

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed SE-4502 requesting a special exception for a concrete batching plant in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on September 21, 2006, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** Northeast of Clay Brick Road, approximately 440 feet north of its intersection with Sheriff Road.

B. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	I-2	I-2
Use(s)	undeveloped	concrete batching plant
Acreage	6.32 acres	6.34 acres
Lots	None	
Parcels	part of Parcel 32	part of Parcel 32
Square Footage/GFA	0	7,656

C. **History:** The property is part of Parcel 32, which has been in the I-1 and I-2 Zones since prior to the last comprehensive rezoning of the area in 1993. There are no special exceptions on the property to date.

D. **Master Plan Recommendation:** The 2002 General Plan places the property in the Developed Tier and the 1993 Master Plan for Landover and Vicinity recommends industrial uses for the site.

E. **Request:** The applicant requests approval of this special exception to construct and operate a concrete batching plan with a daily capacity of 2,000 cubic yards per day.

F. **Neighborhood and Surrounding Uses:** The following neighborhood boundaries have been identified for this application:

- North—Columbia Park Road
- East—Kentland Community Center Park and a tributary to Cabin Branch
- South—Sheriff Road
- West—Marblewood Avenue

This area is identified in the master plan as the southern half of the Cabin Branch industrial area and includes the Prince George's Business Center and the Maryland 50 Industrial Park. It is developed exclusively with industrial uses, which distinguish it from the residential areas to the south of Sheriff Road and west of Marblewood Avenue. It should be recognized, however, that it is appropriate to consider land fronting on the

opposite side of Sheriff Road as part of this neighborhood and within the area of impacts associated with the proposed use.

The uses surrounding the subject property are:

North—Undeveloped land in the I-2 Zone

East—La Farge Asphalt Plant, E. P. Henry Stone and Aggregate distribution facility, Brandywine Disposal, ADS Aggregates and a sand and gravel excavation facility in the I-2 Zone

South—Undeveloped land in the I-2 and I-1 Zones on the north side of Sheriff Road; on the south side of Sheriff Road is residential development in the R-55 Zone.

West—Undeveloped and partially wooded land in the I-1 Zone and a fire station; a variety of small, mixed industrial and service commercial uses line the west side of Marblewood Avenue.

**G. Specific Special Exception Requirements: Sec. 27-343.02. Concrete batching or mixing plant.**

- (a) **A concrete batching or mixing plant (including the batching and mixing of cement with sand, aggregates, and water; the storage of natural materials; and the mixing of materials in trucks) may be permitted, subject to the criteria, below.**
- (1) **Mixing plant components and other parts of the operation having the potential for generating adverse impacts (including conveying systems, concrete mixers, weighing hoppers, batching equipment, aggregate bins, truck mixing areas, truck wash-out facilities, and truck parking areas) shall be located at least three hundred (300) feet from the boundary lines of the subject property adjoining any land in any Residential or Commercial Zone (or land proposed to be used for residential or commercial purposes in a Comprehensive Design, Mixed Use, or Planned Community Zone), and one hundred (100) feet from the boundaries of the subject property adjoining any land in any Industrial Zone (or land proposed to be used for industrial purposes in a Comprehensive Design, Mixed Use, or Planned Community Zone). Other fixed installations (including automobile parking, settling ponds, and office uses) shall be located at least one hundred (100) feet from the boundaries of the subject property adjoining any land in any Residential Zone (or land proposed to be used for residential purposes in a Comprehensive Design, Mixed Use, or Planned Community Zone).**

It is located over 500 feet from residentially zoned land south of Sheriff Road or west of Marblewood Avenue. The mixing plant components, conveying systems, concrete mixers, weighing hoppers, batching equipment, aggregate bins, truck

mixing areas, truck wash-out facilities, and truck parking areas are all located over 300 feet from the boundary lines of any residential or commercial zone and 100 feet from land in an industrial zone.

**(2) The site plan and information accompanying the application for Special Exception shall be reproducible, or twelve (12) copies shall be submitted. In addition to the requirements of Section 27-296(c), the site plan and accompanying information shall show:**

**(A) The components of the mixing plant;**

The site plans shows:

- a. The mixing plant building, 39.2 feet by 110.7 feet by 109 feet in height housing the batching operation.
- b. Two aggregate conveyors.
- c. Six dump hoppers for aggregate transfer.
- d. Water heater and chiller.
- e. Primary and secondary water treatment ponds.
- f. Above-ground fuel tank (12,000 gallons)
- g. Truck wash-out area with reclaimer.
- h. 2,400-square-foot office and vehicle maintenance building.
- i. Natural material stockpile area.
- j. Truck parking area

**(B) The daily capacity of the plant;**

The daily capacity of the mixing plant is approximately 2,000 cubic yards.

**(C) The location of all natural material stockpiles;**

The location of natural stockpiles is indicated on the site plan 40 feet from the southern property line. It is surrounded by an 8- to 15-foot-high concrete retaining wall.

**(D) The settling ponds, if any;**

There are no settling ponds proposed with this application. Settling tanks are located to the north of the mixing plant.

**(E) The source of water to be used in the operation;**

The proposed operation will use public water supplied by WSSC. The water used for truck wash-out will be recycled.

**(F) Truck wash-out facilities, if any;**

Truck wash-out facilities are provided north of the mixing plant.

**(G) The methods of disposing of waste materials;**

The applicant intends to dispose of waste materials in a dumpster or by hauling unsuitable material to an approved landfill, as needed. The dumpster will be screened from view from adjacent properties and the public street.

**(H) The internal traffic circulation system;**

Directional arrows must be added to the site plan to show the internal traffic circulation system.

**(I) The truck mixing areas;**

The truck mixing area will be located inside the enclosed mixing plant building.

**(J) The parking and storage areas for all vehicles and equipment;**

The parking and storage for all vehicles and equipment is shown on the site plan.

**(K) The identification of the trucks and heavy equipment to be used in the plant operation.**

The site plan notes up to 50 concrete mixing trucks (FWHA designation Group 'B'0 and one four-wheel front-end loader used in the plant operation.

- (3) At least thirty (30) calendar days prior to the hearing before the Zoning Hearing Examiner, the applicant shall file a traffic analysis with the Zoning Hearing Examiner for inclusion with the original application, and send a copy to the Planning Board. The traffic analysis shall include the volume of traffic expected to be generated by the operation and shall identify the streets to be used between the site and the nearest other street (to be used) that has a minimum paved width of twenty-four (24) feet for its predominant length.**

- (4) **Driveways for ingress and egress shall be identified on the site plan, and shall be located so as to not endanger pedestrians or create traffic hazards. The applicant shall identify the dust-control measures to be used on the driveways and the interior traffic circulation system. Any ingress or egress driveway shall have a minimum width of twenty-two (22) feet, and shall be paved for a distance of at least two hundred (200) feet from the boundary line of the Special Exception.**

The site plan shows two 22-foot-wide driveways for ingress and egress that will be paved for their entire length. The proposed driveway entrances are 35 feet wide. A traffic study was submitted and was reviewed by the M-NCPPC Transportation Planning Section, which provided the following comments:

“The applicant submitted a traffic study dated May 7, 2004. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

**“Growth Policy—Service Level Standards**

“The subject property is located within the developed tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

**“Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

**“Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

**“Review Comments**

“The applicant proposes to construct and operate a concrete batching plant, which is permitted by special exception in the I-2 Zone. It would be located within the Cabin Branch Industrial Area north of Sheriff Road and south of Columbia Park Road and US 50 (John Hanson Highway). The *Guidelines for the Analysis of the Traffic Impact of Development Proposals* and the Institute of

Transportation Engineers' *Trip Generation Manual* do not contain trip generation rates for concrete batching plants.

“However, the applicant operates a similar concrete batching plant at a site along Edsall Road in Springfield, Virginia. Based on information provided by the applicant, the traffic study assumes that five percent of the daily truck trips entering and leaving the concrete plant would occur during the AM and PM peak hours. The traffic study concludes that there would be 36 AM (18 in and 18 out) and 36 PM (18 in and 18 out) peak-hour vehicle trips. According to the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, when trucks or buses are included in traffic volumes, the volumes must be adjusted to reflect their impact on intersection capacity. The adjustment or passenger car equivalent factor for trucks is 2.0. Therefore, during trip assignment there would be 72 AM (36 in and 36 out) and 72 PM (36 in and 36 out) peak-hour passenger car trips assigned to the road network to reflect their impact on nearby intersection capacities.

“Staff obtained a recent traffic count taken during the PM peak hour on Thursday, August 4, 2005 at the main entrance to the Edsall Road concrete batching plant near Springfield, Virginia. There were 54 PM (33 in and 21 out) peak-hour vehicle hours. A portion of these were passenger vehicle trips, therefore, a conversion factor of 1.5 was used to convert the trips to 81 PM (50 in and 31 out) peak-hour passenger car trips. During the AM peak hour it is assumed these rates would be reversed to 80 AM (30 in and 50 out) peak-hour passenger car trips.

“The vehicle trips generated by the proposed use on the subject property would impact several intersections along Sheriff Road and MD 704, including MD 704/Sheriff Road, Sheriff Road/Cabin Branch Drive, Sheriff Road/Site Entrance, MD 704/Belle Haven Drive, and MD 704/Green Leaf Road. All of the intersections are signalized except Sheriff Road/Site Entrance.

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 704/Sheriff Road	1,457	1,194	E	C
Sheriff Road/Cabin Branch Drive	905	849	A	A
Sheriff Road/Site Entrance	16.3*	18.0*	--	--
MD 704/Belle Haven Drive	1,029	1,024	B	A
MD 704/Green Leaf Road	697	741	A	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

“Background development included 139 townhouses, 69 elderly condominiums, and 23 single-family dwellings. Through traffic along MD 704 and Sheriff Road was also increased by two percent and one percent annually up to the design year (2009) to account for regional traffic growth.

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 704/Sheriff Road	1,514	1,260	E	C
Sheriff Road/Cabin Branch Drive	953	887	A	A
Sheriff Road/Site Entrance	17.2*	18.0*	--	--
MD 704/Belle Haven Drive	1,089	1,085	B	A
MD 704/Green Leaf Road	763	805	A	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

“It is assumed that the proposed concrete batching plant will operate like the one in operation along Edsall Road near Springfield, Virginia. Staff obtained a recent traffic count taken during the PM peak hour on Thursday, August 4, 2005, at the main entrance to the Edsall Road concrete batching plant near Springfield, Virginia. Staff recalculated total traffic conditions at the critical intersection using the recent traffic count and increasing through trips along MD 704 and Sheriff Road by three percent to account for additional traffic growth since the traffic study was submitted.

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 704/Sheriff Road**	1,276	1,300	C	C
Sheriff Road/Cabin Branch Drive	993	919	A	A
Sheriff Road/Site Entrance	35.4*	24.0*	--	--
MD 704/Belle Haven Drive	1,118	1,114	B	B
MD 704/Green Leaf Road	794	835	A	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				
**Staff field checked this intersection, the CLV and level of service reflects a spot improvement (exclusive right turn lane on southbound MD 704) now completed and listed in the Maryland Consolidated Transportation Program for FY 2003-2008.				

“All of the critical intersections are operating at acceptable standards for the developing tier, i.e., operating at a CLV of 1,600 or better and/or with an average vehicle delay of less than 50 seconds.

“Staff field checked the Cabin Branch Industrial Area north of Sheriff Road. A portion of Clay Brick Road is already constructed at the entrance to Sheriff Road. The applicant shows dedication of right of way for Clay Brick Road on the site plan correctly. The property immediately to the east is being used as a sand and gravel operation and transfer point.

“Comments were received from the Prince George’s County Department of Public Works and Transportation (DPW&T) and from the State Highway Administration (SHA). DPW&T questioned the trip generation rates found within the traffic study. Staff revised these trip rates and used the newer trip rates to recalculate critical lane volumes and levels of service. DPW&T also questioned why two intersections (Columbia Park Road at Cabin Branch Drive and 64<sup>th</sup> Street) were not included in the traffic study. These two intersections were not part of the original scoping agreement because they were deemed to not be critical due to the trip distribution assumed and, therefore, were not included in the traffic study. The scoping agreement and traffic study assumes most trips to the site are destined for the Capital Beltway (I-95/I-495) area. Naturally, if it were assumed that trucks would follow a routing from US 50, those two intersections would require study.

“The State Highway Administration concurred with the findings in the traffic study that mentions the SHA Consolidated Transportation Program roadway improvement at MD 704 and Sheriff Road. This project added an exclusive southbound right turn lane on MD 704 and has been constructed.

#### “Conclusion

“In consideration of the information provided in support of the application, the Transportation Planning Section finds that the special exception would not adversely affect the health, safety, or welfare of residents or workers in the area or unanticipated capacity or safety issues on adjacent roadways.”

- H. **Parking Regulations:** The proposed use requires 24 parking spaces and one loading space. These have been provided in accordance with the design standards in Part 11 of the Zoning Ordinance.
- I. **Landscape Manual Requirements:** The applicant has demonstrated compliance with Section 4.2 Commercial and Industrial Landscape Strip Requirements, Section 4.3 Parking Lot Requirements, and Section 4.4 Screening Requirements. However, the landscape plan should be revised to show evergreen trees as well as shade trees between the wall and Clay Brick Road. Also, the plan should indicate that the concrete wall along Clay Brick Road will have a minimum height of six feet. The elevations indicate that screening trees will be larger than standard size at time of planting. The landscape plan should be revised to reflect that all trees on the perimeter of the property be a minimum of 14 feet in height at the time of planting, as shown on the elevation.



- J. **Zone Standards:** The proposed site plan shows conformance with all setback and green area requirements of the I-2 Zone. The I-2 Zone requires a 25-foot setback from the street line. The office and truck maintenance building is located 36 feet from the street line and the mixing plant enclosure will be 89 feet from the street line. The proposed screening walls along Clay Brick Road range in height from 13 to 15 feet and are located 36 feet from Clay Brick Road. The property does not adjoin land in a residential zone. The side yard setbacks for a nonresidential zone are 30 feet plus one-third the height of any building or structure above 30 feet in height. For the 109-foot-tall mixing plant enclosure, the side yard setback requirement is 53 feet; and sideyard setbacks of over 400 feet are provided.

The I-2 Zone requires that ten percent of the area be devoted to green space. The site plan indicates that almost 44 percent of the land area will be devoted to green space.

- K. **Sign Regulations:** No signs are indicated on the site plan.
- L. **Environmental Issues:** The Environmental Planning Section, in a memo dated October 31, 2005 submits the following comments:

#### **Background**

“The Environmental Planning Section previously reviewed the subject property in 1991 as part of a preliminary plan of subdivision (4-91034) and its associated Type I Tree Conservation Plan, TCPI/28/91. The preliminary plan and TCPI were withdrawn without a Planning Board hearing.

“The current application seeks the approval of a special exception to construct and operate a concrete batching plant. The limits of the special exception are currently developed and have been mostly cleared. A future subdivision of the property is proposed to provide dedication of public right-of-way for the extension of Clay Brick Road along the entire frontage of the limits of the special exception. The special exception limits include a 6.32 acres portion of an existing parcel totaling 65.18 acres in the I-2 Zone.

#### **Site Description**

“The limits of the special exception are entirely within the I-2 Zone, and located on the east site of a proposed extension of Clay Brick Road, approximately 440 feet north of the intersection of Clay Brick Road and Sheriff Road. The limits of the special exception are entirely surrounded by industrially zoned land, although residentially zoned property is south of Sheriff Road and west of Marblewood Avenue, which are boundaries of the overall parcel.

“The parcel within which the special exception is proposed is characterized by rolling terrain, which drains into unnamed tributaries of the Lower Beaverdam Creek Watershed in the Anacostia River basin. The predominant soil types on the site are Clay Pits and Christiana. These soil series may require further evaluation by the Department of

Environmental Resources. The entire parcel site is currently developed with two industrial structures and two office trailers used for office space. According to the FSD, the site is substantially wooded. Based on information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled, "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened or endangered species found to occur in the vicinity of this site. There are floodplains, streams, wetlands and steep slopes associated with the overall parcel. There are no Marlboro clays, or scenic or historic roads located on or adjacent to the subject property. This property is located in the Developing Tier as delineated on the adopted General Plan. The subject property contains regulated areas, evaluation area, and network gaps identified in the Green Infrastructure Plan, which are associated with the stream corridor along Cabin Branch on the eastern portion of the property.

#### **Environmental Review**

"Note: As revisions are made to the submitted plans the revision box on each sheet shall be used to describe in detail the revisions made, when and by whom. In the case of Forest Stand Delineations (FSD) and Tree Conservation Plans (TCP), the sheets shall also be signed and dated by the qualified professional preparing the plans.

1. "A Forest Stand Delineation (FSD) for the entire legal parcel was submitted on September 8, 2005. The FSD was found to be incomplete, and additional information is required and or revisions are needed to meet technical requirements. The FSD states that the site is 66 percent forested, but the stand information only identifies 16.17 acres of woodlands, or 25 percent of the parcel as wooded. A note on the FSD reads as follows:

"Note: Only Forest Stands located outside of the mining limits (Mining Permit #05-SP-0988) have been counted as existing woodlands for this site."

"This is not an accurate depiction of the existing conditions. If the woodlands exist now, and the mining activity has not occurred, all existing woodlands must be fully addressed by the FSD. The FSD indicates that the FEMA floodplain has been used to delineate the 100-year floodplain on the site. The FEMA floodplain is an estimate based on existing conditions and not an accurate depiction of the 100-year floodplain to be used for development purposes. A 100-year floodplain study is required to accurately delineate the floodplain.

**Recommended Condition:** Prior to approval of the special exception site plan, a revised Forest Stand Delineation shall be submitted that addresses all existing woodlands located on the current legal boundaries of the property, and the FSD plan shall be revised as follows:

- a. "The note regarding limiting the FSD to forest stands outside of the limits of the mining permit shall be removed from the plan;
- b. "The forest stand summary table shall be updated to reflect all existing woodlands on-site;

- c. “The expanded buffer shall be removed from the FSD plan and from the legend;
  - d. “The stand boundaries and stand designations shall be expanded to include all the existing woodlands on the site;
  - e. “An approved 100-year floodplain study shall be submitted to accurately delineate the floodplain on the site, and be reference on the plan; and
  - f. “The revised plan shall be signed and dated by the qualified professional who prepared it.
2. “Although the Forest Stand Delineation is not complete for this property, three stands have been identified. Forest Stand A is located in the southeast stream valley area of the site, and is dominated by red maple and sweet gum, with a dominant tree size of 10 inches –17.9 inches in diameter, with a dense native understory. The average number of trees per acre is 205. The Forest Structure Value (FSV) for Stand A is 15 and is classified as ‘priority’.
- “Forest Stand B, is located in the northeast stream valley area of the site, is dominated by intermediate-aged white oak and northern red oak, and is characterized by scattered mature overstory tree remaining from past harvest activity. The native understory is extremely dense, the average dominant size class is 18 inches to 29 inches in diameter. Twenty-three specimen trees exist with this stand. The FSV for Stand B is 15 and is classified as “priority’.
- “Forest Stand C, located along the northern boundary of the site, is dominated by intermediate-aged hardwoods, and is similar in composition to Stand B. It is further characterized by scattered mature Virginia pine and a moderate understory component. The average size class is 18 inches to 29 inches in diameter. The FSV calculated for Stand C is 15 and is classified as ‘priority’.
- “An update to the FSD will include all these stands which are ‘priority’ for retention. Retention of priority woodlands on-site, especially in Evaluation Areas identified in the Green Infrastructure Plan, are highly desirable in the effort to rebuild an interconnected green infrastructure in the Developed Tier.
- “Recommended Condition:** Prior to approval of the special exception site plan, the TCPI shall be revised to show the preservation of on-site woodlands to meet the woodland conservation requirement. The preservation areas shall be shown adjacent to the regulated areas on the site.
3. “The property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I Tree Conservation Plan (TCPI/28/91-01) was submitted for review and was found to require additional information and revisions to meet the requirements of the Woodland Conservation Ordinance.

“The woodland conservation threshold and woodland conservation requirement for the property cannot be determined without an accurate quantity of all existing woodlands on-site, and until the full amount of clearing proposed is calculated. The amount of woodland conservation required for this site has been substantially under calculated because replacement for the proposed clearing of existing woodlands has not been considered. The TCPI shows the location of lots proposed under a future subdivision. These lots should be removed from the plan since they do not exist. Any clearing proposed on the site should be supported by illustration of the proposed development and proposed grading. The plans show a “limit of mining”. This must be removed from the plan and the legend because no mining has occurred on the site. The note concerning only counting woodlands located outside the limits of the mining permit must be removed from the plan. The title of the TCPI shall not include ‘Lots 2 – 8 and Outparcel A’ because these designations do not exist.

“The thirty trees specimen trees identified on the FSD have not been located on the TCPI and their disposition has not been indicated.

“Notes on the special exception site plan indicate the following:

“The subject property, being part of the West Brothers Brickyard, has been specifically addressed by two Council Resolutions, CR-100-1977 and CR-57-1993, which adopted the 1977 Sectional Map Amendment for the Model Neighborhood Area, and the 1994 Sectional Map Amendment for Landover and Vicinity, respectively. Both resolutions contained findings that made specific recommendations for the development of this property.

“These recommendations have either been incorporated into this plan, or do not apply, as indicated below:

... ‘2. Provide a 100 foot-wide natural tree buffer abutting residentially zoned land and 50 feet adjacent to the remainder of 62<sup>nd</sup> Avenue . . .’

“The limits of the proposed special exception do not abut residential areas, but the limits of the legal parcel include these required buffer areas. The FSD and the TCPI delineate the area of these required buffers, which are recorded at L. 4824 F. 583. The TCPI submitted does not propose the preservation of existing woodlands in these areas, which appears to be the intention of these recorded buffers. Copies of the recorded documents for the buffers shall be provided to confirm the requirements of the buffers, and the TCPI shall be revised to show the delineated buffers as preservation areas.

“**Recommended Condition:** Prior to approval of the special exception site plan, the Type I Tree Conservation Plan (TCPI/28/91-01) shall be revised as follows:

- a. “All proposed lots shall be removed from the TCPI;
- b. “All proposed grading and development which supports the proposed preservation areas on the site shall be shown;

- c. “The expanded stream buffer shall be revised, if necessary, to address the limits of the 100-year floodplain based on an approved study;
  - d. “The limit of mining shall be removed from the plan and from the legend;
  - e. “The note concerning only counting woodlands located outside the limits of the mining permit must be removed from the plan;
  - f. “The title of the TCPI shall be revised to remove the reference to Lots 2-8 and Outparcel A;
  - g. “No removal of woodlands within the expanded stream buffer shall be proposed;
  - h. “All specimen trees shall be identified on the plan, and a table shall indicate their proposed disposition;
  - i. “The Tree Conservation Plan shall be in conformance with the revised Forest Stand Delineation;
  - j. “The woodland conservation requirement for the site shall be met on-site through the retention of existing priority woodland, especially in Evaluation Areas identified on the Green Infrastructure Plan;
  - k. “The required vegetative buffers adjacent to 62<sup>nd</sup> Avenue (Marblewood Avenue) shall be shown on the TCPI as preservation;
  - l. “The woodland conservation worksheet shall be revised as necessary to reflect the required revisions, including but not limited to accurately reflecting the amount of existing woodlands on the site, the amount of clearing proposed, the woodland conservation threshold, and the woodland conservation requirement; and
  - m. “The revised plan shall be signed and dated by the qualified professional who prepared it.
4. “The overall parcel contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. These areas include the expanded stream buffer and any other isolated sensitive environmental features. The accuracy of the expanded stream buffer on the Type I Tree Conservation Plan cannot be determined without an approved 100-year floodplain and a wetlands study. The limits of the special exception site plan currently under review do not contain the sensitive environmental features of the site.

**“Comment:** Protection of environmental features on the overall parcel will be addressed during the subdivision process. No sensitive environmental features are proposed to be impacted within the limits of the special exception site plan.

5. “An approved Stormwater Management Concept Approval Letter (9868-2003-01), dated June 9, 2004 was submitted with the subject application. This approval includes conditions. The plan shows a stormwater management pond on the northeast portion of the subject property, but no outfall connection is shown. The requirements of the Stormwater Management Concept Plan approval will be met through subsequent reviews by the Department of Environmental Resources prior to technical approval. IF an outfall is needed, the plans must be revised to reflect all necessary site work.

**“Recommended Condition:** Prior to approval of the special exception site plan all plans shall be revised to show all necessary site work associated with the proposed use.

6. “On-site noise generation is a consideration in the review of this submittal due to the proposed use. A noise study was submitted with the review package that states that without mitigation the noise levels will be below the state noise standards of 65 dBA Ldn at the property lines. The site plan also shows the provision of a concrete screening wall of varying heights around the subject use. This wall will attenuate anticipated noise levels. Staff is in agreement with the findings of the noise study that the development will not exceed maximum acceptable noise levels at the property boundary line nearest to residential uses.

**“Comment:** No further information is required with regard to noise impacts at this time.

#### **“SUMMARY OF RECOMMENDED CONDITIONS**

“The Environmental Planning Section recommends that if Special Exception SE-4502 and Type I Tree Conservation Plan TCPI/28/01 are approved, the following conditions be included:

- “1. Prior to approval of the special exception site plan, a revised Forest Stand Delineation shall be submitted that addresses all existing woodlands located on the current legal boundaries of the property, and the FSD plan shall be revised as follows:
  - a. “The note regarding limiting the FSD to forest stands outside of the limits of the mining permit shall be removed from the plan;
  - b. “The forest stand summary table shall be updated to reflect all existing woodlands on-site;
  - c. “The expanded buffer shall be removed from the FSD plan and from the legend;
  - d. “The stand boundaries and stand designations shall be expanded to include all the existing woodlands on the site;
  - e. “An approved 100-year floodplain study shall be submitted to accurately delineate the floodplain on the site, and be reference on the plan; and
  - f. “The revised plan shall be signed and dated by the qualified professional who

prepared it.

- “2. Prior to approval of the special exception site plan, the TCPI shall be revised to show the preservation of on-site woodlands to meet the woodland conservation requirement. The preservation areas shall be shown adjacent to the regulated areas on the site.
- “3. Prior to approval of the special exception site plan, the Type I Tree Conservation Plan (TCPI/28/91-01) shall be revised as follows:
  - a. “All proposed lots shall be removed from the TCPI;
  - b. “All proposed grading and development which supports the proposed preservation areas on the site shall be shown;
  - c. “The expanded stream buffer shall be revised, if necessary, to address the limits of the 100-year floodplain based on an approved study;
  - d. “The limit of mining shall be removed from the plan and from the legend;
  - e. “The note concerning only counting woodlands located outside the limits of the mining permit must be removed from the plan;
  - f. “The title of the TCPI shall be revised to remove the reference to Lots 2-8 and Outparcel A;
  - g. “No removal of woodlands within the expanded stream buffer shall be proposed;
  - h. “All specimen trees shall be identified on the plan, and a table shall indicate their proposed disposition.;
  - i. “The Tree Conservation Plan shall be in conformance with the revised Forest Stand Delineation;
  - j. “The woodland conservation requirement for the site shall be met on-site through the retention of existing priority woodland, especially in Evaluation Areas identified on the Green Infrastructure Plan;
  - k. “The required vegetative buffers adjacent to 62<sup>nd</sup> Avenue (Marblewood Avenue) shall be shown on the TCPI as preservation;
  - l. “The woodland conservation worksheet shall be revised as necessary to reflect the required revisions, including but not limited to accurately reflecting the amount of existing woodlands on the site, the amount of clearing proposed, the woodland conservation threshold, and the woodland conservation requirement; and
  - m. “The revised plan shall be signed and dated by the qualified professional who prepared it.

- “4. Prior to approval of the special exception site plan all plans shall be revised to show all necessary site work associated with the proposed use.

Subsequent to the release of the staff report, the applicant proposed some revisions to the conditions recommended by the Environmental Planning staff. These conditions were reviewed and endorsed by the Environmental Planning staff. The Planning Board reviewed the conditions and moved to adopt the revised conditions.

**M. Required Findings:**

**Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:**

- (1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The primary purposes of the Zoning Ordinance are to protect the public health, safety and welfare; to promote the most beneficial relationship between the uses of land and buildings; and to protect landowners from adverse impacts of adjoining development. This application proposes to retain the current industrial character of this area by constructing and operating a modern concrete batching plant. Due to the enclosure of the manufacturing operations and the addition of landscaping and screening on the property, as well as the significant setbacks from residential neighborhoods, the resulting development will be harmonious with the uses on adjacent properties and with the purposes of the Zoning Ordinance.

- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

With the recommended conditions this application meets or exceeds all applicable requirements of the Zoning Ordinance.

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

The subject property is located in the Cabin Branch Industrial Area as identified by the 1993 Approved Master Plan for Landover and Vicinity. The master plan addresses this area on page 62:

“The former West Brothers Brickyard on Sheriff Road is recommended as an industrial park with possible long term marketing of the property as related to the nearby Cheverly Metro Station. Existing trees should be retained along Sheriff Road, and along the Cheverly residential area to the north. Only one additional point of access should be allowed to Sheriff Road. Expansion of large-scale warehousing and any environment-blighting developments and uses on this site are recommended to be excluded; and employment facilities compatible with adjacent living areas are recommended to be



included. Site plan review should be required prior to development of the property if not already required by the zoning.

“The existing I-1 and I-2 Zoning pattern should be retained. In order to prevent further land use conflicts, the county should better enforce and strengthen existing regulations.”

The proposal for a concrete batching plant on a site interior to an industrial park in the I-2 Zone will not substantially impair the recommendations of the master plan for this area. There are impacts associated with this type of heavy industrial use that the master plan intends to discourage or ameliorate. This site is located interior to an industrial park and well over 500 feet from adjoining residential areas. The major noise and dust producing activities on the site will be enclosed in a modern concrete structure. Screening walls and significant landscaping will screen the lower portions of the use from sight.

**(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

The concrete batching plant will not adversely affect the health, safety or welfare of residents and workers in the area. The location of the mixing plant exceeds by several hundred feet the setback requirements from residentially zoned land. Placement of the concrete mixing, loading and wash-down functions within enclosed buildings will significantly reduce the amount of noise and dust to adjoining properties. The proposed bufferyard landscaping and sight-tight concrete walls will result in effective screening of the facility from the surrounding area. The traffic impacts of this use will be within acceptable limits for development in the Developed Tier and the haul route will not travel through residential neighborhoods.

**(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

The proposed setbacks and enclosure of the mixing plant will reduce the adverse spillover effects of dust, noise and appearance, which are inherent to such an operation. While the height of the mixing plan enclosure is significant, it will enclose the operations within an attractive modern façade. The visibility of the operations from Sheriff Road will be significantly improved by the addition of concrete screening walls and larger than normal evergreen trees. With the added landscape screening, the facility will not be detrimental to the use or development of adjacent properties or the general neighborhood.

**(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

The property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I Tree Conservation Plan (TCPI/28/91-01) was submitted for review and was found to require additional information and revisions to meet the requirements of the Woodland Conservation Ordinance. The detailed discussion of the Tree Conservation Plan is found in the Environmental Planning Sections’ comments in Part L of the technical staff report.

**CONCLUSION:**

The property is in the I-2 Zone and lies within an industrial area. The site is also surrounded by industrially zoned land. Based on the above analyses, with the recommended conditions, the proposed use will meet the requirements of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED , subject to the following conditions:

1. The landscape plan shall be revised to reflect that all trees on the perimeter of the property be a minimum of 14 feet in height at the time of planting.
2. Prior to approval of the special exception site plan, a revised Forest Stand Delineation shall be submitted that addresses all existing woodlands located on the current legal boundaries of the property, and the FSD plan shall be revised as follows:
  - a. The note regarding limiting the FSD to forest stands outside of the limits of the mining permit shall be removed from the plan;
  - b. The forest stand summary table shall be updated to reflect all existing woodlands on-site;
  - c. The expanded buffer shall be removed from the FSD plan and from the legend;
  - d. The stand boundaries and stand designations shall be expanded to include all the existing woodlands on the site;
  - e. An approved 100-year floodplain study shall be submitted to accurately delineate the floodplain on the site, and be reference on the plan; and
  - f. The revised plan shall be signed and dated by the qualified professional who prepared it.
3. Prior to approval of the special exception site plan, the TCPI shall be revised to show the preservation of on-site woodlands within the limits of the TCP I to meet the woodland conservation requirement for special exception 4502. The preservation areas shall be shown adjacent to the regulated areas on the site.
4. Prior to approval of the special exception site plan, the Type I Tree Conservation Plan (TCPI/28/91-01) shall be revised as follows:
  - a. All proposed lots shall be removed from the TCPI;
  - b. All proposed grading and development which supports the proposed preservation areas on the site shall be shown;

- c. The expanded stream buffer shall be revised, if necessary, to address the limits of the 100-year floodplain based on an approved study;
  - d. The limit of mining shall be removed from the plan and from the legend;
  - e. The note concerning only counting woodlands located outside the limits of the mining permit must be removed from the plan;
  - f. The title of the TCPI shall be revised to remove the reference to Lots 2-8 and Outparcel A;
  - g. No removal of woodlands within the expanded stream buffer shall be proposed;
  - h. All specimen trees shall be identified on the plan, and a table shall indicate their proposed disposition.;
  - i. The Tree Conservation Plan shall be in conformance with the revised Forest Stand Delineation;
  - j. The woodland conservation requirement for the site shall be met on-site through the retention of existing priority woodland, especially in Evaluation Areas identified on the Green Infrastructure Plan;
  - k. The required vegetative buffers adjacent to 62<sup>nd</sup> Avenue (Marblewood Avenue) shall be shown on the TCPI as preservation;
  - l. The woodland conservation worksheet shall be revised as necessary to reflect the required revisions, including but not limited to accurately reflecting the amount of existing woodlands on the site, the amount of clearing proposed, the woodland conservation threshold, and the woodland conservation requirement; and
  - m. The revised plan shall be signed and dated by the qualified professional who prepared it.
5. Prior to approval of the special exception site plan, all plans shall be revised to show all necessary site work associated with the proposed use.
  6. The TCP I approved pursuant to this application applies to the entire legal boundaries of the subject parcel and is intended to meet the requirements related to the development of this special exception use. It may be amended in conjunction with future development applications.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, September 21, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of October 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JJ:bjs