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

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WOODMORE OVERLOOK, COMMERCIAL, LLC : Case No. A-10020-C-01
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A hearing in the above-entitled matter was held on
December 14, 2020, at the Prince George's County Office of
Zoning, County Administration Building, Room 2174, Upper
Marlboro, Maryland 20772 before:

Maurene McNeil
Hearing Examiner

A P P E A R A N C E S

On Behalf of the Applicant:

Norman Rivera, Esq.

On Behalf of People's Zoning:

Stan Brown

* * * * *

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* * * * *

<u>Exhibits</u>	<u>Marked</u>
Exhibit No. 38	6
Exhibit No. 39	6

P R O C E E D I N G S

1
2 MS. MCNEIL: Good morning everyone. It's December
3 14, 2020 and we're here for our second hearing in the matter
4 of A-10020-C-01, applicant's Woodmore Overlook LLC's request
5 to amend certain transportation conditions imposed by the
6 Council when they originally approved the rezoning. I have
7 to go through my little schpiel again because this is our
8 virtual hearing.

9 First of all, if everyone that wishes to become a
10 person of record should have requested to do so in writing
11 and should have given us their best e-mail. And so if you
12 don't think you have, please go to the chat and just give us
13 your address again. I think you all have, but to be on the
14 safe side if you don't think you have, go in the chat, give
15 us your name, address, say you'd like to be a person of
16 record and your e-mail.

17 All of the exhibits were supposed to be submitted
18 prior to today's hearing and I believe we had some
19 additional exhibits, in fact, that's the reason we continued
20 today's hearing. So in a minute we're going to state what
21 those exhibits are on the record and the exhibit numbers.
22 This matter is being recorded so I ask that everyone keep
23 their mic off where possible, unless they are speaking. And
24 if you become disconnected, you should be able to get back
25 into the hearing with a link that you were sent.

1 If this matter is continued, which probably won't
2 happen, but if it is continued, we will send out an
3 additional link and we thank you for your flexibility,
4 cooperation and support with the virtual hearing world. So
5 now if the attorneys would identify themselves for the
6 record, we can begin the hearing.

7 MR. RIVERA: Good morning, Norman Rivera for the
8 record, representing the applicant.

9 MR. DEAN: Samuel Dean, the Vice President and
10 Zoning Chair for the Lake Arbor Foundation and I'm
11 representing that agency.

12 MS. MCNEIL: And Mr. Dean, you're not an attorney,
13 right?

14 MR. DEAN: (No audible response.)

15 MS. MCNEIL: I'm just making sure, I don't want to
16 have any unauthorized practice of law in this hearing today.
17 But it was okay for you to identify yourself. Mr. Brown?

18 MR. BROWN: Good morning, Stan Brown, People's
19 Zoning Council.

20 MS. MCNEIL: Okay. At the last hearing Mr. Rivera
21 we had to continue because I believe you wanted to include
22 an additional condition so if you're ready to begin, you may
23 continue your case.

24 MR. RIVERA: Thank you, Madam Examiner, Mr. Brown,
25 Mr. Dean, those on the Zoom call. For the record again,

1 Norman Rivera representing the applicant in this case, which
2 is an amendment of conditions for Zoning Map Amendment A-
3 10020-C.

4 At the least hearing on November 30th it became
5 apparent that I needed to amend my prior request to also
6 request the deletion of Condition 4 of the A case.
7 Condition 4 of the A case, I'll just read it into the
8 record, stated that Conceptual Site Plan shall show the
9 right-of-way along I-308 parenthesis Ruby Lockhart Boulevard
10 end parenthesis, I-310 parenthesis, the ramp slash roadway
11 linking Ruby Lockhart Boulevard and Maryland 202 end
12 parenthesis consistent with Master Plan recommendations
13 period. This right-of-way shall be shown for dedication at
14 the time of Preliminary Plan of Subdivision. So that's the
15 entire Condition 4, which I submitted an amended request to
16 delete which is Exhibit 37, and that's now in the record for
17 this hearing today.

18 My main witness today, as it was last time, is Mr.
19 Lenhart, who's on the line and I can begin at this point if
20 you wish.

21 MS. MCNEIL: Just before you begin, all right, so
22 your exhibit, the revised statement that's Exhibit 37 and
23 Ms. Bah, I hate doing this to you, but could you please
24 state for the record what the other exhibits were because I
25 believe we got one from Mr. Dean as well and another one

1 from Mr. Rivera.

2 MS. BAH: Good morning. Yes, let me to go that,
3 I'm sorry about that. So 38 will be the revised state at
4 this business entity affidavit.

5 (Hearing Exhibit No. 38 was
6 marked for identification.)

7 MS. BAH: And 39 Mr. Dean's intention to testify.

8 (Hearing Exhibit No. 39 was
9 marked for identification.)

10 MS. MCNEIL: Thank you so much.

11 MS. BAH: You're welcome.

12 MS. MCNEIL: Okay. Mr. Rivera.

13 MR. RIVERA: Yes, thank you, Ms. Bah, I did submit
14 that revised affidavit for the record, that's Exhibit 38 as
15 you stated. And Mr. Dean is Exhibit 39, who submitted a
16 letter from Lake Arbor which ostensibly asks, said that he
17 was authorized to testify on behalf of the Lake Arbor Civic
18 Association and I just had a couple questions of Mr. Dean on
19 that, if I could.

20 MS. MCNEIL: Well, if you don't mind you could do
21 that when he begins to testify. You can just finish your
22 case now --

23 MR. RIVERA: Okay.

24 MS. MCNEIL: As to Condition 4.

25 MR. RIVERA: Okay. Very well. So with regard to

1 Condition 4 my main witness is Mr. Lenhart and if I could
2 Madam Examiner, he was admitted last time, I would ask that
3 the record of the last hearing be incorporated today, which
4 I think it is anyway, but have Mr. Lenhart admitted again to
5 speak.

6 MS. MCNEIL: Okay. Yes, the record is one
7 continuing record and Mr. Lenhart, you are still under oath.

8 MR. LENHART: Yes.

9 MR. RIVERA: Great. Thank you. So I just have a
10 few questions, because it's really related just to Condition
11 4, Mr. Lenhart. You've heard me state the Condition 4 of
12 the A Dash case and in the regard and as testified by you
13 before on November 30th, was the alignment above I-308 and
14 I-310 the right-of-way shown on the CSP for this case, which
15 preceded you but it's the foundation of the zoning
16 condition, we've continued from there.

17 MR. LENHART: Yes. Yes, it was.

18 MR. RIVERA: All right. Thank you. And after
19 that it was also shown on the Preliminary Plan that was
20 processed by the prior applicant, Mr. King, which is 4-
21 10022, is that correct?

22 MR. LENHART: That's correct. It was shown on the
23 approved Preliminary Plan and identified for dedication,
24 yes.

25 MR. RIVERA: Thank you. And then turning to your

1 engagement with the applicant, that was in regard to
2 Preliminary Plan 4-18007 was it not?

3 MR. LENHART: That's correct.

4 MR. RIVERA: Yes. And that the Preliminary Plan
5 was approved based on a certain development program and trip
6 caps, correct?

7 MR. LENHART: That's correct. Yes, we looked at
8 the original trip cap originally from the prior Preliminary
9 Plan and based upon the traffic study we had identified
10 trying to use the entire or retain the entire original trip
11 cap and it was determined at the Planning Board hearing or
12 just prior to the Planning Board hearing, that the trip cap
13 should be reduced rather than stockpiling trips, reduced to
14 reflect what our actual development program is at this time.
15 And that was done so resulted in about a 50 percent
16 reduction in the trip cap.

17 MR. RIVERA: Thank you. And for the record, that
18 was Exhibit 16 is the amended resolution for the record of
19 the Preliminary Plan that Mr. Lenhart referred to. Now
20 prior to the submission of Preliminary Plan 18007, what
21 occurred as to the actual process to deed/dedicate both I-
22 308 and I-310? And you can start with 308 Ruby, then go to
23 310 if you wish.

24 MR. LENHART: All right. Ruby Lockhart was
25 dedicated and actually under construction prior to the

1 resolution of I-310. The Woodmore residential project which
2 is located to the east of the commercial project, actually
3 constructed I-308 from where it previously terminated just
4 past the Woodmore or the Wood Stream Church property and it
5 was constructed all the way out to St. Joseph's Drive, so
6 that I-308 now has a complete and full connection between
7 St. Joseph's Drive and Lottsford Road.

8 MR. RIVERA: Thank you.

9 MR. LENHART: Yes.

10 MR. RIVERA: Now for the Examiner's benefit,
11 Exhibit 26 the rendering will show that if you want to look
12 at that later today. That shows the entirety of Ruby
13 Lockhart Boulevard from Lottsford to St. Joseph's. So let's
14 discuss 310 which is now known as Grand Way Boulevard,
15 Michael. How did that occur prior to the Preliminary Plan
16 and subsequent to the Preliminary Plan what has occurred?

17 MR. LENHART: Certainly --

18 MS. MCNEIL: Excuse me one second, Mr. Lenhart.
19 I'm sorry. Mr. Rivera, if it helps us with his testimony,
20 you can put it up the rendering. You're saying look at it
21 later, but you might want to look at it now for everyone.

22 MR. RIVERA: Okay. Well, I'm technologically
23 challenged so --

24 MS. MCNEIL: No, no --

25 MR. RIVERA: -- I don't know how to --

1 MS. MCNEIL: -- you don't have to do it. I'm
2 saying what exhibit is it again and maybe Ms. Bah can pull
3 it up.

4 MR. RIVERA: Oh Exhibit 27. Oh yes, it's Exhibit
5 26 I think we pulled it up the last time just to clarify
6 which road is which.

7 MS. MCNEIL: Okay. And while you're doing that,
8 do we have someone called Caller Number 1 and a Glenarden
9 attendee? I need some names and e-mails or phone numbers
10 for these individuals, if you all could, well the caller
11 can't go in the chat, but caller can you identify yourself
12 for the record?

13 (No audible response.)

14 MS. MCNEIL: Okay. We'll get back to you shortly.
15 Glenarden attendee, can you identify yourself for the
16 record?

17 (No audible response.)

18 MS. MCNEIL: Okay. Go ahead, sir. Mr. Rivera, go
19 ahead.

20 MR. RIVERA: Oh, thank you. I see whoever it is
21 from Glenarden is in chat. Amelia Johnson from the City of
22 Glenarden. The exhibit before you is the coversheet of the
23 Detailed Site Plan and to the right of the drawing is, well
24 the top of the drawing is I-308 Ruby Lockhart Boulevard.
25 The bottom of the drawing is Landover Road Maryland 202 just

1 to give you the orientation. Grand Way Boulevard I-310 is
2 the road that goes north and south, up and down, if you
3 will, connecting Ruby Lockhart Boulevard towards 202 to the
4 south. And then Ruby is to the north going east and west
5 connecting Lottsford Road to St. Joseph's Drive. So those
6 are the two roads that we're discussing just for everybody's
7 edification. And I-310, Mr. Lenhart, going back to you,
8 that's I-310 is known as Grand Way Boulevard now, is that
9 right?

10 MR. LENHART: That's correct.

11 MR. RIVERA: Okay. Now prior to the submission of
12 Preliminary Plan 4-18007 what steps did we take, did you
13 take to establish the --

14 MR. LENHART: (Sound.)

15 MR. RIVERA: -- right-of-way for I-310, the
16 location and design standards?

17 MR. LENHART: Certainly we had a meeting with Mr.
18 Tom Masog at Park and Planning in the Transportation
19 Planning Division. And we had a meeting with Mr. Kwasi
20 Woodruff (phonetic sp.) at the State Highway Administration
21 to discuss the location of I-310 at the right in right out
22 along Maryland 202 in regards to its proximity to the
23 adjacent intersections at St. Joseph's Drive and Lottsford
24 Road and more particularly St. Joseph's Drive.

25 Where the right-of-way for I-310 was originally

1 assumed to be located was at the eastern most property line
2 of this exhibit and I'd like to clarify. If you look at the
3 top left hand side of this page right under where it says
4 Woodmore Overlook Commercial you'll see a north arrow. That
5 north arrow is at a 45 degree angle pointing up and to the
6 left and all of these roads actually run you know northwest
7 to southeast or they don't run on true north south or true
8 east west directions. But for the ease of discussion, we're
9 going to just assume that this exhibit you're looking at has
10 a north that's pointing straight up that way we can just
11 describe Maryland 202 as east west, Ruby Lockhart as east
12 west, I-310 is north south and Lottsford and St. Joseph's as
13 north south. Make it a little easier for discussion.

14 MR. RIVERA: Thank you, Mr. Lenhart. And before
15 you go on if you look at the top right of the drawing where
16 it says Dewberry, there is what they call a Vicinity Map,
17 Madam Examiner and that dark area is the subject property
18 and that shows the proper orientation but as Mr. Lenhart
19 said we're trying to keep it a little bit more simple.
20 Thank you. Go ahead, Mr. Lenhart.

21 MR. LENHART: So I-310 was originally assumed to
22 be located on the adjacent to the western property line and
23 where the access came out onto Route 202 was located within
24 the deceleration lane to St. Joseph's Drive. And we met
25 with State Highway Administration and discussed that

1 location and it was determined that it would be desirable to
2 shift that driveway, or to shift the, not driveway, shift I-
3 310 to the east, resulted in a several hundred foot shift
4 east and it moves I-310 out of the deceleration lane for St.
5 Joseph's and out of the influence area of that intersection.
6 State Highway supported that and requested that and so we
7 made that change. We discussed that with Mr. Tom Masog at
8 Park and Planning, he concurred that that was appropriate
9 and we moved forward accordingly and that right-of-way was
10 laid out and deeded to the county and that roadway has now
11 been mostly constructed, still working on the tie in at
12 Route 202. However, it is mostly complete.

13 MR. RIVERA: Thank you, Mr. Lenhart. At the last
14 hearing November 30th --

15 MR. BENTON: Madam Examiner, can you note my
16 objection to Mr. Lenhart's last statement and it's simply
17 because a point of clarification because he stated on how it
18 is originally planned. If anything, he may need to verify
19 in his statement as it was in terms of when they were
20 talking about the exit to 310 as it, as it was originally
21 planned by the applicant or as it was --

22 MS. MCNEIL: Okay.

23 MR. BENTON: -- planned by the, by the
24 Transportation Master Plan.

25 MS. MCNEIL: Okay. Mr. Benton, if I may, that's

1 what you can cross-examine him on. Okay. So this is his
2 testimony and then you'll have a chance to ask him
3 questions.

4 MR. BENTON: Thank you.

5 MS. MCNEIL: All right.

6 MR. RIVERA: Thank you, Madam Examiner. And in
7 your experience, Mr. Lenhart those issues that you
8 mentioned, the zone of influence, the distance between this
9 entranced onto 202, the roadway and St. Joseph's, those are
10 site distances and safety issues, is that correct?

11 MR. LENHART: That's correct, yes, and areas of
12 influence of the intersection and so moving it out of that
13 area of influence was desirable.

14 MR. RIVERA: Thank you. And as we discussed
15 before November 30th and I think you referenced in your
16 testimony the last page of my December 2nd submittal to
17 amend this request is page 58 of the Master Plan of
18 Transportation which I know you're familiar with, I'll give
19 you a second to find it but it does discuss in the Master
20 Plan I-308 and I-310, is that correct?

21 MR. LENHART: That's correct.

22 MR. RIVERA: And those are described as roads, is
23 that right?

24 MR. LENHART: Yes, if you'd like me, I can open
25 that, I'm certain that is the case, yes.

1 MR. RIVERA: All right. Thank you.

2 MR. LENHART: Sure.

3 MR. RIVERA: And I'm looking at the bottom of that
4 Master Plan page and I'll just read into the record, because
5 it's in my exhibit as well. The graphics and Master Plans
6 and Sector Plans are comma a necessary, necessity comma
7 generalized period. Exact alignments for a Master Plan
8 Highways cannot be shown at the scales used in this document
9 period. More detailed information on Master Plan rights-of-
10 way is available at www.pgatlas.com. The alignment shown on
11 this website are the result the more detailed studies that
12 have been performed after consultation with state and county
13 agencies and are used during the subdivision and zoning
14 process period. These alignments are also subject to change
15 in light of new information to discussions with property
16 owners comma respect to developers comma and National
17 Environmental Protection Act review processes period.

18 That is at the bottom of that Master Plan page.
19 In your experience that process is what lead us to this
20 alignment, is that correct?

21 MR. LENHART: That's correct and again it's the
22 graphics in this map set are not intended to be legally
23 sufficient. It's a guide and the implementation of such is
24 a guide as well, yes.

25 MR. RIVERA: So the I-310 was dedeed prior to the

1 Preliminary Plan and then it was subsequently permitted, it
2 is Exhibit Number 15 of the record, and in your knowledge
3 has that road been built 310?

4 MR. LENHART: Yes, it has been built with the
5 exception of the tie in at Route 202 which is under, which
6 has been permitted and bonded with the State Highway
7 Administration and I believe that there's some utility
8 relocation that is being finalized before that construction,
9 the entrance can be final constructed.

10 MR. RIVERA: Thank you. Just a couple final
11 questions then. The I-310 connection to 202 is at grade, is
12 that correct?

13 MR. LENHART: That's correct.

14 MR. RIVERA: All right. And so the road was
15 deeded substantially built and will be open to traffic at
16 some point when the county accepts it, right?

17 MR. LENHART: That's correct.

18 MR. RIVERA: So at this point in time based on
19 your testimony Ruby Lockhart Boulevard was dedicated and
20 built as you just said a while ago, and 310 Grand Way
21 Boulevard also has been deeded and then constructed which
22 are the two roadways that were the subject of today's
23 hearing, Condition 4. Do you believe that that means that
24 Condition 4 has now been satisfied?

25 MR. LENHART: Yes, it does.

1 MR. RIVERA: Okay. That concludes our case in
2 chief as to Mr. Lenhart, Madam Examiner.

3 MS. MCNEIL: Okay. Before others ask questions, I
4 have one of Exhibit 37 and you can proffer or Mr. Lenhart
5 can add to it, but there are markings on that last page that
6 you talked about, which would be page 5 if you, you know put
7 numbers on the last two and I wonder who put these markings
8 on here and what is on page 58? Is the whole thing page 58
9 of the Master Plan of Transportation and if so then what's
10 on Map 13 on page 87? If someone could explain these
11 markings to me.

12 MR. RIVERA: Okay. Those are my markings, Madam
13 Examiner. I just made a note handwritten page 58 of the
14 Master Plan because it didn't print correctly when I printed
15 this. And then MP.1109 is my notes that means Master Plan
16 of Transportation November 2009. And then I handwrote Map
17 Number 13 on page 87, but I did not include map in this
18 exhibit. So those are my writings on this piece of paper,
19 this exhibit.

20 MS. MCNEIL: So the Map Number 13 doesn't have
21 anything with discussions with property owners that you
22 underlined?

23 MR. RIVERA: No, the note is right above where my
24 handwritten was. The note I read it says, beginning with
25 the graphics that's just --

1 MS. MCNEIL: No, no, no. I understand the typed
2 note, but on my copy of it, it says Map Number 13, page 87
3 and you've underlined from that note discussions with
4 property owners. So I was just wondering is there anything
5 on page 87 about that?

6 MR. RIVERA: No.

7 MS. MCNEIL: So you're telling me that this little
8 note means nothing to us? Not number 13?

9 MR. RIVERA: Right.

10 MR. LENHART: Well that one is just Map Number
11 13 --

12 MR. RIVERA: That was my --

13 MR. LENHART: -- we discussed at the last hearing.
14 That's the map out of the Master Plan of Transportation in
15 the bottom left hand corner the very bottom left hand corner
16 of that map is where it shows I-310 and I-308 and we had
17 some detailed discussion about that at the last hearing.

18 MS. MCNEIL: Okay. But it's not needed for this
19 page? I just wanted to make clear on that. Okay. Mr.
20 Brown, do you have any questions?

21 MR. BROWN: I'll let the opposition ask their
22 questions first.

23 MS. MCNEIL: Mr. Benton, do you have any
24 questions?

25 MR. BENTON: Yes, I do. This going, going back to

1 the original question that I asked Mr. Lenhart because you,
2 because you, you stated in your testimony that the, the
3 visual layout or lining of road I-310 is laid out as it was
4 originally planned. Can you, can you clarify your statement
5 in terms of as was originally planned by the applicant or
6 are you referring to as, as it, as it is originally planned
7 in the 2009 Master Plan, Plan of Transportation.

8 MR. LENHART: As it was originally identified on
9 the original Preliminary Plan for the King property,
10 identified right-of-way dedication on that original
11 Preliminary Plan that is what we took to State Highway and
12 to Tom Masog and discussed the location of that and it was
13 determined based upon looking at that exhibit that it should
14 be shifted to the east as its shown on the exhibit in front
15 of you, the Detailed Site Plan exhibit in order to get it
16 out of the St. Joseph's Drive area of influence.

17 MR. BENTON: Okay. And does that plan as you as
18 your, as your applicant, as the applicant is presenting.
19 That plan differs from, from what's originally approved
20 under the 2009 Master Plan?

21 MR. LENHART: No, it's still the same intent, the
22 same connection. It does not differ.

23 MR. BENTON: Okay. My second question, you stated
24 that I-310 is already currently under construction. My
25 question to you is from your experience with, with, with

1 traffic and, and zoning but in particular with construction
2 of, of, of a road or roadway, right. Like my question is
3 what is, what is the actual permitting requirement? Like is
4 the, in terms of is the applicant permitted to actually have
5 the entire roadway approved prior to construction in terms
6 of how would, how it actually, the placement of it, or I'm
7 just trying to understand like just, just what are the
8 permitting requirements to construct a roadway?

9 MR. LENHART: I'm not entirely sure I understand
10 what the question, I mean it's kind of an open-ended
11 question. Could you clarify?

12 MR. BENTON: Okay. I'll clarify. All right. So
13 if the applicant has already constructed building the
14 permit, building the road, right, that means that they, that
15 they have actually properly bonded and, and put up the bond
16 fees to actually construct the road. My question is, my
17 question is what is the basis of those bond fees, as you're
18 working with the applicant. Because, because if they are
19 today they're actually, they're actually coming in to
20 request a change to the Master Plan in order to construct
21 the road, right? Which either way it goes you can't get,
22 get a, get a permit unless you put up the bond fees. So I'm
23 trying to understand what the basis is in which the
24 applicant has currently been permitted and approved permits
25 to build a road.

1 MR. LENHART: So I think that what you're asking
2 is two kind of unrelated issues and first of all I would
3 start with I do not believe we are requesting to change the
4 Master Plan. The Master Plan of Transportation is a guide
5 that provides for overall connectivity and Master Plan
6 roads. We are satisfying the intent of that guide and the
7 provision of I-308 and I-310, that is being satisfied as
8 identified in the Master Plan. With regard to permitting
9 and bonding most of I-310 is, well I-310 is a county road,
10 so the work that is within the county right-of-way which is
11 95 or more percent of the roadway is bonded and permitted
12 through the county and constructed under county standards.
13 The connection to Route 202 requires a state permit because
14 it's in the state right-of-way and work is required within
15 the State of Maryland right-of-way to construct the
16 accel/decel lanes. So we have a state highway permit, where
17 bonds have been posted and a permit has been issued to
18 construct that connection. Standard practice in Prince
19 George's County is that once a bond is posted and permits
20 are issued the work is considered to be essentially
21 completed in place, even though it hasn't been constructed
22 yet the bond provides surety that the work will be completed
23 and the permit assures the same. So that --

24 MR. BENTON: Okay. Okay. Can you, can you
25 actually state what that permit number is for the, for the

1 MDOT connection?

2 MR. LENHART: I don't have that information right
3 in front of me.

4 MR. BENTON: Okay. Mister, okay, I'll ask that of
5 Mr. Rivera, if he has it. All right. Also, you stated
6 that, that your, that if the request is approved today, that
7 it wouldn't be a change in the Master Plan for the site.
8 Right. Because if the Master Plan like, because, because
9 you, you've already went on the record and stated previously
10 that, that, that the terms or the terms, at grade connection
11 is not located anywhere in the 2009 Master Plan. Right.
12 However, however, the, the, the terms, you know, roadway
13 and, and ramp are within that 2009 Master Plan. So I'm
14 trying to, I'm trying to understand your basis for stating
15 that, that this particular request is not requesting a
16 change to the Master Plan.

17 MR. LENHART: Because it's not. The Master Plan
18 calls for the I-310 and I-308 connections are not ramps,
19 they're not interchanges, they're not grade separated
20 anything. They are roadway connections that connect Road A
21 to Road B. The overpass or the, I guess overpass, is St.
22 Joseph's Drive at Route 202 where St. Joseph's would go over
23 Route 202. That is not on our site, it's not connected to
24 our site, it's not our frontage, it's offsite. I-310 is not
25 a ramp for that movement, it's a roadway connector

1 connecting their various roads and links. And so this is
2 not a change to the Master Plan.

3 MR. BENTON: Okay. No further questions for Mr.
4 Lenhart.

5 MS. MCNEIL: Thank you. Mr. Dean, do you have any
6 questions?

7 MR. BENTON: It looks like he stepped away.

8 MS. MCNEIL: Okay. Ms. Finell (phonetic sp.), do
9 you have any questions of this witness?

10 MS. FINELL: (No audible response.)

11 MS. MCNEIL: No. You're muted but no. Okay.
12 Okay. Mr. Brown, do you have questions of the witness?

13 MR. BROWN: No questions, thank you.

14 MS. MCNEIL: Okay. Does anybody else on the line
15 have questions of the witness?

16 UNIDENTIFIED PERSON: No, ma'am.

17 MS. MCNEIL: Then --

18 MR. BENTON: Madam ZHE, Mr. Dean is back.

19 MS. MCNEIL: -- Mr. Dixon (phonetic sp.) I think
20 you're muted.

21 UNIDENTIFIED PERSON: I, I don't.

22 MS. MCNEIL: You were going to testify.

23 MR. DEAN: I'm going to testify.

24 MS. MCNEIL: Yes, Mr. Dean and Mr. Benton are
25 going to testify. Now, Mr. Dean, you're testifying as to

1 Condition Number 4, and then Mr. Benton held all of this
2 testimony. So who wants to go first?

3 MR. BENTON: Okay. Madam ZHE, I just want to give
4 mister, make sure Mr. Dean has the opportunity to ask Mr.
5 Lenhart any questions, because he had stepped away when you
6 asked him before, just, just a point of clarification.

7 MR. DEAN: I, I don't have any questions but I'll
8 testify when you want me to.

9 MR. BENTON: He can go ahead.

10 MS. MCNEIL: All right. You may go now, then. I
11 believe you were under oath last time as well, and before
12 you begin, Mr. Rivera did want to ask you a few questions
13 about the permission granted to you to speak on behalf of
14 the association, so Mr. Rivera?

15 MR. RIVERA: There we go, good morning, Mr. Dean,
16 how are you today?

17 MR. DEAN: I'm doing great.

18 MR. RIVERA: Good, good. I know you're the Vice
19 President of Lake Arbor Civic Association and in this regard
20 you submitted a letter which is Exhibit 39 of your
21 authorization to testify. Is that letter your basis to
22 testify on behalf of Lake Arbor Civic Association or
23 yourself?

24 MR. DEAN: I'm testifying for the Lake Arbor Civic
25 Association, as opposed to just myself.

1 MR. RIVERA: Now did the Lake Arbor Civic
2 Association have a meeting regarding A-10020, the subject of
3 today's hearing?

4 MR. DEAN: I shared that information with them,
5 yes. Remember, we're, we have virtual meetings and we had
6 that discussion.

7 MR. RIVERA: Okay. So was that meeting held
8 pursuant to your bylaws, et cetera for notice and was there
9 a vote to make a decision?

10 MR. DEAN: There was an agreement that we would
11 testify before this committee on these projects. I have the
12 secretary here, if you'd like to ask her.

13 MR. RIVERA: Well I'm just trying to clarify if
14 this is the position of --

15 MR. DEAN: Whether I have --

16 MR. RIVERA: -- (indiscernible).

17 MR. DEAN: -- whether I have the authority,
18 whether I have the authority to speak for the civic
19 association that's your basic question. The answer to that
20 is yes.

21 MR. RIVERA: Okay. Well, I would just like to
22 say, Madam Examiner, for the record that I'm not sure that's
23 for the whole civic association. It's for whoever
24 (indiscernible) I believe was in these discussions. Mr.
25 Dean, can you let us know who was in those discussions,

1 please?

2 MR. DEAN: The, I have my secretary here, she can
3 tell you.

4 MS. FARRELL: I was trying to wait for my dog,
5 just a second. Hello my name is --

6 MS. MCNEIL: Ms. Farrell (phonetic sp.) wait, wait
7 one second, Ms. Farrell do you swear or affirm under the
8 penalties of perjury that the testimony you shall give will
9 be the truth and nothing but the truth?

10 MS. FARRELL: I do.

11 MS. MCNEIL: Okay. State your name and address
12 for the record.

13 MS. FARRELL: Diane Farrell, 10301 Sea Pines
14 Drive, Mitchellville, Maryland. I am the Lake Arbor Civic
15 Association secretary.

16 MS. MCNEIL: Mr. Brown, where are you?

17 MR. BROWN: Yes?

18 MS. MCNEIL: Could you assist by voir diring Ms.
19 Farrell for us?

20 MR. BROWN: I will if you want me to, but it's
21 really not necessary. Mr. Dean has submitted a letter,
22 countersigned by the officers of the association, that has
23 been authenticated by him. It's really not necessary to get
24 into the mechanics of this association as to whether or not
25 they have authorized it. He has put forth the particular

1 letter of documenting that. If Mr. Rivera wants to object
2 well, he can make his objection on the record, but we
3 shouldn't be getting into the panics of how they went about
4 producing this letter.

5 MS. MCNEIL: Mr. Rivera, you have a response?

6 MR. RIVERA: Well, I'll just note my objection for
7 the record. I'm not sure that the decision, the discussion
8 is reflecting the entire Lake Arbor Civic Association.
9 Normally when I have meetings with the civic group, there's
10 meetings, there's notice, there's a vote, there's some type
11 of a letter. I would just note that for the record.

12 MR. BROWN: All right. That's sufficient. Thank
13 you.

14 MR. DEAN: Madam --

15 MS. MCNEIL: Wait a minute, Mr. Dean. One second,
16 Mr. Dean. Okay. So I'm going to note your objection but
17 you know unless you have some type of evidence that you
18 really believe this is not the case, then these individuals
19 have sworn under record and submitted a document, so I'm
20 going to allow him to speak on behalf of the association.
21 Thanks.

22 MR. DEAN: Okay. Let me say this --

23 MS. MCNEIL: One second, Mr. Dean. So Ms.
24 Farrell, if you still want to testify, put in a chat if
25 there's more that you want to say and now we'll go back to

1 Mr. Dean and allow him to testify. Okay. All right, Mr.
2 Dean.

3 MR. DEAN: Let me first clear this up because I am
4 absolutely frustrated and you know, the, the Lake Arbor
5 Civic Association has been involved in the Woodmore Overlook
6 Commercial for years. So the question is that for Mr.
7 Rivera to, to, to, to question Lake Arbor ability to testify
8 I find disingenuous. CB-12 give us the authority to testify
9 on any, any project coming before us, so therefore CB-12
10 give us that authority. And I responded to the letter that
11 you all requested, which I was a little chagrin about it but
12 I responded based upon the request that you all made. So
13 the Lake Arbor Civic Association has been involved in this
14 from the Preliminary Plan of Subdivision all the way through
15 this mess.

16 MR. BROWN: All right --

17 MR. DEAN: So anyway I just wanted, I wanted to
18 clarify the record, so.

19 MR. BROWN: That's fine. The issue's been
20 resolved. You can testify now.

21 MR. DEAN: Okay. Thank you. Let me begin by
22 saying we oppose the applicant's request to delete Condition
23 Number 4 of the Zoning Map Amendment 10020-C. The applicant
24 is in violation of this condition since this condition since
25 this condition requires that the I-310 Grand Way Boulevard

1 be constructed as a ramp and not at grade. The applicant
2 has moved forward constructing this road at grade to access
3 Landover Road, Maryland 202 which is in violation of
4 previous zoning decisions. Prior and subsequent to 10020-C
5 there were other zoning decisions that impacted this
6 project. Zoning Map Amendment A-9604 approved by the
7 Planning Board on October 1, 1987 and subsequently approved
8 by the District Council on April 11, 1988 with 11
9 conditions.

10 Condition 5 states, in part, direct access shall
11 be prohibited from Landover Road. However, this does not
12 preclude a flyover ramp from Landover Road onto the
13 property. The staff further clarified this CSP does not
14 propose any new access. In 1996, the Prince George's
15 Planning Board established the Route 202 Corridor Study
16 Committee. The stakeholders were composed, comprised of
17 landowners, this corridor and community leader, Pete King,
18 owner of the Addison King property and I as the Lake Arbor
19 Civic Association representative were members of this
20 committee. This committee in agreement with the county
21 government designated Route 202 the corridor as a premier
22 commercial enterprise and it was to be a showcase for the
23 county in its development. A portion of the transportation
24 section for the Addison King properties stated, a ramp would
25 allow traffic on the industrial road crossing the Addison

1 property to enter Maryland 202 westbound. This ramp
2 configuration is in accordance with the Largo Lottsford
3 Master Plan, an at-grade road into the Addison King property
4 between Lottsford Road and St. Joseph's Drive was never
5 envisioned nor would it have been approved by this
6 committee.

7 Case Number A-9956-C was approved by the District
8 Council on October 1, 2002 with 14 conditions. Condition 3,
9 a concept for the future ramps to and from the west via Ruby
10 Lockhart Boulevard between Maryland 202 and St. Joseph's
11 Drive. And it's only in ordinance number 2-21018 case
12 number A-9956 amended, amendment of condition applicant, the
13 Revenue Authority of Prince George's County Condition 3
14 future submitted plans shall demonstrate provision of an
15 adequate right-of-way for filing, for the filing of
16 facilities.

17 C, a concept for future ramps to and from the west
18 via Ruby Lockhart Boulevard between Maryland 202 and St.
19 Joseph's Drive, Woodmore Commons currently owns the 20 acres
20 on this site.

21 Zoning Map Amendment A-10020 was heard before the
22 ZHE on January 27, 2010. The applicant proposal number 7
23 states in part the applicant proposes to develop the
24 property as a mixed-use residential commercial development
25 in two phases. Phase 1 residential while phase 2 would

1 contain a mix of retail and office space, excess to the site
2 is proposed via Ruby Lockhart Boulevard with no access from
3 Landover Road Maryland 202. The Conceptual Site Plan
4 submitted by the applicant proposed a retirement community
5 on the north side, phase 1 of Ruby Lockhart and the section
6 of the site saw phase 2 of Ruby Lockhart office retail
7 buildings, access to phase 2 site is envisioned from Ruby
8 Lockhart Boulevard. PGPB Number 11-116 file number CSP-1004
9 was approved for two phases. Phase 1 was for residential
10 and phase 2 for retail and office which was adopted by the
11 Planning Board on January 5, 2012. The Planning Board
12 finding for number 6 design feature states in part phase 2
13 would contain mixed retail and office space on Parcel 27.
14 This parcel was subsequently deeded to the county for DPIE
15 to designate and approve the Grand Way Boulevard.

16 CSP-1004 also states access to the site is
17 proposed via Ruby Lockhart Boulevard with no access from
18 Landover Road Maryland 202. PGCP number 14-76, number DSP-
19 98001-2 Wood Stream Church was approved July 31, 2014,
20 condition 5, page 10 states in part, development shall be
21 oriented (indiscernible) with the access from internal
22 streets. Furthermore, direct access shall be prohibited
23 from Landover Road. However, this shall not preclude a
24 flyover ramp from Landover Road onto the property.
25 Condition 5, Condition 15L on page 22, the Maryland State

1 Highway Administration stated in part concurs with the
2 roadway improvement being proposed at the state maintained
3 Landover Road Maryland 202.

4 The applicant purchased a phase 2 property
5 requiring office and commercial development identified in
6 the 2012 CSP-1004. The applicant filed on December 18, 2018
7 a --

8 UNIDENTIFIED PERSON: Ask your dad
9 (indiscernible).

10 MR. DEAN: -- Preliminary Plan, huh? Can I
11 continue? Okay. Let me, the applicant --

12 MS. MCNEIL: One second, Mr. Dean. All callers
13 need to be muted please. Thank you.

14 MR. DEAN: Okay. The applicant purchased phase 2
15 property requiring office and commercial development
16 identified in the 2012 CSP-1004. The applicant filed on
17 December 18, 2018 for a Preliminary Plan of Subdivision 4-
18 18007 for six parcels and one outparcel. In order to get
19 around ZMA A-10, 10020-C, the required ramp, we believe the
20 applicant deeded an unapproved roadway bisecting Parcel 27,
21 the land identified in CSP-1004 for office and retail to the
22 county via liber 41329 folio 467 was recorded on September
23 20, 2018. This property was subsequently used by DPIE in
24 this application to approve a Master Plan road which the
25 applicant named Grand Way Boulevard.

1 The applicant had an evidentiary hearing before
2 the District Council case number DSP-18024 Woodmore Overlook
3 Commercial LLC on May 30, 2019. Following is part of the
4 decision form DSP-18024 in March 2012 the Board approved
5 Preliminary Plan of Subdivision 4-1022, PGCB Number 12-13
6 PPS-4100, 10022 which required I-3, that I-310 also known as
7 the Grand Way Boulevard to be a ramp connecting a grade
8 elevated crossover over Maryland 202 from Montgomery Drive,
9 St. Joseph's Drive. The 2009 approved countywide Master
10 Plan of Transportation includes I-310 road and ramp. The
11 1990 Largo Lottsford Master Plan and Sectional Map Amendment
12 also depict the ramp in the flyover of Maryland 202.
13 Pursuant to PPS-4-10022 to satisfy adequate public
14 facilities test for traffic development of the property was
15 divided into phase 1 residential and phase 2 commercial,
16 part of the mitigation to satisfy APS for dedication and
17 construction of the ramp to the overpass. PPS-41022
18 required the ramp to connect Maryland 202 when the flyover
19 was constructed. I-310 is intended to be a ramp and not a
20 road because the connection to Maryland 202 is not to be
21 made until the flyover is built over Maryland 202 from
22 Montgomery Drive to St. Joseph's Drive.

23 Preliminary Plan of Subdivision 4-18024 Woodmore
24 Commons is being used because Woodmore Overlook is part of
25 the same land mass and it interlocks with Woodmore Commons.

1 This project also must meet A-9956-C that's the, that's the
2 ramp. Just as Woodmore Overlook. The Woodmore Commons plan
3 shows there were meetings with both applicants and DPIE's
4 Associate Director, Marian McGiles (phonetic sp.) on road
5 classification changes. In the plan for Woodmore Commons it
6 shows that there is a denial of access along the entire
7 frontage of Maryland 202. We believe that this denial would
8 also apply to Woodmore Overlook both because the contiguous
9 land mass and the need for the required ramp in A-9956 for
10 both properties.

11 The Woodmore Overlook applicant along with the
12 applicant for Woodmore Commons plans to build apartment
13 buildings that would not be acceptable in other areas of the
14 county or in the DMV. In addition to the apartment
15 building, the applicant plans to build a Royal Fine, Royal
16 Farms gas station. The gas station currently has more than
17 14 locations in the county in mostly predominantly black and
18 brown communities. Notably, there are none in College Park,
19 New Carrollton or Bowie. This applicant has six parcels to
20 build on. The applicant has proposed to build the gas
21 station on parcel 3 which abut Maryland 202. The applicant
22 needs a road that access Maryland 202 to service this tenant
23 on parcel 6. The applicant plans to build a 154 unit
24 apartment building. There are no proposed or identified
25 plan for parcels 1, 2, 4, and 5. The citizens do not know

1 who the tenants will be for these remaining parcels. We
2 believe it will become a strip mall with low end or
3 substandard tenants buying a home is a very substantial
4 investment and citizens rely on the Master Plan wherein
5 selecting the community in which to purchase their home.

6 However, over the last few years citizens have
7 found that these plans are not worth the paper they are
8 written on. From the perspective of the citizens, decisions
9 being made by county officials involved in zoning support,
10 involved in zoning project support the fact that developers
11 are in control in this county to the detriment of its
12 citizens.

13 Finally, we need to find out what demonstrates to
14 the citizens other than a new road sign and speeches that
15 black lives matter in this county. Thanks for hearing my
16 testimony. And I'm, I'll answer any questions anybody has.

17 MS. MCNEIL: Thank you, Mr. Dean. Mr. Brown or
18 Mr. Rivera do you have questions of Mr. Dean?

19 MR. RIVERA: Not at this time.

20 MS. MCNEIL: Okay. Mr. Brown?

21 MR. BROWN: No questions, thank you. Mr. Dean,
22 though did you want to put your, well I assume the statement
23 you just read is already in the record, is that correct?

24 MR. DEAN: (No audible response.)

25 MR. BROWN: The written statement itself.

1 MS. MCNEIL: Unless he changed it, we had one
2 statement in the record. Is this a different statement, Mr.
3 Dean?

4 MR. DEAN: (No audible response.)

5 MR. BROWN: All right. Let's just mark it and put
6 it in the record so we have it, and we'll get it from him.

7 MS. MCNEIL: I can't tell if he's hearing us. Mr.
8 Dean?

9 MR. BROWN: Mr. Dean, you need to --

10 MR. DEAN: I'm hearing you.

11 MS. MCNEIL: Okay.

12 MR. DEAN: What I said was that initially I sent a
13 request in to the ZHE, one about whether I needed another
14 letter from the foundation --

15 MR. BROWN: Oh no, Mr. Dean, it's not about
16 whether you need any other authorization, just the statement
17 that you just read, have you given that to the Examiner?

18 MR. DEAN: No, I, I will send it to you.

19 MR. BROWN: All right. Just send it to her so we
20 can mark it for the record, that's all.

21 MR. DEAN: Yes, I sure will. Thank you.

22 MS. MCNEIL: Thank you. Okay. Mr. Benton, are
23 you ready?

24 MR. BENTON: Yeah, but before I, I, I, I testify,
25 I had questions of Mr. Rivera that I, that I would like to

1 for him to be sworn in on the record --

2 MS. MCNEIL: Well, Mr. Benton, Mr. Rivera is an
3 attorney and he is not a witness in this case.

4 MR. BENTON: Okay. That's fine. All right.

5 MS. MCNEIL: So Mr. Benton, do you swear or affirm
6 under the penalties of perjury that the testimony you shall
7 give will be the truth and nothing but the truth?

8 MR. BENTON: I do.

9 MS. MCNEIL: You may begin.

10 MR. BENTON: All right. All right. First off I,
11 what I would, well, LaRay Benton, for the record, 1731
12 Stourbridge Court, Mitchellville, Maryland 20721. I'm going
13 to be testifying on behalf of myself, personally, on, on
14 behalf of myself as the managing member of Woodmore,
15 Woodmore Manor LLC and also as the President/CEO of Woodmore
16 Manor LLC. So (indiscernible) --

17 MR. RIVERA: Objection, Madam Examiner. Mr.
18 Benton is not represented by counsel today as to any of
19 those corporations. Also, can you state your legal address
20 for the record?

21 MR. BENTON: I just gave my legal address and for
22 the record, just as, just as you all allowed Mr. Dean to
23 submit approval from the Board of Woodmore Manor to, to
24 allow him to testify, I'll do the same after this hearing.

25 MS. MCNEIL: Mr. Benton?

1 MR. BENTON: Yes, ma'am?

2 MS. MCNEIL: There is a law allowing him to speak
3 on behalf of that association, but business entities must be
4 represented by counsel.

5 MR. BENTON: Okay.

6 MS. MCNEIL: So if you're not an attorney, you
7 cannot speak on behalf of those business entities.

8 MR. BENTON: No, I'm not, no, I'm speaking on
9 behalf of, okay. I'm speaking on behalf of myself. All
10 right.

11 MS. MCNEIL: That's it.

12 MR. BENTON: And, and well, and in my personal
13 capacity and as, as a managing member I can speak on my
14 personal --

15 MS. MCNEIL: Sir.

16 MR. BENTON: -- capacity --

17 MS. MCNEIL: Sir.

18 MR. BENTON: It's in the record. That's all, it's
19 on the record, I understand you.

20 MS. MCNEIL: Okay. But it's in the record right
21 now that you'll only be speaking on your behalf, okay?

22 MR. BENTON: All right. That's fine.

23 MS. MCNEIL: Okay.

24 MR. BENTON: All right. So in regards to this, to
25 this request, in the applicant's, oh here we go --

1 MR. HARDING: Madam Examiner, hi, it's Jeff
2 Harding. You stated at the last hearing, Mr. Brown stated,
3 I believe, that prior to his testimony you were going to
4 allow either Mr. Rivera or Mr. Brown to voir dire him.
5 Thank you.

6 MS. MCNEIL: As to his right to testify?

7 MR. HARDING: No, as to his address, his
8 residency, things like that.

9 MR. BROWN: Yes, Mister --

10 MS. MCNEIL: Mr. Benton, I apologize because I was
11 writing notes so would you state one more time for the
12 record what your address is?

13 MR. BENTON: My mailing address is 1731
14 Stourbridge Court, Mitchellville, Maryland 20721. Any and
15 all mail that, that I have been received from, from the
16 county, from the state, from the applicant has been received
17 at that address.

18 MS. MCNEIL: Now are you saying it's your
19 residence?

20 MR. BENTON: Excuse me?

21 MS. MCNEIL: Are you saying that address is also
22 your residence?

23 MR. BENTON: That's my mailing address.

24 MS. MCNEIL: Sir, Mr. Benton, you understood the
25 difference between what I said. Is it also your address?

1 MR. BENTON: It's not my active residence.

2 MS. MCNEIL: Your personal address.

3 MR. BENTON: It's not my active residence, no.

4 MS. MCNEIL: Okay. All right.

5 MR. BENTON: But I am an resident of Prince
6 George's County like I said before. And, and as my zoning,
7 zoning, my, my, my voting record already clarifies. So I
8 stated that in, at the beginning of this hearing last time.

9 MR. RIVERA: Could you please --

10 MS. MCNEIL: Well Mr. Brown stated originally if
11 you all feel you must voir dire further, I would only note
12 that Mr. Brown pointed out accurately originally that this
13 is an issue more for the District Council. So Mr. Benton
14 runs the risk of telling us his opinion but not being able
15 to appeal.

16 MR. BROWN: Yes, Madam Examiner, rather than waste
17 time with voir dire, what I will do is on cross-examination,
18 I'm going to ask those same questions that I would voir dire
19 him on for aggrievement purposes. So at the end of his
20 testimony, Mr. Benton, I am going to inquire about your
21 current residence, how long you've lived there, and what
22 have you. But I think it's appropriate you go ahead and put
23 on your testimony now.

24 MR. BENTON: Thank you.

25 MS. MCNEIL: Go ahead, Mr. Benton.

1 MR. BENTON: All right. So the applicant, the
2 applicant comes in today in part for amendment of the
3 conditions in a particular Zoning Map Amendment to Condition
4 4 that was already previously approved per the previous
5 Conceptual Site Plan approval 10004 by the District Council.
6 All right. And according to Mr. Rivera's or the applicant's
7 updated submittal for Condition 4 you know here, here,
8 they're already outlined that their request is obviously
9 based off of DSP-180024 Preliminary Plan 4-18007 and A-
10 10020-C. All right. Now with that, with that being, being
11 said my first objection or opposition statement is, is the
12 simple fact that one, according to Prince George's County's
13 Zoning, Zoning Ordinance, the applicant is legally not
14 actually authorized to come in and request an amendment, a
15 Zoning Map Amendment of this magnitude. All right.

16 What they are actually coming in and actually
17 requesting is for the Zoning Hearing Examiner and
18 potentially the District Council to actually amend not only
19 the, not only the general, not only the General Plan for the
20 area, but the two, and also the 2009 Transportation Master
21 Plan for the area, but also they are also seeking and doing
22 the same process they're actually going to, going to amend
23 the Largo, the Largo Corridor Master Plan in which the, the
24 MD-202 roadway which abuts this, this property sits on.
25 Right.

1 Now with that being, being said, getting specific
2 back to the ordinance of the Master Plan. All right. One,
3 according to the Zoning Ordinance and when I, when I refer
4 to the Zoning Ordinance I'm referring to the Prince George's
5 County Code. All right. But in regards to Zoning Ordinance
6 Section 27, actually part 13 of the, of the Zoning Ordinance
7 is dealing with all area Master Plans, General Plans,
8 Function Master Plans, Sector Plans and Planning Areas.
9 Right. So that's the section of the Code I'm, I'm initially
10 coming, going under.

11 Now according to Section 27-640 all right in terms
12 of the relationships between the Master, the General and the
13 Functional Plans, right, pretty much its' already, it's
14 already been stated on the record, by not only, not by the
15 only the applicant through their attorney, Mr. Rivera, but
16 also through their witnesses in terms of Mr. Tom Masog who
17 is one of the transportation directors with the Maryland
18 National Capital Park and Planning, Planning Board and also
19 Michael Lenhart, their traffic engineer. It's been referred
20 to different times, multiple times, right, in regards to
21 what the Master Plan states and what it doesn't state. All
22 right. And in return to the 2009 transportation, well
23 Master Plan of, of Transportation.

24 Now with that being said, if you actually look at
25 that section, Section 27-640 it actually discusses the

1 different between the Master Plans, which let's say in this,
2 in this particular conversation we're talking about the
3 Transportation Master Plan and the General Plan. All right.
4 And, and actually it clearly states, it clearly states that
5 in terms of Part A when the Functional Master Plans and
6 amendments thereof, and the General Plan and the General
7 Plan amendments are approved after the adoption and approval
8 of Area Master Plans. All right. And the Area Master Plans
9 should be amended only to the extent specified by the
10 District Council in the resolution of approval. Any Area
11 Master Plan or Functional Plan or amendment shall be an
12 amendment of the General Plan. Right. Unless otherwise
13 stated by the General Counsel. All right. So regardless of
14 what Mr. Lenhart stated before, regardless of what the
15 applicant is trying to convey their request is asking for an
16 amendment of the General Plan. All right. Per that, per
17 that zoning law and regulation there.

18 Now when you go down, a little further down in
19 Section B, B2 of that same section of the Code, 27-640 it
20 goes in and, and actually discuss and the explanation and
21 really defining what the corridors are. Right. In terms of
22 the corridor plan. Mr. Dean has already testified
23 eloquently on the record how, how again the applicant's
24 request is also affecting the, the, the, the Largo Town
25 Center Court with the Largo Corridor Plan along the, the

1 Maryland 202 corridor. Right. So again, given per that
2 particular regulation, all right, any changes to the
3 corridor plan is actual, a change to the General Plan as
4 well. All right.

5 Now I'm stating this out, I'm stating all of this
6 because it really goes down to, to the fact where you have
7 to ask the question, all right, just one, who is actually
8 authorized to initiate, all right, any changes to the
9 General Plan or the Master Plans of the area. All right.
10 And, and to, to include any Zoning Map Amendments.

11 Now with that being said, if you actually go down,
12 right, to Part C of that same section, so right now I'm
13 referring to Section 27-640 Part C, I'm sorry, Part D, Part
14 D. When you look at part, part, Part D all right, Part D
15 specifically and clearly says in black and white, all right,
16 as a law that's on the records, that centers, corridors and
17 corridor nodes may not be designated by individual
18 application through the Zoning Map Amendment process. It
19 may not. Or through the Development District Overlay Zone
20 or Transit District Overlay Zone amendment procedures. All
21 right. So with that said, according to that law that's on
22 the books, the applicant does not even have the
23 authorization to actually come to this body to even request.
24 All right. This particular the, the, the changes that they
25 are actually requesting and also specifically to Condition

1 Number 4 in the zone, zoning map, Zoning Map Amendment A-
2 10020-C. All right.

3 Now with that being, with that being, being said
4 also, right, before, before a Zoning Map application is even
5 considered, right, when you go down to now of a section of
6 the same Code, we going down to Division 2 dealing with
7 procedures. Right. In terms of, in terms of how can Master
8 Plans be changed, amended and, and in this case, Zoning Map
9 Amendments, right. So when you get down to procedures, when
10 you go down to Section 27-641 in terms of initiation.

11 Right. I point this section out because I specifically
12 asked Tom Masog on the record after he gave his testimony
13 two questions. I asked him one, was this change being
14 initiated by the Maryland, Maryland National Park and
15 Planning Planning Board and he stated no. I also asked him
16 was this, was this request being initiated by the, by the
17 District Council again he, he, he actually referred on the,
18 testified on the record no. All right.

19 As the, you know, as the applicant's witness, all
20 right, he testified no to both of those. All right. Now,
21 when you actually read the law that's on the record, right,
22 it, it, it specifically states in Section 27-641(a) all
23 right, and I'll read it for the record. The Commission or
24 Planning Board may initiate a new or amended General Plan,
25 Functional Master Plan, such as a Transportation Master Plan

1 here or an Area Master Plan or a Sector Plan with the
2 written concurrence of the District Council. All right.
3 Such new or amended plans shall also be initiated by the
4 Planning Board at the discretion of the District Council by
5 resolution. So according to that law, right, again, the,
6 the only body that has any authority to even initiate any
7 changes to any Master Plans, Zoning Map Amendments or
8 General Plans is the District Council. All right. And this
9 request has not been initiated by the District Council. In
10 the, in, in the, the applicant's amended condition approval
11 specifically on their second page, right, on their second
12 page if you look at one, two, three on the fourth paragraph.
13 All right. On the four, fourth paragraph Mr. Rivera, the
14 client's attorney, stated in the second sentence that as
15 testified by Mike Lenhart, our traffic engineer, the
16 applicant determined in conjunction with the Maryland State
17 Highway Association, with the Department of Permits,
18 Inspection and Enforcement in terms of Prince George's
19 County, all right, and the transportation section of the
20 Maryland National Capital Park and Planning the exact
21 location and design of I-310. All right. And they stated
22 that the county approved the alignment and design of the
23 street in the permit and construction.

24 Now with that being, with that being, being, being
25 said, the applicant's statement there, all right, is not in

1 compliance with the actual zoning, with the, with the actual
2 zoning cord, Zoning Code or the Zoning Ordinance
3 specifically, and Section 27-641. All right. None of those
4 entities have any legal or statutory authority to even
5 approve any changes, all right, unless, unless the District
6 Council directed anyone them, them to do those changes. And
7 if the District Council was, was to, was to, was going to
8 direct anyone it would have been the Maryland National
9 Capital Park and Planning Planning Board, which is, which,
10 which the District Council has not in this particular case.
11 Right. Also, again, the applicant states there that in that
12 same paragraph the applicant has since constructed I-310
13 known as Grand Way Boulevard, Exhibit 35, as required by the
14 2009 Master Plan of Transportation. All right.

15 Now we all know that, we all know that in that
16 statement there is no way in which the applicant could be
17 constructing the actual roadway, the current roadway I-310
18 according to the 2009 Master Plan of Transportation because
19 they're trying to change that. Right. Because, because the
20 2009 Master Plan of Transportation clearly states, right,
21 right, either a ramp or a flyover. Right. Not an at grade,
22 not, not a, an at grade roadway or any access. Right. So
23 because if they were, if the applicant was actually
24 constructing it per the Master Plan, they wouldn't even be
25 here today. They wouldn't.

1 So with that, you know, so, so, with that, with
2 that being, with that being, being said again the applicant
3 is requesting today that this body change the 2009 Master
4 Plan which, which, which the Zoning Hearing Examiner cannot
5 only, well can, cannot in terms of her, in terms of from an
6 application from the applicant, right. Only the District
7 Council can initiate any of that, that, those, those such
8 changes per the Prince George's County law. Right.

9 Now going down further, when you go down to
10 Section 27-642 of the, of the Zoning Code again, minor
11 amendment to, to an approved Master Plan Section Functional
12 Plan and Development District Overlay Zones. All right.
13 Section A of the, of this part of the code clearly states
14 minor amendments of approved Master Plan, Master, Sector,
15 Functional Plans and or associated Development District
16 Overlay Zones may be, may be initiated by resolution of the
17 District Council or by the Planning Board upon approval by
18 resolution of the District Council.

19 Nowhere in that sentence, nowhere in that law that
20 it states that any amendment of, of the, any minor
21 amendments such as this Zoning Map Amendment can be
22 initiated by the applicant or anyone outside of the District
23 Council or the Planning Board as, as conferred by the
24 District Council. Also going down further when you also
25 look at the applicant's referring back to the applicant's

1 most recent submittal, all right, and just for the record
2 I'm, I'm looking, I can't remember whether this is Exhibit
3 38 or 39, but it was, it's the updated request to delete
4 Condition 4 of the Zoning Map Amendment. All right. That's
5 what I'm reading from. On page two, on page two --

6 MS. MCNEIL: It's Exhibit 37.

7 MR. BENTON: Okay. Thank you. Thank you. So on
8 page 2 of Exhibit 37, the second to the last paragraph,
9 right, in the first sentence there, all right, the applicant
10 states given that both I-3, 308, I-310 are dedicated and
11 constructed all right, we respectfully submit there is good
12 cause as required by Section 27-135.C-1 of the code to
13 delete Condition 4 with the finding that the requirements of
14 Condition 4 have been satisfied in full.

15 Now when you go and you look at that requirement,
16 right, what they stated out in that part of Section 27-135
17 all right, C1, right. Now when you look at that Part C
18 specifically rates, states that the District Council may for
19 good cause amend any condition imposed on the Site Plan
20 approved, all right, excluding comprehensive zone,
21 comprehensive design zone on Basic Plans or R dash PRC zone
22 official plans upon the request of the applicant without
23 requiring a new application to be filed, if the amendment
24 does not constitute an enlargement or extension. All right.
25 Now in, in here all right it goes down to Section 1, that's

1 the basis in which the applicant is, is coming to this, this
2 body to request their actual, their actual request. All
3 right. However, all right, the Zoning Code must be
4 considered in its entirety, right. The Zoning Code must be
5 considered in its entirety.

6 Now with that being said, Section 27-103 of the
7 Zoning Code states this, all right, so Section 27-103 all
8 right, stating as conflicting ordinances, right. It states
9 clearly in Section A whenever any provision of the Zoning
10 Ordinance imposes a greater requirement or a higher standard
11 than is required in any state or, state or federal statute
12 or other county ordinance or regulation, the provisions of
13 the Zoning Ordinance shall govern unless preempted by state
14 law. All right. Also, the second part states that whenever
15 a provision of the state or federal, the state or federal
16 statute or other county ordinance or regulation imposes a
17 greater requirement or a higher standard than, than are
18 required by this subtitle, the provision of the state or
19 federal statute or other county ordinance or regulation
20 shall go.

21 All right. So again the applicant is coming to you
22 stating Section 27-135 as the basis for you to approve this
23 zoning, this Zoning Map Amendment change. However, right,
24 in, you know within the same Section 20, 27 of the Zoning
25 Code, right, when you go back to and refer to Sections 27-

1 640, 27-641 and then specifically 27-642 all three of those
2 statutes are actually a higher standard which should be
3 applied here. So you can't just look at the simple one
4 standard in which the, in which the applicant is, is, is
5 directing you to look at, you have to look at the Zoning
6 Code as a whole. All right. And as a whole, right, there
7 is a higher, there is a higher requirement here, right, and
8 the higher, and the higher requirement is not that, it's not
9 that the, the, the applicant can simply come in and apply
10 for, for a request and or, and or change through the Zoning
11 Map Amendment process, which he's doing now, right. The
12 higher requirement is, is, is simple. The District Council
13 has already issued an approved Master Plan, it's in place
14 and the only person, the, and the only body that can
15 actually, that can actually make any changes to that Master
16 Plan is the District Council, right, and or Maryland
17 National Capital Park and Planning as, as signed off by the
18 District Council. Neither of which have, have, have
19 initiated this, this particular process.

20 I'm just getting, getting back to my notes. All
21 right. So with that being said, again when you look back to
22 27-641, right, let me make sure I'm stating it right, yeah,
23 when you, when you look at 27-641 we know who can initiate
24 the process, neither, neither, neither the District Council
25 or the Maryland Park and Planning initiated. Also, we also

1 know, we also know per the, per, per, per the Code that the
2 applicant not simply requested change through the Zoning
3 Map, Zoning Map Amendment process. Right. Now, with that
4 being, being, being changed, with that being said the
5 applicant's submittal as a whole here, they're seeking to
6 change to amend the General Plan. Right. By using the
7 Zoning Map Amendment process to change the 2009 Master Plan
8 of Transportation as it relates to the ramp and flyover that
9 has already been approved, all right, by, by the District
10 Council and conferred under Conceptual Site Plan 10-00004
11 and under, and under Preliminary Plan of Subdivision 18007
12 and under Detailed Site Plan 1800224 the, the District
13 Council has already stated what its requirements are. All
14 right. And the requirements on the applicant is that they
15 shall build that, that ramp and flyover and bind it before,
16 before, before any, any construction begins on the site.
17 All right. That's the, that's, that's, that's what they,
18 that's, that's what has been required by the District
19 Council but as we all know today and as testified on the
20 record by the applicant and their, and their witnesses is
21 that, is that construction has already began, has already
22 begun on the site despite the fact that the bonds that are
23 put in, that, that have been, been put in place to initiate
24 construction, all right, it's not consistent what's been
25 approved by the Conceptual Plan, it's not.

1 All right. And it's also, it's also not
2 consistent with the Zoning Code Section 27-640. Right.
3 Also, this entire hearing process and the amendment sought,
4 sought right now, it's in clear violation of Section 27-642.
5 All right. Because again, the applicant cannot use this
6 process to make changes to the General Plan and/or the
7 Master Plan and/or, and/or the Largo Corridor Plan, they
8 cannot. All right. By law the only person that can make
9 that change is the District Council. All right. And also,
10 being that, being that Section 27-642 in particular, that
11 should be the higher standard applied here, all right. The
12 applicant's request as a whole should actually be, should
13 actually be denied because it's not, because it's not, it's
14 not, it's not, it is not, it's not in compliance and/or in
15 accordance with Section 27-103(a) or 27, Section 27-104 of
16 the Zoning Code. Neither is it in compliance with Section
17 27-640, 641 or 642. All right. So again, the, the, the
18 applicant's entire submittal here should actually be denied
19 for, for, for, for that purpose. All right.

20 Additionally, all right, I've been, I actually
21 submitted additional information on the record in regards
22 to, in regards to the, the various court cases and, and, and
23 the various laws in which this body being a representative
24 of not only the Prince George's County District Council and
25 not only Prince George's County as itself, but also the

1 State of Maryland as a whole. Right. Going back to Section
2 27-103 in terms of conflicting ordinances. Right. Section
3 B of that clearly states whenever any provision of a state
4 or federal statute or of the county ordinance or regulation
5 imposes a greater requirement or a higher standard than
6 required by this statute the provision of the state or
7 federal statute or the county ordinance or regulation shall
8 go. All right.

9 So with that being said, that goes back to in the
10 applicant's submittal they specifically reference DSP 18024
11 and, and, and Preliminary Plan 18, Preliminary Plan 4-18007
12 and A-1002. All right. They, and, and actually in Exhibit
13 37, the, Norman Rivera, he states, he states and quotes
14 those in his first sentence. Now, I've already stated on
15 the record, right, that one, the applicant, the applicant
16 used a lot of the Woodmore Manor documents, in particular,
17 all right, the NRI's to actually justify those submittal,
18 right. Now, what the applicant has not done is nowhere on,
19 in, in the record has the applicant submitted any consents,
20 if not even from myself, right, they have not consented any,
21 any, any consents from the Woodmore Manor LLC entity, all
22 right, at all, from any of their, their representatives,
23 giving them approval of, of using that, that NRI to not only
24 support those, those previous zoning, zoning applications,
25 but even this current application. Right. This current

1 request, there are no consents on the record at all. In
2 fact, the applicant has not, has not submitted proofs of any
3 consents from any person or entity at, at all to support its
4 request here today. Right. And with that and, and, and with
5 that being said, if they have not submitted approval and/or
6 consent to actually use those documents, then, then in fact
7 their request again is not, it's not in compliance with the,
8 with the Conceptual Plan. Right. Because the Conceptual
9 Plan for one specifically says that you should have an
10 approved NRI, all right, for this site. All right. That's
11 what the change, or that, that's what the application has to
12 be based off on. Right. But and neither, in, in, in, in
13 neither place has, in neither place on the record or on the
14 record of the previous application that has, that has
15 already been submitted has the applicant submitted proof of
16 any approval from Woodmore Manor LLC to use those documents
17 in support of that submittal. All right.

18 And I will go on, go on the record, you know, just
19 saying personally, all right, my personal signature does not
20 exist on, on, on, on any document giving either the
21 applicant neither the District Council neither Prince
22 George's County, neither the State of Maryland, neither the
23 ZHE consent or approval to even use those, those, those
24 documents to support any zoning application to include this
25 current zoning amendment before us today. All right.

1 So without that consent from either me or the
2 Woodmore Manor LLC entity, right, this zoning, this, this
3 Zoning Hearing Examiner as a body and representative of
4 Prince George's County and the State of Maryland, you don't
5 have consent to, to use those records as the basis for, for,
6 for any approval and/or recommendation today or, or, or
7 otherwise.

8 Now, in closing, I would, in closing I would
9 simply say this. All right. Again, when you look at, when
10 you, when you look at the, and when you look up the, the
11 entities in, in terms of Woodmore Manor LLC and SDAT, all
12 right, the only registered agent in there is LaRay J.
13 Benton, which is myself. The only signature authority is
14 LaRay J. Benton. All right. And again, absent, absent any
15 information that has been sent, that, that has been
16 submitted on the record by the applicant, all right, of any
17 consent all right, they have not actually documented and met
18 their burden of proof, right, because it's not my burden of
19 proof or Mr. Dean's or anyone's burden of proof to actually
20 prove the, the zoning amendment request. Right. The
21 applicant has the burden, has the burden, the burden of
22 proof right, and with that being, being, being said they
23 have not even submitted the, met their burden of proof to,
24 to actually meet either Conceptual Site Plan, the
25 Preliminary Site Plan or the, or the Detailed Site Plan for,

1 for this site. All right. You know, and, and, and simply
2 just in terms of actually having an approved NRI, all right,
3 under Woodmore Overlook Commercial, they don't have one.
4 Right. And with that being, with that being, being said,
5 again, I, I rest my case and I actually ask that this, that
6 this body deny the applicant altogether because again it's
7 not, it's, it's not in compliance with the zoning, with the
8 Zoning Ordinance in particular Section 27-642 at a minimum.
9 Thank you.

10 MS. MCNEIL: Thank you, sir. Before anyone cross-
11 examines, I note that we have a caller 3, caller 3 if you
12 don't identify yourself for the record you will not be a
13 person of record in this case, you would not be given a copy
14 of any decision et cetera. So are you going to identify
15 yourself for the record?

16 (No audible response.)

17 MS. MCNEIL: I see you unmuted, but I can't hear
18 anything. Okay. I'm going to let Mr. Brown go first, Mr.
19 Rivera.

20 MR. BROWN: Mr. Benton, how are you?

21 MR. BENTON: I'm doing fine.

22 MR. BROWN: As you know, Mr. Rivera and Mr.
23 Harding filed a preliminary motion concerning your status as
24 a person of record and as someone who may or may not be
25 aggrieved. You read that document, did you not?

1 MR. BENTON: I never received that document.

2 MR. BROWN: All right. Well let me ask --

3 MR. BENTON: I never, I never, I never received
4 that document.

5 MR. BROWN: All right.

6 MR. BENTON: The only documents that I ever
7 received is, is what I believe even Ms. Rawlings or, or Ms.
8 Maurene sent to me in terms of were they, were they
9 submitted and that was not a document that was included.

10 MR. BROWN: All right.

11 MR. BENTON: So I have no indication what you're
12 referring to.

13 MR. BROWN: That's fine. What is the physical
14 address where you live today?

15 MR. BENTON: Okay. My statement is this, I live
16 in Prince George's County. All right. I vote here in
17 Prince George's County. I live here in Mitchellville. All
18 right. In terms of my specific address, all right, I don't
19 remind, I don't, I don't mind providing a document to the
20 ZHE and the People's Council asserting where, where I live.
21 But at the same time I, I, honestly under, I, I reserve my
22 right to not have that information disclosed to any other
23 persons of records, anyone here related to this hearing.

24 MR. BROWN: Mr. Benton --

25 MR. BENTON: For the, for the, for the, for the

1 protection and safety of my family.

2 MR. BROWN: Mr. Benton, by appearing in this
3 proceeding, there are certain requirements for persons who
4 appear, particularly we need to know on the record and when
5 I say on the record everyone who is participating in this
6 case has the right to know the answer to this question. And
7 so I'm going to ask you again and if you don't want to
8 provide it, you don't provide it but you will suffer the
9 consequences administratively later. So it's for your own
10 benefit and so I'm going to give you another opportunity.
11 What is the physical address where you live today?

12 MR. BENTON: You can put down 1900 Saint George's
13 Way, Mitchellville, Maryland 20721. You can put that down.

14 MR. BROWN: All right. So you live at 1900. Now,
15 looking at the State Department of Assessments and Taxation
16 website --

17 MR. BENTON: Uh-huh.

18 MR. BROWN: -- that property has been owned by
19 Rozza Subiko (phonetic sp.) and his wife since 2012. Are
20 you a tenant at that property?

21 MR. BENTON: Again, that address is 1900 Saint
22 George's Way, Mitchellville, Maryland 20721. That's my
23 answer.

24 MR. BROWN: All right. So the Examiner may take
25 administrative notice under case law for the information

1 contained in the State Department of Assessment and Taxation
2 website and I'm stating for the record who the owner is of
3 that particular property. In certain documents filed in
4 this case by Mr. Harding and Mr. Rivera as well in several
5 of the pleadings in the Circuit Court and the Court of
6 Special Appeals, you have an address listed as 1731
7 Stourbridge Court, S-T-O-U-R-B-R-I-D-G-E, Mitchellville. Do
8 you currently live at that address?

9 MR. BENTON: That is my current mailing address.

10 MR. BROWN: All right. But you do not physically
11 live there today, is that correct?

12 MR. BENTON: If you send my mail there I will get
13 it. That's my answer.

14 MR. BROWN: According to the State Department of
15 Assessment and Taxation website, you owned the property
16 located at 1731 Stourbridge Court, from 2006 to 2018, is
17 that correct?

18 MR. BENTON: Yes.

19 MR. BROWN: And that property was foreclosed upon
20 in 2018, is that correct?

21 MR. BENTON: Yeah.

22 MR. BROWN: And the bank then sold that property
23 to its current owner in approximately 2019, is that correct?

24 MR. BENTON: I have no knowledge of that.

25 MR. BROWN: All right. But you do not currently

1 own Stourbridge Court, correct?

2 MR. BENTON: No.

3 MR. BROWN: And you do not own Saint George's Way
4 1900, is that correct?

5 MR. BENTON: Well, clearly not, you got the, you
6 got the owner there.

7 MR. BROWN: Yes, all right. And have you ever
8 lived in Washington, D.C.?

9 MR. BENTON: No, never.

10 MR. BROWN: Do you own any real property in Prince
11 George's County?

12 MR. BENTON: What's the relevance of your
13 question?

14 MR. BROWN: The relevance is in order to approve
15 aggrievement, that is standing to challenge an
16 administrative proceeding there are certain requirements
17 that must be met, including whether or not you are a real
18 property tax payer, whether or not you reside in Prince
19 George's County and how close you live to the subject
20 property, amongst other requirements. So I am attempting to
21 clarify the record. I have no personal interest in what you
22 own. So if you choose not to answer the question, the
23 record will so state. Do you currently own any real
24 property in Prince George's County?

25 MR. BENTON: I choose not to answer that question.

1 MR. BROWN: All right. Now you stated in your
2 direct examination references to the Circuit Court cases and
3 Court of Special Appeals cases and maybe even possibly Court
4 of Appeals cases that are pending related to the subject
5 property. You discussed those, did you not?

6 MR. BENTON: Restate that question. Or state --

7 MR. BROWN: You made references to pending cases
8 in the Prince George's County Circuit Court, the Court of
9 Special Appeals of Maryland and/or the Court of Appeals of
10 Maryland concerning this property, did you not? You made
11 references to those cases?

12 MR. BENTON: Yes.

13 MR. BROWN: All right. And you filed certain
14 documents in this case concerning those judicial cases, is
15 that correct?

16 MR. BENTON: Yes.

17 MR. BROWN: All right. Now again, I have no
18 personal interest in your business relationships --

19 MS. MCNEIL: Mr. Brown?

20 MR. BROWN: Yes?

21 MS. MCNEIL: I don't mean to stop you, but I do
22 want to make clear for the record, he didn't actually file
23 them, he provided them. I did not make them exhibits in the
24 record. Thanks.

25 MR. BROWN: All right. That's fine. So Mr.

1 Benton, with regards to your LLC, Woodmore Manor LLC, you
2 are the sole member of that entity, is that correct?

3 MR. BENTON: I am the managing member of that
4 entity.

5 MR. BROWN: Are you the sole member of the entity?

6 MR. BENTON: To date, no.

7 MR. BROWN: Who are the other members of that LLC?

8 MR. BENTON: Myself and myself and Nancy Coppege
9 (phonetic sp.) --

10 MR. BROWN: (Sound.)

11 MR. BENTON: -- Benton, who is actually my wife.

12 MR. BROWN: Your wife. Okay. And is that
13 Woodmore Manor LLC in good standing today?

14 MR. BENTON: I believe it is, you know, I, I filed
15 a, I filed an extension for, for the taxes for this year,
16 but yes.

17 MR. BROWN: Yes. Earlier you were advised by the
18 Examiner that an LLC may not represent or rather a lay
19 person may not represent an LLC in an administrative
20 proceeding.

21 MR. BENTON: Uh-huh.

22 MR. BROWN: However, my question to you is, what
23 attorney, if any attorneys, have assisted you with writing
24 documents that have been presented to the Examiner?

25 MR. BENTON: In whole or in part?

1 MR. BROWN: Either or.

2 MR. BENTON: Okay. Well I would have to honestly
3 say with that being, being stated Attorney Glen Ivy.

4 MR. BROWN: Okay. So Mr. Glen Ivy has drafted
5 documents for you related to this case, is that correct?

6 MR. BENTON: No, what I'm, what I'm stating that
7 Mr. Ivy has drafted documents and communication that I've
8 used in support of this case.

9 MR. BROWN: All right. You understand the term
10 ghost writing?

11 MR. BENTON: No, but you're, can you explain a
12 definition?

13 MR. BROWN: Yes. Ghost writing is when you draft
14 a document and you file it in an administrative case or a
15 judicial case and the person who signs it is not the person
16 who wrote it or who authored it. So in this situation is it
17 fair to say that Mr. Glen Ivy has prepared many documents
18 for you related to --

19 MR. BENTON: No. The answer is no. Mr. Ivy has
20 not, Mr. Ivy has not drafted any of the documents that I've
21 submitted anywhere on the record either here or, or, or in
22 any of the administrative proceedings before this being DSP-
23 180024, DSP-16025, Preliminary Site Plan 18007, Preliminary
24 Site Plan 16019 or CSP-10004, he has not, he has not drafted
25 any, any of those documents. I drafted all those

1 documentations myself. Also any and all of the court cases
2 that have been submitted to the Prince George's County
3 Circuit Court, the Prince George's County Court of Special
4 Appeals, the Prince George's County Court of Appeals, all
5 right, I, I, I drafted myself without the guidance or
6 assistance of Attorney Ivy. All right. So I submitted them
7 pro se because I drafted them and I signed them pro se
8 because that is, all that is, all of that is my work.

9 MR. BROWN: Yes. All right, Madam Examiner, I
10 have no further questions.

11 MS. MCNEIL: Thank you. Mr. Rivera, do you have
12 questions?

13 MR. RIVERA: No, ma'am, thank you.

14 MS. MCNEIL: Okay. One last thing with caller 3,
15 if you're able to see the chat will you please go in the
16 chat and answer a question. Otherwise, it's as though
17 caller 3 didn't exist. Ms. Farrell, was there any testimony
18 you wanted to provide?

19 MS. FARRELL: (No audible response.)

20 UNIDENTIFIED PERSON: (Indiscernible).

21 MS. FARRELL: No.

22 MS. MCNEIL: Okay. Thank you.

23 MS. FISHER: Hello, this is caller, I assume 3, I
24 am --

25 MS. MCNEIL: Actually caller 1. What's your name

1 for the record, ma'am?

2 MS. FISHER: My name is Selma Murray Fisher
3 (phonetic sp.).

4 MS. MCNEIL: Okay.

5 MS. FISHER: I am a member of the Lake Arbor Civic
6 Association. I'm the Acting President (indiscernible).

7 MS. MCNEIL: Would you like to testify?

8 MS. FISHER: No, I just wanted to say that I did
9 sign the letters that Mr. Dean --

10 MS. MCNEIL: Okay. Wait, wait, wait.

11 MS. FISHER: -- presented.

12 MS. MCNEIL: Ms. Fisher, if you tell me anything
13 you're testifying so --

14 MS. FISHER: Okay.

15 MS. MCNEIL: -- do you swear under the penalties
16 of perjury that the testimony you shall give or just gave is
17 the truth and nothing but the truth?

18 MS. FISHER: Yes.

19 MS. MCNEIL: Okay. So just tell us what you would
20 like to say. Go ahead.

21 MS. FISHER: Well, I, I just wanted to say that I
22 did sign the letter that Mr. Dean presented as a member of
23 Lake Arbor Civic Association I am the Acting President. I
24 was the President for eight years prior to June 2019.
25 That's it.

1 UNIDENTIFIED PERSON: Thank you.

2 MS. MCNEIL: Ms. Fisher, could you give your
3 address for the record?

4 MS. FISHER: Yes, it's 1603 Pebble Beach Drive,
5 Mitchellville, Maryland 20721.

6 MS. MCNEIL: Okay. Thank you so much, ma'am.
7 Does anybody have questions --

8 MS. FISHER: You're welcome.

9 MS. MCNEIL: -- of Ms. Fisher?

10 (No audible response.)

11 MS. MCNEIL: Okay. Thank you, Ms. Fisher.

12 MS. FISHER: Thank you.

13 MS. MCNEIL: Okay. Then it looks like I've taken
14 all the testimony in this matter. The record is going to be
15 left open for Mr. Dean to submit his written testimony and I
16 appreciate all of you being here today. I do want to say,
17 can someone unmute Ms. Johnson?

18 UNIDENTIFIED PERSON: (Indiscernible).

19 MS. BAH: Maurene, I can't unmute her.

20 MS. MCNEIL: Okay. I just wanted to note that Ms.
21 Johnson has been, she's representing or an employee that
22 represents the City of Glenarden. I don't believe they had
23 any testimony but they, you know, wanted to know what was
24 going on in this case and be a person of record. Okay.
25 Then I thank you all for being here today. Mr. Rivera, do

1 you need a closing or?

2 MR. RIVERA: No thank you, I just wanted to thank
3 you all for your time today and look forward to a decision.
4 Thank you.

5 MS. MCNEIL: Okay. So then thank you all and I
6 wish you a Merry Christmas or a happy holidays.

7 MR. BENTON: Miss, miss, Madam --

8 MS. MCNEIL: I sort of knew. Yes, Mr. Benton?

9 MR. BENTON: Can someone please send me a copy of
10 the, the last document that the, the People's Council
11 referred to? Whatever opposition the applicant and, and Mr.
12 Harding filed opposing my, my --

13 MS. MCNEIL: Okay.

14 MR. BENTON: -- position because I don't have a
15 copy of it.

16 MS. MCNEIL: Okay. Mr. Benton, I will send you
17 another e-mail but for everyone on this call, all of the
18 documents are put on the website, the county's website and
19 you click on ZHE and you'll see today's date all exhibits
20 that is the record in this case. So I will send you the e-
21 mail but everyone out there has an opportunity to have seen
22 everything that was filed in this matter.

23 MR. BENTON: Understood.

24 MS. MCNEIL: All right.

25 MR. DEAN: Madam Examiner --

1 MS. MCNEIL: Yes, Mr. Dean?

2 MR. DEAN: -- in my testimony I failed to mention
3 a special taxing district that had been established for the
4 202 corridor study and I'm going to include that in my
5 testimony, so I just want to make sure that I made that
6 known. Okay.

7 MS. MCNEIL: Okay. Thank you, sir.

8 MR. DEAN: You're welcome.

9 MS. MCNEIL: I thank everyone and again --

10 UNIDENTIFIED PERSON: Holidays.

11 MS. MCNEIL: -- happy holidays.

12 UNIDENTIFIED PERSON: Happy holiday.

13 UNIDENTIFIED PERSON: Thank you.

14 MS. MCNEIL: Bye-bye.

15 OPERATOR: This conference is no longer being
16 recorded.

17 (Whereupon, the hearing was concluded.)

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C E R T I F I C A T E

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

WOODMORE OVERLOOK, COMMERCIAL, LLC

Case No. A-10020-C-01

By:

Diane Wilson

Diane Wilson, Transcriber