

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

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

	-----x	
	:	
WOODSIDE VILLAGE	:	Case No. A-9973-03
	:	
	-----x	

A hearing in the above-entitled matter was held on February 19, 2025, at the Prince George's County Office of Zoning, County Administration Building, Upper Marlboro, Maryland 20772, via Zoom videoconference, before:

Maurene McNeil
Hearing Examiner

Transcribed by: Raven Wood
eScribers, LLC
Phoenix, Arizona

--o0o--

1 A P P E A R A N C E S

2

3 On Behalf of the Applicant:

4 Robert Antonetti, Esq.

5 Arthur Horne, Esq.

6 On Behalf of People's Zoning Counsel:

7 Stan Brown, Esq.

8

9 * * * * *

10

11

12

Page

13 Opening Statement by Mr. Antonetti 7

14 RACHEL LEITZINGER

Direct Examination by Mr. Antonetti 14

15 Cross-Examination by Mr. Brown 26

16 CHARLES EDWARDS

Direct Examination by Mr. Antonetti 30

17

MIKE LENHART

18 Direct Examination by Mr. Antonetti 34

19 KEN DUNN

Direct Examination by Mr. Antonetti 46

20

21

22 * * * * *

23

24

25

P R O C E E D I N G S

1
2 MS. MCNEIL: Good morning, all.
3 I'm informed that we have started in Live
4 Manager, which means we're streaming and that is
5 good. I'm Maureen McNeil. I'll be the Hearing
6 Examiner today, and it is February 19th, 2025.
7 We're here on case number 89973-03. Applicant is
8 Woodside Land Investments LLC, and it's a request
9 to amend a Basic Plan for development known as
10 Woodside Village. And if counsel would identify
11 themselves for the record.

12 MR. ANTONETTI: Good morning,
13 Madam Examiner. For the record, my name is
14 Robert Antonetti, with the law firm of Shipley &
15 Horne, here on behalf of the applicant.

16 MS. MCNEIL: Good morning.

17 MR. BROWN: Good morning. Stan
18 Brown, People's Zoning Counsel.

19 MS. MCNEIL: Good morning, Mr.
20 Brown.

21 Mr. Antonetti, before I turn it
22 over to you, in case anyone here is new -- it
23 doesn't appear to be, but I'm not sure. This
24 matter is being recorded. So we ask that
25 everyone keep their mics off unless they're

1 speaking and that we don't speak over each other.
2 And if anyone here is opposed to the request, I'm
3 going to ask you to identify yourself in that
4 manner shortly. Or maybe right now might be a
5 good time, Mr. Antonetti.

6 Is anyone here opposed to this
7 application? If you are, just come on camera and
8 tell me your name. And I don't see anybody.
9 Okay. So it doesn't appear that anybody's
10 opposed, but we need to get a mic check on our
11 end. So if staff -- I'm assuming that's not me,
12 but staff, could you just say testing? And I'll
13 say testing for me. Is the problem going away?

14 Okay. Thank you. Okay. Mr.
15 Antonetti, turning it over to you.

16 MR. ANTONETTI: Thank you. Good
17 morning again, Madam Examiner and Mr. Brown. For
18 the record, my name is Robert Antonetti with the
19 law firm of Shipley & Horne. With me here today
20 is my partner, Arthur J. Horne, and our senior
21 paralegal, Mr. John Ferrante. Together, we are
22 pleased to represent the applicant for this case,
23 Woodside Land Investment, LLC.

24 Also with us today are members of
25 the development team offering testimony. We have

1 Dr. Charles Edwards, he's representative of the
2 applicant;

3 We have Ms. Rachel Leitzinger, a
4 civil engineer with Dewberry;

5 Mr. Mike Lenhart with Lenart
6 Traffic Consulting, Inc.;

7 And Mr. Ken Dunn of Soltesz, who
8 will be providing testimony as a land planner.

9 I'd like to thank the entire ZHE
10 staff for organizing this record and seamlessly
11 handling the scheduling due to weather
12 complications. I saw the forecast a week ago of
13 what might happen today and it didn't
14 materialize. So I'm grateful for that, and I'm
15 grateful to be here today before you.

16 Before I get into the substance of
17 today's case, I want to handle a few housekeeping
18 items, if I could. First, please note that all
19 required state ethics affidavits have been filed
20 for this application. They're found in Exhibits
21 10, 11, and 12 of the exhibit sheet prepared by
22 the Examiner's Office.

23 Second, I'd like to ask the
24 Examiner and Mr. Brown to take administrative
25 notice of the certificate of good standing with

1 SDAT for the applicant dated January 27th, 2025.
2 That's shown as in Exhibit 46 on the list of
3 exhibits.

4 And finally, I wanted to point out
5 a few things since there's been a lot of things
6 submitted to this record, and some of them have
7 repeated numerous times. And for clarity, I'd
8 like to state when I refer to -- and our
9 witnesses refer to the following three items, I
10 want to point to the exhibits of where they are
11 in the list, because there's some earlier
12 versions that were part of the application and
13 then replaced by later ones. So I want to make
14 sure I'm directing attention to the right ones.

15 So for purposes of clarity, when I
16 refer to the technical staff report, I'm
17 referring to Exhibit 74 on pages 1136 through
18 1153. The reason I do that is because the
19 planning board, upon approving transmission of
20 the staff report to the Examiner's office, they
21 may -- they also approved some modifications
22 which weren't in the initial published staff
23 report, but were in the one that was the final
24 one that was transmitted and authorized to be
25 transmitted by the Planning Board. So that would

1 be Exhibit 74 at those pages.

2 When I refer to the Basic Plan,
3 the actual drawing, I refer to Exhibit 41 found
4 on page 380 through 381. It's two sheets
5 included in that plan. And finally, when I refer
6 to the applicant's statement of justification I'm
7 referring to the statement of justification dated
8 December 5th, 2024, which is found in Exhibit 74,
9 also page 1167 to 1197.

10 So with that housekeeping, I'd
11 just give a little bit of orientation for
12 context, if I could. We are here today to
13 respectfully request an amendment to the approved
14 Basic Plan, A-9973 for the planned residential
15 development known as Woodside Village.

16 Madam Examiner and Mr. Brown, I
17 think you're quite familiar with this Basic Plan,
18 because you've seen it several times. The
19 initial Basic Plan was approved by the District
20 counsel on February 13th, 2007, as part of the
21 2007 Westphalia Sector Plan and Sectional Map
22 Amendment. The original case rezoned the entire
23 property of the assemblage of Woodside Village to
24 the R-M zone, under the prior ordinance, the
25 residential medium zone. It approved 1,497 total

1 units in a density range of 3.8 to 4.0 dwelling
2 units per acre.

3 Now the initial Basic Plan
4 included five contiguous farm parcels. They were
5 assembled by Toll Brothers circa 2005 to 2007,
6 and they formed what is now known as Woodside
7 Village. These farms, in a colloquial sense,
8 were known as the Case Farm (ph.), the Year Gap
9 Farm (ph.), the Arden Farm (ph.), the Suit Farm
10 (ph.), and the Wholey Farm. The total acreage
11 for this original assemblage was 381.95 acres.

12 Now despite the approval of the
13 Basic Plan around 2009, 2010 due to the Great
14 Recession, Toll Brothers walked away from
15 pursuing development of the entirety of the
16 project due to a significant downturn in the
17 market. As a result, all five farm properties
18 remained under separate ownership, yet they were
19 rezoned to the R-M zone.

20 Importantly, the 140 acre Suit
21 Farm and 11.6 acre Wholey Farm were purchased
22 subsequently by Park and Planning to be included
23 as part of the Westphalia Central Park. Now the
24 acquisition of this land by MNCPPC significantly
25 altered the development patterns approved in A-

1 9973 and necessitated the division of the Basic
2 Plan area.

3 As a result, several Basic Plan
4 amendments, A-9973-01 for the Arden Farm, and A-
5 9973-02 for the case Year Gap Farms, were
6 approved as standalone Basic Plans and reviewed
7 by the Zoning Hearing Examiner and ultimately
8 approved by the District counsel. Now this basic
9 plan division was necessary because the original
10 assemblage, like the other divisions, were no
11 longer -- are no longer under common ownership,
12 making implementation of the initial Basic Plan
13 A-9973 a practical impossibility.

14 Now today we are requesting
15 approval of the third basic plan amendment for
16 Woodside Village. The applicant has acquired,
17 around December of 2023, a portion of the land
18 previously owned by MNCPPC. Specifically, the
19 applicant has acquired a portion of the Suit Farm
20 and all of the Wholey Farm to total approximately
21 100.84 acres.

22 This land, as is all of Woodside
23 Village, is zoned today LCD/MIO -- that's legacy
24 comprehensive design -- and was previously zoned
25 R-M/M-I-O. Under either zone you're utilizing --

1 if you're using the new ordinance or the prior
2 ordinance, the new ordinance directs you back to
3 the prior ordinance for regulatory guidance.

4 So the rules of the R-M zoning
5 regulations -- the R-M zone still apply, either
6 under the current ordinance or the prior
7 ordinance. The original Basic Plan A-9973, as I
8 stated, approved the total density of 1497
9 dwelling units. Today you will hear testimony
10 that should A-9973-03 be approved, the maximum
11 combined density of all three basic land
12 amendments for Woodside Village would total 1,383
13 dwelling units, which is 114 units less than the
14 overall density approved in the original Basic
15 Plan. And by amendments, I mean the two separate
16 amendments that were approved for the Ardean and
17 the Case Year Gap track, inclusive of the one
18 that's before you today.

19 So even with approval, assuming
20 this hopefully does obtain approval, all three
21 amendments together still equal less than the
22 original density of the original Basic Plan circa
23 2007. You will also hear testimony that the
24 proposal meets all applicable criteria for
25 approval of a separate Basic Plan per Section 27-

1 197(b) of the prior zoning ordinance. In
2 addition, you will hear testimony describing the
3 applicant's request to include a range of 359 to
4 368 single family detached units only, which is
5 rather unique for Westphalia. There is no --
6 there are no attached dwelling units included in
7 the proposal before you today. It is all single
8 family detached units being proposed.

9 The planning board did endorse the
10 staff report with eight conditions. Again, that
11 would be Exhibit 74, pages 1136 to 1153, in the
12 ZHE record. The applicant does support the
13 recommendation of the planning board and planning
14 staff of approval and the eight conditions
15 contained in the transmitted staff report.

16 So for our hearing today, I'd like
17 to call four witnesses in support of the
18 application in the in the following order. I'd
19 like to call Ms. Rachel Leitzinger, followed by
20 Dr. Charles Edwards, followed by Mr. Lenhart,
21 followed by Mr. Ken Dunn. And unless there's any
22 questions of me at this moment I would proceed in
23 that order accordingly.

24 MS. MCNEIL: Mr. Brown, do you
25 have anything?

1 MR. BROWN: Just one clarifying
2 point. The staff report that you indicated, Mr.
3 Antonetti, you'll be referring to, made
4 modifications to the original staff report. I'm
5 sure this is the case, but that staff report with
6 the modifications was released prior to the
7 planning board hearing, was it not?

8 MR. ANTONETTI: That staff report
9 was released -- the original staff report was
10 released without the modifications. However,
11 prior to the planning board, additional backup
12 material was included in the posted materials
13 before the planning board hearing indicating
14 where the modifications were to occur, asking for
15 permission to modify before transmitting to the
16 Zoning Hearing Examiner. So the modifications
17 were captured in a memorandum posted as
18 additional backup prior to the Planning Board
19 hearing.

20 MR. BROWN: All right. I mean,
21 that's not my question. My question is was the
22 technical staff, with the modifications, released
23 prior to the planning board hearing, not whether
24 or not those modifications were discussed in a
25 memorandum prior to the planning board hearing.

1 MR. ANTONETTI: The modification's
2 that -- the technical staff report I referred to
3 was not released in the format that is
4 transmitted prior to the planning board hearing.
5 It was not. A technical staff report was
6 released, absent the modifications, to conditions
7 that ultimately resulted from the planning board
8 hearing.

9 MR. BROWN: All right. We'll deal
10 with it later. Thank you.

11 MR. ANTONETTI: Okay. Thank you.

12 MS. MCNEIL: And a question, my
13 only question, is if we can finally put this to
14 rest. How do you spell Wholey?

15 MR. ANTONETTI: Jeez. I can tell
16 you how I spell it.

17 MS. MCNEIL: Okay.

18 MR. ANTONETTI: I apologize.
19 W-H-O-L-E-Y.

20 MS. MCNEIL: Thank you. Okay.
21 We're going to call Ms. Leitzinger?

22 MR. ANTONETTI: Yes, Madam
23 Examiner.

24 MS. MCNEIL: Good morning.
25 Whereupon,

1 RACHEL LEITZINGER,
2 a witness called for examination by counsel for
3 the Applicant, was duly sworn, and was examined
4 and testified as follows:

5 DIRECT EXAMINATION BY MR. ANTONETTI:

6 Q Good morning, Ms. Leitzinger.

7 A Good morning.

8 Q If you could, could you please state
9 your full name and professional address?

10 A Yes. My name is Rachel Leitzinger. I
11 work for Dewberry Engineers, Inc., located at
12 4601 Forbes Boulevard, Suite 300, Lanham,
13 Maryland, 20706.

14 Q Thank you. And what is your position
15 with Dewberry?

16 A I am a senior -- senior associate and
17 senior project manager.

18 Q And have you provided testimony as a
19 professional engineer before any boards, hearing
20 examiners, or commissions?

21 A Yes.

22 Q Have you ever testified before the
23 Zoning Hearing Examiner as a professional
24 engineer?

25 A Yes.

1 MR. ANTONETTI: Okay. Madam
2 Examiner, Mr. Brown, I'd like to call your
3 attention to Exhibit 49, which is the resume or
4 CV of Ms. Leitzinger, and move her as an expert
5 as -- in the area of civil engineering for this
6 case today.

7 MS. MCNEIL: Mr. Brown?

8 MR. BROWN: She was previously
9 qualified, as I recall, correct?

10 MS. MCNEIL: Yes.

11 MR. BROWN: Okay. No objection.

12 MS. MCNEIL: Okay. You'll be
13 admitted as an expert in the area of civil
14 engineering.

15 MR. ANTONETTI: Thank you.

16 BY MR. ANTONETTI:

17 Q Ms. Leitzinger, are you familiar with
18 the drawing requirements for the preparation of a
19 Basic Plan?

20 A Yes.

21 Q Were you asked by the property owner or
22 applicant in this application to prepare an
23 amended Basic Plan for parcels 13,42, and a
24 portion of parcel 48, within the Woodside Village
25 project?

1 A Yes.

2 Q Have you reviewed the Basic Plan
3 amendment application today, site plan
4 application, and its related statement of
5 justification, and other exhibits in support of
6 the application?

7 A Yes.

8 Q Could you tell the Examiner what the
9 current zone of the property is?

10 A Current zone is LCD and the prior zone
11 was R-M.

12 Q Okay. And do you recognize what's
13 marked as Exhibit 41?

14 MR. ANTONETTI: And I'm not sure
15 Madam Examiner, or Mr. Banks (ph.), if it's
16 possible to place Exhibit 41 on the screen, I
17 think it may be helpful for orientation. Thank
18 you very much, and I apologize. I should have
19 indicated earlier, Mr. Banks and Madam Examiner,
20 that I would be asking to put this on the screen,
21 but I appreciate your accommodation. Thank you.

22 A Yes. This is the amended Basic Plan.

23 BY MR. ANTONETTI:

24 Q Okay. And can you explain to the
25 Examiner the significance of sheet 1 of this

1 amended Basic Plan, and what portions are being
2 proposed to be divided out from said plan?

3 A Yes. So this sheet 1 shows the overall
4 Woodside Village plan approved in the original A-
5 9973, and the portions that are hatched in red
6 are the subject of the -- subject application A-
7 9973-03, which are planned to be divided out from
8 the original plan.

9 MR. ANTONETTI: Thank you. And if
10 we could move to sheet 2 of Exhibit 41, just
11 scroll down one sheet. Thank you very much.

12 BY MR. ANTONETTI:

13 Q Can you please explain the significance
14 of sheet 2 of the Basic Plan as it pertains to
15 this application?

16 A So sheet 2 shows parcels 13, 42, and a
17 portion of 48 that are proposed in the subject --
18 subject application A-9973-03 to be included in
19 that application and separated out from the
20 original A-9973.

21 Q And can you explain what the acreages
22 are for parcels 13, 42, and a portion of 48
23 included in this application?

24 A Approximately 100.84 acres.

25 Q Yeah. In terms of orientation, can you

1 please identify potential recreational areas
2 marked with asterisks within the proposed Basic
3 Plan?

4 A Yes. So there are four potential
5 recreation areas. As you mentioned, they're
6 denoted as black asterisks. And there's one on
7 the Suit portion in the rear of the northern
8 area, one to the -- just to the south of MC 631,
9 one to the east of PE 619, and one at the
10 southern end of the property, again to the east,
11 southeast of PE 619. The amenities have not been
12 determined yet but they will be designed in a
13 subsequent development application.

14 Q And can you orient, please, the
15 Examiner as to the parcels located within the
16 original boundaries of A-9973 that are not
17 included in this application? And I think we may
18 need to go back to sheet 1 for you to answer this
19 question.

20 A So on sheet 1, the -- the parcels that
21 are not included in this application are anything
22 not hatched in red. So that would be the green
23 hatch, the blue hatch, the yellow hatch. Those
24 are all not part of this application.

25 Q Okay. And staying on this sheet 1,

1 could you identify for the Examiner the portions
2 of the original Woodside Village assemblage that
3 will be retained and owned by MNCPPC?

4 A Yes. There are the two areas hatched
5 in yellow. They do make --

6 Q Oh, go ahead.

7 A Oh, sorry. It's approximately 59.5
8 acres.

9 Q Okay. Thank you. And can you describe
10 the adjoining properties, including zone that
11 abut Woodside Village?

12 A Yes. So to the north and east is the
13 Year Gap and Case properties which were zoned --
14 current zone, LCD, former zone R-M, and they were
15 subject to the A-9973-02 application. Also to
16 the north is Westphalia Road.

17 To the south and west is the Parkside
18 development, and Central Park that is now owned
19 by Park and Planning, but was originally part of
20 the overall Parkside development, zoned LCD and
21 again previous zone R-M and LCD.

22 To the east is the Marlborough Ridge
23 property, zoned R-R, and to the northeast is the
24 been property zoned LCD and R-M, which was
25 subject to the A-9973-01 application.

1 Q Yeah. And is it correct that Exhibit
2 41, the amended Basic Plan, was prepared by you
3 or under your direction?

4 A Yes.

5 Q For the Examiner and Mr. Brown, can you
6 please describe the proposed development shown on
7 the basic amended basic Plan sheet 2, if we could
8 switch to sheet 2, please, and kind of the
9 overall land use locations and other items shown
10 thereon?

11 A Yes. So it's a residential development
12 containing all single family detached units. No
13 attached units are proposed, and those detached
14 units will be a combination of front loaded and
15 rear loaded single families. The proposed
16 density range is between 3.6 and 3.68 dwelling
17 units per acre, which equates to approximately,
18 you know, 359 to 368 units.

19 There is approximately 28 acres of open
20 space proposed, and this would include
21 environmentally sensitive areas, recreational
22 areas, stormwater management, and just, you know,
23 general HOA open space.

24 There is approximately a quarter acre of
25 right of way dedication at the far north end of

1 the property for Westphalia Road.

2 And then throughout the development itself,
3 there's approximately 13.4 acres of master plan
4 rights of way to be dedicated between NC 631, P
5 617, and P 619. P 619 is proposed to be
6 dedicated all the way to the southern property
7 line, but it is only proposed to be constructed
8 to the end of the residential development, and
9 not extended into Central Park because the park
10 did not plan to construct the road through it.

11 Q On the sheet 2 before us in the land
12 use quantities, which you just testified to,
13 there's one inconsistency, and I was wondering if
14 you could be so kind to explain why that is. And
15 that would be the final cell stating dedication
16 to master plan roadways in the lower right hand
17 corner. It states that it's -- there's 12.49
18 acres of land for dedication to master plan
19 roadways. You testified that it's 13.49 acres, I
20 believe. Can you explain that discrepancy?

21 A Yes. So the 12.49 is what will be
22 constructed. So that's what I was saying.
23 There's 13.4 planned to be dedicated, but only
24 12.5 acres will actually be constructed. Since
25 that PE 619 road won't be extended the whole way

1 south, the right of way will be dedicated, but
2 the road itself won't be constructed the whole
3 way to the southern property line.

4 Q So it would be appropriate, in your
5 opinion, for that number to be corrected to
6 13.49, should this application be approved?

7 A Yes, 13.4.

8 Q 13.4. I apologize. Thank you.

9 MS. MCNEIL: I'm so sorry. The
10 last statement is saying that this will be
11 revised, or just that we should take note that
12 it's 13.4 versus 12.49? I didn't understand your
13 question to her.

14 MR. ANTONETTI: My question was
15 that it should be revised, and we would accept
16 that as a recommended condition.

17 MS. MCNEIL: And can I ask one
18 more, Ms. Leitzinger, just on this plan itself?
19 So the hatch mark things on page 1 -- X'd things,
20 will they be revised as well, or is it common for
21 you all to keep all of this on there?

22 THE WITNESS: Can we go back to
23 sheet 1? We leave those out because they were
24 part of the original -- we -- sorry, we crossed
25 them out because they are part of the original

1 plan, and then we put those notes that say,
2 please refer to sheet 2 for updated information.
3 So we don't want to remove what was on the
4 original plan. So we just put an X through it,
5 and then the note that says refer to the
6 corrected information.

7 MS. MCNEIL: Okay. And I didn't
8 pull the entire file yet, although I will, of the
9 prior ones. So you're saying those Basic Plans
10 did this as well? Okay.

11 THE WITNESS: Yes.

12 MR. ANTONETTI: All right.

13 MS. MCNEIL: Thank you all.

14 BY MR. ANTONETTI:

15 Q Ms. Leitzinger, can you describe the
16 circulation patterns? You touched on some road
17 designations. Can you point where those are
18 within the proposed Basic Plan amendment?

19 A Yes. So within the Suit portion or the
20 southern portion of the -- of the application,
21 there are two master plan roads, MC 631, which is
22 100 foot right of way, which runs kind of west to
23 northeast, and then P 619, which is a 70 foot
24 right of way running north to south.

25 Q I'm sorry, Ms. Leitzinger, could we

1 possibly move to page 2, or sheet 2? Excuse me.
2 It'll show these, I think, in greater detail.

3 A Thank you. So these two rights of way
4 serve as the property boundaries for the Suit
5 portion of -- of this application, and then the
6 development continues, you know, out from there.

7 So you have single family detached lots to
8 the north of MC 631, and to the east of PE 619.
9 Each of those areas have kind of like a loop road
10 that goes around and serves all the lots, with
11 other residential roads providing connectivity
12 throughout, and then all of the lots that front
13 on MC 631 are proposed to be rear loaded and
14 served by alleys, so that they don't have any
15 driveway access to MC 631, since that is a major
16 collector.

17 And then at the northern end of the
18 application, or the Wholey portion, that again
19 has master plan roadways. There's a small
20 portion of MC 631 running north to south, and
21 then a small -- small portion of P 617, which is
22 a 60 foot right of way running east to west,
23 connecting the Year Gap and Ardean properties.
24 Residential roads would come off of P 619 --
25 sorry, P 617, with development off of those.

1 No other connections to MC 631 or Westphalia
2 Road to the north would be proposed, as they
3 would not -- likely not be permitted due to
4 intersection spacing. And again, same with the
5 southern portion, all lots fronting on MC 631
6 would be reloaded loaded and served by alleys.

7 Q Yeah. And what are the number of
8 access points to the overall development shown in
9 this application?

10 A So there are six access points, two in
11 the southern section, both MC 631, the two ends
12 of MC 631, and four in the northern Wholey
13 section 24 MC 631 and 24 P 617.

14 Q Thank you. And can you describe any
15 pertinent environmental features shown on the
16 amended Basic Plan?

17 A In the suit portion of the plan, we
18 have an area in the northwest corner that
19 consists of floodplain, streams, wetlands, and
20 PMA. Along the eastern side, we have additional
21 streams, wetlands and PMA. And then at the
22 southern end, that is the main stem of the cabin
23 branch stream. So that's a fairly large stream.
24 So there you have streams, wetlands, and
25 floodplain, and PMA. And then in the northern

1 Wholey portion, there's just a small stream head
2 in the south east corner with associated PMA.

3 Q And based on your experience as a
4 professional engineer, would these environmental
5 features and other features you mentioned be
6 further designed and focused on in subsequent
7 applications, namely a CDP, a specific design
8 plan, and preliminary plan of subdivision, should
9 this application be approved?

10 A Yes.

11 Q And are the amendments proposed in A-
12 9973-03, this amended Basic Plan, intended only
13 to apply to parcels 13, 42, and a portion of
14 parcel 48 within the Woodside Village assemblage?

15 A Yes.

16 Q And in your opinion, does the instant
17 Basic Plan amendment satisfy all technical
18 drawing requirements for a Basic Plan in the
19 zoning ordinance?

20 A Yes.

21 MR. ANTONETTI: And that would
22 conclude my questions for Ms. Leitzinger, Madam
23 Examiner.

24 MS. MCNEIL: Mr. Brown?

25 CROSS-EXAMINATION BY MR. BROWN:

1 Q Good morning, Ms. Leitzinger. How are
2 you?

3 A I'm doing well. How are you?

4 Q Good. Just one question. So the
5 exhibit that's on the video now is consistent
6 with the technical staff report, the modified
7 version, as well as the planning board
8 resolution, is it not?

9 A Yes, it is.

10 Q And the modifications that carried
11 forward, they didn't affect this particular
12 exhibit in front of us?

13 A No.

14 MR. ANTONETTI: Mr. Brown, if I
15 could just comment just quickly, there wasn't an
16 actual resolution from the planning board. They
17 had the staff report as a consent item with the
18 backup, and they endorsed the transmission of the
19 staff report as the position of the planning
20 board.

21 MR. BROWN: Thank you. You're
22 correct. The staff report that I read,
23 unfortunately, because this was 1,400 pages, was
24 the original staff report. So at some point
25 before today is over, you're going to tell us

1 what those modifications were?

2 MR. ANTONETTI: Yes.

3 MR. BROWN: All right. Thank you.

4 No other questions.

5 MR. ANTONETTI: Thank you.

6 I have no further questions of Ms.
7 Leitzinger.

8 MS. MCNEIL: I just had one, and
9 that is: you stated that -- probably didn't --
10 it's the Cabin Branch Stream?

11 THE WITNESS: Um-hum.

12 MS. MCNEIL: Okay. And I was just
13 thinking about where I think streams are, so --
14 excuse my ignorance, but in the staff report they
15 discussed the Patuxent River primary. Is that
16 also part of this?

17 THE WITNESS: That's the -- that's
18 the basin that the entire --

19 MS. MCNEIL: The entire thing.
20 Okay.

21 THE WITNESS: -- thing that holds
22 things that drain.

23 MS. MCNEIL: Okay. Got you.

24 Thank you.

25 THE WITNESS: Um-hum.

1 MS. MCNEIL: So free to go or
2 sticking around. Either way, it's okay with me.

3 THE WITNESS: Thank you.

4 MR. ANTONETTI: And Madam
5 Examiner, Ms. Leitzinger does have another
6 scheduled item at 11. So I think she can hang
7 around for a little bit, but then she may leave,
8 but we appreciate you're allowing her to step
9 away if there's no further questions.

10 MS. MCNEIL: Thank you.

11 MR. ANTONETTI: All right. Thank
12 you. If I could, I'd like to next call Dr.
13 Charles Edwards, representative of the applicant,
14 to provide some testimony.

15 MS. MCNEIL: Dr. Edwards?

16 DR. EDWARDS: Yes. Can you hear
17 me?

18 MS. MCNEIL: Yes. Will I be able
19 to see you?

20 DR. EDWARDS: I'm working on that.

21 MS. MCNEIL: Okay. Oh, there you
22 are.

23 DR. EDWARDS: There I am.

24 MS. MCNEIL: Good morning, Dr.
25 Edwards.

1 Whereupon,

2 CHARLES EDWARD,

3 a witness called for examination by counsel for
4 the Applicant, was duly sworn, and was examined
5 and testified as follows:

6 DIRECT EXAMINATION BY MR. ANTONETTI:

7 Q Thank you. Good morning, Dr. Edwards.
8 For the record, could you please state your full
9 name and professional address?

10 A Yes, I'm Charles Cannon (ph.) Edwards.
11 3907 Greenway, Baltimore, Maryland.

12 Q Thank you. Dr. Edwards, what is your
13 position with Woodside Land Investments, LLC?

14 A I'm the managing member.

15 Q And does Woodside Land Investments, LLC
16 own the land that is subject to A-9973-03?

17 A Yes. Yes, it does.

18 Q And are you authorized by Woodside Land
19 Investments, LLC to testify today before the
20 Examiner regarding this application?

21 A Yes, I am.

22 Q And does the resolution dated January
23 31st, 2025 provide such authorization for your
24 testimony?

25 A It does.

1 MR. ANTONETTI: And that
2 resolution, Madam Examiner and Mr. Brown, can be
3 found -- it's Exhibit 52 on page 440 to 441 in
4 the record. Now, Dr. Edwards, how long --

5 MS. MCNEIL: Excuse me, excuse me.
6 I hate to do this to you, Mr. Antonetti --

7 MR. ANTONETTI: Sure.

8 MS. MCNEIL: -- but this is the
9 time to let everyone know that these exhibits may
10 be slightly changed in description after this
11 hearing, because that merely says resolution,
12 things like that. We will make sure it says the
13 Woodside Land Investments LLC resolution, et
14 cetera so some of these will change a little.
15 Thank you.

16 MR. ANTONETTI: No, no, thank you
17 for that clarification. I'm sorry.

18 BY MR. ANTONETTI:

19 Q And Dr. Edwards, how long has Woodside
20 Land Investments LLC owned the subject property?

21 A Since December of 2023.

22 Q Okay. And Dr. Edwards, is the property
23 currently developed?

24 A The -- the Wholey portion has a house
25 and a couple of outbuildings. The parcels, 42

1 and 48, known as the Suit property, has always
2 just been farmland.

3 Q And Dr. Edwards, what are the main
4 reasons for this Basic Plan amendment being
5 requested today?

6 A Well, the -- the current approved plan
7 from 2007, as you explained, encompasses the case
8 Year Gap and Ardean properties, as well as the
9 Wholey Suit properties and Park and Planning
10 Commission portion of parcel 48. So what was
11 originally one intact plan no longer exists.

12 Rather, it has four separate owners and two
13 portions have been approved as separate plans,
14 namely Case Year Gap, and -- and Ardean. So that
15 our goal and request is to divide off parcels 13,
16 42, and most of 48 from the current approved 2007
17 plan, and approve an amendment that enables us to
18 develop 13, 42, and most of 48 as a separate
19 single family residential development.

20 Q And Dr. Edwards, have you reviewed the
21 applicant's exhibit marked as Exhibit 41 and
22 identified by Ms. Leitzinger as the amended Basic
23 Plan?

24 A Yes, I have.

25 Q And on behalf of Woodside Land

1 Investments LLC, is the requested Basic Plan
2 layout more desirable than the original approved
3 layout in the Basic Plan?

4 A Well -- well, absolutely. By approving
5 this amendment, we are then in a position to
6 develop the single family neighborhood in an --
7 an efficient manner that will integrate with the
8 adjacent properties.

9 Q And Dr. Edwards, have you reviewed the
10 technical staff report --

11 A I did.

12 Q -- prepared by the Maryland National
13 Capital Park and Planning Commission for this
14 application and endorsed by the planning board?

15 A Yeah. Yes, I did.

16 Q And do you agree and accept the
17 conditions and considerations of approval
18 contained within the staff report?

19 A I do.

20 MR. ANTONETTI: Okay. Madam
21 Examiner, I have no further questions at this
22 moment for Dr. Edwards.

23 MR. BROWN: No questions. Thank
24 you.

25 MS. MCNEIL: Thank you, Dr.

1 Edwards. I was trying to come up with one since
2 you came, but. Thank you so much.

3 MR. ANTONETTI: Thank you. Thank
4 you, Dr. Edwards.

5 If I could, Madam Examiner and Mr.
6 Brown, if I could call Mr. Michael Lenhart as our
7 next witness.

8 MR. LENHART: Good morning. Can
9 you hear me okay?

10 MS. MCNEIL: Yes. Good morning,
11 Mr. Lenhart.

12 Whereupon,

13 MIKE LENHART,
14 a witness called for examination by counsel for
15 the Applicant, was duly sworn, and was examined
16 and testified as follows:

17 MS. MCNEIL: Thank you.

18 DIRECT EXAMINATION BY MR. ANTONETTI:

19 Q Thank you. That is an impressive
20 headset, Mr. Lenhart.

21 A Thank you. For some reason, Zoom
22 doesn't work unless I have this headset on, so I
23 must embarrass myself every time.

24 Q Okay. If you could, Mr. Lenhart, could
25 you please state your full name and professional

1 address?

2 A Yes. Michael Lenhart with Lenhart
3 Traffic Consulting, 645 Baltimore-Annapolis
4 Boulevard, suite 214, Severna Park, Maryland.
5 21146.

6 Q And Mr. Lenhart, what is your position
7 with Lenhart Traffic Consulting?

8 A I am the president and owner.

9 Q And have you been qualified as an
10 expert as a traffic engineer?

11 A Yes.

12 Q And have you ever been qualified as an
13 expert to testify before the zoning hearing
14 Examiner?

15 A Yes, many times.

16 MR. ANTONETTI: Madam Examiner,
17 Mr. Brown, Mr. Lenhart's CV is shown as Exhibit
18 48 currently on the list of exhibits, and I would
19 respectfully move Mr. Lenhart as an expert in the
20 area of traffic engineering.

21 MS. MCNEIL: Mr. Lenhart will be
22 accepted as an expert in the area of traffic
23 engineering.

24 MR. ANTONETTI: Thank you.

25 BY MR. ANTONETTI:

1 Q Mr. Lenhart, do you recognize what is
2 currently marked as Exhibit 22 in the record of
3 this case?

4 A Yes.

5 Q And does that represent your traffic
6 impact study for this application?

7 A Yes, that's correct.

8 Q And Mr. Lenhart, are you familiar with
9 the prior approvals concerning the subject
10 property as they pertain to the subject site?

11 A Yes, I am.

12 Q And did you prepare the traffic impact
13 statement marked as Exhibit 22?

14 A Yes, I did.

15 Q And can you briefly describe your
16 findings regarding the traffic facilities as set
17 forth in your traffic study?

18 A Yes. So the traffic impact study that
19 we prepared is a study that would normally be
20 included as part of an adequacy assessment at the
21 time of preliminary plan of subdivision. This
22 detailed of analysis is not typically required at
23 the time of a zoning map amendment. However due
24 to the high number of approved background
25 developments in the Westphalia area, a full

1 traffic study was prepared to prove that Section
2 27-195(b)(1)(C) of the zoning ordinance would be
3 satisfied.

4 Q And what developments did you use as
5 background in your transportation study --
6 traffic impact statement?

7 A We used a total of 25 developments,
8 including you know, Smith Home Farm (ph.),
9 Westphalia Center Parkside, to name a few there.
10 I'm getting some feedback.

11 Q I am as well. So please continue. I
12 think it might resolve.

13 A Okay. So a total of 25 developments.
14 I don't think I need to name them all unless
15 anybody has any questions, but these are
16 developments we've worked on, many of them
17 ourselves, and they've been included in as
18 background in traffic impact studies for projects
19 that have gone through the adequacy process.

20 Q And could you please describe the
21 impact to any included study intersections as a
22 result of the proposed development?

23 A Certainly. So the -- this amendment
24 requests the development of up to 368 dwelling
25 units. However, it is important to note that a

1 similar number of units would also be allowed
2 under the existing zoning. What was previously
3 approved for this -- this property. Therefore,
4 the act of approving this zoning amendment will
5 not substantially change the trip generation
6 characteristics of what could be developed on
7 this property based upon the existing zoning.

8 So again, the act of approval of this
9 amendment will really not change the trip
10 generation characteristics of -- of the allowed
11 density today. And the actual impact of these
12 368 dwelling units will be further tested at the
13 time of the preliminary plan.

14 Q Okay. And can you describe access to
15 the subject site via the existing and/or proposed
16 public road network?

17 A Yes. And Ms. Leitzinger also described
18 it in a fairly detailed fashion, so I'll -- I'll
19 be brief, but the property does include MC 631.
20 It's a major collector roadway with 100 foot
21 right of way that runs through the site. It
22 comes in to the western boundary of the property
23 and runs easterly into the site, and then turns
24 north and continues up toward Westphalia Road.
25 Ultimately, MC 631 will be constructed north of

1 Westphalia Road to tie into Ritchie Marlboro Road
2 through the Parkland (ph.) and Rock Creek (ph.)
3 properties, and it would ultimately be developed
4 and connected west of our property through
5 Parkland and to tie into the Westphalia town
6 center area.

7 Q And would it be your opinion that
8 construction of MC 631, via its master plan
9 alignment, would necessarily need to run through
10 the subject property in order to be fully
11 constructed?

12 A Yes. And that network would be
13 adequate to handle the development generated by
14 this site.

15 Q And have you reviewed the conditions of
16 approval recommended by the planning staff
17 pertaining to this application?

18 A Yes, I have.

19 Q Do you agree with all conditions in the
20 staff report regarding transportation
21 improvements?

22 A Yes.

23 Q And you mentioned this slightly
24 earlier, but are you familiar with the criteria
25 of approval of a Basic Plan related to

1 transportation and public facility adequacy as
2 set forth in Section 27-195(b) (1) (C) of the
3 zoning ordinance?

4 A Yes, I am familiar.

5 Q And in your opinion, does the subject
6 request in this application -- I'm sorry. Does
7 this application satisfy all transportation
8 requirements set forth in the zoning ordinance
9 concerning the approval of a Basic Plan?

10 A Yes, it does for all the reasons
11 testified, I'll just briefly summarize again,
12 the -- the current zoning would essentially allow
13 similar density on this site.

14 So the approval of this zoning really has no
15 significant impact on what -- what could be
16 generated based on the current zoning and the
17 criteria for approval. 27-195(b) (1) (C) states
18 that a requirement that the transportation
19 facilities which are existing, or under
20 construction, or are 100 percent allocated with
21 the -- within the current CIP, or CTP, or will be
22 provided by the applicant will be adequate --
23 adequate to carry the anticipated traffic.

24 The traffic impact study that we conducted
25 again, is in accordance with what is required at

1 the time of preliminary plan, and that study
2 shows that this will be able to satisfy that
3 requirement.

4 MR. ANTONETTI: Thank you, Mr.
5 Lenhart.

6 Madam Examiner, I have no further
7 questions at this point.

8 MR. BROWN: No questions. Thank
9 you, Mr. Lenhart.

10 THE WITNESS: Thank you.

11 MS. MCNEIL: Just one, and it's
12 just to make it a little more clear in the
13 record. So all of the intersections, all of the
14 level of service results passed the test, there
15 were some failures?

16 THE WITNESS: So yes, you are --
17 you are correct. There are some failures.
18 Specifically the intersection of route 4 and
19 Westphalia Road is projected to fail. There is a
20 PFFIP (ph.), it's a public financing -- a public
21 facilities financing program that was approved by
22 the counsel in 2010, that has been applied to all
23 developments that have been approved in
24 Westphalia.

25 At the time of preliminary plan,

1 that will be applied here as well. It's a
2 payment based upon the pro rata impact that this
3 development will have on the Route 4 at
4 Westphalia Road intersection. And that again,
5 that's been applied to every development in the
6 Westphalia's sector plan.

7 The -- the intersection of
8 Suitland Parkway at Route 4, that interchange
9 fails. That is currently funded for construction
10 and under construction by State Highway
11 Administration, and the fact that it is funded
12 fully allows us to take into consideration those
13 improvements, and -- and it does pass with that.

14 The intersection of Ritchie
15 Marlboro, Westphalia Road fails as -- it fails
16 the three step test for unsignalized
17 intersections. That will at the time of
18 preliminary plan, the standard practice for that
19 is that it would receive a condition of approval
20 that requires signal warrant study, and if a
21 signal is warranted, to install said signal.

22 Now that is unless that
23 improvement -- unless a signal is bonded and
24 permitted by another entity before we get to that
25 stage. If that occurs, then the intersection

1 would be deemed adequate.

2 The intersection of Westphalia
3 Road at Darcy Road, same situation. That is it
4 did not pass the three step test, and it would go
5 through the same thing. A condition for a signal
6 warrant study, install a signal if required. Or
7 if it's bonded and permitted by another entity
8 before this project pulls building permits, then
9 that would be deemed adequate.

10 MS. MCNEIL: Go ahead, Mr.
11 Antonetti.

12 MR. ANTONETTI: I'm sorry, Madam
13 Examiner. I didn't mean to cut you off. I just
14 wanted to clarify that these conclusions that
15 were just summarized are reflected on page 32 and
16 33 of Applicant's Exhibit 22, which is the
17 traffic impact statement of Mr. Lenhart.

18 THE WITNESS: That's correct.

19 MS. MCNEIL: Thank you. I didn't
20 have further questions. Anyone else? Stan?
21 Okay.

22 Anymore, Mr. Antonetti?

23 MR. ANTONETTI: That's all I have.

24 MS. MCNEIL: Okay. Thank you, Mr.
25 Lenhart.

1 THE WITNESS: Thank you all.

2 MS. MCNEIL: Mr. Antonetti, unless
3 someone else can answer this, and maybe John
4 will, I did have a question about one of the
5 conditions and staff's recommendations where they
6 want the development fronting West Valley Road to
7 be single family lots. That threw me off because
8 the whole thing is single family, isn't it? So
9 if John can -- it doesn't have to be Rachel if
10 somebody else can answer that.

11 MR. ANTONETTI: Okay. Or I mean,
12 I can for -- contextually I can just -- I had the
13 blessing of Mr. Horne to represent Toll Brothers
14 back in 2006 and 2007, and that is, I believe, a
15 hangover condition from the original Basic Plan.
16 And I wasn't privy to formulation of the
17 conditions -- which ones they wanted to bring
18 forward. But I would agree that perhaps it's
19 unnecessary, given the entirety of the project is
20 single family detached.

21 MS. MCNEIL: Thank you.

22 MR. ANTONETTI: And so if there's
23 any other questions, we're here. And Mr.
24 Ferrante is -- can certainly add any color to
25 what I just said, if necessary.

1 MS. MCNEIL: So Mr. Ferrante, good
2 morning.

3 MR. FERRANTE: Good morning.
4 Whereupon,

5 JOHN FERRANTE,
6 a witness called for examination by counsel for
7 the Applicant, was duly sworn, and was examined
8 and testified as follows:

9 MR. FERRANTE: I'm sorry you had
10 to swear me in, but I just wanted to state that I
11 fully agree with Mr. Antonetti on his statement.

12 MS. MCNEIL: Okay. About the
13 condition?

14 MR. FERRANTE: Yes, ma'am.

15 MS. MCNEIL: Okay. Thank you.

16 MR. ANTONETTI: Mr. Ferrante fully
17 agreeing with me under oath is impressive. I
18 have to get a transcript of this. Thank you.
19 Thank you for your indulgence and allowing us to
20 explain.

21 The last witness I have today is
22 Mr. Ken Dunn. So I'd like to call him, if you'll
23 allow.

24 MS. MCNEIL: I didn't realize that
25 was going to be the shortest testimony I've ever

1 gotten from Mr. Ferrante. Okay.

2 Mr. Dunn, good morning.

3 MR. DUNN: Good morning.

4 Whereupon,

5 KEN DUNN,

6 a witness called for examination by counsel for
7 the Applicant, was duly sworn, and was examined
8 and testified as follows:

9 MS. MCNEIL: Thanks.

10 DIRECT EXAMINATION BY MR. ANTONETTI:

11 Q Good morning, Mr. Dunn.

12 A Good morning.

13 Q Could you please state your full name
14 and professional address for the record?

15 A I'm Ken Dunn. I'm with Soltesz. We
16 are located at 4300 Forbes Boulevard, Lanham,
17 Maryland, 20706.

18 Q Okay. And what is your position with
19 Soltesz, LLC?

20 A Vice president and general manager.

21 Q And have you ever been qualified as an
22 expert in the area of land planning?

23 A Yes, I have.

24 Q And have you testified as a land
25 planner before the zoning hearing examiner?

1 A Yes, I have. Including the previous
2 iterations of the Basic Plan that we're amending
3 here today.

4 MR. ANTONETTI: Madam Examiner,
5 Mr. Brown, I believe what's marked as Exhibit 47
6 is Mr. Dunn's CV and resume. I'd like to move
7 him as an expert in the area of land planning for
8 this application.

9 MS. MCNEIL: Nothing from Mr.
10 Brown?

11 MR. BROWN: Oh, of course. No
12 objection.

13 MS. MCNEIL: I thought you were
14 going to say the prior iteration of the ZAGs.
15 And I was like, wow, you're really up there. But
16 okay, you will be accepted as an expert in the
17 area of land use planning.

18 THE WITNESS: Thank you.

19 BY MR. ANTONETTI:

20 Q Mr. Dunn are you familiar with the
21 proposed amended Basic Plan marked as Exhibit 41?

22 A Yes, I am.

23 Q And would you please describe the
24 adjoining properties, including zone and any
25 development including existing or proposed

1 development associated therewith?

2 A Certainly, to the north of the subject
3 property is what we previously referred to as
4 Case and Year Gap properties. Those were the
5 subject of A-9973-02. They're currently zoned
6 LCD and they were classified as R-M previously.

7 To the south, including some Park and
8 Planning owned property, zoned LCD is what's
9 referred to as the Parkside Subdivision, also
10 LCD. To the east is the Marlborough Ridge
11 community, zoned R-R. And finally to the west is
12 the R-M zoned Parkside property as well.

13 Q Thank you. And Mr. Dunn, are you
14 familiar with the staff report prepared by the
15 Maryland national Capital Park and Planning
16 Commission for this case?

17 A Yes, I've read this. I've read it.

18 Q And are you familiar with the various
19 referrals by the divisions of MNCPPC and other
20 agencies provided as the basis for the staff
21 report?

22 A Yes, I've read them too.

23 Q And are you familiar with the previous
24 Basic Plan approved for the property?

25 A Yes, I am.

1 Q And again, quickly, for the record what
2 is the current zone of the property?

3 A Currently zoned LCD. Previously it was
4 classified as R-M.

5 Q And in your opinion, what are the
6 purposes of this Basic Plan amendment?

7 A The purpose of this Basic Plan
8 amendment is to do what we similarly did to the
9 two previous amendments, which was to propose a
10 divide to the initial Basic Plan approved area by
11 allowing parcels 13, and 42, and a portion of 48
12 to remove from the original land bay of A-9973.
13 13, 42, and partial 48 will stand on their own as
14 a separate Basic Plan under this amendment. The
15 division is necessary because of the original
16 assemblage of the properties is no longer under
17 common ownership, which has been testified to
18 previously. That was the case under A-9973.
19 It's no longer the case.

20 Park and Planning has subsequently purchased
21 150 acres of the of what was originally known as
22 Woodside Village under A-9973. There have been,
23 as I mentioned, two separate Basic Plan
24 amendments, one for the Case Year Gap properties.
25 That was A-9973-02, and one for the Ardean

1 property, that was A-9973-01. This application
2 certainly allows for the appropriate residential
3 development of parcels 13, 42, and a portion of
4 48, which all -- all property controlled by the
5 applicant.

6 Q Okay. And Mr. Dunn, what's the maximum
7 density the applicant is seeking in this
8 application?

9 A The applicant proposes 359. It's a
10 range of 359 to 368 single family detached units,
11 which equates to a 3.6 to 3.68 dwelling units per
12 acre, slightly above the base density allowed
13 under the R-M zone, but well under the maximum
14 density of 5.7 dwelling units.

15 Q And Mr. Dunn, are you familiar with the
16 2007 Westphalia Sector plan and sectional map
17 amendment?

18 A Yes, I am.

19 Q And is the subject property within this
20 application located within the area governed by
21 the 2007 Sector Plan?

22 A It is.

23 Q And what are the current sector plan
24 recommendations for the site?

25 A So the 2007 Westphalia Sector Plan

1 recommends low density residential land use.
2 The -- and specifically the sector plan
3 recommends that the residential areas outside of
4 the core of the Westphalia town center consist of
5 townhouses and small lot single family homes, to
6 add diversity to the neighborhoods, or as a
7 transition between higher density, and lower
8 density neighborhoods.

9 Q Based on that characterization of the
10 recommendations of the sector plan, is it your
11 opinion that this basic Plan amendment conforms
12 with those recommendations?

13 A I believe it does.

14 Q And can you explain in your opinion why
15 you believe that?

16 A Yeah, I can. This application proposes
17 single family detached units, and they're --
18 they're smaller units, to serve as the
19 transitional buffer between the denser park side
20 and the Westphalia Town Center projects to the
21 south. The design proposed in this amendment
22 reflects what I believe to be an efficient and
23 interconnected street system, that seamlessly
24 ties the adjacent Parkside project and the
25 other -- the other previous -- previously

1 approved amendments together.

2 Q And Mr. Dunn, are you familiar with
3 Section 27-197(b) of the zoning ordinance, which
4 authorizes an amendment of an approved Basic
5 Plan, which divides the plan into one or more
6 separate Basic Plans?

7 A Yes, I am. I am familiar with that.

8 Q And in your opinion -- or can you
9 explain for the Examiner how this application
10 meets the criteria set forth in Section 27-
11 197(b), regarding the division of a Basic Plan?

12 A Yeah. The 27-197(b) allows for an
13 approved Basic Plan to be separated into two or
14 more Basic Plans, where significant changes in
15 circumstances with regard to the approved Basic
16 Plan have created practical difficulties for the
17 applicant. To the extent that unless the Basic
18 Plan is amended, the applicant will be unable to
19 proceed. I believe that's occurred in this case.

20 Q Mr. Dunn, does the proposed application
21 meet the criteria set forth in Section 27-
22 197(b)(4)(A) through (F) in the zoning ordinance?

23 A It does.

24 Q And could you please explain in your
25 opinion how it does?

1 A So under 27-197(b) (4) (A) through (F),
2 you have a -- you have multiple layers of
3 requirements. The first one is under (4) (A) that
4 the -- that the District counsel can find that
5 the approved -- the -- the approval of the
6 amended base plan will not result in a change in
7 the land area, or an increase in land use
8 density, or intensity. So the proposed -- this
9 proposal does not involve an increase in the
10 overall density for the overall Woodside Village
11 development, as set forth under A-9973.

12 The central purpose of this Basic Plan
13 amendment is to divide the Basic Plan area by
14 deleting the applicant's property from the total
15 assemblage, much as we've done previously under
16 the two previous applications, so that it can
17 operate on -- on its own.

18 The remaining parcels have already obtained
19 the -- the approvals. So all we're really doing
20 is -- is mirroring those actions. As a result,
21 the actions are the actors property. This active
22 property will be able to stand on its own. The
23 overall residential development of the Woodside
24 Village would not exceed what was what was
25 specified earlier as 1,497 dwelling units, which

1 was the number proposed -- approved under A-9973.

2 Q Would it be your opinion regarding the
3 this amended Basic Plan, does it impair, in your
4 opinion, the character of the original approved
5 Basic Plan with respect to any land uses, density
6 ranges or unit types, and other elements?

7 A It does not impair it at all.

8 Q And again, for clarity, would approval
9 of this Basic Plan amendment allow for this Basic
10 Plan area to stand on its own in terms of
11 development?

12 A Yes. Yes, it will.

13 Q Okay. And in your opinion, would any
14 owner of land which was included in the original
15 Basic Plan, would they be denied any reasonable
16 use of their property?

17 A They would not.

18 Q Mr. Dunn, are you familiar with Section
19 27-195(b) of the zoning ordinance as it pertains
20 to the criteria of approval for an amendment to
21 an approved Basic Plan?

22 A Yes, I am.

23 Q And in your opinion, does the instant
24 application meet the criteria in Section 27-
25 195(b)?

1 A It does.

2 Q And in your opinion -- well, sorry.
3 Have you heard and understood the testimony
4 provided by other witnesses in this case that
5 have appeared before the Zoning Hearing Examiner
6 today.

7 A I have.

8 Q And have you reviewed the technical
9 staff report recommending approval of this case?

10 A I have.

11 Q And do you agree with the recommended
12 conditions of approval?

13 A I do.

14 Q And based on -- excuse me -- based on
15 your review of the application materials, the
16 recommended findings and conditions of approval
17 in the staff report, and your understanding of
18 the testimony from the witnesses that have
19 testified in this case, is it your opinion that
20 this application meets all the requirements and
21 criteria for approval of the Basic Plan
22 amendment, as set forth in the zoning ordinance?

23 A Yes, I believe it does. I believe that
24 it meets the intent of the 2007 Westphalia sector
25 plan. I think it -- it meets the intent of the

1 zoning pattern, I believe it meets the intent and
2 the regulations found under 27-197(b), and I
3 believe it meets the regulations under -- that
4 can be found under 27-195(b) as well.

5 MR. ANTONETTI: And Madam
6 Examiner, I have no further questions of Mr. Dunn
7 at this moment.

8 MS. MCNEIL: Mr. Brown?

9 MR. BROWN: No questions. Thank
10 you.

11 THE WITNESS: Thank you.

12 MS. MCNEIL: Give me a second. I
13 had one question about the requirement under (b)
14 criteria for approval, that other planned
15 facilities, such as schools, et cetera, will be
16 adequate for the uses proposed, because the
17 answer given by staff pretty much states that
18 we'll do that at the preliminary plan stage. But
19 so why is it in this provision?

20 THE WITNESS: Well, so why --

21 MS. MCNEIL: Why do you think.

22 THE WITNESS: That's pretty broad.
23 That's a pretty big question. Why is that -- I
24 think that what they're trying to do is get a
25 basic understanding of what the various adequate

1 public facilities are out there that we
2 traditionally test for in Prince George's County,
3 such as schools, such as road adequacy. Those
4 are the two big ones, and I think, you know, a
5 recent -- generally recently, we've added police
6 and fire to our adequate public facility testing
7 procedures.

8 So to the extent that we can
9 identify those adequate facilities today under a
10 Basic Plan, that fits within the overall Prince
11 George's County land development process, it's
12 asking us our opinion as to whether or not we
13 do -- we can't determine whether we meet them
14 today or if we -- if we believe based on the data
15 we have available to us, that we can we know
16 under Mr. Lenhart's testimony That roads meet
17 that definition are adequate.

18 MS. MCNEIL: Yeah, I'm good with
19 roads and even schools because you'll have to
20 pay. But I was just wondering if anybody looked
21 at libraries under the --

22 THE WITNESS: Normally these are
23 tested under the preliminary plan of subdivision
24 process, right, in great detail. Ultimately
25 under schools is a -- well characterized as pay

1 and go, which, you know, is sufficient for our
2 purposes.

3 I think we can -- we can make the
4 assumption that we will pay and go in order to --
5 in order to meet that obligation. Unfortunately,
6 fire rescue life safety is can really only be
7 determined at the time of preliminary plan when
8 the numbers come out. So it's a little bit more
9 difficult to identify that one. But we haven't
10 had a problem to date with the previous cases,
11 and under A-997-03. So we can -- we can make --

12 MS. MCNEIL: And do you -- do you
13 know off -- do you know off the top of your head,
14 and I guess I could take judicial notice, but if
15 you could tell me if any firehouses near you? I
16 know there's one off of Pennsylvania and probably
17 one on Richie.

18 THE WITNESS: I --

19 MS. MCNEIL: And probably one in
20 Upper Marlboro, but I like the witness to tell me
21 if you know.

22 THE WITNESS: I think, top of my
23 head, I can't think of any with assurance right
24 now, but I mean, I can -- it would be easy enough
25 if you would allow to keep the record over for us

1 to give you a map that demonstrates the location
2 and their proximity.

3 MS. MCNEIL: And you all could
4 probably do that really quickly, right, because I
5 know I'm under a time crunch with this case, I'll
6 be meeting my time crunch. But if you could give
7 me something like that briefly, just in case
8 anyone had questions about that one section.

9 THE WITNESS: I'm pretty sure I
10 can get that --

11 MS. MCNEIL: We sort of skimmed
12 over it by.

13 THE WITNESS: By the end of the
14 day, if that's okay?

15 MS. MCNEIL: And oh, wait a
16 minute, you weren't finished, were you, Mr.
17 Antonetti? So go ahead. You might get to my
18 next point anyway.

19 MR. ANTONETTI: No, Madam
20 Examiner. Please continue. Well, I mean, we
21 could -- yes, we can --

22 MS. MCNEIL: Oh, okay.

23 MR. ANTONETTI: We can provide
24 that information.

25 MS. MCNEIL: Then my only other

1 thing was, I know that the CDZ (ph.), at the CDZ
2 stage, we're supposed to talk about housing to
3 serve all income groups. But I noticed in this
4 file that there was some mention that there
5 will -- that you think that you are of a benefit
6 because you will try to address the housing needs
7 of the various groups, the seniors, those new to
8 purchasing homes. I was wondering where all that
9 information came from. I think this was in your
10 statement of justification, but it might have
11 also been in the staff report, I apologize.

12 MR. ANTONETTI: Madam Examiner,
13 just to -- I believe you're referring to page 17
14 of our statement of justification again, which is
15 found in Exhibit 74, page 1167 to 1197. Dated
16 December 5th, 2024, addressing Section 27487
17 housing provisions. So I think you summarized it
18 accurately based on --

19 MS. MCNEIL: Do you think at this
20 time -- I mean, you aren't held to it. I don't
21 believe you're held to it but do you think at
22 this time you all will be addressing senior
23 housing in this development? Or is the idea that
24 it'll be small enough, so if seniors -- it would
25 be convenient for seniors.

1 MR. ANTONETTI: The latter.

2 MS. MCNEIL: Okay.

3 MR. ANTONETTI: Certainly we're
4 not we're not precluding the opportunity to do
5 age restricted if that was proposed, but that
6 there's no specific plan for that other than the
7 type of housing, the size of it meeting that
8 potential need in the market.

9 MS. MCNEIL: All right. Thank
10 you, Mr. Dunn, Mr. Antonetti.

11 MR. ANTONETTI: Thank you. Madam
12 Examiner, I have no further questions of Mr.
13 Dunn. And with that, I --

14 MS. MCNEIL: Mr. Brown asked you,
15 and that is a good point, if you were able to
16 show us or point out the differences in the staff
17 reports. But if you wanted to leave the record
18 open for a short document with that as well,
19 either way you want to do it. But that would be
20 helpful because I've been trying to read all of
21 it together and --

22 MR. ANTONETTI: Yes. And thank
23 you for that opportunity for that clarification,
24 Mr. Brown, that's an excellent suggestion. There
25 was, I mentioned an additional backup that was

1 included with the planning board's item, agenda
2 item, approving the transmission of the staff
3 report, outlining the modifications. It's on a
4 memo dated January 29th, 2025, and it goes
5 through the changes that were made to the
6 conditions and why they were made.

7 I didn't see that -- I apologize,
8 I didn't see that in item 74 which was the TSR
9 plus backup. I may have missed it. It is a
10 rather large item, but I think that would bring
11 clarity to it as to what specifically changed and
12 why. I see Mr. Hurlbut (ph.) from the commission
13 has joined us, supervisor of the zoning section.
14 If he wanted to add any further insight as to
15 the -- what that document does, but I think that
16 would be -- if it's not in the record, I'd like
17 the opportunity to submit that if it's possible.

18 MS. MCNEIL: Hey, there you are.
19 How are you, Mr. Hurlbut?

20 MR. HURLBUT: Good, I apologize.
21 I'm jumping in and out with other meetings going
22 on. So what was the question specifically?

23 MS. MCNEIL: There may have been a
24 January 29th memo that you all did that explained
25 what the difference was between the original

1 technical staff report and the one that was sent
2 after the planning board adopted your staff
3 report as its own.

4 MR. HURLBUT: Right.

5 MS. MCNEIL: Are you aware -- I
6 don't see that I see it. So if I left the record
7 open to be able --

8 MR. HURLBUT: We did not submit
9 it. We did not submit it as part of the record
10 because the recommendation of the planning board
11 is what transpired after the memo, and so we
12 didn't see a need for that. But it is --

13 MS. MCNEIL: Oh, okay.

14 MR. HURLBUT: -- online in the
15 planning board's documents, or it's something I
16 can provide, if you so desire.

17 MS. MCNEIL: Well, wait a minute,
18 wait a minute, though. So maybe we don't need it
19 if what you gave us is not different from --

20 MR. HURLBUT: It is different.

21 MS. MCNEIL: Okay.

22 MR. HURLBUT: So the staff report
23 changed. You know, I heard earlier the People's
24 Zoning Counsel asking the question of the
25 applicant, and so there was a staff report that

1 was published, and then conditions have already
2 been met through other -- the other two
3 applications or the wording was changed. So we
4 deleted conditions and we modified the language I
5 think of -- I forget the number of conditions,
6 but ultimately the final conditions are the final
7 recommendation of the planning board.

8 MR. BROWN: Well, that's why I
9 asked the question --

10 MS. MCNEIL: Go ahead.

11 MR. BROWN: -- because the memo
12 wasn't in the file. That caused me some
13 confusion. I think we need to have in this
14 record this January 20, 25th, whatever date it is
15 memorandum that itemizes the modifications,
16 whether they've been done in a prior 01, or 02
17 Basic Plan, or they're being done now, we need to
18 understand what they were. So please place that
19 memorandum in this file.

20 MR. HURLBUT: That's typically not
21 what we've done, and -- but upon the request, I
22 think it's something we can probably provide,
23 because I don't think the law requires us to do
24 that. It just requires us to provide the
25 planning board's recommendation. But we can

1 provide that if -- so --

2 MR. BROWN: The evidentiary
3 hearing is different from what is submitted to
4 the planning board. We're creating the
5 evidentiary record here, and if you had facts and
6 conclusions that informed the planning board and
7 the planning staff, we need to have that in this
8 file.

9 MR. HURLBUT: Okay. We can
10 provide that, and it's a -- and also it's a
11 matter of public record on our website as well.

12 MS. MCNEIL: Oh okay. Then if
13 it's on your website, we can make Mr. Antonetti
14 send it to us, since he's going to give us a got
15 to get us --

16 MR. ANTONETTI: I'll send in that
17 memo.

18 MS. MCNEIL: Okay.

19 MR. ANTONETTI: I have it. I'll
20 have it in digital format, so I'll send that for
21 you.

22 MS. MCNEIL: Okay. Thank you, Mr.
23 Hurlbut.

24 So did you have other witnesses?

25 MR. ANTONETTI: I do not have any

1 other witnesses. I could move to a quick
2 conclusion, if that --

3 MS. MCNEIL: Okay.

4 MR. ANTONETTI: -- please, Madam
5 Examiner.

6 MS. MCNEIL: Of course. Go ahead.

7 MR. BROWN: Can you sum up, Mr.
8 Antonetti, I was sort of curious. In 01 and 02
9 amendments, there were persons in opposition, or
10 if not in opposition, who were just curious about
11 the Basic Plans, and I'm sort of curious as to
12 why there's no one here today, either in
13 opposition or just monitoring the case. In the
14 file were there affidavits of posting?

15 MR. ANTONETTI: Yes.

16 MS. MCNEIL: Yes.

17 MR. BROWN: You weren't contacted
18 by anybody in the community along Westphalia
19 Road?

20 MR. ANTONETTI: We have been in
21 contact with residents of Sun Valley (ph.)
22 estates, Westphalia Estates. We had a meeting at
23 the end of January with representatives of
24 surrounding communities, and all previous party
25 record mailings were made, informational and pre

1 acceptance mailings as well as the site was
2 posted. So our outreach has continued.

3 It's really a continuation of the
4 development pattern that's occurring in the other
5 portions of Woodside Village. So I think there
6 is a general acceptance and understanding of
7 what's going on, on the property as a whole, and
8 given where this property is located kind of
9 deeper in, and being single family detached, this
10 is my opinion, I think has helped assuage any
11 concerns of --

12 MS. MCNEIL: Okay. So we're going
13 to stop that opinion.

14 MR. ANTONETTI: Okay.

15 MS. MCNEIL: But I would also note
16 that we had a prior person of record come from
17 the planning board. And we sent -- we sent an
18 email to everyone that was on their personal
19 record list and the property was posted. And we,
20 despite our always looking out for it, we have
21 not received any requests from others to become
22 persons of record. We did have two citizens that
23 request -- well that that were on the last one
24 and we sent them the notice and the link. So
25 they are persons of record. They may have a

1 concern after the hearing, but no one has wanted
2 to speak here.

3 MR. ANTONETTI: Right. I did see
4 Ms. Burton, Ramona Burton (ph.), was online and I
5 believe she's in support of the application. So
6 I don't know if she --

7 MS. MCNEIL: I saw her name
8 earlier then, and I asked if anybody was opposed
9 and she didn't speak up.

10 MR. ANTONETTI: Right. No, I
11 don't believe she's in opposition. I won't speak
12 for her.

13 MR. BROWN: Okay.

14 MS. MCNEIL: Even though I just
15 did speak for her. But I need more coffee.
16 Forgive me. Do you have any other things in
17 closing?

18 MR. ANTONETTI: I don't, other
19 than just quickly, based on the evidence in the
20 record, including the testimony, here today, the
21 applicant does respectfully request that Madam
22 Examiner approve Basic Plan amendment A-9973-03,
23 consistent with the applicant's December 5th,
24 2024 statement of justification and the revised
25 Technical Staff Report in Exhibit 74, containing

1 eight conditions.

2 I will note that we will submit
3 the additional backup mentioned, describing the
4 changes made to the conditions and the staff
5 report, and we will provide a brief exhibit
6 showing the location of nearby emergency services
7 for the record as well. So if we could request
8 that you keep the record open just long enough
9 for us to submit those items. We'd be greatly
10 appreciative.

11 And with that, we thank you for
12 your consideration of this application and for
13 your time today. We appreciate it.

14 MS. MCNEIL: I thank you all very
15 much for being here today. And then the record
16 will close as soon as we receive that
17 information. But the hearing is over. So my 30
18 days runs from tomorrow or today. Okay. Thank
19 you all very much.

20 MR. ANTONETTI: Thank you, Mr.
21 Brown, we'll copy you as well on that material as
22 well.

23 MR. BROWN: All right. That'd be
24 great. Thank you.

25 MS. MCNEIL: All right. Thank you

1 all.

2 MR. ANTONETTI: Thank you so much.

3 MS. MCNEIL: Thank you, staff. .

4 MR. ANTONETTI: Thank you, staff.

5 THE BAILIFF: We adjourn.

6 (Whereupon, the proceedings were

7 concluded.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 C E R T I F I C A T E

2

3

4 I, Raven Wood, certify that the foregoing
5 transcript is a true and accurate record of the
6 proceedings.

7

8

9

Raven Wood

10

11 RAVEN WOOD

12 CDLT-305

13

14 eScribers, LLC

15 7227 North 16th Street, Suite #207

16 Phoenix, AZ 85020

17 (800) 257-0885

18

19 Date: February 25, 2025

20

21

22

23

24

25