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# Transcript of Recorded Hearing

**Date:** December 4, 2023

**Case:** SE-2022-015 - SSZ Bowie Self Storage, LLC

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In re:

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SE-2022-015-SSZ BOWIE SELF STORAGE, LLC.

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RECORDED HEARING

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Monday, December 4, 2023

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1 JOYCE B. NICHOLS: All right. Let's see.  
2 Mr. Horne (phonetic), you had just qualified Mr.  
3 Steere and that's about as far as we got I think.

4 MR. HORNE: And Mr. Steere, you did testify  
5 that you had an opportunity to read the technical  
6 staff report in this case and noted that the park and  
7 planning staff found the need had been made in this  
8 case.

9 ED STEERE: Correct. Yes.

10 MR. HORNE: And did there come a time when  
11 you asked by the applicant in this case to provide a  
12 need analysis for the application?

13 ED STEERE: Yes. That's -- following the  
14 first part of this hearing that same moment.

15 MR. HORNE: Okay. What has been listed as  
16 exhibit 76 which we were asked to be accepted is a  
17 need analysis summary by Val Bridge Property  
18 Advisors. Is this something that you undertook? Is  
19 this your document?

20 ED STEERE: That's correct. We given the  
21 short timeframe. We look at this as an executive  
22 summary format rather than the whole drawn-out market

1 study that we might do in a longer term.

2 MR. HORNE: Okay. Well, could you please  
3 tell the ZHC, zoning counsel how this analysis was  
4 conducted and what area did you consider in inducting  
5 your -- conducting your analysis?

6 ED STEERE: Sure. So the in -- in the case  
7 of consolidating storage or self-storage. However,  
8 you want to permit, the industry standard is to look  
9 at a radius demographic and determine whether there  
10 is -- what the demand is in that specific space. In  
11 this case we use the five-mile demographic which is  
12 covers about 3/4 of the city of Bowie and reaches to  
13 -- yeah, almost a Davidsonville (phonetic) and Largo  
14 and just for the northern edges of Upper Marlboro,  
15 the municipality. And in that area we identify other  
16 consolidate storage facilities. And we also determine  
17 what the population is. Here and moving forward or  
18 today and moving forward. So what we found is there  
19 are only two other facilities, the public storage  
20 which is about a quarter of almost half a mile north  
21 of this site on Route 301 between the northbound and  
22 southbound side the 301. And then also a self-storage

1 plus with is a just short of two miles south of the  
2 site on the same -- on the same side of the 301 on  
3 the southbound side. We identified the population  
4 consensus in 2023 of 87,484 people and we factored  
5 that against the -- sorry. I got a sore throat. The  
6 standard is eight persons per a square feet per  
7 capita per person storage demand, which is an  
8 (inaudible) ratio at the point. To come up with a  
9 demand number of 699,872 net rentable square feet. So  
10 going back to just taking that number and then going  
11 back to the two existing facilities, I'm going to --  
12 as things were moving here rather rapidly, we were  
13 getting more information in kind of daily. The -- I'm  
14 going to correct a couple numbers or refine a couple  
15 of numbers in this report on the net rentable square  
16 feet of the two other facilities. So we have the  
17 public storage is a combination of indoor multi-story  
18 facility as well as outdoor facility. The -- we have  
19 computed that the net rentable square footage of the  
20 public storage is on -- I am sorry. It is about  
21 115,765 square feet on the outside. The original  
22 outside facilities. Another 49, 500 square feet on

1 the inside. So that comes to a total of 165,265  
2 square net rentable square feet for the public  
3 storage. For the self storage plus which has  
4 considerable space on the ground level that is used  
5 for loading and office and things like that, we  
6 factored that one to continue to 91,643 square feet.  
7 What we're looking at is the total of 256,907 net  
8 rentable square feet among the two other facilities  
9 that are in this five-mile area that we've  
10 identified. Deduct that from the man figure of  
11 699,000 and we have an unmet demand of 442,965 square  
12 net rentable square feet. Please don't get confused  
13 on square footage, net rentable square feet so forth.  
14 It is net rentable square feet that were working with  
15 here. And that alone is a -- is it.

16 MAUREEN MCNEIL: Excuse me? One second. Mr.  
17 Steere, Madame examiner. I am so sorry, but something  
18 is still wrong. So I need you all to pause and go on  
19 one more break. Good seeing everyone Maureen McNeil  
20 for the record.

21 JOYCE B. NICHOLS: Thank you very much. I  
22 am so sorry, Mr. Horne. We keep interrupting you and

1 Mr. Steere. The last note I took was that there was  
2 approximately 442, 000 unmet demand.

3 ED STEERE: Okay. That's where I ended.  
4 Yes.

5 MR. HORNE: Okay. Well, what does that mean  
6 for us lay people, Mr. Steere? What does that mean?

7 ED STEERE: So, I'll go back to the -- the  
8 evidence standard that's been created around the  
9 country is that there is a demand of 8 square feet  
10 per person. And so what we've done is we've taken the  
11 population of this this trade area and multiplied it  
12 times eight. Sorry. We had -- to multiply it times  
13 eight to come up with it demand just a total demand  
14 which was 699,000. The -- what we did then was we  
15 deducted from that the two existing facilities that  
16 are within this trade area that would be serving the  
17 same population and we end up with it -- that we end  
18 up with an unmet demand of 400 -- sorry 256 -- I'm  
19 sorry. 442,965 square feet. A lot of numbers. I'm  
20 confusing myself sometimes when I do this. So this is  
21 basically the two facilities that are there are not  
22 sufficient to meet the needs of this community.

1 MR. HORNE: Okay. So can you conclude with  
2 a reasonable degree of certainty regarding the  
3 findings that public need is required at this subject  
4 location?

5 ED STEERE: Yeah. There is no doubt in this  
6 location that there is a demand for more consolidated  
7 storage. I'll add to that. We have a development  
8 under construction across the street from it a more  
9 than thirteen hundred units, which would be another  
10 30,000 square feet of demand that's not reflected in  
11 those numbers I just gave you.

12 MR. HORNE: That development that you're  
13 referring to call the South Lake development?

14 ED STEERE: That's correct. South Lake is I  
15 think. 1,300 plus dwelling units plus another 100,000  
16 some square feet of commercial spaced. Also, to point  
17 out that my numbers are all very conservative here.  
18 My demand numbers because have not factored in  
19 commercial demand for self-storage. That is the  
20 factor that hasn't been figured out industry wide,  
21 the percentage or area needs self-storage for  
22 commercial uses but we know that commercial use is a

1 growing trend in this industry.

2 MR. HORNE: And to your knowledge, does  
3 Southlake have commercial development proposed on  
4 that side as well?

5 ED STEERE: Yes. Says, I believe there's a  
6 total of six hundred some thousand square feet of  
7 retail and office space proposed on that.

8 MR. HORNE: Okay. Thank you very much, Mr.  
9 Steere.

10 JOYCE B. NICHOLS: Ms. Nuriddin, do you  
11 have any questions of Mr. Steere?

12 TERRY NURIDDIN: Yes. Thank you. Good  
13 morning, Mr. Steere, I would just I would just like  
14 to say for the record is it is my opinion that in  
15 that this information is being submitted after the  
16 fact. I strongly request that it should be seen with  
17 prejudice. I do have some specific questions for you  
18 regarding your evaluation strategy. Your needs  
19 analysis was based on the documentation for the  
20 facility itself. I know you do ask that evaluation  
21 for already structured facilities, but this was based  
22 on the documentation based on how the facility would

1 be constructed and the amount of square feet that it  
2 would have.

3 ED STEERE: I'm sorry. I'm not following  
4 you. You mean the proposed facility by (inaudible) on  
5 this site?

6 TERRY NURIDDIN: Right. By storage. Right.  
7 Right. I know your firm does asset evaluation for  
8 existing facilities already built, but you base this  
9 needs analysis based on the construction or the  
10 layout and the construction of the facility when you  
11 talk about indoor climbing and outdoor non-climbing.  
12 You're talking about the plans as submitted, right?

13 ED STEERE: That's correct. I'm not dealing  
14 with valuation models at all here.

15 TERRY NURIDDIN: Okay. And I know the  
16 industry standard he was talking about was US wide  
17 and you just mention that the commercial one is -- is  
18 not available. Now, are you familiar with the  
19 national capital Business Park that is above  
20 Southlake?

21 ED STEERE: Somewhat. Yes.

22 TERRY NURIDDIN: Because my concern is that

1 even if you don't speak to cold storage and -- and --  
2 and those types of things for commercial that is  
3 supposed to have 3.5 million of -- of storage space.  
4 So my concern is to justification that you made in  
5 the 5-mile radius. Now you said to file my radius was  
6 3/4 of Bowie. Did that include the other and you  
7 mentioned the two stores facilities that I even  
8 mentioned in my testimony to justify why we didn't  
9 need this one because they were so close. And if 3/4  
10 of Bowie is included based on the parameters that you  
11 gave that would include the two other stores  
12 facilities that exist in Bowie. Are you familiar with  
13 that?

14 ED STEERE: Which facilities are you  
15 talking about?

16 TERRY NURIDDIN: It's one on -- they're  
17 listed in the Maryland-national Capital Park and  
18 planning is enumeration of storage facilities. I  
19 don't have the addresses right at hand. But only two  
20 were close to us. But if you take Bowie as 3/4 your  
21 jurisdiction that was covered, that would include  
22 them also. And since you had used the population, so

1 I was just curious.

2 ED STEERE: I'm -- when we did a five mile  
3 test we did not find others within that they might be  
4 even Northern end of Bowie there's other facilities,  
5 but we weren't all the way up to the northern and the  
6 buoy with this five-mile.

7 TERRY NURIDDIN: Okay. Okay. And I already  
8 took the liberty to say that because you said  
9 included from Largo almost to Davidsonville so that's  
10 why I had sort of made my circumference the whole  
11 five miles. Okay. So if that's what you're saying,  
12 then I'll just withdraw that question. No further  
13 questions. Thank you, sir.

14 JOYCE B. NICHOLS: All right. Mr. Brown?

15 STAN BROWN: Yes. Good morning, Mr. Steere.

16 ED STEERE: Good morning.

17 STAN BROWN: Two or three very quick  
18 questions. I have the same question concerning the  
19 file mile radius. I noticed this is an executive  
20 summary as you testified. You did not include a  
21 rendering or graphic that shows the five-mile radius  
22 from this property. Do you have that?

1 ED STEERE: Yeah, I do.

2 STAN BROWN: Is it possible for you to put  
3 it on the screen?

4 ED STEERE: I should be able to. Yeah. If I  
5 have permission. Let me find it.

6 JOYCE B. NICHOLS: Is it an Exhibit? No?  
7 Okay.

8 STAN BROWN: Actually, this isn't justified  
9 mile. It's got one, three and five mile radius on it.

10 STAN BROWN: That's helpful.

11 ED STEERE: Okay. If I can share my screen.

12 JOYCE B. NICHOLS: Yes. I just made you a  
13 co-host.

14 ED STEERE: Thank you.

15 JOYCE B. NICHOLS: You're welcome.

16 ED STEERE: Okay. Can you see that?

17 JOYCE B. NICHOLS: Yes.

18 STAN BROWN: Yes.

19 ED STEERE: I can zoom in at you need.

20 STAN BROWN: All right. So looking at this  
21 five-mile radius, which I'm going to assume is the  
22 outer ring, the dark blue ring, correct?

1 ED STEERE: Yes. That should be it.

2 STAN BROWN: All right looking at that  
3 radius and going west down Central Avenue toward  
4 Largo Kettering, it would appear to me that the five  
5 mile radius -- all right. It does not include the  
6 public storage on Arena Drive now, I think it's  
7 Medical Center Drive. Is that correct?

8 ED STEERE: That's correct.

9 STAN BROWN: All right. And then going  
10 North toward 301, Route 50 the Beltway and then  
11 taking --

12 ED STEERE: I'm sorry. The Beltway? There's  
13 no beltway here.

14 STAN BROWN: I am sorry. No beltway. Route  
15 301.

16 ED STEERE: Okay.

17 STAN BROWN: Down 301 to 50, two facilities  
18 that Ms. Nuriddin was referring to would be at the  
19 intersection of Locksford Road and Annapolis Road and  
20 my eyes can't quite see it but I don't think that  
21 facility is within the five mile radius is it?

22 ED STEERE: Hold on a second, and I'll

1 double-check that. You said Locksford Road and --

2 STAN BROWN: And Annapolis Road. No. Martin  
3 Luther King Avenue. I'm sorry.

4 ED STEERE: Well, there's two facilities  
5 that 450 Annapolis Road and 197.

6 STAN BROWN: Yes. Are they within the five-  
7 mile radius?

8 ED STEERE: Hold on. I'll measure that here  
9 on a different map.

10 STAN BROWN: All right.

11 ED STEERE: Come on computer -- it appears  
12 here just outside the five-mile radius. The five-mile  
13 radius doesn't reach 450.

14 STAN BROWN: Okay. And then going up from  
15 the property Central Avenue going East toward Anne  
16 Arundel County, your five-mile radius does not go  
17 outside of Prince George's County. Does it?

18 ED STEERE: No. It's the Davidson bill.  
19 That is outside of Prince George's County, I believe.  
20 Isn't it?

21 STAN BROWN: Yeah. I see you got the  
22 Tuckson County Road and I think that's about the

1 boundary for Prince George's and Anne Arundel County.

2 ED STEERE: Yeah. So it's about a mile in  
3 that Anne Arundel County.

4 STAN BROWN: Right and anything in Anne  
5 Arundel County is not inclusive of the needs  
6 analysis. I don't want to keep the record open for  
7 anything additional, but I'm going to move to  
8 introduce this exhibit as an exhibit of the  
9 applicant. I would have preferred to have various  
10 facilities, Public Storage Southland 301 and Public -  
11 - I'm sorry. Self-Storage Plus on 301 and Public  
12 Storage North identified on the website. So if  
13 possible, Mr. Steere, you can just -- excuse me --  
14 today, just put a little graphic on there and put a  
15 little red dot to show the two facilities within the  
16 five-mile radius and also put a dot to show the  
17 facilities just outside of the five-mile radius at  
18 Locksford Road and Martin Luther King Avenue and the  
19 one at Largo -- what is it? Arena drive and  
20 (inaudible). I can't think of the name of the street.

21 ED STEERE: Macintire (phonetic).

22 STAN BROWN: Macintire. Right. Just put a

1 little graphic on there for the examiner today if you  
2 will.

3 ED STEERE: Okay. I'll do that.

4 JOYCE B. NICHOLS: All right. Then I'll  
5 accept that is exhibit 81.

6 ED STEERE: Just to be clear, right now are  
7 you guys looking at my Google Maps or you looking at  
8 --

9 JOYCE B. NICHOLS: Looking at Val Bridge  
10 site map?

11 ED STEERE: Okay.

12 STAN BROWN: Leads me to another question  
13 and indicated that this executive summary is in fact,  
14 is that a summary of your fuller market study and  
15 your fuller of market study includes this exhibit, is  
16 it possible to submit that full of study at this  
17 point in time?

18 ED STEERE: No. What I'm trying to explain  
19 is that this isn't a full study like that. This was a  
20 summary based on all of our research that would go  
21 into a full summer study, but we did not complete  
22 that full study.

1 STAN BROWN: But you have some documents on  
2 pain which this summary is based. It's a summary so  
3 it's based on something.

4 ED STEERE: We have a whole file full of  
5 notes and spreadsheets and things like that, but we  
6 didn't put it into a report form.

7 STAN BROWN: All right. Okay. No problem.  
8 The other thing here is you included this using your  
9 language on the second page or first page of your  
10 summary, new ongoing development of 1360 dwelling  
11 units in six hundred twenty thousand square feet of  
12 commercial next door at South Lake. Not a trick --  
13 not a trick question, but needs analysis does it  
14 often include proposed development as opposed to  
15 existing development?

16 ED STEERE: Well, doesn't technically need  
17 to but what I normally do in any market study is go  
18 to the future because, you know, it's not going to  
19 get constructed in 2023. So we looked out at the  
20 trends of what's going on in the community as part of  
21 our analysis. In this case, unfortunately, the census  
22 data does not reflect the new development that's

1 going on in the South Bowie area. So I needed to call  
2 that out as -- as we have a greater household growth  
3 and censuses even predicted for the next five years.

4 STAN BROWN: And that --

5 ED STEERE: It occurs to me that Council of  
6 governments hasn't updated their data.

7 STAN BROWN: Right. I mean, that's the  
8 wrinkle here. The facility will not be constructed  
9 immediately. But let's say it's approved and be  
10 constructed within 24 months, but the 1360 dwelling  
11 units may not be constructed for 10-plus years. In  
12 addition the six hundred twenty thousand square feet  
13 of commercial may not be constructed for some time as  
14 well. And so it gets to the point of, are we proving  
15 need today based upon existing uses in the five-mile  
16 market area or are we talking about need ten years  
17 from now when you've got 1360 dwelling units actually  
18 constructed? And that's not a question. Just  
19 commentary.

20 ED STEERE: Okay.

21 STAN BROWN: Let's see here.

22 DIANE: May I have a clarification of that

1 commentary because we certainly are well below any  
2 need demand. We don't need to even think about what's  
3 being developed in the future.

4 STAN BROWN: I am going to redirect, Diane.

5 DIANE: Okay. My apologies. Thank you.

6 STAN BROWN: That's a good point, which I  
7 was going to ask then I said well, I'll give you  
8 points but Mr. Steere, it's your opinion that there  
9 is a need for this particular facility even without  
10 the South Lake Community being built. Is that  
11 correct?

12 ED STEERE: That's correct. My computations  
13 are based on the population data we have, not  
14 Southlake. I just point out Southlake is -- is  
15 additional growth in the area which will provide  
16 additional demand.

17 STAN BROWN: All right. Thank you. No other  
18 questions. That was my redirect.

19 JOYCE B. NICHOLS: It was your redirect.  
20 All right, Ms. Nuriddin, did you have any questions  
21 based on the questions asked by Mr. Star -- Mr. Brown  
22 or Mr. Horne?

1           TERRY NURIDDIN: Yes. I couldn't see the  
2 map very clear. But the two facilities I found the  
3 notes. Did the ones in Bowie at 5801 Woodcliff and  
4 1010, I think Crane Highway. Now, he might have  
5 already include Crane Highway but I hadn't went as  
6 far as log or down the Locksford Road. I was looking  
7 at the 5801 Woodcliff which is North Bowie and based  
8 on his -- if that's the Epic Center, based on his  
9 map, it looks like that was included but I just  
10 wanted to make that comment because I can't see it  
11 very well, but those were the other facilities that  
12 were in Bowie and that's on the listing that was  
13 included for the consolidated storage facilities  
14 within CB 11. Thank you.

15           JOYCE B. NICHOLS: All right. Mr. Steere,  
16 you can stop sharing your screen and Mr. Horne, we  
17 will take a 10-minute break before Mr. Ferguson comes  
18 on for his cross-examination because I have  
19 information that they may be able to get this  
20 streaming going again. So we'll take a 10-minute  
21 break. It is approximately 10 10 and we'll be back at  
22 10:20. Thank you. Thank you all for your patience

1 today.

2 RECORDING: Recording stopped.

3 JOYCE B. NICHOLS: Thank you very much. It  
4 is approximately 10:22. We are back on. There are  
5 still difficulties with the live streaming. The  
6 parties have indicated they are aware of that and  
7 wish to proceed and so we are going to proceed with  
8 the recording. I do think Mr. Horne that your next  
9 witness was going to be Mr. Ferguson and it was time  
10 for Ms. Nuriddin to cross-examine him.

11 MR. HORNE: But I do want to ask him one  
12 question based on Mr. Steere's testimony if I could.

13 JOYCE B. NICHOLS: Go ahead. Go ahead. Mr.  
14 Ferguson, you know you continue under oath.

15 MR. FERGUSON: Thank you, Madame examiner.

16 MR. HORNE: Good morning, Mr. Ferguson.

17 MR. FERGUSON: Good morning, Mr. Horne.

18 MR. HORNE: Mr. Ferguson, you've testified  
19 in this case previously about the request -- as a  
20 professional land planner as whether this application  
21 meets the criteria for approval of a special  
22 exception in the CS Zone at this location, is that

1 correct?

2 MR. FERGUSON: That is correct.

3 MR. HORNE: And did you hear Mr. Steere's  
4 testimony with reference to need -- and does Mr.  
5 Steere's testimony in any way amend and or change  
6 your opinion that you previously gave in this matter?

7 MR. FERGUSON: No. It only reinforces my  
8 opinion.

9 MR. HORNE: Thank you very much.

10 MR. FERGUSON: Yes, sir.

11 JOYCE B. NICHOLS: All right. Ms. Nuriddin,  
12 your opportunity to ask Mr. Ferguson questions. And  
13 thank you for your patience.

14 MR. FERGUSON: You're still on mute, Ms.  
15 Nuriddin.

16 TERRY NURIDDIN: Okay. Thank you. Sorry  
17 about that. Hello, Mr. Ferguson.

18 MR. FERGUSON: Hello, Ms. Nuriddin.

19 TERRY NURIDDIN: I just had a few  
20 questions. I just wanted to go over your testimony  
21 just to sort of make a Nexus to what I found out  
22 today. In your previous testimony you said that you

1 had worked with the architect -- collaborated with  
2 the architect and she included Amber Ridge, Porter  
3 Ridge and areas to the north. In your testimony, you  
4 said you looked at the neighboring barriers that to  
5 14s the expressway. You said (inaudible) was not a  
6 part of it and you said not East of 301. There was  
7 no barrier. And then you said there was no such  
8 barrier in terms of South Lake.

9 MR. FERGUSON: So the -- to -- to sort of  
10 recap, I did testify that Central Avenue does form a  
11 barrier. I did testify that 301 does form a barrier  
12 to the east. So properties to the to the east of the  
13 properties that fell on 301 would not be a part of  
14 the neighborhood. On the west Collington branch and  
15 the wooded floodplain of that forms a barrier, but  
16 there is no barrier between the subject property in  
17 South Lake. So the southern edge of the neighborhood  
18 is really on the far side of South Lake.

19 MAUREEN MCNEIL: Okay. Yeah. Because you  
20 had a question that neighborhoods wasn't quite  
21 defined and now you -- did you collaborate with Mr.  
22 Steere on his testimony as far as the five-mile

1 radius for the need?

2 MR. FERGUSON: No, ma'am. So certainly --  
3 certainly Mr. Steere and I do -- do discuss each  
4 other's findings, but the -- the need is not related  
5 in the ordinance to the -- to the neighborhood of the  
6 project in the way that the special exception  
7 criteria required for the use generally and also  
8 talked about the compatibility of the architecture  
9 for. So when Ms. Brown and I discussed our findings,  
10 I informed her that my neighborhood would be what I  
11 what I said it was and you may remember at the last  
12 hearing Mr. Brown mentioned that commercial  
13 developments that are outside of the defined  
14 neighborhood should not be considered in a  
15 compatibility finding. But the difference between a  
16 neighborhood for zoning purposes in a trade area for  
17 need are two different things in the ordinance. So  
18 Mr. Steere's trade area and my neighborhood don't  
19 overlap in the same way that my neighborhood and  
20 where Ms. Brown looks for her architectural  
21 compatibility do need to.

22 TERRY NURIDDIN: Okay. So that is why

1 Maryland-national Capital Park and planning crossed  
2 out siding and brick because my neighborhood has  
3 that. The other neighborhoods doesn't. So that's why  
4 they -- they crossed that out, but they weren't  
5 considering that.

6 MR. FERGUSON: Yeah. I can't speak to why  
7 Park Planning did. And I will point out that that  
8 Park and Planning and not just in this case, but in  
9 all recent cases has been declining to define  
10 neighborhoods themselves. I don't know why they do  
11 this, but they do. So because the -- the requirement  
12 of the ordinance is what it is, I do go ahead and  
13 provide a definition for the record of the case, but  
14 I can't speak. I guess all that's a long-winded way  
15 of saying I can't speak to why Park and Planning had  
16 a architectural opinion.

17 TERRY NURIDDIN: Okay. And the other  
18 question I had when you talked about you didn't say a  
19 specific radius. You just said a neighborhood  
20 couldn't be defined. On the -- on the neighbors that  
21 you did include, it seems contrary to what the health  
22 department said, you know, they said no phase of the

1 project the dust should be allowed to cross over  
2 property lines. And the reason I ask you that is when  
3 you talk about the barrier, the parcel that's owned  
4 by my community designated by a white picket fence,  
5 it is less than a mile from the site. So I'm thinking  
6 and as a lay person that when we talk about dust or  
7 noise and to confirm construction activity that we're  
8 more likely to get the dust and noise as opposed to a  
9 ridge or Porter Ridge, even though we are not  
10 technically I guess I would ask you in your opinion  
11 we technically in the neighborhood. I guess that's  
12 what I'm trying to understand.

13 MR. FERGUSON: Sure. That's -- that's --  
14 that's a very good question because I think that  
15 really goes to the heart of the matter, you know  
16 where are properties -- what is the limit of area  
17 where properties could have a perceptible adverse  
18 impact from a proposed development. So that's really  
19 the -- the -- the matter that's before Madam Examiner  
20 today. And so I do look at the potential of a use to  
21 generate adverse impacts which include noise, which  
22 include dust from its -- from its activities which

1 include traffic for instance. And what I find is that  
2 consolidated storage uses are among the lowest impact  
3 uses that -- that really exists, certainly as  
4 classified by the ordinances as an industrial use but  
5 even more so than most classified commercial uses  
6 because the volume of traffic to them is so low. You  
7 know people take their stuff to their storage unit  
8 and most of the time leave it there and every now and  
9 again, you know, we'll go back. So for instance a  
10 woman in in my office tells me that her mother has an  
11 entire storage unit just for her Christmas  
12 decorations. So they go to and from their storage  
13 unit twice a year. That's an anecdotal experience,  
14 but it does say that -- that by in large there's not  
15 a lot of coming and going to these kinds of uses and  
16 that means that there won't be much traffic. They  
17 don't generate a lot of noise and the dust that you  
18 would expect from consolidated storage would occur  
19 only during construction and wouldn't be any greater  
20 than any other kind of project under construction  
21 over the over the same area. So there's nothing  
22 disproportionate about that and -- and not the kind

1 of dust generation like you might get from say a  
2 concrete plant that might extend that neighborhood,  
3 that might make a larger neighborhood appropriate. So  
4 those are the reasons why even though you may  
5 consider the project near to you or in your layman's  
6 terms, in your neighborhood from a zoning  
7 perspective, it's my opinion that it's not.

8 TERRY NURIDDIN: Okay. Well, I just like to  
9 expects respectfully disagree with you because point  
10 of averages five miles away. From my house to the  
11 proposed site is 1.78 miles. I did set back my trip  
12 thing on my car and from the parcel that we own as a  
13 unit, it's less than a mile, so I consider myself in  
14 the neighborhood. And while I appreciate what you  
15 said about the trip, I'm looking at the aggravated --  
16 what analysis done about the traffic in the income.  
17 And I do know when we talk about storage boats, I  
18 mean, there's no data to say that that what you say  
19 is reliable. So that's why I was expressed to my  
20 concern about having my community anchored with this  
21 based upon the justifications that I've seen and  
22 being excluded from the count even so much as using a

1 1986 based is for a traffic study, but I appreciate  
2 your answers and your perspective and thank you very  
3 much.

4 MR. FERGUSON: Thank you, Ms. Nuriddin.

5 JOYCE B. NICHOLS: Thank you. Mr. Brown?

6 STAN BROWN: No questions for Mr. Ferguson,  
7 but Ms. Nuriddin, your point is well taken. Mr.  
8 Ferguson has an opinion of what the neighborhood is  
9 and I think that's a reasonable conclusion that he's  
10 come to. The Park and Planning staff should define a  
11 neighborhood and I just think that they don't know  
12 they're supposed to and so they haven't done it  
13 recently. However, you know, I would agree with you.  
14 Your property is in the neighborhood. There's no  
15 doubt about that. In the general non-technical sense.  
16 And the project and all the evidence that's been put  
17 in the record today does relate to address impacts in  
18 the neighborhood defined by Mr. Ferguson as well as  
19 two properties in your quote-unquote neighborhood.  
20 And so I don't want you to think that your property  
21 has been totally ignored in this analysis. It has  
22 not.

1           TERRY NURIDDIN: Thank you. And to that  
2           sir, if I may say just as a layman, I had used the  
3           Zone rewrite whether they did to find neighborhood.  
4           That was the whole point of the neighborhood  
5           meetings. So you can see as an outside and non-  
6           professional this spear, I would be confused. I'm  
7           told I have a pre (inaudible) and here's a  
8           neighborhood participation for me to protect and then  
9           I'm told I'm not in the neighborhood when I can  
10          almost walk to the site. So I just want that to go on  
11          record as the confused ordinary citizen trying to  
12          understand this process. Thank you, sir for your  
13          explanation.

14          STAN BROWN: No other questions.

15          JOYCE B. NICHOLS: All right. Thank you.  
16          Mr. Horne, I presume you have no further questions of  
17          Mr. Ferguson?

18          MR. HORNE: That is correct, Madame  
19          Examiner. I do have -- like to call, recall a witness  
20          to the to make sure that we can have some exhibits  
21          accepted into the record, if possible.

22          JOYCE B. NICHOLS: Are you talking about

1 the Exhibits that I asked for?

2 MR. HORNE: Yes.

3 JOYCE B. NICHOLS: So, if you don't need  
4 the witnesses, I've accepted them.

5 MR. HORNE: Okay. So the -- the affidavits  
6 you accepted and then the new staff for -- I mean the  
7 new landscape manual and site plan, Mr. Woodburn  
8 would be available to testify what changes were made.  
9 He testified to it before and then we actually put it  
10 in the -- he actually drew it up and submitted it.

11 JOYCE B. NICHOLS: Right.

12 MR. HORNE: If you don't need him to  
13 testify, he won't. But he's here to do so it just in  
14 case.

15 JOYCE B. NICHOLS: Okay. No, I don't. I  
16 don't need him. He did what was asked of him. I  
17 understand that. So all of the exhibits that you  
18 submitted which are the new exhibits number 74  
19 through it's about to be 81 when Mr. Steele provides  
20 the Bow Bridge site plan with amending the  
21 facilities, they're all in the record and I don't  
22 need any further testimony on them unless you do.

1 MR. HORNE: No. No. If you accepted them,  
2 thank you, Madame Examiner. There is one issue that I  
3 do want to discuss before closing at perhaps before  
4 Ms. Nuriddin's decision is I wanted to ask the  
5 examiner to reconsider not accepting Ms. Rebekah  
6 Brown as an expert witness.

7 JOYCE B. NICHOLS: Okay. Fine. Yes. We're  
8 very close community, aren't we? All right. I will  
9 reconsider my determination earlier in this hearing  
10 in which I determined that Ms. Brown was not going to  
11 be accepted as an expert in the field of  
12 architecture. Subsequent to hearing her testify in  
13 this case. I then had an opportunity to -- to hear  
14 her testify in another case. And in that second case,  
15 I did qualify her based on her testimony both in this  
16 case and in that case. So since I have qualified her  
17 as an expert in the field of architecture, I will  
18 revise my decision in today's case and also qualify  
19 her in the field of architecture.

20 MR. HORNE: Thank you so very much, Madame  
21 examiner.

22 JOYCE B. NICHOLS: Thank you.

1 MR. HORNE: I think I have left would be  
2 the closing statement but after perhaps Ms. Nuriddin.

3 JOYCE B. NICHOLS: Correct. Right. Okay.  
4 Ms. Nuriddin, this is your opportunity to speak and  
5 tell me your position on everything that's going on  
6 here.

7 TERRY NURIDDIN: Okay. Thank you, Madame.  
8 My reasons for opposing the South Bowie Storage is  
9 that as a resident of South Bowie, I didn't want my  
10 community anchored by a self-storage facility.  
11 Unsightly, out of character with the neighborhood. I  
12 felt that this facility, although this -- this --  
13 this land which is not annexed by Bowie would be  
14 better served by low impact development be an adult  
15 park or a little something, but certainly not  
16 something with traffic and boats and trailers would  
17 be going along. And as I stated in my testimony, I'm  
18 (inaudible). I live at 15201 Johnstone Lane in the  
19 college station subdivision.

20 FEMALE SPEAKER 1: And ma'am you just I'm  
21 so sorry. I blanked out. I need to swear you in.  
22 Thank you very much. I solemnly swear or affirm under

1 the penalties of perjury that the responses giving  
2 and statements made shall be the truth, the whole  
3 truth and nothing but the truth?

4 TERRY NURIDDIN: I do.

5 FEMALE SPEAKER 1: Thank you so much. Would  
6 you repeat your name and address, please?

7 TERRY NURIDDIN: Okay. my name is Ms. Terry  
8 Nuriddin. I reside at 15201. I really shouldn't have  
9 read this. Johnstone Lane in Bowie Maryland and based  
10 on evidence I presented in my little packet, I oppose  
11 the approval of the proposed SE-2022-015SSZ Bowie  
12 Self Storage. I believe the provisions in CB011 was  
13 never done. This was the pre-application for the  
14 neighborhood meeting, which was allegedly held  
15 February the 7th and no one came to South Bowie  
16 Library. I see in the testimony that there is a sign-  
17 in sheet for our meeting on April the 26th, which is  
18 like the quest to the community and the pictures off  
19 repeated and I got 1,100 and I think 34 pages  
20 downloaded this chose the parties of Mr. Hornes, you  
21 know clients at the empty library. The Maryland-  
22 national capital book booklet, the new zoning orders,

1 the subdivision regulations says such meetings are  
2 designed to help neighboring land owners and  
3 residents learn about proposed development and will  
4 be on the weekday evenings or location near and  
5 accessible to those potentially affected by the  
6 development. And of course I considered us being  
7 affected by any type of development construction.  
8 Moreover afterwards, the applicants will submit a  
9 written summary -- summary that includes the list of  
10 the tendencies and discussions. The pre-application  
11 neighborhood meetings would be required for certain  
12 development applications, including special  
13 exceptions detailed site plans and major departures.  
14 Today neither the government nor the African  
15 developers offered any evidence for the alleged  
16 meeting in which both parties attended. I expressed  
17 my disbelief given the high level of Civic engagement  
18 that we have and the probability we will offer them  
19 was that there was a listing that was outdated and  
20 address listing that was outdated. I have lived in  
21 this community for over 28 years. I was a little bit  
22 perplexed by that and it was exchange of

1 correspondence between our County person and I didn't  
2 see anything from Park and Planning about an outdated  
3 list and they would get an updated list and I saw you  
4 know, nothing further on that. We did have questions  
5 about the outdated mailing. How this -- how could  
6 this be? And on the mailing list that I did see that  
7 included some addresses. They seem to be parcels in  
8 Southlake, which had not been developed yet.  
9 According to how the street runs into the -- the area  
10 those parcels have not even been developed. So that  
11 was the listing that was used. There wouldn't be  
12 anybody there and if they had an outdated list and  
13 Park and Planning says the list (inaudible) every I  
14 think 80 Days 180 days like a half a year. In  
15 addition to the documents, I included the advertising  
16 for the property and it talked about the surrounding  
17 area. The residents in the journal well, and so on  
18 behalf of myself and my family, the zoning decisions  
19 made by Prince George's are responsible to the  
20 principles within the zoning codes. I adamantly  
21 opposed my community being I think about storage  
22 facility less than two miles away. I believe the

1 zoning codes, building codes, the development review  
2 process and the regulation of land use strongly would  
3 be correlated to smart (inaudible), National Resource  
4 conservation, green infrastructure, and I've said  
5 that throughout the development of this case. My  
6 family and I respect the zoning ordinance and  
7 procedures and want the government and the applicant  
8 developer sector to do the same. I share the vision  
9 of a sustainable growth and hope that the protections  
10 for single-family communities, which is in the  
11 pamphlet is a true county goal that would be honored.  
12 And I would like to you know to say that and going  
13 through these documents and this evidence and seeing  
14 neighborhoods are (inaudible), defined and seeing the  
15 radius and I raised questions about the architect and  
16 seeing Park and Planning cross out some of the  
17 features that we have, it has been disappointed in  
18 terms of you know, the process to assure that we're  
19 going to even get notified and given a chance to  
20 speak or to express our concern, you know, concerns  
21 about exactly what's going on. And that's what I ask  
22 you to consider. And I will answer any questions

1 anybody have for me.

2 JOYCE B. NICHOLS: Thank you, Ms. Nuriddin.  
3 And by the way, your testimony -- your letter is  
4 exhibit 71.

5 TERRY NURIDDIN: Okay. Thank you.

6 JOYCE B. NICHOLS: Mr. Horne, do have any  
7 questions?

8 MR. HORNE: No questions, Madame Examiner.  
9 I do want to just say -- not to object to exhibit 71  
10 except that some of these conversations or emails  
11 dealt with elected officials offices after the  
12 application was filed. So it's not ex parte at all  
13 behalf of the applicant's side, but you know may have  
14 been you know with reference to the opposition side.  
15 So I just -- I'm not going to object. I just wanted  
16 to state that.

17 TERRY NURIDDIN: Sir, they said they  
18 couldn't say anything because it had been filed. So  
19 they sent a representative from their office. So they  
20 say they couldn't say anything but a representative  
21 came to that 26 meeting I was able to but that's what  
22 I was confused. I didn't know it had been filed

1 because I say can I find this in the DAMS and you  
2 said no so nobody could talk to me because they said  
3 it had been filed but I couldn't find it. So I'm just  
4 trying to navigate, you know, the --

5 MR. HORNE: Understood.

6 TERRY NURIDDIN: -- the process.

7 MR. HORNE: Understood. Absolutely.

8 JOYCE B. NICHOLS: I understand. Mr. Brown,  
9 do you any questions of Ms. Nuriddin?

10 TERRY NURIDDIN: No questions. Thank you.

11 JOYCE B. NICHOLS: All right. Then, Mr.  
12 Horne?

13 MR. HORNE: Thank you, Madame examiner,  
14 people's zoning council and Ms. Nuriddin. Thank you  
15 for listening and addressing this special exception  
16 application here both on November the 1st and here  
17 today. The record was left open to address the few  
18 outstanding issues including a testimony of Mr.  
19 Steere and his market analysis and expertise on need.  
20 Just briefly Madame examiner to recollect the  
21 testimony that happened (inaudible). The applicant  
22 had a total of seven witnesses. Five now, which were

1 accepted as experts in their chosen fields. The  
2 applicant was represented by Ms. Diane Tipton  
3 (phonetic), who is the managing member of the LLC in  
4 this case and Ms. Tipton cleared up the question of  
5 ownership and testifying that there is no other  
6 entity and individual who have more than five percent  
7 interest in that applicants LLC other than a  
8 subsidiary entity or individual that engages in the  
9 decision-making authority regarding the development  
10 of the property nor is there any other entity engaged  
11 in development in Prince George's County. Though the  
12 applicant submitted the disclosure statements here,  
13 Mr. Andrew Sesnick (phonetic) out of an abundance of  
14 caution wanted to make it clear that it did not in  
15 any way indicate that either entity had a five  
16 percent interest which engaged in the development  
17 activities within the county. Ms. Tipton as a  
18 representative as of the applicants, she testified to  
19 the fact that she had developed a seven other  
20 consolidated storage facilities in Prince George's  
21 County. She engaged in the requisite community  
22 meeting required by law and engaged in additional

1 meetings though not required to explain the project  
2 the community -- the basis of the application. She  
3 provided a market analysis for the subject property  
4 and later on engaged Mr. Steele who testified here  
5 this morning to conduct a market analysis to  
6 demonstrate the need. She testified that she had the  
7 team who all testified previously in this case in  
8 order to build and develop this consolidated storage  
9 facility with accessory outside use at the site. She  
10 testified that she had harbored this site previously  
11 because of this ideal location, but it wasn't  
12 previously zoned for it until now. She testified that  
13 she read the staff report and agreed with Park and  
14 Planning and planning board's findings and facts and  
15 conclusions as well as the people that she hired here  
16 today. Mr. Trey Burke (phonetic) was our second  
17 witness who testified with his vast experience in the  
18 development of numerous consolidated storage  
19 facilities in or around Prince George's County and  
20 the DMV. Mr. Burke testified that he is the  
21 coordinator of the application process for the  
22 applicant oversees all aspects of the application to

1 bring the development to the ultimate construction of  
2 this facility. Mr. Burke testified that he had  
3 (inaudible) to evaluate the property to make sure  
4 that the building and development can proceed on this  
5 property. The test was conducted, including soil  
6 borings to make sure that there was no Marlboro Clay  
7 or any slope instability on the site that were  
8 prevented development from moving forward and the  
9 tests turned out to be positive that development  
10 could occur. Further you heard Mr. Burke testified on  
11 both direct and cross examination as how he testified  
12 before the Prince George's County concerning CB11 and  
13 how he worked with the council staff to proper  
14 conditions to make sure that this application and  
15 system on the CF Zone could proceed. He testified  
16 that he read the staff report as well and agreed with  
17 Park and Planning and the planner boards finding of  
18 facts and conclusions as proposed here today.

19 Mr. Woodburn was the third witness from  
20 Atwell who was a civil engineer and the case. He  
21 testified that he was also the civil engineer in the  
22 properties application for provision of building a

1 right of way. Mr. Woodburn verified all of the  
2 exhibits of his site plans and landscape plans and  
3 drawings and evidence, which was updated here today  
4 and opined on the direct and cross examination from  
5 the people's zoning Council that his plans are  
6 consistent with the previously approved restricted  
7 line within this case, previously improved with the  
8 approval of the subject site and at the footprint of  
9 the storage building and outdoor storage proposals  
10 are within the building restriction line in this  
11 case. Mr. Woodburn testified also that he read and  
12 agreed with the Park and Planning staff opinion  
13 except that was some proposed edits that he proposed  
14 and mentioned and which were added and accepted and  
15 exhibit as exhibit number 75 here this morning.

16 The next witness was Mr. Dillon McAndrew  
17 who of Lynwood a -- Lenhart traffic consultant who  
18 was accepted as an expert in this case. His first  
19 one. Thank you all very much. Mr. McAndrew testified  
20 to the traffic impact analysis is company prepared in  
21 both the previous right of way case and in this case.  
22 Mr. McAndrew confirmed both don't direct and cross

1 examination from Ms. Nuriddin that the traffic  
2 analysis regarding the trips associated with the  
3 proposed consolidated storage and limited accessory  
4 outdoor storage application would generate fewer  
5 trips than the other retail uses as previously  
6 approved and the tricks were less than those allowed  
7 under the preliminary -- previously approved  
8 preliminary plan of subdivision that's applicable to  
9 this site.

10 Ms. Rebekah Brown testified as an  
11 architect in this case and was originally considered  
12 as a fact witness, but now it has been considered as  
13 an expert witness for the purpose of this  
14 application. Ms. Brown testified that the  
15 architectural design of the facility and how the  
16 proposed design and materials are architecturally  
17 compatible with the surrounding neighborhoods as was  
18 defined or cross-examination from Ms. Nuriddin and  
19 Ms. Brown indicated that her neighborhood included --  
20 Ms. Brown's neighborhood include the hall station  
21 development and most relevant residential communities  
22 within South Lake who access is directly across the

1 street from the subject site. On direct and cross  
2 examination Ms. Brown testified that the development  
3 of is utilizes several environmentally safe and  
4 friendly techniques, both on and within the building.

5 Mr. Steere -- well, actually, Mr. Ferguson  
6 was next but let me mention Mr. Steere here now who  
7 was accepted as an expert here this morning and  
8 demonstrate the need and of the area of the proposed  
9 use in the define neighborhood. Mr. Steere testified  
10 to his market analysis and the determination of need  
11 with reference to the need of the public and the  
12 surrounding area. He testified that he read the Park  
13 and Planning staff report and agreed with the staff  
14 assessment of leading the surrounding area. He has, I  
15 believe maybe already turned in exhibit 81, which is  
16 the one, three, five-mile radius indicating that the  
17 two major consolidated -- existing consolidated  
18 storage units in that area when you calculate up the  
19 square footage of those units and the population that  
20 need was -- was there still a definite need for this  
21 unit at this location.

22 Mr. Mark Ferguson is a land planner who

1 testified. He testified in writing and in person that  
2 the application met both the general and the specific  
3 special exception criteria needed for approval of  
4 this application. In making his conclusion, Mr.  
5 Ferguson was assisted by the testimony of Mr. Steere  
6 who indicated that the application met the criteria  
7 for need. Mr. Ferguson also spoke with the definition  
8 of neighborhood with reference to a special exception  
9 application which he explained his the neighborhood  
10 for the zoning purposes and it could differ from the  
11 defined neighborhood when discussing architecture in  
12 general. However, the neighborhood as he defined and  
13 Ms. Brown were ultimately the same. Mr. Ferguson  
14 testified that he read Park and Planning staff report  
15 and agreed with the findings and conclusions there in  
16 subject to the amendment proposes. The applicant's  
17 team had noted the submission opposition testimony of  
18 Ms. Terry Nuriddin here in this matter. The  
19 applicants position with reference to the statements  
20 and the exhibit are in somewhat factually in error  
21 and that the evidence in the record and the testimony  
22 here under oath from the applicant and the team

1 addressed those issues raised in her submission.  
2 Certainly understand Ms. Nuriddin's concern about the  
3 process and the hearings and the fact that she feels  
4 as if that process doesn't notify the correct  
5 individuals, but that the testimony shows that the  
6 applicant and not only in this case, but in all other  
7 cases receives his information from Park and Planning  
8 as to the individuals who should be contacted both by  
9 letter, which was done in this case with  
10 certification affidavit, and by the postal of the  
11 site, which was also done. Signed off by Park and  
12 Planning. So again, we thank Ms. Nuriddin for her  
13 testimony here both at the first hearing and the  
14 others that we empathize and sympathize with her with  
15 reference to the process. Especially if the  
16 information provided to the applicant is not accurate  
17 as far as the all the individuals who are entitled to  
18 be contacted. But as Ms. Tipton testified to, in  
19 addition to that meeting where nobody showed the  
20 conducted meetings subsequent to that which again she  
21 testified that she attended. So with all that Madame  
22 examiner, we think that the applicant has met its

1 burden of showing that the consolidated storage and  
2 special exception at the seat as his own at this  
3 location would not be injurious to the health safety  
4 and welfare of the community and indeed would be  
5 providing the need to the public at this area and we  
6 ask with all do consideration, approval or  
7 recommendation of approval for this special exception  
8 in this case. We thank you very much for your time.

9 JOYCE B. NICHOLS: Thank you, Mr. Horne.  
10 Ms. Nuriddin, would you like to make a closing  
11 argument?

12 TERRY NURIDDIN: No. No closing argument.  
13 Just to comment that I appreciate going through this  
14 process and I look forward to many more, maybe. Thank  
15 you very much.

16 JOYCE B. NICHOLS: All right. Thank you  
17 very much. All right. That all being said, the  
18 hearing in this matter will deem to have been  
19 concluded and the record will be closed at this time  
20 noting the submission by Mr. Steere of Exhibit 81 if  
21 we haven't received it already it will be accepted  
22 into the record. A decision will be coming --

1     forthcoming and I appreciate everybody's patience  
2     during yesterday -- last months hearing, today's  
3     hearing and I appreciate everybody's understanding of  
4     the process. So I thank everybody and I wish  
5     everybody happy holidays.

6                     (The recording was concluded.)

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CERTIFICATE OF TRANSCRIBER

I, Lauren Bishop, do hereby certify that the transcript was prepared from the digital audio recording of the foregoing proceeding; that said proceedings were reduced to typewriting under my supervision; that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; and that I am neither counsel for, related to, nor employed by any of the parties to the case and have no interest, financial or otherwise, in its outcome.

*Lauren Bishop*

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LAUREN BISHOP  
Planet Depos,  
December 15, 2023

Transcript of Recorded Hearing  
 Conducted on December 4, 2023

A			
<b>ability</b>	<b>according</b>	<b>affirm</b>	<b>allowed</b>
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<b>able</b>	<b>accurate</b>	<b>african</b>	<b>almost</b>
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