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Transcript of Zoning Hearing

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PRINCE GEORGE'S COUNTY, MARYLAND
SPECIAL EXCEPTION ZONING HEARING

SE-2022-002

Arcland Property Company, LLC

Wednesday, November 29, 2023

(Zoom Webinar)

Job No.: 517669

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Transcribed by: Esther M. Taylor

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A P P E A R A N C E S

ON BEHALF OF THE APPLICANT:

MATTHEW TEDESCO, ESQUIRE

ON BEHALF OF WINGATE HOMEOWNER'S ASSOCIATION:

SEAN SUHAR, ESQUIRE

ATTENDEES:

Joyce B. Nichols, Hearing Examiner

Stan Brown

Fatima Bah, Reporter

James Walker-Bey

Matthew Tedesco, Attorney for Applicant

Sean Suhar, Attorney for HOA

Rebekah Brown

Emily Dean

Mike Lenhart

Ed Steere

Mark Ferguson

Daniel Sur

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1 MS. NICHOLS: Good morning,
2 everybody. It is approximately 9:30 on the 29th
3 of November. We are here for Special Exception
4 2022-002, a request by Glenn Dale Self Storage.

5 Mr. Tedesco, this is your case. You
6 may proceed.

7 MR. TEDESCO: Good morning,
8 Madam Examiner. For the record, Matthew Tedesco
9 with the law firm of McNamee Hosea in Greenbelt,
10 Prince George's County on behalf of the
11 applicant Arcland Property Company, LLC.

12 Just by way of housekeeping,
13 Madam Examiner, I did want to just formally, I
14 guess indirectly or directly, enter my
15 appearance in this matter given the fact that
16 this case was previously my late partner, Dan
17 Lynch's, case. Unfortunately, Mr. Lynch, as you
18 know, passed away earlier this month, so I have
19 taken over this matter inasmuch as I just wanted
20 to state for the record that I will be the
21 attorney of record going forward, I wanted to
22 make sure the record was clear on that end for

1 the reason given Mr. Lynch's untimely passing.

2 With that, Madam Examiner, I do have
3 somewhat of a fairly modest introduction or
4 opening that I'd like to make and then we can
5 get right into witnesses, if that's okay.

6 MS. NICHOLS: Okay. That's fine,
7 Mr. Tedesco.

8 OPENING STATEMENT

9 MR. TEDESCO: Thank you. So as I
10 mentioned, we're here this morning on behalf of
11 Arcland Property Company, LLC, and its
12 application for a special exception, Case Number
13 SPE-2022-002.

14 The special exception application is
15 for the approval of a Consolidated Storage
16 facility in the CS zone, under the provisions of
17 Section 3 of CB-11-2023, which amended the
18 zoning ordinance to prohibit Consolidated
19 Storage uses in the CS zone, but allowed
20 applications which had conducted a
21 preapplication neighborhood meeting prior to
22 April 1st, 2023, to be reviewed under the use

1 regulations in effect prior to the adoption of
2 CB-11-2023, which permitted Consolidated Storage
3 uses in the CS zone pursuant to approval of a
4 special exception.

5 It should be noted that the language
6 of CB-11-2023 confusingly uses the term,
7 quote/unquote, ordinance, in Section 3 to refer
8 both to the entirety of the zoning ordinance and
9 to the specific ordinance which is the content
10 of CB-11-2023.

11 In the case of the text of Section 3
12 of CB-11-2023, it is clear that the term, quote,
13 ordinance must refer to the effective date of
14 CB-11-2023 rather than that of the zoning
15 ordinance as a whole.

16 Because the antecedent zone to the CS
17 zone, namely the CM zone, which this property
18 was zoned prior to the Countywide Map Amendment,
19 under the prior zoning, the ordinance did not
20 permit Consolidated Storage uses, thus
21 construing the term "ordinance" in Section 3 of
22 CB-11 as referring to the effective date of the

1 zoning ordinance as a whole would stand to put
2 CB-11-2023 on its head.

3 Moreover, CB-11-2023 went through
4 three different iterations and was held in
5 committee at least three or four times to be
6 amended to specifically allow applications that
7 had commenced with this process either under a
8 permitted use designation or under a special
9 exception designation to continue if they had
10 previously completed their pre-application
11 neighborhood meeting.

12 You'll hear testimony here today that
13 that is, in fact, what occurred in this case
14 which then allows this matter to proceed
15 pursuant to Section 3 of CB-11-2023.

16 I just offer that because I do
17 believe that there may have been some confusion
18 with respect to the use of the term "ordinance,"
19 and I wanted the record to be clear as far as
20 its interpretation and application and the
21 intent of the use of that term in CB-11.

22 MS. NICHOLS: Thank you.

1 MR. TEDESCO: We have with us six,
2 potentially seven, witnesses that you'll hear
3 from today. Just for order of housekeeping,
4 they will be called in the following order.

5 Mr. Steve Cratin, who is Vice
6 President of Development and Construction for
7 Arcland.

8 Ms. Emily Deen, who is a professional
9 engineer for Kimly-Horn and Associates.

10 Mr. Mike Lenhart, who is a planning
11 traffic engineer for Lenhard Traffic and
12 Consulting.

13 Rebekah Brown, who is an RA Lead AP
14 with BDW Architects.

15 Mr. Ed Steere with Valbridge, and Mr.
16 Mark Ferguson who is a land planner with Site
17 Design.

18 The special exception for the
19 Consolidated Storage facility, as I mentioned,
20 is located in the CS zone. The property is
21 surrounded by two roadways being Maryland 564,
22 which is a master plan connector road 314, also

1 known as Lanham Severn Road, and Maryland 193,
2 which is a master plan arterial roadway, A16
3 Glenn Dale Boulevard.

4 A railroad track and the rears of
5 service -- several service commercial uses that
6 front Old Glenn Dale Road. The property is
7 currently occupied by a cell tower erected circa
8 2000, and has been cleared and graded.

9 You'll hear today, and as part of the
10 record that's already been submitted,
11 substantial evidence that satisfy the
12 requirements of Section 27-3604(e)(1), which are
13 the general special exception findings, Section
14 27-5042(u), which are the specific use
15 conditions for a Consolidated Storage use as
16 well as all of the applicable purposes.

17 In evaluating the special exception,
18 as the Examiner knows, the application is not an
19 equation to be balanced with formulated
20 precision. Instead, and as the Supreme Court of
21 Maryland held in People's Counsel vs. Loyola,
22 special exception is a valid zoning mechanism

1 that delegates to an administrative board a
2 limited authority to permit enumerated uses
3 which the legislative body has determined can
4 prima facie properly be allowed in a specified
5 use district absent any factors or circumstance
6 in a particular case which would change this
7 presumptive finding as People's Counsel v.
8 Loyola 406 Md.54 (2008). Thus, there is a
9 presumption that the proposed use is prima facie
10 allowed.

11 It is worth noting that in
12 determining which usage should be designated as
13 permitted or conditional in a given use
14 district, the legislative body considers the
15 variety of possible uses available, examines the
16 impact of those uses upon various purposes of
17 the zoning ordinance, determines which uses are
18 compatible with each other and can share
19 reciprocal benefits, and decides which uses will
20 provide for a coordinated, adjusted, and a
21 harmonious development within the district. And
22 that's Schultz v. Pritts 291 Md.1 at 20 to 20-

1 21, 1991.

2 The request for special exception,
3 use and the development will not be detrimental
4 to the adjacent properties or the defined
5 neighborhood.

6 As the Supreme Court of Maryland
7 articulated in Loyola, quote, the local
8 legislature, when it determines to adopt or
9 amend the text of a zoning ordinance with regard
10 to designating various uses as allowed only by
11 special exception in various zones, considers in
12 a generic sense that certain adverse effects, at
13 least in type, potentially associated with or
14 inherent to, if you will, these uses are likely
15 to occur wherever in the particular zone they
16 may be located. In that sense, the local
17 legislature puts on its, quote, sorting hat,
18 close quote, and separates permitted use,
19 special exception uses, and all other uses.
20 That is why the uses are designated special
21 exception uses, not permitted uses. The
22 inherent effects notwithstanding, the

1 legislative determination necessarily is that
2 the uses conceptually are compatible in the
3 particular zone with otherwise permitted uses
4 and with the surrounding zones and uses already
5 in place.

6 In this instance and with the
7 presumptive finding in mind, while the
8 opposition may try to focus on adverse impacts,
9 these impacts are inherent and may exist. That
10 does not prove fatal, as the legislature has
11 previously examined any inherent impacts of the
12 uses and determined in this instance that a
13 Consolidated Storage use in the CS zone that
14 satisfies the requirements of CB-11-2023 is
15 presumptively compatible with other uses in the
16 CS zone, and by placing the property in that
17 zone, shares reciprocal benefits thereby
18 providing for coordinated, adjusted, and
19 harmonious development of the county zoning
20 district and the property.

21 Indeed the proposed development will
22 be in accordance with all applicable laws

1 concerning screening and buffering and satisfies
2 all the statutory requirements which you will
3 hear testimony about today.

4 Finally, the Planning Board, when
5 commenting on CB-11-2023 stated, quote,
6 Consolidated Storage facilities are typically
7 quiet, low investment uses with high returns for
8 the county. Consolidated Storage facilities
9 serve a valid community need. Additionally, the
10 new zoning ordinance includes design standards
11 that promote attractive, high quality
12 Consolidated Storage facilities wherever they
13 may be built, close quote.

14 And you'll hear testimony to that
15 effect this morning, Madam Examiner.

16 Madam Examiner, that concludes my
17 opening. At this time, I'd be prepared to call
18 our first witness.

19 MS. NICHOLS: All right. Go ahead.

20 MR. TEDESCO: We would call Mr. Steve
21 Cratin.

22 MR. SUHAR: Before we do that, Madam

1 Examiner, I have a preliminary issue that I
2 haven't been given an opportunity to raise it,
3 so -- that I really think that it needs to be
4 addressed before -- before we proceed, if I may.

5 MS. NICHOLS: Sorry, sorry. Do you
6 want to enter your appearance?

7 OPENING STATEMENT

8 MR. SUHAR: Sure. My name is
9 Sean Suhar. I'm an attorney. I represent the
10 Wingate Homeowner's Association, which is a 256
11 single-family lot community association located
12 almost across the street, catty-corner almost to
13 -- to this proposed -- this site that we're
14 talking about today. And I did enter -- I did
15 request an opportunity to be heard this morning.
16 But I -- I've got an issue with the notice that
17 was sent.

18 Number one, I just received the
19 notice of this hearing. I received it on
20 Monday. And it says on the notice that the
21 notice was sent out on November 8th. That's not
22 true because I -- I have a copy of the -- the

1 letter or the postage stamp clearly states was
2 November 15th, that it was mailed out, that it
3 actually went out in the mail, and it took some
4 time, I guess, to -- to get it to me and then
5 with the Thanksgiving holiday and -- I didn't
6 receive it until Monday.

7 And then but I did see the notice --
8 there was a notice that was posted on -- on the
9 County Council Meetings website, and that notice,
10 when I saw that over the holiday, that notice
11 says that the -- the meeting is supposed to take
12 place at 9:30 p.m. -- at night. If that's the
13 notice that is being provided to the public,
14 that -- that's misleading and -- and just
15 inaccurate.

16 And so I'm concerned that there are
17 members of the association to whom I did not
18 have an opportunity to notify before today, who
19 if they saw this notice, if, that's a big if,
20 that some people are actually thinking that the
21 meeting is to take place tonight at 9:30.

22 MS. NICHOLS: Okay. And you know the

1 property has been posted for 30 days.

2 MR. SUHAR: Well, I'm -- I don't live
3 there, so I don't know about posting of the
4 property or what have you. If it has, then it
5 has, but I -- the notice that I received, I just
6 got it on Monday.

7 MS. NICHOLS: Okay.

8 MR. SUHAR: And so I did file written
9 comments because, again, I didn't receive notice
10 until just recently, so I -- I'm asking that
11 this case be continued because -- not only
12 because of the notice issue, but there are
13 missing facts and what the -- there -- there is
14 data that's missing from the applicant's Needs
15 Analysis, and I think that more time would be
16 warranted in order to probe the -- the supposed
17 the other Consolidated facilities that they
18 identify --

19 MS. NICHOLS: Okay. We'll get into
20 the facts of the case when the case is heard.

21 Mr. Tedesco, do you want to be heard
22 on this?

1 MR. TEDESCO: I guess my initial
2 response is that I can't speak to the notices
3 that were sent from the Hearing Examiner's
4 office as far as the timing of those. I -- I
5 have a copy of those.

6 Obviously, we -- we had notice of the
7 hearing because we are the ones charged with
8 scheduling it, but as you indicated,
9 Madam Examiner, the property has been posted for
10 30 days, affidavits were filed respective of
11 that posting.

12 The applicant met with Mr. Suhar and
13 his clients on October 25th. Emails were sent
14 to Mr. Suhar's clients and the president of the
15 association back in September -- September 21st,
16 and then again on September 25th. So, you know,
17 there -- there has been outreach, certainly
18 notice about -- about the case and the hearing.
19 The signs have been posted.

20 I emailed Mr. Suhar on November 2nd
21 to provide him with information that was
22 requested at the meeting on October 25th. So

1 while I can appreciate Mr. Suhar's concern and
2 argument, you know, I don't necessarily agree
3 that notice was faulty in this case. We -- you
4 know, I can't control the mail as far as when
5 Mr. Suhar gets it, but and I don't -- I can't
6 speak to the website. I -- I have not
7 doublechecked that to confirm Mr. Suhar's
8 contention.

9 But the signs have been posted.
10 There's been no allegation that the signs
11 haven't been posted, that the signs were faulty
12 in any way, the signs were misleading. So at
13 minimum, there's been constructive notice, and I
14 would argue that from Mr. Suhar's perspective,
15 that his clients who purportedly live so close
16 to the property would have driven past this
17 property more than once in the last 30 days,
18 would have known about it.

19 So we're prepared to move forward. I
20 -- I am cognizant of the sensitivity of a notice
21 issue. You know, we'll defer to the Hearing
22 Examiner's discretion with respect to moving

1 forward or not. If -- if you feel it's
2 necessary to postpone this for a couple of weeks
3 to cure any allegations that Mr. Suhar is making
4 with respect to the Hearing Examiner's
5 notifications and/or the website, I wouldn't
6 necessarily have an objection, but we are fully
7 prepared to move forward today.

8 MS. NICHOLS: Mr. Brown?

9 MR. BROWN: Mr. Suhar, a couple of
10 points here. First of all, who do you
11 represent? Do you represent the Wingate
12 Homeowner's Association and specific
13 individuals?

14 MR. SUHAR: I represent the Wingate
15 Homeowner's Association, yes.

16 MR. BROWN: All right. So you cannot
17 speak for anyone other than the Wingate
18 Homeowner's Association, number one.

19 Number two, when did you enter your
20 appearance in this case in writing?

21 MR. SUHAR: On Sunday, I sent a
22 request to -- request to be a person in -- a

1 party of record.

2 MR. BROWN: This past Sunday.

3 MR. SUHAR: Yeah --

4 MR. BROWN: And you --

5 MR. SUHAR: -- when I got notice.

6 MR. BROWN: And you received the
7 notice when?

8 MR. SUHAR: This weekend when I saw
9 it online, and I -- I got it through my office.

10 MR. BROWN: All right, so --

11 MR. SUHAR: And I don't know what the
12 actual posting of the -- I don't know what it
13 says. It may say 9:30 p.m. I don't know.

14 MR. BROWN: Okay. That's not
15 relevant --

16 MR. SUHAR: I'm concerned about that.

17 MR. BROWN: -- relevant

18 (indiscernible). I mean, technically, you are
19 not a party of record, if you will. You are an
20 attorney for a party of record. You have
21 appeared here today, so you have notice. When a
22 -- an attorney and/or a party of record has

1 actual notice and shows up at the hearing, there
2 is no violation of notice requirements. So you
3 are here, you've had notice.

4 With regards to the property being
5 posted for 30 days, that was noticed to the
6 public. Those persons who may have seen that
7 notice and didn't show up today, you know,
8 that's on them.

9 Now, if somebody contacts the
10 Examiner's office subsequent to this morning
11 because they think the hearing is at 9:30
12 (indiscernible) if we go forward today to
13 continue this hearing and allow them to
14 participate. But unfortunately, I mean, you
15 don't have the responsibility to represent them
16 on a notice issue.

17 What I would suggest, Madam Examiner,
18 is that the case go forward this morning and
19 that if anyone contacts the Examiner's office
20 subsequent to today's hearing, then we can
21 continue this case to allow them to come in and
22 participate.

1 MR. TEDESCO: May I be heard on one
2 final point?

3 While Mr. Brown and Mr. Suhar were
4 talking, we -- I did confirm on the LIS website
5 the calendar, and it says 9:30 a.m. So I'm not
6 -- based upon what I'm seeing, it says 9:30 a.m.
7 for this hearing on the LIS website. I'm not
8 sure what website Mr. Suhar is referring to, but
9 I'm looking at it. And you can take notice of
10 that if you'd like, Madam Examiner. It says
11 9:30 a.m.

12 MS. NICHOLS: I can take a look at
13 the --

14 MR. SUHAR: I'll be happy to share my
15 screen with the actual notice that's posted on
16 the County Council website. The notice says
17 9:30 p.m. But I'm -- you know, 9:30 a.m.,
18 9:30 p.m., that's misleading.

19 But, you know, I didn't even have
20 time to prepare for this. The applicant has six
21 witnesses here today. I don't have any
22 witnesses. I haven't had a chance to -- to

1 contact the supposed Consolidated Storage
2 facilities that the applicant identified or
3 really didn't identify at all in their -- in
4 their Needs Analysis. I don't know who they
5 are. I don't know who to contact if they even
6 exist. And there -- you know, there's no data
7 to support what they're saying.

8 I need some time to be able to
9 prepare for this. And really, quite frankly,
10 I'd like to know who -- what facilities they're
11 talking about in their Needs Analysis. It's --
12 it's deficient and -- and this is -- this is not
13 an -- if this -- if this case proceeds today,
14 I'm concerned that this is not a sufficient --
15 that notice was not sufficiently provided,
16 didn't give me an opportunity to prepare for
17 this case and --

18 MS. NICHOLS: I --

19 MR. TEDESCO: And (crosstalk)
20 Mr. Suhar.

21 MR. SUHAR: Thank you. And I
22 appreciate Mr. Tedesco and Mr. Brown's comments,

1 but -- especially Mr. Tedesco being willing to,
2 you know -- not objecting to the request.

3 MR. TEDESCO: Well, to be clear, I
4 said I would not object based upon the
5 discretion of the Examiner. We're prepared to
6 move forward.

7 Again, I don't want to get in an
8 argument, Madam Examiner, but I emailed
9 Mr. Suhar many exhibits including the Needs
10 Analysis on November 2nd.

11 MS. NICHOLS: So I -- I am --

12 MR. TEDESCO: He's had almost
13 (crosstalk) a month.

14 MS. NICHOLS: I have the floor.

15 MR. SUHAR: He didn't state the date
16 of the hearing at all.

17 MS. NICHOLS: Excuse me, Mr. Suhar,
18 I'm speaking. Thank you.

19 I am going to determine that based on
20 the posted signage, which is in the record and
21 on -- sorry -- the fact that we -- my office
22 mailed out the notices in a timely fashion, and

1 that you had actual notice by appearing today,
2 and that your clients live directly across the
3 street from the property, and if they haven't
4 communicated properly with you, that is an issue
5 on your end.

6 So at this moment, I'm going to say
7 that we're going to proceed on the case. I'm
8 going to do what Mr. Brown indicated and that --
9 or suggested, and that is if any persons appear
10 and wish to become persons of record and wish to
11 testify, in that event, I will consider having
12 another hearing allowing them to speak. But at
13 this moment, Mr. Suhar, you are present and you
14 represent your client, the Wingate Homeowner's
15 Association.

16 Mr. Tedesco, please call your first
17 witness.

18 MR. TEDESCO: We will call Mr. Steve
19 Cratin.

20 MS. NICHOLS: All right. Mr. Cratin,
21 I need to swear you in, sir.

22 You -- thank you.

1 I solemnly swear or affirm under the
2 penalties of perjury that the responses given
3 and the statements made will be the truth, the
4 whole truth, and nothing but the truth.

5 THE WITNESS: I do.

6 MS. NICHOLS: Please state your name
7 and business address for the record.

8 THE WITNESS: My name is Steve
9 Cratin. My business address is 1055 Thomas
10 Jefferson Street Northwest, Suite 250,
11 Washington, D.C. 20007.

12 MS. NICHOLS: Thank you so much.

13 DIRECT EXAMINATION

14 BY MR. TEDESCO:

15 Q Good morning, Mr. Cratin.

16 A Good morning.

17 Q What is your occupation, and where
18 are you currently employed?

19 A My occupation is self-storage real
20 estate development. I'm currently employed with
21 Arcland Property Company, LLC, where my title is
22 Vice President of Development and Construction.

1 I've been in the self-storage industry in
2 various capacities for the last 17 years.

3 Q And who is the owner of the property
4 that's the subject of this application?

5 A Dee Corporation and
6 William F. Chesley currently own the property.

7 Q And has your company executed a
8 contract to purchase the property that is the
9 subject of the application?

10 A Yes.

11 Q And does the purchase and sales
12 agreement authorize Arcland Property Company,
13 LLC, to seek a special exception and any other
14 entitlements for the subject property and file
15 the application that's before us today?

16 A Yes.

17 Q Have you been authorized to testify
18 and present this application for special
19 exception on behalf of Arcland Property Company,
20 LLC?

21 A Yes.

22 MR. TEDESCO: Madam Examiner, we had

1 marked Exhibit 35, which is a limited power of
2 attorney authorizing Mr. Cratin on behalf of the
3 company to testify here today. We would ask for
4 that to be accepted into the record.

5 MS. NICHOLS: So accepted.

6 (Exhibit 35 was marked for
7 identification.)

8 BY MR. TEDESCO:

9 Q Is Arcland Company -- Arcland
10 Property Company, LLC, registered as a foreign
11 entity and in good standing to transact business
12 in the state of Maryland? Do you know?

13 A Yes.

14 MR. TEDESCO: Madam Examiner,
15 Exhibit 43 is a certificate of -- Maryland
16 Certificate of Good Standing for the LLC.
17 Exhibit 42 is a Certificate of Good Standing for
18 the State of Virginia where the company is
19 registered, and Exhibit 41 is a Certificate of
20 Good Standing for the owner, DEE Corporation.
21 And we would ask for those to be accepted into
22 the record.

1 MS. NICHOLS: So accepted.

2 (Exhibit 41, Exhibit 42, and
3 Exhibit 43 were marked for identification.)

4 BY MR. TEDESCO:

5 Q Mr. Cratin, please tell the Hearing
6 Examiner and People's Zoning Counsel something
7 about Arcland Property Company, LLC.

8 A Arcland Property Company began
9 developing self-storage facilities in 2006.
10 We're headquartered, as I stated, in Washington,
11 D.C. We develop, own, and operate self-storage
12 facilities in the Mid-Atlantic and Southeast
13 United States with self storage as our sole
14 focus. We operate our facilities under the Self
15 Storage Plus brand, which has gone into the 12th
16 largest operator nationally.

17 Q Could you describe the proposed use
18 for which the applicant is seeking this special
19 exception?

20 A We are seeking a special exception
21 for the use of a 135,873 square foot
22 Consolidated Storage building.

1 Q Has the applicant previously
2 developed property in Prince George's County?

3 A Yes, we have developed five
4 facilities in the county, four of which are open
5 and operating, and one is currently entering the
6 construction phase.

7 Q And can you explain to the Hearing
8 Examiner how Prince George's County fits within
9 the applicant's strategic business plan?

10 A Arcland, as I stated, was
11 headquartered in D.C., and as a result we have a
12 strong presence in the surrounding
13 jurisdictions. We currently operate 10 self
14 storage facilities in Prince George's county
15 under the Self Storage Plus brand. We own four
16 of those.

17 As I stated previously, we are active
18 developers in the county. Our business plan is
19 to provide clean, secure, convenient storage
20 space to individuals and businesses with
21 flexible month-to-month lease terms, and based
22 on our local expertise in the county, we are

1 very confident this facility will meet a need
2 within the community making for a successful
3 project.

4 Q Can you explain some of the reasons
5 why this property in particular was selected for
6 the development proposed?

7 A For several reasons, this property
8 was selected. First, the commercial zoning
9 designation. In addition, the Maryland 193 and
10 Lanham Seven Road traffic counts; the size of
11 the property; some unique insight gain from a
12 third-party management at 10108 Greenbelt Road,
13 Lanham, Maryland, a facility which sold and
14 subsequently has been managed by others; our
15 internal operational data from the 10 existing
16 facilities in Prince Georges county; the site's
17 unique topography access and an existing cell
18 tower make the site more desirable to a flexible
19 product like self storage than some other uses.

20 Our compatibility with existing
21 buffering and screening elements and strong
22 rates and demand in the submarket demonstrate a

1 need for additional storage space especially
2 modern climate-controlled space.

3 Q Did the applicant hire a third party
4 to conduct a separate market analysis to
5 determine whether the proposed use in this
6 market area is reasonably convenient or
7 expedient to serve the needs of the surrounding
8 area?

9 A Yes. We hired Valbridge Property
10 Advisors. And Mr. Ed Steere, who is an expert
11 in market analysis will testify to his findings.

12 Q Did the applicant conduct a pre-
13 application neighborhood meeting in this case?

14 A Yes, the pre-application community
15 meeting for the subject application occurred
16 October 3rd, 2022, prior to April 1st, 2023.
17 The meeting was held on the subject property at
18 10812 Duvall Street, Glenn Dale, Maryland 20769.

19 MR. TEDESCO: And Madam Examiner,
20 just for housekeeping, the pre-application
21 neighborhood meeting materials are marked as
22 Exhibit 14 in the record.

1 MS. NICHOLS: Thank you.

2 BY MR. TEDESCO:

3 Q Have you reviewed the Statement of
4 Justification which is Exhibit 2, and do you
5 incorporate it and adopt as your testimony that
6 Justification Statement?

7 A Yes.

8 Q And are you familiar with the
9 Technical Staff Report, which is Exhibit 17 in
10 the record?

11 A Yes.

12 Q And do you agree with the findings of
13 the Technical Staff Report endorsed by the
14 Planning Board?

15 A Yes, I am familiar with the Technical
16 Staff Report; and, yes, I generally agree with
17 the findings and conditions.

18 Emily Dean from Kimly-Horn, our civil
19 engineer on the project, will discuss the
20 revised site plan that addresses the recommended
21 conditions of approval in her upcoming
22 testimony.

1 Q And do you plan at later stages of
2 development, if this application is approved, to
3 incorporate green building standards as required
4 by Section 27-61600 of the Zoning Ordinance?

5 A Yes.

6 Q And did you -- excuse me, strike
7 that.

8 Did the applicant do any community
9 outreach associated with this application? And,
10 if so, could you please summarize?

11 A Yes, in addition to all the statutory
12 requirements regarding notice, mailings,
13 postings, pre-application meetings, we met with
14 the following community groups and members:

15 On February 12, 2022, we presented
16 the project to Glenn Dale Civic Association. We
17 incorporated the association's comments and
18 presented a revised architectural design on
19 June 21st, 2022.

20 We re-presented the same design on
21 May 16th, 2023. We have not received any
22 response to the final two presentations despite

1 multiple attempts to solicit feedback via email
2 and voice mail.

3 On September 21st, 2023, the director
4 of Happy Home Early Learning Center, an adjacent
5 property located at 7009 Glenn Dale Road
6 provided an email indicating the project, quote,
7 will not disturb Happy Home in any way, end
8 quote.

9 On October 4th, 2023, I personally
10 visited our immediate neighbor Amerigal
11 Construction located at Glenn Dale Road and
12 Duvall Street. I provided a business card and
13 explained we were the developer working on a
14 project next door. G.S. Proctor & Associates, a
15 consultant of Arcland's also spoke to a Lilly
16 and Luis at Amerigal. They indicated they were
17 not willing to provide a written letter or sign
18 a form letter; however, they voiced no concerns
19 with the proposed development.

20 MR. SUHAR: I'd like to state an
21 objection for the record based on the hearsay
22 evidence that Mr. Cratin just mentioned.

1 MS. NICHOLS: I understand your
2 objection. I'm going to overrule it.

3 MR. SUHAR: Thank you.

4 THE WITNESS: On October 4th, 2023,
5 we met with Mr. Roy Peterson, the St. George's
6 Church warden. We presented the project,
7 answered his questions, and followed up with
8 copies of our presentation materials. We have
9 not received further comment from St. George's
10 Church or Mr. Peterson.

11 On October 25th, 2023, we met the
12 Wingate HOA who has representatives here today.
13 On November 14th, 2023, we met members of the
14 board for Woodstream East HOA, and have received
15 no further comment.

16 The project team has been responsive
17 to any and all inquiries received by the
18 community during the review of the application
19 and will continue to be so.

20 MR. TEDESCO: Madam Examiner, I have
21 no further questions for Mr. Cratin.

22 MS. NICHOLS: All right.

1 Mr. Brown, do you have any questions?

2 MR. BROWN: I'll let Mr. Suhar --

3 MS. NICHOLS: Go first?

4 All right. Mr. Suhar, cross-
5 examination of Mr. Cratin.

6 MR. SUHAR: Okay. Yes. Thank you
7 very much.

8 CROSS-EXAMINATION

9 BY MR. SUHAR:

10 Q Mr. Cratin, good morning. My name is
11 Sean Suhar, the attorney for Wingate Homeowner's
12 Association.

13 You mentioned, in your testimony that
14 there is a need for this storage facility that
15 you're proposing. Is that right?

16 A Correct.

17 Q And what is your statement based on,
18 sir?

19 A The statement is based on the
20 operation of 10 existing facilities in the
21 county, our track record in --

22 Q Ten?

1 A -- our track record in the industry,
2 and direct market analysis.

3 Q What 10 facilities, sir?

4 A Would you like me to list them?

5 Q Are they located in this area?

6 A Yes, they're located in Prince
7 George's County, and they can be found on our
8 website selfstorageplus.com.

9 Q Are they located -- well, let me ask
10 you this: Are you familiar with the Needs
11 Analysis that was submitted with your
12 application?

13 A Yes.

14 Q Okay. Were the 10 facilities that
15 you are referring to, were they listed in the
16 Needs Analysis?

17 A I am referring to 10 facilities that
18 Self Storage Plus operates within Prince
19 George's County. The Needs Analysis focuses on
20 the specific trade area of Glenn Dale.

21 Q Okay. And how big is that trade
22 area, sir?

1 A We typically evaluate a 3-mile
2 radius.

3 Q Okay. So within that 3-mile --

4 A Up to five miles in some cases.

5 Q I'm sorry?

6 A Up to five miles in some cases.

7 Q Okay. So is it 3 or 5 that's in this
8 Needs Analysis?

9 MR. TEDESCO: Objection.

10 MR. BROWN: Mr. Suhar, Mr. Cratin is
11 a fact witness. He's not an expert. Although
12 he has referenced his market study, most of the
13 questions you asked for the last two or three
14 minutes should be directed to the expert later.

15 I mean, I'm going to -- I'm not going
16 to object, but I think with regards to need,
17 your questions to this fact witness should be
18 very general. And the specific questions
19 concerning Need Analysis should go to Mr. Steere
20 at a later time.

21 MR. SUHAR: Well, I -- I don't know
22 what Mr. Steere is going to say, but I do know

1 what Mr. Cratin said. He said that there is the
2 need.

3 MR. BROWN: He says that --

4 MR. SUHAR: Am I not allowed to ask
5 him what, you know, about what he said as a
6 fact?

7 MR. BROWN: He said there is a need
8 based upon his market study prepared by his
9 expert. That is about the extent that he can
10 testify on that legal issue.

11 It would be in your best interest to
12 reserve those questions for the expert on the
13 market study.

14 MS. NICHOLS: Mr. Suhar --

15 MR. SUHAR: Well, I --

16 MS. NICHOLS: Mr. Suhar, please do
17 that.

18 MR. SUHAR: Okay. Thank you. I
19 appreciate that, but my questions are my
20 questions. I mean, if Mr. Brown's going to try
21 and limit my questions to certain questions --

22 MR. BROWN: Well, I'm not trying to

1 limit it, but I don't want to object to the next
2 10 minutes when you start to ask him questions
3 about the market study (crosstalk)

4 MR. SUHAR: All I was asking for, sir
5 -- I'm not asking for a legal analysis. All I'm
6 -- I'm not asking any legal questions. I'm just
7 asking what facilities -- what I'm driving at is
8 what facilities is he talking about that when it
9 comes to need. What are the facilities --

10 MR. BROWN: Well, let --

11 MR. SUHAR: -- in the three mile
12 area.

13 MR. BROWN: Well, let me just
14 characterize what he stated already. Okay?

15 MR. SUHAR: Okay.

16 MR. BROWN: The 10 facilities that he
17 referenced are facilities that his company
18 operates in Prince George's County. They are
19 not necessarily within the market area that has
20 been identified by the expert.

21 And so the issue of need as he sees
22 it is not the same need that Mr. Steere is going

1 to testify to with regards to the market area.
2 So do you see that the confusion you're going to
3 create by his misunderstanding of need and your
4 questions directed to that issue?

5 MR. SUHAR: I understand. I
6 understand now. Thank you. So you're -- what
7 you're proffering from Mr. Cratin is that --

8 MR. BROWN: I'm -- I'm not
9 proffering. I'm here --

10 MR. SUHAR: -- there is no need
11 within the 3-mile area, but there is a need in
12 Prince George's County. Okay. I'll accept
13 that.

14 MS. NICHOLS: Mr. Brown is not
15 proffering anything.

16 MR. BROWN: Correct. What I'm trying
17 to do is explain to you that your questions are
18 more appropriate to the expert because this
19 witness has no technical knowledge with regards
20 to the issue of need.

21 MR. SUHAR: Even though he said that
22 there was a need.

1 MR. BROWN: Yeah, he may have said
2 it. It doesn't mean it has merit.

3 MR. SUHAR: Okay. Then if there is
4 no merit to what he said, then I'll proceed to
5 my next line of questioning for this witness.
6 Thank you.

7 BY MR. SUHAR:

8 Q So Mr. Cratin, are you familiar with
9 the traffic counts that were submitted along
10 with the application?

11 MR. TEDESCO: Objection. Beyond the
12 scope of Direct.

13 MS. NICHOLS: It's beyond the scope
14 besides which fact any questions with regards to
15 that study are appropriately directed towards
16 Mr. Lenhart.

17 So Mr. Cratin, are you familiar with
18 the package submitted as part of this special
19 exception application?

20 THE WITNESS: Yes.

21 MS. NICHOLS: You are aware that you
22 have experts that were hired to provide reports.

1 THE WITNESS: Correct, yes.

2 MS. NICHOLS: And that is the extent
3 of your opinion with regards to any of these
4 expert witness' reports.

5 THE WITNESS: Correct.

6 MS. NICHOLS: Okay.

7 Mr. Suhar, let's move this along.

8 MR. SUHAR: Okay.

9 So I'd like to ask Mr. Cratin about
10 the traffic count analysis that was provided.

11 MS. NICHOLS: Okay.

12 MR. SUHAR: He said that he was
13 familiar with the application.

14 MS. NICHOLS: We've moved past that.
15 You can ask that of Mr. Lenhart.

16 MR. SUHAR: I don't know what
17 Mr. Lenhart -- how do you -- I don't know what
18 the --

19 MS. NICHOLS: Well, Mr. Suhar,
20 Mr. Suhar, you need to stay on track. Don't ask
21 Mr. Cratin to give you any opinions with regards
22 to any possible testimony the expert witnesses

1 may give or their reports. Reserve any
2 questions you have regarding the expert reports
3 to the experts.

4 MR. SUHAR: Okay. Thank you.

5 BY MR. SUHAR:

6 Q Mr. Cratin, you mentioned that you
7 met with Glenn Dale Civic Association?

8 A Correct. Three times.

9 Q Three times. Who did you meet with
10 there as representatives of the Glenn Dale Civic
11 Association?

12 A Mr. Henry Wixon, as well as all other
13 attendees on those neighborhood Glen Dale Civic
14 Association meetings that were in attendance.

15 Q And who were those other attendees?

16 A I do not have that information right
17 now.

18 Q Was anyone there from Wingate
19 Homeowner's Association?

20 A I do not know.

21 Q Does Glenn Dale Civic Association
22 represent the Wingate Homeowner's Association or

1 any of its members?

2 A I do not know.

3 Q Okay. Now, you mentioned that your
4 company met with Wingate Homeowner's
5 Association. Is that right?

6 A Correct.

7 Q What day did they meet?

8 A Wingate was October 25th, 2023.

9 Q Okay. And who was present?

10 A Members of our project team were
11 present. Rebekah Brown, BWD --

12 Q Were you there?

13 A -- Nana Baine, Arcland. I was not
14 present, I had a conflict in my schedule.

15 Q Okay. So can you tell me what was
16 discussed?

17 A Generally, I'm aware that we
18 presented the project.

19 Q Okay. Anything else that you'd like
20 to say that as to what was discussed
21 specifically?

22 MR. BROWN: I mean, he testified he

1 wasn't there, Mr. Suhar.

2 MR. SUHAR: Okay. I asked him if he
3 knows what was discussed. He said that the --
4 that the two met, and I'm just asking --

5 MR. BROWN: I mean, this --

6 MR. SUHAR: -- what was discussed at
7 the meeting.

8 MR. BROWN: -- this is an
9 administrative hearing and you're allowed some
10 latitude with regards to hearsay. But, I mean,
11 the gentleman said he wasn't there.

12 MR. SUHAR: Okay. Then if I'm not
13 allowed to ask him what was discussed at the
14 meeting, then I'll --

15 MR. BROWN: Mr. Cratin, generally,
16 what did your staff or your consultants tell you
17 was discussed at that meeting?

18 THE WITNESS: Sure. Generally, we
19 offered a brief presentation of the project, a
20 brief overview of Arcland Property Company, and
21 provided architectural renderings -- or
22 architectural elevations of the subject

1 property.

2 BY MR. SUHAR:

3 Q Okay. And did -- were the questions
4 answered that the Wingate Homeowner's
5 Association have? Or did they have any
6 questions?

7 MR. BROWN: Well, he testified he
8 doesn't know whether anyone from Wingate
9 Association attended that meeting, Mr. Suhar.

10 MR. SUHAR: Oh, okay. All right.
11 Thank you for clarifying that, Mr. Brown, for
12 the record.

13 Since I'm not permitted to ask about
14 the application or what witnesses that are --
15 everybody else seems to know what the witnesses
16 are going to say except for me, so I guess I'll
17 just have to just -- I have no further
18 questions.

19 MS. NICHOLS: All right. Thank you.
20 Mr. Brown?

21 MR. BROWN: Mr. Suhar, I don't know
22 what the witnesses are going to testify to, but

1 I know the subject area which they are going to
2 testify about, and that is land use planning,
3 transportation adequacy, and the needs. Those
4 are the experts, as I understand it, at a
5 minimum the applicant is going to call.

6 But anyway, Mr. Cratin, I saw in this
7 file the application and the disclosure of those
8 persons with 5 percent or more ownership in
9 either -- what was it? -- Dee Corporation, the
10 owner of the property and Arcland, I assume the
11 contract --

12 Mr. Tedesco, refresh my memory. Is
13 an ethics affidavit required for a special
14 exception?

15 MR. TEDESCO: It is, and they were
16 submitted, Mr. Brown.

17 MR. BROWN: All right, because I
18 didn't see that in the binder.

19 MR. TEDESCO: It's -- yeah, I don't
20 have it on my exhibit list, but it was certainly
21 part of the acceptance filing that was made to
22 Park and Planning. So we can easily submit

1 those today.

2 MR. BROWN: All right.

3 MR. TEDESCO: Just as -- and it
4 should be in -- I know sometimes not everything
5 gets put on the exhibit list, but it was part of
6 the acceptance filing, so it is part of the
7 record.

8 MR. BROWN: All right. No other
9 questions, Madam Examiner.

10 MS. NICHOLS: Thank you.

11 Mr. Tedesco, do you have any
12 redirect?

13 MR. TEDESCO: I don't.

14 MS. NICHOLS: All right. Your next
15 witness, sir?

16 MR. TEDESCO: Ms. Emily Dean.

17 MS. NICHOLS: All right.

18 MS. DEAN: Good morning.

19 MS. NICHOLS: Good morning.

20 All right. I need to swear you in.

21 Raise your right hand. Thank you so much.

22 I solemnly swear or affirm under the

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

4 THE WITNESS: I do.

5 MS. NICHOLS: Thank you. Please
6 state your name and business address for the
7 record.

8 THE WITNESS: My name is Emily Dean.
9 My business address is 3904 Boston Street, Suite
10 202, in Baltimore, Maryland.

11 MS. NICHOLS: Your witness,
12 Mr. Tedesco.

13 MR. TEDESCO: Thank you, Madam
14 Examiner.

15 DIRECT EXAMINATION

16 BY MR. TEDESCO:

17 Q Ms. Dean, where are you currently
18 employed?

19 A I'm employed at Kimly-Horn and
20 Associates, Incorporated, in Baltimore,
21 Maryland.

22 Q And what is your title?

1 A Civil Engineer.

2 Q And what are some of your job
3 responsibilities?

4 A I currently manage projects. I
5 oversee a team of designers and engineers in
6 preparing technical drawings that are used to
7 obtain approvals and permits in order to perform
8 construction activities.

9 Q And are you a licensed professional
10 engineer in the field of civil engineering in
11 the state of Maryland?

12 A I am. I'm licensed in the state of
13 Maryland, and my license is valid through
14 December 19th of 2024.

15 Q And that will be extended or --

16 A It will be renewed for --

17 Q Renewed. Thank you.

18 A Yes.

19 Q And have you previously been
20 qualified as an expert in civil engineering?

21 A I have not.

22 MR. TEDESCO: Madam Examiner, we

1 submitted Ms. Dean's CV as Exhibit 40, and
2 prepare to voir dire here to qualify as an
3 expert in this case.

4 MS. NICHOLS: Why do you need her to
5 be an expert?

6 MR. TEDESCO: Madam Examiner, given
7 the new zoning ordinance and the requirements
8 with respect to some of the findings related to
9 the general special exception requirements of
10 27-5402(u) as well as the requirements of 27-
11 3604(e)(1), as it relates to some of the site
12 planning elements, she may be asked to provide
13 opinion testimony in addition to fact testimony.
14 So we would like to have her qualified, and I
15 think she meets the qualifications should she
16 provide any opinion.

17 MS. NICHOLS: All right. Go ahead
18 with your voir dire.

19 MR. TEDESCO: Okay. Thank you, Madam
20 Examiner.

21 BY MR. TEDESCO:

22 Q Ms. Dean, how long have you been

1 engaged in civil engineering?

2 A For approximately 15 years and 10
3 months. I started my career in January of 2008.

4 Q And can you provide a summary of your
5 educational background?

6 A Yes. I have a Bachelor of Science in
7 Civil Engineering from the Pennsylvania State
8 University, and a Master of Engineering in
9 Project Management from the University of
10 Maryland.

11 Q And can you describe your
12 professional background?

13 A Yes. I started my career in 2008
14 with the firm Morris & Ritchie Associates in
15 Laurel, Maryland, where I was a civil designer
16 and then a civil engineer.

17 In 2013, I moved to AMT, LLC, in
18 Washington, D.C., where I was a civil engineer.
19 In 2014, I was employed by Bohler Engineering in
20 Bowie, Maryland, as a civil engineer, and an
21 assistant project manager.

22 In 2019, I was employed by MK

1 Consulting in Baltimore, Maryland, as a civil
2 engineer and project manager. And from October
3 of 2020 to the present, I have been employed by
4 Kimly-Horn and Associates, Incorporated, in
5 Baltimore, Maryland, as a civil engineer and
6 project manager.

7 Q And are you a member of any
8 professional societies or organizations in this
9 particular field?

10 A Yes. I'm a member of the American
11 Society of Civil Engineers, the Maryland
12 Chapter; the Maryland Building Industry
13 Association, the Prince George's County Chapter;
14 and, NAIOP or the Commercial Real Estate
15 Development Association.

16 MR. TEDESCO: Madam Examiner, I know
17 Mr. Brown may have some additional questions,
18 but we would move to have Ms. Dean accepted as
19 an expert in the field of civil engineering.

20 MS. NICHOLS: All right.

21 Mr. Brown?

22 MR. BROWN: Mr. Suhar?

1 MS. NICHOLS: Mr. Suhar, do you have
2 any questions with regards to voir dire?

3 Mr. Suhar?

4 MR. SUHAR: Sorry, I was on mute.

5 No. No questions. Thank you,
6 Madam Examiner.

7 MS. NICHOLS: All right. Mr. Brown?

8 MR. BROWN: Good morning, Emily, how
9 are you?

10 THE WITNESS: I'm good, thank you.
11 How are you?

12 MR. BROWN: Good. You've testified
13 numerous times on other cases. I thought you
14 had qualified previously.

15 THE WITNESS: I don't believe I have.
16 I have testified before. I don't believe I've
17 been qualified before.

18 MR. TEDESCO: I felt the same and in
19 the abundance of caution, we are -- we are going
20 this route just in case because we couldn't
21 remember which one if it was, but I thought --

22 MS. NICHOLS: I don't think she's

1 been qualified.

2 MR. TEDESCO: Okay.

3 MR. BROWN: All right.

4 I have no objection to her being
5 qualified as an expert in civil engineering
6 based upon her resume and past experience and
7 her appearance in numerous cases before the
8 Examiner.

9 MS. NICHOLS: I am very familiar with
10 Ms. Dean's prior testimony in other cases, and I
11 am going to qualify you today in the field of
12 civil engineering.

13 THE WITNESS: Thank you.

14 MS. NICHOLS: Thank you.

15 MR. TEDESCO: Thank you.

16 BY MR. TEDESCO:

17 Q Ms. Dean, are you familiar with the
18 application that's the subject of this hearing
19 today?

20 A Yes.

21 Q And were you employed by the
22 applicants to perform certain services

1 associated with the subject property?

2 A Yes.

3 Q And what services were you asked to
4 perform?

5 A We were hired to prepare the special
6 exception site plan, the landscape plan, and
7 also the tree conservation plan type 2.

8 Q And are you familiar with the special
9 -- so you are familiar with the special
10 exception application that's the subject of the
11 hearing?

12 A Yes.

13 Q And did you or someone in your firm
14 prepare the special exception site plan and the
15 landscape plan associated with this case?

16 A Yes.

17 Q And if you could, please describe the
18 subject property for us and orient the examiner
19 as to the location of the property. And if you
20 need any particular exhibits to help you, just
21 let me know.

22 A Sure. I think Exhibit 44 is the

1 aerial.

2 MR. TEDESCO: Could we have Fatima
3 pull up Exhibit 44?

4 MS. NICHOLS: Fatima, can you please
5 do that?

6 THE REPORTER: Sure, one moment.

7 MS. NICHOLS: Thank you.

8 MR. TEDESCO: Thank you.

9 THE REPORTER: You're welcome.

10 THE WITNESS: Thank you. The subject
11 property is located at 10810 and 10812 Duvall
12 Street in Glenn Dale, Maryland. The site is
13 located, as depicted in the aerial image, in the
14 southern corner of the intersection of Glenn
15 Dale Boulevard and Lanham Severn Road, and is
16 bounded by Glenn Dale Boulevard to the east,
17 Lanham Severn Road to the north, commercial
18 properties to the west, and the Amtrak and
19 marked train tracks to the south.

20 BY MR. TEDESCO:

21 Q And what frontage does the property
22 have?

1 A The property fronts on Glenn Dale
2 Boulevard, Lanham Severn Road, and Duvall
3 Street.

4 Q And did you make a field inspection
5 of the property?

6 A Yes.

7 Q And can you describe for us the
8 nature of the existing improvements on the
9 property? Any unique features?

10 A Yes. The site is currently cleared
11 and vacant. The only structure on the site is a
12 cell tower, which is to remain throughout the
13 development of the Self Storage facility. It
14 was discovered that the site previously had an
15 issued grading permit for development and was
16 cleared in the early 2000s for those
17 improvements.

18 It appears a sediment trap was
19 installed in the southeast corner of the site
20 and a few storm drainage structures were
21 delivered, a few of which have also been
22 installed. It also appears a water system was

1 installed on the property. However, before the
2 project got very far, it appears the site was
3 abandoned, and the sediment trap and a few storm
4 drainage structures remain on site.

5 Q And could you take the Examiner
6 through the site landscape plan explaining the
7 changes that are being proposed as part of this
8 application for special exception?

9 MR. TEDESCO: And just for the
10 record, the amended site plan that was submitted
11 is Exhibit 29.

12 MS. NICHOLS: Do you want Fatima to
13 pull that up?

14 MR. TEDESCO: Sure. That would be
15 great. Exhibit 29.

16 MS. NICHOLS: Exhibit 29, please.

17 THE WITNESS: Yeah, I believe Sheet 4
18 shows the amended site plan.

19 BY MR. TEDESCO:

20 Q Okay.

21 A So the majority of this site actually
22 is the building which is located in the middle

1 of the property and is oriented with the main
2 doors towards Duvall Street, which is -- south
3 on that side of the building are the office and
4 the community space and then access to the
5 internal loading areas. There's also a dumpster
6 provided in the back of the site.

7 The cell tower is nestled in the --
8 the jog in the building, and will remain. And
9 then the site is accessed from Duvall Street via
10 Glenn Dale Road. There is no access allowed or
11 proposed on Lanham Severn Road or Glenn Dale
12 Boulevard.

13 Duvall Street is currently
14 unimproved, and will be improved for its entire
15 length for two-way traffic with a 5-foot
16 sidewalk from the main doors of the building to
17 Glenn Dale Road as required by DPIE.

18 For on-site circulation, we do have
19 an internal road that circulates the building.
20 And then there's actually a through parking and
21 loading area within the building, so it's --
22 it's a loop around the building for access.

1 There's also parking provided in front of the
2 office space along the corner in front of the
3 cell tower and then along the back of the
4 building as well.

5 As requested by staff, in the
6 Technical Staff Report, we did add in a 5-foot
7 walkway and bollards between the spaces that are
8 adjacent to the building and the parking spaces.

9 We also are showing compliance with
10 DPIE requirements for storm water management
11 with a surface facility, in the bottom right
12 hand corner of the plan that will be a submerged
13 gravel wetland which will provide environmental
14 site design for the maximum extent practicable
15 as required by the county and the state. And an
16 underground retention system is also proposed
17 on-site to attenuate the 100-year storm as
18 required by DPIE.

19 I believe Sheet 6 is the landscape
20 plan, which is also included in this plan set.
21 We are showing the existing trees around the
22 site on Glenn Dale Boulevard and Lanham Severn

1 Road frontages. We are also complying with the
2 4.2 buffers along all of our road frontages,
3 Duvall Street, Glenn Dale Boulevard, and Lanham
4 Severn Road, and we've also provided a 4.7
5 buffer for incompatible uses along the adjacent
6 commercial properties, and have proposed a site-
7 tight fence along those properties in order to
8 reduce that buffer width by half.

9 The parking areas on-site are not
10 large enough to require compliance with 4.3.

11 We're also meeting our tree canopy
12 coverage on-site, and we have proposed forest
13 conservation mitigation on our tree conservation
14 plan which will be provided off-site, which is
15 consistent with the TCP2 that was previously
16 approved for the original development.

17 Q Could you just briefly describe the
18 topography of the property? I know these plans
19 have topographical lines. Could you explain --

20 A Sure.

21 Q -- those lines to the Examiner as it
22 relates to the building placement? And I know

1 additional witnesses will be called with respect
2 to views, but from a civil engineering
3 perspective, could you explain the topography of
4 the site a little more, please?

5 A Sure. So the -- the existing site in
6 the middle is relatively flat. And, I guess, as
7 you get to the perimeter of the site, especially
8 along Glenn Dale Boulevard, you can see those
9 existing contours are very close together, which
10 indicates a very steep slope. And Glenn Dale
11 Boulevard is significantly higher -- I believe,
12 20-plus feet higher than the site itself, which
13 means the building will sit down in essentially
14 a -- a bowl, essentially within the -- the
15 property.

16 So it will be much lower than Glenn
17 Dale Boulevard. And then the existing trees on
18 top of that slope will help provide screening of
19 the building.

20 Q Does the site plan and landscape plan
21 that you prepared address the applicable design
22 standards, requirements for Consolidated Storage

1 use -- storage facilities in the CS zone?

2 A Yes. The site and landscape plans
3 address the applicable design requirements for
4 Consolidated Storage in the CS zone. I'd like
5 to note that no departures or variances are
6 requested. All of the parking is provided on-
7 site, as required. All the landscape buffers
8 are met, and no alternative compliance has been
9 requested.

10 Q And does the proposed site plan and
11 landscape plan satisfy all the engineering-
12 related design regulations of the CS zone set
13 forth in the zoning ordinance?

14 A Yes.

15 Q Did you review the Technical Staff
16 Report in this case?

17 A Yes.

18 Q Do you agree with the Technical
19 Staff's findings related to the engineering
20 requirements associated with Section 27-3604(e),
21 5401, and 5402?

22 A Yes.

1 Q Are there any proposed amendments to
2 the site plan -- you've kind of briefly touched
3 on them, but any proposed amendments to the site
4 plan that you would like to address in --

5 A Yes. We made a couple of adjustments
6 after the issuance of the Technical Staff
7 Report. As I mentioned previously, we added a
8 5-foot walkway and bollards between the parking
9 spaces that are directly adjacent to the
10 building and the building.

11 We also provided a circulation plan
12 in our plan set which shows that a truck and --
13 a garbage truck, especially, can navigate the
14 site safely. And then we also did provide one
15 loading-sized space in the rear of the property,
16 even though a loading space was not required by
17 the code.

18 Q Just one point of clarification: I
19 think your testimony was that the parking spaces
20 and bollards were put next to the building. But
21 it's actually within the building. Is that
22 correct?

1 A Yes. So there are spaces north of
2 the building that are exterior to the building
3 parking spaces. Those spaces are off set 5 feet
4 from the back of the building with bollards.
5 And then the spaces interior -- there's parking
6 spaces interior to the building, and those
7 spaces have also been off-set 5 feet from the
8 face of the building, and then that walkway is
9 protected by bollards as well.

10 Q And have all conditions of the
11 Technical Staff Report been addressed in
12 Exhibit 29?

13 A Yes. Except we will need to vacate a
14 portion of Duvall Street that was not previously
15 vacated under V-90098, which was Condition 1-D
16 in the Technical Staff Report. And then as
17 required prior to the building permit issuance,
18 we -- the applicant will need to do the
19 community benefit agreement, which was Condition
20 1-N.

21 Q And all -- with the exception of
22 Condition 1 --

1 MS. NICHOLS: Can I interrupt just
2 one second here?

3 MR. TEDESCO: Of course.

4 MS. NICHOLS: Okay. So 1-D still
5 exists. And 1-N as in Nancy?

6 THE WITNESS: Yes.

7 MR. TEDESCO: Yes.

8 MS. NICHOLS: Okay. And all the rest
9 of the conditions of the technical staff have
10 been met.

11 THE WITNESS: Yes.

12 MS. NICHOLS: Okay. Thank you.

13 THE WITNESS: Yep.

14 MR. TEDESCO: And Madam Examiner, if
15 you could just put an asterisk in your notes
16 regarding 1-D, when Mr. Ferguson testifies, we
17 will be asking for -- although, that condition
18 needs to carry forward a slight modification to
19 that condition as it relates to the future
20 vacation of the remaining portion of Duvall
21 Street as that impacts the special exception
22 boundary to be. But I'll have Mr. Ferguson

1 testify to that in greater detail.

2 MS. NICHOLS: Okay. I await
3 Mr. Ferguson's testimony.

4 BY MR. TEDESCO:

5 Q Just to wrap things up to conclude,
6 Ms. Dean, in your expert opinion, does the
7 proposed site and landscape plan satisfy all the
8 engineering-related design regulations of the CS
9 zone set forth in the ordinance?

10 A Yes.

11 Q And have you -- strike that.

12 In your expert opinion, as it relates
13 to civil engineering, do you agree with the
14 staff's findings and conclusions as it relates
15 to the applicable design standards and required
16 findings related to the approval of this
17 application?

18 A Yes.

19 MR. TEDESCO: That would conclude my
20 direct examination, Madam Examiner.

21 MS. NICHOLS: All right. Thank you.

22 Mr. Suhar, your cross-examination.

1 MR. SUHAR: Okay. Thank you.

2 CROSS-EXAMINATION

3 BY MR. SUHAR:

4 Q Good morning, Ms. Dean.

5 A Good morning.

6 Q You testified -- just one moment,
7 bear with me here.

8 You testified that the property has
9 frontage on Lanham Severn Road which -- Maryland
10 193, and -- and Glenn Dale Boulevard. Is that
11 correct?

12 A Yes.

13 Q Okay. So will there be direct access
14 to the proposed storage --

15 A No.

16 Q -- storage facility?

17 A No. Access is actually denied by the
18 State which manages both of those roadways.

19 Q Okay. So there's not going to be any
20 direct access to the facility at all?

21 A The only access to the facility off
22 of Duvall Street.

1 Q Okay. So there is direct access but
2 it's off of Duvall Street.

3 A Yes.

4 Q Okay. Where is Duvall Street
5 located?

6 A Duvall Street is shown on this plan
7 at the bottom of the site. It comes off of
8 Glenn Dale Road. I believe Duvall Street, in
9 its existing condition, continues to the left
10 side of the page. So we'll just be building out
11 the remainder of the front -- of the right of
12 way.

13 Q Okay. Did you examine and analyze,
14 if you will, Duvall Street? Actually, strike
15 that.

16 Did you evaluate all the roads, the
17 roads that are -- were discussed as being
18 frontage, Lanham Severn Road, Glenn Dale
19 Boulevard, and then Duvall Street, as well as
20 Glenn Dale Road?

21 A In what way?

22 Q Well, the capacity.

1 MR. TEDESCO: Objection.

2 THE WITNESS: I'm not a traffic
3 engineer. So, no, I did not analyze.

4 BY MR. SUHAR:

5 Q You're not a traffic engineer. Okay.

6 A I'm a civil -- I did the --

7 MR. TEDESCO: Wait a minute, Emily.
8 I have an objection that has been ruled.

9 MS. NICHOLS: The objection is
10 sustained. She said she doesn't know.

11 Wrong witness.

12 MR. SUHAR: Okay. So is it that she
13 doesn't know or is the objection sustained?

14 MS. NICHOLS: It's the wrong witness.
15 You can ask that of the traffic expert.

16 MR. SUHAR: Oh, okay.

17 BY MR. SUHAR:

18 Q Now, you were discussing and
19 testified, Ms. Dean, as to the location of the
20 proposed building on the site on the property.
21 Will you be able to see the building from the
22 street?

1 MR. TEDESCO: Objection.

2 MS. NICHOLS: Basis?

3 MR. TEDESCO: She's not an architect
4 or a land planner, and it's beyond the scope of
5 direct.

6 MR. SUHAR: It's not beyond the scope
7 of direct. She testified that she -- that the
8 building will be screened.

9 MR. TEDESCO: Mr. Suhar, we'll have
10 other witnesses and the architect to testify and
11 that will answer that question more directly.

12 MR. SUHAR: My question is for her.
13 She testified that the building would be able to
14 be screened, or it will be screened.

15 MS. NICHOLS: Okay. I'm going to
16 sustain the objection, and you can ask those
17 questions of Ms. Brown.

18 MR. SUHAR: Ms. Brown? Oh, okay. I
19 don't know who that is.

20 MR. TEDESCO: I like this game that
21 we're playing, but I purposely went through my
22 witness list at the outset and said who they all

1 were and who they were employed by and what they
2 were going to be going as far as testifying. So
3 you -- you have a list, Mr. Suhar. We've got
4 six witnesses. This is our second one.

5 MR. SUHAR: Madam Examiner, I don't
6 appreciate the characterization, the accusation
7 actually, that I'm playing games.

8 MS. NICHOLS: I understand.

9 MR. SUHAR: Because I'm not playing
10 games.

11 MS. NICHOLS: And I need everybody to
12 take a step back and breathe.

13 And so Mr. Suhar, your next question
14 of Ms. Dean is?

15 MR. SUHAR: Okay.

16 BY MR. SUHAR:

17 Q So are you familiar with the
18 properties that are in the neighborhood?

19 MR. TEDESCO: Objection.

20 MS. NICHOLS: Could you be more --
21 not Mr. Tedesco.

22 Mr. Suhar, that's a very general

1 question. Can you please be more specific?

2 MR. SUHAR: Well, yes, I can.

3 BY MR. SUHAR:

4 Q So you're familiar, Ms. Dean, you
5 said that you -- you testified that you're
6 familiar with the Technical Staff Report.
7 Right?

8 A Yes.

9 Q Okay. And the Technical Staff
10 Report, did that discuss terms like
11 "neighborhood"?

12 A Yes.

13 Q Okay. So did you take a look at the
14 properties that were within that definition of
15 "neighborhood"?

16 A We analyzed the site in relationship
17 of neighborhood compatibility standards in the
18 Zoning Ordinance, specifically with reference to
19 the adjacent properties for the commercial uses
20 next door.

21 Q Next door. Immediately next door?

22 A Yes.

1 Q Is that -- okay. Well, what about
2 the single-family lots that are on the other
3 side of the Lanham Severn Road and Glenn Dale
4 Boulevard? Did you take a look at those?

5 A They were outside the scope of our
6 review.

7 Q Why is that?

8 A I believe they were too far away to
9 be analyzed under the Code.

10 Q Okay. How far away are they?

11 A I don't know.

12 Q You don't know. Then how is it that
13 you determined that they're too far away?

14 A We complied with the neighborhood
15 compatibility standards as stated in the Zoning
16 Ordinance.

17 Q And what is that standard?

18 A I would have to look it up. Off the
19 top of my head, I don't know.

20 Q You don't know. Okay.

21 So you really can't say then that the
22 single-family lots are too far away for your

1 analysis. Is that right?

2 MR. TEDESCO: Objection.

3 MS. NICHOLS: That's a
4 mischaracterization.

5 MR. TEDESCO: Ms. Dean didn't testify
6 -- Ms. Dean didn't testify to any analysis of
7 neighborhood compatibility.

8 MS. NICHOLS: That's correct.

9 MR. SUHAR: She said that she was
10 familiar with and she agreed with all the
11 Technical Staff Report findings.

12 MR. TEDESCO: As it related to civil
13 engineering.

14 MS. NICHOLS: Correct, so --

15 MR. SUHAR: She also testified --

16 MS. NICHOLS: Mr. Suhar, Mr. Suhar,
17 the objection is sustained. Please move on and
18 ask questions relative to her position as a
19 civil engineer.

20 MR. SUHAR: Okay.

21 I have no further questions.

22 MS. NICHOLS: All right. Thank you,

1 Mr. Suhar.

2 Mr. Brown?

3 MR. BROWN: Ms. Dean, you may not be
4 able to answer this question, but I raise it so
5 that the applicant's remaining witnesses can
6 address it and/or Mr. Tedesco can clarify for
7 us.

8 But you testified that TCP1 and/or 2
9 were previously approved; correct?

10 THE WITNESS: Yes.

11 MR. BROWN: And I'm looking at the
12 September 8th, 2023, memorandum from Dominique
13 Lockhart, Planner III, to Tom Burt,
14 Environmental Planning from Alexander Kirchhoff
15 Planner II, and it lists all of the entitlements
16 that have been approved for this property from
17 1995 through September 29, 2022, and it includes
18 this pending application.

19 The TCP2s were approved in '96, '99,
20 and 2001 -- no, '96. And TCP1 was approved in
21 '95.

22 My question to you is -- and if you

1 don't know, I'm not trying to trick you. I just
2 want to clarify this in this record because I
3 don't know off the top of my head -- that is:
4 This applicant has proceeded to process this
5 case under the new zoning ordinance.

6 THE WITNESS: Yes.

7 MR. BROWN: And all of the TCP2s
8 which you referenced in your testimony predated
9 this current ordinance that is the new zoning
10 ordinance, April 1, 2022.

11 In addition, there is a --

12 MR. SUHAR: Objection.

13 MR. BROWN: Excuse me?

14 MS. NICHOLS: No.

15 MR. SUHAR: Objection.

16 MS. NICHOLS: Let -- no, not at this
17 moment. Let --

18 MR. SUHAR: Mr. Brown is testifying.

19 MR. BROWN: I'm asking a question
20 (crosstalk)

21 MS. NICHOLS: Mr. Brown is asking a
22 question, so please don't interrupt him.

1 MR. BROWN: And, in addition, there
2 is a basic plan referenced by the technical
3 staff which was also, of course, approved under
4 the prior zoning ordinance.

5 And so my question is: Has the
6 applicant requested to either amend the
7 TCP1/TCP2 as applicable and/or a basic plan as
8 applicable to proceed under the new ordinance?
9 And the reason I raise this question, I raised
10 it several times in other cases over the last
11 year -- that is -- and it may be grandfathered,
12 but that's the answer that I want from
13 Mr. Tedesco or his later witnesses -- that is
14 you have referenced TCP2 approved under the old
15 ordinance. To your knowledge, if you know, are
16 those TCP2s grandfathered to apply to the
17 subject property under this new ordinance, if
18 you know?

19 MR. SUHAR: Objection.

20 MS. NICHOLS: Ms. Dean, do you know?

21 THE WITNESS: I don't know.

22 MR. BROWN: All right.

1 MS. NICHOLS: Okay.

2 MR. BROWN: So that's a question on
3 the board.

4 And the same question I have for the
5 basic plan.

6 MR. TEDESCO: May I be heard on that?

7 MR. BROWN: Yes, please.

8 MR. TEDESCO: So Mr. Brown, as you
9 know, the TCP is governed under Subtitle 25.
10 It's not Subtitle 27. So --

11 MR. BROWN: That's right.

12 MR. TEDESCO: -- it is being amended.
13 So the new zoning ordinance really has no impact
14 on Subtitle 25 and its applicability. So the
15 TCP amendment is not -- the analysis is not
16 whether it's under the prior zoning ordinance or
17 under the new. It's all under Subtitle 25.

18 The basic plan became moot upon the
19 rezoning of the property as a CS zone.

20 MR. BROWN: And I agree with you
21 100 percent, and that's what I want on this
22 record. But in the Staff Report and the staff

1 referrals, there is reference to compliance with
2 the basic plan.

3 MR. TEDESCO: Mr. Ferguson will
4 testify to that, Mr. Brown. We have that
5 highlighted as a clarification.

6 MR. BROWN: All right. Great.

7 No other questions of Ms. Dean.

8 MS. NICHOLS: All right. Thank you.
9 Any redirect, Mr. Tedesco?

10 MR. TEDESCO: I do. I just -- very,
11 very briefly.

12 REDIRECT EXAMINATION

13 BY MR. TEDESCO:

14 Q Ms. Dean, Mr. Suhar asked you about
15 Duvall Street. Do you know whether or not
16 that's a public right of way, a dedicated public
17 right of way or not?

18 A It is a public right of way.

19 Q And did you -- is the site
20 development concept or a storm water concept
21 plan approved for this development?

22 A Yes.

1 Q And as part of that site development
2 concept plan, are things such as frontage, road
3 improvements and things of that sort analyzed
4 and determined conceptually?

5 A Yes.

6 Q And can you testify as to whether or
7 not DPIE has -- will be requiring any frontage
8 improvements -- or road improvements to Duvall
9 Street as it relates to this project?

10 MR. SUHAR: Objection.

11 MS. NICHOLS: And your --

12 MR. SUHAR: I can object to this
13 entire line of questioning because I was not --

14 MS. NICHOLS: I understand that.

15 MR. SUHAR: -- given the same
16 opportunity.

17 MS. NICHOLS: Mr. Suhar, Mr. Suhar --
18 Ms. Dean, can you answer that question?

19 THE WITNESS: Yes.

20 MS. NICHOLS: I'm going to allow you
21 to do so.

22 THE WITNESS: Yes. DPIE is requiring

1 us to build out the entirety of -- of Duvall
2 Street to our property with two-way access and
3 then also a 5-foot sidewalk and then street
4 lights as required by the county.

5 MR. TEDESCO: No further questions.

6 MS. NICHOLS: All right.

7 Mr. Suhar, do you have any questions
8 based on the redirect?

9 MR. SUHAR: Yes, thank you,
10 Madam Examiner.

11 RECROSS-EXAMINATION

12 BY MR. SUHAR:

13 Q Ms. Dean, based on that last
14 question, what is the basis for the county's
15 requirement?

16 A Whenever you develop within Prince
17 George's County, they -- along a public right of
18 way, they are allowed to require improvements to
19 that right of way.

20 Q Okay. And do you happen to know what
21 the basis for their requirement is?

22 A I don't understand.

1 Q Does it have to do with traffic?

2 A No, I believe it's because
3 Duvall Street is not currently improved.

4 Q Okay. And what do you mean by that?

5 A As of right now, it's a gravel road
6 that just provides access to the cell tower.

7 Q Okay.

8 A So we'll be paving it, installing
9 curb and gutter on each side, storm drain
10 facilities, and a sidewalk.

11 Q Okay. And would it be this -- this
12 gravel street, is it already -- I thought you
13 said it was a public road.

14 A It is a public road.

15 Q Okay. And so is the county not
16 paving that road? I guess I don't understand.

17 A I don't know.

18 Q You said, "We are paving the road."

19 A Our plans include improvements to
20 Duvall Street so that it will be paved, curb and
21 gutter will be installed, a sidewalk will be
22 installed, and street lights will be installed

1 that do not currently exist.

2 MR. SUHAR: Okay. I guess I don't
3 understand if it's a public road.

4 All right. Thank you.

5 MS. NICHOLS: All right. Mr. Brown,
6 do you have any questions based on redirect?

7 MR. BROWN: No further questions.

8 MS. NICHOLS: All right. Thank you.

9 Thank you, Ms. Dean, congratulations.
10 Put this day on your calendar.

11 THE WITNESS: Thank you.

12 MS. NICHOLS: Mr. Tedesco, your next
13 witness is Mr. Lenhart?

14 MR. TEDESCO: Mr. Lenhart, yes,
15 ma'am.

16 MS. NICHOLS: All right.

17 Good to see you, Mr. Lenhart.

18 MR. LENHART: Good morning. Good to
19 see you.

20 MS. NICHOLS: Good morning. I need
21 to swear you in.

22 I solemnly swear or affirm under the

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

4 THE WITNESS: I do.

5 MS. NICHOLS: Please state your name
6 and business address for the record, and I will
7 note for the record you have previously
8 qualified as an expert traffic engineer. Thank
9 you.

10 THE WITNESS: Yes. Thank you.

11 Michael Lenhart with Lenhart Traffic
12 Consulting, 645 Baltimore Annapolis Boulevard,
13 Suite 214, Severna Park, Maryland 21146.

14 MS. NICHOLS: Thank you.
15 Mr. Tedesco, your witness.

16 MR. TEDESCO: Madam Examiner, just
17 for clarification, he will continue as an -- I
18 know you indicated he's --

19 MS. NICHOLS: I'm sorry, he will
20 continue in that capacity as an expert
21 transportation engineer.

22 MR. TEDESCO: Thank you. And just

1 for the record housekeeping, Mr. Lenhart's CV is
2 Exhibit 33, and we would ask for that to be
3 accepted into the record.

4 MS. NICHOLS: So accepted.

5 (Exhibit 33 was marked for
6 identification.)

7 DIRECT EXAMINATION

8 BY MR. TEDESCO:

9 Q Mr. Lenhart, good morning.

10 A Good morning.

11 Q Did you make a personal inspection of
12 the property?

13 A Yes, I have.

14 Q And are you familiar with the area
15 surrounding the subject property including the
16 roads and road networks?

17 A Yes, I am.

18 Q And could you briefly describe the
19 roads and road networks in the area? And if
20 need be, we can pull up Exhibit 44 if that would
21 help -- be beneficial to you.

22 A I don't know if it's helpful for

1 anyone to follow along.

2 MR. TEDESCO: Why don't we pull it
3 up?

4 Fatima, if we could pull up
5 Exhibit 44 again, it might be useful as
6 Mr. Lenhart testifies.

7 THE REPORTER: Sure, just give me one
8 second.

9 MR. TEDESCO: Thank you.

10 THE REPORTER: No problem.

11 MS. NICHOLS: Any particular sheet,
12 Mr. Lenhart?

13 MR. TEDESCO: The one on top, if we
14 could zoom in to that one, I think that shows
15 the zoomed out view, which is beneficial.

16 THE REPORTER: I think that's too
17 big.

18 Is this better?

19 MR. TEDESCO: Yes. A tad smaller
20 just so we can see more surrounding. I think
21 that's good. All right.

22 MR. SUHAR: What's this exhibit

1 number?

2 MR. TEDESCO: Exhibit 44.

3 MR. SUHAR: Exhibit 44. Thank you.

4 THE WITNESS: So Glenn Dale
5 Boulevard, you can see, runs in a kind of an
6 east-west orientation in this image. That is a
7 master planned arterial roadway, A16. It's a
8 four-lane divided roadway, and the project has
9 frontage along Glenn Dale Boulevard.

10 Maryland 564 is Lanham Severn Road.
11 Those are both state roads. Lanham Severn Road
12 is a master planned collector roadway, C314.
13 It's a four-lane divided roadway along the
14 frontage of the property. And then as -- as it
15 gets to the south, it narrows down to one lane
16 in each direction.

17 Glenn Dale Road is the road that runs
18 -- it connects with Lanham Severn Road and runs
19 down along the west end of the property to where
20 it says Contractor Storage Yards, and there it
21 terminates at the rail line. Glenn Dale Road is
22 not a master planned road. It's simply a local

1 street.

2 Duvall Street is not yet constructed,
3 but it is a public dedicated roadway that runs
4 parallel to the rail between Glenn Dale Road and
5 the site. And as Ms. Dean testified, the
6 applicant will be constructing that public
7 street as access to the property.

8 BY MR. TEDESCO:

9 Q Are you familiar with the applicant's
10 proposed application for special exception to
11 accommodate the proposed Consolidated Storage
12 facility on the property?

13 A Yes.

14 Q And have you examined the special
15 exception site plans?

16 A Yes.

17 Q And did you make an investigation on
18 the traffic conditions and level of service in
19 the area surrounding the property?

20 A Yes. We -- this -- this property
21 generates fewer than 50 peak-hour trips, and so
22 according to the transportation review

1 guidelines, we are not required to provide, on
2 the record, a traffic impact study.

3 We submitted a transportation
4 checklist for review and approval by Park and
5 Planning. That checklist was signed and
6 approved with a request for traffic counts to be
7 provided at Maryland 193 and Maryland 564 and at
8 Maryland 564 and Glenn Dale Road.

9 Those traffic counts were submitted
10 to Park and Planning staff and as required by
11 the guidelines, Park and Planning staff conducts
12 their own internal assessment of traffic
13 conditions. And as noted in the planning board
14 backup materials and memorandum from
15 transportation staff, they had found that
16 traffic is adequate for this -- this proposed
17 use.

18 We did conduct further analysis in
19 preparation for this hearing so we could testify
20 on the record what the levels of service are and
21 the operations because staff didn't put a lot of
22 detail in their memorandum. And I can talk

1 about that now if you'd like, or we can hit that
2 a little later in your questions.

3 Q No, please -- you know, what -- so
4 let me ask the question. What -- in your
5 further analysis -- strike that.

6 Could you please elaborate more on
7 the peak hour trips associated with this use and
8 how that relates to any analysis of level of
9 service of the intersections in question?

10 A Certainly. So the two intersections,
11 Maryland 564 at Glenn Dale Road, is a non-
12 signalized intersection. Maryland 193 and 564
13 is a signalized intersection. Signalized and
14 unsignalized intersections have two different
15 methodologies for analysis.

16 I'll start with 193 at 564. As a
17 signalized intersection, the guidelines require
18 critical lane volume analysis to assess the
19 level of service. We evaluated the traffic
20 counts that we conducted using the critical lane
21 volume methodology and we determined that the
22 existing levels of service at that intersection

1 are B, as in boy, in the morning and evening
2 peak hours.

3 This project will generate 12 morning
4 peak hour trips and 20 evening peak hour trips.
5 That's not a de minimis amount but it is a very
6 low traffic volume. And when adding that to the
7 intersection of 193 and 564, it does not
8 substantially change the results that would
9 continue to be a level of service B in the
10 morning and B in the evening.

11 With regards to Maryland 564 at
12 Glenn Dale Road, unsignalized intersections have
13 a three-step methodology to evaluate the
14 adequacy. Step one is conduct a highway
15 capacity software analysis of the delays at the
16 stop controlled movements, and if any of the
17 delays exceed 50 seconds per hour, then you must
18 go to Step 2. If it is less than 50 seconds per
19 hour, it's deemed adequate and no further
20 analysis is needed. So if it's greater than 50
21 seconds, you go to Step 2. If there are fewer
22 than 100 vehicles on the minor street approach,

1 it is deemed adequate and no further analysis is
2 needed.

3 If the side street has greater than
4 100 vehicles per hour, you go to Step 3. Step 3
5 is a critical lane volume analysis, and if it is
6 a critical lane volume of 1,150 or better, then
7 it is deemed adequate and no further analysis is
8 needed.

9 If it's greater than a CLV of 1150,
10 then typically there is the condition to do a
11 signal warrant study to determine if a signal is
12 needed to help with reducing the delays and
13 addressing delays at unsignalized movements.

14 In this case, I cannot attest to
15 exactly what analysis staff did, whether they
16 did all three steps because they didn't include
17 that in there. But we looked at Step 2 and
18 Step 3 because if -- if Step 1 were exceeded,
19 you simply go to Step 2 and Step 3. And if it
20 passes either of those, it's adequate. And it
21 passes both Step 2 and Step 3 in that there are
22 fewer than 100 vehicles on the minor street

1 approach and the CLV is less than or is better
2 than 1,150. And so that intersection is deemed
3 adequate. Both intersections are deemed
4 adequate.

5 Q Will the site -- will this
6 development require (indiscernible) subdivision
7 and an adequate -- ADQ adequate -- certificate
8 of adequacy?

9 A Yes.

10 Q And during that review will the
11 traffic impact analysis be re-reviewed and/or
12 determined?

13 A Yes. Yeah, and the ADQ or the
14 certificate of adequacy, they go into a much
15 greater detail of the adequate public facilities
16 analysis. And I would anticipate it would --
17 the findings would be exactly as I testified,
18 which is also supported by the staff memorandum.
19 And for the purposes of the special exception, I
20 can testify that this -- that everything
21 operates adequately and that this has an
22 extremely low trip generation and would not have

1 a substantial impact on the operations or
2 detrimental impact on health, safety, and
3 welfare.

4 Q Have you looked at -- so you have
5 testified to the intersections. Have you looked
6 at the site access and its impact on the
7 network?

8 A We generally looked at the access in
9 and out of this site, out the 564, and would not
10 have a negative impact on the network.

11 Q Did the Transportation Planning
12 Section render any conclusions with respect to
13 the site access in their September 5th
14 memorandum?

15 A Yes, and bear with me while I pull
16 that up so I can quote it properly.

17 Yeah, the September 5th, 2023,
18 memorandum from Jim Yang to Dominique Lockhart.
19 Mr. Yang is the -- is with the Transportation
20 Planning Section, and he has a three-page
21 memorandum, and bear with me as I look for a
22 specific quote here.

1 The findings of that -- in the last
2 paragraph, it states in consideration of the
3 scope of this application, the Transportation
4 Planning Section recommends approval of SPE
5 2022-002 Glenn Dale Storage with no conditions.

6 And they -- in that they acknowledge
7 that a traffic impact study is not required, and
8 that the traffic counts were submitted, and the
9 traffic counts show the proposed volumes will
10 not have an adverse impact as required under
11 Section 27-3604.

12 MR. SUHAR: Objection. I'm just
13 going to note it for the record.

14 MS. NICHOLS: What's the objection?

15 MR. SUHAR: He's offering hearsay
16 evidence. He's making a statement about what
17 somebody else said.

18 MS. NICHOLS: Mr. Suhar, you have
19 asked people who said they weren't in meetings
20 to tell you what happened during the meetings.
21 So that hearsay argument has long been lost.

22 MR. SUHAR: Thank you, Madam

1 Examiner.

2 THE WITNESS: I'd also like to add in
3 that memorandum a quote that with the addition
4 of the new trips, the intersection at the site
5 access point will continue to operate at
6 acceptable levels, and staff agreed that the
7 proposed use will not be detrimental to the use
8 or development of adjacent properties.

9 BY MR. TEDESCO:

10 Q And Mr. Lenhart, in your expert
11 opinion, do you agree with that statement and
12 the other statements in the memorandum?

13 A Yes, I agree with that.

14 Q From the perspective of traffic
15 engineering and planning, will the approval of
16 this application cause any adverse effect upon
17 adjacent properties or the surrounding area?

18 A No, the approval of this special
19 exception will not cause any adverse impact on
20 the adjacent properties or surrounding
21 neighborhood.

22 Q Will the approval of this

1 application, in your expert opinion, have any
2 detrimental effects upon the health and safety
3 of pedestrians and motorists in the area?

4 A No, this is a very low traffic
5 generator as stated, and it would not have any
6 detrimental impact on the health and safety of
7 pedestrians or motorists in the area.

8 MR. TEDESCO: I have no further
9 questions, Madam Examiner.

10 MS. NICHOLS: All right. Thank you,
11 Mr. Tedesco.

12 Mr. Suhar, cross-examination?

13 MR. SUHAR: Yes, thank you, Madam
14 Examiner. I just have a couple of questions.

15 CROSS-EXAMINATION

16 BY MR. SUHAR:

17 Q Mr. Lenhart, good morning.

18 A Good morning.

19 Q You conducted the traffic analysis
20 study for this project. Is that right? The
21 analysis that was included with the application.
22 Is that correct?

1 A Yes.

2 Q Okay. And who hired you to conduct
3 the study?

4 A We were hired by Arcland.

5 Q Okay. The applicant for this -- in
6 this case?

7 A Yes.

8 Q Okay. And what roadways were
9 included in your analysis?

10 A Well, as I testified, the staff
11 required the inclusion of the intersections at
12 Glenn Dale Boulevard and Lanham Severn Road,
13 which is 193 and 564, and Lanham Severn Road at
14 Glenn Dale Road going back into the site.

15 Q Okay. Thank you. Was Duvall Street
16 included in that analysis?

17 A Duvall Street, they did not request a
18 traffic count at Duvall Street because it does
19 not exist today.

20 Q Okay. It doesn't exist where?
21 Because when I look at a map of the area, I see
22 Duvall Street indicated on the map.

1 A Well, it's a paper street. There is
2 a dirt road that goes back to -- or a dirt
3 driveway that goes back to the current use
4 that's there, but it's not improved and it will
5 be improved as part of this application.

6 Q Okay. And so what is the level of
7 service for Glenn Dale Road?

8 A Glenn Dale Road: The -- the
9 guidelines -- Park and Planning required the
10 provision of traffic counts at intersections.

11 Q Okay.

12 A 193 at 564, and 564 at Glenn Dale
13 Road. That is what's required in the
14 guidelines. That's what they required in their
15 checklist. And so the intersections prevail.
16 Not -- not the lengths in this case. We looked
17 at the intersections and they are deemed
18 adequate.

19 Q Okay. And you testified that the
20 proposed storage facility will have a very low
21 traffic generation. Is that correct?

22 A Yes.

1 Q Okay. And what is that number?

2 A Twelve trips in the morning peak
3 hour, and 20 trips in the evening peak hour.
4 That -- that is the inbound and outbound trips
5 in a 60-minute period would equal 12 in the
6 morning, 20 in the evening peak hour.

7 Q Okay. And what is that projection
8 based on?

9 A It's obtained from --

10 Q That's a projection. Right?

11 A Yes.

12 Q Yeah. Okay. Yeah. What is that
13 projection based on?

14 A It's obtained from the Institute for
15 Transportation Engineers Trip Generation Manual.
16 It is a national publication that is utilized by
17 all jurisdictions across the country for
18 projecting traffic volumes for given uses.

19 Some jurisdictions have local rates
20 to supplement that information for some uses.
21 Prince George's County does have local rates for
22 certain other uses like residential, office --

1 but they don't have local rates for self-storage
2 and many, many other uses.

3 We defer to the Trip Generation
4 Manual. That has hundreds of land uses in it
5 like self-storage, different types of warehouse,
6 industrial, medical office, different types
7 of -- again, residential, fast-food, all sorts
8 of retail service uses, and it's based on
9 empirical data. It is actual traffic counts at
10 existing uses and that data is compiled. And
11 based upon that data, you -- of traffic
12 generated by existing uses, you can project
13 traffic that would be generated by proposed
14 uses. It's a standard practice and an accepted
15 document that's used across the country.

16 Q Okay. Thank you.

17 You also testified that the special
18 exception will not have any detrimental impact
19 upon the adjacent properties. Is that correct?

20 A Correct.

21 Q Have you spoken with the -- well, let
22 me ask you -- strike that.

1 What adjacent properties, what types
2 of uses are on those properties?

3 A Commercial use is in there.

4 Q Any industrial uses?

5 A I would defer to the land planning
6 expert to get into those exact adjacent uses.
7 My testimony about no impact on adjacent uses is
8 specifically related to transportation. This --
9 the property is zoned commercial and would allow
10 for any number of uses that would generate a lot
11 more traffic than a self-storage warehouse.

12 Self-storage are one of the lowest
13 traffic generators that could possibly go on to
14 the site. And from a traffic perspective, it
15 would have a negligible impact on any of the
16 adjacent properties.

17 Q Okay. Thank you. And have you
18 spoken with any of the adjacent property owners?

19 A No, I have not.

20 Q Okay. So you really don't know
21 whether there is an impact upon them or not. Is
22 that right? Whether it's good or bad.

1 MR. TEDESCO: Objection.

2 MS. NICHOLS: I'm going to sustain
3 the objection. He gave his opinion based on
4 transportation, and that's his testimony today.

5 MR. SUHAR: Okay. Thank you. No
6 further questions.

7 MS. NICHOLS: All right.

8 Mr. Brown?

9 MR. BROWN: I have no questions.
10 Thank you.

11 MS. NICHOLS: All right.

12 Mr. Tedesco, do you have any redirect?

13 MR. TEDESCO: I do not. Thank you.

14 MS. NICHOLS: All right. Okay.

15 Thank you, Mr. Lenhart.

16 And we've been going for almost two
17 hours. Let's take a five-minute break while we
18 tee up Ms. Brown. Okay? Five minutes?

19 MR. TEDESCO: Thank you.

20 MS. NICHOLS: Thank you.

21 (WHEREUPON, a recess was taken.)

22 MS. NICHOLS: So we had a little

1 recording glitch there and -- a streaming glitch
2 actually, and so I'm just going to catch
3 everybody else up to speed. The only thing that
4 you missed out on was that Ms. Rebekah Brown was
5 sworn in and she was qualified as an expert in
6 the field of architecture.

7 I don't think we got very far with
8 her. Did you even begin her --

9 MR. TEDESCO: I had asked one
10 question that I will repeat and we will be right
11 where we left off.

12 MS. NICHOLS: Okay.

13 MR. TEDESCO: Thank you.

14 DIRECT EXAMINATION

15 BY MR. TEDESCO:

16 Q Ms. Brown, did there come a time when
17 you were asked to participate in the subject
18 application my providing architectural services
19 and designing to proposed Consolidated Storage
20 facility?

21 A Yes, the work before us today was
22 designed and prepared by my office, and was

1 under my direct guidance and supervision.

2 Q And I think during voir dire of your
3 qualification as an expert, you testified to
4 previously designing other Consolidated Storages
5 in general, but I'm not sure if you specified if
6 any of those were for this particular applicant.
7 Would you just clarify that?

8 A Yes. I've been working with this
9 applicant for the last 12-plus years on
10 Consolidated Storage projects, and those have
11 been throughout Maryland, D.C., Virginia, and
12 beyond.

13 Q Were you made aware of the design
14 criteria required as set forth in the Prince
15 George's County Zoning Ordinance for
16 Consolidated Storage facilities in this
17 particular zone being the CS zone?

18 A Yes, I am familiar with the Prince
19 George's County Zoning Ordinance which includes
20 the industrial form and design standards of
21 Section 27-61100 and then the general special
22 exception findings including Sections 27-

1 3604(e), 27-5401, and the specific uses for
2 Consolidated Storage of 27-5402(u).

3 Q And what type of factors did you have
4 to consider in designing this particular
5 building at this location under the new
6 guidelines of the zoning ordinance?

7 A So have to have a thoughtful
8 consideration to the scale and massing,
9 providing variation in the materials, overall
10 façade. We don't want to have any blank
11 expressionless facades, and so creating general
12 focal points with interest, and combining the
13 overall rhythms, utilizing complementary colors,
14 materials and colors, and varying the rooflines
15 to create an attractive exterior to the
16 building.

17 When we first started designing this
18 property, we wanted to have an understanding of
19 the site access, what street frontages were and
20 consideration for the buildings surrounding it.
21 We wanted to make sure that we are cognizant of
22 how we experience the building on-site as well

1 as off-site.

2 One of the many highlights of this
3 property and this design is the drive-thru
4 loading tunnel, which will provide the screening
5 for most of the loading activities, in addition
6 to providing preferred loading environments for
7 patrons and additionally that there are no
8 storage doors facing outwardly to any adjacent
9 parcels.

10 MR. TEDESCO: And Fatima, if we could
11 pull up Exhibit 45, I think that will be useful
12 for the next few questions, please.

13 Do we have Fatima?

14 THE REPORTER: Yes, I'm here. I'm
15 sorry.

16 MR. TEDESCO: I'm sorry. Exhibit 45,
17 if you would, please.

18 THE REPORTER: Yes, I have it. My
19 computer is a --

20 MR. TEDESCO: Okay. Thank you.

21 THE REPORTER: -- is a little slow.

22 MR. TEDESCO: No worries.

1 Thank you.

2 THE REPORTER: No problem.

3 BY MR. TEDESCO:

4 Q Ms. Brown, in trying to determine the
5 neighborhood architecture, what did you
6 consider? And I'm referring you to Exhibit 45,
7 if you'd like to speak to that.

8 A Sure. So the first thing we're
9 looking to generally define where the -- the
10 neighborhood is at. And it is characterized as
11 industrial and commercial in character. And so
12 we're looking at that to maintain compatibility.

13 To the site's north, we are bound by
14 Lanham Severn Road with no access to or from the
15 site. To the site's east is Glenn Dale
16 Boulevard, which is a significant grade change
17 of 20 feet through the dense existing vegetation
18 and trees. There is no access to or from Glenn
19 Dale Boulevard either.

20 To the south, we're bound by the
21 railroad tracks with no crossings to the
22 adjacent developments to the south.

1 To the site's west along Duvall
2 Street and Glenn Dale Road, there are commercial
3 or industrial uses including a construction
4 company with material yards, the U.S. Postal
5 Service, and Early Age Learning Center,
6 St. George's Episcopal Church.

7 And then traveling further southwest
8 down Lanham Severn is a small commercial center,
9 automotive repair shops, a small car dealership,
10 additional construction-related uses, before we
11 arrive at the first substantial residential
12 development of Woodstream East HOA. That is
13 approximately -- I don't know if your computers
14 are better than mine, but it's approximately
15 shown at the half-mile radius circle on the
16 upper left image of this exhibit.

17 Q And could you just walk us through --

18 MR. TEDESCO: Perhaps maybe now,
19 Fatima, if we could go to Exhibit 27 and get
20 into the design -- Ms. Brown's design of the
21 building.

22 BY MR. TEDESCO:

1 Q Well, before that -- before we leave
2 this exhibit, Ms. Brown, is there any other --
3 with respect to the second page --

4 MR. TEDESCO: Fatima, could you
5 scroll down?

6 THE WITNESS: Sure. And as she's
7 doing that, I'll just continue highlighting some
8 things.

9 So some of the areas that we focused
10 on were, you know, traveling approximately
11 northwest along Greenbelt Road, there is a
12 substantial commercial center and the closest of
13 it which being the Eastgate Shopping Center
14 which has other community serving uses.

15 The commercial center has broken down
16 the building massing into smaller scaled
17 sections incorporating different materials
18 horizontally to break up the facades and use
19 sizeable gabled rooflines with single sloped
20 shed roofs, and then the predominant color
21 palette in the area is -- of the surrounding area
22 are -- use warm masonries and other

1 complementary tones.

2 I did extend slightly outside the
3 general neighborhood to the DuVal High School,
4 which are noted in Images 6 and 8 in this
5 exhibit. Just to note, the recent renovations
6 that include the strong influences from the
7 aviation-inspired lines of the building. But
8 this generally has the general character, the --
9 the two sheets that we've reviewed, the general
10 character of the architecture in the area.

11 MR. TEDESCO: Thank you. So I think
12 at this time, Ms. Bah, I think we can go to
13 Exhibit 27, please.

14 THE REPORTER: Just give me one
15 second. My computer is very slow. I don't know
16 why.

17 MR. TEDESCO: Thank you.

18 BY MR. TEDESCO:

19 Q And Ms. Brown, in response to the
20 next line of questioning, if you need us to
21 scroll through these, you know, please, just let
22 us know. But could you please describe the

1 architecture of the building and the materials
2 being proposed as depicted in Exhibit 27?

3 A Sure. So Exhibit 27 is comprised of
4 building elevations, which will show that we've
5 developed an attractive four-sided architectural
6 building that meets the design goals of the
7 county ordinance.

8 So the first sheet here is -- of this
9 exhibit is P-200. And this is the façade facing
10 Lanham Severn Road. The building's massing --
11 this will be the -- the most prominently visible
12 façade from the intersection. We've broken up
13 the building's massing by incorporating material
14 changes both horizontally and vertically as well
15 as offsetting the building's footprint. We're
16 using high-quality masonry in a field color and
17 using contrast bandings that extend the height
18 of the building.

19 We've further broken up the facade's
20 massing by changing the materials, incorporating
21 different planes of the materials, and using --
22 uses of smooth and profiled metal panels and

1 along with siding. And then we have further
2 created more visual interests by incorporating
3 focal tower elements with sloped roof lines,
4 with differing angles so that you can experience
5 those in different ways from each facade.

6 If we could go to the next page,
7 please?

8 So this is Sheet P201, and this is
9 the facade that's facing Glenn Dale Boulevard.
10 This would be the view of the building as --

11 THE WITNESS: I'll let you reset
12 that.

13 Thank you.

14 So this would be the view of the
15 building as you're experiencing it if you were
16 down on our site, which is approximately 20 feet
17 lower than the elevation of Glenn Dale
18 Boulevard.

19 We've continued the same masonry
20 field with the contrast striping as the adjacent
21 facade that we were just looking at. We're
22 utilizing the same metal siding in the different

1 colors and profiles to create that variation and
2 then also use the roof lines of the -- the
3 sloped elements in -- in different views along
4 this side as well.

5 If we can go to P202, the next page,
6 please.

7 So this facade is the façade that
8 faces predominantly the railroad tracks. It
9 will also be the facade that building users will
10 experience as they're entering the site from
11 Duvall Street.

12 The same masonry treatment was used
13 again on this facade. We did have to pay some
14 particular attention to knowing that the -- the
15 existing cell antenna is kind of tucked in the
16 corner of this building here, so we did have to
17 pay attention to, you know, what materials we
18 provided in that location. And then canopies
19 are being used to guide individuals to the
20 business office.

21 Of particular note on this facade is
22 that you can see on the approximate left side of

1 the building, that's where the loading drive-
2 thru tunnel entrance is at, so that's where
3 vehicles will go in to the -- drive through the
4 building and be provided with loading
5 opportunities.

6 And if we can go to the next page,
7 please.

8 So this is P203, and this is what
9 faces Glenn Dale Boulevard and -- and really it
10 backs up to the adjacent commercial properties
11 of the subject properties southwest. We broke
12 up the expanse of this wall by alternating the
13 masonry fields and using the contrast panels
14 that we've used on other facades and then also
15 created the variation in the roofline as well.

16 And then if we want to just quickly
17 go through the remaining -- the next few sheets.
18 The remaining sheets are some site details, the
19 signage analysis that's required, the
20 photometric plan that is shown in compliance,
21 and then the final sheet is a -- a sheet of
22 material samples and colors that we're proposing

1 for the project.

2 MR. TEDESCO: Fatima, could we pull
3 up Exhibit 30, please?

4 BY MR. TEDESCO:

5 Q While that's being done, Ms. Brown --
6 and Mr. Cratin testified to this, but you were
7 the one that actually performed the changes.

8 During the review of this
9 application, were the elevations changed? And,
10 if so, for what reason?

11 A Yes. The elevations were changed.
12 After receiving community feedback early in the
13 design, particularly from the Glen Dale
14 Citizen's Association, the -- the initial
15 building design was revised. The building's
16 footprint was adjusted to further break up the
17 building's massing, and then we paid particular
18 attention to the roof lines and the
19 incorporation of sloped roof elements which was
20 a -- a priority comment received from the
21 community.

22 The resulting changes included

1 greater variation in the roof lines and a
2 refinement of the material applications to break
3 up the overall massing to make it fill into
4 smaller sections of the building.

5 Q And all those changes were reflected
6 in Exhibit 27 that you just testified to?

7 A Correct, they were.

8 MR. TEDESCO: Fatima, could we zoom
9 in to the sheets individually and I'm going to
10 have Rebekah go through them, please. If you
11 can pull that down a little bit.

12 BY MR. TEDESCO:

13 Q Ms. Brown, we're -- I'm showing you
14 what's been marked as Exhibit 30. Can you
15 orient us to what this is depicting?

16 A Yes. So this first image we're
17 looking at is an image from Glenn Dale
18 Boulevard, and you're approximately heading
19 west. This is the roadway that is approximately
20 20 feet higher than our first floor slab
21 elevation and site elevation.

22 So from this view, we also have all

1 of the existing trees and foliage. And I don't
2 know if we can zoom in just a little bit
3 further, but from our review, the -- the guard
4 rail is approximately going to be at the same
5 elevation as our third floor. And so through
6 the trees and foliage that is existing and will
7 remain off our site, the building will actually
8 be very difficult to be viewed from this view.

9 MR. TEDESCO: Will you scroll to the
10 next page, please?

11 BY MR. TEDESCO:

12 Q Ms. Brown, could you explain what
13 we're seeing in this image?

14 A So this view is at the intersection
15 heading approximately east from Greenbelt Road.
16 This angle is probably the angle that has the
17 most visibility to the building due to the
18 existing trees at the site's perimeter being
19 less dense than any of the other facades.
20 Still, given the different elevations between
21 the roadway and our site and the trees that are
22 there, we expect that really you're only going

1 to see the top part of the building facade and
2 the roof line is what we really think you'll
3 see.

4 MR. TEDESCO: If we can scroll to the
5 next page.

6 BY MR. TEDESCO:

7 Q Ms. Brown, could you explain what we
8 are seeing in this third page of Exhibit 30?

9 A So this view is heading north along
10 Lanham Severn Road. This is just past the
11 intersection of Glenn Dale Road. And, again,
12 there's an existing, mature tree line that is
13 not on the subject property, and it provides
14 significant screening of -- of the building.

15 MR. TEDESCO: And Fatima, if you can
16 go to the fourth page?

17 BY MR. TEDESCO:

18 Q And if you could orient us to what
19 this image shows?

20 A So this image is heading southwest on
21 Lanham Severn Road, and this is the angle --
22 given the site's elevation and the road

1 elevations, and again the existing perimeter
2 trees that will not be touched, this is what we
3 expect. We expect that you'll still see some
4 parts of the upper floors of the building and
5 some of the variation of the roofline.

6 Q And are you familiar with the Zoning
7 Ordinance new requirements for green building?

8 A Yes, I am.

9 Q And will this building comply or
10 satisfy those requirements at the time of site
11 plan review?

12 A Yes, it -- yes, it will comply with
13 the requirements at the time of site plan
14 review. This use, in particular, is known to be
15 a very green use. And by that, it -- it uses
16 high efficiency mechanical systems. We have a
17 set point temperature, that is not common in
18 other uses, of 55 degrees to 85 degrees, so that
19 means you're probably heating less and you're
20 cooling less than any other use that's out
21 there.

22 We have very limited fenestrations to

1 either have heat gain or heat loss. Again,
2 something that's not common with other uses that
3 are out there.

4 We also employ motion sensors for all
5 of our lighting so that you do not have, you
6 know, energy uses -- energy usage happening that
7 when the building is not occupied and the
8 majority of the building is not occupied for a
9 great period of time.

10 MR. TEDESCO: Fatima, could we
11 quickly go to Exhibit 38 just briefly? In
12 particular, the second page? If you could zoom
13 in onto that middle one.

14 BY MR. TEDESCO:

15 Q And Ms. Brown, as it relates to the
16 images that we just saw, could you just explain
17 what this exhibit is showing from plain view?

18 A Yes, so this exhibit is showing the
19 general areas of the existing mature vegetative
20 trees that are remaining and are outside of our
21 limits of disturbance, which is why we arrived
22 at the renderings that we showed you today.

1 Q Architecturally speaking, Ms. Brown,
2 in your expert opinion, is the design of this
3 facility architecturally similar to or
4 compatible with the existing neighborhood?

5 A Yes, I do think the architectural
6 design of the proposed building is compatible
7 with the surrounding neighborhood.

8 Q and have you had the opportunity to
9 review the Staff Report, Exhibit 17, in this
10 case?

11 A Yes, I have.

12 Q And with reference to the staff's
13 findings adopted by the Planning Board, the
14 architecture proposed would be similar to the
15 existing surrounding area. Would you agree with
16 that determination?

17 A Yes, I would.

18 MR. TEDESCO: Madam Examiner, I don't
19 have any further questions at this time of
20 Ms. Brown.

21 MS. NICHOLS: All right.

22 Mr. -- where are we? Mr. Sudar, do

1 you have any question of Ms. Brown?

2 MR. SUHAR: Can you hear me?

3 MS. NICHOLS: Yes.

4 MR. SUHAR: Okay. Yeah, it's Mr. --
5 it's Suhar.

6 MS. NICHOLS: What did I say?

7 MR. SUHAR: You said "Sudar."

8 MS. NICHOLS: Oh, sorry. Suhar.

9 MR. SUHAR: It's okay. Thank you.
10 Yeah, I just have a few questions.

11 CROSS-EXAMINATION

12 BY MR. SUHAR:

13 Q Good morning, Ms. Brown.

14 A Good morning.

15 Q Did you previously meet with
16 representatives of Wingate Homeowner's
17 Association?

18 A Yes, I was in attendance and
19 presented at the October 25th hearing --

20 Q Okay.

21 A -- or sorry, meeting.

22 Q Okay. Thank you. And are you

1 familiar with where the Wingate Homeowner's
2 Association is located?

3 A Yes, I am.

4 Q Okay. And do you know how far from
5 the subject property in this case the Wingate
6 Homeowner's Association is located?

7 A Yes, the entrance to the community is
8 approximately three-quarters of a mile from the
9 subject property with the closest building
10 structure being approximately a quarter mile
11 away.

12 Q A quarter mile. Okay. All right.
13 Did you take that into consideration when
14 considering the adjacent property uses?

15 A I think my expertise is just in the
16 architecture and the building design, not
17 necessarily the uses.

18 Q Okay. Fair enough. But you did
19 testify that the proposed site was compatible
20 with adjacent properties. Isn't that right?

21 A Correct. The architectural design.
22 Yes.

1 Q Okay. And is the Consolidated self-
2 storage facility considered to be an industrial
3 use?

4 MR. TEDESCO: Objection.

5 MS. NICHOLS: In what context? This
6 is to Mr. Suhar. In what context?

7 MR. SUHAR: I'm just wondering if
8 it's an industrial use. She talked about uses.

9 MS. NICHOLS: I know. But in what
10 context?

11 MR. SUHAR: In what's the -- what is
12 the use considered to be? I mean, is it
13 industrial? commercial? residential?

14 MS. NICHOLS: In Prince George's
15 County Code, in architecture in general, in --

16 MR. SUHAR: Yeah, under the Prince
17 George's County Code. Yes.

18 MS. NICHOLS: Okay.

19 THE WITNESS: So under the Prince
20 George's County Code, it is a -- classified as
21 an industrial use.

22 BY MR. SUHAR:

1 Q Okay. Thank you.

2 And which properties in the area have
3 industrial uses?

4 A The immediately adjacent property for
5 the construction facilities, which backs up to
6 our property is one of them as well as other
7 uses that are heading down Duvall Street to the
8 -- because it's a plan west from this image.

9 And then there are others out along Greenbelt
10 Road. There are others in the general vicinity
11 along Glenn Dale Boulevard as well.

12 Q Okay. And what are those others?

13 A Other uses are other self-storage
14 uses. There is a industrial factory to the east
15 on Glenn Dale Boulevard. There is automotive
16 repair shops.

17 Q Okay. What other industrial uses are
18 there?

19 A I think I listed the ones that I can
20 think -- come to mind right now.

21 Q Oh, okay. All right. Thank you.

22 So you testified that you received

1 feedback from the Glenn Dale Citizen's
2 Association; correct?

3 A Correct.

4 Q And who did you meet with at Glenn
5 Dale Citizen's Association?

6 A I was not a participant to the -- to
7 the meeting. I got feedback through the
8 owner -- sorry, the applicant.

9 Q Oh, okay. And you testified that we
10 will be able to see some of the units and the
11 top portion of the building and the roofline.
12 Is that correct?

13 A No, you won't see the units. All of
14 the units are internal to the building. What
15 you will see is the building facade,
16 approximately the top floor of it and the
17 roofline. But you will not see individual
18 storage units.

19 Q Okay. Will that comply with the
20 special exception requirements under the zoning
21 ordinance -- Prince George's County Zoning
22 Ordinance?

1 A You will not see storage units. So,
2 yes, it will comply.

3 Q Okay. Let's see. And you testified
4 that there will not be direct access on to Glenn
5 Dale Road. Is that correct?

6 A That is correct.

7 Q Okay. And does that comply with the
8 -- not having a direct access onto an existing
9 road? Does that comply with the special
10 exception requirements under the zoning
11 ordinance?

12 A So the --

13 MR. TEDESCO: Objection. Objection.
14 It's misleading. There's been -- if I need to
15 be heard on, there's been three witnesses that
16 have testified that direct access is from Duvall
17 Street.

18 MS. NICHOLS: All right (crosstalk)

19 MR. SUHAR: But she testified that
20 there will be -- that there is no direct access.

21 MR. TEDESCO: To the street you're
22 questioning. So I would object that has been

1 asked and answered.

2 MR. SUHAR: By her?

3 MR. TEDESCO: Yes.

4 MS. NICHOLS: I think you need to
5 move on, Mr. Suhar.

6 MR. SUHAR: So you are overruling --
7 I'm sorry, you're sustaining --

8 MS. NICHOLS: She --

9 MR. SUHAR: -- the objection. Is
10 that right?

11 MS. NICHOLS: That's correct. She's
12 your architecture witness.

13 MR. SUHAR: She's not my witness, but
14 okay.

15 Thank you. There -- I have no
16 further questions.

17 MS. NICHOLS: All right. Mr. Brown?

18 MR. BROWN: Yes.

19 Ms. Brown, I just have four or five
20 very quick, clarifying questions.

21 The first one is related to
22 Mr. Suhar's last two or three questions

1 concerning this being an industrial use. I'm
2 not sure that that's accurate, and I'll ask
3 Mr. Ferguson, the land planner later.

4 But you've looked at, have you not,
5 the new zoning ordinance with regards to
6 Consolidated Storage as a use; correct?

7 THE WITNESS: Correct.

8 MR. BROWN: And I'm looking at CB-11,
9 which has a copy of the Zoning Ordinance Section
10 27-5101 Principal Uses. And the principal use
11 category is described as a warehouse. And then
12 the principal use type is described as
13 Consolidated Storage. And it is in the
14 commercial service zone.

15 So as my reading, and again, I
16 haven't read every single page of this new
17 zoning ordinance. This is not a -- not an
18 industrial use, but it is a commercial service
19 use. And, again, I'm not asking you to answer
20 that question. I'll ask Mr. Ferguson later, but
21 I just wanted to clarify Mr. Suhar in his
22 question.

1 The other question I had is you had
2 an exhibit --

3 MR. SUHAR: Are you going to allow
4 the witness to respond to that question?

5 MR. BROWN: No, she doesn't need to
6 answer.

7 Do you know the answer to that,
8 Ms. Brown?

9 THE WITNESS: No, I do not.

10 MR. BROWN: Right.

11 The other question I have related to
12 the neighborhood.

13 Fatima, you can put up the first
14 exhibit, which had the property --

15 MR. TEDESCO: Forty-five.

16 MR. BROWN: Yes.

17 MR. TEDESCO: Sorry, Mr. Brown, I
18 didn't mean to interrupt you. I was just trying
19 to --

20 MR. BROWN: That's very helpful.

21 THE REPORTER: Which page would you
22 like me to --

1 MR. BROWN: That's -- that's the one.

2 THE REPORTER: Okay.

3 MR. BROWN: One second. I just need
4 to find Mr. Ferguson's description and the
5 Planning Staff's description of the
6 neighborhood.

7 So, Ms. Brown, you indicated that you
8 were trying to determine compatibility of
9 architectural facades, if you will, in the
10 neighborhood in this particular property, and
11 you have a one-half mile radius from the subject
12 property.

13 Mr. Ferguson defined the neighborhood
14 not in a radius manner, but basically by the
15 North Greenbelt Road, southeast the CSX Penn
16 Line tracks and West Forbes Boulevard in the
17 eastern edge of Woodland Landing apartments.

18 Were you aware of the neighborhood
19 that he defined?

20 THE WITNESS: Yes, sir, I was. And I
21 believe that the extent is indicated in this
22 image.

1 MR. BROWN: And that was my question.

2 THE WITNESS: It's approximately the
3 blue outlined area. I'm sorry, the neighborhood
4 boundary text is a little faded.

5 MR. BROWN: All right. So the
6 compatibility issues that you reviewed as
7 required under the ordinance, and I'll read the
8 section: The exterior and architectural facade
9 of the building shall be compatible with the
10 prevailing architecture and appearance of other
11 development in the surrounding neighborhood.

12 So you review the facade's
13 architectural details, if you will, within the
14 area defined by Mr. Ferguson in his report and
15 as illustrated by the blue lines on this
16 particular exhibit; correct?

17 THE WITNESS: Yes, sir.

18 MR. BROWN: All right.

19 Because I thought you said earlier
20 that you were looking at properties within the
21 half-mile radius. So that cleared that up for
22 me.

1 I think I have one other question.

2 One second.

3 No, that was it. Thank you.

4 MS. NICHOLS: All right. Thank you,
5 Mr. Brown.

6 Any redirect Mr. Tedesco?

7 MR. TEDESCO: No, Madam Examiner.

8 MS. NICHOLS: No. Okay. Thank you
9 very much.

10 All right. Mr. Steere, I think
11 you're up next.

12 MR. SUHAR: I have a redirect.

13 MS. NICHOLS: No, you don't get one.

14 MR. SUHAR: Oh, I'm sorry. I have a
15 -- I just had another question based on
16 Mr. Brown's questions.

17 MS. NICHOLS: No, it's Mr. Tedesco.

18 MR. SUHAR: Oh, okay.

19 MR. TEDESCO: Mr. Tedesco had no
20 redirect.

21 MR. SUHAR: Okay. Fine.

22 MS. NICHOLS: Right.

1 MR. SUHAR: My apologies.

2 MS. NICHOLS: No worries.

3 Mr. Steere? Let's get Mr. Steere up.

4 MR. STEERE: Good morning. Good
5 afternoon.

6 MS. NICHOLS: Good afternoon,
7 Mr. Steere. Pleasure to see you again.

8 I need to swear you in, please.
9 Thank you.

10 I solemnly swear or affirm under the
11 penalties of perjury that the responses given
12 and statements made shall be the truth, the
13 whole truth, and nothing but the truth?

14 THE WITNESS: I do.

15 MS. NICHOLS: Please state your name
16 and business address for the record.

17 THE WITNESS: My name is Edward
18 Steere. My business address is 11100 Dovedale
19 Court, Marriottsville, Maryland 21104.

20 MR. TEDESCO: Madam Examiner,
21 Mr. Steere has been previously qualified and
22 accepted before this tribunal as an expert in

1 the field of market analysis. His CV has been
2 marked as Exhibit 36, which we would kindly ask
3 be accepted into the record, and we would also
4 respectfully request that Mr. Steere continue in
5 that capacity as an expert in that field.

6 MS. NICHOLS: All right. The CV is
7 in the record, and Mr. Steere will continue to
8 testify today in his capacity as an expert in
9 the field of market analysis.

10 (Exhibit 36 was marked for
11 identification.)

12 DIRECT EXAMINATION

13 BY MR. TEDESCO:

14 Q Good afternoon, Mr. Steere.

15 A Good afternoon.

16 Q Where are you currently employed?

17 A I'm the senior managing director of
18 Valbridge Property Advisors, Baltimore
19 Washington Metro.

20 Q And what is -- strike that.

21 What are your job responsibilities in
22 that capacity?

1 A So I'm the principal in charge of
2 planning studies, market studies and -- and
3 other (indiscernible) projects.

4 Q And are you familiar with the
5 application that's the subject of this hearing
6 today?

7 A I am.

8 Q And were you employed by the
9 applicant to perform certain services associated
10 with this application?

11 A That's correct, yes.

12 Q What services, specifically, were you
13 asked to perform?

14 A I was asked to perform the Needs
15 Analysis as required by the special exception
16 requirements for this use.

17 Q And you're familiar with the
18 character of the surrounding area?

19 A Yes.

20 Q Did you make a personal inspection of
21 the property and the surrounding areas?

22 A I did.

1 Q And did you prepare a written
2 analysis or report in this case?

3 A I did, yes.

4 MR. TEDESCO: Madam Examiner, that's
5 marked as Exhibit 5, which I think is already in
6 the record.

7 BY MR. TEDESCO:

8 Q Are you familiar with the
9 requirements of the CS zoning in Prince George's
10 County regarding special exception approval to
11 demonstrate need of -- need of the use for the
12 surrounding area by the applicant?

13 A Yes, I am.

14 Q And have you had an opportunity to
15 review the Technical Staff Report in this case,
16 Exhibit 17?

17 A I did read that, yes.

18 Q And did you note that -- or would you
19 note that Maryland-National Capital Park and
20 Planning Commission staff as well as the
21 Planning Board in adopting the Staff Report
22 indicated that they found that the requirement

1 of need has been met?

2 A I did -- I did see that, yes.

3 Q Turning to your analysis, in
4 particular Exhibit 5, could you please explain
5 to the Hearing Examiner and People's Zoning
6 Counsel how such an analysis was conducted and
7 what areas you considered in conducting your
8 analysis.

9 A So we used a series of steps to
10 analyze the property. The first thing we did,
11 though, is we used the -- we approached this
12 with the industry standard for self-storage
13 which is outlined --

14 MR. TEDESCO: Fatima, I think we can
15 take down this exhibit just not to cause
16 confusion. Thank you.

17 BY MR. TEDESCO:

18 Q Go ahead, Mr. Steere. I apologize.

19 A That's all right. So on -- I'll just
20 keep referring to pages in my report for
21 everybody's clarification if that's helpful.

22 My report starts with assessing the

1 site and -- and I have photos of the site just
2 like everybody else and -- and the discussion of
3 the surrounding land uses. But then I get into
4 the analysis.

5 On page 14 of the report, I discuss
6 the trade area that we developed based on the
7 industry standards for self-storage as
8 Mr. Cratin had mentioned. They look at a 3- or
9 5-mile radius. Generally, in the more urban
10 areas like Washington D.C. suburbs, it's a
11 smaller radius, a 3-mile radius because of the
12 higher density of population.

13 So they look for a 3-mile radius, a
14 population that's above 20,000 persons, and a
15 median age of approximately 39 years old. So we
16 approached this project from that perspective.

17 I will clarify that that is not how I
18 do it for every market Need Analysis that I do.
19 And I'll demonstrate that for everybody here --
20 but using these parameters, we came up with --
21 we -- we analyzed the demographics of the area.
22 We had 69,000 people in the area. So we meet

1 that one criteria. We have the 3-mile radius.

2 We meet the second criteria.

3 The third criteria is the median age
4 of 39. In this 3-mile radius, we had a median
5 age of 38.5. So it met those standards right
6 there for the rest of the test.

7 And then we -- we calculate out, for
8 the sake of information, home ownership rate,
9 median income, the aggregate of \$2.4 billion of
10 aggregate income in that 3-mile space, and
11 what's important -- two things are important
12 here. We -- there is a commercial demand for
13 storage, but there are no metrics -- common
14 metrics that are used for that at this point.

15 And there's been a major shift in
16 commercial usage of mini storage since COVID
17 where businesses were shutting down and were
18 releasing themselves from leases and going
19 virtual. They still needed a place for certain
20 files and other equipment and things like that.
21 So that's -- that's an industry demand that's
22 still being (indiscernible).

1 But another factor that's important
2 in the mini storage industry is -- is the ratio
3 of net rentable square feet to population. And
4 the national number, which is on page 17 of my
5 report, is 5.9 square feet per person.

6 In the Washington, D.C., area, some
7 micro markets is higher and so it is here as
8 well. It is approximately -- well, I did this
9 report in the summer of 2022. It was 8. The
10 ratio was 8 feet -- square feet per capita. And
11 that's how I computed the demand of square
12 footage in this 3-mile radius.

13 I keep emphasizing "In this 3-mile
14 radius." What I need to do is with your
15 indulgence, Mr. Tedesco, talk about that trade
16 area a little bit. Would that be appropriate?

17 Q Please.

18 A Okay. If we could go to -- can we
19 pull up the map and look at --

20 MR. TEDESCO: Fatima, if we can go to
21 Exhibit 5 at page 15 of Exhibit 5, that would be
22 helpful.

1 THE WITNESS: I want to go to page
2 19.

3 MR. TEDESCO: I'm sorry, page 19.

4 THE WITNESS: Yeah.

5 Perfect. Thank you.

6 So this map is combined. It's
7 showing the 3-mile radius from the subject site,
8 and it's also showing the seven other self-
9 storage facilities that are in that 3-mile
10 radius.

11 But with -- if you can look close
12 enough at it, and there's been discussion about
13 it so far, there's a railroad abutting this site
14 -- abutting Duvall Road, specifically, that has
15 -- I don't know, maybe one crossing between
16 Glenn Dale Road and the end of this 3-mile
17 space. So most of the properties are on the
18 southern half of this -- of this circle, really
19 are inaccessible to this site. It's not a --
20 it's not a good defining trade area in that
21 regard.

22 Keep in mind, it met the standards

1 that we needed to prove to say that there was
2 unmet demand in the area. If I was to take a
3 deeper dive and say what would be the true
4 marketing draw of this facility, it would be
5 everything you see to the north of Patuxent
6 Wildlife Reserve which includes the communities
7 of Wingate.

8 They're also included on the other
9 side of the railroad tracks the new Fairway
10 Estates community that's under construction,
11 that has easy access from Glenn Dale Road -- I'm
12 choking on something.

13 But also, the next -- it would -- it
14 would -- my trade area, my custom trade area
15 would extend through Greenbelt almost all the
16 way to Route 1. There is no other mini storage
17 in that direction for 5 miles. And there's a
18 significant community going over to Berwyn to --
19 into College Park. So we would include the
20 towns of -- of Greenbelt and College Park in
21 that regard.

22 I didn't need to test that last year

1 because the numbers worked. So I just want to
2 clarify there's two ways of looking at this --
3 this need. And I'm not going to suggest that on
4 a per-square-foot basis, there was some serious
5 unmet demand as much as this is convenient and
6 useful for the community, that right now would
7 have to commute down to the Capital Beltway to
8 get mini storage. So that's an important point.

9 BY MR. TEDESCO:

10 Q Thank you, Mr. Steere.

11 In your expert opinion, what
12 conclusions -- based upon both that analysis,
13 both on the 3-mile as well as a more target
14 specific trade area given the uniqueness of the
15 3-mile radius with the rail line going through
16 it -- conclusions were you able to reach
17 regarding your findings and need both in your
18 report as well as your testimony here today?

19 A So, first and foremost, my findings
20 and calculation perspective are still very
21 conservative because we have not calculated the
22 commercial and business industrial demand for

1 self-storage space.

2 There is another self-storage in this
3 area that actually has a parking lot they lease
4 out to contractors to store their heavy
5 equipment, for example.

6 It -- at every storage operator that
7 I talked to, could not quantify for me how many
8 business users they had in their facility, but
9 they all mentioned that the trend is increasing.

10 And so just to clarify, there is
11 seven facilities here. On the prior page, page
12 18, I listed the seven facilities, the number of
13 units, the square footages, and the age of the
14 facility.

15 We did discuss what we could with
16 every facility. We -- we called and interviewed
17 every operator about those facilities, so that's
18 -- that's part of the normal analysis for any
19 market study. And we visited every facility.

20 The -- the age is important. The
21 type of facility is important. For example,
22 I'll just say, for example, the U-Haul facility

1 here has no fencing, and it's a full-scale U-
2 Haul truck and trailer service and rental
3 facility. And so there's a reduced level of
4 security at this facility. It's also very old,
5 30 years old, 40 -- no, I'm sorry, 50 years old.
6 And the -- some of these other facilities have a
7 hybrid of outdoor units and indoor units.

8 The -- the demand right now, consumer
9 demand is -- is very clearly nationwide for
10 climate-controlled units. Businesses, as I
11 pointed out in my report -- and the Technical
12 Staff Report repeated, there is a concern about
13 mold and other issues with having non --

14 MS. NICHOLS: Mr. Steere, you froze
15 up here.

16 MR. TEDESCO: He froze.

17 THE WITNESS: Am I here?

18 MS. NICHOLS: Now you're here.

19 THE WITNESS: Where did I leave off?

20 MR. TEDESCO: You were talking about
21 mold and temperature control.

22 THE WITNESS: Okay. I didn't leave

1 much then.

2 So I apologize for the internet
3 connection.

4 The -- so -- right. So there's a
5 greater demand for that. And -- and so the
6 demand that I state in my report is understated.
7 That's all I can say about that.

8 BY MR. TEDESCO:

9 Q And, finally, Mr. Steere, if this
10 application were to be approved, is it your
11 expert opinion that the facility proposed for
12 this site would serve the needs of the area
13 being reasonably convenient and expedient both
14 on -- both analyses that you reported on in your
15 report as well as testified to today?

16 A Absolutely. This is the type of
17 facility that's not readily available in the
18 community. It has easy access to two major
19 arterial -- or collector and arterial roads, and
20 it -- it's -- as I pointed out, there's a lot of
21 demand, and -- and so we believe that this
22 facility will be well-served there.

1 MR. TEDESCO: I have nothing further,
2 Madam Examiner.

3 MS. NICHOLS: All right. Thank you.
4 Mr. Suhar?

5 MR. SUHAR: Can you hear me?

6 MS. NICHOLS: Now.

7 MR. SUHAR: Oh, you can. Okay.
8 Thank you.

9 Yes, I have some questions.

10 CROSS-EXAMINATION

11 BY MR. SUHAR:

12 Q Good afternoon, Mr. Steere. You
13 stated that -- you stated in your testimony that
14 there is a need for the facility, this self-
15 storage facility. And you said that you used
16 different factors in making that determination.
17 Was the main factor the capacity of other
18 facilities that you defined, that you identified
19 in the 3-mile trade area?

20 A Capacity in -- well, we -- we
21 tabulated the square footage, but we don't know
22 how many units and what size units they have in

1 every facility. They vary facility by facility,
2 so the demand for a 5-by-5 unit versus a 10-by-
3 20 unit is considerably different, and we don't
4 have that data, and it's not available.

5 Q But you said that you spoke with the
6 other facilities. Isn't that right?

7 A Yes.

8 Q Okay. And you said, in the Needs
9 Analysis Report on page 14, it states, and I'll
10 quote, Our results show that there are seven
11 other storage facilities in the area, and
12 according to our research, these facilities may
13 be operating at approximately 90 percent
14 capacity.

15 Now, the Planning staff in their
16 Technical Report cited this as something of
17 importance. So is this an important factor?

18 A Yeah.

19 Q Okay. I thought that you had just
20 stated, though, that you didn't base this on
21 capacity, that you didn't have that data.

22 And what does the word "may" mean? I

1 mean, "may" or is it 90 percent?

2 A Okay. So I'll explain as succinctly
3 as I can.

4 Self-storage facilities operate in a
5 different sort of -- there is leased facilities
6 there; correct? So there is -- say, there is
7 150 units that are leased out to 150 people,
8 they operate their pro forma on a day-by-day
9 basis rather than a year-by-year or month-by-
10 month basis or they do it on a month-by-month
11 basis mostly, which is not the same as leasing a
12 store or a house or an apartment. So the
13 numbers are rapidly and consistently changing.
14 The capacity number never changes, by the way.

15 The capacity is the capacity of the
16 building. The -- the occupancy number is
17 changing probably on a daily basis in most
18 facilities. So I'm not going to absolutely
19 state that these buildings are at X occupancy
20 because that is different today than it was in
21 the summer of 2022. And -- and we did state in
22 the descriptions of each facility whether they

1 were giving us information or not, whether they
2 were cooperative or not.

3 I can tell you that most facilities
4 don't want to disclose this information, and
5 that's up to them. There is no -- there is no
6 central and required or standardized reporting
7 agency that they would provide this information
8 to either. So it's all just a matter of -- of
9 shoe leather and trying to get as much
10 information as you can out of those facilities.

11 Now, having clients that are storage
12 operators helps me to understand the trends of
13 how well they are operating without having
14 absolute numbers. I have clients that own gas
15 stations that won't tell me how many million
16 gallons of gas they sell. Okay? It -- it's all
17 proprietary information. We can only get to a
18 certain point and then say this is the most
19 likely position that they have.

20 So whether a facility has units
21 available depends on the size of the units as
22 well. And so some units move faster than

1 others, some of them are permanently held for
2 years by certain clients or certain tenants. So
3 it's -- it's one of those things that cannot be
4 nailed down as specifically as we'd like to see
5 it nailed down.

6 We work with trends. And I work also
7 -- I own an appraisal company. I have
8 appraisers that appraise mini storage all over
9 the country, and we actually track our own data
10 on that as well.

11 Q Okay. So why would it matter then
12 that there are seven other facilities located
13 within the trade area, 3-mile trade area? Why
14 would you include an analysis of that in your
15 Needs Analysis Report?

16 A That is an important fundamental
17 element of any market study. You have to study
18 both demand and supply. If you're studying
19 demand without supply, you're misleading, so --

20 Q But you just said that supply is --
21 you can't calculate that because you can't get
22 that information.

1 A Let me finish, please.

2 Q Oh, go ahead.

3 A Supply is -- if -- if this whole
4 community, this area that's right there, where
5 they're proposing this, had four other self-
6 storage facilities already sitting in it, it
7 would probably not attract their attention as a
8 site first.

9 As Mr. Cratin pointed out, he is an
10 expert in his own field of building and
11 developing these things. And so, you know, he
12 does his own background and site selection
13 before I get to it.

14 And at the same time, if there was
15 this -- this concentration of storage facilities
16 there, it wouldn't be as beneficial to the
17 community because there's other options in that
18 same spot. And it would be more beneficial to a
19 community that doesn't have them.

20 So I have to show where the other
21 facilities -- let's look at it from a consumer's
22 perspective is the way I teach it to my staff is

1 what's the alternative for me if I live here?
2 If I need a storage facility, what's my
3 alternatives? I'd have to go to Lanham or
4 Bladensburg or College Park North to get to
5 another storage facility.

6 It's not always a matter of we just
7 have so many people that need so many square
8 feet. We have to know that there is -- what the
9 quality and the distance, the location, the
10 accessibility of some of these other facilities
11 are in order to compare apples to apples.

12 Q So why identify a 3-mile trade area
13 then? Why didn't you just, you know, identify
14 the trade area as the immediate area?

15 A I identify trade areas very
16 specifically based on geography and -- and other
17 ramparts that are natural and -- and manmade.
18 And the 3-mile trade area that we set here as I
19 discussed is the standard for the industry. It
20 doesn't mean I particularly like that, but that
21 is the industry standard. That's what the
22 client wants to use to verify that it works for

1 him, and it works for his industry to do it that
2 way. And so this is unique to this particular
3 industry to use the 3-mile radius. And so I
4 used it and it worked and I stopped there.

5 Q Okay. I guess I'm not understanding
6 then whether the -- so is the trade area then
7 really just -- or you're just focusing it on the
8 immediate area and the fact that there is not
9 four or five storage facilities, you know, in --
10 in the immediate area then? Not -- not 3 miles
11 but half a mile or a quarter of a mile. Is that
12 right?

13 A No. No.

14 Q Okay. Well, so did you obtain any
15 statements from other facilities in the trade
16 area that you identified as to, you know,
17 whether they were going to cooperate with giving
18 you information or not, or do you have any
19 statements from them at all? Do you have a, you
20 know, an email that says, "Forget it. I'm not
21 going to tell you how many units I have
22 available and how many total units I have"?

1 A No, we don't email, and they aren't
2 writing anything down for us.

3 Q Okay. But you did contact them.
4 Right?

5 A Absolutely.

6 Q Okay. Did you ask them about those?
7 Did they say no?

8 A Yeah, that's --

9 Q All seven of them did.

10 A Some of them said no, they're not
11 going to tell me.

12 Q Some of them. What about the others?

13 A Well, other ones gave us some general
14 data. Like I said, it's written in the report.
15 I have a specific page on every one of these
16 seven facilities.

17 Q Right.

18 A And, you know, the -- here, Secure
19 Space, the one that's nearby on Greenbelt Road,
20 the manager -- office manager was unable to
21 confirm the number of units on the site or the
22 occupancy rate (indiscernible) just like that.

1 Q Okay. So --

2 A So we might -- we get the number of
3 units from other data sources if they aren't
4 going to provide it, but we don't have a
5 breakdown of anybody's number of units. They --
6 they have a lot of different size units. So the
7 square footage of a building is deceiving. It
8 -- this -- this one had 519 units in this
9 building, but they might be all or mostly very
10 small and -- and another building might have
11 much larger units and have less units in the
12 same square footage, so it's -- it's -- that's,
13 you know, their prerogative. It's -- there
14 isn't an approval for the number of units here.
15 It's the approval for the -- for the use.

16 Q Okay. So where is the occupancy rate
17 for the ones that did give you that data? What
18 page are we talking about? I'm looking at the
19 Needs Analysis report now.

20 A I don't believe -- it wasn't in that
21 chart. So I don't believe that we charted it.

22 Q You didn't chart it for any of them?

1 A No. It's -- as I point out, this
2 isn't what the Needs Analysis needs to prove.

3 Q Okay. What does the Needs Analysis
4 need to prove? You seem like you focused a lot
5 of your energy on -- on these other facilities.
6 A lot of your analysis was on the other -- other
7 storage facilities. I mean, what would you be
8 looking at?

9 Now, you did look at whether they
10 were, you know, their technology, climate
11 control and so forth, but you indicated that
12 some of them have -- have that climate control.
13 Some of the others.

14 A That's correct. So that is what --
15 very important. Like I said before,
16 accessibility and features are -- are more
17 competitive in the -- in the assessment of
18 benefit to the community, which is what we have
19 to prove here.

20 Q Okay. So you brought up another
21 question that I have -- okay? -- in regards to
22 accessibility and need, specifically in this

1 community. Now, I represent Wingate Homeowner's
2 Association which is comprised of large homes on
3 large lots. Talk about 1-acre-plus lots -- 256
4 lots.

5 What -- where are you finding the
6 need -- I'm not, you know, in my experience,
7 people with a large house are not typically
8 looking for self-storage facilities. Are they?
9 Or what are you finding -- what type of housing
10 units are you talking about in this immediate
11 community or the general neighborhood, if you
12 will, that are looking for self-storage? Where
13 is the demand in the area?

14 A As I pointed out before, there is a
15 demand factor based on persons in the area.
16 There is a demand factor based on square footage
17 per person in the area. That doesn't mean that
18 every person is using it. It just means that's
19 the -- that's the factor. That's the ratio.
20 And so to --

21 Q Okay.

22 A -- claim that just because I've got a

1 large house on a -- on a suburban, rural --
2 they're not really rural to me. I live on a
3 farm -- you know, suburban properties doesn't
4 mean they don't use mini storage or self-storage
5 of any sort or Consolidated Storage as defined
6 here.

7 That -- we -- I -- I pointed out the
8 parameters that the industry uses which is a
9 median age of 39, which is probably lower than
10 the Wingate Community's median age, and also
11 that there's over 20,000 people in the area.
12 Well, we got (inaudible).

13 Q Yeah, but that doesn't necessarily
14 equate to need for additional storage or self-
15 storage; does it? Just because there are 20,000
16 people of a certain age?

17 MS. NICHOLS: Mr. Steere is frozen.

18 MR. SUHAR: Oh.

19 THE WITNESS: Okay. I'm back. I'm
20 back. You were just asking if -- are you there?

21 BY MR. SUHAR:

22 Q Yeah, I can hear you.

1 A You were asking if that equated to
2 need? Could you repeat your question?

3 Q Yeah, I mean, the -- just because
4 there are 20,000 people of a certain age doesn't
5 equivalate to the need for self-storage or
6 additional storage; does it? I guess what I'm
7 saying is is that somebody -- I mean, you know,
8 just -- in, you know, in my mind, somebody who
9 would have maybe a smaller space such as like an
10 apartment or something, that they would possibly
11 have a greater need for additional space, i.e.,
12 you know, a self-storage facility than, say,
13 somebody who has a large house with a basement
14 on a 1-acre lot with possibly the ability to put
15 a shed there, that type of thing.

16 I mean, where -- am I not -- am I not
17 thinking right there? Is that wrong? In your
18 opinion, as the expert. And I think you
19 testified that too that the commercial --
20 commercial uses don't necessarily need -- that
21 are in the area, that are in the neighborhood
22 don't necessarily -- there's not real

1 significant demand there either. Didn't you --
2 didn't you say that in your testimony on direct?

3 MS. NICHOLS: You might want to wait
4 until he unfreezes.

5 MR. SUHAR: Oh, I didn't realize he
6 was frozen. Sorry.

7 MR. BROWN: I guess Mr. Steere living
8 on a farm doesn't have the best internet, huh?

9 MR. TEDESCO: You're muted, Ed.

10 THE WITNESS: I truly apologize.
11 Everything was working great all morning. This
12 is awful.

13 So, you know, Mr. Suhar, I caught a
14 lot of what you said but not everything. So let
15 me clarify that the -- you said just because you
16 have 20,000 people and they're a certain age,
17 does that mean they need storage?

18 Yes. In the industry standard, in
19 the industry's experience, that means yes. So
20 that's how we look at these things. I'm not
21 developing new standards for the storage
22 industry, but I'm going to test the standards

1 that they have exceptional experience with and
2 the data that they collect, and the data that
3 they use to drive forward their development
4 decisions. So that's the -- that's the standard
5 that we work from.

6 To say that somebody in a large lot
7 house doesn't need storage, we don't know that.
8 I -- I can tell you that I have personally lots
9 of storage on my property, I'm also storing
10 stuff for my kids that have other homes. It
11 doesn't make much difference whether you're in
12 that or not. And some people who have more
13 store antique cars in these storage facilities.
14 They store them at home. They want them in a
15 climate-controlled space.

16 So it's a -- it's a varied industry,
17 and I can't exclude Wingate from being a great
18 customer for this particular property because in
19 the alternative, if you are a member or a
20 resident of the Wingate Community, one of 256
21 homes, they would have to go to Lanham. They'd
22 have to go down towards Capital Heights and go

1 to the Beltway and go to another facility that's
2 much older that may not serve the needs that
3 they want. It may not be close enough for them
4 to access it as often as they want.

5 So to -- the accommodation of public
6 need in this is not to say that there is a
7 square footage deficit. It's to say that it's
8 beneficial and convenient to the community --
9 not to the community, to the area that it's in.
10 And given that there is no alternative with
11 these standards in that area, it is clearly
12 beneficial to the area that it's proposed to
13 being.

14 BY MR. SUHAR:

15 Q Yeah, you may have missed this, but I
16 was saying earlier that I would think that, you
17 know, that somebody with a smaller space such as
18 maybe in an apartment type of building, you
19 know, somebody with an apartment that they would
20 have a greater need for self-storage than
21 somebody with a single-family detached dwelling,
22 large -- large dwelling on a one-acre lot.

1 I mean, that just -- you know, that's
2 -- that's my thinking on this. You're the
3 expert, but I -- I don't know -- I mean, did you
4 identify any multi-family housing-type
5 communities in this area like you're saying that
6 where there's a great need for -- for self-
7 storage? I didn't hear it from you, but, you
8 know --

9 A I didn't, but if you go west of the
10 site on Greenbelt Road and you're headed towards
11 College Park, you are going to get into more
12 townhouses and multi-family -- you can get
13 around --

14 Q We were just talking about the
15 immediate area because that's what you said
16 right now.

17 A Okay. So --

18 Q And I'm wondering how many times a
19 day does somebody go to their self-storage?

20 MS. NICHOLS: So, Mr. --

21 BY MR. SUHAR:

22 Q There was previous testimony. I'm

1 sorry, go ahead.

2 MS. NICHOLS: Mr. Suhar, you either
3 have to let him answer the question --

4 MR. SUHAR: Sure.

5 MS. NICHOLS: -- and not testify
6 yourself. But I think he pretty much has given
7 you the best opinion he has. And you've given
8 your opinion as to what you think as well. So I
9 think we kind of gotta move off this topic.

10 MR. SUHAR: Move off this topic.
11 Okay.

12 But this is -- this is the most
13 important part. It does say -- say under the
14 special exceptions requirements that the
15 District Counsel has to find that there's a
16 need, Madam Examiner. I mean, respectfully,
17 this is -- this is the most important testimony.

18 MS. NICHOLS: And -- and Mr. Steere
19 has testified at length that he did not go door
20 to door, he did not obtain proprietary
21 information, and he doesn't know whether your
22 opinion that people who live in smaller houses

1 use self-storage more than people who live in
2 larger houses. That is your opinion. He has
3 given his opinion on -- based on the standard of
4 the industry.

5 MR. SUHAR: It just doesn't make
6 sense, Madam Examiner --

7 MS. NICHOLS: I understand it may not
8 make sense to you --

9 MR. SUHAR: -- what -- what the basis
10 for need is.

11 MS. NICHOLS: Sir, you can move on to
12 your next question.

13 MR. SUHAR: Okay. Sure.

14 BY MR. SUHAR:

15 Q Let's see. Now, I -- I don't know if
16 you heard this question before, Mr. Steere. You
17 testified that there is not a significant demand
18 for self-storage. I think you were meaning
19 commercial demand in the area? Did I hear you
20 wrong?

21 A I believe you heard me wrong. I said
22 that there is a significant demand, a trending

1 demand for commercial storage, but there is no
2 metrics to define exactly what that -- how to --
3 I wouldn't say "the metrics" -- or how to
4 calculate that demand.

5 Q Have you spoken with commercial, you
6 know, potential commercial users in the area and
7 -- and, you know, obtained statements from them
8 as to their need for the --

9 MS. NICHOLS: Sir, these questions
10 have been asked and answered already.

11 MR. SUHAR: I didn't ask this
12 question before.

13 MS. NICHOLS: You asked substantially
14 similar questions. He didn't go door to door,
15 he didn't email anybody -- anybody whether they
16 were residential or commercial. He did what the
17 industry standard required of him.

18 THE WITNESS: So if I can clarify
19 that just a hair, Madam, it is -- I went door to
20 door to the -- to the storage facilities, but
21 they weren't sharing proprietary information. I
22 am not -- and there is no way to quantify going

1 around and finding commercial users who may want
2 to rent a facility. There is any magnitude of
3 that anywhere, and so that isn't -- like I said,
4 that's the complication in finding this -- to
5 finding that metric is that it could be somebody
6 that works out of their home. It could be
7 somebody that works out of that auto repair shop
8 right down Duvall Street that needs more space
9 for storage of parts. You know, and this would
10 be super-convenient for them if they don't have
11 enough storage in their small auto repair
12 facility, for example.

13 But we don't know, and we didn't go
14 look for that. We just know that the operators
15 and the owners of these facilities are telling
16 us that more and more people are asking for
17 commercial space. And so that's what I
18 recognized in my report.

19 MR. SUHAR: No further questions.
20 Thank you.

21 MS. NICHOLS: All right. Thank you.
22 Let's see. Mr. Brown.

1 MR. BROWN: Yeah, just two questions,
2 I think I have, Mr. Steere.

3 Does the applicant own any self-
4 storage facilities within the trade area?

5 THE WITNESS: My understanding is
6 that they opened one at the very southern edge
7 of this trade area earlier in 2023.

8 MR. BROWN: That's not identified
9 within the radius that's on the exhibit before
10 us?

11 THE WITNESS: My exhibit was produced
12 in the summer of 2022. So, yeah, they opened
13 that facility up in -- all the way down in
14 Lanham, I believe in June or July. You can
15 confirm that with Mr. Cratin.

16 MR. BROWN: Mr. Cratin, are you still
17 there?

18 MR. CRATIN: Yes.

19 MR. BROWN: Would you please answer
20 that for me? The --

21 MR. CRATIN: Absolutely, Mr. Brown.
22 So we opened our Parliament Place facility on

1 Martin Luther King Highway this summer --

2 MR. BROWN: Okay.

3 MR. CRATIN: -- on the 3-mile mark
4 radius.

5 MR. BROWN: Okay. So it's right on
6 the border of this radius.

7 MR. CRATIN: Yes, sir.

8 MR. BROWN: Okay.

9 And going back to Mr. Steere. So
10 they have one facility generally within the
11 trade area. Did you determine from the
12 applicant whether or not that facility, although
13 relatively new, has been at capacity or not
14 within the last year?

15 THE WITNESS: Yes, so as he just
16 pointed out and he will confirm, I'm sure, they
17 opened it this summer and his words to me were
18 it is leasing up in a record pace, that they
19 typically allocate a couple of years to get to
20 stabilized occupancy, and they're already well
21 on their way in just a few months.

22 MR. BROWN: And I don't want

1 Mr. Steere to provide us with any proprietary
2 information, but before this record closes, if
3 he could give us some type of a metrics or
4 document that says, hey, we opened up on X date,
5 and as of today's date, we, on overage, have
6 been at approximately X percentage of capacity
7 in terms of being leased up.

8 I agree with Mr. Steere it's
9 impossible to say there's a definitive lease up
10 because I have rented from self-storage
11 facilities, and you might rent for three months
12 and then not come back for another six months
13 and then rent for six months. But --

14 MR. SUHAR: I object at this point to
15 Mr. Brown's testimony.

16 MR. BROWN: All right. It's not
17 testimony. I withdraw those statements.

18 MR. SUHAR: Thank you.

19 MR. BROWN: Mr. Cratin, just give us
20 some type of document that shows the level of
21 capacity to date for that new facility if you
22 could. All right? Thank you.

1 Then the other question I had,
2 Mr. Steere was in practical terms, because the
3 railroad track bisects the circle, the true
4 trade area would essentially be a semi-circle
5 with the base being the railroad track. Is that
6 not correct?

7 THE WITNESS: It could be something
8 like that, yes.

9 MR. BROWN: And would it make any
10 sense from a market analysis to say that since
11 the trade area is really half of what's depicted
12 on this exhibit and it's merely a semi-circle
13 moving forward from the railroad track, would it
14 make any sense to expand the trade area an
15 additional mile or so beyond that semi-circle?

16 THE WITNESS: Absolutely. As I
17 pointed out, I would go out approximately to
18 Route 1, which is about 5.5 miles west of the
19 site.

20 MR. BROWN: All right. So I may have
21 missed it. If you expanded it 5.5 miles to the
22 street you just named, are there any additional

1 self-storage facilities within that area?

2 THE WITNESS: There is one self-
3 storage facility on Branch Avenue -- Branchville
4 Road, one of those names that you actually have
5 to pass. It's also sitting on a railroad track.
6 You have to pass it and go up Route 1 and come
7 back down. So even though the facility is only
8 about 5-plus miles from this facility, you have
9 to add another mile and a half to get to it and
10 back if you were to drive to it -- it's back
11 inside the community. It's visible from the
12 highway, but it's not accessible from the
13 highway.

14 MR. BROWN: All right. No other
15 questions. Thank you.

16 MS. NICHOLS: Thank you, Mr. Brown.

17 Mr. Tedesco, do you have any
18 redirect?

19 MR. TEDESCO: I did, but Mr. Brown
20 more or less covered it and if I ask, I think
21 we're just being redundant at this point, so no.

22 MS. NICHOLS: All right. Okay.

1 Thank you.

2 Thank you, Mr. Steere. I'll see on
3 Monday I think. Right?

4 THE WITNESS: Yes, you will.

5 MS. NICHOLS: Thank you.

6 All right. Let's see. We have
7 Mr. Ferguson.

8 MR. FERGUSON: Good afternoon, Madam
9 Examiner.

10 MS. NICHOLS: Good afternoon, Mr.
11 Ferguson. I need to swear you in, sir.

12 MR. TEDESCO: I think we can take
13 down this exhibit.

14 MS. NICHOLS: Yeah, Fatima, you can
15 take that down, please.

16 I solemnly swear or affirm under the
17 penalties of perjury that the responses given
18 and statements made will be the truth, the whole
19 truth, and nothing but the truth?

20 THE WITNESS: I do so swear.

21 MS. NICHOLS: Thank you. Could you
22 please state your name and business address for

1 the record?

2 THE WITNESS: My name is Mark
3 Ferguson. My business address is 5407 Water
4 Street, Suite 206, in historic downtown Upper
5 Marlboro, Maryland.

6 MS. NICHOLS: All right. Thank you.
7 Mr. Ferguson, you have previously testified in
8 the capacity of an expert witness, an expert
9 land planner, and you will continue to testify
10 in that capacity today.

11 THE WITNESS: Thank you, Madam
12 Examiner.

13 MR. TEDESCO: Thank you, Madam
14 Examiner. Mr. Ferguson's CV has been marked as
15 Exhibit 34, and we would ask for that to be
16 accepted into the record.

17 MS. NICHOLS: So accepted.

18 (Exhibit 34 was marked for
19 identification.)

20 DIRECT EXAMINATION

21 BY MR. TEDESCO:

22 Q Mr. Ferguson, did you prepare a Land

1 Planning report in this matter?

2 A I did.

3 MR. TEDESCO: Madam Examiner, that's
4 Exhibit 39. We would ask for that to be
5 accepted into the record, excuse me.

6 MS. NICHOLS: So accepted.

7 (Exhibit 39 was marked for
8 identification.)

9 BY MR. TEDESCO:

10 Q And Mr. Ferguson, do you incorporate
11 and adopt as your testimony here today that Land
12 Planning report?

13 A Yes, I do.

14 Q Mr. Ferguson, you were present during
15 the questioning of all prior witnesses in this
16 hearing?

17 A Yes, I was.

18 Q And do you recall a question raised
19 by Mr. Brown as it relates to the use
20 designations for Consolidated Storage in
21 Subtitle 27 of the new zoning ordinance?

22 A I do.

1 Q And do you have any thoughts or
2 opinions as it relates to that line of
3 questioning?

4 A I can -- I can amplify. So
5 Ms. Brown, in fact, testified correctly is -- is
6 not withstanding the character of the use which
7 I would agree with Mr. Brown is more commercial
8 in character, it is, in fact, classified as a
9 warehousing use, which is under the more general
10 umbrella of industrial uses as far as the use
11 tables go.

12 So in that sense, it is an industrial
13 use even though I would agree that the character
14 of the use is more commercial. I would -- there
15 -- there are other examples in the use table
16 that are similarly curious.

17 So research and development, for
18 instance, is classified as an industrial use
19 even though if you look at the character of that
20 use, and particularly the definition of the use
21 in the ordinance, it's really an office use with
22 associated -- so there's a few things that --

1 that make me scratch my head, but that is how
2 they -- that is how they did it.

3 Q All right. Keeping in mind that
4 you've incorporated and adopted your written
5 report as your testimony here today, I just have
6 a few questions. Are you familiar with the
7 Technical Staff Report?

8 A I am.

9 Q And do you agree with the staff's
10 recommended findings and fact -- stated
11 conclusions in this case?

12 A Broadly. I -- I do note that they
13 note conformance to the neighborhood
14 compatibility standards. It is my opinion that
15 those standards do not apply. That was -- that
16 was the applicant's contention, your
17 predecessor's opinion in his statement
18 justification, which I do -- I agree with that
19 contention. But other than that, yes, I do
20 agree.

21 Q In your expert opinion, does the
22 application meet the requirements for the

1 approval of Consolidated Storage use in the CS
2 zone at this location?

3 A It does. I would defer, in my
4 testimony to -- specifically to Ms. Brown's
5 testimony regarding the green building
6 standards. I don't claim expertise in those
7 regards, but I have carefully reviewed the
8 conformance of the -- of the proposed
9 development to the requirements of the zoning
10 ordinance. Generally, the special exception
11 criteria specifically and the additional
12 requirements for Consolidated Storage
13 specifically and find it does conform.

14 Q And, finally, does the application
15 conform to the purposes of the zoning ordinance
16 in this specific zone?

17 A It does. So the purposes -- the
18 ordinance generally has purposes, non-
19 residential base zones have purposes, and then
20 the CS zone specifically has purposes. I do go
21 through an analysis of each of those purposes in
22 my report and don't really feel there's anything

1 in the purpose's questions that needs
2 highlighting.

3 MR. TEDESCO: No further questions,
4 Madam Examiner.

5 MS. NICHOLS: All right.

6 Mr. Suhar?

7 MR. SUHAR: Thank you.

8 CROSS-EXAMINATION

9 BY MR. SUHAR:

10 Q Mr. Ferguson, do you have experience
11 as a land planner?

12 A I do.

13 Q Work experience?

14 A Yes, I do.

15 Q Okay. Were you employed as a
16 planner?

17 A Yes, I was.

18 Q Where?

19 A I have been employed by the Town of
20 Edmonston to give them -- many years ago, to
21 give them advice on planning matters that were
22 before them during my tenure there. And I

1 certainly give planning advice to many, many
2 private clients both in regulatory affairs and
3 in project planning as well.

4 Q Were you employed as a planner or are
5 you saying that you just provided advice?

6 A I am currently, and have been for 35
7 years -- been employed as a planner but as a
8 private planner, not as a public sector planner.

9 Q Okay. Thank you. And you're
10 familiar with the planning staff -- Technical
11 Staff Report in this case. Is that right?

12 A That is correct. I am.

13 Q Okay. And on page 16, at the bottom
14 of the page, it says --

15 A Bear with me one moment if I can --

16 Q Sure.

17 A -- the report I had open just was
18 subverted by Microsoft. I have to reopen it.

19 MR. TEDESCO: Were you talking about
20 the Staff Report?

21 THE WITNESS: That's what I
22 understand, yes.

1 Page 16 at the bottom? Okay. I'm
2 there. Yes, sir.

3 BY MR. SUHAR:

4 Q Okay. And it says in the second to
5 last paragraph starting with pursuant to Section
6 27-5101 --

7 A Yes, sir.

8 Q -- Consolidated Storage use is
9 specifically categorized as an industrial use.
10 It says that. Right?

11 A Yes, it does.

12 Q Okay. So the Consolidated Storage
13 use that is being proposed in this special
14 exception case is an industrial use. Right?

15 A It is -- as I testified in
16 Mr. Tedesco's question to Mr. Brown's question,
17 yes, that is how it's classified as the Zoning
18 -- by the zoning ordinance.

19 Q There is no characterization in the
20 zoning ordinance. It categorized -- other than
21 categorizing this as an industrial use. Is that
22 right?

1 A It further classifies it as a
2 warehouse use, so there is that additional --
3 that additional level of characterization.

4 Q Is it --

5 A As it says --

6 Q -- a warehouse use or is it
7 industrial?

8 A It is both. It is a warehouse and
9 freight movement use and --

10 Q But it is not a commercial use.

11 A It is not classified by the zoning
12 ordinance as a commercial use.

13 Q Okay. Thank you.

14 Let's see. And are you familiar with
15 the uses on adjacent properties in the
16 neighborhood?

17 A Yes, I am.

18 Q Okay. And are there other industrial
19 uses --

20 A Yes, there are.

21 Q -- on adjacent properties?

22 A Yes, there are.

1 Q Okay. Which ones?

2 A There are a number of contractors'
3 yards, which is a -- which is a classified
4 industrial use that -- in the vicinity of the
5 property, there is one on the west side of
6 Lanham Severn Road adjacent to --

7 Q Okay. What's the name of that --

8 A There is one -- let me finish,
9 please. There is one --

10 Q No, I thought you were finished. I'm
11 sorry. Go ahead.

12 A There is one on the left side of
13 Lanham Severn Road adjacent to the Crown gas
14 station which does not have a sign. The
15 Amerigal Construction construction yard
16 immediately abutting the subject property is
17 another one. There is another unlabeled
18 construction yard immediately behind
19 St. George's Church on Duvall Street. It has a
20 number of signs on the trucks that are parked in
21 its yard as well as all along the length of --
22 of Duvall Street, so and I was not able to -- to

1 get a owner in researching that matter further
2 on the -- at least on the internet.

3 American Paving and Striping has a
4 contractor's yard at Duvall Street and Lanham
5 Severn Road. There -- there are a number of
6 industrial uses. The planning staff of Park and
7 Planning community planner referred to the
8 character of the neighborhood as commercial and
9 industrial, and I agree with him.

10 MR. SUHAR: Thank you. No further
11 questions.

12 MS. NICHOLS: All right. Mr. Brown?

13 MR. BROWN: Yeah, I'll be very brief,
14 Mr. Ferguson, because I've got a 1:15 meeting
15 and I want to wrap this up.

16 THE WITNESS: Good morning,
17 Mr. Brown. I'll talk fast.

18 MR. BROWN: Right. But I appreciate
19 you clarifying the warehouse commercial use
20 distinction.

21 Concerning the basic plan that was
22 referenced in the referrals --

1 THE WITNESS: Yes, sir.

2 MR. BROWN: -- it would be my opinion
3 that the basic plan is inapplicable. Are you in
4 agreement with that?

5 THE WITNESS: So for a number of
6 reasons. First, Mr. Heath was mistaken. It was
7 -- there was never a basic plan approved. I
8 believe he used the term "basic plan" in
9 substituting for Zoning Map Amendment. The
10 record of that ZMA is in the -- is in the backup
11 and it indicates that it was an application for
12 CO which was granted pursuant to certain
13 conditions. And I would agree that those
14 conditions were wiped out with Countywide Map
15 Amendment.

16 MR. BROWN: All right. And the other
17 question I have is you referenced in your report
18 that this case is authorized by Section 3, which
19 is -- Section 3 of CB-11, which is a jumbled
20 mess, to be honest with you.

21 THE WITNESS: Yes, sir. Yes, sir, to
22 both -- yes, sir, to both points.

1 MR. BROWN: Yes. And so this is my
2 question. In looking at the Staff Report on
3 page 15 --

4 THE WITNESS: Yes, sir.

5 MR. BROWN: -- paragraph I --

6 THE WITNESS: Yes, sir.

7 MR. BROWN: -- appears to be an
8 excerpt from CB-11, Section 27-5402.

9 THE WITNESS: Yes, sir.

10 MR. BROWN: Would you agree that that
11 is that?

12 THE WITNESS: I would.

13 MR. BROWN: All right. So my
14 question is if you read Section 3 of CB-11,
15 which you referenced, it says, and I'm going to
16 agree with you that the last word "Ordinance" is
17 referring to CB-11.

18 Any proposed development of a
19 Consolidated Storage use located outside of --
20 (indiscernible) which I have a problem with. I
21 understand that weighs (indiscernible) but
22 what's outside and what's inside is unclear to

1 me; however -- that has completed a pre-
2 application neighborhood meeting for a special
3 exception or detailed site plan pursuant to 27-
4 3402 prior to April 1, '23, may be reviewed and
5 decided in accordance with the use regulation in
6 effect prior to the effective date of this
7 ordinance.

8 THE WITNESS: Correct.

9 MR. BROWN: That would lead me to
10 believe that 27-402, which requires the
11 applicant to basically give free space to a non-
12 profit would not be applicable.

13 THE WITNESS: I would agree with that
14 contention. Technical Staff of Park and
15 Planning has come to that same conclusion. This
16 was a matter of some discussion in the South
17 Bowie case that -- that we -- we discussed a few
18 weeks ago. So it -- it -- the ordinance created
19 this section to apply to CS uses and then
20 crossed it out.

21 I -- I agree with you this -- this
22 reinforces to me your characterization of CB-11

1 being a bit of a mess.

2 MR. BROWN: Right. So the point I'm
3 making is even though the staff has included it
4 in their Staff Report, I don't think it's
5 applicable at all to this application. And then
6 in addition, it's an unconstitutional, illegal
7 taking of a person's property. It's an
8 impossibility for the Counsel to require a self-
9 storage facility to basically give free space to
10 a non-profit. That just makes no sense to me,
11 so I just want to put that on the record.

12 So I have no other questions after
13 that. Thank you.

14 THE WITNESS: Thank you, Mr. Brown.

15 MS. NICHOLS: All right. Thank you.
16 Any redirect, Mr. Tedesco?

17 MR. TEDESCO: No, Madam Examiner.

18 MS. NICHOLS: No. Okay.

19 So Mr. Tedesco, do you wish to make a
20 closing argument now, or do you want to wait
21 until after Mr. Suhar's case?

22 MR. TEDESCO: Well, I'm not sure I

1 understand after -- do you mean after
2 Mr. Suhar's closing arguments?

3 MS. NICHOLS: Well, Mr. Suhar has an
4 opportunity to put on witnesses. I don't know
5 if he's planning to or not.

6 MR. TEDESCO: Oh, yeah, I'll reserve
7 until Mr. Suhar's --

8 MS. NICHOLS: Okay. All right. So
9 it's your case, Mr. Suhar.

10 CLOSING STATEMENT

11 MR. SUHAR: Okay. Thank you.

12 I -- I don't have any witnesses
13 primarily because of the reasons that I stated
14 earlier. But I am prepared to make comments. I
15 submitted written comments and a map of the area
16 around the subject property in this case, and
17 would ask that that letter and map be made part
18 of the record.

19 Wingate Homeowner's Association is
20 who I represent and I'm here to say that Wingate
21 HOA opposes the applicant's request for special
22 exception in this case SE-2022-002 submitted by

1 Arcland Property Company.

2 The applicant's proposal for
3 Consolidated Storage does not comply with the
4 general special exception requirements. Maybe
5 it complies with some of them, but it does not
6 comply with all of them.

7 MS. NICHOLS: Is this your closing --
8 is this your closing argument? I mean, you
9 can't testify. So is this your closing
10 argument?

11 MR. SUHAR: Yeah. I just have
12 argument for today. I just have comments that I
13 want to make.

14 MS. NICHOLS: Okay. So this is your
15 closing argument.

16 MR. SUHAR: Yeah, sure.

17 MS. NICHOLS: Okay. Okay.

18 MR. SUHAR: Yeah. I don't have any
19 witnesses because I -- I didn't have enough
20 time. I -- I was prohibited from fully
21 preparing for this case. The -- the notice that
22 was sent out was sent, actually mailed over a

1 week after --

2 MS. NICHOLS: Okay. So let's go --

3 MR. SUHAR: -- after it was dated.

4 MS. NICHOLS: We've -- we've past
5 that, so let's move on to your closing argument.

6 MR. SUHAR: I was just explaining the
7 -- the reasons why I don't have any witnesses.

8 So but thank you.

9 The applicant's proposed Consolidated
10 Storage facility and their request for special
11 exception does not comply with the general
12 special exception requirements under Section 27-
13 3604(e) of the Prince George's County Zoning
14 Ordinance. First, Wingate is a residential
15 neighborhood consisting of 256 single-family
16 lots, and each lot is approximately 1 acre in
17 size or larger.

18 We do not characterize the general
19 neighborhood as commercial or industrial, not in
20 any way, shape, or form. Rather, the
21 neighborhood includes properties which are
22 mostly zoned residential rural, RR. Therefore,

1 the proposed use will be detrimental to the use
2 or the development of adjacent properties or the
3 general neighborhood, which is primarily large-
4 lot residential developments.

5 Also, the Consolidated Storage
6 facility is an industrial use that will not even
7 -- complement even the adjacent auto service
8 center that was identified in the Technical
9 Staff Report or the childcare facility, the
10 construction company, and a branch of the
11 U.S. -- United States Postal Service, which the
12 residents in the area frequent that facility for
13 their mail needs.

14 Because the industrial use is not in
15 common -- is not common in the general
16 neighborhood, it will have a detrimental impact
17 upon the neighboring low-density residential
18 character of the neighborhood. Lot owners and
19 residents of Wingate will be able to see the
20 Consolidated Storage facility, at least a
21 portion of it above the retaining wall or -- I'm
22 sorry, not retaining wall, the -- the screening

1 and the -- and the wall that's being built,
2 which, again, this is an industrial use.
3 They'll be able to see it from properties in
4 Wingate Homeowner's Association.

5 I've included a map. I don't have
6 the ability to share my screen, I guess, or I'd
7 be happy to, if you would allow me to, but you
8 can see on the map that I attached that the
9 properties in Wingate Homeowner's Association as
10 -- as acknowledged by one of the applicant's
11 witnesses, it's within a quarter mile. That's
12 not very far at all.

13 And so in addition to the comments
14 that I have already made, the applicant is
15 required to comply with the specific special
16 exception requirements found under Section 27-
17 5402(u) of the Prince George's County Zoning
18 Ordinance, and I -- these requirements were
19 stated -- cited in the Technical Staff Report
20 and also in my letter that I had submitted.

21 The applicant has failed to describe
22 the type and amount of traffic expected to be

1 generated by the Consolidated Storage facility.
2 Rather, the applicant has merely provided a
3 traffic analysis of the major arterial roads,
4 which intersect the applicant's property.

5 The applicant's traffic count
6 analysis studied Maryland 564, Maryland 193, and
7 Glenn Dale Road; however, there is no data to
8 show the traffic expected to be generated by the
9 Consolidated Storage facility, not in the
10 record.

11 In addition, there is no data
12 whatsoever to show that the applicant's property
13 will have frontage on and direct access,
14 vehicular access to an existing street with
15 sufficient capacity -- both of those things:
16 Frontage and direct access. There is no direct
17 access on an existing street with sufficient
18 capacity to accommodate the type and amount of
19 traffic expected to be generated by the use.

20 Although the applicant's traffic
21 count analysis studied the traffic volumes for
22 the major arterial roadways which intersect the

1 applicant's property, the applicant does not
2 propose any direct access to those arterial
3 roadways. Rather, the applicant proposes direct
4 access on Duvall Street, which apparently is the
5 portion of Duvall Street that they've -- that
6 they want to have frontage on is -- it doesn't
7 even exist. It's a gravel road as testified
8 earlier by one of -- earlier by one of the
9 applicant's experts or their witnesses.

10 The -- and -- and Duvall Street is a
11 very small access street off Glenn Dale Road,
12 and there is absolutely no data to show how the
13 traffic that will be generated by the
14 Consolidated Storage facility, an industrial
15 use, will be sufficient for Duvall Street.

16 The application doesn't include any
17 traffic projection for the Consolidated Storage
18 facility or any traffic count for Duvall Street.
19 Therefore, the applicant has not met their
20 burden to satisfy the traffic and direct access
21 requirements under Section 27-5402(u) of the
22 Zoning Ordinance.

1 In addition, the applicant has failed
2 to demonstrate that there is a need for the
3 public -- for the public in the surrounding area
4 for a Consolidated Storage facility which is
5 required under Section 27-5402(u) of the Zoning
6 Ordinance.

7 In the Technical Staff Report that
8 was submitted by MNC PPC, the Planning
9 Department, Prince George's County Planning
10 Department, the planning staff found that the
11 Needs Analysis report defined the self-storage
12 facility trade area as a 3-mile radius from the
13 applicant's proposed site.

14 What I'm learning today that that
15 really doesn't matter, that one of the
16 applicant's witnesses and their expert, the
17 person who -- who created the Needs Analysis
18 says that really it just matters what happens
19 around the immediate area, that need is
20 generated based on the immediate area, not the
21 3-mile radius, that they talked so much about in
22 the -- in the Needs Analysis Report.

1 The Planning staff determined that
2 these facilities operate at approximately 90
3 percent capacity, and I think that that's meant
4 to be occupancy, and concluded that this is a
5 relatively high demand for self-storage, that
6 the proposed use may -- may accommodate. And I
7 highlight the word "may." See page 13 of the
8 Planning Staff Report.

9 However, the Needs Analysis is not
10 conclusive -- it's not conclusive at all as to
11 the 90 percent capacity or occupancy rate -- I
12 think that's what they were talking about --
13 among the seven other Consolidated Storage
14 facilities within the 3-mile trade area.

15 The Needs Analysis Report states on
16 page 14 of the report that, quote, our results
17 show that there are seven other storage
18 facilities in that area, and according to our
19 research these facilities may be operating at
20 approximately 90 percent capacity, is what they
21 used -- that word.

22 The Needs Analysis did not conduct

1 any type of survey of the existing -- of the
2 seven existing Consolidated Storage facilities
3 within the 3-mile area, the trade area that they
4 identified.

5 There's no evidence to show that
6 despite what -- the Needs Analysis expert
7 testified that he couldn't get the information.
8 Well, there's no -- there's no information to
9 show that that information was even asked and it
10 was denied.

11 I, quite frankly, think that this
12 hearing needs to be continued for the purpose of
13 getting this information because people who live
14 in the area -- there are homeowner's within
15 Wingate Homeowner's Association who claim that
16 the occupancy rates of the -- these seven other
17 facilities is a lot less.

18 MR. BROWN: Objection.

19 MS. NICHOLS: No, no, no. You can't
20 testify.

21 MR. SUHAR: I'm sorry?

22 MS. NICHOLS: You can't testify.

1 MR. SUHAR: I'm not testifying.

2 MS. NICHOLS: You're testifying as --
3 as to what somebody else who might -- could have
4 come today but didn't, might have said. So
5 limit your argument to legal arguments.

6 MR. SUHAR: This is my client who
7 said this.

8 MR. BROWN: Your client --

9 MR. SUHAR: This is -- these are my
10 written comments, and I -- I am -- I have an
11 opportunity --

12 MR. BROWN: Your client did not
13 testify today.

14 MR. SUHAR: But this is my
15 opportunity to be heard.

16 MS. NICHOLS: No, it's not your
17 opportunity to be heard. It's your opportunity
18 to make legal closing arguments. It's not your
19 opportunity to testify.

20 MR. SUHAR: Well, the applicant -- if
21 I may continue. I'm almost finished.

22 The applicant employed Valbridge

1 Property Advisors to conduct the needs Analysis.
2 Valbridge did not produce any evidence or real
3 data from the seven other Consolidated Storage
4 facilities they found inside the three-mile
5 trade area. So we don't know if the occupancy
6 rate is 10 percent, and we don't know if it's 90
7 percent like what they're saying.

8 In their testimony from today, in
9 Valbridge's expert who did the Needs Analysis
10 report, he testified that it was based on the
11 number of people in the area, his -- his need
12 that he found was based on the number of people
13 in the area, 20,000 people, and a median age of
14 39 years old. That's it.

15 That doesn't establish need
16 whatsoever. In -- in my opinion, it does not at
17 all. In fact, there is no evidence, whatsoever,
18 as to analysis of the types of uses in the area
19 that would need a -- a self-storage facility
20 such as the one that's being proposed under this
21 special exception.

22 There was no data to show the number

1 of customers who exist in the adjacent
2 residential areas such as potential customers
3 from multi-housing communities and commercial
4 customers to show that there is a local demand
5 for self-storage. There weren't any surveys.
6 There weren't any -- not that I'm aware of that
7 had been conducted, and therefore, the applicant
8 has failed to demonstrate a need for the
9 Consolidated Storage facility.

10 They testified that they -- there was
11 testimony that the applicant itself even has
12 another storage facility within this 3-mile
13 trade area. They want more. And -- and this is
14 just the wrong location for it.

15 So based on the comments that I have
16 made, on behalf of Wingate Homeowner's
17 Association, we're requesting that the
18 application for special exception be denied.

19 Thank you very much for allowing me
20 to be heard.

21 MS. NICHOLS: Thank you.

22 All right, Mr. Tedesco, it's your

1 turn for closing.

2 CLOSING STATEMENT

3 MR. TEDESCO: Yes. Very briefly,
4 Madam Examiner, thank you. Thank you,
5 Mr. Suhar. Thank you, Mr. Brown, and thank you
6 Madam Examiner for your steadfast participation
7 as well as your time and attention to this
8 matter.

9 We have been here for now four hours,
10 and I'm -- I'm saddened to hear Mr. Suhar's
11 closing argument which basically was replete of
12 the four-hours' worth of testimony that we all
13 sat through and listened to.

14 I do agree with one thing Mr. Suhar
15 indicated in his closing which was -- he made a
16 comment that this particular use is not common
17 in the area. We would tend to agree with that.
18 That's precisely why it's needed. It's not
19 common and it will serve the reasonable
20 convenience and it will be expedient to the
21 surrounding areas. It's not a question of
22 convenience or expedient to the neighborhood.

1 The Code very specifically says the surrounding
2 area.

3 Mr. Steere testified on two different
4 bases with respect to how the need was satisfied
5 in this case both in his written report as well
6 as his testimony here this morning and
7 afternoon.

8 I think with all due respect to
9 Mr. Suhar and his argument, I'll use that term
10 loosely, that he proffered here in closing is
11 the confounding of need and want.

12 It's quite clear that this clients do
13 not want this; however, that does not equate to
14 not satisfying the legal requirement of
15 reasonably convenient and expedient.

16 There is substantial evidence in this
17 record both in the documentary evidence that's
18 been provided as well as the oral testimony
19 that's been provided here today that more than
20 adequately demonstrates a reasonable mind could
21 differ that all requirements for this special
22 exception should be -- have been met, all the

1 purposes of the zone have been met, and this
2 application should be approved.

3 There is absolutely no evidence
4 outside of Mr. Suhar's own opinion and request
5 for the fact that they don't want this, that
6 there is any incompatibility or that this use
7 will have any adverse effects beyond those that
8 are inherent to the use. And I went through the
9 legal requirements with respect to special
10 exceptions in my opening, and I will not repeat
11 those.

12 I will let the evidence speak for
13 itself, Madam Examiner, with respect to
14 Mr. Suhar's arguments that residents of the
15 Wingate community will see this from their homes
16 at a quarter mile away with topographical
17 changes.

18 You simply have to look at
19 Exhibit 30, which are views directly from the
20 intersection that are directly adjacent to the
21 property and see how limited the views of this
22 development would be to the surrounding area

1 notwithstanding folks that live a half a mile
2 away internally separated by a stormwater
3 facility owned by the county as well as other
4 uses.

5 So with that, Madam Examiner, I don't
6 have anything more to add other than we are
7 happy to provide the letter that Mr. Brown
8 requested on behalf of the applicant as it
9 relates to the (indiscernible) place and its
10 current posture if that's something the Examiner
11 wishes to have in the record, we can provide
12 that today.

13 And with that, we would request that
14 this record be closed, and we would request that
15 findings consistent with approval as recommended
16 by the Technical Planning Staff, all experts,
17 both at the county as well as what you heard
18 today, have all recommended approval of this
19 application, and this application should be
20 approved. So with that, I'll conclude. And
21 thank you for your time.

22 MS. NICHOLS: All right.

1 Thank you, everybody, for their
2 participation today.

3 There are a couple of matters I need
4 to -- housekeeping matters I need to take care
5 of.

6 Fatima, I don't know what exhibit
7 number we're on now just because I don't have
8 the most up to date exhibit sheet; however,
9 Mr. Tedesco has indicated on questioning by
10 Mr. Brown, that there are the required statutory
11 affidavits. They need to come in. Mr. Tedesco
12 will make sure you get a copy of them. You will
13 assign exhibit numbers to them.

14 THE REPORTER: Yes, it'll be Exhibit,
15 I believe, 46.

16 MS. NICHOLS: Okay. Exhibit 46.
17 Okay.

18 (Exhibit 46 was marked for
19 identification.)

20 MS. NICHOLS: Mr. Suhar sent in a
21 letter late last night with a map attached to
22 it. That will go into the record as Exhibit

1 then Number 47.

2 (Exhibit 47 was marked for
3 identification.)

4 MS. NICHOLS: Mr. Tedesco provided
5 emails from Jackie Brown with regards to
6 correspondence with the HOA. Those came in this
7 morning as well, so that would be Exhibit 48.

8 (Exhibit 48 was marked for
9 identification.)

10 MS. NICHOLS: And Exhibit 49 will be
11 the letter that Mr. Brown requested from
12 Mr. Cratin with regards to the brand-new storage
13 facility located to the south of the subject
14 property.

15 (Exhibit 49 was marked for
16 identification.)

17 MS. NICHOLS: That being said, upon
18 receipt of all those documents --

19 MR. BROWN: Madam Exminer, let me
20 mention that one last item that I wanted.

21 Mr. Suhar has placed in the record a
22 letter on his letterhead indicating he

1 represents Wingate -- which I don't challenge
2 the voracity that you represent them, but there
3 is no evidence, testimony, documents or
4 otherwise from any of his clients. Therefore,
5 Mr. Suhar, I am requesting that you provide a
6 letter from the HOA that indicates they met on a
7 particular date and certain number of members
8 were present and they voted in opposition,
9 because other than that, there is no opposition
10 in this case. Your comments are not testimony.
11 And if they did not meet before today's date,
12 then I need a letter that says that.

13 Do you understand?

14 MR. SUHAR: Are you asking me?

15 MR. BROWN: Yes, sir.

16 MR. SUHAR: Yeah. This has not been
17 required before, but I will definitely consult
18 with my client about this and will produce this
19 document. Do you want me to produce it to you
20 directly, Mr. Brown, or should I produce it
21 to --

22 MS. NICHOLS: Should produce it to

1 me.

2 MR. SUHAR: -- Madam Examiner?

3 MS. NICHOLS: Yes. You should
4 produce it to my office. You certainly should
5 copy Mr. Brown on it.

6 MR. BROWN: And it's a document that
7 I request in every case where there is an
8 organization such an HOA.

9 MS. NICHOLS: Right. Right, right.

10 So just to clarify, the HOA needs to
11 state when they had a public meeting, the number
12 of persons -- members of the HOA present, what
13 the motion was as far as opposition in this
14 case. So all those dates have to be in there
15 and then the signature by someone authorized to
16 sign. Okay?

17 MR. BROWN: And if -- and if they did
18 not meet, we need you to tell us that.

19 MS. NICHOLS: Yep.

20 MR. SUHAR: Okay. Is this
21 requirement being imposed despite the fact that
22 the notice was just received on Monday this

1 week?

2 MR. BROWN: It's unrelated to the
3 notice.

4 MS. NICHOLS: Yep.

5 MR. SUHAR: Oh, so we didn't --
6 notice is not required?

7 MR. BROWN: No, I'm not --

8 MS. NICHOLS: Sir, sir, do you
9 understand the document that is being requested
10 of you?

11 MR. SUHAR: Yeah, I understand what
12 you're requiring.

13 MS. NICHOLS: Okay.

14 MR. SUHAR: I was just asking if it
15 matters that we didn't receive --

16 MS. NICHOLS: We're not there. We're
17 not there.

18 Okay. So if we receive a copy of the
19 letter of the HOA in opposition, that will
20 become Exhibit 50.

21 (Exhibit 50 was marked for
22 identification.)

1 All right. That being said, the
2 hearing in this matter will deem to have been
3 concluded and the record will be closed upon
4 receipt of the documents.

5 And I am going to close the record
6 close of business on Friday. So if I am not in
7 receipt of any of these letters, they will not
8 become part of the record.

9 MR. SUHAR: So you want this letter
10 in two days?

11 MS. NICHOLS: Close of business
12 Friday, yes. Either they met or they didn't
13 meet. It's not something that they have to do
14 in the future. They either met prospectively
15 and took a position or they didn't. That's not
16 hard to put in a letter.

17 All right. I thank everybody for
18 their participation here today, and -- yeah, I
19 thank everybody for their participation here
20 today and have a good afternoon. Thank you.

21

22 (The recording was concluded.)

CERTIFICATE OF TRANSCRIBER

I, Esther M. Taylor, do hereby
certify that this transcript was prepared from
the digital audio recording of the foregoing
proceeding; 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.



Esther M. Taylor

December 15, 2023

(517669, Zoning Hearing, 11-29-2023)

Transcript of Zoning Hearing
Conducted on November 29, 2023

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