

1 THE PRINCE GEORGE'S COUNTY PLANNING BOARD OF
2 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
3

4
5 MCDONALD'S AGER ROAD
6 Regular Meeting, PPS DSP-22001
7

8 T R A N S C R I P T
9 O F
10 P R O C E E D I N G S
11

12 COUNTY ADMINISTRATION BUILDING
13 Upper Marlboro, Maryland
14 June 12, 2025
15 VOLUME I of I
16
17
18
19
20
21
22
23
24
25

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

BEFORE:

- PETER A. SHAPIRO, Chairman
- DOROTHY F. BAILEY, Vice-Chairman
- A. SHAUNISE WASHINGTON, Commissioner
- MANUEL GERALDO, Commissioner

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

C O N T E N T S

SPEAKER	PAGE
Jill Kosack	4
Edward Gibb	9
James Gibbs	26
Nick Speech	45
Mark Ferguson	47
Jeff Cronin	55
Melissa Schweisguth	67
Marybeth Shea	73
Greg Smith	79

P R O C E E D I N G S

CHAIRMAN: And we will move on to item 8 on our agenda. This is a remand by the district council for a detailed site plan DSP-22001, McDonald's Ager Road. This is an evidentiary hearing. This case was approved at the planning board meeting on January 16th, 2025. Remanded by the district council to us on April 25, 2025. Mr. Gibbs will be representing the applicant. Ms. Kosack will be giving a staff presentation. And I'll swear folks in at the appropriate time when we get there. I know we have a number of folks who signed up to speak, and we'll start off with Ms. Kosack.

MS. KOSACK: Yes. Good morning, Mr. Chair, and members of the board. For the record, Jill Kosack, with the Urban Design section presenting the remand of DSP-22001 McDonald's Ager Road, which proposes the development of an eating and drinking establishment with drive-through service, on a property developed with an integrated shopping center. Staff is recommending approval with no new conditions for the remand of DSP-22001. I'll provide a very brief overview of the application before focusing on the remand point. Next slide please.

The property is located in Council District 2, Planning Area 65, in the northwestern portion of the county. Next slide please. The site, more specifically, is 4.16

1 acres and is outlined in red here, located in the northeast
2 quadrant of the intersection of East-West Highway and Ager
3 Road. Next slide please.

4 The subject property is currently zoned CGO, but
5 is pursuing the prior -- pursuing under the prior Zoning
6 Ordinance where it was zoned CSC. Next slide please.

7 The subject property is not subject to any overlay
8 zones. Next slide please.

9 This map shows the subject site is relatively flat
10 and gradually elevates toward the eastern property line.
11 Next slide please. This map shows the master plan rights of
12 way in the vicinity, which includes MD 410 East-West Highway
13 to the west of the site, which is noted as an arterial.
14 Next slide please.

15 This aerial view shows the subject property is
16 improved with an integrated shopping center building at the
17 northern end and a free-standing building that will be
18 raised and replaced with a proposed eating and drinking
19 establishment at the southern end. Next slide please.

20 The detailed site plan shows the proposed building
21 and additional improvements that include parking to the
22 southern side of the property, and a double drive-through
23 lane. Next slide please.

24 The landscape plan illustrates the proposed on-
25 site plantings associated with the development.

1 And at this point, if we could please move to
2 slide 21, which is the points of remand. I do have other
3 slides here for reference, but we'll go right to it. In
4 their order of remand, mailed out on April 25th, 2025, the
5 district council ordered the planning board to reopen the
6 record and take further testimony or evidence relevant to
7 eight issues listed here. And the letter dated May 13th,
8 2025, which starts on page 49 of the backup, the applicant
9 provided a response to these points, as well as multiple
10 supporting documents from other experts and parts of their
11 team.

12 The first three points here are relevant to on-
13 site vehicular and pedestrian circulation and access. Staff
14 provided additional discussion in our memo regarding how the
15 queuing capacity of the double drive-through will not cause
16 a conflict with circulation, traffic patterns, or pedestrian
17 access; how the proposed crosswalks, speed bumps, drive
18 aisles, traffic signage and one-way circulation pattern will
19 create safe vehicular and pedestrian circulation on site;
20 and how there is substantial evidence in the record that
21 there will be safe and efficient access to the site,
22 including the proposed right-in and right-out access point.

23 Point 4 requires a health impact assessment review
24 for the proposed restaurant. The subject application was
25 referred to the health department at the time of initial

1 submittal, as required by Section 27-284 of the prior Zoning
2 Ordinance. The health department provided a referral, dated
3 January 30th, 2024, that stated they had completed a desktop
4 health impact review of the DSP and included recommendations
5 relative to demolition and construction practices, and
6 permitting and licensing requirements. And these comments
7 were provided to the applicant and will have to be addressed
8 during those future phases of the development.

9 Point 5 requires supplementation of the record
10 with all technical staff reports and traffic studies. The
11 backup prepared in support of today's hearing includes all
12 of the staff reports and submitted traffic studies.

13 Point 6 is a clarification of the record, relative
14 to the legal owner of the property. The applicant submitted
15 an amended application form with the correct legal property
16 owner's name.

17 Point 6 (phonetic sp.) required further findings
18 or conclusions of whether the subject property contains any
19 grave sites or artifacts of slavery. Historic preservation
20 staff and the applicant's consultant provided additional
21 documents, and discussions, and research, concluding that
22 the proposed McDonald's restaurant will not affect any
23 significant archeological resources, grave sites, or
24 artifacts of slavery.

25 Point 6 require -- I'm sorry. Point 8, excuse

1 me -- required appropriate hearing notifications to all
2 parties affected by the DSP, including bilingual
3 notification notice of public hearing mailings in both
4 Spanish and English were sent to all adjacent property
5 owners. Parties of record, registered associations, and
6 municipalities within a mile, and the property was posted on
7 May 13th, 2025.

8 Staff would also note the applicant submitted
9 additional exhibits into the record, 1 and 2, relative to
10 additional archeological investigations they did on the
11 site, including cadaver dogs and then a resume of the dog
12 handler that was present with those cadaver dogs, where they
13 found no evidence of grave sites. But they, I'm sure, are
14 here today to discuss more.

15 Applicant's Exhibit Number 3 is an email they
16 received from SHA indicating that the existing driveways on
17 the property appear adequate as designed, and that SHA's
18 previous recommendation relative to the acceptability of the
19 right-in/right-out access remains unchanged.

20 The opponents also submitted a total of 15
21 exhibits into the record, which were published in the
22 additional backup package. These consist mostly of emails
23 and letters expressing concerns relative to the points of
24 remand, and the impacts of the development on the community.
25 Staff reviewed the documents, but we do not have any change

1 in the recommendation. Issues concerning off-site traffic
2 impacts, health impacts, healthy food options, and other
3 community impacts have already been examined by staff, and
4 the planning board, to the extent relevant to a detailed
5 site plan for a single building development. Next slide
6 then, please.

7 With that, the Urban Design section recommends
8 that the planning board adopt the findings in the Additional
9 Staff memo, and approve detailed site plan DSP-22001 for
10 McDonald's Ager Road, and issue an amendment to resolution
11 Number 2025-008 with no new conditions. And this concludes
12 staff's presentation. Thank you.

13 CHAIRMAN: Thank you, Ms. Kosack. Colleagues, any
14 questions for staff at this point?

15 COMMISSIONER WASHINGTON: No questions.

16 CHAIRMAN: No questions. Okay. Thank you. We'll
17 turn to the applicant, Mr. Gibbs. If you could introduce
18 yourself for the record. And the floor is yours.

19 MR. GIBBS: Yes. Good morning, Mr. Chairman,
20 members of planning board. Edward Gibbs, an attorney with
21 offices here in Largo. I must say, it's very nice to be
22 able to just travel about 3 or 400 yards from my
23 (indiscernible) here. And as always, it's nice to be back
24 before the board.

25 So as you know, I represent McDonald's USA, LLC.

1 The applicant in this case, my client, doesn't own the
2 shopping center. My client will be a tenant in the shopping
3 center. Green Meadow Shopping Center was built in
4 approximately 1950 and has been challenged for many years,
5 in terms of its economic viability. I'm not going to go
6 through everything that we -- the road we traveled over the
7 course of six hearings in 2024, including one that occurred
8 in January of 2025, but suffice it to say that that road has
9 been long.

10 The staff report that was issued initially was
11 comprehensive. After two of the continuances that were
12 granted back in 2024, there were addenda -- two addenda to
13 the staff report to address issues that were raised during
14 the course of those hearings. And ultimately, when we came
15 back in January of 2025, the board unanimously voted to
16 approve the detailed site plan and adopted a resolution a
17 couple weeks after that, forwarded it on. And then, we went
18 to the district council because of a call-up. And after
19 that hearing before the district council, the case was taken
20 under advisement and ultimately, a couple weeks later, a
21 remand order was published. And that's what brings us back
22 here today.

23 I think there are a couple of things I have to
24 frame for this hearing. Let me say at the outset, I have
25 each and every one of my witnesses -- Mr. Lenhart, our

1 transportation engineer, is appearing virtually because he's
2 out of town on previously planned travel obligations that he
3 had, but everyone else is here. Mr. Brian Redden from
4 McDonald's is with us today. Our land planner, Mark
5 Ferguson, is with us today. Our civil engineer, Nick Speach
6 from Bohler Engineering, is with us today. And we also have
7 Dr. James Gibb -- no relation to me, by the way -- he is
8 here.

9 COMMISSIONER WASHINGTON: You knew that was a
10 question.

11 MR. GIBBS: Actually, you can tell he's a better-
12 looking guy than me. But in any event, they're all here in
13 person. They all have presentations. I don't know how much
14 detail you want, and I'm going to get to that. But let me
15 just say this, that -- there are some things that I have to
16 frame that are very pertinent to what's going to happen
17 today.

18 On page two of the remand order, I'm going to
19 quote, "The district council on motion voted 9-0 to direct
20 staff to prepare an order of remand to the planning board.
21 In accordance with the issues raised by the People's Zoning
22 Council at the conclusion of oral argument on April 1,
23 2025."

24 That is the scope of what the order said they were
25 going to do. Now, People's Zoning Council is called at the

1 end of a district council case, and the counsel always says,
2 we'll now hear from the People's Zoning Council. I was
3 there, I took copious notes, I know exactly what he said.
4 And when he went through, he said that issues of health,
5 safety, and welfare have no place in a detailed site plan.
6 You're doing a zoning map amendment application? Yes. If
7 you're doing a special exception? Yes. In a detailed site
8 plan? No application.

9 He said, off-site transportation impacts are not
10 relevant to the review of the detailed site plan. Issues of
11 on-site circulation and access driveways are appropriate
12 considerations. He made it clear -- and he stated, in his
13 opinion -- the applicant had provided sufficient information
14 for the case to be approved -- it should be approved. It
15 should not be denied. Those were comments that he made to
16 the district council. And then he went on to say, however,
17 if you wish to have some additional information, you have a
18 right, a statutory right, to remand the case back to the
19 district council -- I mean to the planning board.

20 UNIDENTIFIED SPEAKER: Yeah, to the planning
21 board.

22 MR. GIBBS: To the planning board. And he went
23 through, and he articulated the issues that he thought could
24 be appropriate for a remand. And he said, for the review of
25 the drive-through lane and stacking; on-site access and

1 circulation, possible grave sites for enslaved persons,
2 clarifying the exact legal name of the owner of the
3 property, health department assessment, and providing notice
4 in English and Spanish. After he articulated those areas,
5 Councilman Olson said, well, I think that we really also
6 need to look at the right-in/right-out to the site. So that
7 was added. Those were the areas -- those were the areas
8 that were in accord with the issues raised by the People's
9 Zoning Council.

10 Then we get a 24-page remand order; 20 pages have
11 nothing to do with the issues that were articulated by the
12 People's Zoning Council. They go into off-site traffic, the
13 purposes of the Zoning Ordinance to look out for health,
14 safety, and welfare, master plan conformance pages devoted
15 to environmental concerns in the master plan, transportation
16 concerns in the master plan. With all due respect, those
17 are not the appropriate legal criteria.

18 The appropriate legal criteria are articulated in
19 Section 27-285, which sets out the required findings for the
20 approval of a detailed site plan. And that leads you, when
21 you look at that in combination with Section 27-283 --
22 because 27-281 through 27-286, really, are all provisions of
23 the prior Zoning Ordinance dealing with detailed site plans;
24 what they have to include, what you had to file, but most
25 importantly, what the criteria are. And you do get referred

1 for design guidelines, to Section 27-274, which sets forth
2 the design guidelines for conceptual site plans.

3 And so those design guidelines are incorporated
4 into what's required for a detailed site plan. But again,
5 even the words -- it is a site plan. Details of the use on
6 the site, that's why it's internal. It's not meant, it was
7 never meant, to go outside of the site and look at off-site
8 traffic, look at whether or not there's a heat island, or a
9 food swamp, or whatever. I'm not disparaging those
10 concerns. I understand people have those concerns. But I'm
11 also concerned about the rule of law and what the
12 appropriate statutory constraints are for the review and
13 approval of a detailed site plan. And that's what we're
14 back here on.

15 And I think -- first of all, I couldn't agree more
16 with the remand staff report which has been published. I
17 think your counsel did an excellent job articulating what
18 your responsibility is here in this proceeding and the cases
19 that he cited -- particularly the FCW Justice case and the
20 Herd case, which was decided in 2023 -- I mean, in those
21 cases, the district council argued that in a detailed site
22 plan, you couldn't look at off-site traffic and you couldn't
23 look at master plan conformance. And yet, the remand order
24 says we should. That's very confusing, very confusing.

25 But I do know what we're here for. I do know what

1 Section 27-285 says. I do know what Section 27-274 says.
2 We looked at all that the first time around, but we were
3 happy to come back and provide more evidence. So what did
4 we do? Dr. Gibb came out to the site in October of 2024,
5 when the first issue of potential grave sites were raised.
6 He did a letter of October 24, I think it was, 2024, and we
7 submitted that into the record when the remand order
8 referenced that was something I could control.

9 So I went back to Dr. Gibb, and I said, Doctor, I
10 want you to go back out there, I want you to do more in-
11 depth research, and in particular, I would like you to bring
12 cadaver dogs out there because their track record is
13 unparalleled. When nobody can find anything, they can find
14 traces of graves, even when the bodies have been exhumed.
15 So he went out, and he took Heather Roche with him, and she
16 was working beneath him. She brought her dogs out, and I've
17 submitted their, for lack of a better term, their -- I
18 wouldn't call it a resume but -- sort of the background
19 training for these dogs, and Ms. Roche's resume. And then,
20 they took the dogs along the areas that could have been
21 questionable behind the shopping center, where that flat
22 area lies. Not one single dog alerted at all.

23 Dr. Gibb did test shovel pits when he was back out
24 there. And basically, while the objective was laudable, and
25 while we took it with an ultimate degree of seriousness, his

1 conclusion -- and I'm going to ask him to come up and just
2 state his conclusion -- but his conclusion is that -- and
3 it's in his report that I submitted. He can authenticate
4 his report, and just simply, in a few words, say that --
5 there's nothing there.

6 We submitted additional reports from Mike Lenhart
7 of Lenhart Traffic Consulting to further address the same
8 issues he had addressed before, but to go through them in a
9 greater detail again; stacking of the drive-through, on-site
10 circulation, the access driveway. State Highway
11 Administration has submitted yet another email indicating
12 that their position remains unchanged. They've looked at
13 this, they've had conversations with transportation division
14 staff, they've had conversations with us, there have been,
15 quote, "other inquiries," and their position remains
16 unchanged.

17 They want those two right-in/right-out driveways
18 at the southernmost portion of the frontage on 410 to be
19 consolidated into one and to be compressed. They want no
20 other access just to be made. And this is with knowledge of
21 the remand hearing because Mr. Lenhart and I contacted Mr.
22 Kwasi Woodruff ourselves to ask him to take another look,
23 because that's one of the issues that were on the remand
24 order. Okay? So we have that -- we have that email.

25 We have Mr. Lenhart who is on vacation or a

1 business trip -- I'm not sure which, but it was previously
2 planned a long time out -- he's joined us virtually. We
3 have our civil engineer, Mr. Nick Speach, who will testify
4 that he originally designed the site to be efficient and
5 safe for pedestrians and for vehicular traffic.

6 Along the way, we have -- through numerous
7 conversations with transportation staff, with Mr. Lenhart --
8 developed additional safety precautions to put onto the site
9 to make sure that we have slow traffic, there are adequate
10 crosswalks for pedestrians; all those have been incorporated
11 into the site plan. They were incorporated in the plan that
12 you approved. And then, of course, our land planner, Mr.
13 Ferguson, who sort of wraps things up.

14 So that's where I'm prepared to go and have some
15 very, very brief testimony from each of these individuals.
16 And we will give an opinion at that point in time that,
17 number one, we support the remand staff report. And we
18 believe that the abundance of evidence that's relevant to
19 the criteria.

20 And again, I want to say -- I don't in any way
21 intend to denigrate the concerns of opposition. I
22 understand the concerns, I do, and I appreciate everybody's
23 ability to have their own opinions. I'm not trying to
24 disparage that in any way, but I am trying to look at an
25 applicant who relied upon the law in existence, filed an

1 application, undertook two years of community outreach, and
2 is just trying to pursue, legally, in accordance with the
3 criteria that exists, the approval of a detailed site plan
4 for a use permit as a matter of right. So with that being
5 said, I'd just like to call Mr. Gibb up very briefly. Thank
6 you.

7 COMMISSIONER WASHINGTON: Thank you.

8 CHAIRMAN: Thank you. I need to swear you in. Do
9 you solemnly swear or affirm that your testimony would be
10 the truth and nothing but the truth?

11 MR. GIBB: I so affirm.

12 CHAIRMAN: Okay. Consider yourself under oath,
13 sir, if you could identify yourself for the record. And the
14 floor is yours.

15 MR. GIBB: My name is James Gibb --

16 CHAIRMAN: Hold on one second. Mr. Smith has his
17 hand up.

18 Go ahead, Mr. Smith. I can't hear you. You're on
19 mute. We can't hear you. You're on mute.

20 MR. SMITH: Okay. Thank you very much. Sorry, I
21 had trouble logging in the site, and I want to thank Jessica
22 Jones and Andrea for helping me.

23 CHAIRMAN: Before -- Mr. Smith, you have a -- you
24 have a process question or are you going to be testifying?
25 Because --

1 MR. SMITH: Yeah. Yeah. I've explained, I had
2 trouble logging in. I was trying to figure out how to raise
3 my hand to ask Ms. Kosack a question, but was slow in doing
4 that, I was wondering if I still could.

5 CHAIRMAN: Yes, actually, you have the ability to
6 cross staff as well. But let me swear you in. If you could
7 raise your right hand, please. Do you solemnly swear or
8 affirm that your testimony will be the truth, the whole
9 truth, and nothing but the truth?

10 MR. SMITH: Yes.

11 CHAIRMAN: Okay. Consider yourself under oath.
12 Before we go down the road, Mr. Smith, let me ask, from a
13 from a process perspective --

14 And then Mr. Gibb, we'll get to you as well.

15 There's a number of folks who signed up in
16 opposition. We've gone through this before. My question is
17 the same, which is, do you all have -- how are you organized
18 as the opposition? Are you authorized in a role to, sort
19 of, manage this process on behalf of your colleagues? I
20 need to know whether the other folks who are in opposition
21 would agree with that so we can help manage our time and
22 manage the process. So Mr. Cronin, Ms. Shea, Mr. Broder,
23 Ms. Schweisguth, Ms. Mulford. Am I missing anybody else?

24 MR. SMITH: Ms. Schweisguth, Dan Broder, and me.

25 CHAIRMAN: All right. The other folks I listed,

1 are you here? Let me just go through real quick.

2 Mr. Cronin, are you here?

3 MR. CRONIN: Yes, sir.

4 CHAIRMAN: Yes, I see you.

5 Ms. Shea, I see.

6 Mr. Broder? Mr. Broder?

7 Mr. Smith, I see.

8 Ms. Schweisguth, you're there?

9 MS. SCHWEISGUTH: Yes.

10 CHAIRMAN: Okay. Thank you. And Ms. Mulford?

11 MS. MULFORD: Yes. I'm here.

12 CHAIRMAN: Okay. Let me swear you all in at this
13 time. Okay. And actually, just to simplify my life, all
14 the folks -- Mr. Gibbs, on your team as well -- who are
15 expecting to testify, if you all could raise your right
16 hand, and folks who are virtual as well.

17 MR. CRONIN: Anybody in person.

18 CHAIRMAN: And anybody in person here that is
19 going to be testifying. Right. And those folks are here
20 and standing up. So for all of you, do you solemnly swear
21 or affirm that your testimony will be the whole truth, and
22 nothing but the truth?

23 MR. CRONIN: I do.

24 MR. SMITH: I do.

25 MS. MULFORD: I do.

1 CHAIRMAN: Consider yourselves under oath.

2 MS. SCHWEISGUTH: I do.

3 CHAIRMAN: I'll reaffirm that as you come forward.
4 So back to the question around how the opposition is
5 organized. Mr. Smith and/or anyone else, would you like to
6 talk us through this for just a minute or two?

7 MR. SMITH: I can take a shot. We are flexible
8 but let me pull up -- so our proposed order is Jeff Cronin,
9 Rachel Mulford, Melissa Schweisguth, Dan Broder, Marybeth
10 Shea, and then me -- I. Ms. Schweisguth and I are probably
11 going to have the most substantive testimony. We want to
12 make sure there's plenty of time for us to present so that
13 you can have a full evidentiary hearing. So we'll ask for a
14 bit of -- a bit of lenience and fairness on that point.

15 CHAIRMAN: And you all -- and you can take the
16 lead on any cross-examination, if there is any. But if you
17 need -- like in before, if you need to direct it to a
18 certain staff person who may have more expertise, I'm
19 comfortable with that as well.

20 MR. SMITH: I think there are points where others
21 may have more -- more knowledge than I do, so it might be
22 appropriate for them to ask the question. We've been --
23 we've been flexible on that before. I think that's what
24 you're saying now? Is it --

25 CHAIRMAN: Yes, that's fine. So then the other

1 thing is -- and this is just a reminder on our process --
2 we're going to make sure that we afford the opposition
3 roughly the same amount of time as the applicant. So I'm
4 tracking the time for that.

5 Cross examination, of course, is fine and all the
6 rules apply about how cross-examination is handled. It's
7 not an opportunity to testify. It's certainly not an
8 opportunity to berate anybody. It's not helpful to be too
9 repetitive. There's a lot of data out there, and we're
10 quite familiar with this. But I do want to -- you have
11 rights through this process. And we're looking forward to
12 hearing what you all have to say. So --

13 MR. SMITH: One quick --

14 CHAIRMAN: -- with that -- I'm sorry. Go ahead,
15 Mr. Smith.

16 MR. SMITH: Yeah. One quick procedural question.
17 In the list of speakers that -- registered speakers that Ms.
18 Jones sent to us yesterday, Mr. Ferguson was not listed as a
19 registered speaker. Is he going to be -- was that an
20 omission by staff? Or did he not sign up in time? And how
21 do you want to treat that?

22 CHAIRMAN: Ms. Jones? No, but I want to -- I want
23 to see what Ms. Jones has to say in terms of our list, our
24 process.

25 MS. JONES: Mr. Ferguson?

1 CHAIRMAN: Mark Ferguson.

2 MR. SMITH: Actually, Joe Parsons might have sent
3 us that list.

4 CHAIRMAN: Okay. Right. And just to be clear,
5 the restrictions around testifying and signing up in advance
6 are for folks who are signing up virtually. If you show up
7 at our hearing, you're always afforded the opportunity to
8 speak if you show up here.

9 But Ms. Jones --

10 MR. SMITH: The order might be treated
11 differently, but okay.

12 MS. JONES: He did not sign up in advance.
13 However, we are checking to see if he signed up today in
14 person.

15 CHAIRMAN: And I see Mr. Ferguson, under oath,
16 nodding his head, that he did sign up in the back today. So
17 that is our process. We're good to go.

18 Mr. Smith, any other process questions?

19 MR. SMITH: I don't think so. Thank you.

20 CHAIRMAN: Okay. Thank you.

21 MR. SMITH: If I could ask for a question --

22 CHAIRMAN: So we do have cross-examination. Mr.
23 Gibb, before you go -- because I do want to afford the
24 opposition the opportunity to cross staff, as they have the
25 right to do. So if you have questions for Ms. Kosack, take

1 it away.

2 MR. SMITH: I do. If Ms. Kosack could pull up the
3 slide with the points of remand, please?

4 CHAIRMAN: Slide 21.

5 COMMISSIONER WASHINGTON: Yes.

6 MR. SMITH: Okay. With respect the -- point four
7 on the health impact assessment review. I might have missed
8 it, but I didn't see any new material from the health
9 department in the record. Did planning reach out to the
10 health department? What kind of response did it get?

11 MS. KOSACK: No. There was no new referral to the
12 health department, as the plans and the proposed
13 improvements on the property did not change from the
14 original submission when it was referred to the health
15 department and there was a referral received relative to the
16 health impact assessment review that was done.

17 MR. SMITH: Okay. With respect to point one, the
18 queuing, was there any analysis done of what happens if the
19 queue is longer than is depicted on the schematic? What
20 happens to traffic flow on the site or pedestrian access?

21 MS. KOSACK: No, I don't believe so. The stacking
22 that was analyzed was relevant to the requirements under the
23 current Zoning Ordinance where there's a specific number of
24 stacking spaces that are required from the order box to the
25 window and from the order box to the end of the drive-

1 through. And this proposed detailed site plan meets those
2 stacking space requirements, which is what the People's
3 Zoning Council discussed at the district council hearing.
4 So that was the analysis that was done, not what might
5 happen if it went beyond that.

6 MR. SMITH: Okay. There are a number of slides in
7 the middle of the deck, and I can't remember the numbers.
8 Might have been 13 through 15 or something like that --
9 where there are depictions of traffic flow through the site
10 loading flow, pedestrian flow, things like that. Is there
11 any slide that depicts all of those together so that the
12 planning board, or the public, or the district council could
13 see -- we could have all of these things going on the site,
14 where might the conflict points occur?

15 MS. KOSACK: The slides that show circulation, I
16 believe, start with slide 15.

17 MR. SMITH: Uh-huh.

18 MS. KOSACK: I'm not sure if you can move to that.

19 MR. SMITH: Sure. Yeah. That's what I was
20 referring to. You got all these circulation patterns, but
21 they're sort of -- each one is done separately, so you don't
22 get a holistic look at what happens with pedestrian
23 circulation, that sort of thing. I was wondering, was that
24 done?

25 CHAIRMAN: Mr. Smith, just hold -- hold -- if you

1 have a question for Ms. Kosack -- the question is, was it
2 done? I think Ms. Kosack is saying, you have the slides
3 before you.

4 MS. KOSACK: Right. The slides we have is what is
5 shown here.

6 MR. SMITH: Okay. And going back to the points of
7 the remand -- I think it might be point 8 regarding hearing
8 notification; did the applicant post signs in Spanish --
9 hearing signs in Spanish on the site?

10 MS. KOSACK: No. However, there is a phone number
11 on the signs, which, if someone were to call, there's the
12 opportunity to provide a Spanish interpreter to speak with
13 them.

14 MR. SMITH: Okay. All right. Thank you.

15 CHAIRMAN: No other cross? Okay. Thank you, sir.
16 We will now turn back to the applicant. Where do you live,
17 Mr. Gibb?

18 MR. GIBB: Okay. My name is James Gibb. I live
19 at 2554 Carrollton Road in Annapolis, 21403. I'm a
20 professional archeologist, and I embarked on my career in
21 March of 1976, so I'm working on 50 years. I work on a
22 whole variety of projects as a private consultant; 10,000-
23 year-old Native American sites, 12th century sites in
24 Arizona, later Aboriginal sites throughout this area, 17th
25 century plantation sites, right on up through 20th century

1 urban materials showing up in rural farm fields.

2 I've worked on a lot of cemeteries. At last
3 count, it was about 45. These cemeteries, where I've
4 exhumed human remains, a few of them, but mostly mapping,
5 and cemetery restorations, and documentation often for local
6 groups and particularly small churches.

7 So in terms of this project, I was asked by
8 Counsel in October to look at the site in question. I
9 visited the site, walked around quite a bit, kicked around
10 the soils, looked at the topography. It looked like a
11 heavily modified landscape, terraced at the top, graded
12 slope below. The prospects of there even being a cemetery
13 there prior to grading seem pretty low. The prospects of a
14 cemetery surviving all that grading seemed even lower.

15 Counsel asked me to go back again in May, and I
16 proposed that I would dig a number of shovel test pits. Not
17 so much to look for graves -- shovel test pits are terrible
18 for finding graves. And artifacts, we don't really expect
19 much unless those graves have been disturbed, and we might
20 find human remains or coffin hardware if these folks were
21 buried in coffins -- but to really look at the geology, to
22 look at the disturbance of the soils. And that's really
23 what I demonstrate in that report, looking at the
24 stratigraphy. Most of those soils have been heavily
25 modified. They're essentially cut and fill.

1 That does not preclude the possibility of graves,
2 and shovel testing is not the way to make a definitive
3 determination. So as part of my proposal, I suggest we'll
4 bring out Heather Roche and her herd, as she calls them.
5 These are trained, certified cadaver dogs. And yes, they do
6 have resumes. Heather and I have been working together for
7 about 25 years. We've worked on a wide range of cemetery
8 sites, including several here in Prince George's County.
9 They've proven very effective, not only at finding
10 cemeteries, but at what she calls detailing. And that is
11 finding individual graves. We did this on a project down in
12 Westphalia, where there was a very clearly defined family
13 cemetery for the Diggs family site, and the dogs found
14 two -- do you have a question?

15 MR. GIBBS: To supplement your testimony.

16 CHAIRMAN: If you could raise your right paw?

17 MR. LENHART: Yeah. The dog successfully
18 identified two extramural graves, graves that were not part
19 of the main part of the cemetery. We've used them at the
20 Smithsonian Environmental Research Center in Anne Arundel
21 County to look at the cemetery site for the settlement
22 family. And the way it works is, Heather takes one dog out
23 at a time. They don't work together, they work separately.
24 She runs the dog, brings it back, brings out the next, each
25 of them fitted with a radio collar so we can track where

1 they've been and where they've stopped. And then she's
2 there to observe what she calls a change in behavior.

3 As the dog stops and something's got its
4 attention, it's sniffing -- it tends to sniff the
5 vegetation, rather than the ground. And sometimes, they'll
6 actually climb up against a tree and smell the bark on the
7 tree. We don't know exactly how this works, but it's a form
8 of geophysical survey by ground penetrating radar or
9 magnetometry. In any case -- when we use them at the
10 Smithsonian Environmental Research Center, on the way to the
11 cemetery, we were interested in them detailing -- in each
12 case, the dogs stopped probably 200 feet from our
13 destination, and there was a change in behavior. Those two
14 dogs in succession, three dogs in succession, did this.

15 When we mechanically stripped the soil from that
16 area, we found the very bottoms of grave shafts. The
17 cemetery had essentially eroded away alongside what we
18 discovered, was a colonial site right next to two cemeteries
19 probably related to it. The key here is that the dogs found
20 these cemeteries, I think we have nine grave shafts there,
21 based on the very slightest remains of those. So the bones
22 are gone. It's only the bottoms of the holes in which these
23 people were buried.

24 So my point here is that the cadaver dogs are a
25 very effective way of finding graves, even when they've been

1 significantly disturbed. So that would be our way of saying
2 we don't think the topography here -- there's very little
3 chance of a cemetery even having been here, much less having
4 survived, the dogs clinch it. There is no change in
5 behavior.

6 As part of her letter report, Heather included the
7 radio collar data, but you can see where the dogs have gone
8 to cover the entire area behind the commercial complex
9 there, and there's no change in behavior at all. So that's
10 basically our report, and I can take questions.

11 CHAIRMAN: Mr. Gibbs, are you going to have Ms.
12 Rojas speak as well?

13 MR. GIBBS: No, she's out of town.

14 CHAIRMAN: That's fine. She works a lot for the
15 authorities with cold case files and whatnot.

16 COMMISSIONER WASHINGTON: Very cool.

17 CHAIRMAN: Yeah. That's fine. I just want to
18 make sure.

19 Okay. Colleagues, any questions for this witness?

20 COMMISSIONER WASHINGTON: No. Thank you.

21 COMMISSIONER GERALDO: No. Thank you. You're
22 amazing.

23 CHAIRMAN: Thank you for that. Any cross from the
24 opposition? No? Okay.

25 Okay. Thank you, Mr. Gibb.

1 MR. GIBBS: Mr. Chairman, I do see Ms. Marybeth
2 Shea is waving her hand.

3 CHAIRMAN: Oh, Ms. Shea, I'm sorry. Go ahead.
4 And I heard you had some technical issues so can I swear you
5 in before you start speaking? You're on mute. Can you hear
6 us now? No, we can't hear you.

7 UNIDENTIFIED SPEAKER: She's muted.

8 CHAIRMAN: You're still muted from our side. We
9 can't hear you. Can you call in? Do you have access to the
10 number? If you call it, it just takes a sec. How does she
11 get that same email?

12 MS. JONES: The same email she received the link.

13 MS. SHEA: I'm okay now, but I have had trouble
14 all morning and everyone's been so great. But you can see
15 me and you can hear me, correct?

16 CHAIRMAN: I can see you and hear you. And please
17 raise your right hand. Do you solemnly swear or affirm that
18 your testimony will be the whole truth, and nothing but the
19 truth?

20 MS. SHEA: Yes, I do.

21 CHAIRMAN: You're under oath. And do you have
22 some cross-examination for Mr. Gibb?

23 MS. SHEA: Yes, I do have a question about a
24 technical term that will help --

25 CHAIRMAN: Please.

1 MS. SHEA: -- us in the future as we discuss.

2 CHAIRMAN: Please.

3 MS. SHEA: So can I ask what an artifact is? And
4 there may be a term from archeology, and there may also be a
5 term -- and maybe park and planning, historic preservation,
6 people could tell me -- is artifact defined in our historic
7 preservation regulation? What I'm getting at is, is it
8 physical only?

9 MR. GIBB: Is what?

10 UNIDENTIFIED SPEAKER: Is it physical --

11 CHAIRMAN: I think I can answer her question. An
12 artifact is anything made by people. It's sort of a
13 shorthand for archeological artifact because that's what
14 interests us. If it's not an object, if it's soils or some
15 electromagnetic pattern, we refer to that as a feature, but
16 it is a special case of artifact. Artifact is the generic,
17 feature is more specific.

18 MS. SHEA: So I think I have a historic
19 preservation question then. Would an artifact include a
20 retained archival copy of a court record? So that's
21 physical, can that be an artifact?

22 CHAIRMAN: Ms. Shea, the question, I believe, is
23 not -- was that toward Mr. Gibb? Can you answer that?

24 MR. GIBB: A document is certainly an artifact,
25 but it's generally not something we find in the field. It's

1 something that's in an archive or in somebody's attic.

2 CHAIRMAN: Okay. Ms. Shea?

3 MS. SHEA: Thank you.

4 MR. GIBB: Thank you.

5 CHAIRMAN: Thank you. All right. Thank you, Mr.
6 Gibbs.

7 MR. GIBBS: Yes. We would like to have Mr.
8 Michael Lenhart give his comments. And also, we just want
9 to confirm that the memoranda that we filed from these
10 respective witnesses who were qualified the last time
11 around, and which are supplementary in nature, have been
12 accepted into the record.

13 CHAIRMAN: That they're all qualified as expert
14 witnesses?

15 MR. GIBBS: And that their memos --

16 CHAIRMAN: I think we were --

17 MR. GIBBS: -- that we filed were written
18 documents that I submitted back in May. I just want to make
19 sure they're in the record.

20 CHAIRMAN: Thank you for that. And without
21 objection, colleagues, I think we will just continue to --

22 MR. GIBBS: Yes.

23 CHAIRMAN: -- that's already been.

24 MR. GIBBS: That's fine. And I just wanted Mr.
25 Lenhart to sort of hit some high points of what he covered,

1 which was supplemental in nature, but somewhat newer
2 relative to the remand.

3 CHAIRMAN: Thank you.

4 UNIDENTIFIED SPEAKER: Yes, sir.

5 CHAIRMAN: Mr. Lenhart, you were sworn in,
6 correct?

7 MR. LENHART: I was, yes. Good morning, everyone.

8 CHAIRMAN: Good morning.

9 MR. LENHART: Apologies for not being able to
10 attend in person this morning, but I am out of town. I'm
11 happy, though, to cover some of the information. So the
12 remand requested clarification on several items as it
13 related to traffic and transportation. I will go through
14 those now.

15 One was the stacking of vehicles in the proposed
16 drive-through. As discussed, this site uses the prior
17 Zoning Ordinance. The previous Zoning Ordinance does not
18 specify a required number of parking, or queuing spaces for
19 a drive-through. It just says that the spaces shall be
20 sufficient for the drive-through. The drive-through can
21 queue up a total of, roughly, 18 to 20 vehicles; 12 to 14
22 vehicles from the order boards back, and another 6 vehicles
23 between the pickup and the order boards. We often use ITE
24 studies that have been done related to fast-food
25 restaurants.

1 One in particular was an ITE study queuing areas
2 for drive-through facilities where they studied roughly 40,
3 45, fast-food type restaurants. 27 of the studies that they
4 did were for fast-food hamburger joints, such as McDonald's,
5 that found that the maximum queue in those 27 studies was 13
6 vehicles. Again, we have 6 -- we have a total of up to 20
7 vehicles that could be queued. Those studies don't
8 reference from the order board back, it's just the total
9 number of vehicles in the queue. So we far exceed the
10 empirical data of studies for these types of uses.

11 And then we refer to the new Zoning Ordinance, 27-
12 274(C)(vi), which states that there shall be sufficient
13 queuing for six spaces from the order box and an
14 additional -- I'm sorry. Bear with me. Additional four
15 spaces, I think it is, between the pickup and the order box.
16 And so we far exceed that.

17 There was discussion at the district council
18 hearing by Mr. Brown on whether the six spaces is per lane
19 or total queuing. And if you look at the new Zoning
20 Ordinance, it does have a number of different uses in there,
21 different drive-through uses. Some of those uses, it
22 clearly specifies a number of queued vehicles per lane.
23 Others, just are total queue. And so this one is just the
24 total number of queued vehicles and so it does not require
25 it per lane. But even if it did require per lane, we would

1 exceed that requirement. So we do meet -- although we're
2 not using the new ordinance, we do meet and exceed the new
3 ordinance. And using the old ordinance, we meet and exceed
4 what would be needed to provide sufficient queuing.

5 Throughout this project, we have met with State
6 Highway, we have met with DPIE, we have met with
7 transportation planning staff at Park and Planning. We have
8 made numerous changes to this plan to address concerns and
9 comments. Some of those are converting the McDonald's
10 parking area or the parking lot to a one-way traffic
11 pattern. So one way counterclockwise, as you enter from
12 410 -- enter into the site, you can go into the drive-
13 through lanes or you can continue around the parking area.
14 We converted that to one-way to reduce vehicular conflicts.

15 We added sidewalk tie-ins to the route 410
16 sidewalks at several locations. We included internal
17 crosswalks in the parking lot. We agreed to add crosswalks
18 across Van Buren Street. We've met with DPIE on several
19 occasions and in whatever fashion they require that
20 crosswalk, we would agree to do that. We've added painted
21 speed bumps -- well, speed bumps, along with painting to
22 delineate them better throughout the parking lot in front of
23 the McDonald's and the shopping center.

24 And we have agreed, at State Highway's request, to
25 reconfigure the two existing, closely spaced driveways in

1 front of the McDonald's to one channelized right-in and
2 right-out entrance, that meets State Highway standards. We
3 have looked at crash data. There's been a lot of discussion
4 about crash data in the area, and there have been exhibits
5 provided that show crashes within, I think, a half mile of
6 the site -- or a quarter mile of the site is what they
7 showed.

8 Those crash data -- not to discount that data,
9 that is something that certainly State Highway could be and
10 should be looking at -- it has no bearing on this
11 application, it's outside this site. There were a couple of
12 crashes at the site driveways, but they were not related to
13 the driveways. They were rear-end crashes or sideswipes
14 crashes on route 410, unrelated to the driveway.

15 There were a few crashes on site. There was one
16 pedestrian incident on site, and there were several others
17 that were classified as single vehicle. But the other
18 thing, again, was the right-in/right-out on route 410. We
19 met, again, with State Highway Administration last week.
20 The State Highway Administration reviewed it again,
21 internally, and replied you have an email on record from the
22 state saying that they have reviewed this again and
23 maintained their position that the two closely spaced
24 driveways should be reconfigured and converted into one
25 right-in/right-out, and that the other two existing

1 driveways are adequate.

2 Mr. Gibbs, I think that is it. But if you think I
3 missed anything, please let me know.

4 MR. GIBBS: No. Mr. Lenhart, I believe you
5 covered everything addressed in your supplemental memo.
6 Thank you.

7 CHAIRMAN: Thank you, Mr. Lenhart. Colleagues,
8 questions for Mr. Lenhart?

9 COMMISSIONER WASHINGTON: No.

10 CHAIRMAN: No questions.

11 Any cross, Mr. Smith? You're on mute, sir.

12 MR. SMITH: As I've said before, perhaps some
13 people prefer it that way.

14 A question for Mr. Lenhart; you've mentioned the
15 accident rates, under current conditions, with La Bonita
16 (phonetic sp.) operating there -- do you know how many days
17 per week and how many hours per day this will affect -- that
18 flow onto and off of the site, how many days per week and
19 how many hours per day McDonald's proposes to operate this
20 site?

21 MR. LENHART: I would defer that to the
22 representative of McDonald's so that, I don't misquote that.

23 MR. SMITH: Okay. Would knowing that be important
24 to understanding the potential traffic flow impacts,
25 congestion impacts, potential for conflicts at the entrances

1 or on the site?

2 MR. LENHART: We did look at -- so when we look at
3 the traffic, it's based upon peak hour conditions. It -- it
4 doesn't matter if it closes at 10 p.m. and opens at 5 a.m.
5 or if it's 24-hour as it relates to congestion because we
6 look at the peak conditions of the day. With that said,
7 again, this is a detailed site plan. There is no adequate
8 public facilities assessment with this. We did do some
9 traffic analyzes, but -- and we did analyzes really above
10 and beyond what would be required for a detailed site plan,
11 and it does meet the --

12 MR. SMITH: I think you're going beyond the scope
13 of my question pretty far. In off-peak hours when that
14 merger from Ager and 410 is highly congested, it seems that
15 traffic might move more slowly there. During nonpeak, where
16 it's less congested, is there a chance that cars coming in
17 off of Ager or East-West will be moving at higher rates of
18 speed as they go past that right-in/right-out access point?

19 MR. GIBBS: Just going to object.

20 CHAIRMAN: Mr. Smith, this is a cross-examination
21 for Mr. Lenhart's testimony. So do you have a question for
22 Mr. Lenhart based on his testimony?

23 MR. SMITH: I think that's getting to the subject
24 matter of his testimony. What were their safety analyzes
25 based on? Did they look at some of these factors? I'm just

1 asking whether they did. The fact that McDonald's would be
2 open more hours, probably, more days. These seem to be
3 pretty relevant to what can happen on the site and at that
4 access point -- or near that access point. That's why I'm
5 asking these questions.

6 CHAIRMAN: Mr. Gibbs --

7 MR. GIBBS: That's my -- yes, Mr. Chairman. My
8 objection is, that's not a question about what's going on
9 on-site. It's a question about his opinion as to how roads
10 off-site operate. And that's clearly just not a relevant
11 area of inquiry. Thank you. It's certainly well beyond the
12 scope of this direct testimony.

13 CHAIRMAN: Mr. Smith, if you have a specific
14 question for Mr. Lenhart along these lines, I would agree
15 with Mr. Gibbs that this really is bordering on testimony
16 from you. I understand you have a difference of opinion
17 about what their approach is, but do you have a question
18 about how they approach this?

19 MR. SMITH: Yeah, I was just trying to understand
20 how they approached it. Did they consider more operating
21 hours? Did they consider higher rates of speed and the
22 possibility of more trips onto and off the site?

23 CHAIRMAN: I think that question was asked and
24 answered. They said, no, and they focused on peak hours.

25 MR. SMITH: Right. I'll let it go. Thank you.

1 CHAIRMAN: Thank you, sir. Other cross? No? If
2 not, we will -- I'm sorry, Mr. Smith. You're maybe on mute?
3 No. You're okay.

4 MR. SMITH: Okay.

5 If not, Mr. Gibbs, back to you.

6 MR. GIBBS: Yes, sir. The next person I'd like to
7 bring up is Mr. Nick Speech of Bohler Engineering for some
8 very brief comments about how he modified the site plan. It
9 was actually done before, but it bears upon the remand.

10 CHAIRMAN: Thank you, sir.

11 MR. SPEACH: Good morning. Nick Speech of Bohler
12 Engineering.

13 MS. SCHWEISGUTH: I'm sorry. I actually did have
14 a question for Mr. Lenhart.

15 CHAIRMAN: Who's speaking?

16 MS. SCHWEISGUTH: This is Melissa Schweisguth.
17 Oh, sorry. Let me turn my camera on.

18 CHAIRMAN: Oh, I'm sorry, Ms. Schweisguth. So you
19 have cross-examination for Mr. Lenhart?

20 MR. GIBBS: Mr. Chairman, I thought we had decided
21 one person was going to conduct cross-examination. It could
22 be Mr. Smith, it could be someone else, but to have multiple
23 people conduct cross-examination of the same witness?

24 CHAIRMAN: I think we want to contain it. But if
25 there's a -- as I discussed with Mr. Smith, there may be

1 some folks who have some subject matter experts. If it gets
2 out of hand, I'll --

3 MR. GIBBS: I understand.

4 CHAIRMAN: -- reel it in.

5 MR. GIBBS: Thank you very much.

6 CHAIRMAN: Thank you, sir.

7 Ms. Schweisguth, you have a question for Mr.
8 Lenhart?

9 MS. SCHWEISGUTH: Yes. And this may actually also
10 go back to Mr. Gibbs, as the representative. But the remand
11 order was quite clear that there is a thought that the
12 location of that in and out driveway, that entry and exit,
13 it is part of the site. And so the dynamics that that
14 creates and the location being very close to a high-volume,
15 high-crash intersection, that is very relevant to the site.

16 So I guess I'd like to understand why there
17 wasn't -- I'm curious, was there consideration for not
18 having that be an entry/exit -- in a safer place where that
19 entry and exit could be to enter that site, not by that high
20 volume intersection. Because again, that is a factor of the
21 site plan where you are locating the entry and exit to this
22 high-volume drive-through. Thank you.

23 CHAIRMAN: Thank you, Ms. Schweisguth. I believe
24 the next witness may be addressing this very issue, but I'm
25 not sure.

1 MR. GIBBS: Mr. Chairman, both in Mr. Lenhart's
2 documents and testimony, both originally and in his follow
3 up memo, he addressed the fact that his charge under the
4 code is to look at, certainly, how the access driveway
5 functions, to provide circulation into the site. And if the
6 board will recall, he went beyond what the code would
7 require. He first did a trip generation -- basically, the
8 existing building that was to be taken down was 1,995 square
9 feet. The McDonald's restaurant --

10 MR. SMITH: Mr. Chairman?

11 CHAIRMAN: Mr. Smith?

12 MR. SMITH: I'm sorry to interrupt, but it seemed
13 like Ms. Schweisguth's question was directed to Mr. Lenhart,
14 not to Mr. Gibbs.

15 MS. SCHWEISGUTH: She said (indiscernible)--

16 MR. SMITH: And Mr. Gibbs is standing here --

17 CHAIRMAN: Mr. Smith, Mr. Gibbs is speaking. I'm
18 sure he's going to refer to his expert if there's a specific
19 question.

20 MR. GIBBS: I'm just referring to what the expert
21 did and what's in his report that's already in the record.
22 That does respond to the question that was propounded. I
23 can ask Mr. Lenhart to describe what he did again, but he
24 went beyond what the code requires. He did two trip
25 generation analyzes for the restaurant back in 2024. And

1 the second one was not as a part of an integrated shopping
2 center, but as a standalone eating and drinking
3 establishment, which is not required, which generated more
4 trips. There was a three-step analysis for adequacy of the
5 driveway. You only had to satisfy one. He went to the very
6 first one. It was satisfied.

7 CHAIRMAN: Hold that for a second. I want to get
8 back to Ms. Schweisguth. I want to make sure it's clear
9 what your question is. And did Mr. Gibbs address that or is
10 there something else you need to hear from Mr. Lenhart?

11 MS. SCHWEISGUTH: I just wanted to confirm that
12 that Mr. Lenhart was not asked to consider any alternative
13 entry and exits, despite the remand order, pointing out the
14 location by that busy intersection that is clearly within
15 the scope of the plan and something that they wanted
16 addressed.

17 CHAIRMAN: Mr. Leonhart, do you want to answer
18 that question?

19 MR. LENHART: Yes. We were not requested to
20 evaluate any alternative access scenarios. And again, we
21 had this discussion with State Highway Administration
22 several times last fall when we went through the planning
23 board hearings. There were continuances -- we had met with
24 State Highway before that hearing; we got a concurrence with
25 them on what they wanted to see. We met with them during

1 last fall after a number of continuances, they reiterated
2 what they wanted to see. We met with them after the
3 district council remand, they looked at it again, they said
4 the same thing; the two closely spaced intersections don't
5 meet their current criteria.

6 They want us to reconstruct them into one
7 channelized right-in/right-out, and they are okay with the
8 other two access points. They said that they're adequate,
9 these will meet State Highway's criteria. They have
10 reaffirmed again and again that that is the case and that
11 they're okay with these.

12 CHAIRMAN: Okay. Ms. Schweisguth, does that
13 answer your question?

14 MS. SCHWEISGUTH: Yeah. Thank you very much.
15 Sorry for the cat. She really takes an interest in
16 planning, as you can see.

17 CHAIRMAN: I know, it's a city planner cat, I get
18 it. Okay. Mr. Speech? Mr. Speech. Right. Thank you,
19 sir.

20 MR. SPEACH: Again, Nick Speech, Bohler
21 Engineering. Good morning, I think it's still morning.
22 Just wanted to touch briefly -- and keeping it less
23 redundant because Mr. Lenhart did great job of explaining a
24 lot of what I was going to speak to. But just wanted to
25 reiterate -- we put together a detailed site plan.

1 Originally it met the requirements of the zoning code. We
2 worked with staff, and as always, they did a fantastic job.
3 Gave a couple additional ideas of how to better the site
4 while still meeting all the code requirements.

5 So the one-way access around the McDonald's
6 portion of the parking lot -- making sure that the loading
7 zone was out of the traffic pattern, making sure additional
8 crosswalks were added both off of 410 and Van Buren, just
9 adding the speed bumps, adding the additional striping and
10 painting in the parking lot itself to allow cars to slow
11 down so that pedestrians can get through.

12 So I just wanted to reiterate those points and
13 just make sure that that was evident, that we did go above
14 and beyond trying to -- while not only meeting the code
15 requirements, make it as safe as we possibly could. So if
16 there are any questions, I'm happy to answer them.

17 CHAIRMAN: Comments or questions for Mr. Speech?
18 No questions?

19 Mr. Gibbs?

20 MR. GIBBS: Yes, sir. Our last witness, Mr.
21 Chairman, is Mark Ferguson, our land planner. Again, he
22 submitted a very, very lengthy document this time around.
23 But I'd just like him to summarize some of the salient
24 points there. Thank you.

25 MR. FERGUSON: Good morning, Mr. Chairman, members

1 of the planning board. I'd like to echo -- Mark Ferguson of
2 SCB with offices at 5407 Water Street back in your old digs
3 of historic downtown of Marlboro. I'd like to start by
4 echoing Mr. Gibb's comments about what a pleasure it is to
5 be back in front of you in person after so very, very long.

6 Mr. Gibb did mention that I prepared a report
7 which was submitted into the record. I don't want to spend
8 all the time to read that back to you, I'm sure you've read
9 it. A couple of things that I do want to -- to -- to point
10 out that I would say are highlights and that is that the
11 remand order asked for a number of things.

12 What I did was, I went to the Zoning Ordinance,
13 what the law says and what that directs you to look at, it
14 does direct you to Section 27-285, which has the for
15 findings of approval. One of those findings directs you to
16 site design guidelines. I will point out that the site
17 design guidelines for detailed site plans are in Section 27-
18 283 and those in turn refer you back to the design
19 guidelines for conceptual site plans of 27-285.

20 But one thing that 27-283 does that hasn't been
21 discussed is it does refer you to the purposes of the zone
22 in which the property is located, specifically the CSC zone.
23 So I did go through the purposes of the CSC zone in my
24 report and how the purposes speak to the site plan.

25 The design guidelines and the required findings do

1 not point you to the purposes of the Zoning Ordinance other
2 approvals do. You may remember that early in the evolution
3 of this project, we had proposed a departure from design
4 standards for the removal of trees. Had that departure
5 still been before you, then the purposes of the Zoning
6 Ordinance would have been an appropriate thing for you to
7 look at. But without a departure, the provisions and
8 findings just don't point you back there. Where this is
9 special exception, again, you would go back to the purposes,
10 you would go to the master plan. But it isn't, right?

11 Section 27-284 is something that I find
12 interesting and challenging because it does require a
13 referral to the health department for the health department
14 to give you information a number -- of a number of things.
15 It was referred to the health department and the health
16 department returned something back to you. Certainly, a
17 number of people in the opposition feel that it is not
18 sufficient. And that may even be true.

19 But the thing that, again, is important is that
20 the Zoning Ordinance doesn't tell you to consider the
21 findings of that health report. And the thing that's most
22 interesting to me is that health impact review is defined.
23 And that definition opens up with the words, "in this
24 preliminary stage of implementing the health impact review.
25 It's designed as a tool that may include a combination of

1 procedures by which a policy, program or project may be
2 evaluated as to its potential effects."

3 Now, the findings don't pull you back into that.
4 But the important thing here is preliminary stage, right?
5 So the idea is, let's get some practice at doing these
6 health assessments. And maybe it's something that you wish
7 to go back to the health department, say, need a little more
8 next time. But what's in front of you now, it's just not in
9 front of you. So, and that essentially is the highlights I
10 do go through in the rest of my report, all of the findings
11 and all of the design guidelines, with the exception of the
12 on-site circulation, which I defer to Mr. Lenhart. And that
13 concludes my presentation before you. Thank you.

14 CHAIRMAN: Thank you, Mr. Ferguson. Colleagues,
15 questions for Mr. Ferguson?

16 COMMISSIONER WASHINGTON: None at this time.

17 CHAIRMAN: All right. We have some cross. Mr.
18 Smith, I see you have a question? Yes, sir. Go ahead.

19 MR. SMITH: Yeah. Mr. Ferguson, can you point to
20 anywhere in the Zoning Ordinance, or the statutory history
21 of the counsel legislation, that establishes requirement for
22 an HIA to be done on a DSP that it says, well, this is all
23 really preliminary, and we'll get some practice now and
24 we'll come back to it later -- can you point to that in the
25 ordinance or in those, those, those bills and statutory

1 history?

2 MR. FERGUSON: Well, I think I did, Mr. Smith, in
3 my testimony about the definition. Now, you may disagree
4 with my characterization --

5 MR. SMITH: Okay.

6 MR. FERGUSON: -- but I think the definition will
7 speak for itself, regardless of what my opinion is on it
8 here.

9 CHAIRMAN: Mr. Smith, additional cross?

10 MR. SMITH: That's it.

11 CHAIRMAN: Okay. Thank you, Ms. Schweisguth, did
12 you have your hand up as well? If you do, you're on mute.

13 MS. SCHWEISGUTH: Oh, sorry. Yeah. I need to put
14 it down.

15 CHAIRMAN: Okay. Good. All right.

16 No more cross, Mr. Ferguson. Thank you.

17 Mr. Gibbs?

18 MR. FERGUSON: Thank you.

19 MR. GIBBS: Yes, Mr. Chairman. Just a couple of
20 issues; number one, we did submit a revised application
21 form. The People Zoning Counsel correctly brought to
22 everyone's attention that the --

23 CHAIRMAN: Say again? I just got distracted. Say
24 again?

25 MR. GIBBS: Just a couple of cleanup items.

1 Number one, one of the remand issues cited by the People's
2 Zoning Council, was the correct name of the owner of the
3 property. My client's just leasing and so the ownership
4 entity that was on the original application form was very,
5 very close to what it actually is. There were some changes
6 to some Ls, and some PRs, and things like that at the end,
7 but People's Zoning Council brought to everyone's attention
8 that was what was shown on Prince George's Atlas. But it
9 was changed slightly. And so I prepared and had the owner
10 sign another application form, and I submitted that as well
11 in May -- May 13th, so that's there.

12 I would say that also, when I read the information
13 submitted by the opposition, I was struck by the comments
14 relative to efforts that McDonald's would make to recognize
15 the significance of the Green Hill site, the history behind
16 it. The fact that there obviously were, I think, 39 perhaps
17 enslaved persons at that Green Hill site, and they
18 questioned if having posters in English and Spanish, within
19 the restaurant were sufficient or sufficiently dignified the
20 terrible things that happened.

21 And so I went to McDonald's, and I did ask them
22 because there were some illustrations of signs to be placed
23 outside that were pretty much designed. There were
24 photographs of historic marker signs. And so I went to
25 McDonald's and said, would you like to put a sign outside

1 that replicates the historic nature or an agreed upon
2 design? And so I'd like to offer that as an additional
3 condition not just to abandon the posters inside, but to
4 have -- for lack of a better term -- a more dignified
5 exterior sign that's totally permanent, weatherproof, et
6 cetera, and really recounts the significance of events that
7 were terrible and which none of us should ever forget. So
8 we'd like to add that as an additional condition.

9 And I'm going to have to close, so I'm not going
10 to say anything further at this point, but I did want to get
11 that evidence before the before the planning board with
12 that. We'll stop at this point, please respond at the end
13 of the opposition comment. So thank you.

14 CHAIRMAN: There may be some cross for you. And
15 again, a reminder we'll hear from the opposition, you'll
16 have the opportunity for rebuttal. And then they'll have
17 the opportunity to close, and then you'll have the final
18 word.

19 MR. GIBBS: Okay. Sure.

20 CHAIRMAN: Mr. Smith, and then Ms. Shea. Cross-
21 examination?

22 MR. SMITH: I'll lower my hand. Thanks.

23 CHAIRMAN: Okay. Thank you.

24 Ms. Shea? You're on mute if you're speaking.

25 MS. SHEA: Yay, the tech worked. It's been very

1 stressful to not have good tech. I want to say that's
2 brand-new news.

3 And I'm the person who had the primary
4 responsibility for historic preservation, and I have a fact
5 to correct. We have 36 names of 38 people who are
6 documented in a Maryland Chancery lawsuit. There are many
7 more people associated with this Riggs and Diggs property.
8 Now, having said that -- and possibly, Mr. Shapiro, you're
9 going to tell me it's not the time -- but could there be a
10 community effort with Park and Planning to make sure that
11 this curation is dignified?

12 And you guys are going to look at my slides in a
13 few minutes, I had some ideas on it. Park and Planning has
14 done this beautifully. The odd thing about this historic
15 site is, it is straddled by two private property owners,
16 which means we don't have this wonderful history of park and
17 planning curation. And anyway, I think -- sorry, Peter, did
18 I speak at the wrong time? Okay. I'm done.

19 CHAIRMAN: You spoke at the wrong time. But it's
20 helpful to hear what you have to say, and we look forward to
21 hearing you say more. I can only imagine that Mr. Gibbs and
22 his client would be nothing but excited to work with Park
23 and Planning on this and folks in the community. I can't
24 speak for him, but -- but short of it is when you get to
25 your testimony. Be sure to bring that up with us.

1 MR. GIBBS: I can say right now, we totally
2 support that that effort and would take part in it.

3 CHAIRMAN: Thank you, Mr. Gibbs. All right. If
4 there's no more cross, we have heard from the applicant. So
5 again, in terms of process, we'll hear from the opposition.
6 There'll be the opportunity for rebuttal. And then there'll
7 be -- have we closed by the opposition at that point, or
8 just go for a summation there. If you want a summation for
9 the applicant after the rebuttal, and then we'll have the
10 final word from the applicant. So we'll turn to the
11 opposition.

12 By my clock -- I have 40 minutes, counting the
13 breaks that I saw here and there -- so you don't need to
14 take all that time. But you'll have up to 40 minutes if you
15 want it.

16 And Mr. Smith, you gave us an order. Folks are
17 going to be speaking on what subjects? I think I might have
18 taken it down wrong but let me ask you to just manage that
19 process for us. Okay, sir?

20 MR. SMITH: Okay. For first up, we've got Jeff
21 Cronin of Carole Highlands.

22 CHAIRMAN: Good morning, Mr. Cronin. Good to see
23 you.

24 MR. CRONIN: Good morning, Mr. Chairman. Good
25 morning, commissioners. For the record, Jeff Cronin, 7217

1 15th Avenue in Takoma Park, which is in Prince George's
2 County. I'm here as before in a personal capacity, not a
3 professional capacity, or as an expert witness. And of the
4 seven or issues raised by the district council and the order
5 of remand, I'd like to focus on two, four, and seven related
6 to pedestrian safety at the site. The question of the
7 health assessment and the question of the historic nature of
8 the property, and I will be brief.

9 This intersection generally, especially the
10 stretch right in front of the site on 410 is a failing
11 intersection. The status quo is not doing anyone any
12 favors. The intersection fails walkers, bikers, transit
13 users, and even drivers, in just about that order. And a
14 high throughput drive-through, no matter how it's queued or
15 stacked, in my view, will make conditions less safe for all
16 of those parties.

17 Also, in that order, less safe for the kids making
18 their way to the elementary school less safe for folks
19 getting on or off that busy F4 Metro bus right in front of
20 the site let's say for bikers who might be coming to Green
21 Meadows Shopping Center from either the bike share station
22 across the intersection or from the nearby Sligo Creek bike
23 trail.

24 The risks and rewards here are unevenly
25 distributed, which I think is a diplomatic way of saying

1 that one company, maybe two, are driving the economic
2 benefit. And our community is asked to absorb the harms.
3 The crash data and the record is voluminous. I hope the
4 project is not approved, but in any case, in the case that
5 it is, I hope that it is approved without this dangerous
6 drive-through.

7 I want to say something briefly about the health
8 assessment on file in connection with this case. As you've
9 heard and as you can read, it takes a very narrow and short-
10 term subset of issues related to dust, and construction, and
11 debris during the brief time of construction. But I don't
12 think it does what the ordinance asks it to do, certainly no
13 discussion -- there's no assessment of the current health
14 problems in the community, not much consideration of the
15 post-construction impact on environmental health, and no
16 consideration on the impact of -- of -- of chronic disease
17 from the project, and certainly no consideration of how
18 those impacts are distributed across the population, which
19 the ordinance asks for.

20 If the Zoning Ordinance were to allow a handgun
21 store to be sited at this location -- and I hope that it
22 does not -- I think the health department would be well
23 within its rights to take note of the problem of handgun
24 violence in our community and address whether the gun store
25 is going to help or hurt. And I'm told -- and I think Mr.

1 Smith is going to say more of this -- that in a previous --
2 in at least one previous case involving a health assessment
3 of a residential project in Hyattsville, the density of
4 fast-food restaurants in the location was noted.

5 So I think a health assessment of a drive-through
6 restaurant -- the health department, it would be well within
7 its rights to consider the distribution of diet related
8 chronic disease in the community. That wouldn't mean that
9 you have to automatically disprove it because there are some
10 negative things on the health ledger, but there should be a
11 ledger. And I think that the ordinance requires a more
12 detailed health assessment than the document in front of
13 you, in connection with this case. I'd refer you to the
14 comments made by People's Zoning Council, Mr. Brown, during
15 the April 1 hearing on the adequacy of the assessment. And
16 I hope the board, both in this case and moving forward, will
17 ask the health department to do more -- to do better.

18 And lastly, I want to say that I accept, with a
19 great deal of confidence, the findings of the expert
20 archeologist retained by McDonald's in this case, I
21 absolutely do. I read his report. I enjoyed learning that
22 this site was disturbed at one point earlier in the century
23 when planners were considering an east-west rail line
24 between Montgomery and Prince George's counties. And some
25 of the leveling had to do with the consideration of it as

1 a -- as a rail bed. So it's as if the planners of the past
2 were maybe looking forward to the Purple Line.

3 But that said, Green Hill Plantation -- and we
4 should call it Green Hill Plantation because that's what it
5 was. It's an underappreciated historic resource -- I think
6 the staff response to the remand order errs in one major way
7 when the language says the only evidence of burial points to
8 a corpse of trees in the northwest corner. Well, it
9 overlooks the one burial that we do know about. And that's
10 the burial of Pierre L'Enfant. I think it's reasonable to
11 assume that where one is buried, there might be others.

12 The stories of the enslaved people who lived and
13 died at Green Hill Plantation their stories are obviously
14 less well told than Mr. L'Enfant and less well told than the
15 story of the Riggs family. But I am skeptical that even a
16 good faith effort on the part of McDonald's to commemorate
17 this history here will be conducted in good taste. And I
18 think I support what Marybeth Shea said about asking for
19 more robust support from the county to appreciate what has
20 happened here.

21 Lastly, if I may, please do not consider this
22 detailed site plan, as if it were slotted for the middle of
23 nowhere. The context matters, and I think Mr. Gibbs has
24 skillfully put you in a box, respectfully, by having you
25 consider this in a vacuum, or trying to have you consider

1 this in a vacuum. And I'm, respectfully, asking you to not
2 stay in that box. And I thank you for considering my views.

3 COMMISSIONER WASHINGTON: Thank you, Mr. Cronin.

4 CHAIRMAN: Much appreciated and very thoughtful.

5 Any questions for Mr. Cronin? All right.

6 Next?

7 MS. MULFORD: Hello. Hi. My name is Rachel
8 Mulford.

9 CHAIRMAN: Ms. Mulford, you were sworn in
10 correctly, correct?

11 MS. MULFORD: Yes.

12 CHAIRMAN: Okay.

13 MS. MULFORD: It looked good to me.

14 CHAIRMAN: Okay.

15 MS. MULFORD: Hi, everyone. I live at 3105 63rd
16 Avenue in Cheverly, and I'm a parent with a second rising
17 second grader goes to Cesar Chavez Dual Spanish immersion
18 school, which is very near to this site. Oh, and I was
19 supposed to mention I am not being paid to participate in
20 this process. I am paying a babysitter in order to
21 participate in this process, actually.

22 So I'm also very active in our PTO, and I've
23 started being active in getting to know this issue and
24 working on gathering information from our parent community
25 and gathering their concerns and collating that into our PTO

1 response, as well as my own responses, just starting in
2 March. And there were many parents who were active on this
3 issue and including the PTO president who presented
4 testimony at the district council hearing on, April 1st, but
5 she and others who attended that meeting were not able to be
6 here today because of work concerns.

7 And so I feel like it's worth mentioning that it
8 is actually very difficult to participate in this process.
9 And it's not available to all of those in the community.
10 And as I mentioned, I got a babysitter today so that I could
11 be a part of this process today. But I'm actually very
12 privileged that I could even do that because it's even more
13 difficult to participate for those who come from a low-
14 income background. And it's not really possible to
15 participate if you don't know about the hearing happening at
16 all, which has been one of the barriers in regarding this
17 issue and the surround, the those that live largely live and
18 work around this site are a Spanish-speaking community.

19 And in our own student population, 61 percent of
20 our students are Hispanic and Latino, over 50 percent of our
21 students come from low-income families. And as I drove by
22 the site this morning, I stopped just to confirm what I had
23 thought I saw, which is that the hearing notices are in
24 English only. And now, I know that this was a failure to
25 comply with the remand order as well. And I did not see

1 that phone number that suggests that one can call and get
2 translation about the hearing notice that a person probably
3 wouldn't know what was about in the first place if they did
4 not read English.

5 And so my experience with in this issue has been
6 that the more parents that found out about it, the more
7 people in our community who heard about the project, the
8 more people who voiced their opposition. And when we
9 created a petition letter in Spanish and English in late
10 March and circulated it in advance of the April 1st meeting
11 within just three days, we were able to gather 144
12 signatures. That was from parents, and teachers, and staff
13 from our school. And the PTO also submitted a formal letter
14 of opposition signed by the officers of our organization.

15 Of particular importance to the parents in these
16 documents are the issues of traffic and pedestrian safety,
17 and air quality, and aggravation of asthma from idling
18 vehicles, and the food swamp designation in the area
19 surrounding the site. I drive by this site every day with
20 my daughter and other children in our carpool, and the
21 intersection there is congested and is dangerous.

22 Many drivers change lanes at the last second, and
23 that's how I almost got into a collision just about a month
24 and a half ago. A car pulled out in front of me. Suddenly,
25 I slammed on my brakes and somehow the person behind me did

1 not rear end me. I believe I'm a diligent driver. I have a
2 Class B Commercial Driver's License, a clean driving record,
3 and I have spent fifteen years training other bus drivers.

4 Many parents and students commute to Cesar Chavez
5 dual Spanish immersion school every day via car, bus,
6 bicycle, and on foot. From the immediately surrounding
7 community, as well as from a larger swath of the county --
8 as we are a specialty dual Spanish immersion program -- and
9 the parents and administrators actively advocate for our
10 children's safety, and the safe arrival and departure from
11 school, and this year, we secured a crossing guard presence.
12 But there's no infrastructure beyond a crosswalk to support
13 safe crossing of Riggs Road. And children have to cross six
14 lanes of speeding cars during rush hour. Requests from our
15 administration to install a traffic light there have not
16 been granted yet.

17 Another issue that I've heard from a lot of
18 parents about air quality is the relationship with asthma.
19 One parent at our school voiced how concerned he is that his
20 daughter has asthma and the effect of air quality on --
21 ambient air quality and the aggravating effects on asthma.
22 Studies have demonstrated that children attending schools
23 near high traffic areas face a 45 percent higher risk of
24 developing asthma. An estimated 13.85 percent of PG County
25 children are diagnosed with asthma, and that's higher than

1 the national rate at 8 percent.

2 Children's developing lungs are particularly
3 susceptible to these toxins, and increased exposure can lead
4 to severe asthma attacks and long-term respiratory problems.
5 Construction of a McDonald's in this congested area was
6 significantly worse than air quality, due to the increased
7 traffic and vehicle idling.

8 In the site around -- in the area around the site,
9 it is already a PG County healthy food priority area. These
10 areas are essentially areas where there's a is a greater --
11 there's a greater access to unhealthy foods than healthy
12 ones, where families are less likely to have access to
13 reliable transportation and more likely to live below the
14 Maryland self-sufficiency standard. Food swamps like this
15 are associated with increased obesity rates and poorer
16 health outcomes, and the food swamp effect is stronger in
17 areas where there is higher income inequality.

18 Most of the data that we found in our own
19 searching of research was about pretty specific health
20 outcomes, particularly weight. And there is a lot of data
21 that specifically links fast food restaurants near schools
22 with negative outcomes for children and youth. I won't get
23 into quoting statistics from those peer reviewed studies to
24 you, but they're available if you want to hear more about
25 it.

1 Obesity at a young age is associated with higher
2 premature mortality risks in adulthood, and children who are
3 youth who are obese have a higher risk of suffering from
4 diabetes and other chronic diseases. I oppose the addition
5 of another fast-food establishment in an already vulnerable
6 area, and I'm echoing comments that I've heard from other
7 parents during these many meetings when I say, I don't need
8 my kids seeing another McDonald's on their drive to school.
9 We see one already.

10 In fact, there are several different routes we can
11 take. We could see -- we can pass by McDonald's on both of
12 those -- on two of the most common routes I take to take the
13 kids to school. It's antithetical to my values about
14 healthy eating at home and in the curriculum we teach at
15 schools, and our goal that the kids grow up as citizen
16 advocates for food equity in our community.

17 Lastly, regarding the loss of a local business
18 with the replacement of another fast-food restaurant. In
19 our community, we value these local businesses. The PTO
20 engages with them directly and partners with local
21 businesses in our annual Spring Family Festival fundraiser
22 (phonetic sp.). And I worked on that committee this year,
23 and we spoke with small businesses and gathered dozens of
24 partnerships as sponsors and silent auction donors, and in
25 exchange, we offer advertisement to our families. We raise

1 thousands of dollars, which we funnel right back into the
2 needs and enhancements for our students. We're very proud
3 of this work and of these partnerships.

4 Conversely, it can be very difficult to entice
5 that kind of charitable marketing partnership from national
6 and multinational businesses, which I'm not -- I think maybe
7 we've been able to secure one or two amongst the dozens of
8 business partnerships we make, which are, by and large,
9 local and small.

10 Again, echoing what Jeff has said about
11 considering the greater impacts within the community, I feel
12 like there is an economic impact as well, since local
13 businesses funnel resources back into the local community.
14 Small businesses are often neighborhood leaders. And as
15 I've said, they are our charitable marketing partners. So
16 thank you so much for the opportunity to speak today and
17 voice my concerns as a parent in this community.

18 CHAIRMAN: Thank you, Ms. Milford. Very
19 thoughtful comments as well. Well-researched comments as
20 well, and we appreciate that. It's very helpful.

21 MS. MILFORD: Thank you.

22 CHAIRMAN: Colleagues, any questions for Ms.
23 Milford? Okay. All right. We'll move on.

24 Mr. Smith, dare I say you're on mute, sir?

25 COMMISSIONER WASHINGTON: Still muted.

1 MR. SMITH: And you know you like that. I think
2 we actually have Melissa Schweisguth.

3 CHAIRMAN: Okay. Ms. Schweisguth?

4 MS. SCHWEISGUTH: Thank you. So I just wanted to
5 start by saying that I understand that the applicant has
6 really pushed back on --

7 CHAIRMAN: You're on mute. We lost --

8 COMMISSIONER WASHINGTON: Unmuted.

9 CHAIRMAN: You're unmuted. So. But take a second
10 because there's a signal issue here. Hold on one second.
11 All right. Try again.

12 MS. SCHWEISGUTH: All right. Can you hear me now?

13 CHAIRMAN: Can hear you now. If it -- if it
14 gets --

15 COMMISSIONER WASHINGTON: A if it's --

16 MS. SCHWEISGUTH: A Verizon guy.

17 COMMISSIONER WASHINGTON: Hello.

18 CHAIRMAN: If it stays wonky -- Ms. Schweisguth,
19 if it stays wonky, we may ask you to shut your video down
20 just to help. But right now, it's okay.

21 MS. SCHWEISGUTH: Okay. Yeah, do let me know. So
22 I just wanted to start by saying that, as you've listened to
23 the previous comments, a lot of those are on the off-site
24 impacts, the impacts on the neighbors the applicant has
25 really pushed back on, including those saying they're out of

1 scope. They're not relevant to the DSP.

2 Number one, they're very relevant to the purposes
3 of the Zoning Ordinance, which the applicant already also
4 reiterated their pushback in their most recent, most recent
5 backup we saw. But those are very relevant to the purpose
6 of the Zoning Ordinance, and they're very relevant to what
7 is being proposed to put on the site. A high-volume fast-
8 food drive-through.

9 So again, we would not -- would we have these
10 congestion impacts if there were not a drive-through? So I
11 urge you to please -- don't draw such a line about on site,
12 off site because there's not that there's unfortunately not
13 that border that keeps submissions, that keeps dust whatever
14 inside a property boundary. And so what you choose to
15 approve to put on that property, what is in that DSP is very
16 relevant. And that that's what has those off-site impacts.
17 So you really have the decision there.

18 I wanted to talk a bit about traffic and the
19 health impact assessment. But I wanted to say, first of
20 all, as a kind of a broad, overall comment. It seems it
21 comes across as if the staff and the applicant are just
22 really dismissing all the remand points. And I don't think
23 that's going to come across well to the district council.
24 They put a lot of thought into thinking about it. They had
25 a very thoughtful -- I was very impressed with a very in-

1 depth 24 page analysis, citing a lot of legal policy --
2 policies, plans, they're not making this stuff up. It was
3 very well considered.

4 So I just feel that if you accept this project as
5 if you choose to approve, I don't see the district council
6 approving. I see them again remanding and saying you didn't
7 really answer our initial questions. So I think there's
8 just a fundamental issue of it looking like it was
9 dismissed. I'm sure that's not the intent of the staff at
10 the applicant, but it that's the way I think it will come
11 across saying that we should approve it with no more
12 conditions as is. We don't need to consider any of these
13 issues.

14 So I've spoken in length about traffic and road
15 safety before. And so this time, I just want to remind us
16 we are looking at the focus here is the proposed location of
17 the entry and exit, and the fact that that entry and exit
18 lies between two complex high volume intersections, several
19 bus stops nearby, and not far from two elementary schools.
20 We have school busses, we have parents driving, we have kids
21 walking, we have kids biking, and the road has among the
22 highest fatal and serious injury crashes in the County.

23 So again, as we heard the counsel say when they
24 had their hearing, is it right to put a drive-through entry
25 and exit in this location? That is very relevant to the

1 DSP. That is absolutely within the scope for you to
2 consider. Does that meet the purpose of the Zoning
3 Ordinance? Does that meet safety? And I have reiterated my
4 crash data that I shared before in my written comments,
5 nothing new for you, but data from 2024 to '25 showed the
6 same pattern, so we know this is a chronic issue. And we
7 are now getting back up to post-pandemic traffic rates, more
8 people going in the office. We don't see it getting better.

9 So again, is this the right place to put a drive-
10 through entry and exit? If we are really thinking about the
11 Zoning Ordinance, the purposes of the Zoning Ordinance, to
12 make sure that we have a well-functioning traffic system
13 that works for everyone and that ensures safety. We already
14 know there's a very high average annual daily traffic rate.
15 Adding 50 to 60 cars per hour at peak times is not trivial
16 to an intersection that is already unsafe, that is already
17 burdened.

18 So again, does it make sense to have this entry
19 exit? Does it make sense to have a drive-through instead of
20 just a sit-down restaurant, as we have now with La Bonita.
21 Now, whether that makes sense for us as a county in planning
22 and our purposes is a different question than if it makes
23 sense for McDonald's, and that's something that all sides
24 need to grapple with.

25 So that's pretty much all I have to say about the

1 traffic issue and the health impact assessment. I think Mr.
2 Smith will talk more about that. But the county code does
3 define it as a tool that may include a combination of
4 procedures, methods, and tools by which a policy, program,
5 or project may be evaluated to effects on the health of the
6 population, the distribution of those effects, and provide a
7 platform to make our communities healthier.

8 There has been no attempt by the Department to get
9 even close for this project and for many projects just
10 looking at construction dust which travels across site.
11 Unless you're going to put up a big, huge wall which is not
12 done. So there hasn't been even a cursory attempt.

13 And I think it's disappointing that staff did not
14 push back this time and ask for something more from the
15 health department. I know we have great staff, so I'm not
16 I'm not blaming the staff at all, but it's just curious that
17 there was no pushback at all, considering that that is in
18 County Code 25 2500, that has that definition of a health
19 impact assessment that shows us that, yes, it does go beyond
20 dust. So I really hope that you will not accept that you
21 will remand and ask for a meaningful health impact
22 assessment.

23 We know there's evidence that a drive-through
24 creates extremely unhealthy emissions in the immediate area
25 in the least, negatively impacting the health of staff and

1 customers. We're not even talking about the emissions that
2 go across into the neighborhoods or perhaps make their way
3 up to Cesar Chavez, but just the folks who work there, the
4 folks who are waiting in their cars, they're getting a
5 pretty unhealthy appetizer. The health department's desktop
6 assessment does not consider this at all.

7 And there are examples of substantive health
8 impact assessments I did link my testimony, including in
9 2013 to '14 assessment for the College Park-Riverdale Park
10 Transit Development Plan. Obviously, that's a larger
11 undertaking, but we saw that even in with Suffrage Point,
12 which was a housing development that the health department
13 did actually talk about the number of the number of healthy
14 food places, the number of fast food, the number of to-go
15 places, and noted that a high preponderance of those leads
16 to an unhealthier population, and that development actually
17 had nothing to do with food. So it's curious that for
18 McDonald's, for any fast-food, Burger King, Arby's -- I'm
19 not against or for any one brand -- but that they didn't
20 even consider what's being put on that site and what's
21 already there.

22 So again, I ask that you please disapprove DSP 2
23 2001 based on substantial road safety impacts associated
24 specifically with that proposed entry exit location and the
25 added vehicles of a drive-through, and please remand due to

1 the county's failure to complete a health impact assessment
2 that even remotely aligns with the scope defined in the
3 Code. So thank you very much.

4 CHAIRMAN: Thank you, Ms. Schweisguth. Appreciate
5 it. Much appreciated. Mr. Smith, next? I'm sorry.
6 Colleagues, questions for Ms. Schweisguth?

7 COMMISSIONER WASHINGTON: No questions, no
8 questions.

9 CHAIRMAN: Okay.

10 Mr. Smith? Unmute again.

11 CHAIRMAN: You need a microphone, sir.

12 MR. SMITH: Sorry. I think it's just a sign of
13 how shy I am. Marybeth Shea or Dan Broder?

14 CHAIRMAN: Ms. Mulford, do you have your hand up?
15 You have a process question?

16 MS. MULFORD: No. I'm so sorry. I wanted to help
17 point out that Dan Broder is present because I've been with
18 him on email, and I didn't know that Mr. Smith knew that.
19 Thank you.

20 CHAIRMAN: Thank you. All right. Mr. Broder?
21 Mr. Broder? Sure. There. We can't hear you.

22 MR. BRODER: Here.

23 CHAIRMAN: I don't see him on the list, either.

24 MR. SMITH: I'll send him a text. Marybeth Shea
25 can go in the meantime.

1 CHAIRMAN: Okay. That's great. So Ms. Shea, why
2 don't we turn to you? I think we can hear you okay these
3 days; is that right?

4 MS. SHEA: Yeah, I think so. Good. Here we go.
5 I want to steal your tech staff. I'm just going to look
6 briefly at one PDF. And if they would cue the historic PDF
7 but not show it yet, I'm just going to talk briefly about
8 the health effects which other people have looked at, but I
9 provided a lot of testimony about it in the last meetings.
10 And it goes to two items.

11 The first one is the idea of a desktop health
12 assessment often means that you use some specialized
13 computer gathering of information. And I testified last
14 time that there is one. It's called the Opportunity Atlas.
15 And a lot of that data and the algorithms underneath came in
16 from Prince George's County expertise, and also from the
17 medical school and School of Public Health in Baltimore. We
18 pioneered the entire concept of the social determinants of
19 health. And it's there in the Opportunity Atlas, a desktop
20 analysis can be done, and it's highly predictive about what
21 your conditions are at, say, five, six and seven, and what
22 your health and incomes are at thirty-five, fifty-five, and
23 older. So it is possible.

24 Now, I do want to shift briefly into expertise,
25 but I am not testifying as an expert. But I do have a PhD

1 in water quality soil and plants. And to focus only on the
2 dust remediation can be seen primarily as an environmental
3 remediation. The other part is, almost all of our
4 environmental laws reflect human health standards. So I
5 just want to say that wasn't adequate to the broadness of
6 health. And now, if we could just cue up my PDF that says
7 historic and go to slide 4, lovely tech people. And if not,
8 I can just speak extemporaneously, but all of that
9 information is there.

10 You get a chance to look at the 33 names with
11 links to the Maryland Chancery Court documents. That's not
12 it. That's okay. I'll just speak. And the other thing you
13 can look at is the historic preservation standards that we
14 use in our county. I gave two examples of beautifully done
15 hardscape signs. The last one is, and now I get a chance to
16 say it, Toni Morrison has spoken -- spoke. She's not with
17 us anymore -- beautifully about people have almost no places
18 to go and be part of a memorial. There's no 9/11, there's
19 no World War Two memorial. But things like the little
20 wooded plot between the McDonald's and Green Hill could be a
21 small place of remembrance, with those curated signs and a
22 bench.

23 The last thing I'm going to say -- and I am a
24 Pollyanna, but I'm going to remind everybody -- if we had
25 not gone through this process and said, do better on

1 historic preservation, do better on historic preservation,
2 do better, we wouldn't have this fabulous, authoritative
3 testimony.

4 We don't have graves there. Good. I'm glad we're
5 not disturbing graves. But I don't think we would have had
6 this if we hadn't gone through the process anyway. Thank
7 you for listening to me.

8 CHAIRMAN: Thank you. Ms. Shea. I want to join
9 with you on that last piece. That's the power of a public
10 process like this. So your all's involvement helps make for
11 better projects?

12 COMMISSIONER WASHINGTON: Absolutely.

13 CHAIRMAN: So thank you for that.

14 Mr. Smith, do we have Mr. Broder on the line?

15 MR. SMITH: Yeah, he told me that he was unmuted
16 on his end, but still seemed to be muted on yours. And I
17 just sent a note to Ms. Jones and Ms. Brown about that.

18 CHAIRMAN: Okay. So I want to be check in around
19 the time to you all -- by my clock, you all have about
20 another ten minutes as well to have this parody. And then,
21 there'll be an opportunity for rebuttal by the applicant.
22 You will have the opportunity for summation. We'll have
23 summation from the applicant, and then, it will be to us for
24 deliberation. I'm trying to think -- Mr. Gibbs, let me
25 check in with you real quick. And Mr. Smith as well. I'm

1 just seeing how to manage our time.

2 Are we going for another half hour, or are we
3 going for another hour and a half? I mean, what's your
4 sense, Mr. Gibbs? What's your sense, Mr. Smith?

5 MR. SMITH: Well, I don't see how we go for
6 another hour and a half. Because we're a volunteer group,
7 is a little difficult to manage time not knowing how much
8 everybody's going to speak be so that we can give full
9 testimony and see, because the applicant gets additional
10 time to rebuttal. I'd like some flexibility on that ten
11 minutes so I can present you with my testimony. I generally
12 try to let everybody else speak and then try to wrap up
13 where I can. But if you can give us a bit more time, we'd
14 appreciate it.

15 CHAIRMAN: Certainly. We'll give you a bit more
16 time. The ten minutes actually was the bit more time, but I
17 hear you loud and clear. So Mr. Gibbs, I don't know what
18 your expectations are. And again, there's no prescription
19 around this. I'm just trying to figure out what to do with
20 my colleagues here, with our time contemplating.

21 MR. GIBBS: But at this point in time, I really
22 don't anticipate any rebuttal testimony. And summation, max
23 ten minutes.

24 COMMISSIONER WASHINGTON: Thank you.

25 CHAIRMAN: All right. So that I say, then,

1 colleagues, let's just keep going. Because the alternative
2 would be to take a break, and then we're not going to come
3 back for that long after the break. So I don't think that
4 makes a lot of sense. Okay. All right.

5 So Mr. Broder, we still can't hear you. We have
6 our staff working on it, Mr. Smith, as we speak. Hold on
7 one second.

8 COMMISSIONER WASHINGTON: Okay. So. Maybe
9 that's.

10 CHAIRMAN: Him. Maybe it's this 202 number.

11 COMMISSIONER WASHINGTON: Yes.

12 CHAIRMAN: Mr. Broder, you have to unmute
13 according to our staff.

14 COMMISSIONER WASHINGTON: It could be this number
15 here. Yeah.

16 MR. SMITH: Looks like.

17 CHAIRMAN: Mr. Smith, or is there anyone else from
18 the team who can pick up some of the things that Mr. Broder
19 was going to talk about? And of course, we have a some we
20 have testimony in writing. I don't know if we do or not.

21 MR. SMITH: I think the other the other option
22 would have him to testify by phone rather than teams.

23 CHAIRMAN: We can have him call in.

24 MR. SMITH: What's that?

25 CHAIRMAN: We can have him call in.

1 MR. SMITH: Right, I think so. Let me unmute.
2 Let me mute and try to call him real quick.

3 COMMISSIONER WASHINGTON: Okay. Yeah.

4 CHAIRMAN: Mr. Smith, Mr. Gibbs, we're just going
5 to take a short break. Not a long break. Okay. So
6 consider this a bio break for everybody. Let's be back --
7 it's 12:35. Let's be back at 12:45. We are on recess until
8 12:45 p.m.

9 (Recess)

10 CHAIRMAN: Good afternoon, everybody. We are back
11 from a brief recess. We are still hearing from folks who
12 are in opposition. We are trying to get Mr. Broder on the
13 line, and then we'll hear from Mr. Smith. Mr. Broder, do we
14 have you? All right.

15 We'll turn to Mr. Smith. Mr. Smith? Yes. Mr.
16 Smith? No? All right.

17 MR. SMITH: I am sorry about that. Be right with
18 you.

19 CHAIRMAN: But we can't hear you. And I know
20 you're not on mute, but we still can't hear you.

21 MR. SMITH: Is that for me?

22 CHAIRMAN: I can't hear you now. Change your mic
23 setting.

24 MR. SMITH: I'm unmuted.

25 COMMISSIONER WASHINGTON: There we go.

1 CHAIRMAN: That's it. We got you. All right.

2 MR. SMITH: Okay. A little bit of lag time there.
3 Okay. Starting from the top. Good afternoon, I'm Greg
4 Smith. I reside at 4204 Farragut Street in Hyattsville.
5 I'm not being paid to participate in this hearing. I'll
6 note here that the applicant submitted multiple substantive
7 technical and legal comments on May 13th. It's unclear why
8 these were made were not made publicly available until about
9 May 29th, undermining the public's right and ability to
10 review and respond. I respectfully urge the planning board
11 to disapprove detailed site plan 22001.

12 Alternatively, I urge you to impose conditions to
13 reduce the project's damaging impacts on public health and
14 safety, traffic conditions on local roads, and the
15 environment. I propose roughly one dozen such conditions in
16 an addendum to my comments to the Planning board last fall
17 and winter, and this week you can find those proposed
18 conditions at page seventy-four of the additional materials
19 files. I also excerpted some relative sections of the
20 Zoning Ordinance, which and you can find those at page
21 seventy-six. Some, but not all.

22 Most importantly, I urge you to condition any
23 approval on eliminating the proposed drive-through entirely.
24 This would go a long way toward mitigating the project's
25 impacts on congestion and public safety, and almost

1 certainly would reduce the project's heat signature, its
2 emissions of toxic, carcinogenic, and global warming air
3 pollution, its pave footprint and stormwater discharges to
4 the local stormwater system and local streams.

5 The order of remand repeatedly cites a requirement
6 that the board, quote, "make a finding of whether this DSP
7 represents a reasonable alternative for satisfying the site
8 design guidelines in 27-274, or whether the proposed site
9 plan may be conditionally approved without a drive-through
10 service."

11 The technical staff report and the record contain
12 no analysis of whether the project may succeed and meet the
13 various applicable requirements, without the drive-through,
14 or whether the site plan may be conditionally approved
15 without a drive-through. This seems to be a major omission
16 based on considering the council's order of remand. I urge
17 you to examine fully this project's potential impacts on
18 public health, public safety -- especially road safety for
19 the most vulnerable users -- traffic congestion, historic
20 resources and environment, with a particular focus on
21 traffic related air pollution, excessive heat emissions of
22 global warming, pollution, and stormwater discharges to
23 impaired waters.

24 I also urge you to examine whether this project is
25 consistent with, conforms to, or helps meet the purposes and

1 goals of the Zoning Ordinance, the General Plan, the
2 approved Master Plan, the relevant Functional Master Plans,
3 the Climate Action Plan, and other relevant policy
4 documents, especially those that focus on healthy food, food
5 equity, and public health. Critically, because McDonald's
6 has not been required to secure approval of a CSP, RSP, this
7 DSP is the only opportunity for the board to consider and
8 the public to comment on this project's impacts on the
9 community, the environment and public health, and for the
10 Planning board and the District council to understand and
11 fairly weigh those impacts.

12 This is also the only opportunity for the planning
13 board to assess whether the DSP and the project conform to
14 the General Plan, the Master Plan, and other plans. This is
15 not a, quote, "retest of issues examined through a DSP or
16 RPS." It is the first and only test for this project. The
17 counsel order directs the board to, quote, "take further
18 testimony as outlined above, on the purposes of the prior
19 Zoning Ordinance in 1998 -- 1989 plan the general purposes
20 of the commercial zone. The CSC zone a definite, but --"; I
21 won't read the entire statement. But and the impact of a
22 health assessment review from the health department.

23 The order lays out the purposes of the general
24 plan, the commercial and CSA zones, and detailed site plans,
25 as well as numerous relevant master plan policies. Yet, the

1 applicant's comments and the technical staff report
2 generally seek to evade virtually any conformity test, and
3 they cite case law that may not be on point, taking their
4 arguments to their logical, illogical conclusion. The only
5 section of the ordinance that seem to matter are 27-283,
6 two, eighty-three and twenty-seven 285. The rest of the
7 ordinance just doesn't exist or apply. Section twenty-seven
8 102.

9 The purpose of Zoning Ordinance are to states that
10 they are to protect and promote the health, safety, morals,
11 comfort. I'll just -- I won't read all those through -- but
12 it include to implement the general Plan, Area Master Plan,
13 and Functional Master Plans to lessen the danger and
14 congestion of traffic to ensure the and to protect against
15 undue noise, air and water pollution. 27-282 states that,
16 "the general purpose of detailed site plan are to a provide
17 for development in print, in accordance with the principles
18 for the orderly, planned, efficient, economical development
19 contained in the General Plan, the Master Plan, and other
20 approved plans and help fulfill the purposes of the zone in
21 which the land is located."

22 27-281 notes that the detailed design of land
23 development significantly affects the health, safety, and
24 welfare of the general public. 27-446 states that, "the
25 general purpose of the commercial zone is to implement the

1 general purposes of this site." Subtitle 27 - The Zoning
2 Ordinance. Incredibly, the applicant and the planning board
3 have asserted that off-site impacts or planning staff or the
4 off-site impacts and conditions may not or need not be
5 considered in the DSP review process.

6 Even though 27-102 of the Zoning Ordinance states
7 that the purpose of zoning is to protect and promote the
8 health, safety, morals, convenience, welfare of the present
9 and future inhabitants of the County and to lessen the
10 danger and congestion of traffic on the streets.

11 27-284 requires a DSP to be referred to the Health
12 department, in charge of the Department with assessing the
13 distribution of a project health impacts in the community.
14 Twenty-seven. Two. Eighty-one. Again, talks about effects
15 on the general public. The applicant has provided little or
16 no evidence that this project would meet numerous relevant
17 purposes, goals, recommendations and policies of the
18 Ordinance of General Plan and the Master Plan.

19 Again, 27-284 requires the DSP to be referred to
20 the health department. That's not refuted here, and it
21 requires -- and it charges the department with assessing the
22 distribution of the project's health impacts in the
23 community. In this case, those impacts would fall on a
24 community that already is subject to multiple social,
25 environmental, and economic stressors. So there appears to

1 be an environmental justice community based on screening
2 tools offered by the U.S. EPA -- no more, because the Trump
3 administration tore that down -- the Department of
4 Environment (phonetic sp.), University of Maryland School of
5 Public Health.

6 The ordinance defines a health impact review as a
7 tool that may include a combination of procedures, et
8 cetera, et cetera. On evaluate the potential health
9 effects, effects on the health of the population, the
10 distribution of those effects within the population, and
11 provide a platform to make our communities healthier, rather
12 than giving any serious consideration to potential health
13 impacts, the TSR mainly refers to the wholly inadequate
14 health department's January 30th, 2024 letter where the
15 Department merely stated that it completed a, quote,
16 "desktop health assessment review." The Department did not
17 explain which health impacts it has identified, how it has
18 assessed them, or what is this found. It has not engaged
19 the community, as is common practice for not described
20 relevant conditions to community and not recommended any
21 design components, quote -- this is required -- "design
22 components to increase positive health outcomes and minimize
23 adverse health outcomes on the community."

24 Strikingly, we've done some of that. We've
25 provided you with information for EPA screening tool, we've

1 provided the heat island maps, we've provided you with
2 recommendations to lessen the impacts, we provided you with
3 health information, including health information, relative
4 to the prevalence of fast-food outlets in communities and
5 their impacts on public health. None of that was done by
6 the health department or by planning staff. Instead, the
7 health department merely stated that the applicant must
8 follow certain laws by obtaining certain county state
9 permits that thus should not leave the site during
10 demolition construction, and that noise generated during
11 demolition construction should not be allowed to adversely
12 impact on adjacent properties.

13 In contrast, in commenting on suffrage point DSP-
14 21001 where the developer would like to build 41 luxury
15 townhouses, probably marketing them at more than \$700,000,
16 if they ever get those approved. The health department
17 chose to quantify the number of existing carryout
18 convenience food store facilities within a half mile seven
19 point site saying. Research has found that people who live
20 near an abundance of fast-food restaurants and convenience
21 stores, compared to grocery stores and fresh produce
22 vendors, have a significantly higher prevalence of obesity
23 and diabetes, as Melissa Schweisguth cited for you. And I
24 think Jeff Cronin did, too.

25 Yet for the DSP, for this DSP-22001, the health

1 department didn't provide the same analysis. Even though
2 this site is located in what the health department and other
3 county agencies classify as a food swamp. And even though
4 it's in the midst of a community already subject to so many
5 health stressors. And this community -- the community site
6 has a very high concentration of people of color and
7 immigrants, and higher than average percentage of children
8 under five residents who do not speak English, who lack
9 health insurance, et cetera.

10 It's in a food swamp. It suffers serious traffic
11 congestion, high accident rates, high accident-related
12 injuries, and pedestrian fatalities. It's an intense urban
13 heat island. It has a lot of stressors associated with an
14 environmental justice community, and it's already
15 overburdened with heavy traffic and elevated levels of
16 ozone, diesel particulates, nitrogen dioxide, and probably
17 other toxic and carcinogenic traffic related air pollutants,
18 something I know a bit about.

19 Any of these stressors merits serious
20 consideration, and the cumulative impact should weigh
21 heavily against approving this project. None of these
22 stressors have even been considered, or even identified, by
23 the health department and the planning department.

24 I'll wrap up with some points about traffic safety
25 concerns. Any safety analysis that ignores that this

1 project depends on and is meant to draw high volume of
2 traffic to this site, and that those traffic volumes are
3 likely to succeed significantly, the volumes driven by drawn
4 by the restaurant currently on site is likely to understate
5 the project's potential impacts on public safety. La Bonita
6 is open six days a week and 11.5 to 12.5 hours a day. In
7 contrast, nearby McDonald's generally open 7 days a week and
8 between 16 and 20 hours a day.

9 That was the point of my question of Mr. Lenhart.
10 Section 27-274-2 PSI states that the number and design of
11 driveway entrances to the site should minimize conflict with
12 off-site traffic. Offsite traffic should provide a safe
13 transition into the parking lot and provide adequate
14 acceleration and deceleration lanes, placing the main access
15 point for this high-volume drive-through so close to the
16 intersections of Ager and East-West, and East-West and Riggs
17 is likely to increase congestion and potential conflicts,
18 especially when it's drive-through. Probably will operate
19 more hours each day and week than the current restaurant
20 does.

21 The site design creates multiple points for
22 drivers, pedestrians, and bicyclists, may have limited lines
23 of sight and little time to react, where drivers may be
24 distracted. And where conflicts between motor vehicles and
25 between motor vehicles and pedestrians and bicyclists may

1 increase, especially with the higher volumes flowing onto
2 the site. These points include the right turn immediately
3 after the merger of Ager and East-West, the left turn out of
4 the pickup lane, and the right turn out of the site. And
5 the steep slope entering and leaving the site might also
6 limit drivers' lines of sight and reaction times.

7 Thank you very much for your time, I appreciate
8 it. I hope I haven't gone terribly over time.

9 CHAIRMAN: I appreciate it, Mr. Smith.
10 Colleagues, are there questions for Mr. Smith or any other
11 questions for folks from the opposition?

12 COMMISSIONER WASHINGTON: No.

13 CHAIRMAN: Okay. All right. Thank you, sir.
14 With that I will turn it back to Mr. Gibbs for.

15 MR. SMITH: I think Mr. Broder is here?

16 CHAIRMAN: Mr. Broder did not appear. We do have
17 his written testimony, I verified that, but we have a letter
18 in the record from him. We have all read that, but we don't
19 have him on the line.

20 COMMISSIONER WASHINGTON: Yeah.

21 MR. SMITH: Unmuted on his --

22 COMMISSIONER WASHINGTON: End, Mr --

23 CHAIRMAN: Gibb. Mr. Smith, you were saying? Go
24 ahead. Say it again, Mr. Smith.

25 MR. SMITH: Oh, I went back and forth with Dan.

1 He said he was unmuted on his end, but seemed to be still
2 muted on yours. And I tried to connect him with Andrea
3 Brown to try to resolve that by phone or by teams.

4 CHAIRMAN: Okay. All right. I'll have a little
5 flexibility if we can catch him in the next few minutes, but
6 again, we have his testimony in writing.

7 All right. Mr. Gibbs, turn it over to you.

8 MR. GIBBS: Yes, sir, Mr. Chairman, no rebuttal.
9 Ready to close?

10 CHAIRMAN: Okay. Thank you. So we'll go with
11 close from opposition. If you have anything more to say,
12 Mr. Smith, in summation for what we've been hearing, you
13 don't need to. But if you have anything else then we'll
14 turn to the applicant for their summation, and then we take
15 this up. Mr. Smith, anything you want to add, in closing?

16 COMMISSIONER GERALDO: Mr. Chair, before we close,
17 I just had a question for Mr. Gibbs.

18 COMMISSIONER WASHINGTON: Yes, sir.

19 COMMISSIONER GERALDO: Mr. Gibbs -- and the
20 additional backup on page 39 of 91, there's a last wish as
21 to wooded buffer as a place to contemplate. And the, I
22 guess, the opponent, or the speaker, mentions that the
23 Unitarian Universalist Bench by the Road Foundation
24 (phonetic sp.) offers two seat benches -- or four seat
25 benches that can be part of historical curation at the Green

1 Hill Plantation site. Do you have any position on that? I
2 know you got the position on the site -- on the sign, but --

3 MR. GIBBS: On the sign. Yes. First of all, my
4 client, I've just made eye contact with him, and he says
5 that, yes, they would want to participate in that regard.
6 We do have to get permission from the ownership, but I can't
7 imagine the ownership would not agree to that as well. So
8 our answer is yes. We would fully embrace the notion of
9 permanent signage designed in coordination with the historic
10 preservation staff which would include a bench area for
11 bench or benches area for reflection.

12 COMMISSIONER GERALDO: Thank you very much.

13 COMMISSIONER WASHINGTON: Great.

14 CHAIRMAN: Other questions for Mr. Gibbs? Okay.

15 So we will turn to you, Mr. Gibbs, for a
16 summation. I'm sorry. No.

17 Mr. Smith. You don't have anything from you.
18 Right?

19 MR. SMITH: Yeah, I will sum up, but Mr. Gibbs can
20 sum up if he would like to first.

21 CHAIRMAN: He gets the last word.

22 MR. SMITH: Okay. All right. To sum up, it'll be
23 more concise iteration of what I just presented to you.
24 First of all, I urge you to disapprove DSP-22001 and the
25 alternative imposed conditions that that minimize its

1 damaging impacts on communities and the environment, public
2 health, and local roads. Most especially, condition
3 approval on the elimination of the drive-through service.
4 That is the single condition that would go farthest to help
5 protect the community interest.

6 Notably, there's been a lot of -- a lot of
7 statements and a testimony by the applicants; and I think by
8 the staff have been simply to try to assert that the DSP
9 does not have to be consistent with, conform to, or help
10 achieve the goals and purposes of the Zoning Ordinance, or
11 the general plan, or the master plan, or the other
12 applicable plans. I've cited multiple instances in the law
13 where it's clear that it's contemplated that a detailed site
14 plan should achieve those things.

15 The treatment of the remand on the health impact
16 assessment point. There's been there's been essentially no
17 response by staff. None of the basic elements of health
18 impact statement have been provided here by the health
19 department or planning staff, and we cited the conditions
20 that already exist in the community.

21 If this community were a patient, it would be fair
22 to say that this patient is already very sick. Adding this
23 facility to this community would make the patient sicker and
24 less resilient. That is not what's contemplated by the
25 Zoning Ordinance or the general plan.

1 In fact, the general plan is replete with policies
2 and recommendations to do things like increase the number of
3 food swamps, increase the availability of healthy food, and
4 other policy recommendations, the kind that we have cited.
5 It appears that the traffic analysis ignores the fact that
6 this McDonald's is meant to draw more traffic than the
7 existing restaurant does. That we think that the traffic
8 impact analysis and the safety analysis are completely
9 deficient.

10 Trying to wrap up here, we've also cited numerous
11 points in the law where it's clear that the Zoning Ordinance
12 truly does contemplate looking at off-site impacts and
13 considering off-site context. You can't assess the impact
14 of a project and a detailed site plan if you ignore those
15 factors, the context, and the impacts. As I said, if you
16 accept the arguments made by the applicant, and to some
17 extent by planning staff, the only sections of the ordinance
18 that matter are sections 283 and 285. The rest of the
19 Zoning Ordinance doesn't matter, the general plan doesn't
20 really matter, the master plan doesn't really matter,
21 relevant plans and policies don't matter. Just let's see if
22 we can tick a few boxes.

23 We know the game here. The applicant has worked
24 hard to make sure that the scope of the issues and impacts
25 considered is as shallow and as narrow as possible. And

1 we've worked very hard to ask you and show you reasons why
2 that box should be deeper and broader. And you should take
3 that -- you should take a closer look at the kinds of
4 impacts that we have that we have cited and we provided some
5 evidence for. Again, I also want to just please note that
6 we all oppose this project, of course, and that in our
7 recent conversations, we've also all said that any -- we ask
8 that any approval of this project be conditioned on the
9 elimination of the drive-through. And I think that there is
10 precedent in Prince George's County for denying drive-
11 throughs because of their potential impacts. Thank you.

12 CHAIRMAN: Thank you, Mr. Smith. Much
13 appreciated.

14 We will turn to Mr. Gibbs for your summation.

15 MR. GIBBS: Thank you very much, Mr. Chairman.
16 And members of the Planning board. Few comments to close
17 this out, let me just say that, again, it has been a long
18 road to get back here today. We believe we have been
19 totally responsive. We conducted two years -- in excess of
20 two years -- of neighborhood outreach before the case was
21 ever even accepted. We believe we have complied with every
22 single solitary requirement, legally, in order to obtain
23 approval of a detailed site plan.

24 Like I said in my beginning, I don't disparage the
25 points of view of the opposition to this case. I understand

1 the comments. I understand the concerns that they've
2 articulated. But again, my client came in with a Zoning
3 Ordinance that has specific criteria relative to the
4 approval of a detailed site plan, and my client satisfied
5 all of those criteria. We have been rigorously scrutinized
6 by your staff. We've made numerous changes to make the site
7 better, at their behest and with us working with them
8 cooperatively.

9 But if the law changes, then that's one thing.
10 But you can't change the law by arguing that certain things
11 should be considered when they're not legally required to be
12 considered, even if the points of view may be laudable from
13 an environmental perspective. The statute is what the
14 statute is, and detailed site plans are governed by sections
15 in the prior ordinance by 27-281 through 286, with an
16 incorporation of Section 27-284, relative to design
17 guidelines of the site of the site. And that's why again,
18 that's why it is a detailed site plan. It's not an off-site
19 plan. It is the site itself.

20 And we went through that and we met each and every
21 criteria articulated the actual required findings for the
22 approval of a detailed site plan are in fact contained in
23 Section 27-285. They're extremely limited because that's
24 what the site plan is for to look at how this particular
25 building is, it will appear how it will function on site,

1 how circulation will be handled, and how it will be
2 accessed.

3 And a point that needs to be made relative to
4 access. There's a lot of commentary which occurred relative
5 to the right-in/right-out which would access the southern
6 part of the shopping center. As the shopping center exists
7 today, there are four driveways along the 410 Ager road
8 frontage, and when we started the process, we met several
9 times with the State Highway Administration transportation
10 staff for the Parking Planning Commission conversed with the
11 State Highway Administration. It's a state road. It's
12 their decision as to how it's going to be accessed.

13 We went through the process with them, and they
14 said, we want you to take the two southernmost access
15 driveways -- which we don't like, for how they're close to
16 one another -- and consolidate them into a single right-
17 in/right-out driveway.

18 With that change being made, we have no other
19 changes that we want to make relative to access into the
20 site, and that's what we have done. Now throughout the
21 course of this case, there have been situations where people
22 have said, oh, we don't like that. We don't think it's
23 safe. And Mr. Lenhart of Lenhart Traffic Consulting, he
24 tested how the that southernmost access driveway would
25 function.

1 And first, he tested it under the guideline that
2 is used for an integrated shopping center, and he generated
3 trips based upon integrated shopping center modalities. He
4 found that that southernmost access point, as revised, would
5 function adequately to bring traffic onto the site itself --
6 onto the site itself -- not how 410 functions onto the site
7 itself, because that is the test.

8 People said, we don't think that's right because
9 this restaurant is going to generate more traffic than a
10 quote "pad site in an integrated shopping center," which it
11 is. That's what it is. But so Mr. Lenhart went and said,
12 okay, I'll do another analysis. I'll analyze this
13 McDonald's restaurant as a standalone eating and drinking
14 establishment with drive-through service, not part of an
15 integrated shopping center. And he did a new study, which
16 you had before you the first time around, trips increased.
17 He then applied those again to the to the consolidated
18 entrance.

19 When you're not dealing with a signalized
20 intersection, there's a three step process to analyze. He
21 went through and you only have to pass one. The first one I
22 would say is more rigorous. We passed the very first one.
23 It was adequate. Now, bear in mind this was beyond what was
24 legally required. But Mr. Lenhart did it because McDonald's
25 wanted him to go the extra mile and to be transparent. So

1 it passed the very first of three tests. And his study, to
2 that effect, with the trip generation, the additional trips
3 is in the record not required. But he did it. I can't
4 emphasize enough that what we have to look at is not off-
5 site traffic.

6 Now, I would note for you that the remand order at
7 the very end cites a case, and it's the Southland 7-Eleven
8 case v. the City of Laurel, and that is put in the remand
9 order for consideration. That may be -- traffic could be
10 appropriate for the planning board to consider. But it when
11 you look at that case, it is absolutely not on point to this
12 situation. Okay.

13 In that case, the city of Laurel adopted -- as we
14 all know, the city of Laurel has its own zoning authority.
15 The only municipality in Prince George's County that has its
16 own zoning authority -- they adopted in their Unified Land
17 Development Code and expressly express provision which says
18 that when we're looking at a site plan for a building permit
19 or use an occupancy permit, we can determine if there are
20 off-site impacts which will impair health, safety, and
21 welfare. That was the authority that they did.

22 And they said they looked at off-site traffic in
23 that case. Okay. That was permitted under their code.
24 They had the authority to adopt a code that allowed that.
25 Our code doesn't have that for detailed site plans. It's

1 simply not an area to go to. And again, I have to remark
2 upon the legal analysis that appears at the beginning of the
3 remand staff report published by staff here. There is an
4 exhaustive and thorough analysis of what the legal elements
5 are that can be reviewed in determining whether to approve a
6 detailed site plan.

7 And your staff report cites a number of cases, but
8 two that are compelling are the FCW Justice case and the
9 Herd case. And the heard case came before you in probably
10 2021 2022. But in that case, there was a revision to a
11 detailed site plan for a mixed-use project. It was a small
12 project, 2.98 acres, I think, but it was a mixed-use
13 project, and the planning board approved. The district
14 council approved it. The objectors filed an appeal. They
15 went to court. They argued, no, you got to consider how
16 much this is going to be impaired by off-site traffic.

17 You got to consider what the master plan --
18 general plan recommendation is for this, and of course said,
19 no, that's not an appropriate review item for a detailed
20 site plan under the Prince George's County Ordinance in
21 question. And I think that was the prior ordinance as well.

22 Similarly, with FCW Justice, the same result. And
23 these are reported opinions that are the law of the land in
24 the State of Maryland and in particular in Prince George
25 County. So that analysis, even though the objectors and the

1 opposition in this case are ardent in their concerns and
2 what they urge upon, the rule of law dictates otherwise
3 here.

4 And if my client came to this process, trying to
5 legally obtain approval of a detailed site plan, which was
6 required, meeting all of the applicable criteria -- we
7 believe we did that. Your staff believes we did that. You
8 found it to be the case when you approved the case at the
9 end of last year. So those items simply are just not
10 relevant. I mean, master plan and general plan
11 recommendations -- even though the master plan recommends
12 commercial use for this property. But goals, policies, and
13 objectives, all those things, they're not binding for
14 purposes of approving a detailed site plan.

15 I also have to spend a few minutes talking about
16 something that is of crucial importance. The opposition are
17 urging upon you that you should approve the detailed site
18 plan for this case, without the drive-through. And I would
19 submit to you that that is not an option within the detailed
20 site plan process. So if you look at the prior Zoning
21 Ordinance, at Section 27-464, 460, 461, there are uses and
22 the use table specifies eating or drinking establishments
23 with drive-through service -- "P" not "S", "E", "P".

24 And the legend in the use table says "P" is a
25 permitted use of -- right now there's a footnote -- Footnote

1 24. You go to Footnote 24, and it says it's permitted with
2 a drive-through restaurant, with a drive-through window,
3 subject to the approval of a detailed site plan, which is
4 the process we went through.

5 And there's nothing in the criteria for the -- for
6 the approval of a detailed site plan that says you can't
7 have a drive-through window unless site design guidelines
8 would have forced you into that situation. And the expert
9 evidence of record in this case is that under the prior
10 ordinance, there is no stacking queue that's required. It
11 just says it should be adequate. Again, we went to the
12 extra length.

13 The new Zoning Ordinance does have a criterion for
14 stacking. And it's six from the order board back and four
15 from the order board forward -- I think that's the
16 numbers -- but we greatly exceed. And that new ordinance
17 requirement was codified after study and with determining
18 that this is a sufficient stacking that we have we exceed
19 that. And it doesn't even apply in this case, but we exceed
20 it.

21 Mr. Lenhart's report indicates that's more than
22 sufficient to take care of any stacking needs at this
23 restaurant. So when you have a use that is permitted as a
24 matter of right, subject to getting a detailed site plan
25 approved, you meet the criteria for the site plan, that's

1 the answer.

2 Now, in contrast, the definition of an eating and
3 drinking establishment also says may include drive-through
4 service may include entertainment, nighttime activities,
5 dancing, things like that. That's covered here in a
6 separate, and it says, "eating or drinking establishment of
7 any type, including music and patron dancing, past the hours
8 of 12 a.m. excluding adult entertainment". There's no "P"
9 there. Special exception. It's an entirely different
10 process that you would go there.

11 So we would respectfully urge upon you that there
12 is no legal justification to prevent this restaurant from
13 moving forward without the inclusion of its drive-through
14 window, especially since there is a plethora of testimony
15 confirming that the design criteria in Section 27-274 are
16 met and satisfied with regard to everything, particularly
17 what's in the everything in the remand order. And that
18 includes stacking for the drive-through window.

19 I guess, in closing, I just want to say that we've
20 tried to be totally responsive. We had this citizen
21 outreach, that I have never been involved in before, that
22 took over two years before we ever had the case accepted.
23 We started out trying to solve a problem in the rear of the
24 restaurant, if you recall, when there was an outcry not to
25 do it that way; we just withdrew it.

1 And even though we only did it in the first
2 instance to respond to requests from some members of the
3 community who were feeling threatened, but we think we've
4 been transparent. I know that we have met absolutely every
5 criterion legally required to approve this detailed site
6 plan. We've responded to all the issues that were addressed
7 to us on remand.

8 I will say with regard to the health impact
9 assessment, that's certainly not within the applicant's
10 domain, but staff sent out what was required. They sent out
11 a referral request for the health impact assessment. So
12 what that includes when it comes back, the health department
13 makes that determination. So in any event, with that being
14 said, I don't think that there has been any evidence -- and
15 again, I don't disparage the motivations or the beliefs of
16 anything that's come up here in opposition. But really,
17 there's nothing different than what we heard the first time
18 around in this case.

19 And I think the testimony of Dr. Gibb is
20 compelling relative to the grave sites. And I just feel
21 that there's an overwhelming amount of evidence that
22 certainly confirms that we have met all legal requirements
23 for the approval of this special exception. So thank you
24 very much. I'll be happy to answer any questions.

25 CHAIRMAN: Thank you. Mr. Gibbs. Colleagues, any

1 questions for Mr. Gibbs related to his close?

2 COMMISSIONER WASHINGTON: I have none. Okay.

3 CHAIRMAN: Mr. Smith, do you have a process
4 question? You have your hand up, but we can't hear you,
5 you're on mute. But.

6 COMMISSIONER WASHINGTON: Yeah, I think it's -- I
7 think it's moot at this point. I was going to object to the
8 fact that Mr. Gibbs was retestifying in detail, rather than
9 offering and rebutting in detail, rather than offering a
10 brief summation.

11 COMMISSIONER WASHINGTON: But.

12 MR. SMITH: He's finished, and there you go.

13 CHAIRMAN: At the risk of being snide, I believe
14 that's what you did about five minutes before he did it.

15 MR. SMITH: Oh, well, you did risk it, and you did
16 go there, but, okay.

17 COMMISSIONER WASHINGTON: All right. Good.

18 CHAIRMAN: All right. Thank you. Thanks to both
19 of you. So with that, I will close this public hearing.
20 And colleagues, let's open this up for deliberation. Where
21 are you? Thoughts? Reactions?

22 COMMISSIONER WASHINGTON: Ready to move forward.

23 COMMISSIONER GERALDO: Ready for --

24 CHAIRMAN: Okay. All right. Let me just -- I
25 just want to provide some thoughts around what we've been

1 experiencing over this and sort of lay out where I think
2 that we are. First, I want to thank everybody who took the
3 time to provide further testimony in this case. It is
4 interesting, it's instructive, it's helpful. Shea, I think,
5 pointed it out where as an example, where you provided good,
6 thoughtful community testimony and good organizing can lead
7 to positive results.

8 So I really, really appreciate that extra effort.
9 And you all have gone above and beyond. And it's an
10 impressive bit of organizing. And I appreciate your
11 passion, your commitment around this.

12 I also want to commend the applicant and the team.
13 I felt like you have been quite responsive. I appreciate
14 the thoroughness of the expert witnesses. I appreciate your
15 flexibility. The way you've gone above and beyond in
16 responding to a number of issues that we have brought up and
17 that the community has brought up.

18 So the difficulty for me is that, it's clear to me
19 that this development is going to have an impact on the
20 surrounding transportation network, the ability of the
21 neighborhood to be walkable and pedestrian friendly, those
22 things seem quite clear to me. And I think I hear that from
23 my colleagues as well.

24 I believe more work should be done by FHA to study
25 the impacts of the development and look at solutions for

1 this. There are any number of things, pedestrian safety
2 improvements that you could put along here along an East-
3 West Highway, as examples.

4 I also share the concerns about the availability
5 of healthy food options, food swamp issues, food desert
6 issues, which aren't here. I appreciate that our planning
7 director is going to be embarking on a health atlas study
8 for the county to look at some of these issues and see if we
9 can come up with better solutions to this.

10 So but this is all for me. This is not a way of
11 saying the issue is with this detailed site plan. These are
12 just things that come up in the course of this hearing that
13 I would like the council to consider these issues in the
14 future. When looking at Zoning Ordinance amendments,
15 especially with regard to fast food industry, these are real
16 issues and issues that we struggle with in the County.

17 So I would ask, are there specific things that the
18 applicant could do? Could you consider more advertising and
19 promoting of healthy food options on site and things like
20 that? And the menu's the menu, but these are real issues
21 that I think anything that folks can do is going to be
22 helpful.

23 And finally, it goes without saying that the
24 impact of the development on matters related to the
25 archeological value and the history of the county, and this

1 site, and the Green Hill plantation. I think that has been,
2 at least for me, that's been a transformative part of this
3 conversation, and I think it's a real opportunity for us to
4 do something different in this area. To do it in
5 partnership with the property owners, and McDonald's, and
6 the community, and see if we really can elevate that site
7 and make it even more of an amenity. And for the community,
8 and the word I heard over and over from the opposition as
9 well, the applicant is to do it with dignity.

10 So let's all commit to that and we'll all commit
11 to. Is that our Department of Parks and Recreation, along
12 with the planning department, will take that very seriously
13 and will be fully, fully engaged in that process. I'm
14 excited for the opportunity that that could bring.

15 So with that and as difficult as it is -- it is, I
16 think that the applicant has presented has responded to all
17 the issues. I think this is limited in its scope because
18 it's a detailed site plan. I know that the opposition, as
19 we've heard, does not believe it should be, but the law says
20 that it is.

21 COMMISSIONER WASHINGTON: Right.

22 CHAIRMAN: So that limits our options for this.
23 Again, I would encourage the county counsel, the city
24 council, to look at this and to think of are there changes
25 that can be made that can give us more tools to work with

1 too. But that's not what we have before us. So while
2 they're reviewing the approval of a detailed site plan may
3 not require this board to address them, I still want to
4 suggest that that these are issues that should be flagged.
5 And we should be in conversation with them about that.

6 So with that, Colleagues, I would say I'm curious
7 to see where you are with this, but I'm happy to have this
8 move forward again. I think we've addressed the issues that
9 we have been requested of us on remand. Again, I could not
10 be more pleased and excited with the level of community
11 commitment in opposition, but I think for all the right
12 reasons. And again, I would say for the applicant and your
13 team, thank you for the thoroughness of which you responded
14 to what we do and I will leave it at that. Colleagues,
15 where are you on this?

16 COMMISSIONER WASHINGTON: Well, I would like to
17 associate myself with your comments, Mr. Chairman, and
18 personally thank Doctor Gibb for showing up and testifying.
19 I thoroughly enjoyed to hear what you not only did, but what
20 you do. If you got a website, just let us know -- let me
21 know because I'd love to follow your work.

22 MR. GIBB: So I have an online lecture series in
23 Saint Mary's County Public Library. YouTube channel. All
24 right.

25 CHAIRMAN: Thank you, Mr. Gibbs, with an "S", for

1 ensuring that I think the level of expertise that Doctor
2 Gibb brought to this process was hugely helpful. So thank
3 you.

4 CHAIRMAN: And we also heard some dogs bark, but
5 I'm not sure who they were.

6 MR. GIBB: Oh, that was, yeah.

7 MR. GIBBS: They may have been affirming Dr. Gibb.

8 CHAIRMAN: Thank you very much, Commissioner. Any
9 other thoughts, Mr. Geraldo?

10 COMMISSIONER GERALDO: I want to thank you and I
11 share in your comments. And I've read through all of the
12 opposition, and I understand one thing that I believe Mr.
13 Smith brought up was that there's jurisdictions that have
14 limited fast food restaurants. The problem is, is in those
15 situations, there were ordinances that gave the authority to
16 the planning board. If in those jurisdictions to deny them
17 or even not to even begin. And that's not what we have
18 here.

19 And I understand I share in those concerns about
20 healthy foods and especially in the neighborhood, but maybe
21 that as Mr. Chair, as Mr. Shapiro said previously, that's
22 something that the council needs to consider. If they're
23 interested that about the problem with fast foods is have an
24 ordinance. And then with that ordinance, we can we can act
25 upon it with regards to the health food study. There's

1 nothing we can do.

2 Again, that's an issue that probably should be
3 brought up with the administration that they consider the
4 health food, rather than do just a pro forma, okay,
5 everything's fine, let's do a study of it. But that's where
6 I am. And again, I thank the applicant for agreeing to look
7 at doing the, the bench recognizing this area, particularly
8 the former plantation and something that patrons can look at
9 and have a memorial.

10 VICE CHAIRMAN: Mr. Chairman, I probably should
11 not say this, but yesterday, after a very long, long day of
12 trying to do some work around my house, about 6:00, I
13 decided that it was time for dinner, and then I ran out and
14 got some McDonald's french fries for my dinner and a salad.
15 I know that's certainly inappropriate, but I just had to say
16 it.

17 CHAIRMAN: Thank you, Ms. Bailey. Okay. All
18 right. So if there's no further deliberation colleagues, is
19 there a motion?

20 VICE CHAIRMAN: Mr. Chairman, I move that we adopt
21 additional the additional findings of staff related to the
22 seven findings and requested bilingual notification for the
23 District council's order of remand and issue an amendment
24 to. Resolution number 2025-0084 DSP-22001 subject to
25 proffer conditions by the applicant, and I would ask the

1 applicant to work with staff and legal to determine if it's
2 one additional condition and or combined, but it's related
3 to the exterior sign and/or monument commemorating the
4 significance and history of the site, working with the
5 community as well as with women, with our staff, park staff.
6 In addition, including a bench area for reflection, either
7 as part of that or somewhere else appropriate on the site.

8 COMMISSIONER WASHINGTON: First.

9 COMMISSIONER GERALDO: Second.

10 CHAIRMAN: We've got a motion by Commissioner
11 Washington, as seconded by Commissioner Geraldo. Under
12 discussion. Let me just say again, I want to thank all the
13 folks in opposition, Mr. Cronin, Ms. Osgood, Ms. Mulford,
14 Mr. Smith, Ms. Shea, each of you in your own way, brought up
15 some really, really interesting points. And again, the
16 responsiveness of the applicant. I really appreciate any
17 expert testimony. And then, especially for staff Ms. Kosack
18 and others you've gone above and beyond your professionalism
19 is impressive. I really want to thank you for all of your
20 leadership on this as well. So with that I'll call the
21 roll. Commissioner Washington.

22 COMMISSIONER WASHINGTON: I vote aye.

23 CHAIRMAN: Commissioner Giraldo.

24 COMMISSIONER GERALDO: I vote aye.

25 CHAIRMAN: Vice Chair Bailey?

1 VICE CHAIRMAN: Aye.

2 CHAIRMAN: I vote aye as well. The ayes have it
3 4-0. Thanks, everybody.

4 MR. GIBBS: Thank you very much. Have a nice day.

5 CHAIRMAN: Thank you. You too.

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

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

DIGITALLY SIGNED CERTIFICATE

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

BUDGET FORUM

For Fiscal Year

By: Jennifer Brugh Date: July 30, 2025

Jennifer Brugh, Transcriber