

The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

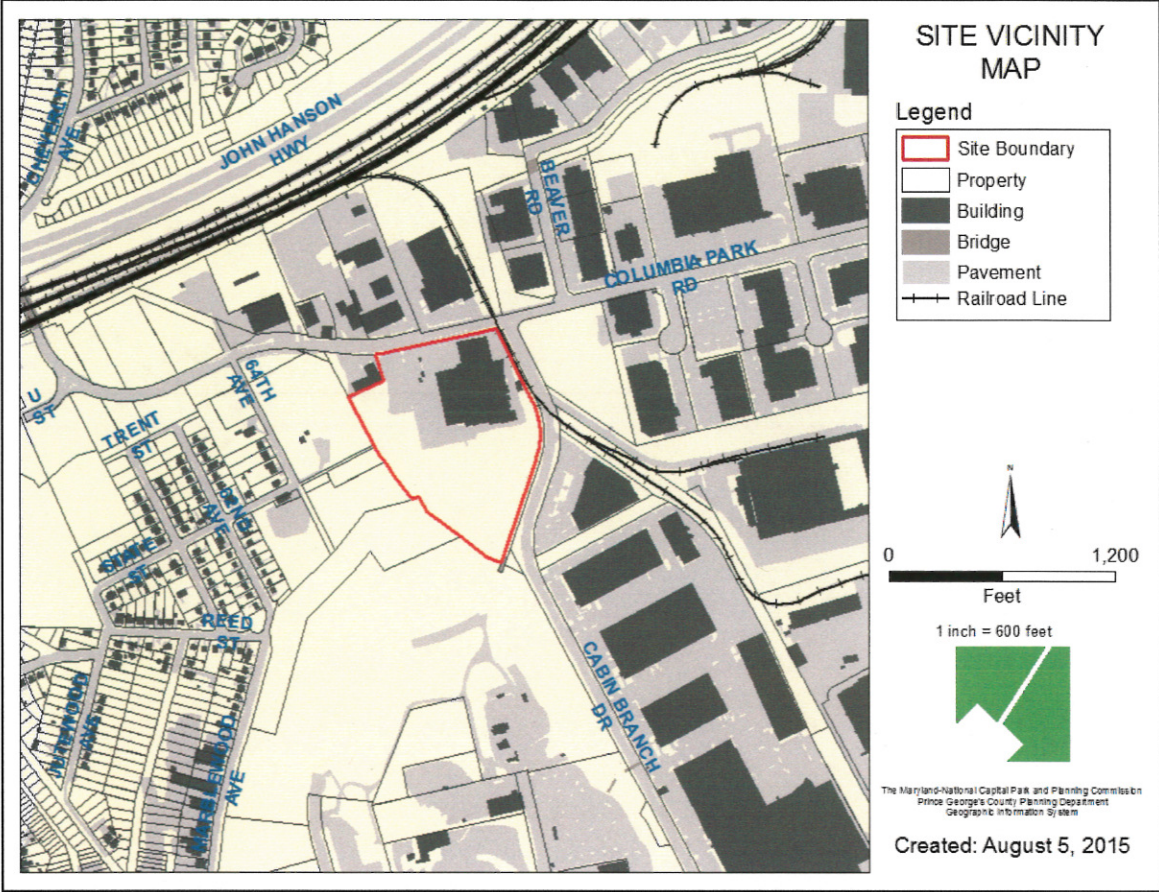
## Zoning Map Amendment

## A-10035

Application	General Data	
<b>Project Name:</b> Smithfield Properties  <b>Location:</b> On the southwest corner of the intersection of Columbia Park Road and Cabin Branch Road.  <b>Applicant/Address:</b> Liberty 5801 Columbia Park Road, LLC. 500 Chesterfield Parkway Malvern, PA 19355  Smithfield Farmland Corp f/k/a Gwaltney of Smithfield, LTD. 111 Commerce Street Smithfield, VA 23430  <b>Property Owner:</b> Same as above	Planning Board Hearing Date:	04/28/16
	Staff Report Date:	04/14/16
	Date Accepted:	01/11/16
	Planning Board Action Limit:	N/A
	Plan Acreage:	10.063
	Zone:	I-3
	Gross Floor Area:	N/A
	Lots:	N/A
	Parcels:	1
	Planning Area:	72
	Council District:	05
	Election District	18
	Municipality:	N/A
200-Scale Base Map:	203NE05	

Purpose of Application	Notice Dates	
Rezone property from the I-3 Zone to the I-2 Zone.	Informational Mailing	08/10/15
	Acceptance Mailing:	01/05/16
	Sign Posting Deadline:	N/A

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Taslima Alam <b>Phone Number:</b> 301-952-4976 <b>E-mail:</b> <a href="mailto:Taslima.Alam@ppd.mncppc.org">Taslima.Alam@ppd.mncppc.org</a>	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
		X	



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board  
The Prince George's County District Council

VIA: Jimi Jones, Supervisor, Zoning Review Section, Development Review Division

FROM: Taslima Alam, Senior Planner, Zoning Review Section, Development Review Division

SUBJECT: **Zoning Map Amendment Application No. A-10035  
Smithfield Properties**

REQUEST: **Rezone property from the I-3 Zone to the I-2 Zone.**

RECOMMENDATION: **DISAPPROVAL**

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NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of April 28, 2016. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

## FINDINGS

- A. **Location and Field Inspection:** The subject 17.9-acre site is located in the corner of the intersection of Columbia Park Road and Cabin Branch Road within an industrial use area. It consists of one legal parcel of land in the Planned Industrial/Employment Park (I-3) Zone. The site is improved with a vacant 132,000-square-foot, one-story, brick and frame building that was used as the Smithfield Ham processing plant and its supporting asphalt/concrete parking lot with 12 loading docks. The entire ham processing plant is separated from the adjacent properties by a chain-link fence. The site has an existing shed and a small security kiosk located along the west side of the parking lot. The site is partially wooded to the south. Access to the site is via a driveway entrance from Columbia Park Road.

The site is located within the Beaver Dam Creek watershed of the Anacostia River Basin. It is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Area Map, as designated by the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). The property has nontidal wetlands, streams, and 100-year floodplain. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. No scenic or historic roads are affected by this proposal.

- B. **History:** The existing building on the property was constructed in 1963 and was used as the Smithfield Ham processing plant. The 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* (Subregion 4 Master Plan and SMA) (Zoning Change LB4) reclassified the subject property at 5801 Columbia Park Road from the Heavy Industrial (I-2) zoning district to the I-3 Zone. This action resulted in the processing plant becoming a nonconforming use, since that use is not permitted in the I-3 Zone.

- C. **General Plan Master Plan and SMA Recommendations:**

### **Plan Prince George's 2035 Approved General Plan**

Plan Prince Georges 2035 designates this area as a local transit center, which is one of its four local and suburban centers. The local transit center consists of small-scale mixed-use centers that are primarily residential areas (average 30 to 100 dwelling units/acre), well connected by transit, and a viable street grid offering local serving retail, with limited office uses.

The application is not consistent with the Plan Prince George's 2035 policies, which designate this area as a local transit center.

### **2010 Approved Subregion 4 Master Plan and Sectional Map Amendment**

The Subregion 4 Master Plan and SMA created goals and policies to preserve and expand industrial land use wherever possible along the northern and eastern perimeter of the subregion. At the same time, the plan also recommends buffering industrial land areas from other incompatible uses to protect residents, while maintaining the jobs and tax base that support residents of the subregion (page 51).

The application is consistent with the Subregion 4 Master Plan industrial land use recommendation. However, this application recommends an intensity with the I-2 Zone that is in conflict with the master plan's vision to develop transition and integration strategies for the industrial areas at or near General Plan centers where industrial uses could potentially come in conflict with transit-oriented developments (page 72).

The site is located in Living Area B. The Subregion 4 Master Plan and SMA (Zoning Change LB-4) reclassified the subject property from the I-2 zoning district to the I-3 Zone in order to not only create an appropriate development density transition between the I-2 zoning and single-family residential neighborhoods in the One-Family Detached Residential (R-55) Zone, but also to reduce the impact of high-intensity uses on the overall quality of life in the residential neighborhood. Subsequently, the District Council proposed an amendment to the adopted Subregion 4 Master Plan to reclassify the property to the Light Industrial/Development District Overlay (I-1/D-D-O) Zone under a proposed “Columbia Park District Development Overlay Zone” that would apply development standards and regulations regarding landscaping, screening, fencing, lighting, building intensity, and materials. “The new regulations are intended to ensure that new development and redevelopment in this area will result in an attractive, low-intensity functional light industrial area that provides a transition between residential and industrial areas in the northern part of the subregion” (page 8, Council Resolution CR-15-2010). Despite receiving testimony from several representatives for adjacent properties included in Zoning Change LB4 opposing these recommendations on the grounds that D-D-O or I-3 Zones would make the uses nonconforming, the District Council ultimately rejected this amendment. The District Council approved the Planning Board’s endorsed reclassification of the subject property and several adjacent properties in Zoning Change LB-4 in the I-3 Zone. Detailed explanations of staff’s rationale for the change is located on page 44 in the Discussion section of the master plan’s Digest of Public Testimony.

D. **Request:** The applicant is requesting rezoning of the subject property from the I-3 Zone to the I-2 Zone.

E. **Neighborhood and Surrounding Uses:**

Applicant’s defined neighborhood boundary:

- North—** John Hanson Highway (US 50)
- East—** The intersection of Columbia Park Road and Martin Luther King Jr. Highway (MD 704)
- South—** The intersection of Martin Luther King Jr. Highway (MD 704) and Sheriff Road
- West—** Addison Road

Staff’s defined neighborhood boundary:

- North—** John Hanson Highway (US 50)
- South—** Intersection of Sheriff Road and Marlwood Avenue
- East—** Intersection of Columbia Park Road and Kentland Community Center Park to Martin Luther King Jr. Highway (MD 704).
- West—** George M. Boyd Memorial Park to Marlwood Avenue south to Sheriff Road

The applicant extends the eastern boundary of the neighborhood to the intersection of Columbia Park Road and MD 704, thereby incorporating a large range of heavy industrially-zoned land,

which includes the Whole Foods Market Distribution Center, Pepsi Company, and the Maurice Electrical Supply Company, among others. The extended neighborhood contains heavy industrial along the east and west of Cabin Branch Drive and northeast of Sheriff Road. Staff believes that the extensive neighborhood defined by the applicant is too large and overemphasizes a heavy industrial nature east of Cabin Branch Drive at its intersection with Sheriff Road, which is immediately adjacent to the subject site. The Planning principles typically consider a neighborhood as a smaller unit of a large community. Significant natural features or major roads are normally accepted as legal boundaries to define a neighborhood. Staff's neighborhood contains a mix of various light industrial uses and park lands, which provide significant natural buffers between industrial uses and residential uses.

The property is surrounded by the following uses:

**North—** Columbia Park Road and across said road are mixed industrial uses (i.e. ABC Supply Company, Inc., Washington Winnelson (plumbing fixtures and supplies store), and the Washington Woodworking Company) all in the I-1 and I-3 Zones.

**East—** Cabin Branch Drive and across said roadway are the Lyone Bakery, the Whole Foods Market, and other uses in the I-1 and I-2 Zones.

**South—** Cabin Branch Drive and the Prince George's Business Park in the I-1 and I-2 Zones.

**West—** The Cabin Branch Stream and associated floodplain, Fanelli's Deli in the I-3 Zone, and the George M. Boyd Memorial Park, and beyond is the Englewood Subdivision in the R-55 Zone.

F. **Zoning Requirements:** Section 27-157(a)(1) of the Prince George's County Zoning Ordinance provides that no application shall be granted without the applicant proving that either:

(A) **There has been a substantial change in the character of the neighborhood; or**

(B) **Either**

(i) **There was a mistake in the original zoning for property which has never been the subject of an adopted Sectional Map Amendment, or**

(ii) **There was a mistake in the current Sectional Map Amendment.**

#### **Applicant's Position**

**Change:** The applicant does not put forth an argument of change to the character of the neighborhood.

**Mistake:** The applicant contends that rezoning the subject property to the I-3 Zone in the Subregion 4 SMA was a mistake. Their argument, as summarized from their statement of justification, is five-fold:

- **Mistake 1**—The District Council’s action was based on unsubstantiated assumptions by the Planning staff and the Planning Board that I-3 was an appropriate transition development density between heavy industrial (I-2) and single-family residential neighborhoods (R-55), while ignoring specific site conditions relating to the subject site.
- **Mistake 2**—The rezoning appears to contradict the many references in the Subregion 4 Master Plan recommending the preservation of industrial uses, including a specific reference to the subject property. The applicant points to the recommendation of the master plan that states, “Preserve and expand industrial land use wherever possible along the northern and eastern perimeter of the subregion. Action sites: I-295 frontage, I-295/US 50 and Metro triangle, Columbia Park Road, and Cabin Branch” (page 99). As evidence, the applicant believes that the master plan intended to identify the subject property and its use for preservation and expansion.
- **Mistake 3**—Although Smithfield Ham, the prior owner and operator of the processing plant located on the subject property, did not cease operation until the fall of 2013, the District Council relied on ill-informed guidance suggesting that, at the time of the master plan and SMA approval in June 2010, the processing facility was vacant. The master plan reference states, “Furthermore, the section south and east of the Cheverly Metro Station is currently vacant. It is zoned as industrial, but there is a residential section between it and the metro station. Rezoning should be considered in order to maximize the use around the metro station, since additional industrial development could be difficult there. Although, this area is categorized as a Type 5 (Healthy Industrial Area), it deserves further study because of its proximity to the metro station.”
- **Mistake 4**—The applicant is challenging as false the rationale used by staff to support the rezoning of the subject property which states, “Rezoning from I-2 to I-3 supports the goals, policies, and strategies of the General Plan and the Subregion 4 Master Plan to allow lighter intensity industrial uses adjacent to residential areas and at gateway locations.”
- **Mistake 5**—The applicant is contending that the distance between the subject site and the residential properties to the west of the site is significant and separated by a heavily vegetated floodplain that provides a permanent natural wooded buffer. A fact that, if highlighted before the Council, may have factored into the decision to rezone the subject property.

The applicant claims that the five mistakes listed above overcome the presumption of validity of the comprehensive rezoning and suggests that the property should be placed back in the I-2 Zone.

#### **Staff’s Analysis**

**Change:** There has been no substantial change to the character of the neighborhood since the last comprehensive zoning of the area in 2010.

**Mistake:** Staff points out that there is a strong presumption of validity accorded a comprehensive rezoning. The presumption is that, at the time of its adoption of the comprehensive rezoning, the District Council considered all of the relevant facts and circumstances then existing concerning the subject property. Mistake or error can be shown in one of two ways:

1. A showing at the time of the comprehensive rezoning, that the District Council failed to take into account then existing facts or reasonably foreseeable projects or trends; or
2. A showing of events that have occurred since the comprehensive zoning have proven that the District Council's initial premises were incorrect.

By reclassifying the property from the I-2 Zone to the less intensive I-3 Zone, the District Council created a nonconforming use. While this practice would generally be precluded by **Section 27-223(g)(2)** of the Zoning Ordinance, such actions are permitted if there is a significant public benefit to be served by the zoning, based on facts peculiar to the subject property and the immediate neighborhood. In this instance, public benefits can be well justified in our opinion. The Subregion 4 Master Plan speaks to the need to lessen the potential impact of high-intensity uses for industrially-zoned properties where they adjoin residential properties. The site abuts residentially-zoned properties to the west and southwest. Based on the goals, policies, and recommendations mentioned in the master plan and staff's rationale provided in the Digest of Testimony, staff does not believe that the Council's action was based on an unsubstantiated assumption by Planning staff and Planning Board during the SMA process. Staff's comments in the Digest of Testimony for the initial joint public hearing point out a number of reasons for the Planning Board's recommendations. As mentioned before, there was concern about the impact of high-intensity uses and long-term visibility on the adjacent residential neighborhood. Moreover, reclassifying the subject property, along with other properties in the area, was not only to create an appropriate development density transition between the heavy industrial zoning and single-family development, but also to "respect and restore sites wetlands, floodplains and regulated areas as identified in the Green Infrastructures Plan and take advantage of the area's natural features to create buffers between industrial uses and existing and proposed residential communities" (page 45, Digest of Testimony).

The applicant claims that the Subregion 4 Master Plan recommends to "preserve and expand land use wherever possible"; however, the applicant did not mention that the master plan also sets a vision for industrial development, which reads "The existing industrial development in Subregion 4 along US 50 and I-495 will likely continue to thrive into the future. However, it will be important to develop transition and integration strategies for the industrial areas at or near the General Plan Centers. This is relevant at the Cheverly, Landover, and New Carrollton Metro centers, where industrial uses could potentially come into conflict with transit-oriented developments" (page 72) and, on page 83, the master plan further reads, "Develop mixed-use development within one-half mile of the General plan centers." It appears that the subject property is located within a quarter mile of the Cheverly Metro station. The master plan recommendation did not identify this property for preservation and expansion at the current intensity. The applicant additionally contends that the District Council relied on the misinformation that the Ham processing plant was vacant at the time of the master plan and SMA approval. While no evidence was provided by the applicant to support this fact, staff believes that, whether the property was functioning or not at the time of the SMA approval, it would not negate the master plan's vision in any way. All factors, including the heavy vegetative buffer located in the western portion of the property, were taken into consideration at the time of the comprehensive zoning process. Therefore, staff believes that reclassifying the subject property does not constitute a mistake on the part of the District Council. The District Council carefully considered all of the relevant facts and circumstances existing on the site and around the site, and concluded that I-3 zoning at this location is appropriate at this time. Doing so will reduce the adverse impact on the adjoining residential character of the surrounding properties to the west and southwest.



G. **Conformance with the Purposes of the I-2 Zone:** The purposes of the I-2 Zone are contained in Section 27-470(a)(1) of the Zoning Ordinance and are as follows:

- (A) **To accommodate a mix of intense industrial uses which require larger tracts of land;**
- (B) **To accommodate industrial uses that may impact adjoining properties, but are essential to the County's economic well-being; and**
- (C) **To apply site development standards which will generate an attractive, conventional heavy industrial environment.**

If the proposed rezoning to the I-2 Zone were approved, the subject property could be developed in a manner in direct contradiction to the recommendations of the Subregion 4 Master Plan. The I-2 Zone, because of the types of heavy industrial businesses it allows, has the potential to negatively affect the adjoining residential area.

H. **Referrals:**

**Town of Cheverly**—In a memorandum dated March 2, 2016, the Town Council of the Town of Cheverly voted unanimously to oppose A-10035.

## CONCLUSION

The 2010 Subregion 4 Master Plan and SMA created goals and policies to direct lighter industrial zoning adjacent to residential areas and to create an appropriate transition between land uses. Staff believes that the I-3 zoning was not a mistake in the comprehensive rezoning. The decision of the District Council to reclassify the subject property to the I-3 Zone was the appropriate zone to support the master plan's vision to both preserve industrial areas while protecting residents, maintaining the jobs and tax base that support residents of the subregion and, at the same time, develop transition and integration strategies for the industrial areas at or near General Plan centers where industrial uses could potentially come in conflict with transit-oriented development. Therefore, staff recommends DISAPPROVAL of Zoning Map Amendment Application No. A-10035 for the I-2 Zone.

**ITEM:**

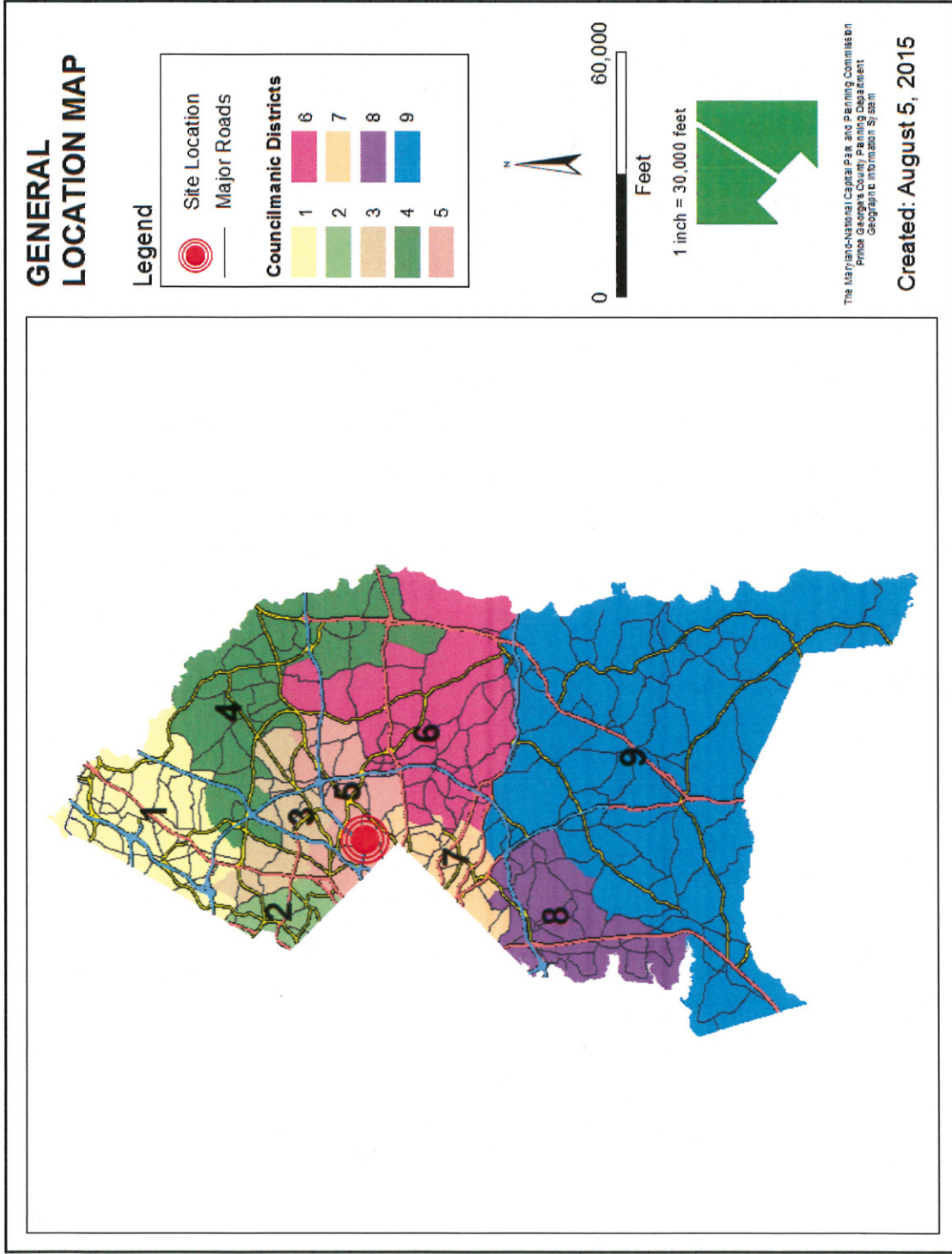
**CASE: A-10035**

# **SMITHFIELD PROPERTIES**

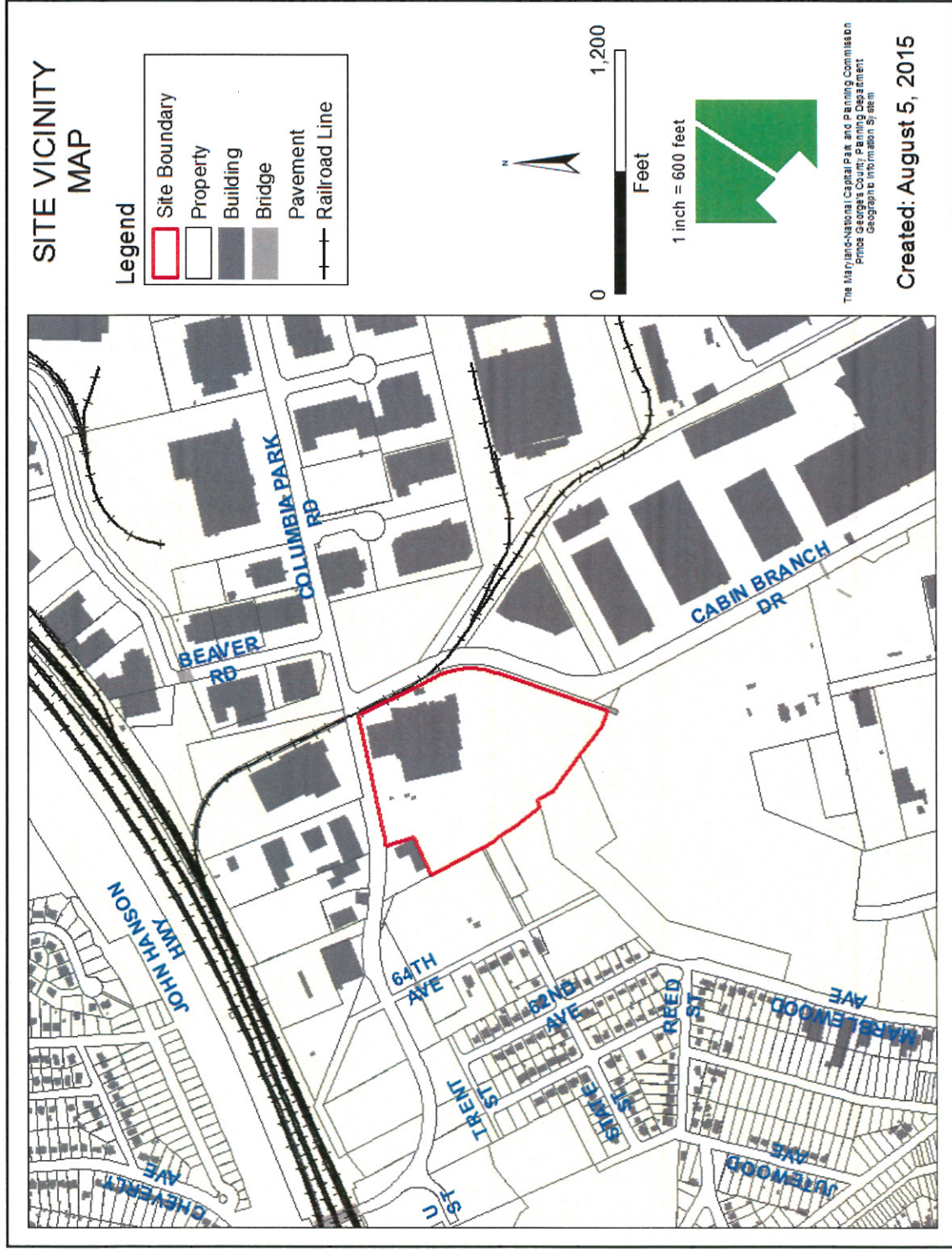


**THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT**

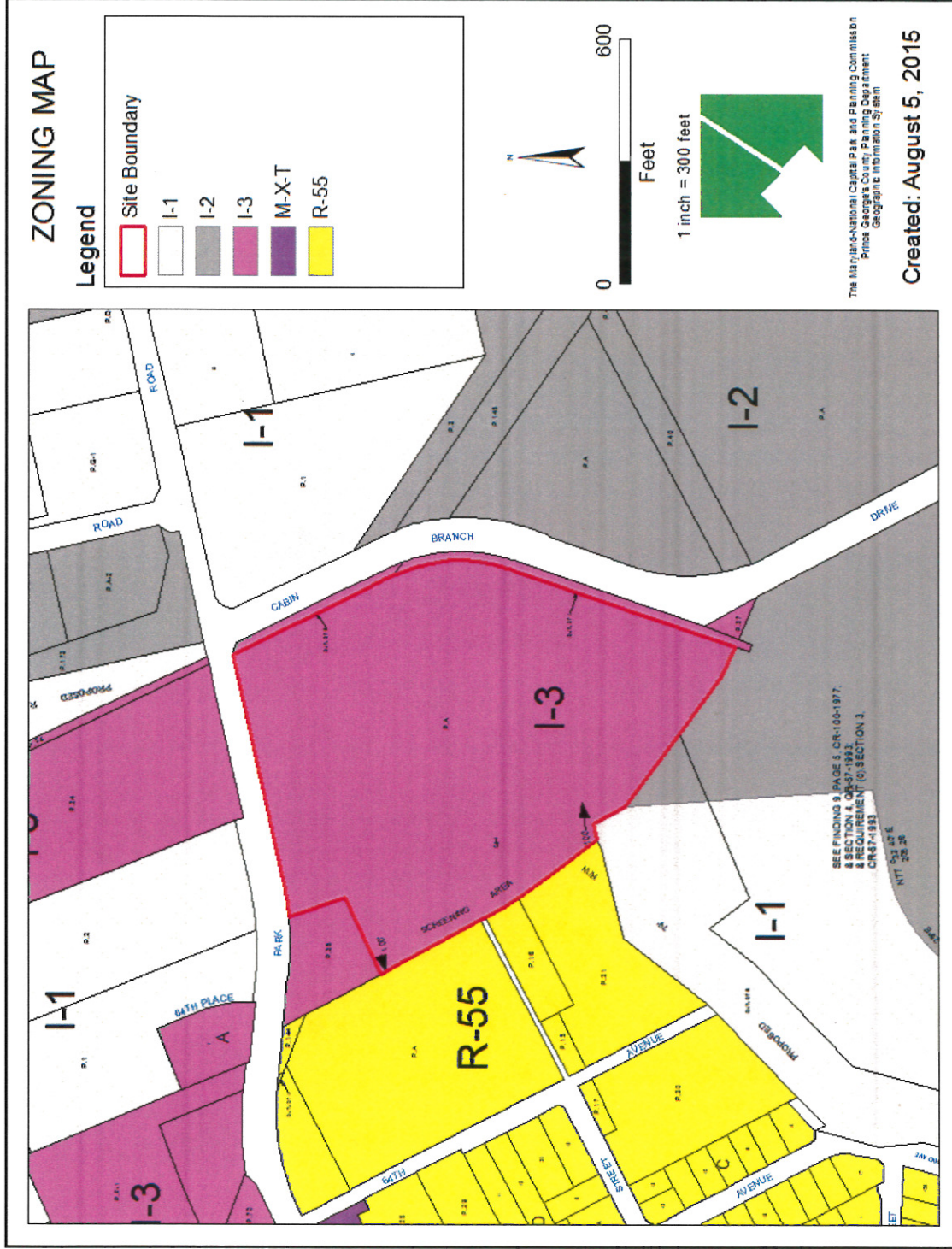
# GENERAL LOCATION MAP



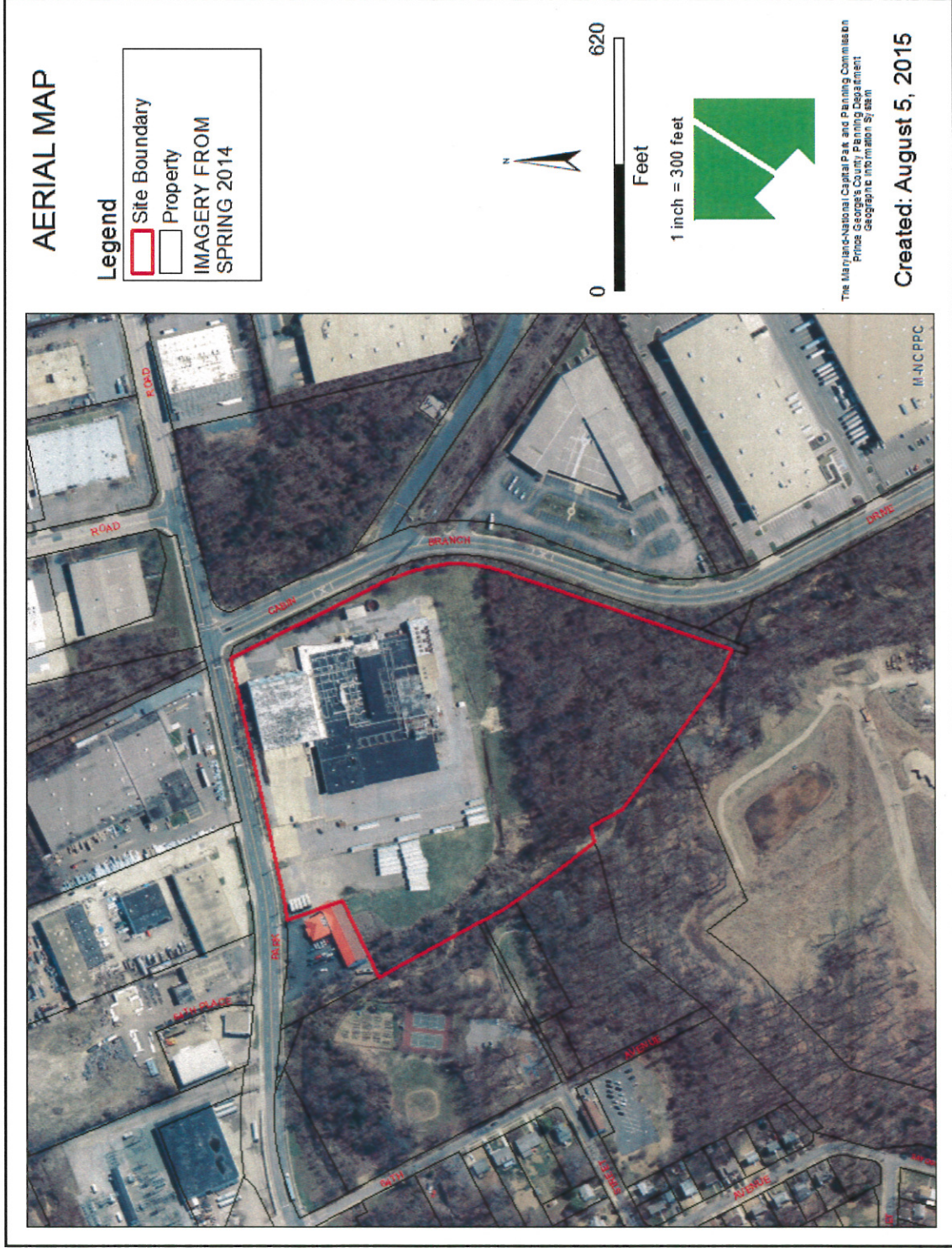
# SITE VICINITY



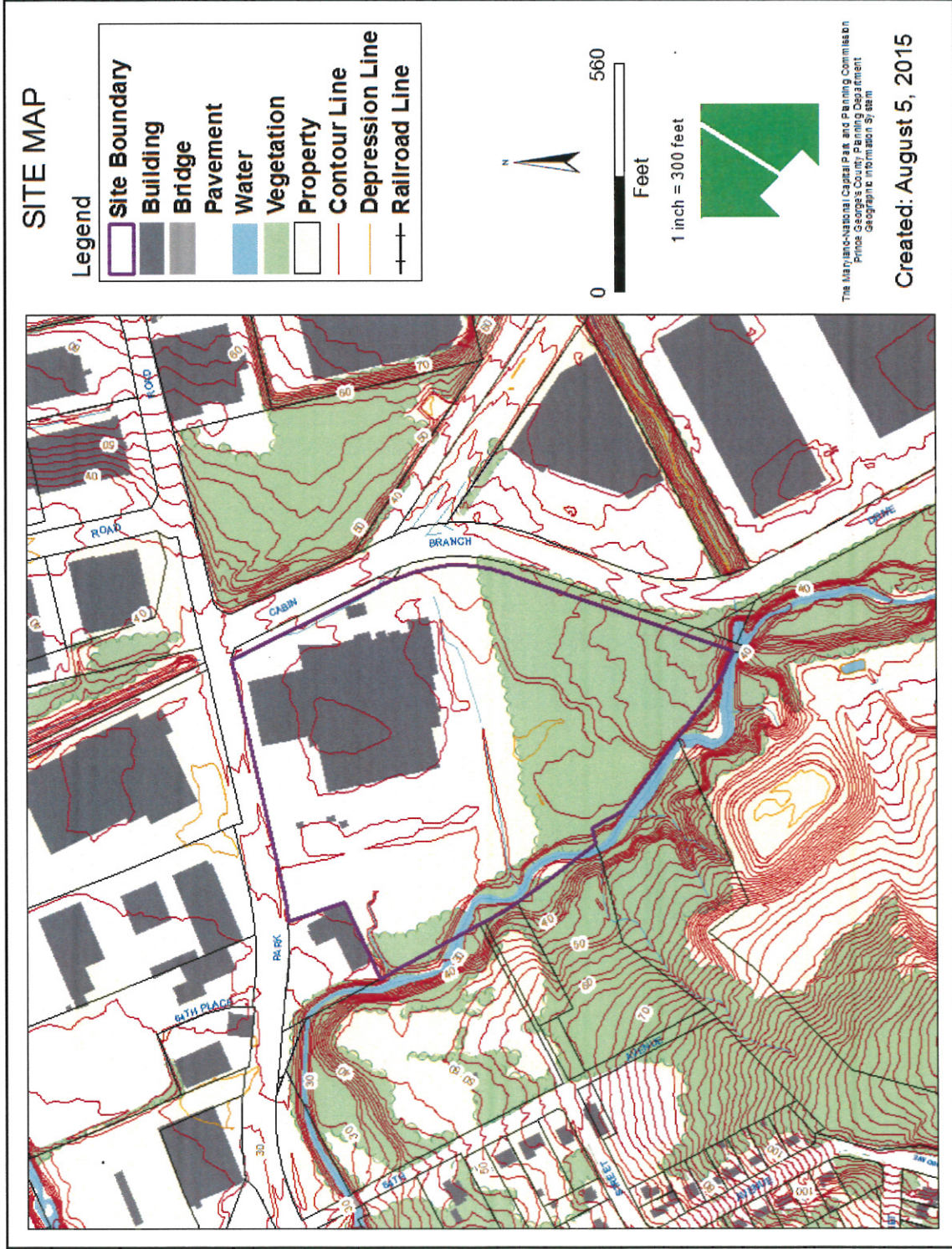
# ZONING MAP



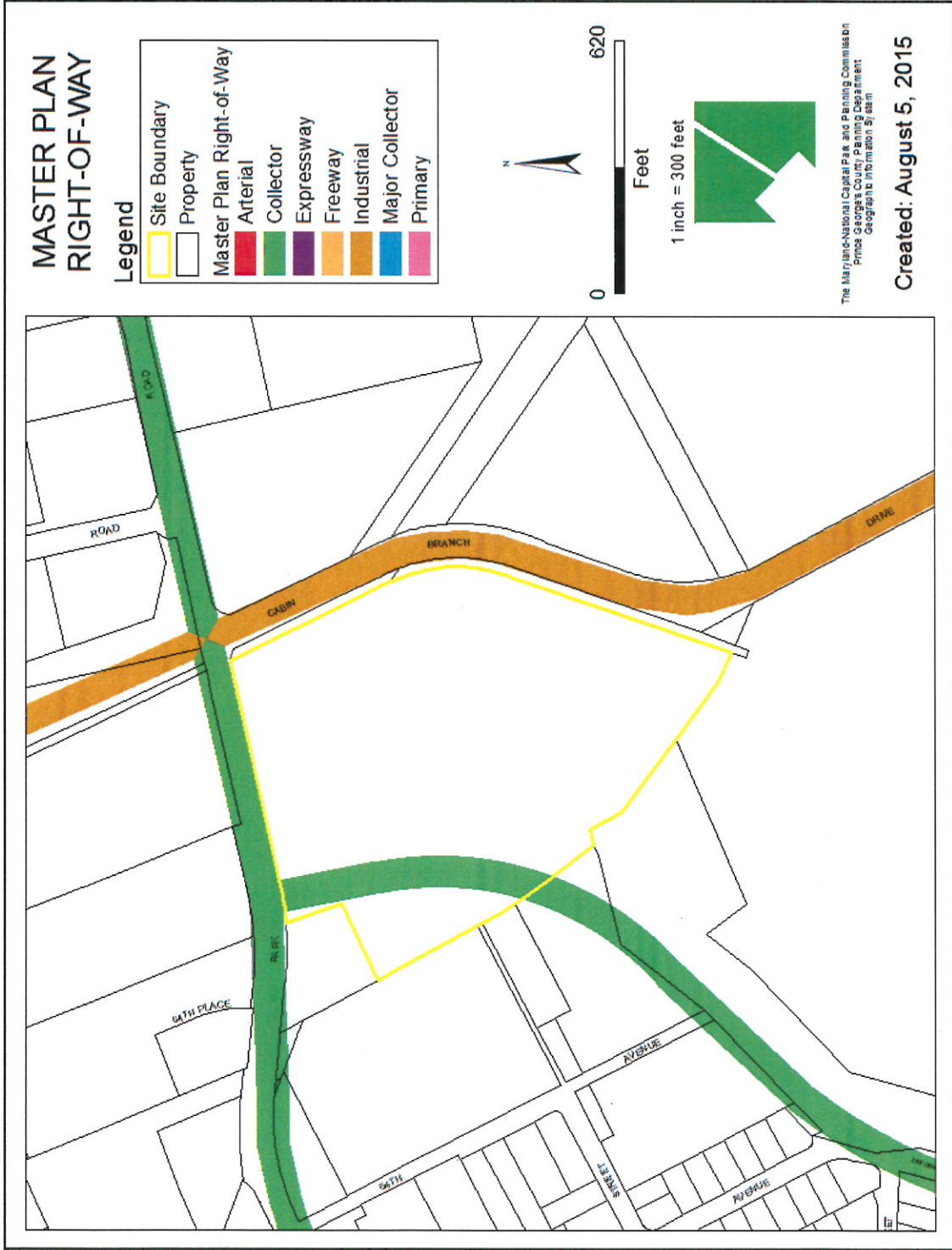
# AERIAL MAP



# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP

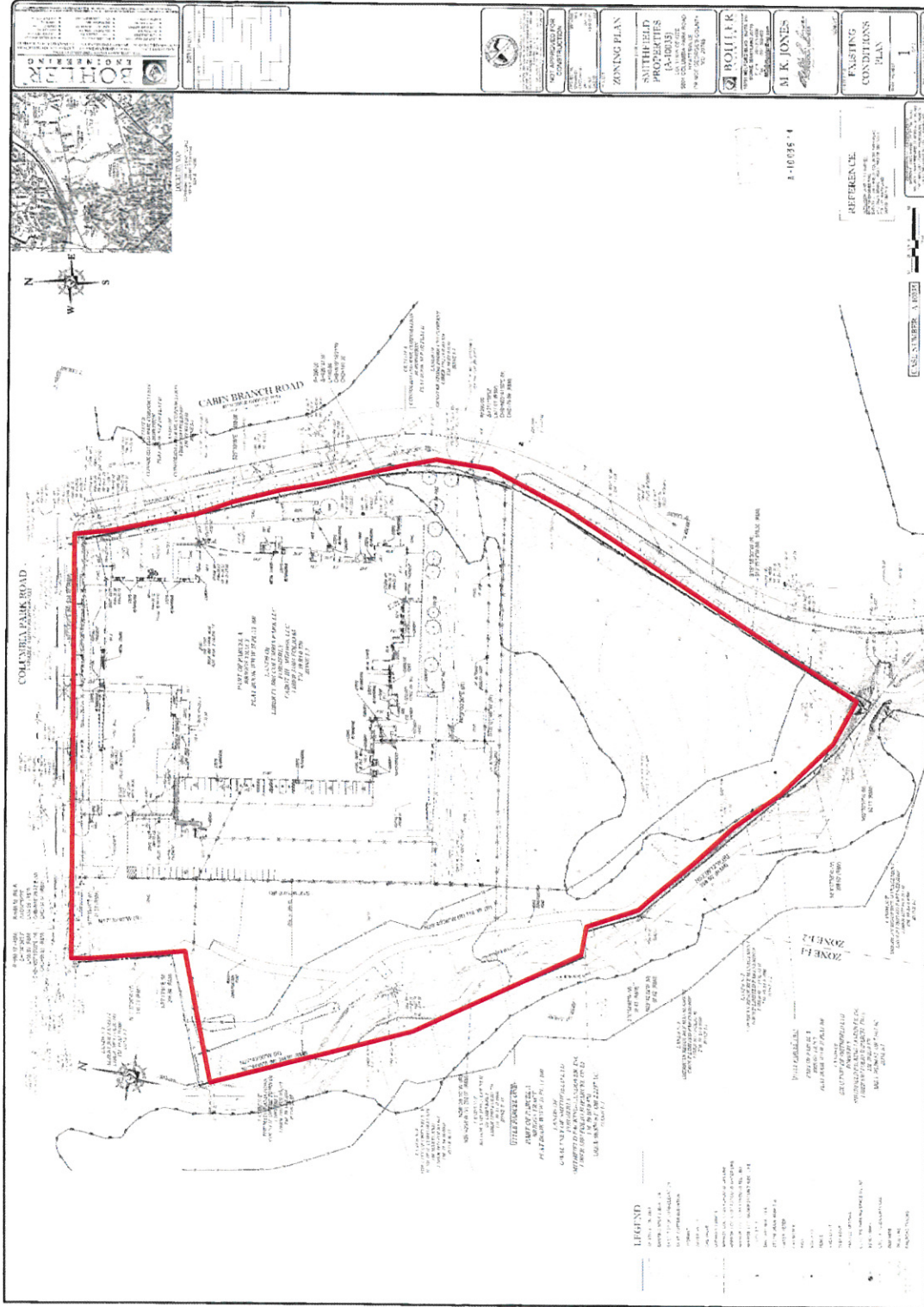




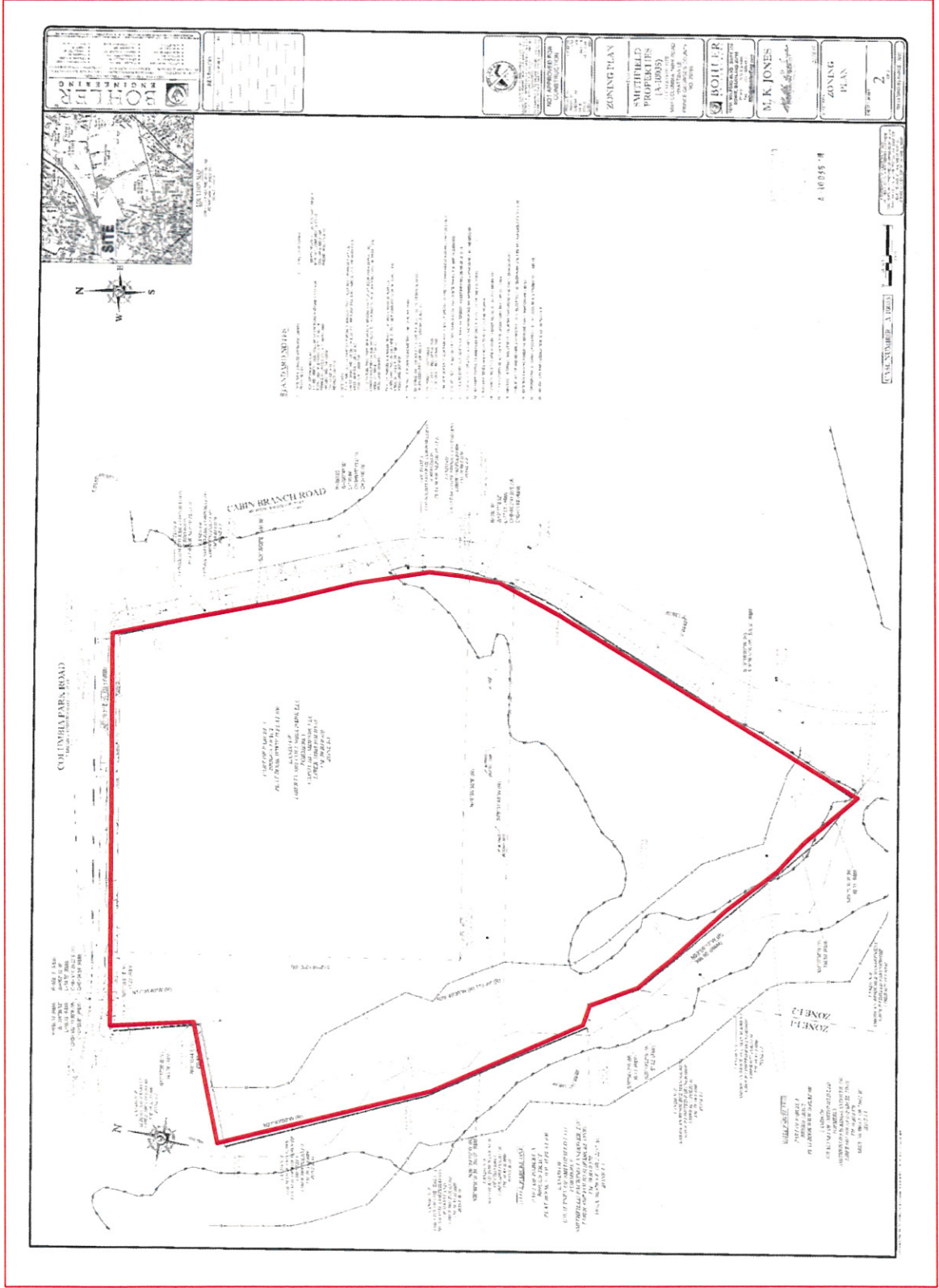
# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED

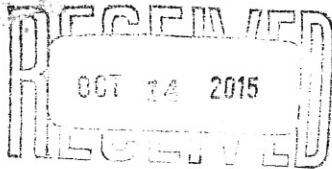


# EXISTING CONDITIONS PLAN



# ZONING PLAN





LAW OFFICES  
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**A-10035**

DEVELOPMENT REVIEW  
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Robert J. Antonetti, Jr.

**Bradley S. Farrar**  
**L. Paul Jackson, II\***

\* Also admitted in the District of Columbia

October 12, 2015

**VIA HAND DELIVERY**

Mr. Edward Holley  
Development Review Division  
Prince George's County Planning Department  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

**Re: Smithfield Properties Zoning Map Amendment (A-10035)**

Dear Mr. Holley:

On behalf of our client, Liberty Property Limited Partnership and Liberty Property Trust, please accept this Statement of Justification in support of the above captioned zoning map amendment application.

**A. Applicant's Proposal:**

This application is filed in accordance with Section 27-143 and 27-157 of Subtitle 27 of the Prince George's County Code, also known as the Zoning Ordinance for Prince George's County, for the purpose of rezoning the subject property from the I-3 (Planned Industrial/Employment Park) Zone to the I-2 (Heavy Industrial) Zone. The Applicant requests that the subject property be rezoned on the basis that a mistake or error when the property was rezoned from I-2 Zone to the I-3 Zone at the time of the 2010 *Approved Sub-region 4 Master Plan and Sectional Map Amendment*.

**B. Location and Site Description:**

The subject approximately 17.9-acre is shown on Exhibit 1 (Plat of Rezoning) located at the southwest corner or quadrant of Columbia Park Road and Cabin Branch Road at 5801 Columbia Park Road, Landover Maryland 20785. The subject property consists of three deed parcels: [1] Title Parcel One: Part of Parcel A (TM: 59 B3; Area: 96,870 S.F. OR 2.22 AC.); [2] Title Parcel Two: Part of Parcel A (TM: 59 B3; Area: 341,560 S.F. OR 7.84 AC.); and, [3] Part of Parcel A (TM: 59 B3; Area: 341,453 S.F. OR 7.84 AC.) is classified in the Developed Tier in the I-3 Zone. Approximately 11-acres of the property is cleared and improved for industrial purposes including the existing 132,000 square foot Smithfield Ham processing plant (to be demolished) and supporting on-site parking and other site features.

**C. History:**

The 2010 *Approved Subregion 4 Master Plan and Endorsed Sectional Map Amendment, Planning Areas 72, 75A, and 75B* reclassified the subject site from its then existing I-2 (Heavy Industrial) Zone to the current I-3 (Planned Industrial/Employment Park) Zone. The property has not been the subject of any previous zoning or subdivision applications. According to the State of Maryland Real Property Tax Assessment Records database, the primary structure was constructed in 1963. The Landover facility during its years of production operated as one of Smithfield's bone-in ham plant facilities that is reported to have prepared and shipped approximately 450,000 pounds of ham products per day. This facility closed in the fall of 2013.

**D. Neighborhood and Surrounding Uses:**

The subject property is located in a neighborhood defined by the following boundaries:

- North — US Route 50
- East — Intersection of Columbia Park Road and Martin Luther King, Jr. Highway (MD Rte 704)
- South — Luther King, Jr. Highway (MD Rte 704) and Sheriff Road
- West — Addison Road

The property is surrounded by the following uses:

- North — Columbia Park Road; and across said roadway are mixed industrial used in the I-1 and I-3 Zones
- East — Cabin Branch Drive and across said roadway are mixed industrial development uses located within the I-1 and I-2 Zones
- South — Cabin Branch Drive and the Prince George's Business Park in the I-1 and I-2 Zones
- West — Cabin Branch Stream and associated floodplain, Fanelli's Deli in the I-3 Zone; and the George M. Boyd Memorial Park in the R-55 Zone

A-10035

**E. General Plan and Master Plan Recommendations:**

**Plan Prince George's 2035 Approved General Plan** — The Plan Prince George's 2035 shows the subject property is located between the Cheverly and Landover Policy Center (Local Transit Center 15 and 16) of the Growth Policy Map, (formerly the Developed Tier). The general overall vision for the Local Transit Centers is to maintain small-scale, mixed-use centers that are well connected by transit.

**2010 Approved Subregion 4 Master Plan and Endorsed Sectional Map Amendment** —The Subregion 4 Master Plan identify the subject site as being located just outside the eastern fringe of the Cheverly Metro Center. For those industrial properties such as the subject site, the Master Plan acknowledges that Subregion 4 provides industrial users excellent access to local, regional and national markets.

**F. Zoning Map Amendment:**

Section 27-157(a) of the Zoning Ordinance sets forth the criteria for approval of a zoning map amendment in conventional/Euclidean zones.

**A. Criteria for Approval**

**Sec. 27-157. Map Amendment approval.**

**(1) No application shall be granted without the applicant proving that either:**

*(A) There has been a substantial change in the character of the neighborhood; or*

*(B) Either*

*(i) There was a mistake in the original zoning for property which has never been the subject of an adopted Sectional Map Amendment, or*

*(ii) There was a mistake in the current Sectional Map Amendment.*

**B. Compliance**

*(i) Mistake*

Mistake or error can be shown in one of two ways: (a) a showing that at the time of the comprehensive rezoning, the District Council failed to take into account then existing facts or reasonably foreseeable projects or trends; or (b) a showing that events have oc-

curred since the comprehensive rezoning that have proven that the District Council's initial premises were incorrect.

The Applicant believes the District Council made several errors of misapprehension during the Sectional Map Amendment ("SMA") processes that lead rezoning of the subject property. Primarily, the Council mistakenly relied upon unsubstantiated assumptions by the Planning Staff and Planning Board that rezoning the subject property through the SMA process was appropriate development density to transition between heavy industrial of I-2 and single-family residential neighborhoods of R-55, while ignoring specific site conditions relating to the subject site and neighboring properties, as well as multiple references replete throughout the Subregion 4 Master Plan recommending the preservation industrial properties and uses, including the subject site in particular.

The subject property falls within the geographic area defined as the "Cabin Branch/US 50" industrial area (See Master Plan at pp.120-121). Although Smithfield Ham the prior owner and operator of the processing plant located on the subject property did not cease operation until the fall of 2013, the District Council relied on ill-informed guidance suggesting that at the time of the Master Plan and SMA's passage in June 2010 the processing facility was vacant. The Master Plan reference states:

*"Furthermore, the section south and east of the Cheverly Metro Station is currently vacant. It is zoned as industrial, but there is a residential section between it and the Metro station. Rezoning should be considered in order to maximize the use around the Metro station, since additional industrial development could be difficult there. Although this area is categorized as a Type 5 (healthy industrial area), it deserves further study because of its proximity to the Metro station."*

Furthermore, although the subject property is clearly well outside the boundaries that the Master Plan defines as the "Cheverly Metro Center" (See Map 6-11; p.183); the above reference suggests a vision that rezoning should be reconsidered in order to maximize the use around the Metro station is a mistake. This mistake is further compounded when considering that in the "Industrial Use Development Pattern Policy 1" (Part II: Visions and Recommendations Living Areas and Industrial Centers; p. 99) recommending that the County "Preserve and expand industrial land use wherever possible along the northern and eastern perimeter of the subregion. Action Sites: I-295 frontage, I-295/US 50 and Metro triangle, Columbia Park Road, and Cabin Branch (emphasis added)."; the Master plan clearly identifies the subject industrial property and use for preservation and expansion.

In addition, among the strategies highlighted in "Policy 3" in the hope of heightening the image and attraction of the industrial areas of Subregion 4 (See p.60), the Master Plan recommends that "Strengthen buffer requirements for industrial users adjacent to nonresidential uses." The Sectional Map Amendment's "Discussion" for zoning

“Change Number LB4” that encompasses the subject and other Industrial properties stating that: “Rezoning from I-1 and I-2 to I-3 supports the goals, policies, and strategies of the General Plan and the Subregion 4 Master Plan to allow for lighter intensity industrial uses adjacent to residential areas and at gateway locations.” (See p.415) is a mistake and a broad overstatement of facts as they exist on the ground.

To the west, the subject property is technically located adjacent to R-55 Zone residential land. However a closer inspection of the subject property’s immediate neighborhood reveals an environment that is quite different from the image depicted by the Master Plan. The subject site improvements are separated from the adjacent properties to the west by a heavily vegetated floodplain that provides a permanent natural wooded buffer. The Land Records of the State of Maryland identify the neighboring properties as being under the ownership as “The Lands N/F Mayor and Town Council of Cheverly” is the site of the George M. Boyd Memorial Park. To the west of Park, across 64<sup>th</sup> Avenue are the nearest residentially occupied properties, which is a distance of more than 470 feet from the subject property.

Finally, Maryland case law describes that a “mistake” or “error” in the latest comprehensive rezoning may either arise from a mistake of fact made by the legislative body or by a failure of the legislative body to foresee or take into account trends reasonably foreseeable so that the action taken was based on misapprehension. *Kracke v. Weinberg*, 197 Md. 339, 79 A.2d 387 (1951); *People’s Council of Baltimore County v. The Prosser Co. Inc.*, 119 Md. App. 150, 704 A.2d 483 (1998); and *Dill v. Jordan Corp.*, 242 Md. 16, 217 A.2d 564 (1966).

There have been numerous decisions by the Maryland Court of Appeals over the years that clearly acknowledge that “Planning and Zoning” are not exact sciences and that “Master Plans” and “Sector Plans” must recognize that subsequent further reflections can sometimes reveal that the original document, though valid and appropriate in many respects, can represent a mistake in planning for a particular property. In such cases, it is appropriate to consider an application for rezoning and having found that a mistake occurred, determine what classification would be appropriate, *Peoples Counsel for Baltimore County v. Williams*, 45 Md. App. 617, 415 A.2s 585 (1980); *Jobar Corp. v. Rodgers Forge Community Association, Inc.*, 236 Md. 106, 202 A.2d 612 (1964); *Rohle v. County Board of Appeals for Baltimore County*, 234 Md. 259, 199 A.2d 16 (1964). The applicant recognizes that one must demonstrate that the “underlying assumptions or premise relied upon by the legislative body were incorrect as a mistake in fact or law. *Mayor & City Council of Rockville v. Rylyns Enterprises*, 372 Md. 514, 814 A.2d 469 (2002).



October 12, 2015

Page 6

A-10035

**Conclusion:**

For the foregoing reasons, the contends that a mistake occurred at the time of the enacted 2010 *Approved Subregion 4 Master Plan and Endorsed Sectional Map Amendment, Planning Areas 72, 75A, and 75B*. The Applicant respectfully submits that the most appropriate zoning classification for the subject property is the I-2 Zone.

Sincerely,



Arthur J. Horne, Jr.

Enclosures

# Town of Cheverly

Alam Taslima

MNCPPC

14741 Governor Oden Bowie Dr,  
Upper Marlboro, MD 20772

March 2, 2016

Ms Taslima,

The Town Council of the Town of Cheverly has voted unanimously to oppose A-10035. This application proposes to rezone the Former Smithfield Property at 5801 Columbia Park Road from I-3 to I-2.

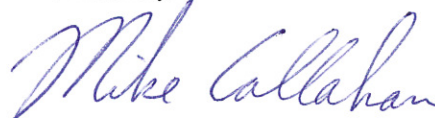
The Town of Cheverly as well as many of its citizens participated for more than a year in the Sub Region 4 Planning Process. One of the positive outcomes of this process was the zoning of this property I-3. The intent of this action was to ensure that the heaviest industrial uses would not encroach on the borders of our community and especially the parks where our children play.

Furthermore, the Sub Region 4 plan calls for a Town Center concept along State Street which is located at the end of the park. It can be expected that noise from the heaviest Industrial uses will certainly carry to State Street and be a disincentive to the future of the Town Center concept.

Lastly, this site is less than a ¼ mile from the Cheverly Metro Station, a designated activity center in the recently adopted 2035 General Plan. Uses that should be considered for this site are those that encourage use of the Metro System.

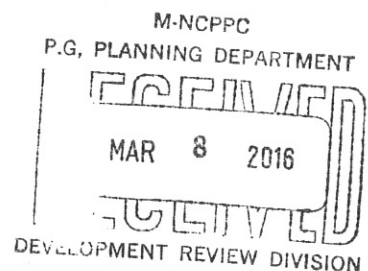
I have included a picture of the site from the top of a climbing object in Boyd Park.

Sincerely,



Mike Callahan

Mayor, Town of Cheverly







**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George’s County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

March 8, 2016

**MEMORANDUM**

TO: Taslima Alam, Zoning Section, Development Review Division  
THROUGH: Tom Masog, Transportation Planning Section, Countywide Planning Division  
FROM: Glen Burton, Transportation Planning Section, Countywide Planning Division  
SUBJECT: A-10035, Smithfield Properties Zoning Map Amendment

The Transportation Planning Section has reviewed the Zoning Map Amendment application referenced above. The subject property consists of approximately 17.9 acres of land in the I-3 Zone. The property is located in the southwest quadrant of the intersection of Columbia Park Road and Cabin Branch Road. The applicant is requesting a rezoning of the property to an I-2 (Heavy Industrial) zone.

**Trip Generation and Impacts**

The applicant has submitted a letter from a traffic consultant which summarizes the impact of the change in zoning. The trip generation of the site, in consideration of trip rates taken from “Transportation Review Guidelines, Part 1 (Guidelines)”, is summarized below under existing and proposed zoning:

Comparison of Estimated Trip Generation, A-10035							
	AM			PM			ADT*
	In	Out	Total	In	Out	Total	
EXISTING I-3 Zoning							
<b>Industrial Park</b> Rate per 1,000 GSF	0.55	0.18	0.73	0.2	0.55	0.75	8.0
125,469 gross square feet	69	23	<b>92</b>	25	69	<b>94</b>	1,004
PROPOSED I-2 Zoning							
<b>Warehouse</b> Rate per 1,000 GSF	0.32	0.08	0.40	0.08	0.32	0.4	3.1
206,000 gross square feet	66	16	<b>82</b>	16	66	<b>82</b>	639
<i>Net traffic change</i>	-3	-7	<b>-10</b>	-9	-3	<b>-12</b>	-365

\* Average Daily Traffic

The comparison of estimated site trip generation indicates that the proposed amendment would decrease trip generation by 10 trips during the AM peak hour and 12 trips during the PM peak hour. Weekday average daily travel would decrease by 365 daily trips.

### **Master Plan, Rights of Way Comments**

The property is located in an area where the development policies are governed by the *Approved Subregion 4 Master Plan and Endorsed Sectional Map Amendment, June 2010*. The property currently fronts on two master plan roads; Columbia Park Road, a four-lane 80-foot collector (C-411) and Cabin Branch Drive, a two-lane, 70-foot industrial road (I-403). Both roads are already built to their ultimate master plan cross sections, and consequently, no further widening is anticipated. No additional right of way along these roads will be required of the applicant. There is a third master plan road however, which will impact the property. The plan recommends Marblewood Avenue (C-404) to be extended through the subject property (as a two-lane collector) to create a "T" intersection with Columbia Park Road.

According to the Statement of Justification, the subject property is currently improved with an existing 132,000 square foot processing facility. This building will subsequently be razed to facilitate the site redevelopment. Given the location of the planned master plan road (C-404), the applicant should be mindful of its location and design the future facilities and uses of the site accordingly.

### **Conclusions**

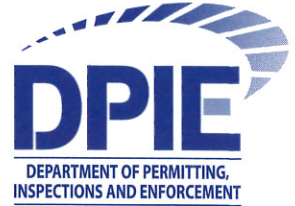
Based on the preceding findings, the Transportation Planning Section would conclude that the proposed rezoning of the subject property would result in less traffic being generated on the site. Staff further concludes that the uses proposed on this application will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved Area Master Plan, in accordance with Section 27-195 of the Prince George's County Code. These determinations are heavily based on a determination that the trip generation and the resulting overall traffic impact of this site will be reduced with the proposed warehouse use as proposed as compared to the currently existing use.

*Jaslina*



Rushern L. Baker, III  
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT  
Department of Permitting, Inspections and Enforcement  
Site/Road Plan Review Division



MEMORANDUM

March 2, 2016

**TO:** Tom Lockard AICP, Planning Coordinator  
Zoning Section, M-NCPPC

**FROM:** Mary C. Giles, P.E., Associate Director  
Site/Road Plan Review Division, DPIE

**RE:** Smithfield Properties  
A-10035

**CR:** Columbia Park Road

M-NCPPC  
P.G. PLANNING DEPARTMENT  
RECEIVED  
MAR 2 2016  
DEVELOPMENT REVIEW DIVISION

*me*

In response to the proposed re-zoning of this property from I-3 to I-2 with case number A-10035 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The property is located on the southwest corner of Columbia Park Road and Cabin Branch Road.
- The Site Development Concept Plan No. 3818-2016-00 is still under review and has not been approved.
- DPIE has no objection to the proposed zoning changes.

This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:

- a) Final site layout, exact impervious area locations are shown on plans.
- b) Exact acreage of impervious areas has been provided.
- c) Proposed grading is not shown on plans.
- d) Stormwater volume computations have been provided.

Tom Lockard  
March 2, 2016  
Page 2

- e) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
- f) A narrative in accordance with the code has been provided.
- g) Applicant shall provide items (a-g) at the time of filing final site permits.

If you have any questions or need additional information, please contact Mr. Steve Snyder, P.E., District Engineer, at 301.636.2060.


MCG:JAC:dar

cc: Steve Snyder, P.E., District Engineer, S/RPRD, DPIE  
Deming Chen, P.E, Engineer, S/RPRD, DPIE  
Janaye Coggins, Engineer, S/RPRD, DPIE  
Bohler Engineering, 16701 Melford blvd, Suite 310, Bowie,  
Maryland 20715  
Liberty 5801 Columbia Park LLC, 500 Chesterfield Parkway,  
Malvern, Pennsylvania 19355

February 26, 2016

**MEMORANDUM**

TO: Taslima Alam, Planner Coordinator, Zoning Section  
VIA: Dave A. Green, Supervisor, Community Planning Division, Central Section  
FROM: John Wooden, Senior Planner, Community Planning Division, Central Section  
SUBJECT: **A-10035 Smithfield Properties (A-10035)**



**DETERMINATIONS**

This application is not consistent with the Plan Prince George's 2035 Approved General Plan which designates this area as a Local Transit Center.

The application is consistent with the 2010 Approved Subregion 4 Master Plan industrial land use recommendation. However, this application recommends an intensity with the I-2 zone that is in conflict with the plan's vision to develop transition and integration strategies for the industrial areas at or near General Plan Centers where industrial uses could potentially come in conflict with transit-oriented developments (p.72).

**BACKGROUND**

Location: The subject property is located on the southwest corner of Columbia Park Road and Cabin Branch Road.

Size: 7.84 acres

Existing Uses: Developed

Proposal: The applicant is requesting to rezone their property from I-3 to I-2.

**GENERAL PLAN, MASTER PLAN, AND SMA**

**General Plan:** The Plan Prince George's 2035 Approved General Plan designates this area as an Local Transit Center, which is one of its four Local and Suburban Centers. The Local Transit Center consists of smaller scale mixed use centers that are primarily residential areas (avg. 30 to 100 DU/acre), well connected by transit, and a viable street grid offering local serving retail with limited office uses.



**Master/Sector Plan:** The Approved Subregion 4 Master Plan recommends preserving industrial areas but buffered from other incompatible uses to protect residents while maintaining the jobs and tax base that support residents of the subregion. (p. 51)

Planning Area/

Community: 72/Landover & Vicinity

Land Use: Industrial

Environmental: Please see the Environmental Section's referral for details regarding relevant environmental recommendations. The property does not include any regulated areas, evaluation areas, or network gaps identified by the Green Infrastructure Plan.

Historic Resources: There are no historic resources in the vicinity of the subject property.

Transportation: Access is provided by Columbia Park Road (C-411), a collector recommended as a two-to-four lane road within a 80-foot right-of-way

Public Facilities: There are no public facilities located in the immediate vicinity of the subject property.

Parks & Trails: The Jesse J Warr, Jr. Park Recreation Center is located west of the subject property.

Aviation/ILUC: The subject property is not located in the Military Installation Overlay Zone Area.

SMA/Zoning: The Approved Subregion 4 Sectional Map Amendment rezoned the subject property in the I-3 Zone.

## **PLANNING ISSUES**

The 2010 Approved Subregion 4 Sectional Map Amendment (Zoning Change LB 4) reclassified the subject property at 5801 Columbia Park Road from the I-2 (Heavy Industrial) zoning district to the I-3 (Planned Industrial/Employment Park) zone. The Proposed Subregion 4 Sectional Map Amendment originally recommended this reclassification. In the proposed amendments to the adopted Subregion 4 Master Plan (CR-15-2010), the District Council recommended reclassifying the subject property into the D-D-O/I-1 zone under a proposed "Columbia Park District Development Overlay Zone" that would apply development standards and regulations, regarding landscaping, screening, fencing, lighting, building intensity, and materials. "The new regulations are intended to ensure that new development and redevelopment in this area will result in an attractive, low-intensity functional light industrial area that provides a transition between residential and industrial areas in the northern part of the subregion" (p. 8 CR-15-2010)

Several representatives for adjacent properties included in Zoning Change LB4 opposed these recommendations in testimony for the September 9, 2009 and March 30, 2010 joint public hearings on the grounds that the proposed D-D-O or I-3 zones would make existing uses non-conforming. Despite this testimony, the Planning Board endorsed, and the District Council approved, reclassification of the subject property and several adjacent properties in Zoning Change LB-4 in the I-3 zone. A robust explanation of staff's rationale for the change is located on p. 44 in the Discussion section of the plan's Digest of Public Testimony which reads:

"Residents, particularly those in Cheverly expressed concern about the impact of high intensity uses on the overall quality of life in the area and the long-term viability. The plan's vision therefore is also to

maintain existing residential neighborhoods while improving, buffering, and transitioning industrial areas to minimize their visual and environmental impacts. One such way of achieving this is to buffer single-family residential neighborhoods from heavy industrial users with planned industrial and employment parks (I-3)".

Staff also noted in this discussion that, not only would I-3 zoning create an appropriate development density to transition between the heavy industrial of I-2 zoning and single-family residential neighborhoods in the R-55 zone, but that the subject property is adjacent to the Marblewood Avenue Industrial Area Redevelopment Area which intends to "respect and restore the site's wetlands, floodplains, and regulated area as identified in the Green Infrastructure Plan and take advantage of the area's natural features to create buffers between industrial uses and existing and proposed residential communities" (p. 45 Digest of Testimony).

On June 1, 2010, the County Council approved the Subregion 4 Sectional Map Amendment retaining the Planning Board's endorsement of the subject property to the I-3 zone.

In summary, the following transpired:

- The Proposed Subregion 4 SMA recommended reclassification of the subject property to I-3.
- The District Council proposed an amendment to this recommendation to reclassify the property to D-D-O/I-1
- Ultimately, the District Council rejected this amendment and approved the Planning Board's endorsed reclassification to I-3.

The applicant is requesting that the zoning for the subject property be changed back to the I-2 zone, claiming the District Council made several errors of misapprehension during the Sectional Map Amendment (SMA) processes that lead to the rezoning of the subject property.

The six points upon which the applicant claims the zoning change was a mistake are summarized below followed by staff's comments:

Mistake #1: The Council's action was based on unsubstantiated assumptions by the Planning Staff and the Planning Board that I-3 was an appropriate transition development density between heavy industrial (I-2) and single-family residential neighborhoods (R-55) while ignoring specific site conditions relating to the subject site.

Staff Comment: The Proposed Subregion 4 Sectional Map Amendment recommended the zoning of the subject property be changed from I-2 to I-3. Staff comments in the Digest of Testimony for the initial Joint Public Hearing point to the following reasons for the Planning Board's recommendations: there were concerns about the impact of high intensity uses on the overall quality of life of neighboring residential properties; an opportunity to capitalize on Marblewood Avenue Industrial Area Redevelopment Concept Plan to restore the site's wetlands, floodplains, and regulated areas as identified in the Green Infrastructure Plan; and to take advantage of the area's natural features to create buffers between industrial uses and existing and proposed residential communities, and to complement and support the proposed development plans at the Cheverly Metro station.

Mistake #2: The rezoning appears to contradict the many references in the Approved Subregion 4 Master Plan recommending the preservation of industrial uses, including a specific reference to the subject property. The reference mentioned is on p. 99 of the Subregion 4 Plan and states "Preserve and expand

industrial land use wherever possible along the northern and eastern perimeter of the subregion. Action sites: I-295 frontage, I-295/US 50 and Metro triangle, Columbia Park Road, and Cabin Branch".

Staff Comment: The Approved 2010 Subregion 4 Master Plan sets a vision for industrial development in the Subregion on p. 72 which reads "The existing industrial development in Subregion 4 along US 50 and I-495 will likely continue to thrive into the future. However, it will be important to develop transition and integration strategies for the industrial areas at or near the General Plan Centers. This is relevant at the Cheverly, Landover, and New Carrollton Metro centers, where industrial uses could potentially come into conflict with transit-oriented developments".

Mistake #3: Although, Smithfield Ham, the prior owner and operator of the processing plant located on the subject property, did not cease operation until the fall of 2013, the District Council relied on ill-informed guidance suggesting that at the time of the Master Plan and SMA's approval in June 2010, the processing facility was vacant. The Master Plan reference states: "Furthermore, the section south and east of the Cheverly Metro Station is currently vacant. It is zoned as industrial, but there is a residential section between it and the metro station. Rezoning should be considered in order to maximize the use around the metro station, since additional industrial development could be difficult there. Although, this area is categorized as a Type 5 (Healthy Industrial Area), it deserves further study because of its proximity to the metro station".

Staff Comment: The applicant contends that the subject property was not vacant at the time the Subregion 4 Plan was being completed. Although, no evidence was provided to corroborate this contention, if staff erred in this fact it does not negate the plan's vision stated here and more formally on p. 72 which reads "...to develop transition and integration strategies for the industrial areas at or near General Plan Centers where industrial uses can potentially come in conflict with transit-oriented developments," and on p. 83 which reads "Develop mixed-use development within one-half mile of the General Plan Centers".

Mistake #4: The applicant points to a recommendation on p. 99 that reads " Preserve and expand industrial land use wherever possible along the northern and eastern perimeter of the subregion" as evidence that the Master Plan intended to identify the subject property and use for preservation and expansion.

Staff Comment: This recommendation did not identify the subject property and use for preservation and expansion at the current intensity. Also, the recommendation adds the caveat "where possible" indicating that there may be areas within the Cabin Branch and Columbia Park Road areas, that are not appropriate for such expansion.

Mistake #5: The applicant is challenging as false the rationale used by staff to support the rezoning of the subject property which states "Rezoning from I-2 to I-3 supports the goals, policies, and strategies of the General Plan and the Subregion 4 Master Plan to allow lighter intensity industrial uses adjacent to residential areas and at gateway locations".

See Staff Comment under Mistake #1

Mistake #6: The applicant is contending that the distance between the subject site and the residential properties to the west of the site is significant and separated by a heavily vegetated floodplain that provides a permanent natural wooded buffer. A fact that, if highlighted before the Council, may have factored into the decision to rezone the subject property.

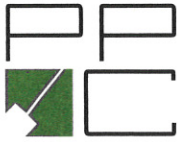
Staff Comment: It appears that the sizeable floodplain area buffering the new mixed-use village recommended by the Subregion 4 Master Plan and adjacent industries is discussed on p. 312 of the Approved Subregion 4 Plan as part of the Marblewood Avenue Industrial Area Redevelopment. Connectivity to, and expansion of, this natural wooded buffer appeared to be taken into account with the Planning Board's recommendation to rezone the subject property to the I-3 zone.

Despite the potential impacts to subject properties in the short run, ultimately, the decision of the District Council to reclassify the subject property to I-3 is a viable alternative to support the plan's vision to both preserve industrial areas buffered from other incompatible uses to protect residents, while maintaining the jobs and tax base that support residents of the subregion, and, at the same time, develop transition and integration strategies for the industrial areas at or near General Plan Centers where industrial uses could potentially come in conflict with transit-oriented developments.

#### **RECOMMENDED CONDITIONS**

cc: Ivy A. Lewis, Chief, Community Planning Division  
Long Range Agenda Notebook

MN  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION




Countywide Planning Division  
Environmental Planning Section  
301-952-3650

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
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February 10, 2016

**MEMORANDUM**

TO: Thomas Lockard, Planner Coordinator, Zoning Section  
VIA: Katina Shoulars, Supervisor, Environmental Planning Section  
FROM: Chuck Schneider, Senior Planner, Environmental Planning Section   
SUBJECT: Smithfield Properties - Hyattsville; A-10035

The Environmental Planning Section (EPS) has reviewed the above referenced application stamped as received on January 12, 2016 and provides the following comments for your consideration.

**Background**

The Environmental Planning Section has not reviewed any previous development applications and associated plans for the subject site. An approved and signed Natural Resource Inventory, NRI-255-15, for this project area was issued on January 19, 2016. A Woodland Conservation Exemption Letter (E-060-07) was issued in August 2007 that has since expired in August 2009. No other previous environmental reviews have occurred on this site.

**Proposed Activity**

This application proposes to rezone the property from I-3 to I-1.

**Grandfathering**

The subject property was not part of previously approved applications. The project is subject to the current regulations of Subtitles 24, 25 and 27 that came into effect on September 1, 2010 and February 1, 2012.

**Site Description**

This 10.06 +/- acre site is located on the northwest corner of the intersection of Columbia Park Road and Cabin Branch Road. The site is located within an industrial use area that has scattered wooded areas. A review of the available information indicates that nontidal wetlands, streams and 100 year floodplain are found to occur on the property. The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Urban land- Issue complex and Zekiah and Issue soils series. Marlboro clay does not occur on or in the vicinity of this property. According to information obtained from the Maryland Department of Natural

Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. No designated scenic or historic roads are affected by this proposal. Columbia Park Road is identified as a master plan collector roadway and Cabin Branch Road is identified as an industrial roadway which are considered not traffic-generated noise roadways. The site is located within the Beaver Dam Creek watershed of the Anacostia River basin. The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. According to the approved Countywide Green Infrastructure Plan, the entire site is within the Regulated, Evaluation and Network Gap areas.

### **Master Plan Conformance**

The Master Plan for this area is the Subregion 4 Master Plan and Sectional Map Amendment (June 2010). In the Approved Master Plan and Sectional Map Amendment, the Environmental Infrastructure section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in BOLD is the text from the master plan and the plain text provides comments on plan conformance.

#### **Policy 1: Protect, preserve and enhance the green infrastructure network in Subregion 4.**

The entire site is located with the Green Infrastructure Network and over 70% of the site contains primary management area that include wetlands, streams buffers and 100 year floodplain Any future development on the site should focus on the preservation and protection of these features

#### **Policy 2: Minimize the impacts of development on the green infrastructure network and SCA's.**

The subject property is entirely within the Green Infrastructure Network and also the 100 year floodplain covers a large portion of the site. Proposed development must be located outside the stream buffer. The proposed development will not directly impact SCA's with Subregion 4.

#### **Policy 3: Restore and enhance water quality in areas that have been degraded, and preserve water quality in areas not degraded.**

No approved stormwater management concept plan or Tree Conservation Plan 1 was submitted with this application and this information is not required at this time. The approved stormwater management concept plan will be implemented to address water quality issues on-site in accordance with the county stormwater management ordinance.

#### **Policy 4: Improve the base information needed for the county to undertake and support stream restoration and mitigation projects.**

The subject property has an approved Natural Resource Inventory Plan that confirms the presence of regulated environmental features on-site and adjacent to the property.

**Policy 5: Require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.**

Any approved stormwater management concept plan will be implemented to address water quality issues on-site with all future developments.

**Policy 6: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.**

Any approved stormwater management concept plan will be implemented to address water quality issues on-site with all future development.

**Policy 7: Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.**

Air Quality is a regional issue that is currently being addressed by the Council of Governments.

**Policy 8: Reduce adverse noise impacts so that the State of Maryland's noise standards are met.**

The project application is to rezone the property. No development is proposed at this time.

Columbia Park Road is identified as a master plan collector roadway and Cabin Branch Road is identified as an industrial roadway, which both are considered not traffic-generated noise roadways. The adjacent roadways are not regulated for noise nor is there no residential uses are proposed for the subject property.

**Policy 9: Implement environmental sensitive building techniques that reduce overall energy consumption.**

The project application is to rezone the property. No development is proposed at this time.

**Policy 10: Implement land use policies that encourage infill and support TOD and walkable neighborhoods.**

The project application is to rezone the property. The site is partially developed with an industrial use.

**Policy 11: Increase the county's capacity to support sustainable development.**

No development is proposed at this time.

**Policy 12: Ensure that the Chesapeake Bay Critical Area is protected to the maximum extent possible through the implementation of water quality and other related measures.**

The subject property is not located in the Chesapeake Bay Critical Area.

**Policy 13: Preserve, restore, and enhance the exiting tree canopy.**

No impacts to the existing tree canopy are proposed.

**Conformance with the Green Infrastructure Plan**

The entire site is within the Green Infrastructure Network Plan containing all three designations (Regulated Areas, Evaluation Areas, and Network Gap Areas). No change to the existing development is proposed at this time.

**Environmental Review**

**Natural Resource Inventory- Environmental Features**

An NRI is not required as part of a zoning amendment application; however, the site has a Natural Resource Inventory plan (NRI-255-15) that was approved on January 19, 2016. This site contains regulated environmental features according to the NRI.

No revisions are required for conformance to the NRI.

**Woodland Conservation Ordinance**

The project will be subject to the environmental regulations contained in Subtitles 24, 25, and 27 which came into effect on September 1, 2010 and February 1, 2012. A Woodland Conservation Exemption Letter (E-060-07) was issued in August 2007 that has since expired in August 2009. Any new development within the application area, will require a Type 1 or 2 Tree Conservation Plan unless the project qualifies for a numbered exemption.

No revisions are required for conformance to the WCO.

If you have any questions concerning this comment, please contact me at 301-883-3240 or by e-mail at [alwin.schneider@ppd.mncppc.org](mailto:alwin.schneider@ppd.mncppc.org)



February 5, 2016

**MEMORANDUM**

**TO:** Taslima Alam, Zoning Section  
**VIA:** Whitney Chellis, Subdivision Section *WC*  
**FROM:** Suzanne Nickle, Subdivision Section *SN*  
**SUBJECT:** Smithfield Properties, A-10035

The subject property is located on Tax Map 59 in Grid B-3, and is 17.9036 acres. A-10035 consists of one legal parcel of land. Parcel A was approved pursuant to preliminary plan of subdivision 12-2508. Records are no longer available for this case. The record plat was recorded on September 24, 1959 as Plat WWW 35-100 (5-59183). The property is zoned I-3 (Planned Industrial/Employment Park). A-10035 requests that the zoning be changed to I-2 (Heavy Industrial).

Pursuant to Section 24-111(c) of the Subdivision Regulations, a resubdivision is required prior to the issuance of building permits unless an exemption is demonstrated by the applicant and reviewed by the Subdivision Section. Further division of the property into 2 or more lots would require a new preliminary plan of subdivision (PPS).

The Subdivision Section notes that master planned right-of-way C-404, Marblewood Avenue, extends south over the western portion of the property from Columbia Park Road to the abutting property to the west, acreage Parcel 31, and is a street by definition (Section 27-107.01(225)(ii)). The development proposal shall reflect C-404. The disposition of the master plan right-of-way may be determined through the review of the PPS, or pursuant to Section 27-259 should the applicant propose development within the alignment of C-404.

In comparing the boundary of Parcel A to the record plat (WWW 35-100), a section of the curve that is abutting Outlots A and B is missing. Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected.

A-10035 does not include the abutting property to the east, Outlots A and B. Outlots A and B were created by PPS 4-89243. The plat was recorded on December 27, 1989 as Plat NLP 151-11. The Outlots are zoned I-3 (Planned Industrial/Employment Park). Pursuant to Section 27-111(a)(8), since the abutting outlots are portions of a transit route, there is a question if the properties should be considered as having been included in the Zoning Map Amendment.

Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected. There are no subdivision issues at this time.

## Alam, Taslima

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**From:** Lockard, Thomas  
**Sent:** Wednesday, January 20, 2016 4:49 PM  
**To:** Alam, Taslima  
**Subject:** FW: A-10035 Smithfield Properties

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**From:** Lester, Thomas  
**Sent:** Tuesday, January 19, 2016 11:53 AM  
**To:** Lockard, Thomas  
**Subject:** A-10035 Smithfield Properties

Hello Mr. Lockard:

I have reviewed following referral:

A-10035 Smithfield Properties -  
No effect on historic resources.

Thank you,

Thomas Lester  
Principal Planning Technician  
M-NCPPC, Prince George's County  
Historic Preservation Section  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772  
301-952-3756  
[Thomas.Lester@ppd.mncppc.org](mailto:Thomas.Lester@ppd.mncppc.org)



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

**Prince George's County Planning Department  
Countywide Planning Division**

**(301) 952-3680  
www.mncppc.org**

January 14, 2016

**MEMORANDUM**

**TO:** Tom Lockard, AICP, Planner Coordinator, Zoning Section, Development Review Division

**FROM:** Jay Mangalvedhe, Senior Planner, Special Projects Section, Countywide Planning Division

**SUBJECT:** Project: A-10035: Smithfield Properties

Smithfield Properties located on the southwest corner of Columbia Park Road and Cabin Branch Road. Special Projects Section, Countywide Planning Division has reviewed the proposed A-10035 application for Public Facility adequacy. The request for rezone from I-3 to I-1 zone will have no impact on public facilities.

I:\PFS\Development Review\Zoning Map Amendments\A-10035\_JM.sp  
J:\Referrals\_DRD\A-10035\_JM.sp



**\*\* REFERRAL REQUEST \*\***

Date: 1/12/2016  
 To: REFERRAL DISTRIBUTION VIA EPLAN  
 From: TOM LOCKARD, AICP, PLANNING COORDINATOR, ZONING SECTION  
 Subject: SMITHFIELD PROPERTIES (A-10035)

**IDENTIFICATION OF MAJOR ISSUES DUE DATE\*: 1/27/2016**  
 \*Note: E-mail any major issues/problems to the reviewer by the above date.

**S D R C DATE: N/A**

**REFERRAL DUE DATE: 2/11/2016**

<input checked="" type="checkbox"/> Full Review of New Plan	<input type="checkbox"/> Revision of Previously Approved Plan
<input type="checkbox"/> Limited or Special Review	<input type="checkbox"/> Plans/Documents Returned for Second Review Following Revision by Applicant

**NOTE: This case is being reviewed at:**  Planning Board level    OR     Planning Director level

COMMENTS: Please email major issues to Tom Lockard at Thomas.Lockard@ppd.mncppc.org

\_\_\_\_\_  
 \_\_\_\_\_

Related Cases: \_\_\_\_\_

**REFERRAL REPLY COMMENTS:**

\_\_\_\_\_  
*No comments.*  
 \_\_\_\_\_  
*JK 3/10/16*  
 \_\_\_\_\_

**NOTE: IF YOU HAVE NO COMMENTS, PLEASE INDICATE ABOVE AND FORWARD OR FAX TO THE REVIEWER'S ATTENTION.**