

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

3  
4  
5 CLAY PROPERTY  
6 Conceptual Site Plan, CSP-20007

7  
8 T R A N S C R I P T  
9 OF  
10 P R O C E E D I N G S

11  
12 COUNTY ADMINISTRATION BUILDING

13 Upper Marlboro, Maryland

14  
15 July 15, 2021

16 VOLUME 1 of 1  
17

18  
19 BEFORE:

20 ELIZABETH M. HEWLETT, Chair

21 DOROTHY F. BAILEY, Vice-Chair

22 A. SHUANISE WASHINGTON, Commissioner

23 MANUEL R. GERALDO, Commissioner

24 WILLIAM M. DOERNER, Commissioner  
25

**Deposition Services, Inc.**

P.O. Box 1040

Burtonsville, MD 20866

Tel: (301) 881-3344 Fax: (301) 881-3338

info@DepositionServices.com www.DepositionServices.com

OTHERS PRESENT:

DEANDRAE SPRADLEY, Staff, Zoning Section

JAMES HUNT, Division Chief, Development Review Division

CHRISTINA HARTSFIELD, Staff, Community Planning Division

ADAM DULCHIN, Staff, Community Planning Division

JEREMY HURLBUTT, Staff, Urban Design Section

CHRISTOPHER HATCHER, Attorney for Applicant

MACY NELSON, Attorney for Opponents

C O N T E N T S

<u>SPEAKER</u>	<u>PAGE</u>
Mark Ferguson	21
Lucas Bouck	57
Paul Fegelson	58
Samuel Blumberg	58
Vincent Biase	59
Kate Powers	59
Ruth Grover	67
Tom Wright	73
Alyson Reed	79
Rose Fletcher	81
Emily Palus	86
Randy Fletcher	89
Charles Dukes	90
Sheila Gupta	95
Peter Burkholder	96
David Dukes	102



1 MR. BOUCK: Present, Madam Chair.

2 MADAM CHAIR: Mark Ferguson?

3 MR. FERGUSON: Present, Madam Chair.

4 MADAM CHAIR: Paul Fegelson?

5 MR. FEGELSON: Present, Madam Chair.

6 MADAM CHAIR: Samuel Blumberg?

7 MR. BLUMBERG: Present, Madam Chair.

8 MADAM CHAIR: Vincent Biase? You can help me out  
9 here.

10 MR. BIASE: Biase.

11 MADAM CHAIR: Biase.

12 MR. BIASE: Present, Madam Chair.

13 MADAM CHAIR: Okay. I knew that. Okay. Alyson  
14 Reed?

15 MS. REED: Here.

16 MADAM CHAIR: Ben Sima, help me out here, City of  
17 Hyattsville. Simasek?

18 MR. SIMASEK: (No audible response.)

19 MADAM CHAIR: From the City of Hyattsville?

20 MR. SMITH: (No audible response.)

21 MADAM CHAIR: Charlie Dukes?

22 MR. CHARLES DUKES: Present, Madam Chair.

23 MADAM CHAIR: Okay. Emily Palus? Is it Palus?  
24 I'm sorry.

25 MS. PALUS: Present, Madam Chair.

1 MADAM CHAIR: Is it Palus.

2 MS. PALUS: It's Palus.

3 MADAM CHAIR: Oh Palus.

4 MS. PALUS: You got it right first thing.

5 MADAM CHAIR: Okay. Thank you. Macy Nelson?

6 MR. NELSON: Present.

7 MADAM CHAIR: Thomas Wright?

8 MR. NELSON: Present.

9 MADAM CHAIR: Okay. Thank you. Thomas Wright

10 MR. WRIGHT: Yes, present, Madam Chair.

11 MADAM CHAIR: Kate Powers?

12 MS. POWERS: (No audible response.)

13 MADAM CHAIR: Kate Powers from the City of

14 Hyattsville? Okay, Monte --

15 MS. POWERS: Present (indiscernible).

16 MADAM CHAIR: Okay. Wonderful. Monte Chawla?

17 Chawla.

18 MR. CHAWLA: (No audible response.)

19 MADAM CHAIR: Monte, are you on?

20 MR. CHAWLA: (No audible response.)

21 MADAM CHAIR: Okay. Peter Burkholder?

22 MR. BURKHOLDER: Present, Madam Chair.

23 MADAM CHAIR: Rachida Dukes?

24 UNIDENTIFIED SPEAKER: (Indiscernible).

25 UNIDENTIFIED MALE SPEAKER: She will not be

1 attending.

2 MADAM CHAIR: Okay. Robert Fletcher?

3 MR. FLETCHER: Present, Madam Chair.

4 MADAM CHAIR: Ruth Fletcher? No, excuse me, Rose  
5 Fletcher.

6 MS. FLETCHER: Thank you, present, Madam Chair.

7 MADAM CHAIR: Thank you. Ruth Grover?

8 MS. GROVER: Present, Madam Chair.

9 MADAM CHAIR: Sheila Gupta?

10 MS. GUPTA: Present, Madam Chair.

11 MADAM CHAIR: Okay. David Dukes, did I call you?  
12 No, I'm sorry, David Dukes?

13 MR. DAVID DUKES: Present, Madam Chair.

14 MADAM CHAIR: Okay. Okay. So now Mr. Nelson, you  
15 know what, I'm just going to go with Mr. Spradley first and  
16 then I'll go to Mr. Hatcher. Okay. And then we have a ton  
17 of exhibits, they've all been marked and accepted into the  
18 record. I do have a memo from Mr. Nelson indicating he  
19 represents many of the citizens, but not necessarily all of  
20 the citizens, so he has indicated who he represents and he's  
21 requesting an order. But I will make a comment about that  
22 shortly thereafter. So with that, I think I'm going to turn  
23 to Mr. Spradley at this time. Oh yes, Mr. Spradley. I  
24 can't hear anything if you're speaking. Okay.

25 MR. SPRADLEY: Good morning, Madam Chair, can you

1 hear me?

2 MADAM CHAIR: Now we can.

3 MR. SPRADLEY: Can everyone hear me?

4 MADAM CHAIR: Yes, now we can. Thank you.

5 MR. SPRADLEY: Okay. Good morning, Madam Chair

6 and the --

7 MADAM CHAIR: Good morning.

8 MR. SPRADLEY: -- Planning Board members.

9 MADAM CHAIR: Good afternoon.

10 MR. SPRADLEY: My name is DeAndrae Spradley, with  
11 the Zoning Section. Case CSP-20007 is requesting approval  
12 of a Conceptual Site Plan to rezone the property from the R-  
13 80 Zone to the R-20 Zone to accommodate the development of  
14 137 townhouses. The property is on 12.87 acres of land.  
15 Next slide.

16 The property is located in Planning Area 68 in the  
17 northwestern portion of the county in Council District 2.  
18 Next slide.

19 The property is undeveloped land that is located  
20 at the end of Dean Drive and Calverton Drive within the City  
21 of Hyattsville. The historic Hitching Post Hill is located  
22 directly to the north of the property across Rosemary Lane.  
23 Next slide.

24 The current zoning on the property is R-80, the  
25 property to the north and east is also in the R-80 Zone.

1 The property to the south is in the R-20 and R-55 Zone.

2 Property to the west is in the R-L-S and R-80 Zone. Next  
3 slide.

4 Here's a map showing that the property is within  
5 the Transit District Overlay Zone. Next slide.

6 Here's an aerial view of the property. There are  
7 single family residential dwelling units located to the  
8 north and east of the property. There are multifamily  
9 residential dwelling units and commercial uses to the south  
10 of the property. The Rosemary Terrace Park and single  
11 family detached dwelling units are to the west of the  
12 property. Next slide.

13 Here's a contour map of the property that shows  
14 how the topography is relatively flat throughout the  
15 property steeping towards the east. Next slide.

16 Adelphi Road and Belcrest Road re located to the  
17 east of the property. The property is accessed by Calverton  
18 Drive and Dean Drive. Next slide.

19 Here's a bird's eye view of the property and the  
20 immediate adjacent areas. Next slide.

21 Here's the Conceptual Site Plan for the property.  
22 The green areas represent landscape buffers and the blue  
23 striped areas represent the road layout. Next slide.

24 Here is the layout for the Conceptual Site Plan.  
25 Next slide.



1           Here's the Tree Conservation Plan for the  
2 property. Next slide.

3           Here's the future communities map from the Prince  
4 George's Plaza Metro Regional Transit District Development  
5 Plan illustrating that the property is within the  
6 residential low feature land use. Next slide.

7           Here's the language from page 358 of the District  
8 Development Plan illustrating that the maximum residential  
9 density for lands within the residential low feature land  
10 use.

11           As previously mentioned, the property is within  
12 the Prince George's Plaza Metro Regional Transit District.  
13 Density within the regional and the density is recommended  
14 at a maximum residential density of 40 plus dwelling units  
15 per acre. However, the Transit District Development Plan  
16 specifically recommends residential low land uses for the  
17 property with a maximum density of up to 3.5 dwelling units  
18 per acre.

19           On June 7, 2021, the Hyattsville City Council  
20 reviewed the CSP and voted to oppose the request to rezone  
21 the property from the R-80 Zone to the R-20 Zone. The City  
22 Council also indicated that if this CSP is approved, the  
23 City Council requested for the CSP to be approved with their  
24 conditions.

25           On July 1, 2021, the Office of the General Counsel

1 requested for the report to be revised to mention Section  
2 27-548.09.01(b)(2). As a result on July 12, 2021, staff  
3 prepared and uploaded a memo to the Planning Board's website  
4 indicating the revisions to the report.

5 On July 13, 2021, the attorney representing the  
6 property owner submitted a revision to the memo that was  
7 prepared by staff on July 12, 2021. This memo was uploaded  
8 to the Planning Board's website. Staff recommends the  
9 Planning Board to adopt the findings of the report and  
10 disapprove DSP-20007 Clay Property.

11 This concludes staff's presentation.

12 MADAM CHAIR: Okay. Let's see if there's any  
13 questions of Mr. Spradley at this time. So Madam Vice  
14 Chair? You're muted, Madam Vice Chair.

15 MADAM VICE CHAIR: No questions at this time,  
16 thank you.

17 MADAM CHAIR: Okay. Thank you. Commissioner  
18 Washington?

19 COMMISSIONER WASHINGTON: No questions, but I'd  
20 like Mr. Spradley, I think you may have indicated the wrong  
21 section with regards to the rezoning, it's Section 27-  
22 548.09.01(b)(1), you said (b)(2).

23 MR. SPRADLEY: The actual memo was for the (b)(2)  
24 portion.

25 COMMISSIONER WASHINGTON: Okay. Thank you.

1 MADAM CHAIR: Okay. Commissioner Doerner?

2 COMMISSIONER DOERNER: Yes, just a couple  
3 questions. I think we're going to probably get into this in  
4 sort of nitpicky details with this, as well as sort of  
5 general statements. So I was actually around when we were  
6 doing the TDDP in Hyattsville, I wasn't on this Board, I was  
7 actually on the City Council's Planning Committee and I  
8 remember a lot of this discussion right around the  
9 Northwestern High School, the parcels that were around it,  
10 including the Clay Property. One of the things that I  
11 wanted to clarify particularly on this slide, I seem to  
12 recall that we had this residential low classification for  
13 this property and what they propose today is in conflict  
14 with that, I think. Because you've got it highlighted here  
15 the 3.5 dwelling units and I believe the density of the R-20  
16 Zone would be much greater than that. So can you elaborate  
17 on whether or not the proposal is consistent with the  
18 recommendation that's in the TDDP?

19 MADAM CHAIR: Yes, and it's one of the things I  
20 would concur to a point with Commissioner Doerner to  
21 elaborate on that. But then we want to hear from you know  
22 because different people are going to have different  
23 opinions, so we want to hear all the evidence first and then  
24 make a decision as to whether it complies or not. Okay. So  
25 we'd like to --

1           COMMISSIONER DOERNER: Yes (indiscernible)  
2 dwelling units because I think it's a lot more than 3.5, I  
3 just want to be terribly clear.

4           MADAM CHAIR: Okay. Thank you. Mr. Spradley?

5           MR. SPRADLEY: Yes, and to answer your question  
6 the proposed development does exceed the recommended 3.5  
7 dwelling units in the R-20, it exceeds it, it does exceed  
8 it. So their proposal is not in conformance with the TDDP.

9           COMMISSIONER DOERNER: What would be the allowance  
10 that would be in this application? It would go up to how  
11 many dwelling units like per acre?

12          MR. SPRADLEY: And may I pause for a minute  
13 because I need to look at it on another screen?

14          COMMISSIONER DOERNER: Sure, that's fine.

15          MR. SPRADLEY: Okay.

16                 (Discussion off the record.)

17          MR. SPRADLEY: Okay.

18          MADAM CHAIR: 10.6 per acre according to our  
19 Deputy Director here. Okay.

20          MR. SPRADLEY: Well it goes, it ranges. The R-20  
21 Zone it permits a density between 6.7 to 16.33. So it  
22 depends on the type of residential units that they are  
23 requesting.

24          COMMISSIONER DOERNER: Okay. So on the upper end,  
25 let's just take the extreme, the 16.33, I think the R-80

1 Zone is for just only one family detached homes, but the R-  
2 20 in that extreme of the 16.33 what kind of homes would  
3 that be?

4 MR. SPRADLEY: Are you saying within the R-80  
5 Zone?

6 COMMISSIONER DOERNER: No, sorry. I think the R-  
7 80 Zone which it's zoned as right now, is exclusively meant  
8 for single family detached dwellings.

9 MR. SPRADLEY: That's correct.

10 COMMISSIONER DOERNER: And that's why you have  
11 that lower density of 3.5 is like the max amount. If this  
12 were changed over to R-20, you said that there's a couple of  
13 like ranges, I think you had said like 6.7, 12 and then like  
14 16.33.

15 MR. SPRADLEY: That is --

16 COMMISSIONER DOERNER: What kind of housing stock  
17 is the 16.33?

18 MR. SPRADLEY: The 16.33 will be one family triple  
19 attached dwellings or townhouses.

20 COMMISSIONER DOERNER: Yes, I'm probably going to  
21 have other questions later on, but I wanted to be clear in  
22 terms of what was being proposed potentially. And, you  
23 know, in contrast to what's in the TDDP and recommended  
24 there. The other question just to clarify also, I think  
25 that this property was actually proposed to be rezoned and

1 it went before the District Council at one point as well, as  
2 you had said, and they denied the request, is that correct?

3 MR. SPRADLEY: For the City of Hyattsville, that  
4 is correct.

5 COMMISSIONER DOERNER: All right. Thank you.  
6 That's it for right now.

7 MADAM CHAIR: Okay. Thank you. Commissioner  
8 Geraldo?

9 COMMISSIONER GERALDO: Just to be clear, so  
10 there's been no change on the position of the City of  
11 Hyattsville, is that right? They want the property to  
12 remain as R-80?

13 MR. SPRADLEY: That is correct. The City is in  
14 opposition of the request.

15 COMMISSIONER GERALDO: Okay. Thank you.

16 MADAM CHAIR: Okay. If there are no other  
17 questions at this time. Okay. So thank you so much, Mr.  
18 Spradley. I'm now going to turn to Mr. Hatcher. Now hold  
19 on a second, Mr. Hatcher, you have a number of people signed  
20 up and there are a number of opponents. What we're going to  
21 ask given the volume of people who have signed up on this  
22 case is to not be unduly repetitive. We hear, we have read  
23 the Staff Report, we've read the exhibits. You know, you  
24 can if a prior speaker has articulated your concerns you can  
25 identify yourself with the comments or associate yourself

1 with the comments of a prior speaker. But we don't need  
2 people to be unduly repetitive. Everyone who I call, you  
3 have the right to speak so that is your right, but you know  
4 we want to be considerate of other folks. And somewhere in  
5 the vicinity of 1 o'clock we will be breaking. So I want to  
6 alert you, Mr. Hatcher. Okay. You're on.

7 MR. HATCHER: For the record, my name is Chris  
8 Hatcher, with the Law Firm of Lerch, Early and Brewer here  
9 on behalf of the applicant MRB Co. LLC for application CSP-  
10 20007 and the associated TCP.

11 First and foremost, I'd like to say that the  
12 applicant isn't exactly enthusiastic about the  
13 recommendation of staff disapproval, but certainly is  
14 appreciative of the continued coordination with staff  
15 through this application. If staff would, I think we have  
16 an Applicant's Exhibit 1.

17 MADAM CHAIR: Yes, we do.

18 MR. HATCHER: And while I'm going through that,  
19 I'd like to say to be clear, the applicant is not supportive  
20 of staff's position on this application. And staff's  
21 position seems to be based primarily on complies with the  
22 Master Plan, obviously. Staff believes we don't comply, we  
23 believe we do, and we're prepared to put forth some evidence  
24 to suggest that we do.

25 MADAM CHAIR: So are you looking at Plan 2035,

1 that's your Applicant's Exhibit Number 1, right? Is that  
2 what you're referring to?

3 MR. HATCHER: Yes, Madam Chair.

4 MADAM CHAIR: Okay. Do you have a particular page  
5 that you want us to look at?

6 MR. HATCHER: The first page, the second page  
7 which goes through the planning for future.

8 MADAM CHAIR: Okay. So do you have that? It's in  
9 the Staff Report.

10 MR. HATCHER: It's page 4 of the additional  
11 material?

12 MADAM CHAIR: It's page 4, yes, it's page 4 of the  
13 additional material and it'll say 100 page 106 at the bottom  
14 left. Do you want to see this Derrick? Okay. There we go.

15 MR. HATCHER: So in the Staff Report it seems to  
16 be relying on two principle things for its recommendation of  
17 disapproval. One is that this property is either in the  
18 established communities, or coexist in the established  
19 communities and the Regional Transit District. I think  
20 staff may have corrected that in the presentation or not  
21 addressed it, but it's definitely in the Staff Report  
22 several times.

23 MADAM CHAIR: Sorry, hold on a second.

24 MR. HATCHER: And the other principle reason, the  
25 other issue with the Staff Report that the applicant has is



1 just the evaluation of the map, which you did see a few  
2 moments ago and we'll get to that. To the extent that the  
3 applicant's position relies upon the idea that this  
4 application is in the established communities as the Staff  
5 Report suggests, we point you to this. Here's the text of  
6 the General Plan. Regional Transit Districts are high  
7 density, vibrant, transit rich mixed-use areas envisioned to  
8 capture the majority of future residents and employment  
9 growth and development in the county. See also centers.  
10 And I think that needs to be read in concert with the  
11 established communities which makes up the county's heart,  
12 it's established neighborhoods, municipalities, un-  
13 incorporate areas outside of designated centers.

14           You can't be in both. You're either in the  
15 Regional Transit District or you're in the established  
16 communities. Next page.

17           Towards the end, looking at the last sentence  
18 Master Plans and Sector Plans will map out the core and edge  
19 within the designated area centers and specify the necessary  
20 development pattern to meet targets identified in Table 17.  
21 So you read the text and then that text directs you to the  
22 chart. Table 17, which is in the next slide. Which  
23 outlines the growth for the entire county as it's  
24 anticipated. And this distinction between established  
25 communities and Regional Transit Districts is important

1 because it outlines where the growth of the county wants to  
2 go. And it's clear that the county wants more growth in the  
3 Regional Transit Districts, specifically where the downtowns  
4 are, like this is one of them, as opposed to established  
5 communities where it might be a little bit farther from mass  
6 transit, or farther from infrastructure that's already in  
7 place. Next slide.

8           And this is a map that was contained which shows  
9 the map. So you read the text, you read the chart and then  
10 both of those inform the map. That's generally how you read  
11 these things, the text, the chart and the map. And out of  
12 context, the map can suggest things that aren't necessarily  
13 reflected in the text or the charts. Next slide. And just  
14 to sort of hammer the point that this is indeed in the  
15 Regional Transit District. Next slide.

16           Here, an excerpt from the TDDP. A sentence. The  
17 TDDP contains the goals, policies and strategies to  
18 implement these growth policies that amends the boundaries  
19 of the 2035 Prince George's Regional Transit District to  
20 incorporate the Transit District in its entirety. We know  
21 this includes the Clay Property because the Clay Property is  
22 the first property listed in the table. So the text says  
23 that it amends it, the chart says which properties it amends  
24 it to, text chart. Next slide.

25           An additional chart which suggests how the county

1 wants this regional transit to grow which roughly equates to  
2 a little bit over 8,400 dwelling units in this regional  
3 transit district and then the chart and then the map, the  
4 next one. And this is the map that staff is relying upon.

5           So for the first part, for the first issue, it's  
6 pretty clear to the applicant that this is in the  
7 established, it is in the Regional Transit District not in  
8 the established communities as it might be suggested in the  
9 Staff Report. So to the extent that staff is relying upon  
10 that designation (A) I'm not entirely sure where it came  
11 from and B, it's just not consistent with the source  
12 materials for establishing these areas.

13           Issue number 2 is this map. We didn't, we're not  
14 saying the map doesn't exist, I think in every meeting we've  
15 had with staff one of the first things when we're asked  
16 about the map is it exists, it's in the book. But without  
17 the text and the charts associated with this map, it's just  
18 out of context. Because what was referenced before and left  
19 on the monitor when I started speaking, was the generalized  
20 land use map which is contained as an appendix in the TDDP,  
21 but the source document is the General Plan. And again, it  
22 is a generalized land use map and it's intended to quote  
23 establish the following land use categories to help monitor  
24 and evaluate the changes in land use patterns in the county.  
25 The text wasn't included in there. This is not a specific

1 map for when you have something more specific in the book.  
2 The book tells you how the growth is supposed to happen.  
3 The book tells you where it's supposed to happen and how  
4 that's supposed to go. So to the extent that you're relying  
5 on the generalized land use map, it's probably not the best  
6 source material.

7           But more specifically, and taking a step back,  
8 this map is one page in an otherwise 300-page book, the  
9 TDDP. And I've read this Staff Report a couple of times and  
10 I just can't find any analysis of anything else in the TDDP.  
11 There's plenty of strategies, there's plenty of goals,  
12 there's plenty of other recommendations including in the  
13 land use section, including the specific chart which  
14 outlines the growth expectations. I just can't find it. I  
15 can't find an analysis of the text or the chart and so I  
16 don't know out of context this map, I'm just struggling to  
17 understand what it means without the context of the TDDP.  
18 It also doesn't provide any analysis of how it impacts the  
19 General Plan from a countywide basis, which is also 300 plus  
20 pages. You have 600 plus pages of text and charts that are  
21 just not analyzed in this at all.

22           So the applicant suggests that although a picture  
23 has been painted to the Board, it's at best an incomplete  
24 picture. So assuming just for a second that you, you know,  
25 are entertaining that the Staff Report at best is an

1 incomplete picture it's still a logical jump for you to say  
2 even though we don't think that's is as thorough as it  
3 should be, you still haven't suggested that you meet the  
4 purposes and the recommendations contained in the Master  
5 Plan, in the TDDP. And at this point I would suggest that  
6 you're accurate, but that's also why we have Mr. Mark  
7 Ferguson here. Mark, are you present?

8 MR. FERGUSON: I am present.

9 MR. HATCHER: And we intend to have Mark, in his  
10 capacity as somebody who has been qualified as an expert in  
11 land planning before other bodies, to speak to that. So  
12 just for helpful purposes, Mark, can you please state your  
13 name and occupation for the record?

14 MR. FERGUSON: Thank you. My name is Mark  
15 Ferguson and I am a land planner with RDA Site Design here  
16 in Largo, Maryland.

17 MR. HATCHER: How long have you been operating in  
18 that capacity?

19 MR. FERGUSON: Getting on 32 years, 33 years.

20 MADAM CHAIR: Mr. Hatcher, if it would help, he  
21 has been qualified as an expert before this body as well.

22 MR. HATCHER: Perfect. That definitely helps.  
23 Mark, have you analyzed the TDDP, have you analyzed the  
24 General Plan, and are you familiar with the required  
25 findings to rezone a property in the TDDP?

1           MR. FERGUSON: The answer is yes to all of those  
2 three questions.

3           MR. HATCHER: Okay. And you are familiar with the  
4 Clay Property?

5           MR. FERGUSON: Very much so.

6           MR. HATCHER: Can you provide an analysis of the  
7 required findings?

8           MR. FERGUSON: I can. Let me actually start by  
9 going back and amplifying a point that you made regarding  
10 the established communities because I do have a sense of  
11 where the staff got the idea that this was in the  
12 established communities. P.G. Atlas, which is a wonderful  
13 tool, it's actually the best GIS tool that I work with among  
14 all of the other jurisdictions, is wonderful but it is not  
15 perfect. And P.G. Atlas lies on this one point, and says  
16 that this property as well as the rest of the Regional  
17 Transit District is all within the established communities.  
18 But page 20 of the General Plan specifically defines  
19 established communities as areas served by public water and  
20 sewer outside of the Regional Transit District and local  
21 centers. So by that definition in the General Plan that's  
22 on the top of page 20, that's where Mr. Hatcher's statement  
23 that you can't be in both, a Regional Transit District and  
24 in established community, you can only be in one of the two  
25 and we are in a Regional Transit District.

1           And you know to that point, Mr. Hatcher's asked me  
2 to opine on the conformance of this request to the purposes  
3 and recommendations of the TDDP. I do have an analysis that  
4 is in the record in the backup, I don't recall what page  
5 it's in, it's you know 9 pages in length. I'm not going to  
6 read that into the record and be respectful of your time,  
7 but there is some important points in there. And the first  
8 really is the purposes, so the first statement, there is a  
9 purpose statement in the TDDP, and it says the purpose of  
10 the TDDP is to implement the Plan 2035 vision for a walkable  
11 transit-oriented community within the Transit District using  
12 a market driven approach. So it's in the Regional Transit  
13 District and the purpose of the plan is to implement, the  
14 purpose of the TDDP, the Transit District Plan is to  
15 implement the General Plan's vision. And that's for the  
16 county as a whole.

17           Now Mr. Hatcher also mentioned that the TDDP and  
18 the Zoning Map Amendment that went with it specifically  
19 reached out to pull this property into the Regional Transit  
20 District. In 2014, the Clay Property was not in the  
21 Regional Transit District and if it had not been pulled into  
22 the Regional Transit District, we wouldn't be here before  
23 you today. But we're listening to the county's plan, in  
24 fact, the center piece of the county's planning policy which  
25 is to direct a majority of the growth into the Regional

1 Transit Districts, 50 percent is a lot. And the 8,000  
2 dwelling units that Mr. Hatcher told you about, that's not  
3 counting all of the existing multifamily, that's new  
4 dwelling units that the plan wants to see in the TDDP.

5           So when you look at the purpose of the TDDP to  
6 conform to the General Plan, you look at the specific action  
7 of the TDDP and its accompanying Zoning Map to pull this  
8 property into the Regional Transit District, certainly it  
9 leaves me scratching my head as to why you would then leave  
10 a property in a single family detached residential zone.  
11 And Mr. Spradley told you that the goal for Regional Transit  
12 Districts is a maximum density of 40 plus. Well that's  
13 actually not accurate. What the plan says is that the  
14 vision for regional transit is for moderate to high density  
15 and intensity regional serving centers. So moderate  
16 density, the best definition unfortunately we have is in the  
17 land use, the guide to zoning categories which talks about  
18 12 to 20. So that's the bottom end is 12. The bottom end  
19 of the land use intensity that we want to have in a Regional  
20 Transit District is 12 units per acre. That's what we're  
21 proposing.

22           The average net density, 40 plus is what the  
23 General Plan actually says. Not the maximum but the  
24 average. So really when you look at the implementation  
25 zones in the new ordinance, for instance, they talk about



1 densities up and over 120 units per acre for the Regional  
2 Transit District in the core. Obviously, that's not  
3 appropriate here. But 12 is as a transition between that  
4 kind of density down through the medium high-density  
5 developments that are represented by the existing apartments  
6 which abut this site to the single-family dwellings that  
7 surround it.

8           What is not appropriate from all of the language  
9 of the General Plan, which the purposes of the TDDP say is  
10 what we want to implement, is to have single family detached  
11 dwellings. If you wanted to have single family detached  
12 dwellings on this property you wouldn't have included it in  
13 the Regional Transit District, which is the center of the  
14 county's land use policy. And I would even add just as an  
15 extra added, you know, cherry on top, of the eight Regional  
16 Transit Districts three of them are the extra super special  
17 ones, which are designated as the regional downtowns, the  
18 Prince George's Plaza Transit District is one of those three  
19 regional countywide downtowns. So you have on top not just  
20 Regional Transit District moderate at a minimum density of  
21 12 units per acre, average 40 plus, certainly up to a  
22 maximum of 120 and maybe more if you do a PUD under the new  
23 ordinance. We are absolutely hitting all of that right in  
24 what the plans say.

25           Then you go to the recommendations of the TDDP.

1 And you know the very first one that address, well the first  
2 one says make it transit, you know, friendly and pedestrian  
3 connected which our plan does. And then it says look  
4 preserve the neighborhood edge as an exclusively residential  
5 area so that it can make the transition, and that's what  
6 we're doing. Encourage under this same land use provision  
7 dealing with the neighborhood edge, encourage well for the  
8 whole thing, encourage high and midrise apartments, condos  
9 and townhouses consistent with the Regional Transit District  
10 growth management bowl. It doesn't say single family  
11 development. The only place in the text of the plan where  
12 single family development is mentioned is in a community on  
13 the east side of Belcrest Road north of Toledo Road and when  
14 you look at the other maps showing where the downtown core  
15 and the neighborhood edge is, there's a little edge of  
16 neighborhood edge along Adelphi Road, which was specifically  
17 the only place where single family detached dwellings are  
18 included as an option, not even as a requirement.

19           This plan limits, it follows all of the land use  
20 strategies, it does limit mixed-use to the downtown core, so  
21 we're not that. It says prohibit incompatible or  
22 inappropriate uses in the neighborhood edge. And I'm going  
23 to contend that townhouse development which is what we will  
24 be proposing if this Zoning Map Amendment is approved, is a  
25 very appropriate transitional use in between the high

1 densities that the General Plan and the TDDP really, really  
2 want to have happen and the surrounding single family  
3 development --

4 MADAM CHAIR: Okay. I need to stop you for a  
5 second because I'm told I can't see it, none of the Board  
6 members can see it, but I am told that there is a chat going  
7 on, I mean there is substantive case discussion going on in  
8 the chat which we will not tolerate. Please refrain from  
9 discussing the case in the chat. Everyone who we call on  
10 will have the opportunity to speak but that is not the place  
11 where you discuss the case. Thank you. All right. I'm  
12 sorry, Mr. Ferguson.

13 MR. FERGUSON: Thank you, Madam Chair. So we  
14 contend, I was talking to the strategy to prohibit  
15 incompatible or inappropriate uses in the neighborhood edge.  
16 We strongly contend that attached single family dwellings  
17 are the most appropriate use to transition from the higher  
18 density multifamily dwellings in the downtown core and in  
19 the inner areas of the neighborhood edge and the surrounding  
20 single-family dwellings in the surrounding neighborhood.

21 The housing in neighborhoods policy goes further  
22 to talk about the kinds of dwelling units which are  
23 appropriate so strategy HN1.1 permit a mix of housing types  
24 such as medium to high rise apartments and condominiums,  
25 two-over-twos and townhouses. And that's where that list

1 stops. It doesn't talk about single family development.

2           The plan talks about a policy to preserve and  
3 provide affordable housing opportunities in the Transit  
4 District. Now this is really something that's not properly  
5 before you, but our proposal does contain a proffer which we  
6 intend to enforce with legally appropriate methods to  
7 provide 10 percent affordable housing at no cost to the  
8 public. So we here will be actively implementing this  
9 provision of the Transit District. There are provisions to  
10 mitigate adverse impacts of development, our plan has  
11 provisions to do that by substantive buffers between what  
12 we're proposing, the adjoining single-family dwelling and a  
13 super enhanced buffer between our development core and the  
14 Hitching Post Hill site to the north.

15           And let me spend a moment to speak to that. The  
16 TDDP standards specifically strike out the buffering  
17 provisions of the Landscape Manual. So we would not be  
18 required by the provisions of the TDDP to provide a buffer  
19 in any case. Even if we were, and we abutted Hitching Post  
20 Hill instead of being across the street, the Landscape  
21 Manual would say provide a 50-foot buffer, we're proposing  
22 150. So that's three times the standard of a buffer which  
23 wouldn't apply even if the Landscape Manual applied, and  
24 doesn't apply in the TDDP. So we've been making strenuous  
25 efforts to make appropriate transitions in land use not just

1 from the higher density land uses to the south through our  
2 reduced density that we're requesting. But also to augment  
3 even those transitions by providing buffers far beyond what  
4 the plan requires.

5           So those really are the key points in the  
6 strategies. There are others in my purposes and  
7 recommendations analysis, which is a part of the record,  
8 that I feel are less critical. But really what you do have  
9 is understandably there are many people in the audience here  
10 who live near this property, are used to being an  
11 undeveloped patch of woods, and frankly many of them, I'm  
12 sure lived here long before the metro was there, and at that  
13 time it was a suburban neighborhood. But what the county  
14 has done is said this piece of property is going to be a  
15 part of the Regional Transit District, these Regional  
16 Transit Districts are the center of our General Plan.  
17 They're where we want all of our growth to go and of those  
18 eight Regional Transit Districts three of them are super  
19 special, we'll call them downtowns, and this is one of them.

20           In doing all of that and leaving this property for  
21 single family detached dwellings, frankly, spans the  
22 county's entire planning policy on its head.

23           Now what the memo from staff of January 9th states  
24 on the top of page, it doesn't have page numbers, four, is  
25 it states the priorities for the community were taken into

1 account when the property was added to the TDDP in 2016.

2 MADAM CHAIR: Okay. Wait a minute. Hold on a  
3 second, let me find out where are you now?

4 MR. FERGUSON: I'm on page 4 --

5 MADAM CHAIR: Of this --

6 MR. FERGUSON: -- of your memo of July 9th, the  
7 additional memo.

8 MADAM CHAIR: Okay. The additional one. Okay.  
9 And by the way, just so you know --

10 MR. FERGUSON: Yes.

11 MADAM CHAIR: -- you were looking for your own  
12 memo which is on pages 50 through 58 of the Technical Staff  
13 Report.

14 MR. FERGUSON: Thank you, Madam Chair.

15 MADAM CHAIR: Okay.

16 MR. FERGUSON: So the priorities for the community  
17 were heard, Madam Examiner, I apologize, Madam Chair.

18 MADAM CHAIR: That's okay. She's a great person.  
19 Okay.

20 MR. FERGUSON: When your staff first brought their  
21 first draft of the TDDP to the public, in 2015 they made a  
22 presentation at the Commission's Community Center on Adelphi  
23 Road and Toledo Terrace. And the illustration that they  
24 presented to the community showed exactly what we're  
25 proposing. They showed townhouses on the Clay Property. And

1 many of the people in the community said oh no, no, no, no,  
2 no, we don't want that and so staff came back and they  
3 changed this map and that's it. That's the only thing that  
4 changed, all of the rest of the text, which I've just sort  
5 of led you through a summary of, says no, you really should  
6 have what we're proposing. If the goal really was to leave  
7 it the way it was, then you take it out of the TDOZMA, and  
8 you leave it outside of the Regional Transit District and  
9 then it stays R-80. And I would even add, Madam Chair, that  
10 the residential low land use recommendation does not conform  
11 to the existing R-80 zoning. The R-80 zoning is residential  
12 medium because it permits 4.58 dwelling units per acre,  
13 which is more than the three and half that that designation  
14 would indicate.

15           So you know to Mr. Hatcher's point, you do have to  
16 look at it all. It's not enough just to put up this map and  
17 say we don't comply. And that's my statement. Thank you.

18           MR. HATCHER: So --

19           MADAM CHAIR: Okay. Thank you, Mr. Ferguson. Do  
20 you want me to see if there's any questions, I'd like to see  
21 if there are any questions of Mr. Ferguson at this point  
22 before we go back to Mr. Hatcher. Madam Vice Chair?

23           MADAM VICE CHAIR: No questions at this point. I  
24 do have one but I'm looking for it right now, come back to  
25 me later.

1 MADAM CHAIR: Okay.

2 MADAM VICE CHAIR: I'll get it.

3 MADAM CHAIR: Okay. Well, wait a minute, is your  
4 question of Mr. Ferguson?

5 MADAM VICE CHAIR: Yes, it is, and I wrote it down  
6 and I'm looking for it on my sheet. So I'll --

7 MADAM CHAIR: Okay. Thank you.

8 MADAM VICE CHAIR: Thank you.

9 MADAM CHAIR: Thank you. Okay. Commissioner  
10 Washington?

11 COMMISSIONER WASHINGTON: No questions, thank you.

12 MADAM CHAIR: Okay. And Commissioner Doerner?

13 COMMISSIONER DOERNER: I have a question about  
14 this map. So I don't understand the comment about why  
15 putting this parcel as residential low in the TDDP where it  
16 would quote unquote stand the county's plan process on its  
17 head. In my view, that was actually done intentionally,  
18 potentially, to make sure that they could actually control  
19 what was happening at that edge. Maybe I'm wrong but that  
20 was sort of my intention on having been involved and seen a  
21 number of the community discussions while the TDDP was  
22 evolving. If you have some different reason for that, I'd  
23 be interested in hearing.

24 MR. FERGUSON: Sure.

25 COMMISSIONER DOERNER: But I don't see why it's



1 inconsistent to have that in here. I understand the idea of  
2 having high density around the transit-oriented stations and  
3 sort of transitioning away. I also realize like the  
4 transition from higher dense uses and then kind of slowly  
5 stepping it down. But I'm not sure why we can't put a  
6 residential low in a TDOZ or a TDDP, like there's nothing  
7 expressly prohibiting that or anything against that, I don't  
8 think.

9 MR. FERGUSON: Well, Mr. Doerner, I mean to your  
10 point I'm not contending that this was an illegal act. What  
11 I am contending is that it is in complete conflict with all  
12 of the policies that say what is a Regional Transit  
13 District, what do we want in Regional Transit Districts and  
14 the decision to leave it in the zoning. And what I would  
15 say was if there was a clear statement of intent that the  
16 Council wanted to send that no, we want to leave this the  
17 way they wouldn't have included it in the Regional Transit  
18 District. They would have left it R-80 Zone and they would  
19 have just left it out of the TDOZ which it was before this  
20 TDDP was adopted. The TDDP specifically reached out to pull  
21 this in, as Mr. Hatcher read you from that page, in order to  
22 fulfill the goals of the General Plan. And the goals of the  
23 General Plan are moderate, let's start at moderate which is  
24 12 units per acre and that's where we are and go up, an  
25 average of 40 plus to 120 or even more in a PUD. That's why

1 I believe that it stands the planning argument on the head.  
2 I'm not suggesting that it was illegal, I'm just saying it's  
3 inconsistent with everything the county tells everybody  
4 about how we want the county to develop. And does it stand  
5 in opposition to what the community immediately surrounding  
6 this piece of property wants? Maybe it does. But here what  
7 we have you to do is you're weighing the interest of the  
8 people who signed up around you versus the interest of the  
9 entire county. And that's really the matter that's before  
10 you, in my opinion.

11 COMMISSIONER DOERNER: Yes, no, I think we'll  
12 probably have to agree to disagree on one of those points.  
13 I think it actually by including this property in this area  
14 zoned as R-80 I think was an explicit, it sounds actually,  
15 designated what the county wanted it to be. But maybe my  
16 mind will be changed as we hear more testimony. So thank  
17 you, I appreciate it.

18 MR. FERGUSON: Thank you.

19 MADAM CHAIR: Okay. And then Commissioner  
20 Geraldo?

21 COMMISSIONER GERALDO: I don't have any questions,  
22 but I have some of the same concerns that was raised by  
23 Commissioner Doerner because I was on the Commission at the  
24 time we developed Plan 2035. So but I have no questions.

25

1           MADAM CHAIR: Okay. Okay. So again, we want to  
2 make sure that there's no chat going on, you know I keep  
3 getting a signal and so let's just make sure there's no chat  
4 going on on substantive regarding the case. Mr. Hatcher?

5           MR. HATCHER: Chris Hatcher again for the record.  
6 So what we are attempting to show is that because staff  
7 didn't analyze the text or the tables, they just evaluated  
8 the chart, that at best it was an incomplete analysis. And  
9 then alternatively what we've tried to show and perhaps not  
10 as persuasively as a few Commissioners would like, but what  
11 we attempted to show is that when you take everything the  
12 text and the maps, the text, the charts and the maps  
13 altogether, you can see how the Clay Property could, not  
14 could, does satisfy the purposes and the recommendations  
15 contained in the TDDP.

16           So taking a step back there's just a few  
17 housekeeping matters that I just don't actually know how to  
18 address. When this application was accepted at SDRC, we  
19 received word from Community Planning staff that there were  
20 no major issues for this application.

21           MADAM CHAIR: And when was that? I'm sorry, it  
22 was the SDRC?

23           MR. HATCHER: It was at SDRC.

24           MADAM CHAIR: And what date was that?

25           MR. HATCHER: I can take, let me get you that

1 date, Madam Chair.

2 MADAM CHAIR: Okay. Well, all right, maybe  
3 someone on your team can get it for me while you're talking.  
4 Okay. All right. So go ahead, I'm sorry. Go ahead.

5 MR. HATCHER: Shortly thereafter, we received a  
6 memo from Community Planning which is contained as  
7 Applicant's Exhibit Number 3 in the record. If you could  
8 pull up Applicant's Exhibit Number 3, please.

9 MADAM CHAIR: Okay. We can pull it up and plus we  
10 have it here too.

11 MR. FERGUSON: Madam Chair, April 30th was SDRC.

12 MADAM CHAIR: Okay. Thank you.

13 MR. FERGUSON: Mark Ferguson for the record.

14 MADAM CHAIR: Thank you.

15 MR. HATCHER: Which says there are no major  
16 issues. Within the last few weeks, three or four weeks  
17 before this Planning Board hearing, we received word from  
18 staff that there is an issue and it appears as if it's major  
19 because it's the source of the recommendation of  
20 disapproval.

21 MADAM CHAIR: Okay. And you said the last three  
22 to four weeks?

23 MR. HATCHER: Yes. Yes, Madam Chair.

24 MADAM CHAIR: Okay. So it was before, okay  
25 obviously it was before the Staff Report, obviously. Okay.

1 Okay.

2 MR. HATCHER: Yes, before the Staff Report.

3 MADAM CHAIR: Okay.

4 MR. HATCHER: For the life of me, I don't quite  
5 understand what happened, what changed between SDRC and the  
6 initial memo and the memo that we received before the Staff  
7 Report. There's been no update to the TDDP, not that I'm --

8 MADAM CHAIR: Okay. Well let's see if we can get  
9 an answer for you. Who would be the person, Mr. Spradley,  
10 who can, no that's --

11 MR. HUNT: Hi Madam Chair, this is James Hunt for  
12 the record.

13 MADAM CHAIR: Okay.

14 MR. HUNT: We've got Christina Hartsfield from our  
15 Community Planning Division who can kind of step in here and  
16 then also Mr. Spradley is also available as well.

17 MADAM CHAIR: Okay. Ms. Hartsfield? Okay.

18 MS. HARTSFIELD: Good afternoon everyone.

19 Christina Hartsfield, I'm a planning coordinator with  
20 Community Planning. And Mr. Hatcher is correct in that  
21 there was a change from you know the initial analysis during  
22 SDRC or the preliminary analysis and review of this  
23 application during SDRC to the actual referral that was  
24 submitted as a part of the record with the Staff Report.  
25 And essentially there, you know, I conducted a preliminarily

1 analysis, the preliminary analysis was mainly of some of  
2 the language in the TDDP as well as in the General Plan,  
3 that spoke about the character area as well as, you know,  
4 the goals of a transitional land use area. Or this area  
5 have a transitional character from the higher density core  
6 to the existing single-family detached neighborhood.

7           In the preliminary review, I failed to analyze  
8 the actual density that was applied to the land use and the  
9 map does say that the future land use is residential low.  
10 And when you do go to the very last pages of the TDDP, it  
11 does say that the density associated with that, I'm sorry,  
12 with that future land use does have a maximum density of  
13 3.5. So after further review as well as further scrutiny  
14 from my colleagues and other planning staff, that is when we  
15 realized that this application with the townhouse develop at  
16 the density that is proposed did not conform to the very  
17 specific density that was outlined in the TDDP.

18           MADAM CHAIR: Okay. So let me say this. So Mr.  
19 Ferguson indicated that the SDRC was April 30th of 2021.  
20 The memo is also dated April 30th of 2021, because I think  
21 Mr. Hatcher was saying two different things, but they're  
22 both the same date, I guess, April 30, 2021. And the memo  
23 is Applicant's Exhibit 3.

24           MR. HATCHER: Correct.

25           MADAM CHAIR: Okay. And Ms. Hartsfield, what I

1 hear you say is that the map set a maximum density of 3.5  
2 but the TDDP also in the last couple of pages indicates that  
3 the maximum density is 3.5. And what I heard you say is  
4 preliminarily at the SDRC you saw no problems. Actually,  
5 basically what you're saying is you made a mistake,  
6 essentially?

7 MS. HARTSFIELD: Yes, I'm actually saying I made a  
8 mistake and that initially my preliminary analysis was  
9 review of --

10 MADAM CHAIR: Okay.

11 MS. HARTSFIELD: -- mostly of the language in the  
12 TDDP that does talk about a transitional housing typology.  
13 But --

14 MADAM CHAIR: Yes.

15 MS. HARTSFIELD: -- I did not reference the actual  
16 density that is in the chart on the final pages of the  
17 actual TDDP which does specifically say that the density of  
18 the residential low has a maximum of 3.5 dwelling units per  
19 acre.

20 MADAM CHAIR: Okay. So let me stop you there for  
21 a second. Okay. So this was at SDRC as expressed in your  
22 memo of April 30th of 2021.

23 MS. HARTSFIELD: Yes.

24 MADAM CHAIR: Somewhere along the line according  
25 to Mr. Hatcher, either three to four weeks ago, so sometime

1 within the last month that he was notified that this was an  
2 error. He was notified that there was a change and that  
3 there is a problem with this. And so Mr. Hatcher, I think  
4 there you have your answer. So I think Ms. Hartsfield has  
5 owned it, she made an error and in time for you to have  
6 notice and it happens sometimes.

7 MR. HATCHER: Right.

8 MADAM CHAIR: Okay. So now you have your answer.  
9 Thank you, Ms. Hartsfield.

10 MR. HATCHER: But I actually appreciate the answer  
11 (A) and the focus on the chart, which deals with the actual  
12 residential densities, right, that's on page 10 of the  
13 document that's before you --

14 MADAM CHAIR: Okay.

15 MR. HATCHER: -- we're on page 32, so if you can  
16 go back to 10.

17 MADAM CHAIR: Okay. And then while you're doing  
18 that, while we're going back to page 10 I will tell you that  
19 it's 1 o'clock and it's going to be break time momentarily.

20 MR. HATCHER: Okay. It outlines the overall  
21 residential goals for the entire TDDP and the purposes and  
22 the actual text of the TDOZMA say that you're supposed to  
23 take into account things that are going on in the market to  
24 try to achieve these goals.

25 What's also missing from staff's analysis, which



1 is contained in Mark's analysis, is some of the developments  
2 that have gone on since this was approved, since 2016. And  
3 this is important because, for example on the Dewey  
4 Property, it doesn't achieve 40 plus dwelling units to the  
5 acre. So you're already behind on this chart. The growth  
6 anticipated in downtown. But more specifically, on the  
7 Landy Property (phonetic sp.), it was approved for 1,200  
8 units, multifamily units originally. Now 331 townhouses are  
9 going to be proposed. We're way behind these growth  
10 projections. Way behind the growth projections. And so if  
11 you want to try to meet this even more specific goal of  
12 trying to meet the growth in this regional downtown as  
13 stated in this chart, we're going to have to try to figure  
14 how to up-zone some properties to try to get more density to  
15 try to meet this goal. Because if we can't meet these goals  
16 then we can't realize that the Regional Transit Districts  
17 and you can't realize that the General Plan. I know that  
18 we're about to break, so this is a good stopping point if  
19 you'd like.

20 MADAM CHAIR: It is a good stopping point, it's  
21 1:05, we will be back at 1:50, that gives us 45 minutes.  
22 Okay. So thank you.

23 UNIDENTIFIED SPEAKER: Thank you.

24 MADAM CHAIR: The Planning Board is in recess  
25 until 1:50. Thank you.

1 (Whereupon, a brief recess was taken.)

2 MADAM CHAIR: Okay. Mr. Spradley and Mr. Hunt,  
3 okay, we're good. Okay. Mr. Nelson is on. Okay. And  
4 Peter Goldsmith's on. All right. We are good. So the  
5 Prince George's County Planning Board is back in session.  
6 Mr. Hatcher, you were presenting your case. I don't think  
7 you were finished, but maybe you were. But I don't think  
8 you were.

9 MR. HATCHER: Yes, Madam Chair. I just have a few  
10 more points I'd like to make. I'm going to be as brief as  
11 possible to try to respect everybody's time.

12 I have no desire or interest in harping on the  
13 Community Planning memo. I don't find much value in just  
14 sort of focusing on it, but I do just want to make one point  
15 about it. And what I think I heard was when evaluating the  
16 text we came to one conclusion, which was there was no major  
17 issues, but when we evaluated the chart, we came to an  
18 alternative conclusion. And I would just say, for the  
19 lawyers among us, you know, the principles of statutory  
20 interpretation tell you that you can't read a document so  
21 closely that it ends up conflicting with itself. And if it  
22 does so, then you go to the intent of the legislative body,  
23 not necessarily the Board. So it's sort of interesting,  
24 because I've never actually been able to use the legislative  
25 intent argument to an applicant's benefit. But you don't

1 even have to go very far to get the value from that, because  
2 the District Council through adopting of the General Plan  
3 and through adopting of the TDDP and saying it's supposed to  
4 be market driven, more specifically as it relates to the  
5 most specific information in the plan about how growth is  
6 supposed to happen, which is the chart before you tells you  
7 what their intent is.

8 MADAM CHAIR: Mr. Hatcher --

9 MR. HATCHER: They want --

10 MADAM CHAIR: Oh go ahead, you go ahead. I'm  
11 sorry, I don't want to cut you off.

12 MR. HATCHER: I'm sorry.

13 MADAM CHAIR: No, go ahead.

14 MR. HATCHER: They want 8,400 dwelling units,  
15 that's the only point I just wanted to make there.

16 MADAM CHAIR: Okay. So this is the first time  
17 you're using legislative intent. What happened,  
18 Commissioner Doerner asked a question a little earlier --

19 COMMISSIONER DOERNER: Yes, can I ask the question  
20 in a little way --

21 MADAM CHAIR: No, no, hold on a second. I think  
22 he touched on this earlier. My question was I want to  
23 dovetail that the applicant did request this zoning change  
24 of the District Council before, correct or not?

25 MR. HATCHER: During the course of the TDDP in

1 2016 a zoning request to rezone the property to the R-20  
2 Zone was in that. Yes.

3 MADAM CHAIR: And what happened? I mean I think  
4 it's kind of self-explanatory --

5 MR. HATCHER: The Council --

6 MADAM CHAIR: -- but okay.

7 MR. HATCHER: Yes, the Council decided not to  
8 rezone the property at the time, but did keep it in the TDOZ  
9 and --

10 MADAM CHAIR: Okay.

11 MR. HATCHER: -- did include the language  
12 regarding being responsive to the market in the TDDP --

13 MADAM CHAIR: Okay.

14 MR. HATCHER: -- TDO and the purpose of the TDO,  
15 the TDDP, excuse me. A lot of letters.

16 MADAM CHAIR: Okay. All right. Commissioner  
17 Doerner, did you want to follow up on that?

18 COMMISSIONER DOERNER: Yes, I just want to ask a  
19 question because I mean you raised an interesting point, I  
20 think Mr. Hatcher, and I'm sympathetic to the need of  
21 building a lot more housing in this area, because the demand  
22 is not keeping up with, or the supply is not keeping up with  
23 the demand in D.C. area, especially in our county. But I  
24 think the number that you're citing, the 8,200 units or I  
25 guess if you add in the other single family residential and

1 other land use types, that's just a general number and it  
2 doesn't say necessarily where to put them here. And the  
3 residential low actually offers another kind of housing  
4 stock, so if we're thinking about affordability and sort of  
5 access to homes and home ownership, particularly among  
6 different income classes and stuff, and providing like a  
7 society that has a mix of those --

8 MR. HATCHER: Right.

9 COMMISSIONER DOERNER: -- by increasing the  
10 density you're actually going to be excluding some of the  
11 folks that could potentially live here or just eliminating  
12 entirely a type of housing, like single family detached  
13 housing is not even going to be in this zone. So have you  
14 thought about instead of approaching it by asking us to  
15 change the zoning, just going straight to the District  
16 Council, even though they didn't change the zoning here,  
17 they could always pull that property out of the TDDP or  
18 TDOZ. And that would actually be a much more clearer  
19 exaction of what you're trying to imply, that it was maybe  
20 in a different area or maybe it was misclassified. But by  
21 the outright classification I think that it actually was  
22 purposeful, but you could go to the legislative body and  
23 just have them pull it out. And that would resolve a lot of  
24 your problems, I think.

25 MR. HATCHER: Respectfully, it might, it might

1 resolve some problems but it would sort of creates others,  
2 because what we're trying to do is trying to meet these  
3 specific goals that are contained in here and the District  
4 Council very clearly decided to keep it in the Transit  
5 District, literally expanded the Transit District to include  
6 it. So where I thought you were potentially going to go and  
7 I thought it was a pretty interesting idea is, well, just to  
8 try to preserve some type of array of dwelling types, why  
9 don't along with requesting the rezoning to the R-20 why  
10 don't you also request a change to the Table of Uses so that  
11 single family detached can be included in there. You know,  
12 that was actually one of the things that we went to the  
13 community about. Not that specific request but the idea of  
14 having potentially a line of single-family homes, sort of  
15 abutting the back. That was probably well over a year ago.  
16 There was no clear consensus but what we thought we heard  
17 was that they prefer to have the buffer as opposed to more  
18 residential, the 50-foot buffer that we proffered with no  
19 (indiscernible) as opposed to more residential.

20 But to address what's sort of embedded in your  
21 question, it's actually a really good question, the  
22 affordability. That is specifically why the applicant even  
23 though there is no legal obligation to his proffer that 10  
24 percent of the overall development yield be dedicated to  
25 affordable housing, 60 to 80 percent AMI with no public

1 subsidy, which would be the first time that's done anywhere  
2 in the county. And so to the extent that there is, that I'm  
3 aware of in the county. So to the extent that there is  
4 concerns about affordability, I think we've proffered  
5 something that would respect that and to the extent that  
6 there's concern about single family attached, I think that  
7 perhaps if that would ease the Board, that's something we  
8 could probably figure out. That's certainly not a barrier  
9 for us.

10           But while we're on the other things that we did  
11 for the community, even though we know that they are not  
12 necessarily supportive of us, it was important that we also  
13 protect the historic Hitching Post Hill, which is why Mr.  
14 Ferguson referenced the 150 foot buffer, that we're not  
15 legally required to do. The 50-foot buffer along Bridal  
16 Path, running parallel to the homes at the Bridal Path Way,  
17 at one point we also proffered and we're continuing to  
18 proffer no direct full vehicular access onto the existing  
19 community, onto the existing street, Calverton Drive. It's  
20 for hikers, bikers and emergency vehicles. We proffered  
21 that and we'll continue to proffer that.

22           So with those things, we did include an  
23 Applicant's Exhibit Number 4, which is just proposed updates  
24 to the findings. What you'll see is that those proposed  
25 revisions were trying to be as minimal as possible, so if

1 the Board was inclined to support our request, to support  
2 the CSP to rezone 20007, approve 20007, CSP-20007 then you'd  
3 have the basis to do that. We have reviewed the Staff  
4 Report.

5 MADAM CHAIR: Okay. Not that one.

6 MR. HATCHER: Yes?

7 MADAM CHAIR: I'm sorry.

8 MR. HATCHER: We can certainly go through it if  
9 you want, it's a lot of information but we did provide it to  
10 staff. We think it's intended, well our intention was  
11 behind it just to give the Board the basis to make an  
12 alternative finding for Community Planning if you were so  
13 inclined to approve the CSP to rezone the property. If you  
14 are not inclined to do so, then this exhibit obviously will  
15 remain in the record, but you know is less relevant. Sorry,  
16 go ahead.

17 MADAM CHAIR: Okay.

18 MR. HATCHER: We are appreciative of staff and in  
19 the Staff Report when it goes through proposed conditions,  
20 if the Board were to make an alternative finding we have  
21 reviewed them, and we have no revisions to them as you'll  
22 see in this document. And so I think the question before  
23 the Board is the one I referenced in the beginning, either  
24 you agree that this doesn't comply and that this map that  
25 staff is focused on, this one page in an otherwise 300 page



1 document is controlling, or you have to read the text and  
2 the chart and the map all in a way that is consistent. And  
3 we believe if you do so then you find that the CSP is  
4 compliant with the TDDP.

5           So with that, we respectfully request that the  
6 Board adopt the findings of facts and conclusions of law as  
7 amended by Applicant's Exhibit 4, and approve CSP-20007 and  
8 associated TCP with the conditions contained in the Staff  
9 Report.

10           MADAM CHAIR: Thank you, Mr. Hatcher. You've  
11 raised a lot, and I'm obviously going to turn to our staff  
12 to address some of the points that you raised but not just  
13 yet. I'm going to first see if the Board has any additional  
14 questions of you and then I'm going to turn to the City of  
15 Hyattsville. So let's see if the Board has any additional  
16 questions of you at this time. Madam Vice Chair?

17           MADAM VICE CHAIR: No questions, thank you.

18           MADAM CHAIR: Okay. Commissioner Washington?

19           COMMISSIONER WASHINGTON: Yes, just a clarifying  
20 question. Your Exhibit 4, Mr. Hatcher, are there revisions  
21 proposed to staff's revised findings in their July 9th memo?  
22 Or are they revisions based on the original Staff Report?

23           MR. HATCHER: They're revisions based on the  
24 original Staff Report. Staff's revised findings that came  
25 out earlier this week, or that we received earlier this

1 week, I believe on Monday, isn't contained. We have had an  
2 opportunity to review them and it just elaborates on some of  
3 the required findings for the purposes and the position of  
4 the City of Hyattsville.

5 COMMISSIONER WASHINGTON: Okay. Thank you very  
6 much.

7 MADAM CHAIR: Okay. Thank you. Commissioner  
8 Doerner?

9 COMMISSIONER DOERNER: Yes, let me ask you just  
10 one question about the proffer of affordable housing. So I  
11 like the idea of having different kinds of housing types,  
12 and particularly like we're missing a lot of housing options  
13 for kind of the working class or middle class and lower  
14 income units in this kind, like most of the stuff we've been  
15 building or approving over the past two years have just been  
16 like higher end townhomes or condos or multifamily. Like we  
17 haven't gotten entry-level single-family homes really off on  
18 this track. And I appreciate the proffer of the 60 to 80  
19 percent AMI because those are the real definitions of  
20 affordable housing. A lot of people when they site them,  
21 they screw it up and they give other definitions that don't  
22 coincide with a lot of the programs that are out there, at  
23 least at a federal level for funding (indiscernible) stuff.  
24 What would keep those as affordable units though?  
25 Because that's another problem we're having right now and

1 (indiscernible) a couple months or we're going to be getting  
2 to a point where a lot of multifamily and single-family  
3 covenants expire that they had like a five-year term and  
4 they're not affordable housing anymore. So how long would  
5 this last or would it be for the lifetime of (indiscernible)  
6 property?

7 MR. HATCHER: So you know unfortunately there is  
8 no real program, as you guys are aware, there's no real  
9 program to administer this. And so what my client has done,  
10 what the applicant has done is sort of engage with a few  
11 local organizations which you guys will probably be familiar  
12 with. But it's sort of premature to have to share where  
13 ultimately they would, those affordable housing providers  
14 would ultimately take ownership of those units and then  
15 ultimately administer their specific program, since they  
16 have national mandates.

17 So we wouldn't necessarily prescribe the term but  
18 as part of their programs they would have to, they would be  
19 required to do that. Now alternatively if there was a term,  
20 for example, or if in a future application we wanted to have  
21 some type of agreement or covenant with, for example the  
22 City or just a general covenant that we put on the property,  
23 we can certainly make sure that the term of that affordable  
24 housing is, I mean what I've seen is they're typically you  
25 know 15 to 30 years one is for tax credit deals and a little

1 bit shorter for other things. And so since we're not  
2 necessarily, it's not necessarily going to be, we're not  
3 anticipating any public subsidy, there's not going to be any  
4 federal or state tax credits, we're not anticipating for  
5 that range, we're not necessarily anticipating any  
6 revitalization tax credits or tiffs or anything. We would  
7 have some flexibility but candidly for purposes of the  
8 development those units for the applicant would just be a  
9 loss. They're not making any money, and they're probably  
10 losing money.

11 COMMISSIONER DOERNER: Yes, no I understand that,  
12 I mean that's why we don't have affordable housing a lot of  
13 times.

14 MR. HATCHER: Right.

15 COMMISSIONER DOERNER: Because it just costs money  
16 and developers aren't necessarily interested if they're  
17 profit driven. That's the unfortunate thing that's the sort  
18 of capitalism that we have. So I appreciate the extra  
19 clarification. I think a covenant of sorts would probably  
20 be good to maintain that.

21 MR. HATCHER: Yes.

22 COMMISSIONER DOERNER: And I'd have to check SDAT  
23 to see on the homestead exemptions and stuff, but there  
24 might be an exemption that you wouldn't necessarily benefit  
25 from as the developer, your client, but the property owners

1 might be able to benefit from property tax reductions or  
2 some sort of an exemption for lower income classifications.  
3 But yes, I appreciate the clarification.

4 MR. HATCHER: Thank you for the question.

5 MADAM CHAIR: Okay. And then that's it for you,  
6 Commissioner Doerner?

7 COMMISSIONER DOERNER: (No audible response.)

8 MADAM CHAIR: Okay. Commissioner Geraldo?

9 COMMISSIONER GERALDO: Just two questions, Madam  
10 Chair. Mr. Hatcher, thank you for the presentation. What  
11 was the Council's rationale, if any, when it denied the  
12 request in 2016?

13 MR. HATCHER: I can only opine on that, right.  
14 I'm not entirely sure what they were. I think candidly in  
15 staff's update that we were provided earlier this week, we  
16 think it probably was in response to community concerns at  
17 the time. So when the request was put in the community was  
18 very vocal, there was one community member in specific that  
19 I think a few of you on the Board will appreciate, Judy  
20 Robinson, lived right next to the property and as you guys  
21 know she's quite vocal and quite persuasive. My  
22 understanding she's not necessarily there anymore (A) and  
23 (B) you know I think, I genuinely believe that the Council  
24 when it didn't zone the property but kept it in the TDDP  
25 with all the language dealing with the market, wanted to

1 have sort of a holding pattern to see what happens because  
2 you still have these goals, these growth goals with the  
3 General Plan. You still have these goals in the TDDP. So  
4 you need to preserve some flexibility to make up that  
5 density if other properties don't develop, necessarily how  
6 they were intended to at the time of TDDP.

7           Again, the Landy Property which the Blumberg's  
8 owned at the time was approved for about 1,200 units,  
9 multifamily units, but 1,200 units. It's now developing at  
10 331 townhouses. There's a gap of 900 units to try to meet  
11 that 8,000 units right there. You know, so in essence,  
12 you're not actually getting more density than was envisioned  
13 at the time, you're just making up for a gap that was  
14 created because of perhaps the Landy Property didn't develop  
15 that way or the Dewey Property didn't develop in the way  
16 that it was anticipated.

17           COMMISSIONER GERALDO: So my second question is  
18 instead of taking up all that land with single family  
19 townhouses, what consideration, if any, and this could go to  
20 Commissioner Doerner's inquiry as well, have you given to  
21 building for example, three family house where an owner  
22 could buy the house and rent out two floors to help them pay  
23 the mortgage? Like is the property --

24           MR. HATCHER: So that --

25           COMMISSIONER GERALDO: -- in the northeast?

1 MR. HATCHER: So that's an interesting question.  
2 Because although the plan that we submitted obviously has a  
3 layout intended for townhouses, the R-20 Zone actually  
4 permits other types of houses, triplexes, other things like  
5 that. And so, you know, I think that if that was going to  
6 be persuasive to the Board in terms of you know all the  
7 other goals and recommendations contained in the TDDP  
8 because it does mention condominiums, it does mention  
9 triplexes and things like that, I think that's something  
10 that my client would be receptive to. We're not  
11 necessarily, although we want single family attached, you  
12 know, the zone itself permits broader array of uses than  
13 just that.

14 COMMISSIONER GERALDO: Yes, I mean that's  
15 something that I've noticed that's lacking in this area, not  
16 just in Prince George's County but in the region when you  
17 compare it to situations like New York, New Jersey,  
18 Connecticut, Massachusetts where they frequently have a  
19 single family house --

20 MR. HATCHER: Right.

21 COMMISSIONER GERALDO: -- or a three-level house  
22 and that makes the property more affordable because people  
23 can buy it and they have two --

24 MR. HATCHER: (Sound.)

25 COMMISSIONER GERALDO: -- other renters that help

1 pay the mortgage.

2 MR. HATCHER: And that's the beautiful thing about  
3 the R-20 Zone as opposed to the R-80. The R-80 it really  
4 only permits the single family attached. It doesn't really  
5 provide that flexibility to try to explore other unit types,  
6 and the R-20 does. Now, I think you know there are ways to  
7 sort of manage that or put that in other places on the  
8 property and I think that again if that's determinative then  
9 you know that's something obviously the applicant would be  
10 interested in exploring. But the primary reason is to get  
11 the broader array of unit types that are envisioned in the  
12 recommendations of the TDDP.

13 COMMISSIONER GERALDO: Okay.

14 MADAM CHAIR: Okay.

15 COMMISSIONER GERALDO: That's it. Just that your  
16 Conceptual Site Plan just talks about townhouses. I guess  
17 that's the issue.

18 MADAM CHAIR: Okay.

19 COMMISSIONER GERALDO: Okay. I don't have any  
20 other questions.

21 MADAM CHAIR: Thank you. So I'm going to now go  
22 to the City of Hyattsville. We have about 16 or 17 people  
23 signed up to speak. So we've got to hear from them too. We  
24 also have exhibits in the record. I think we have four  
25 exhibits as Mr. Hatcher pointed out, four from the applicant



1 and 20 opponent exhibits. Okay. So I'm going to turn to  
2 the City of Hyattsville. I think, is it Kate Powers because  
3 I think Ben, and you've got to help me with the last name.  
4 Ms. Powers, are you on?

5 MS. POWERS: (No audible response.)

6 MADAM CHAIR: Yes, there she is. Okay. Ms.  
7 Powers, I see that you're there, I'm not hearing anything.  
8 Kate Powers? Okay. And Ben, I don't know how to pronounce  
9 this last name, Simasek? Simasek? From the City of  
10 Hyattsville. Okay. And Kate Powers, I'm hearing nothing.  
11 Is she on the phone, is that it? I know he stopped, but  
12 (indiscernible) okay so I'm going to skip over the City of  
13 Hyattsville then. I'm going to turn to, so we have a number  
14 of opponents who have signed up to speak. Wait a minute.  
15 Mr. Hatcher, are these folks with you? Mr. Bickel is with  
16 you, Lucas Bouck is with you too? Mr. Hatcher?

17 MR. BOUCK: So I'm mister, I'm Lucas Bouck, I'm,  
18 I'm just like a resident, but I'm in favor of the project.  
19 But I'm not, I'm not associated with the like --

20 MADAM CHAIR: The applicant. Okay.

21 MR. BOUCK: -- I'm just a, just a resident.

22 MADAM CHAIR: Okay. You're just a resident and  
23 you are in favor of it. Okay. Okay. We've heard from Mr.  
24 Ferguson. Paul Fegelson?

25 UNIDENTIFIED SPEAKER: Yeah --

1           COMMISSIONER WASHINGTON: Madam Chair, I'm sorry,  
2 Ms. Powers is in the chat, she's indicating that she is on  
3 the phone.

4           MADAM CHAIR: But I can't hear her. I see her  
5 name here, but she's not, we can't hear her.

6           COMMISSIONER WASHINGTON: I know, I'm just sharing  
7 what she just put in there.

8           MS. POWERS: Hello, can you hear me now?

9           MADAM CHAIR: Yes, we can hear you now.

10          COMMISSIONER GERALDO: Yes.

11          MADAM CHAIR: Okay. Just hold tight, Ms. Powers,  
12 okay. Paul Fegelson?

13          MR. FEGELSON: Yes.

14          MADAM CHAIR: Are you associated with the  
15 applicant?

16          MR. FEGELSON: Yes. Yes, I'm associated with the  
17 applicant and I'm in favor.

18          MADAM CHAIR: Okay. Thank you. Samuel Blumberg?

19          MR. BLUMBERG: Yes, I, I am the applicant and I'm  
20 in favor and I, I have nothing to add to Mr. Hatcher's  
21 presentation.

22          MADAM CHAIR: Okay. Okay. And Vincent Biase?  
23 You can help me out.

24          MR. BIASE: Yeah, Biase.

25          MADAM CHAIR: Biase, okay.

1           MR. BIASE: I'm here on behalf of the applicant  
2 and in favor.

3           MADAM CHAIR: Okay. Thank you. So now I'm going  
4 to turn to the City of Hyattsville. Okay. Ms. Powers?

5           MS. POWERS: Good afternoon. Hello. Sorry for  
6 the technical difficulties there. But for the record, my  
7 name is Kate Powers, I am the City Planner for the City of  
8 Hyattsville. So as was mentioned by Mr. Spradley on Monday,  
9 June 7, 2021, the City Council voted in opposition of the  
10 applicant's request for rezoning the Clay Property from R-80  
11 to R-20.

12           The City Council believes that the proposed  
13 rezoning conflicts with the Prince George's Plaza TDDP as  
14 expressed by Park and Planning staff in both their  
15 presentation and technical memo. The environmental and  
16 historical significance of the parcel, you know, being a  
17 wooded parcel in the area of urban transition as well as a  
18 parcel in close proximity to Hitching Post Hill, which is  
19 listed as a national register of historic places, sort of  
20 exacerbates this conflict.

21           The Hyattsville City Council highly values the  
22 environmental benefits that are associated with the existing  
23 Clay Property and wants to prioritize as much woodland  
24 preservation as possible. So the City Council voted in  
25 opposition, however, they did develop potential conditions

1 for approval should the Board move forward with the rezoning  
2 request and those measures are outlined in the City's  
3 correspondence to the Planning Board, which is dated June  
4 11th.

5           So I can just briefly go through the five  
6 measures, which were developed to address --

7           MADAM CHAIR: And hold on a second, Ms. Powers.  
8 For the record, for anyone else who's watching and our  
9 Planning Board members, this is in our backup, the City of  
10 Hyattsville letter dated June 11th is in our backup --

11           COMMISSIONER GERALDO: Yes.

12           MADAM CHAIR: -- as page 46 of 63 in our Staff  
13 Report. Okay. Ms. Powers?

14           MS. POWERS: Great, thank you. So the five  
15 measures are as follows. The first one is requiring at  
16 least four total acres of conserved forest on site. And  
17 this would include the buffer for the Ash Hill, Hitching  
18 Post Hill historic site.

19           The second would be requiring the site be  
20 configured to save the specimen trees that have been  
21 evaluated as either in fair or good condition.

22           The third is acceptance of the applicant's proffer  
23 for 10 percent of units to be moderately priced in the range  
24 of 60 to 80 percent AMI and also adding that the City  
25 Council would like to see that affordability term for a

1 minimum of 30 years. It is also the City's preference that  
2 as many units as possible be at the lower end of the range,  
3 closer to 60 percent AMI.

4 The fourth is that the property would consist of a  
5 mix of housing stock, including both single family attached  
6 and detached homes --

7 MADAM CHAIR: The Staff Report only goes up --

8 MS. POWERS: -- as it is a transition area.

9 MADAM CHAIR: It only goes up to page 20 he said.

10 MS. POWERS: And then last the measure would be  
11 prior to subdivision --

12 MADAM CHAIR: Okay.

13 MS. POWERS: -- that the onus for alternative  
14 vehicular access --

15 MADAM CHAIR: 20.

16 MS. POWERS: -- to the site to avoid cutting  
17 through traffic --

18 MADAM CHAIR: 46.

19 MS. POWERS: -- to Adelphi as well as ensure that  
20 there's a preservation --

21 MADAM CHAIR: 46.

22 MS. POWERS: -- of --

23 MADAM CHAIR: 47, 47.

24 MS. POWERS: -- of the fully pedestrian connection  
25 to --

1 MADAM CHAIR: 47 actually. Okay.

2 MS. POWERS: -- Calverton Drive. So on behalf of  
3 the City of Hyattsville, I thank the Planning Board in  
4 advance for your consideration of our comments.

5 MADAM CHAIR: Okay. Thank you. Are there any  
6 questions of Ms. Powers? Madam Vice Chair?

7 MADAM VICE CHAIR: (No audible response.)

8 MADAM CHAIR: Okay. Commissioner Washington?

9 COMMISSIONER WASHINGTON: No questions.

10 MADAM VICE CHAIR: No questions.

11 MADAM CHAIR: Okay. Okay. So no questions from  
12 Madam Vice Chair or Commissioner Washington. Commissioner  
13 Doerner?

14 COMMISSIONER DOERNER: Yes, a quick question, Ms.  
15 Powers. On the homes that are affordable homes, either 60  
16 or 80 percent AMI or some mix of that, did the City talk  
17 about location of those? That they would like them to be  
18 interspersed within the development so that way they're all  
19 not located on like some back street or something  
20 altogether, but actually like throughout the community? Or  
21 did they not even take it any further?

22 MS. POWERS: So the City Council has not discussed  
23 location. I think that's a great point and the applicant  
24 has been very responsive, so I'm sure moving forward with  
25 you know if this moves forward and they choose local housing

1 partners that that's something that we can discuss. But  
2 unfortunately, we did not come to any decisions for that  
3 during this last Council meeting.

4 MR. HATCHER: Commissioner, if I may, this is  
5 Chris Hatcher on behalf of the applicant. It is our  
6 intention to disperse them throughout the community so that  
7 there is not an enclave of affordable units with all the  
8 others on another side of the property.

9 COMMISSIONER DOERNER: Okay. Good. That's  
10 another one of my pet peeves that I hate to see, so thank  
11 you.

12 MADAM CHAIR: That was it for you, Commissioner  
13 Doerner. Commissioner Geraldo?

14 COMMISSIONER GERALDO: No questions, Madam Chair.

15 MADAM CHAIR: Okay. Thank you. So Ms. Powers, we  
16 have your letter from the City of Hyattsville and so I'm  
17 going to move on down the line. Now, let me get to Mr.  
18 Nelson for a second. Okay, Mr. Nelson --

19 MR. NELSON: Yes, present.

20 MADAM CHAIR: -- I'm going to ask you a couple of  
21 questions. You are representing some but not all of the  
22 citizens who signed up as opponents, is that correct?

23 MR. NELSON: I believe that's correct. I don't  
24 have a full list who has signed up. My letter identifies  
25 the 11 or 12 individuals who are my clients.

1           MADAM CHAIR: Okay. I got that. Okay. So there  
2 was one, Monte Chawla, I guess, I called his name, there was  
3 no response. Now, but you have indicated a preference in  
4 terms of an order in which you'd like to call folks after  
5 you go and after you speak, and Ms. Grover speaks. But I  
6 will tell you that three of the people on your list of 14  
7 have not signed up to speak, so they did not sign up. Okay.

8           MR. NELSON: That would be a problem, right, yes.  
9 Who didn't sign up, may I ask?

10          MADAM CHAIR: Liz Padone (phonetic sp.) --

11          MR. NELSON: Yes.

12          MADAM CHAIR: -- Matthew Palus --

13          MR. NELSON: Yes.

14          MADAM CHAIR: -- and Jim, it's 8, 10 and 11, Jim  
15 Manasian.

16          MR. NELSON: Right. All right. Very well. I  
17 mean I don't know if they're on the line yet or not, I don't  
18 know the circumstances, but I understand the point you just  
19 made.

20          MADAM CHAIR: Yes, so they can't speak. You can  
21 speak for anybody that you represent.

22          MR. NELSON: Yes.

23          MADAM CHAIR: And then the others on your list can  
24 certainly speak. Okay.

25          MR. NELSON: Thank you.



1           MADAM CHAIR: So with that, I'm going to just turn  
2 to, you want to start off?

3           MR. NELSON: Yes. I think that's the most  
4 efficient way for us to proceed and I think we can do it  
5 reasonably efficiently.

6           MADAM CHAIR: Okay. You're on.

7           MR. NELSON: Thank you. Thank you. Macy Nelson  
8 on behalf of the citizen protestants. Let me just take a  
9 moment and identify my clients on the record, it's  
10 important, I mean for standing purposes. I represent David  
11 Dukes, Rose B. Fletcher, Robert R. Fletcher, the Fetters  
12 coincidentally are the folks who own the Hitching Post  
13 historic district property. I represent David R. Pitcher,  
14 Shirley Pitcher, Thomas L. Wright, Joseph Luebke, James  
15 Manasian (phonetic sp.), Alyson Reed, Sheila Gupta, Rajeb  
16 Gupta (phonetic sp.) and I also represent and I omitted him  
17 from my letter, Charles Dukes, who coincidentally was  
18 Chairman of the Planning Board for five years during the  
19 1980's. All of my clients live in very close proximity to  
20 the subject property. Each of my clients opposes the  
21 application. Each of my clients supports the  
22 recommendations of technical staff.

23           Four other individuals or several other  
24 individuals couldn't be here today, but authorized me to  
25 communicate on their behalf their opposition to this

1 project. Professor Torres, T-O-R-R-E-S, Ms. Debra Torres,  
2 Ms. Susanna Torres, Mr. Juan Torres, also Detra Dorsey  
3 (phonetic sp.) and Emerson Rossy (phonetic sp.). These  
4 folks also oppose the project and support the  
5 recommendations of technical staff.

6 Our first witness will be our land planner, Ruth  
7 Grover, but let me just take a moment and share with the  
8 Board my assessment of this TDDP issue.

9 You know, when we reviewed the plan, technical  
10 staff correctly points out that the plan contemplates a  
11 downtown core, it contemplates a neighborhood edge which  
12 includes a mix of housing including single family detached  
13 homes. The subject property is in the neighborhood edge and  
14 the plan contemplates residential low development of less  
15 than 3.5 units per acre for this area.

16 So the staff's recommendations follow those themes  
17 and the applicant's application conflicts with those themes.  
18 So for those reasons my clients and others, my clients  
19 oppose this project. So I would ask that Ruth Grover, our  
20 land planner be permitted to testify and then we'll follow  
21 with Tom Wright, Alyson Reed, Rose Fletcher, Randy Fletcher,  
22 Charles Dukes, Emily Palus, Sheila Gupta, Peter Burkholder  
23 and David Dukes. But thank you for taking the time to  
24 listen to my client's objections. Thank you so much.

25 MADAM CHAIR: No problem, but one other thing --

1 MR. NELSON: So with that, I'm going to call Ms.  
2 Grover.

3 MADAM CHAIR: Okay. But one other thing. Even  
4 though Jim Manasian did not sign up, we do have a, he is  
5 Opponent's Exhibit Number 1. We do have his letter in the  
6 record, just so you know.

7 MR. NELSON: I'm aware of that, thank you very  
8 much.

9 MADAM CHAIR: Okay. Thank you. And then after  
10 Ms. Grover, I am going to ask because we have so many people  
11 signed up to speak, I'm going to ask that you have the right  
12 to be heard and we want to hear what you have to say, but  
13 we're going to ask that you not be unduly repetitive though.  
14 Okay. Ms. Grover?

15 MS. GROVER: The application in the subject case  
16 seeks to rezone the subject property from R-80 to R-20 for  
17 the purpose of developing 137 townhouses on the property.  
18 And we are here to say that we stand with staff to recommend  
19 disapproval of the application.

20 My name is Ruth Grover, I have a master's in urban  
21 planning degree and I've worked as a land planner for over  
22 35 years in a variety of private and public positions,  
23 including working for the MNCPPC and am currently working  
24 for Macy Nelson, which brings me to this hearing.

25 I've been asked to testify as to my knowledge and

1 professional opinions regarding the Conceptual Site Plan  
2 application before you. My resume has been submitted for  
3 your consideration.

4           Technical Staff Reports have been for many years,  
5 set up at the MNCPPC to first list the evaluation criterion  
6 for the case and then includes findings which discuss the  
7 individual projects conformance or lack thereof with those  
8 requirements. In this case, staff has done exactly that  
9 including in the list of criteria the appropriate  
10 comprehensive planning documents, the Zoning Ordinance, the  
11 Woodland and Wildlife Habitat Conservation Ordinance, other  
12 site related regulations, the Landscape Manual and the Tree  
13 Canopy Ordinance and referral comments.

14           As a result of this review staff found five major  
15 categories in which the case did not meet the requirements  
16 of those evaluation criteria and in their Technical Staff  
17 Report recommended disapproval. These five major areas  
18 include nonconformance with the recommendations of Plan 2035  
19 especially in its desire for mixed-use including employment  
20 uses together with a variety of transportation options to be  
21 available in the area. Nonconformance with the  
22 recommendations of the Master Plan and the 2016 Prince  
23 George's Plaza TDDP and TDOZ which call for low density  
24 residential in what was called the neighborhood edge  
25 character area, which is the transition between the town

1 core and the established neighborhood.

2           Townhouses do not align with this district. A  
3 strategy in the 2016 Plan states that townhouses are  
4 incompatible and inappropriate and should be prohibited. A  
5 policy of the plan states that high density residential  
6 development should be restricted to the downtown core.

7           Noncompliance with the requirements of the Zoning  
8 Ordinance. The case is not in conformance with the TDDP as  
9 is required by Section 27-548.09.01(b) (5) of the Zoning  
10 Ordinance. Density should be limited to 3.5 dwelling units  
11 per acre. The rezoning would allow 16.22 units per acre.

12           Noncompliance with the Woodland and Wildlife  
13 Conservation Ordinance. There is not enough woodland  
14 conservation on site. There should be a minimum of 2.59  
15 acres and only 2.04 acres as proposed on the site.

16           Concerns expressed in the referral comments.  
17 There is a possibility of the presence of archeological  
18 artifacts on the site. The historic view shed is an issue  
19 from the Hitching Post historic site.

20           Section 27-548.09.01 of the Zoning Ordinance which  
21 addresses an amendment of an approved Transit District  
22 Overlay Zone and upon which the applicant relies to request  
23 the subject rezoning, requires a positive showing that the  
24 proposed development conforms with the purposes and  
25 recommendations of the Transit District as stated in the

1 Transit District Development Plan. Staff in their  
2 memorandum dated July 9th stated that they were unable to  
3 find such conformance and base their recommendation of  
4 disapproval of the application on this lack of conformance.  
5 Especially because of their inability to reconcile the low  
6 density called for in the TDDP and the high density sought  
7 in this application.

8           This lack of a conformance is apparent in many  
9 other respects including the Clay Property is the only land  
10 included in the TDDP that is slated for residential low  
11 development. Rezoning it to a higher density would exclude  
12 residential low single family detached from the land use mix  
13 contrary to the desire of the neighborhood edge in which the  
14 property is located for a mix of housing types including  
15 townhouses and single-family detached homes. That's on page  
16 70.

17           The TDDP on page 152 indicates that the subject  
18 property is to remain R-80 and that R-80 is the only zone in  
19 the planning area that permits single family detached. An  
20 illustrative in the TDDP on page 11 indicates that the  
21 property is to be developed with single family detached  
22 housing in a graphic. The TDDP page 737 indicates that  
23 maximum building height should be 2.5 stories, which certain  
24 townhouses architectural plans exceed.

25           The up zoning of the property was considered and

1 rejected at the time of the TDDP adoption. As staff said in  
2 their memorandum, the priorities for the community were  
3 taken into account when the property was added to the TDDP  
4 in 2016 when future land use of residential low was placed  
5 on the property to ensure a transition to the neighborhoods  
6 to the north and east. With respect to this issue, staff  
7 concluded that the proposed rezoning and proposed townhouse  
8 development does not align with the land use vision for the  
9 character area in which the project is located.

10           The subject rezoning is also not in conformance  
11 with Plan 2035. First, because it's not in conformance with  
12 the TDDP which is intended to implement Plan Prince George's  
13 2035. It is also not in conformance with the Plan 2035's  
14 vision for a walkable transit-oriented community within the  
15 Prince George's Plaza Transit District. And because it does  
16 not support 2035's principles to direct future growth toward  
17 transit oriented mixed-use centers to expand the commercial  
18 tax base, capitalize on existing employment infrastructure  
19 investment and preserve agricultural and environmental  
20 resources.

21           It is untrue that any development is good  
22 development and better than the alternative of no  
23 development at all. It appears to us that the staff has  
24 done their job well, that the project does not conform to  
25 the requirements of the evaluation criteria and should

1 therefore be disapproved.

2 Thank you for your time.

3 MADAM CHAIR: Okay. Thank you, Ms. Grover. I  
4 think Mr. Hatcher has a question of Ms. Grover. Is that it,  
5 Mr. Hatcher?

6 MR. HATCHER: Yes, Madam Chair.

7 MADAM CHAIR: Okay. Go ahead.

8 MR. HATCHER: And this just might be I'm just not  
9 up to date. I just want to make sure that Ms. Grover's been  
10 qualified as an expert in a court of competent jurisdiction  
11 or before an administrative hearing body.

12 MADAM CHAIR: She has been. She has, I don't know  
13 about a court of competent jurisdiction, but she has been  
14 before this Board.

15 MR. HATCHER: Okay.

16 MADAM CHAIR: Thank you. That was it for you?  
17 Okay. Okay. Thank you. Well, let's see if the Board has  
18 any questions of you. Madam Vice Chair?

19 MADAM VICE CHAIR: No questions, thank you.

20 MADAM CHAIR: Commissioner Washington?

21 COMMISSIONER WASHINGTON: (No audible response.)

22 MADAM CHAIR: Okay. She's muted. Okay.

23 COMMISSIONER WASHINGTON: I'm sorry. Yes, no  
24 questions thank you.

25 MADAM CHAIR: Okay. Commissioner Doerner?



1 COMMISSIONER DOERNER: No questions, thank you.

2 MADAM CHAIR: Okay. And then Commissioner  
3 Geraldo?

4 COMMISSIONER GERALDO: No questions, Madam Chair.

5 MADAM CHAIR: Okay. Thank you. Okay. So now,  
6 Mr. Nelson, I think the next person you had was Tom Wright,  
7 is that correct?

8 MR. NELSON: (Indiscernible) be myself, I think  
9 he's on the line. Mr. Wright?

10 MR. WRIGHT: Yes, I'm here.

11 MADAM CHAIR: Okay. Please proceed.

12 MR. WRIGHT: Let's see. Am I just, yeah there I  
13 am. Okay. So, well thank you Madam Chair, I'm not exactly  
14 sure how much time we're allowed to, to speak. I did send a  
15 letter on July 2nd to, to that e-mail address, the Planning  
16 Board e-mail address.

17 MADAM CHAIR: Yes.

18 MR. WRIGHT: And I did also send --

19 MADAM CHAIR: We have two of them. We have two  
20 from you.

21 MR. WRIGHT: Yeah --

22 MADAM CHAIR: You have Opponent's Exhibit 2 and 3.  
23 Good.

24 MR. WRIGHT: Yes, that's --

25 MADAM CHAIR: Okay.

1           MR. WRIGHT: Yeah, and, and the second letter was  
2 just excerpts taken from the TDDP relative to the specific  
3 unique aspects of, of the Clay Property and, and why this  
4 CSP is, doesn't conform with that.

5           I don't think I need to read the letter word for  
6 word --

7           MADAM CHAIR: No, you don't because we have it.  
8 Okay.

9           MR. WRIGHT: -- but, right, exactly right. So I  
10 wanted to take my time, if I might, to some notes that I was  
11 taking during Mr. Hatcher's presentation. And by the way,  
12 I'm a little nervous but --

13          MADAM CHAIR: Okay.

14          MR. WRIGHT: -- I'm very delighted to be able to  
15 address and speak to this esteemed Board and, and I  
16 certainly do appreciate the analysis that the staff did,  
17 DeAndrae did a remarkable job. I was so impressed by what  
18 he had turned out.

19          MADAM CHAIR: Okay.

20          MR. WRIGHT: He is so spot on. He, he got  
21 everything just right

22          MADAM CHAIR: Okay. Mr. Wright, Mr. Wright, let  
23 me stop you for a quick second. Because you know I don't  
24 know when people come before us and sometimes it's the first  
25 time or it's early on and typically people are nervous when

1 they come to speak before us. So I just want you to take  
2 your deep breath while I talk to you, we don't bite. It's  
3 good. We will hear everyone, we will only stop you if you  
4 exceed our parameters. We will never treat you, we will  
5 never be disrespectful so you're good. So now take --

6 MR. WRIGHT: Okay. Well, well thank you. I mean  
7 I, I'm used to speaking in public, I mean I served on the  
8 City Council of Hyattsville.

9 MADAM CHAIR: Well there you go.

10 MR. WRIGHT: During the time when this TDDP was  
11 being discussed.

12 MADAM CHAIR: Okay.

13 MR. WRIGHT: And had addressed the District  
14 Council, but even then I was nervous.

15 MADAM CHAIR: Okay.

16 MR. WRIGHT: So I apologize.

17 MADAM CHAIR: No worries. No worries.

18 MR. WRIGHT: And I have deep and an admirable  
19 respect for Mr. Hatcher as well as Mr. Ferguson and, and I'm  
20 not anti-development and I'm not, you know, you know  
21 opposing this because I don't want anything done. I'm  
22 opposing it because it's just not a right for, for our area  
23 for the location it's in. The, from what I can tell it  
24 sounds like the applicant's representatives are suggesting  
25 that maybe the county was in error by including the Clay

1 Property as an R-80 parcel and that it's their job to sort  
2 of correct that error. And I just don't know if that's what  
3 you're supposed to be doing here just by virtue of rezoning  
4 it is going to correct everything.

5 I, I conclude, or I contend that the inclusion of  
6 the Clay Property and keeping it as an R-80 designation was  
7 in fact an intentional inclusion, not by error but by design  
8 that would enable the inclusion of a single family detached  
9 option in the TDDP. And it's just not the reference, it's  
10 not just that one map that, that suggest that. There is  
11 multiple, there are several references to the Clay Property  
12 throughout the TDDP which I included in my letter as well.  
13 I won't go through all of those but essentially it is as  
14 it's been suggested already, the only parcel rezoned as R-80  
15 and therefore the only parcel permitted to be exclusively  
16 developed with the single family detached option. It's  
17 designated, as we know as low density and it's all mainly  
18 fully contained within the 2005 Green Infrastructure Plan.

19 I think that it was intentional, and I think that  
20 the Board should honor its TDDP that it approved and, and  
21 keep this parcel and keep this parcel zoned as is and allow  
22 for a single-family detached option to be included in the  
23 TDDP.

24 And in fact, the neighborhood character specifies  
25 specifically that single family detached options should be

1 in the TDDP and therefore does recognize that the Clay  
2 Property zoned designation will be the only parcel in the  
3 TDDP to allow for that. So again it's not an error, it's an  
4 intentional point from the county as far as I know that,  
5 that it was zoned and, and included this way to allow for  
6 that. And so by rezoning this, you're actually going to  
7 remove as, as Mr. Doerner had suggested, a whole housing  
8 stock from the entire TDDP just by this one stroke of the  
9 pen by rezoned from one to another. I don't think that  
10 that's a good idea. I think it's, we need to keep multiple  
11 housing options including a single-family detached option in  
12 the TDDP and therefore keep this as R-80 and not R-20.

13 So essentially this rezone, in my opinion, is  
14 going to invalidate and rewrite the TDDP. I don't know if  
15 that's within the power of this Board to do so, but it will  
16 invalidate many, many aspects of the TDDP which I don't  
17 think is, is right, because I think again the county  
18 intentionally did that.

19 I also wanted to point out, this will be my final  
20 comment, the anticipated 2035 build out which was referenced  
21 in the presentation suggesting of 8,400 plus units, most of  
22 that's multifamily units, not residential units. If you  
23 look at the chart carefully it's single family attached  
24 slash detached garnering 232 units and a lot of that is  
25 already satisfy in the Landy Property. If, if there is a

1 desire to have a single-family detached option in the TDDP,  
2 this is the only property where you can do that and so  
3 rezoning it eliminates that as well.

4           And then finally, the affordable housing piece  
5 that has come up, many of us are delighted that this is  
6 actually on the table, but many of us also feel kind of  
7 skeptical as to why this property was chosen as opposed to  
8 the Landy Property which would have given more of an  
9 affordable housing inventory and would have placed units  
10 closer in to public amenities, like the, the, the metro and,  
11 and shopping. The Clay Property geographically is like the  
12 furthest parcel in the TDDP, it's not very walkable and so  
13 it just baffles me that why is the Clay Property a more  
14 valuable and practical affordable housing option when  
15 similar inventory to the south in the Landy Property is not  
16 even a consideration.

17           So that's, that's kind of where my head is on  
18 this. I'm hoping that the Planning Board will respect the  
19 county plan, TDDP plan, keep it intact. Don't rewrite it.  
20 Please honor what was already passed by the county and keep  
21 this property zoned as R-80.

22           Thank you for your time, I appreciate it.

23           MADAM CHAIR: Thank you, Mr. Wright, I appreciate  
24 it. Let's see if any of the Board members have any  
25 questions of you. Madam Vice Chair?

1 MADAM VICE CHAIR: No questions, thank you.

2 MADAM CHAIR: Commissioner Washington?

3 COMMISSIONER WASHINGTON: No questions, thank you,  
4 Mr. Wright.

5 MADAM CHAIR: Okay. And Commissioner Doerner?

6 COMMISSIONER DOERNER: No questions. Thank you  
7 for the testimony, I think it's helpful when folks who may  
8 not be familiar with the area about geographically with how  
9 far out it is actually on the edge. I can walk from my  
10 house to the Prince George's Metro faster than you get from  
11 the Clay Property to the metro, and I'm nowhere near this,  
12 so I think that's, it's hard to convey on the map but it's a  
13 point well taken.

14 MADAM CHAIR: Okay. And Commissioner Geraldo?

15 COMMISSIONER GERALDO: No questions, Madam Chair.  
16 I do appreciate the comment that what the intent was when  
17 Plan 2035 was passed.

18 MADAM CHAIR: Okay. Okay. Thank you so much.

19 Let me go now to Alyson Reed.

20 MS. REED: Yes, can you hear me and see me?

21 MADAM CHAIR: I hear you, let me see if I can see  
22 you. Do I see her? I don't see her. Oh yes, I see you  
23 now. Yes, thank you.

24 MS. REED: Okay. Hi, good afternoon.

25 MADAM CHAIR: Good afternoon.

1 MS. REED: Thank you for giving me the opportunity  
2 to address the Planning Board, I'm here to state my  
3 opposition to CSP-20007, I believe it is. And you have my  
4 written testimony, which is much longer. And I want to  
5 respond mainly to some of the comments that were made by Mr.  
6 Hatcher about the, you know, issues in the TDDP that support  
7 a rezone. And I'd just like to say that there are many,  
8 many other provisions he did not elude to in the TDDP that  
9 actually support our opposition and support keeping the  
10 zoning as is.

11 And as Mr. Wright said, the decision to keep the  
12 zoning at R-80 within the TDDP was very much intentional.  
13 This issue was debated at considerable length at multiple  
14 community events and by the City Council of Hyattsville back  
15 in 20, excuse me, 2016 and by the county and Maryland  
16 Capital Park and Planning and there, there was this attempt  
17 to rezone it then, and they lost. Right? The owners of  
18 this property lost and now they're trying to bring it back  
19 and bring it back and bring it back and see if they can get  
20 it changed again and again. And I just wonder, they've  
21 owned this property for like 50, 60, 70 years now and it's  
22 been zoned for residential development that whole time and  
23 they've never built single family homes on that property.  
24 Why? Because it wasn't sufficiently profitable for them to  
25 do so and now they want us to change the zoning so that they



1 can enhance their profit through market driven strategies as  
2 they've eluded to already.

3           So that's basically the gist of my comments. Do  
4 not revert what has already been decided through community  
5 consensus that took place over the course of two years, I  
6 believe in 2016, which is very recent. Respect the TDDP,  
7 respect the decision the county has already made with ample  
8 input from the community at the time and again today. Thank  
9 you very much.

10           MADAM CHAIR: Okay. Thank you so much, Ms. Reed.  
11 I'm just sort of glancing at the Board to see if any of them  
12 have questions. And I don't see any. Okay. So with that  
13 I'm going to turn to Rose Fletcher.

14           MS. FLETCHER: Here I am, I'm just getting my  
15 microphone and my camera established. Can you see me?

16           MADAM CHAIR: Yes. We can see you.

17           MS. FLETCHER: Yes. Good afternoon all, my name  
18 is Rose Fletcher. I'm a resident of University Hills --

19           MADAM CHAIR: You and anybody else.

20           MS. FLETCHER: -- my husband and I live in the  
21 historic property known as Hitching Post Hill, or HPH, as we  
22 sometimes call it. First, I want to thank you for your  
23 interest in our thoughts on the development of the Clay  
24 Property. Our concerns are threefold. Historical as it  
25 relates to maintaining the integrity of a valuable historic

1 property in Prince George's County. Environmental as it  
2 relates to dwindling green spaces in Prince George's County  
3 and community as it refers to natural environment,  
4 aesthetics, and the sense of community of Hitching Post  
5 Hill.

6           There is more to Hitching, excuse me, University  
7 Hills. There is more to Hitching Post Hill than just a  
8 lovely old house and the bit of land that remains of the  
9 many quiet acres that once surrounded it. One of HPH's  
10 greatest features is the relationship to nature that it  
11 still possesses, despite the encroachment of development  
12 that has already occurred on the north, east and west sides  
13 of the property.

14           In 1840 Robert Clark built this house specifically  
15 as an escape from the hustle and bustle of city life. We  
16 believe that if the Clay Property is developed to the  
17 fullest, this integral connection to its be hallowed past  
18 will be irreversibly broken and Hitching Post Hill will  
19 become just another sadly disconnected islanded historic  
20 building.

21           As current owners slash caretakers, it is our  
22 responsibility to protect HPH. I would argue that the  
23 proposed changes to its surroundings would be detrimental to  
24 its integrity and to its historical value to the county and  
25 to the state.

1           To this point on page 102, the TDDP lists a green  
2 environmental setting that highlights Hitching Post Hill as  
3 one of its goals. Also on page 109, Policy HD-10.1 is to  
4 minimize and mitigate potential impacts to the undeveloped  
5 land surrounding Hitching Post Hill.

6           As for our environmental concerns, we are deeply  
7 concerned about the loss of tree canopy and green space in  
8 Hyattsville. If the Clay Property should clear cut to  
9 accommodate the construction of a townhouse community, as  
10 would be permitted by this zoning change request,  
11 Hyattsville and our community in particular will experience  
12 serious negative impacts. Increased traffic congestion  
13 which will bring light, air and noise pollution, increased  
14 heat and air pollution due to the loss of mature trees and  
15 the addition of the acres of pavement. Loss of wildlife  
16 habitat, wildlife habitat (indiscernible) of insufficient of  
17 storm water management as storms increase in intensity in  
18 our area and across the country.

19           In short, we feel that if high density housing is  
20 permitted through a zoning change, these impacts will be far  
21 greater than if the current zoning for single family homes  
22 if retained.

23           As members of a community of single-family homes,  
24 in the absence of any chance that the woods could remain --

25           MADAM CHAIR: Okay. I've got to stop you, Ms.

1 Fletcher for a second, because there's some noise going on  
2 in your background. Everybody else is muted, so it has to  
3 be you. I don't know if you have a fan going or anything.

4 MS. FLETCHER: Oh I have a fan.

5 MADAM CHAIR: Yes, it's --

6 MS. FLETCHER: Yes, it's hot here. We don't, we  
7 have a beautiful house with no air conditioning. Sorry  
8 about that.

9 MADAM CHAIR: Oh I see, well I guess you need your  
10 fan, but okay.

11 MS. FLETCHER: No, I don't.

12 MADAM CHAIR: Okay.

13 MS. FLETCHER: I'll turn it off for the --

14 MADAM CHAIR: Okay. Thank you.

15 MS. FLETCHER: Okay. Can you, can you hear me  
16 still?

17 MADAM CHAIR: Yes. We hear you much better.

18 MS. FLETCHER: Okay.

19 MADAM CHAIR: Thank you.

20 MS. FLETCHER: Okay. Okay. As members of a  
21 community of single-family homes, we would furtherly hope  
22 for the lowest possible density impact on the Clay Property  
23 and therefore the least negative impact, impact on our  
24 community. Our roads, our wildlife, our peace, our sense of  
25 place and the air we breathe, all of which affect our health

1 both physical and mental.

2           At almost a mile away, a townhouse development on  
3 the Clay Property would not be close enough to the metro to  
4 be considered Smart. Promises of affordable housing have  
5 often been offered as bait by developers, but usually go  
6 unfulfilled. Buffers may be bragged on, but we know they  
7 may not be guaranteed. The only real benefit to an R-20  
8 zoning change will be to the owners and developers of the  
9 property who will maximize their profits to the detriment of  
10 the University Hills community.

11           On page 100 the TDDP lists this housing a  
12 neighborhood goal. New neighborhoods that possess their own  
13 distinctive livable character while respecting the physical  
14 character of adjacent existing single-family residential  
15 neighborhoods. Thank you for listening and for considering  
16 our point of view.

17           MADAM CHAIR: Okay. Thank you so much, Ms.  
18 Fletcher. We appreciate it. I don't see any indication of  
19 a sign on the part of the Board members that they have  
20 questions. Let me see, now the next person and I'm assuming  
21 they're one in the same, I have on my signup sheet I have a  
22 Randy Fletcher and a Robert Fletcher. They're one in the  
23 same, I'm told. Is that accurate? So Randy Fletcher?

24           MR. NELSON: They're the same person.

25           MADAM CHAIR: Okay. Thank you.

1 MR. NELSON: Randy Fletcher, you're on.

2 MADAM CHAIR: Okay. Thank you.

3 MR. FLETCHER: Hello, I would actually Madam  
4 Chair, if possible, like to change my slot with Emily Palus,  
5 who has a 3 o'clock presentation.

6 MADAM CHAIR: Who has a what?

7 MR. FLETCHER: She has a presentation for work --

8 MADAM CHAIR: Okay. Okay. Okay.

9 MR. FLETCHER: -- at 3 o'clock.

10 MADAM CHAIR: Oh I see, okay, got it. That's  
11 fine.

12 MS. PALUS: And I'm on and ready, Madam Chair,  
13 Chairwoman.

14 MADAM CHAIR: Okay. Let's go.

15 MS. PALUS: And thank you, thank you all, yes, I  
16 have a work --

17 MADAM CHAIR: Okay.

18 MS. PALUS: -- responsibility in three minutes, so  
19 thank you.

20 MADAM CHAIR: Okay. Okay.

21 MS. PALUS: My name is Emily, oh okay, so I'll go  
22 ahead and share my statement. My name is Emily Palus and  
23 I'm joined by my spouse, Matthew Palus, together with our  
24 children. We reside on the 7100 block of Pony Trail Lane in  
25 Hyattsville, one short block from the Clay Property parcel

1 proposed for rezoning.

2           We've lived here since July 2010 and over these 11  
3 years have addressed the landowners request to rezone four  
4 times, including as recently as two years ago, with the  
5 input to the Prince George's Plaza Transit District  
6 Development Plan.

7           I want to sincerely thank the County Planning  
8 Board for the opportunity to address you directly and that  
9 you have made time to hear from my neighbors on this agenda  
10 item which is incredibly important to all of us. We are in  
11 full support of the comments provided by the University  
12 Hills Civic Association, Alyson Reed, Tom Wright and as  
13 represented by Attorney Macy Nelson.

14           In sum, we oppose the request to rezone to allow  
15 single family triple attached homes. We affirm the reasons  
16 in the opposition to the requested zoning change including  
17 negative impacts to the environment, historic resources,  
18 traffic, storm water management and wildlife. We also  
19 observed that no actions have been taken under the current  
20 zoning to develop single family homes. We surmise it is  
21 because dense attached townhomes provide the greater short-  
22 term profit for the land. Having listened to Mr. Hatcher  
23 and Mr. Ferguson today, we are truly concerned that the  
24 applicant is challenging the intent of the TDDP. Having  
25 listened to them through multiple presentations over the

1 last year, none of these arguments about inherent conflict  
2 within the county's policies and plans have been raised.  
3 This seems a persuasive yet opportunistic cherry-picked  
4 interpretation.

5           On the other hand, the community which the  
6 applicant so quickly dismisses has maintained firmly in our  
7 messaging, research, issues and concerns. The applicant's  
8 plan does not account for long term affects including those  
9 addressed by my neighbors. The plan does not offer benefits  
10 to the existing neighborhood, does not offer to enhance the  
11 neighborhood character, does not offer any amenities the  
12 community may be seeking.

13           The proposal for dense attached townhomes lacks  
14 imagination and misses opportunities for beneficial  
15 community outcomes beyond the sole focus on housing units  
16 per acre. This is a special piece of land, it is one of the  
17 last substantial undeveloped parcels in Hyattsville. It  
18 deserves a much more creative development plan than  
19 proposed. And we would be pleased to participate in future  
20 discussions to thoughtfully plan for the future of this  
21 parcel. Thank you so very much for your time.

22           MADAM CHAIR: Thank you, Ms. Palus, and in time  
23 for your 3 o'clock meeting. Okay. I see no questions on  
24 the part of the Board at this time, so thank you so very  
25 much. Okay. So Mr. Fletcher, you're on. Randy Fletcher.



1           MR. FLETCHER: Yes, Madam, Madam Chair and members  
2 of the Board. My name is Randy Fletcher, my wife and I live  
3 in the historic home known as Hitching Post Hill. In 2016  
4 we spoke out in opposition to a zoning change for the Clay  
5 Property, and today here we are again. We feel deeply that  
6 it is important to preserve not just this house, but the  
7 environment that surrounds it. We worry that if we are not  
8 careful Hitching Post Hill will wind up like so many of the  
9 other historic places in our area, still standing but  
10 surrounded by apartment buildings, townhouses, pavement and  
11 cars. For those places, there is no going back, the changes  
12 brought by development cannot be undone.

13           Please understand that we think of ourselves as  
14 caretakers rather than owners, and our concern is not for  
15 ourselves, but for the legacy of this house. We are truly  
16 glad to hear that there is concern with regards to  
17 preserving the view shed from this historic property. It is  
18 our hope that the best decisions will be made for the future  
19 generations of this community. We like many, many others  
20 who live in our neighborhood bought our home in University  
21 Hills because we loved the suburban feel of this quiet  
22 community.

23           We would have bought in a city if we wanted to  
24 live in a city. We don't want to cut away every green space  
25 and have a regional urban downtown center plopped into the

1 middle of our peaceful community. Just because someone in  
2 the county demands that we densely develop every inch of  
3 space doesn't mean it should be so. It's great for the  
4 developers, it's not good for the environment, it's not good  
5 for the community. Taking the long view today will ensure  
6 that in 50 to 100 years people will say this was a really  
7 good idea instead of what were they thinking.

8 Thank you for giving us the chance to voice our  
9 concerns. We appreciate the fact that you are taking the  
10 community's view into consideration, our opinions do count.  
11 Thank you.

12 MADAM CHAIR: Thank you, Mr. Fletcher. And we do  
13 have your letter in the record, it is Opponent's Exhibit  
14 Number 18, so thank you so very much. I'm looking to the  
15 Board and I don't see any questions popping up. So thank  
16 you so very much. Okay. Charlie Dukes?

17 MR. CHARLES DUKES: Madam Chair, Vice Chair,  
18 members of the Commission, can you hear me?

19 MADAM CHAIR: We can hear you. You're not used to  
20 looking at the camera. I see. Okay.

21 MR. CHARLES DUKES: It certainly not important  
22 that you see me, that would not add anything. So my, my  
23 wife and I and my family have lived at 7111 Pony Trail Court  
24 for almost 60 years. One of the reasons we have stayed, one  
25 of the primary reasons is that my neighbors are intelligent

1 and articulate. So I won't attempt to repeat what's already  
2 been said, as you've asked.

3           With your indulgence, I would like to share  
4 another perspective. I'm a past president of Prince  
5 George's Chamber and a recipient of its Lifetime Achievement  
6 award. I'm the past Chairman of the Maryland National  
7 Capital Building Industry and a recipient of its Lifetime  
8 Achievement Award. I'm the past Chairman of the Prince  
9 George's Economic Development Corporation, Executive  
10 Committee and Transportation Chairman of the Greater  
11 Washington Board of Trade, and I was the Pact Chairman for  
12 both the Board of Trade and the (indiscernible)  
13 simultaneously for several years.

14           I'm not a conventional nimby.

15           MADAM CHAIR: Aren't you forgetting one  
16 chairmanship?

17           MR. CHARLES DUKES: Well, I think maybe Macy  
18 already had mentioned that. But it was not primarily my job  
19 there to promote economic development.

20           MADAM CHAIR: Okay.

21           MR. CHARLES DUKES: Each of the things I've  
22 mentioned that was the primary job.

23           MADAM CHAIR: Okay.

24           MR. CHARLES DUKES: During 60 years I have never  
25 appeared in opposition to (indiscernible) of a property

1 owner and develop the property as its entitled. But  
2 rezoning is a slightly different animal.

3           When we moved into Prince George's County in 1962,  
4 I had an opportunity sort to, asked to fly over the area in  
5 a helicopter. In 1964 that was the largest general retail  
6 center in the county was in the area. The largest assembly  
7 of high-rise office was there. A huge number of multifamily  
8 unit housing was there. And if you fly over the same area  
9 today, 60 years later, it's pretty much the same. There's  
10 more of it but it's the same product. And the county in its  
11 wisdom has chosen to make it a downtown core, which I think  
12 is terrific.

13           It also since the begin, since the County  
14 Commissioners and then as to Charter the District Council  
15 for 60 years has maintained the subject property as it is.  
16 Now, I recognize that change is not a requirement for  
17 rezoning under this application. But change related to the  
18 zoning is a fundamental underlying principal, universal.  
19 And the reason is simple. If you permit rezoning except to  
20 saying to the people who are there, the neighbors, the  
21 homeowners, the people who committed to the community, that  
22 well, we're just going to change our mind. We thought it  
23 was a good idea when we zoned it, but right now we're going  
24 to change it and we don't have any real good reasoning,  
25 except it just seems like a good idea. The reason here is

1 pretty obvious, it's driven by the market and the market  
2 driven is fine for a core property, it's part of the, it's  
3 part of the criteria that are there. But a particular  
4 driven property in this case, townhouses, it's just a hot  
5 property. It may be that in two years from now it may not  
6 be there when you get the grading permit, six months, a year  
7 from now. We have no way of knowing.

8           So I would respectfully suggest that this Board  
9 not act in such a way as to defeat the efforts of the  
10 District Council for 60 years and maintain the property for  
11 exactly what it is. It's the area we're talking about is,  
12 is bordered to the south by East-West Highway, it's bordered  
13 to the west by parkland, it's bordered to the east by the  
14 county's Central Library System. The only youth center in  
15 the county when I moved there, and several churches. None  
16 of that has changed. It is bordered to the north by  
17 Northwestern High School and this property, properly sealing  
18 off the established community that's been there for 60  
19 years.

20           This wasn't built up the lot on my house and one  
21 other, we're the only ones in the general Rosemary area,  
22 there were only two or three building sites in University  
23 Hills, and of course the Hitching Post has been there for  
24 well over 100 years 60 years ago. And so I would  
25 respectfully suggest to you that you honor what the District

1 Council has done. If it was so hot bound to increase  
2 density, and you keep hearing about these 8,000 units in  
3 this particular district, I don't know why the density is  
4 being substantially reduced as Mr. Hatcher says, in the two  
5 properties he mentioned. There doesn't seem to be any great  
6 effort to maintain density there. So if you're going to  
7 reduce 1,000 units on those properties why would they worry  
8 about 100 units being added here over what could be there  
9 otherwise.

10 We the people who live here care about this  
11 property. If I may paraphrase one of America's great all-  
12 time advocates and ardors, Daniel Webster, when defending  
13 the (indiscernible) before the United States Supreme Court,  
14 Rosemary and University Hills and Hitching Post constitutes  
15 a small community but there are those of us who love it.  
16 And we trust in you to help us keep it that way. Thank you.

17 MADAM CHAIR: Thank you, Mr. Dukes. Appreciate  
18 your comment. I would say it was good to see you, but well,  
19 anyway, I'm going to leave it at that.

20 MR. CHARLES DUKES: (Indiscernible).

21 MADAM CHAIR: Okay. Okay. So good to see you.  
22 Next is, we don't, okay, so now we have Sheila Gupta.

23 MS. GUPTA: Yes, can you hear me?

24 MADAM CHAIR: Yes. Thank you.

25 MS. GUPTA: Okay. Can you see me?

1 MADAM CHAIR: Yes.

2 MS. GUPTA: Okay. Hi, good afternoon. Thank you,  
3 Madam Chair. My name is Sheila Gupta and I live on the west  
4 side of Bridal Path Lane. And my backyard directly borders  
5 the Clay Property. In fact, if you can see me the Clay  
6 Property is the wooded area directly behind me outside the  
7 window.

8 I'm here today to express my opposition to the  
9 rezoning request on the Clay Property to build 137  
10 townhouses on site. I'll abbreviate my comments so as not  
11 to be overly repetitive with others and I'll simply say that  
12 I want to echo the comments of my neighbors, particularly  
13 Rose Fletcher, Emily Palus and Charlie Dukes. And I'll  
14 just, I'll leave it at that.

15 MADAM CHAIR: Okay. Thank you so much, Ms. Gupta.  
16 And I don't see the Board have any questions. So that was  
17 it. Okay. And I don't see any other questions for you, and  
18 I was remiss in not seeing if there were any questions for  
19 Charlie Dukes. Okay. Okay. So next on the list is Peter  
20 Burkholder. There he is.

21 MR. BURKHOLDER: Hello. Can you see or hear me?

22 MADAM CHAIR: Yes, we can. Yes, we can see and  
23 hear you.

24 MR. BURKHOLDER: Okay. Great. And I have a  
25 couple slides, is that available? If not, I'll just proceed

1 without them.

2 MADAM CHAIR: Well, wait a minute. Your slides?  
3 Hold on a second. Hold on a second. These are something  
4 that, was this already submitted?

5 MR. BURKHOLDER: I submitted the PowerPoint  
6 Tuesday morning as requested.

7 MADAM CHAIR: Okay. So you should have it. I'm  
8 talking to Mr. Flanagan here. But you're not trying to add  
9 anything to it, right?

10 MR. BURKHOLDER: No.

11 MADAM CHAIR: Okay.

12 MR. BURKHOLDER: (Indiscernible) but --

13 MADAM CHAIR: Okay. No. Okay. So I just want to  
14 make sure we're clear. I think it's 17. No, Opponent's  
15 Exhibit 17.

16 MR. BURKHOLDER: While that's coming up I want to  
17 thank you and the rest of the council for this process. In  
18 other meetings I've been attending in the last year, I felt  
19 variously voiceless or, or faceless, and I really appreciate  
20 the effort that has gone into soliciting community input and  
21 not placing arbitrary time restrictions. I will try to keep  
22 my comments brief, I think I have a slightly different point  
23 of view than, than some of my neighbors.

24 I'm Peter Burkholder and my wife, Shannon Hill and  
25 I have lived for 14 years on Bridal Path Lane, facing the



1 property under discussion and would urge the Board to reject  
2 the application in its current form to rezone to, to R-20,  
3 for two primary reasons.

4 First, approval would undermine the years --

5 MADAM CHAIR: This isn't --

6 MR. BURKHOLDER: -- (indiscernible) we all  
7 participated in --

8 MADAM CHAIR: I know.

9 MR. BURKHOLDER: -- for the TDDP and undermine the  
10 legitimacy of you, the planning process that, that we have  
11 here.

12 And second if there would be any exception made to  
13 the TDDP it needs to be for reasons that are truly  
14 compelling, and this plan as offered is not it for many  
15 reasons, as named by my neighbors. It offers little by way  
16 of affordable housing, aesthetic considerations,  
17 diversification or environmental sensitivity. We are not  
18 anti-develop and I actually feel conflicted on the R-80  
19 zoning, as simply erecting McMansions on this property would  
20 be a shame. I prefer to see people residing in homes that  
21 are close to businesses and transit and would prefer some  
22 tree removal in the global sense closer to transit and  
23 businesses than removing trees and erecting homes off in  
24 more rural parts of this county.

25 But this, but simply packing in 130 plus

1 townhouses to maximize the profits of the developer is not  
2 the answer here. It's out of character for this area next  
3 to garden apartments, ample lawns, trees, green space and  
4 single-family homes. Next slide. Or first slide, really.

5 I've inserted in here an earlier drawing from the  
6 conceptual site property that lays in the proposed property  
7 and would, where it would be. And you can see all the areas  
8 are not in green is impermeable land that is right next to  
9 Bridal Path Lane and University Hills to the east, garden  
10 apartments to the south, and of course park land to the  
11 north and west. So where the TDDP calls for respecting the,  
12 the neighborhood edge, packing in townhouses like this  
13 simply does not respect that. And there's been proposals  
14 and in the past to look at something that is higher density  
15 on this property, something like detached homes along the  
16 west, preserving the specimen trees and a buffer along  
17 Bridal Path. Perhaps having attached homes to the west of  
18 those and maintaining the large buffer to the north against  
19 Hitching Post homes and I think even we should consider a  
20 multifamily units on the south to compliment the garden  
21 apartments on Dean Drive (indiscernible) more apartments  
22 under \$2,000 a month and these garden apartments are one of  
23 the few options that are truly affordable in the area. So  
24 applicant's maybe come back with a proposal that truly  
25 respects the need for affordable housing and Commissioner --

1 MADAM CHAIR: Doerner.

2 MR. BURKHOLDER: -- one of the other Commissioners  
3 mentioned earlier the --

4 MADAM CHAIR: Commissioner Doerner. Commissioner  
5 Doerner or maybe Geraldo.

6 MR. BURKHOLDER: Yeah, Commissioner Geraldo had,  
7 had a very creative idea there which I think should be  
8 pursued.

9 Lastly, the proposal, the CSP has serious defects  
10 and I think we shouldn't be rewarding sloppiness in  
11 preparing such reports. Next slide. Or rather, such  
12 proposals.

13 This is an overlay of circles of half a mile  
14 radius around existing and proposed mass transit locations  
15 and area. And as has been mentioned before the proposed  
16 property is actually quite far away either from the purple  
17 line or the Prince George's Metro Station, it's at least  
18 7/10 of a mile walking distance. Further, if we are having  
19 residents walking to transit and the purple line from the  
20 north end corner of this property the only way they can do  
21 so without having a mile walk is to cut through the proposed  
22 150-foot buffer. There's also very little access to, to  
23 buses, the, the R-12 is 4/10 of a mile to the south. The  
24 other buses run along Adelphi Road. So residents there  
25 would be highly dependent upon automobiles unless some

1 consideration is given to their transit needs. Next slide.

2           It's been mentioned before that the proposal is  
3 hostile to the tree canopy, the removing trees. I believe  
4 this has been changed, but they're removing trees that are  
5 either one or near the proposed buffer. They're removing  
6 all the specimen trees. We know in the Landy Property that  
7 they clear cut every single specimen tree in 2017, even on  
8 the areas that were designated as green space. So the, the  
9 applicant's shown a real dereliction of any duty to preserve  
10 environmental amenities and I don't think we should expect  
11 them to be any different, unless they come back with a much  
12 more thoughtful proposal. Next slide.

13           Further, they mentioned things like connections to  
14 parks. This is very misleading because the property on the  
15 western edge drops off very treacherously into impassable  
16 and trail less woods. So the, any future residents would be  
17 far from transit, far from business, lacking parks and  
18 playgrounds in multifamily homes. So it'd actually be  
19 hostile to seniors, to families with young children and  
20 again any possible exception to the zoning just needs to be,  
21 come back with much more imagination and creativity.  
22 Lacking that, we should stay with the R-80 zoning.

23           I don't believe it's come up today, but there had  
24 been proposed a (indiscernible) with the Maryland National  
25 Park and Planning Commission. Next slide.

1           Roughly the area here that would come under  
2 control of the Blumberg family is there in a red block. And  
3 next slide.

4           This is aerial imagery from 1938 showing even at  
5 that time it had mature tree cover. Next slide.

6           That has continued into the 1980's which is the  
7 last available aerial imagery that shows the full canopy.  
8 So although it hasn't come up today, any potential land swap  
9 should not be done unless it's a very careful survey of  
10 what's being swapped and a firm commitment to preserve  
11 specimen trees.

12           That, those are my comments. Thank you for your  
13 time and attention.

14           MADAM CHAIR: Okay. Thank you, Mr. Burkholder.  
15 Let me check on the Board. I don't see any hands raised, or  
16 microphones coming on at this time. So we appreciate it and  
17 appreciate your PowerPoint as well. Okay. Dave Dukes?

18           MR. DAVID DUKES: (No audible response.)

19           MADAM CHAIR: Mr. Dukes?

20           MR. DAVID DUKES: (No audible response.)

21           MADAM CHAIR: We have you unmuted on our end but  
22 not on camera though. He's not on camera.

23           MADAM VICE CHAIR: He was here earlier.

24           MADAM CHAIR: He was on just a second ago.

25           MR. DAVID DUKES: Hello, can you hear me?

1 MADAM CHAIR: Yes, we can. Thank you.

2 MR. DAVID DUKES: I'm just going to leave the  
3 camera off for now, since you can hear me okay. Yes, it's  
4 you know, if we're all about governmental process, which the  
5 applicant is saying that the government had this intention,  
6 that intention, it's been stated over and over again the  
7 government with correct process including community input is  
8 already decided long ago R-80. There's so many detriments  
9 and problems that are going to go on with trying to pack in,  
10 over pack a bunch of townhouses up on this hill here and  
11 it's just would be vastly unfair and detrimental to the  
12 neighborhoods adjacent to it.

13 The last thing I'll share is it's not accessible  
14 to metro, as has already been pointed out. I've been  
15 walking that for years, and it's a long haul up and down  
16 that hill. So it's not really, it's, it's not close enough  
17 to be part of that nice town center, which the applicant  
18 says it's going to be. Thank you very much for your time.

19 MADAM CHAIR: Okay. Thank you so very much for  
20 your comments as well. So with that, I don't see any  
21 questions of Mr. Dukes at this time. Madam Vice Chair, your  
22 mic is on, were you trying to say something? No. Okay. So  
23 all right, so now I am going to call on the one person who  
24 signed up who was not on your list was Monte Chawla. And I  
25 called that name earlier there was no response, I'm going to

1 try again although there is an exhibit in the record. So I  
2 don't see that name. So with that, I'm now going to turn to  
3 Adam Dulchin because there was some position stated and I'd  
4 really like for you to come in and explain some of this and  
5 then I'm going to turn to Jeremy Hurlbutt as well. And then  
6 I will go to Mr. Spradley and then I'm going to go back to,  
7 well you know what, before I do any of those things. Mr.  
8 Nelson, did you have anything else that you wanted to add at  
9 this point?

10 MR. NELSON: Madam Chair, Macy Nelson here. I  
11 think we've covered it.

12 MADAM CHAIR: Okay.

13 MR. NELSON: I have nothing else. Thank you.

14 MADAM CHAIR: Okay. Thank you. Okay. Mr.  
15 Dulchin?

16 MR. DULCHIN: Thank you, Madam Chair and members  
17 of the Board. Yes, just for the record my name is Adam  
18 Dulchin, I'm the Planning Supervisor of the Place Making  
19 Section in the Community Planning Division of the Prince  
20 George's County Planning Department.

21 I just wanted to respond briefly to the earlier  
22 comments made by the applicant's team regarding the Plan  
23 2035 center classification system. As obviously referenced,  
24 Prince George's Plaza Metro Area is part of, is one of the  
25 Regional Transit Districts in the county and it's in Table

1 16 of Plan 2035 where the goals for Regional Transit  
2 Districts including average net housing density for new  
3 development are described. And those have been included in  
4 a previous discussion.

5           The applicant's team also included in one of their  
6 exhibits, Table 17 which is a description of the growth  
7 management goals in Plan 2035 which sets out the broad  
8 distribution, the desired distribution of new units, along  
9 with new jobs across those different center classifications  
10 in the county.

11           The one thing I wanted to confirm that we'd all  
12 read and understood is the footnote at the bottom to Table  
13 17 which states, the goals identified in Table 16, which as  
14 I mentioned was the Plan 2035 center classification system  
15 table, our 25 year goals that provide guidance on the  
16 success of the growth policy map and Plan 2035. These goals  
17 are not designed to be applied to and shall not be tested  
18 against individual development projects. So I believe this  
19 is important to bring out because we've heard quite the bit  
20 from the applicant's team about how other developments have  
21 or haven't been helping to achieve the desired distribution  
22 of growth across the Regional Transit District. And the  
23 table is very clear that these goals are not designed to be  
24 applied to and shall not be tested against individual  
25 development projects. Thank you.



1           MADAM CHAIR: Thank you, Mr. Dulchin. I'm looking  
2 at our Board to see if there are any questions. I don't see  
3 any. I'm turning to Mr. Hurlbutt.

4           MR. HURLBUTT: (No audible response.)

5           MADAM CHAIR: You're muted somehow, Mr. Hurlbutt.  
6 I mean you're unmuted from our end and the mic light is  
7 green, but we don't hear anything. No we don't hear  
8 anything. Do you want to call in? You can call in. While  
9 you're getting ready to call in, let me take this  
10 opportunity --

11          MR. HURLBUTT: Can you hear me now?

12          MADAM CHAIR: Yes. A little bit too much. Okay.  
13 Mute me and then turn him on. You have to turn down your  
14 volume I'm told, Mr. Hurlbutt. Oh you have two things on.  
15 How do you have two screens on?

16          MR. HURLBUTT: I'm sorry, for some reason the  
17 computer was not working, so I've called in from my phone.

18          MADAM CHAIR: Okay.

19          MR. HURLBUTT: But I just kind of wanted to point  
20 out and respond to some of the applicant's comments. You  
21 know, we agree that there is a lot of competing interest  
22 within the plan, every plan. We analyze those that we think  
23 are relevant and I think one of the major points that should  
24 be made is that from page 159 of the TDDP that shows that  
25 the request for rezoning this property from R-80 to R-20 was

1 made at the time the plan was being considered. And it was  
2 decided that the property should not be rezoned.

3           So it's not just the future land use map that is  
4 driving this. There's other evidence within the TDDP that  
5 shows that this property was to be R-80 and zoned low  
6 residential. And also, you know, essentially this plan was,  
7 the applicant already kind of stated in their testimony was  
8 created by the community for the community and is a  
9 community plan which is something that we strive to do and  
10 really lays out the vision for this downtown and the  
11 surrounding area. And that surrounding area should be  
12 given, you know, specific context given the historic  
13 property and the single-family properties that it's trying  
14 to transition to.

15           MADAM CHAIR: Is that it?

16           MR. HURLBUTT: That's all I have. Thank you.

17           MADAM CHAIR: Okay. Thank you, Mr. Hurlbutt. I'm  
18 looking at our Board to see if there are any questions. I'm  
19 not seeing any. Okay. So now Mr. Spradley is there  
20 anything you care to add?

21           MR. SPRADLEY: No, Madam Chair.

22           MADAM CHAIR: Okay.

23           MR. SPRADLEY: I do not.

24           MADAM CHAIR: Thank you so much. Okay. Mr.  
25 Hatcher?

1           MR. HATCHER: For the record, Chris Hatcher.  
2 Thank you, Madam Chair and Commissioners. Just a few brief  
3 comments on some of the information you received since we  
4 spoke last. To be clear, we were at the Historic  
5 Preservation Commission in which the issues associated with  
6 historic Hitching Post Hill was discussed. Even before  
7 going to the Historic Preservation Commission the applicant  
8 proffered the 150-foot buffer, which again is not required  
9 and is far in excess of what would have been required if  
10 there was a requirement. And as you can see from the  
11 record, the HPC supported this application with conditions,  
12 which we have already said we don't have an issue with.

13           Additionally, there were some indications that on  
14 a separate property that that owner, that that applicant did  
15 clear cut the property. There was a forest harvest on that  
16 property owner, so in layman's terms it was clear cut, but  
17 it was clear cut at the express direction of the Prince  
18 George's County Police Department because there were some  
19 really not so savory things going on at the time. A copy of  
20 that letter was submitted to the Planning Board in the  
21 record for the Preliminary Plan of that application. A copy  
22 of that letter was provided to the City of Hyattsville. A  
23 copy of that letter was provided to any community members  
24 that asked the applicant and a copy of that letter was  
25 provided to the Council Member's Office.

1           Since then there has not been any nefarious  
2 activity on that property, which is now currently under  
3 development.

4           I think the third point there were some slides  
5 showing the site proximity to mass transit. It is less than  
6 .8 from the metro, Prince George's Plaza and it's even  
7 closer to the upcoming purple line. It's in the inner  
8 beltway. These facts are relevant because it might not be  
9 .5 but it's really close and the county and the state, and  
10 candidly the federal government, spent a lot of money to put  
11 these public infrastructure assets in these locations so  
12 that they could be used.

13           And the last series of comments relate to some of  
14 the things that staff just said. Staff is right, in the  
15 General Plan the growth policies outlined are goals and are  
16 not intended to be evaluated against each individual  
17 application.

18           That footnote isn't actually included on page 73  
19 of the chart in the TDDP. So it's interesting that in the  
20 General Plan it's included, and it's not included in the  
21 TDDP, which is where the source of the 8,400 units that  
22 we've been talking about. And if it is, I'm just not seeing  
23 it right now.

24           The plan was adopted in 2016. As you guys well  
25 know a lot of things have happened since 2016 including that

1 are relevant in the market, including the 2019 Cog Study  
2 which says that this entire region is behind in the amount  
3 of housing, but more specifically, how people interact of  
4 change because the pandemic occurred. So the overall  
5 thoughts about housing and how it relates in market has  
6 fundamentally changed within the last year. And I suspect,  
7 as you probably heard, it's going to continue to change.  
8 But what's not going to change is people are going to need  
9 places to live and they're going to want to live closest to  
10 the centers as possible, and this is in a center. And to  
11 the extent that it's farther away from metro it's a lot  
12 closer, it's a lot closer to Prince George's Plaza which has  
13 just about every retailer you could ever want, so you could  
14 walk there. It's a lot closer to a public park that's  
15 planned on the Landy Property that you could walk there.  
16 And it's a lot closer to just about everything in the  
17 Transit District. So you can shop, you can work, and you  
18 can recreate all in that area.

19           One of the comments that was made, which I  
20 understand, but I'm not necessarily agreed with, is that  
21 this plan was created for the community, by the community  
22 and it's a community plan. And I think it was created with  
23 the community as part of the community but it's actually a  
24 county plan. It's a county plan to implement the General  
25 Plan. And it's important that the community is involved but

1 there are other counterbalancing factors, more specifically  
2 these growth goals that are contained in the General Plan,  
3 but are also contained in the TDDP. And the more density  
4 you can put in these centers, presumably the less density  
5 you have to put in more rural areas like Accokeek or  
6 Brandywine. That's why this has to be evaluated more  
7 holistically.

8           With that, you know, again I was speaking very  
9 quickly but I wanted to address those things that I wrote  
10 down and be respectful of everyone's time, because this has  
11 been going on for a while and I really appreciate the  
12 Planning Board and the Chair, and candidly, all the  
13 community members. Because that's actually what this  
14 process is for, to engage and we really appreciate that.

15           MADAM CHAIR: Thank you, Mr. Hatcher. Okay. So  
16 here's what I wanted to say. We have Planning Board of  
17 Procedure and there's an order in which we proceed, so you  
18 know the staff makes their presentation first and then the  
19 applicant goes and then we have you know the opposition, all  
20 of which we had. We had the municipalities as well. And we  
21 always close out with the applicant, the applicant gets to  
22 go last. And so that's what we have just done. We allow  
23 for questions from the Board every step of the way. We also  
24 allow for cross-examination.

25           So I wanted to first thank everyone who signed up

1 to speak today. And I wanted to touch on Mr. Burkholder,  
2 because he said something which resonated with me, well  
3 everybody did. Some things I agree with, some things I  
4 don't. But one of the things he said is he felt like he had  
5 the opportunity to really be heard. And that means  
6 something to us because this Board strives very, very hard  
7 to ensure that people have the opportunity to be heard. It  
8 is their due process right and much to the chagrin of some,  
9 I know this, it has been my policy all along to not impose  
10 strict time limits. Because sometimes depending on what you  
11 have to say, you can't get all your thoughts across in three  
12 minutes or five minutes.

13           Number two, you have citizens coming in in any  
14 case, who are fairly new to the process and you're  
15 struggling to understand, and you may be up against  
16 veterans. So I don't hold people to that time limit. But  
17 what I do ask is that everyone be cognizant and respectful  
18 of everyone else's time to afford everyone the opportunity  
19 to speak. And that means that all parties have to work  
20 together to ensure that everyone has their fair shot to be  
21 heard.

22           And I think that's what happened, and I thank you  
23 Mr. Burkholder for recognizing that. Because we are very  
24 sincere about wanting to hear what everyone has to say. We  
25 don't always agree with everyone and sometimes even when we

1 do agree we can't do what everyone wants, because of our  
2 legal parameters.

3           So at this point in time I'd like to thank the  
4 applicant for your presentation. I'd like to thank Mr.  
5 Ferguson for his presentation. I'd like to thank Mr.  
6 Hatcher. Mr. Hatcher, I will say you've done a very  
7 thorough job, so it was a good legal representation. I'd  
8 like to thank also Mr. Nelson and your team. I'd like to  
9 thank the citizens who showed up because yes you're clearly  
10 very impassioned and you have very strong feelings about  
11 this application. But you stated your position respectfully  
12 and you were each considerate of everyone else's time. And  
13 to me, it doesn't get any better than that. I'd like to  
14 thank our entire staff too. I'd like to thank Mr. Spradley,  
15 Mr. Dulchin, Mr. Hurlbutt and Ms. Hartsfield and everyone  
16 who worked on this as well.

17           This is the way it's supposed to go. We want  
18 everyone to be heard. And now the deliberative process  
19 starts for the Board and I don't know where anyone stands,  
20 but I am going to look to our Board for a motion at this  
21 point in time.

22           COMMISSIONER WASHINGTON: Madam Chair, I'll make  
23 the motion and in so doing strongly associate myself with  
24 your comments and thank everyone for their comments today.  
25 And with that Madam Chair, I move that we adopt the findings



1 of staff to include the revised findings of staff as  
2 outlined in staff's memo dated July 9th and recommend to the  
3 District Council that they disapprove the request to change  
4 the property's underlying zone from R-80 to R-20. In  
5 addition to disapproving CSP-20007.

6 COMMISSIONER GERALDO: Second.

7 COMMISSIONER WASHINGTON: And take no action on  
8 the TCP. I'm sorry.

9 COMMISSIONER GERALDO: Second, Madam Chair.

10 MADAM CHAIR: We have a motion by Commissioner  
11 Washington, seconded by Commissioner Geraldo. I don't know  
12 if there's any additional discussion, so as I call for the  
13 vote you can make your comments if you have any. Madam Vice  
14 Chair?

15 MADAM VICE CHAIR: Madam Chair, I vote aye and I  
16 certainly would like to associate myself with your comments  
17 and thank everybody who came to be a part of this  
18 opportunity to share their comments. We really do  
19 appreciate citizens coming out and sharing what they think  
20 and what their positions and we certainly heard that clear  
21 and loud today. I thank the attorneys who also were here to  
22 represent the citizens and so that's about it.

23 MADAM CHAIR: So you vote aye. Okay. So  
24 Commissioner Washington?

25 UNIDENTIFIED SPEAKER: That was --

1           COMMISSIONER WASHINGTON: I vote aye. No further  
2 comments, thank you, Madam Chair.

3           MADAM CHAIR: Okay. Commissioner Doerner?

4           COMMISSIONER DOERNER: I vote aye, and I'll  
5 provide a few comments, just to kind of give feedback to Mr.  
6 Hatcher and the citizens. First, yes, I would associate  
7 myself with your comments as well. I think regardless of if  
8 we vote in favor or against projects, it's always nice to  
9 receive feedback because that makes the decision making  
10 easier. Sometimes it's not easy decisions to make, but it's  
11 always good to have more information rather than not enough.  
12 And knowing kind of what different folks are doing and  
13 they're working together or they're at least working  
14 collaboratively to some degree and interacting is helpful.

15           So let me just sort of elaborate that I can never  
16 get past the rezoning aspects and I think just, I heard you  
17 out, Mr. Hatcher, I heard out your experts and I appreciate  
18 their feedback and I kind of went back and forth a little  
19 bit. But I still can't get past the fact that this property  
20 was actually labeled in such a way in the TDDP, because I  
21 saw it early on. Like I was on the Hyattsville Planning  
22 Committee and I heard this going back and forth. I went to  
23 Community Charades before I was even on the Commission and  
24 it was a very deliberate decision to put that property in  
25 that way, to provide other housing stock in that area and to

1 preserve the single-family detached housing.

2           So to include it in the TDDP in that way, I think  
3 was a deliberate action. If it wasn't, if it was a mistake  
4 or it wasn't meant to be that way, then I think the  
5 appropriate way would be to go to the District Council and  
6 ask them to take it out of the TDDP or change it. We're not  
7 that legislative body. That's not our role and as the TDDP  
8 is written, I think it's in conflict or this proposal is in  
9 conflict with the TDDP.

10           From a general kind of urban development  
11 standpoint I appreciate the concerns of the market changing  
12 factors and I like the idea of the mixed housing types. I'm  
13 very much in favor of the proposal of the affordable  
14 housing. I think that's awesome and it's hard to bring  
15 developers to the table to get out stuff that's going to  
16 take money out of their pocket, as bad as it is they are  
17 trying to make as much profit as they can and they're not  
18 always considering sort of the social concerns. And it  
19 seems like this application did take that into more  
20 consideration and give that more light. But I still can't  
21 get past that rezoning and in not being able to get past  
22 that rezoning, I don't think that this CSP is reflective of  
23 what was actually envisioned in the TDDP either. So I'm  
24 just sort of stuck there. In a different place without  
25 knowing the context of the Clay Property and the Landy

1 around there and the other sort of surrounding areas, just  
2 from like a text book like let's draw down an urban area and  
3 try to figure out how we get density to kind of go out and  
4 get the (indiscernible) right and maximize commuting times  
5 and modes of transportation and stuff. I think this would  
6 potentially be a good idea or a good fit, but that's not  
7 quite where we're at right now, at least in my perspective.

8           So I can't vote in favor of either of those and I  
9 also think we just shouldn't even touch the last part on the  
10 TCP1, unless it were at a later stage. So I would agree  
11 with the motion maker and the motion and the seconder and  
12 vote in favor of the motion.

13           MADAM CHAIR: Okay. Thank you, Commissioner  
14 Doerner. And Commissioner Geraldo?

15           COMMISSIONER GERALDO: Thank you, Madam Chair. I  
16 obviously share in the comments of all my Commissioners and  
17 I was on the Planning Board at that time and I remember the  
18 community meetings and the many meetings that we had and  
19 that this property or that area was envisioned to remain as  
20 it was. I really want to thank the citizens who came, thank  
21 Mr. Hatcher. He did an excellent job, I think it was a hard  
22 sell, but you did an excellent job, I have to tell you.

23           But I guess what was most convincing to me was the  
24 fact that it went before the Council once before and the  
25 Council, as you know, are the ones that make the zoning

1 decisions. They heard your evidence and they chose not to,  
2 and I don't see any reason now why that should be changed.  
3 But thank you again, everyone.

4 MADAM CHAIR: Okay. So there you have it. So  
5 that's four thus far and I will tell you, you know to all  
6 the citizens and to the attorneys, you know, this is one of  
7 the things we write all the time. I fill up these pads all  
8 the time, I mean pages and pages. We write down just so we  
9 can make our points and you heard how eloquent Commissioner  
10 Doerner was, you know, just to make our points and so we can  
11 understand where everyone is.

12 We really do hear everyone, so I just wanted to  
13 say thank you and I too vote aye, so the ayes have it 5-0.  
14 Thank you. Everyone have a good weekend and be safe. Okay.

15 MR. HATCHER: Thank you very much, Commissioners.

16 MADAM CHAIR: Thank you. Mr. Hatcher, again you  
17 did a great job. The facts were what they were, but you did  
18 a great job.

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

20

21

22

23

24

25

DIGITALLY SIGNED CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Prince George's County Planning Board in the matter of:

CLAY PROPERTY

Conceptual Site Plan, CSP-20007



By: \_\_\_\_\_

Date: August 27, 2021

Diane Wilson, Transcriber