



Prince George's County Council

Sitting as the District Council

Zoning Agenda Item Summary

Case No.: SE-4733 **Councilmanic District:** 9
Meeting Date: 11/9/2020 **Zone(s):** C-S-C
Case Name: Walmart #2799 (Clinton)
Applicant: Walmart Real Estate Business Trust
Location: The subject site is an approximately 23.4 acre portion of a larger developed site identified as Clinton Plaza, now known as the Woodyard Crossing Shopping Center. The Shopping Center is located in the northwest quadrant of the intersection of Branch Avenue (MD 5) and Woodyard Road (MD 223). Walmart currently occupies a 134,241 square foot freestanding structure located on the northernmost portion of the developed site as a permitted use.
Request: Requesting approval of a Special Exception to use approximately 23.9 acres of land (part of the approximately 64 acre development known as Woodyard Crossing Shopping Center) in the C-S-C (Commercial Shopping Center) Zone, Clinton, Maryland, for a Department or Variety Store combined with Food and Beverage Store, in excess of 125,000 square feet (an approximately 171,634 square foot store is being proposed).

Companion

Case(s):

DECISIONS/RECOMMENDATION:

Technical Staff: Disapproval
Planning Board: No Motion to Consider
Zoning Hearing Examiner: Denial
Municipality:
Opposition: Donald Hancock, et. al.

LEGAL DEADLINES:

Appeal date: 6/13/2016
Review date: 6/13/2016
Action date: 11/10/2016

Comments:

Special Exception 4733 and Variance 4733 - On Remand from the Circuit Court for Prince George's County, Maryland – Case No. CAL16-30078

Staff: Tom Lockard

HISTORY:

Acting Body:	Date:	Action:
M-NCPPC Technical Staff	06/26/2015	disapproval
M-NCPPC Planning Board	07/16/2015	no motion to consider

Zoning Hearing Examiner 05/13/2016 disapproval

Sitting as the District Council 05/16/2016 deferred

Notes: *Council deferred this item to June 13, 2016.*

06/13/2016

Sitting as the District Council 06/13/2016 elected to make the final decision

Notes: *Council elected to make the final decision on this item (Vote: 9-0).*

Aye: 9 Davis, Glaros, Harrison, Taveras, Toles, Lehman, Franklin,
Patterson and Turner

Applicant 06/13/2016 appealed

Notes: *Andre J. Gingles, Esquire, attorney for the applicant, filed Exceptions to the Zoning Hearing Examiner's Decision and requested Oral Argument.*

Clerk of the Council 06/15/2016 mailed

Notes: *Notice of Oral Argument Hearing was mailed to Persons of Record.*

Person of Record 07/06/2016 filed

Notes: *G. Macy Nelson, attorney for Citizen-Protestants file a response to the applicants June 13, 2016 appeal.*

Sitting as the District Council 07/18/2016 hearing held; referred for document

Notes: *Jimi Jones, M-NCPPC, provided an overview of the Special Exception application. Andre Gingles, Esq., on behalf of the applicant, and Dr. Glenda Hodges spoke in support. G. Macy Nelson spoke in opposition. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.*

Council referred the item to staff for preparation of an approving document with conditions (Vote: 8-0; Absent: Council Member Lehman).

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

Absent: 1 Lehman

Sitting as the District Council 07/19/2016 approval

Notes: *Under discussion, Rajesh Kumar, Principal Counsel to the District Council, spoke to the contents of the final decision and responded to questions posed by the Council.*

Council adopted the prepared Order of approval (Vote: 7-2; Against: Council Members Lehman and Taveras).

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

Nay: 2 Taveras and Lehman

Clerk of the Council 07/29/2016 mailed

Notes: *The Notice of Final Decision of the District Council was mailed to Persons of Record.*

Person of Record 08/15/2016 filed

Notes: *G. Macy Nelson, Esquire, attorney for the opposition, filed a Petition for Judicial Review in Circuit Court.*

Clerk of the Council 10/06/2016 transmitted

Notes: *Appealed case transmitted to Circuit Court via Principal Counsel's Office.*

Clerk of the Council 04/13/2017 transmitted

Notes: *Supplemental Administrative Record transmitted to Circuit Court via Principal Counsel's Office.*

Circuit Court 02/04/2020 remanded

Notes: *Pursuant to decisions from the Court of Appeals in Grant v. Cty. Council of Prince George's Cty., 465 Md. 496, 214 A.3d 1098 (2019) and the Court of Special Appeals in Dovana Grant, et al., v. County Council of Prince George's County sitting as the District Council, et al., Appeal No., 809, September Term 2017, the Circuit Court has vacated the District Council's final decision approving Special Exception 4733 and Variance 4733. The Circuit Court has remanded the District Council's final decision in Special Exception 4733 and Variance 4733 for further proceedings consistent with the decisions from the Court of Appeals and Court of Special Appeals.*

Sitting as the District Council 09/14/2020 referred for document

Notes: *Council referred item to staff for preparation of an approving document, with conditions in accordance with the Court remand order (Vote: 11-0).*

Aye: 11 Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros,
Harrison, Hawkins, Ivey, Streeter and Taveras

Sitting as the District Council 11/09/2020 approval with conditions

Notes: *Council adopted the prepared Zoning Ordinance No. 6 - 2020 of approval, with conditions in accordance with the Court remand (Vote: 10-1; Against: Council Member Taveras).*

Aye: 10 Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros,
Harrison, Hawkins, Ivey and Streeter

Nay: 1 Taveras

Clerk of the Council 11/19/2020 mailed

Notes: *Notice of District Council Final Decision was mailed to Persons of Record.*

Person of Record 12/07/2020 filed

Notes: *G. Macey Nelson, Esq., attorney for appellants, filed a petition for judicial review in Circuit Court on SE-4733 / V.S.E. 4733 / AC-99026-01 (on Remand for Reconsideration).*

Document(s): SE-4733 Zoning AIS_01292021, SE 4733 District Council Final
Decision_07192016, SE-4733 Zoning Hearing Examiner Decision, SE-4733 PORL