this case will be continued to November
2 2nd.

3 And thank you, everyone.

4 Thank you, Mr. Smith.

5 Thank you, Ms. Simmons and City of Hyattsville,
6 Mr. Currie for your participation.

7 Thank you, Staff, as well.

8 I'm sorry. Is there something else?

9 COMMISSIONER DOERNER: Chairman Shapiro? Chairman
10 Shapiro? Yeah. Can we just try and see if Staff can get
11 somebody from DPI on that call when they're actually there?
12 I don't know if --

13 MR. CHAIR: I'm sorry, say that --

14 COMMISSIONER DOERNER: I think that would be
15 really helpful, because we haven't had them at the hearings.
16 And since they're a crucial part of the remand request from
17 the County Council, I think that would be useful.

18 MR. CHAIR: I missed it again. Start at the
19 beginning. What is it you're asking for, Commissioner? I
20 apologize.

21 COMMISSIONER DOERNER: So I wanted to ask if Staff
22 can try and get somebody from DPI to be at that hearing
23 date.

24 MR. CHAIR: From DPI. Okay.

25 COMMISSIONER DOERNER: Because we've had DPI come

1 in during hearings in the past. That would be useful just
2 to have them there because of the memos, an important part
3 of the remand.

4 MR. CHAIR: Okay. We'll certainly ask Staff to
5 see if they can get DPI to come in. And this is for the
6 November 2nd hearing. Thank you for that.

7 COMMISSIONER GERALDO: Mr. Chair, I think --

8 MR. CHAIR: This hearing -- the case is closed.
9 Do you have a process question? Or is this anything related
10 to the substance of this? If it's related to the substance,
11 please don't.

12 COMMISSIONER DOERNER: No. It's process. Because
13 the planning board, as it generally collects persons of
14 records, email address, and has them on file, I think it
15 would serve the public interest if the Planning Board would
16 email as soon as possible to the persons of record notice
17 that it has continued to November 2nd and set a new written
18 comments deadline. Seems like that would be an easy
19 (indiscernible).

20 MR. CHAIR: I don't know what our process is, but
21 I don't have any concerns around that.

22 Mr. Hunt, does that violate some process that we
23 have if we do that?

24 MR. HUNT: Mr. Chair, we have no issues with that.
25 We can reach out to the other parties of record via their

1 email addresses to notify them of the November 2nd hearing
2 date. No problem.

3 COMMISSIONER DOERNER: And the new comments
4 deadline. Thank you very much, everybody. Have a good day.

5 MR. CHAIR: Thank you.

6 COMMISSIONER GERALDO: Mr. Chair, I'll go along
7 with what Commissioner Doerner said. I was wondering -- and
8 I would rely on Ms. Coleman on this. Rather than asking
9 them to voluntarily appear, is there a way that we could
10 subpoena them to come?

11 MR. CHAIR: Do we have subpoena authority?

12 COMMISSIONER GERALDO: I don't know. That's why
13 I'm asking.

14 MR. CHAIR: Yeah. I don't think we do. We would
15 also certainly tick them off, which is --

16 COMMISSIONER GERALDO: Okay.

17 COMMISSIONER DOERNER: (Indiscernible) the past.

18 MR. CHAIR: That's fascinating. Do we have
19 subpoena authority?

20 MS. COLEMAN: I would have to verify that, but I
21 don't believe that you do.

22 MR. CHAIR: (Indiscernible) --

23 MS. COLEMAN: Well, the District Council does, but
24 I don't believe that the Planning Board does.

25 MR. CHAIR: Okay. All right. Get us a little

1 research on that because we're power hungry. That would be
2 interesting.

3 MR. SMITH: Bye, everybody. Have good days.

4 MR. CHAIR: All right. All right. Thanks,
5 everybody.

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

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

DIGITALLY SIGNED CERTIFICATE

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

9113 BALTIMORE AVENUE

Detailed Site Plan, DSP-21001

By: Justin Kim Date: December 21, 2023

Justin Kim, Transcriber