



# Prince George's County Council

## Sitting as the District Council

### Zoning Agenda Item Summary

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**Case No.:** SE-4733 **Councilmanic District:** 9  
**Meeting Date:** 7/19/2016 **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):**

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#### 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:*

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**Staff:** Tom Lockard

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#### HISTORY:

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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.*

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**Document(s):** SE 4733 District Council Final Decision\_07192016, SE-4733 Zoning AIS, SE-4733 Zoning Hearing Examiner Decision, SE-4733 PORL