



# Prince George's County Council

## Sitting as the District Council

### Zoning Agenda Item Summary

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**Case No.:** SE-4734 **Councilmanic District:** 4  
**Meeting Date:** 6/22/2015 **Zone(s):** C-S-C  
**Case Name:** Mill Branch Crossing (Walmart)  
**Applicant:** Wal-Mart Real Estate Business Trust  
**Location:** Located northeast quadrant of the intersection of Robert Crain Highway (US 301) and Mill Branch Road (24.90 Acres; C-S-C Zone).  
**Request:** Requesting approval of a Special Exception for a department or variety store over 125,000 square feet in the C-S-C Zone.

#### Companion

**Case(s):**

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#### DECISIONS/RECOMMENDATION:

**Technical Staff:** Disapproval  
**Planning Board:** No Motion to Consider  
**Zoning Hearing Examiner:** Disapproval  
**Municipality:** City of Bowie  
**Opposition:** The Patuxent Riverkeeper, et. al.

#### LEGAL DEADLINES:

**Appeal date:** 2/20/2015  
**Review date:** 2/20/2015  
**Action date:** 6/22/2015  
*Comments:*

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**Staff:** Tom Lockard

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#### HISTORY:

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Acting Body:	Date:	Action:
M-NCPPC Technical Staff	11/26/2013	disapproval
M-NCPPC Planning Board	12/12/2013	no motion to consider
Zoning Hearing Examiner	01/21/2015	disapproval
Sitting as the District Council	01/26/2015	deferred
<b>Notes:</b> Council deferred this item to February 9, 2015.		
Sitting as the District Council	02/09/2015	elected to make the final decision
<b>Notes:</b> Council elected to make the final decision on this item (Vote: 9-0).		
Aye:	8	Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras and Toles
Absent:	1	Turner

- Applicant 02/20/2015 appealed  
**Notes:** *Andre J. Gingles, Esquire, Attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's decision and requested Oral Argument.*
- Person of Record 04/07/2015 filed  
**Notes:** *G. Macy Nelson, Esquire, Attorney for citizens , filed a response to the applicants exceptions to the Zoning Hearing Examiner and citizen-protestants' proposed findings of fact and conclusions of law.*
- Person of Record 04/07/2015 filed  
**Notes:** *Michael A. Terry, Thomas A. Terry and CJ Lammers each filed memorandums in support of the Zoning Hearing Examiner's decision of denial.*
- Sitting as the District Council 04/13/2015 continued to a later date  
**Notes:** *Prior to the Oral Argument, a preliminary motion by Mr. G. Macy Nelson was considered. The motion included a request that Council Member Turner recuse himself and that the case be continued until the County and City of Bowie provide documents requested under the Maryland Public Information Act. Andre Gingles, Esq. provided argument in opposition to the request, on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented. The case was continued to May 11, 2015 at 10:00 a.m.*  
 Aye: 9 Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner
- Sitting as the District Council 05/11/2015 hearing held; case taken under advisement  
**Notes:** *Prior to the Oral Argument, a preliminary motion by Mr. G. Macy Nelson to require that Council Member Turner recuse himself from the case, was considered. Andre Gingles, Esq. provided argument in opposition to the request, on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented regarding the preliminary motion and questioned Council Member Turner with regard to the motion. Council Member Turner decided to participate. Judicial notices were made of two additional issues raised by Mr. Nelson and the oral argument hearing proceeded.*  
  
*Tom Lockard, M-NCPPC, provided an overview of the Special Exception application. Andre Gingles, Esq., spoke in support on behalf of the applicant, as did Joe Meinert, on behalf of the City of Bowie and Helen Simms. G. Macy Nelson, John Trussell, Andrew Bottner and Michael A. Terry spoke in opposition. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.*  
  
*Council took this case under advisement.*
- Sitting as the District Council 06/08/2015 referred for document  
**Notes:** *Council referred item to staff for preparation of an approving document, with*

*conditions (Vote: 8-1; Against: Council Member Toles).*

Aye: 8 Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras  
and Turner

Nay: 1 Toles

Sitting as the District Council 06/22/2015

**Notes:** *Council deferred this item to the end of the agenda.*

Sitting as the District Council 06/22/2015 approval with conditions

**Notes:** *Council adopted the prepared Zoning Ordinance No. 12 - 2015 of approval, with conditions (Vote: 7-2; Against: Council Members Taveras and Toles).*

Aye: 7 Franklin, Davis, Glaros, Harrison, Lehman, Patterson and Turner

Nay: 2 Taveras and Toles

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**Document(s):** SE-4734 Petition for Judicial Review 07162015, SE 4734-District Council Final Decision 06222015, SE-4734 Opposition Letters, SE-4734 Response to Appeal, SE-4734 Applicants Exceptions to ZHE Decision, SE-4734 Zoning Hearing Examiner Decision, SE-4734\_PORL, SE-4734 Technical Staff Report