

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed SE-4605 requesting a concrete recycling facility 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 July 30, 2009, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is a large, irregularly-shaped area, approximately 13 acres in size, which comprises the northern-most portion of three parcels within a larger 54-acre site. It is located at the terminus of Clifton Road, 1,150 feet south of St. Barnabas Road. The site is currently operating as a landfill for Class 3 materials and therefore is not improved with any permanent structures, with the exception of a 12-foot by 30-foot office trailer located at the entrance to the site. It also appears that at least a portion of the proposed six-foot high concrete block wall has been constructed along Clifton Road. A freestanding sign is attached to a chain-link gate which opens across Clifton Road. Access is provided via a two-way driveway from Clifton Road.

B. **Development Data Summary:**

	<u>EXISTING</u>	<u>PROPOSED</u>
Zone(s)	I-1	I-1
Use(s)	Class III Fill	Concrete Recycling
Acreage	13.17	13.17
Parcels	Part of Parcels 272, 286 and 483	Part of Parcels 272, 286 and 483

C. **History:** The property was retained in the I-1 Zone in the November 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)*. The property has been permitted as a Class 3 fill site since 1998 (Permit 5791-1997-G); before that, it operated a sand and gravel business. The current permit for the landfill will expire in April 2010.

D. **Master Plan Recommendation:** This application conforms to the employment land use recommendation of the November 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)*. The site is located within the 230-acre Silver Hill Industrial Area. The 2002 *Prince George’s County Approved General Plan* places the property in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit supporting, mixed-use pedestrian-oriented, medium-to high-density neighborhoods.

- E. **Request:** The applicant is proposing a concrete recycling facility designed to handle the sorting, crushing and stockpiling of concrete demolition material.
- F. **Neighborhood and Surrounding Uses:** The neighborhood is generally defined by the following boundaries:

- Northwest—St. Barnabas Road
- Northeast—Branch Avenue
- South—Capital Beltway (I-495)
- West—Temple Hill Road

The neighborhood is developed with a mix of industrial uses including automotive storage and repair, vehicle salvage, contractor services with storage yards, and warehouses. Commercial uses are found along St. Barnabas and Temple Hill Roads. Residential uses, including a senior rental apartment complex are located southeast of the site. The neighborhood is surrounded by the following uses:

- North—Contractor storage yard, auto repair and warehouse in the I-1 Zone
- South—Class III fill site in the I-1 Zone
- East—Vehicle salvage yard and warehouse in the I-1 Zone
- West—Class III fill site in the I-1 Zone

- G. **Specific Special Exception Requirements for a Concrete Recycling Facility:** Section 27-343.03 of the Zoning Ordinance permits a concrete recycling facility I-3 Zone, subject to the following:

(a) **A concrete recycling facility may be permitted, subject to the criteria below.**

- (1) **Concrete recycling facility components and other parts of the operation having the potential for generating adverse noise, dust, or vibration impacts 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).**

The concrete recycling facility components are located 100 feet from the adjacent industrial-zoned property.

- (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 concrete recycling facility;**
  - (B) **The daily capacity of the facility;**
  - (C) **The location of all material stockpiles;**
  - (D) **The settling ponds, if any;**
  - (E) **The source of water to be used in the operation;**
  - (F) **Truck wash-out facilities, if any;**
  - (G) **The methods of disposing of waste materials;**
  - (H) **The internal traffic circulation system;**
  - (I) **The parking and storage areas for all vehicles and equipment; and**
  - (J) **The identification of the trucks and heavy equipment to be used in the facility operation.**

The applicant's site plan shows the components of the concrete recycling facility, including the location of the rock crusher; stockpiles; parking; storage; and internal circulation. On the original site plan, a proposed sediment trap was shown located beyond the special exception boundaries to the west. The boundaries of the special exception have been expanded to include the sediment trap; however, the applicant has indicated the sediment trap is no longer required. The site plan notes identify the trucks and heavy equipment associated with the proposal. According to the applicant's statement of justification, truck wash-out facilities are not proposed. The statement of justification also explains the disposal of waste material. All waste material, including metal, wood and plastic will either be sent to other recycling facilities for processing or to other disposal facilities that accommodate construction and demolition waste. The revised site plan indicates the waste storage area. A note indicating the waste disposal methods should be provided on the site plan. No vehicle storage areas are identified on the site plan. Trucks are proposed to enter and leave the site and will not remain overnight. A note should be added to the site plan indicating that there are no vehicle or equipment storage areas. The applicant has indicated that the average daily capacity of the facility is proposed to be 2,000 tons per day. This figure should be reflected in the site plan notes. The height of the recycling component must also be provided on the site plan. Because the revised site plan does not show the height of the stockpiles, a condition has been included requiring they be shown.

- (3) 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 applicant is proposing ingress and egress via a two-way 22-foot driveway from Clifton Road (with a 40-foot-wide entrance) and via a 25-foot-wide access driveway connecting the site to Stamp Road. The width of the driveway apron is not provided on the original site plan. It appears that the revised site plan has satisfactorily addressed these issues. The site plan does not indicate the direction of traffic along the 25-foot-wide right-of-way accessing Stamp Road, nor how truck traffic will be directed to exit onto Stamp Road. The driveway from Stamp Road must be shown as paved for a minimum of 200 feet from the special exception line. Finally, the applicant has not indicated how the gravel roads and asphalt driveways will be kept dust-free. Dust control measures should be indicated in the site plan notes.

- (4) In addition to the requirements of Section 27-296 (c), all applications shall be accompanied by the following:**
- (A) A stormwater concept plan approved pursuant to Section 4-322 of this Code;**
  - (B) A preliminary noise assessment;**
  - (C) A horizontal profile illustrating all structures and stockpiles; and**
  - (D) A grading plan that illustrates existing and proposed topography.**
  - (E) A traffic analysis which includes the volume of traffic expected to be generated by the operation and identifies 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.**

A note should be included on the site plan indicating the stormwater management concept approval number. The applicant has submitted a noise assessment study

and a traffic analysis which are discussed in section L below. A horizontal profile of the stockpiles and retaining wall has also been provided. The original site plan included grading and topography; the reused site plan is also required to show this.

- (b) **All information required as part of the Special Exception application shall be referred to the Prince George's County Department of Public Works and Transportation, Prince George's County Soil Conservation District, Washington Suburban Sanitary Commission, Prince George's County Department of Environmental Resources, Maryland State Highway Administration, Maryland State Department of Health and Mental Hygiene, and Maryland State Water Resources Administration for comment. These agencies shall be given forty-five (45) calendar days to reply. A copy of the same information shall also be submitted to the Prince George's County Sand and Gravel Advisory Committee.**

Staff sent referrals to the appropriate agencies for comment. Referral comments are discussed in section K below.

- (c) **On land which is located within a Chesapeake Bay Critical Area Overlay Zone, wash plants, including ponds, spoil sites, and equipment are prohibited within the Buffer, as defined in the Conservation Manual. No new concrete recycling facility shall be approved and no such operation presently in existence or previously approved shall be permitted to continue or commence where any of the following circumstances are present:**
- (1) **Habitat protection areas have been or may be designated on the subject property, in accordance with criteria set forth in the Conservation Manual;**
  - (2) **The use is located within the Buffer, as defined in the Conservation Manual;**
  - (3) **The use would result in the substantial loss of long-range (twenty-five (25) years or more) productivity of forest and agriculture, or would result in a degrading of water quality; or**
  - (4) **The subject property contains highly erodible soils.**

The site is not located within a Chesapeake Bay Critical Area Overlay Zone.

- H. ***Prince George's County Landscape Manual Requirements:*** The application is subject to the *Prince George's County Landscape Manual* since there is a proposed structure on the site plan.

The landscape plan shows compliance with Section 4.2 of the Landscape Manual for a Commercial and Industrial landscape strip. The plan shows that a 15-foot-wide planted landscape strip has been provided, which exceeds the minimum 10-foot-wide landscape strip requirement. The applicant did not, originally indicate the correct adjacent uses to the subject property so that the required bufferyards can be determined, in accordance with Section 4.7 (Buffering Incompatible Uses). The applicant has since revised the site plan to indicate the correct adjacent uses and the required bufferyards. There is a note on the landscape schedule that states: "If any discrepancies occur between the amounts shown in the plan and the plant list, the plan shall dictate." This note should be removed. The amounts and types of plant material shall be in conformance with Landscape Manual requirements and be shown on the landscape plan and the plant list.

- I. **Sign Regulations:** No signage is shown on the site plan, and the statement of justification indicates no signs are proposed with this application. However, a field visit revealed that the applicant has attached a large sign to the chain link gate which opens onto Clifton Road. Unless it is removed, the location of the sign must be shown on the special exception site plan. The sign must be attached to the office trailer and set back at least 10 feet from the street line in accordance with Section 27-613(a) of the Zoning Ordinance, or, if it is to remain a freestanding sign, it must be located in accordance with Section 27-614(a) of the Zoning Ordinance. This provision further requires the main building associated with a sign to be set back at least 40 feet from the front street line. The sign must also be in conformance with appropriate height and area requirements; therefore, complete details must be provided.
- J. **Zone Standards:** The site plan indicates all required setbacks are met, with the exception of the existing freestanding sign. No variances or departures are required at this time, although this depends on the applicant's ability to comply with signage and landscaping requirements. An existing gate is located within the public right-of-way (ROW) of Clifton Road. The gate must be relocated outside of the public right-of way unless permission is obtained from the District Council to build within a public right-of way in accordance with Section 27-259 of the Zoning Ordinance.
- K. **Planning Board Analysis:**

Roadway improvements, sidewalks, and other requirements in conformance with DPW & T standards are identified in a memorandum dated March 18, 2008. The agency requested an access study. The applicant prepared and submitted a traffic impact analysis dated December 10, 2008. DPW&T did not comment on the access study.

In a memorandum dated February 13, 2008, the Health Department indicated they generally respond to nuisance complaints regarding dust, noise and light.

There is no information about dust control from the areas where the material stockpiles are located. Some of the stockpiles are proposed to be approximately 30 feet high. Dust must be

controlled from these areas so it does not migrate to other properties. Dust must also be controlled during the unloading processes and the crushing process.

All unpaved road surfaces within the facility are proposed to be recycled, crushed stone. The dust must be kept to a minimum as trucks drive over them all day. The vacuum sweeper truck that is proposed to be used twice a day on Clifton Road to keep the dust to a minimum may need to be increased based on operation and weather conditions.

The proposed plan indicates that trucks will be staggered as they enter and exit the facility. There is not a lot of parking on the facility site. Large trucks must be kept from parking on Clifton or St. Barnabas Roads.

No air monitoring data were included in the report. The applicant subsequently provided an air quality analysis and provided expert testimony that the site will be properly monitored.

The proposal calls for the stockpiles to be sufficiently screened from St. Barnabas Road. Screening may also be needed so that the stockpiles are not viewable from Rickey Avenue where a retirement community is located.

Some of the complaints received by the health department include nuisance noise, and although they do not respond to noise complaints the following issues should be addressed by the applicant to avoid future noise complaints from the community. Neighbors typically complain about large trucks braking as they enter and exit the facility, truck tailgate slamming and back up indicators.

The Planning Board notes that an air quality permit will be required by Maryland Department of the Environment (MDE). For the purposes of this application, the applicant shall be required to demonstrate that adequate dust control measures will be utilized during loading, unloading, and crushing, as well as for truck traffic within the site and along Clifton and Stamp Roads. Because the operations will take place in an industrial location, far removed from residential uses, truck noise is not anticipated to be a problem.

There was no comment from the Maryland Department of the Environment (MDE), although the approved special exception plan must be submitted to MDE for review and approval prior to the issuance of any County permits.

In a memorandum dated October 10, 2007, DER indicates this application may require an amendment to the County's Ten Year Solid Waste Management Plan to include the proposed facility.

In an e-mail sent to staff October 5, 2007, WSSC indicated that there does not seem to be any water or sewer capacity concerns with this application. However, they do have concerns about an existing ten-inch water main, which trucks will be traveling over to access the easternmost stockpile. The applicant will be required to contact WSSC prior to commencing operations to ensure that the water main will be sufficiently protected from heavy equipment.

The applicant submitted a noise assessment study dated November 16, 2007. This document was referred to the Environmental Planning Section on December 21, 2007. Undated comments from the Environmental Planning Section indicate that there are no environmental issues, including noise, affecting adjacent properties. An additional noise study was submitted to Environmental Planning on July 2, 2009. Comments were provided in a memo dated July 7, 2009 and were consistent with previous comments that noise will not be an issue.

The Transportation Section offered the following comments in a memorandum dated April 7, 2009:

The applicant proposes to improve approximately 11.87 acres of 45.46 acres with a concrete recycling facility. The facility would be used to crush concrete demolition material brought to the site by dump trucks. Machinery at the site would reduce the size of the concrete material to usable commercial quantities. The site is currently used as a Class 3 landfill.

The concrete recycling facility would operate in a similar fashion to the current landfill operation. This includes truck traffic entering the site, dropping off materials, and leaving the site. According to the applicant many trucks already enter and leave the site. Current access to the site is via Clifton Road. The applicant is proposing an additional access point on Stamp Road. Staff recommends these two access driveways be extended on-site such that they are connected with each other. This will allow vehicles to enter or leave the site from either location. This would enable trucks that are oriented to I-495/I-95 to use either Saint Barnabas Road, or Branch Avenue, thus reducing the amount of anticipated truck traffic along Saint Barnabas Road.

In terms of transportation, there are specific requirements for special exceptions and for concrete recycling facilities per Section 27-343.03 of the Zoning Ordinance. The site plan must show the internal circulation system, the parking and storage areas for all vehicles and equipment, and the identification of the trucks and heavy equipment to be used in the facility operation. Also the driveways for ingress and egress need to be identified and they must have a minimum width of twenty-two feet and be paved for a distance of at least two hundred feet from the boundary line of the special exception.

The applicant states in the revised statement of justification that "It is intended that all areas not paved will be covered with recycled crushed stone to keep dust and debris to a minimum." Section 27-343.03 of the Zoning Ordinance states that "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." A proposed commercial entrance is shown on Stamp Road with an asphalt paving entrance but the driveway leading to it is shown as gravel based, not paved. The driveway width is twenty-five (25) feet. A two way gravel based road is shown from Stamp Road into the site. Some parking and storage areas are shown along with the internal circulation system. There is some discussion about the identification of the trucks and heavy equipment used in the operation.



Section 27-343.03 of the Zoning Ordinance also states “A traffic analysis which includes the volume of traffic expected to be generated by the operation and identifies 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.” These streets are identified on the site plan.

The applicant submitted a traffic study dated December 10, 2008. The traffic study included five nearby intersections, they were: MD 414 and Temple Hill Road, MD 414 and Clifton Road, MD 414 and Stamp Road, MD 414 and MD 5 Ramps/28<sup>th</sup> Avenue, and MD 5 and Beech Road/Oxford Drive. 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.”

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.

Since this proposed use is nearly unique, trip generation rates for the proposed use were developed based on discussions with the operator of the proposed concrete recycling facility. These rates were based on expected truck traffic to and from the site. Peak hour trips for the site were estimated based on a percentage of the peak period values, trucks expected to/from the site during the AM and PM peak periods, and then factored to reflect passenger car equivalents.

During the AM peak hour the site is expected to generate 92 trips (46 in/46 out) and 72 trips (36 in/36 out) during the PM peak hour. The site generated trips were assigned to the nearby road network. Site trips from St. Barnabas Road (MD 414) are expected to turn right into the site from Clifton Road and then exit on Stamp Road and Beech Road back to MD 5 and the Capital Beltway. This assumption (trip distribution) seems reasonable.

Under total traffic conditions (existing, background, and new trips) all of the intersections in the study area operate at acceptable levels of service, i.e., below LOS E (CLV 1,600):

- |                                               |                   |                   |
|-----------------------------------------------|-------------------|-------------------|
| • MD 414 and Temple Hill Road                 | LOS C (CLV 1,223) | LOS E (CLV 1,557) |
| • MD 414 and Clifton Road                     | LOS A (CLV 597)   | LOS A (CLV 688)   |
| • MD 414 and Stamp Road                       | LOS A (CLV 817)   | LOS A (CLV 881)   |
| • MD 414 and MD 5 Ramps/28 <sup>th</sup> Ave. | LOS A (CLV 927)   | LOS C (CLV 1,257) |
| • MD 5 and Beech Road/Oxford Dr.              | LOS B (CLV 1,034) | LOS C (CLV 1,293) |

As required, the traffic volumes generated by the proposed operation were identified in the traffic study as well as the proposed truck routes to and from the site.

Under Section 27-317 of the Zoning Ordinance, there are required findings for special exception approvals. In terms of transportation the proposed use should not conflict with approved master plans, functional master plans, or the General Plan. The use also should not adversely affect the health, safety, or welfare of residents or workers in the area.

There are no master plan roadways in the immediate vicinity of the proposed site. The closest master plan road is St. Barnabas Road (MD 414) that intersects with Clifton Road which is approximately 1,100 feet from the proposed concrete recycling facility. The proposed facility therefore does not conflict with the transportation elements of approved master plans.

In terms of traffic congestion and the health, safety, and welfare of nearby residents and workers, all intersections in the study area operate at acceptable levels of service, i.e., below LOS E (CLV 1,600). As part of the revised site plan, the applicant proposed a second entrance on Stamp Road, which will enable trucks to enter from Clifton Road and leave on Stamp Road. The internal circulation plan for site therefore provides an alternative entrance and exit point for traffic truck improving safety conditions, and reducing impacts on surrounding roadways such as St. Barnabas Road and MD 5. However, any ingress/egress driveway must be paved for a distance of at least two hundred feet from the boundary line of the special exception property.

The site will have two access points, plus options to use either MD 5 or MD 414 (St. Barnabas Road) to access/egress the site. Both options are available based on the configuration of the nearby roadways and internal circulation plan. Trucks from the west will be able to use MD 414 and trucks from the east would be able to use MD 5. In addition, all of the intersections in the study area operate at acceptable levels of service based on the "Guidelines" as noted above, therefore the site will be developed with adequate public facilities. This also insures the continued usefulness of all elements of the transportation system for their planned functions, which is one of the purposes of the Zoning Ordinance.

The Transportation Planning Section finds that from a transportation standpoint, the special exception would not adversely affect the health, safety, or welfare of residents or workers in the area, provided that the approval is subject to the following conditions:

1. The proposed ingress or egress driveways to and from Clifton Road and Stamp Road shall have a minimum width of twenty-two feet, and shall be paved for a distance of at least two hundred feet from the boundary line of the special exception, and shall be constructed per DPW&T standards.
2. Prior to the certification of the proposed site plan, the plan shall be revised to show the existing Driveway along Clifton Road, and the proposed site access driveway along Stamp Road are extended such that they are connected and vehicles can use either access to enter or leave the site. This will enable trucks that are oriented to I-495/I-95 to arrive or exit the site from either Saint Barnabas Road, or Branch Avenue, thus reducing the amount of anticipated truck traffic along Saint Barnabas Road.

3. The proposed development on this site shall be limited to uses generating no more than 92 total trips (46 trips in/46 trips out) during the AM peak hour, and 72 total trips (36 trips in/36 trips out) during the PM peak hour. Any development generating a traffic impact greater than that identified herein above requires new findings for the transportation infrastructure.

On the original site plan, the driveway leading to the western stockpile was not connected to the gravel road which accesses that stockpile, and the gravel road was not clearly delineated to ensure that there is adequate turning room for trucks to enter and exit the site. The revised site plan appears to correct these deficiencies.

The Community Planning South Division offered the following comments in a memorandum dated March 19, 2008:

The property is located in the Silver Hill Industrial Area approximately 1,150 feet south of St. Barnabas Road. The majority of the property is being used for a landfill which will be permanently closed in April 2008. The existing landfill site is an enormous mound of dirt that towers over the community and can be seen from a great distance on St. Barnabas Road. The owner plans to level the mound to a small degree. However, it will still be highly visible in the community. Consideration should be given to further leveling the landfill to mitigate its impact on the surrounding residential and commercial neighbors. A portion of the site that the landfill does not occupy is proposed to handle solid waste consisting of concrete demolition material. Currently, concrete is being stockpiled on the proposed recycling facility site at a height that is visible from the street.

The November 2000 *Approved Master Plan and Sectional Map Amendment for The Heights and Vicinity (Planning Area 76A)* takes into account the close proximity of the industrial area to the residential community. The Heights master plan states, "Future development or reuse of sites in the employment area should be as a light industrial. Uses that require special exceptions and exhibit a more industrial type use should be carefully considered for the impact on the nearby residential area and roads. In addition, any development of these properties should be designed to enhance the appearance of the site through attractive building facades and adequate landscaping."

The applicant believes that this use complies with the criteria set forth in Section 27-317 of the Zoning Ordinance, however we take issues with the following assertions:

"The concrete recycling facility will promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development."

The proposed use is not in keeping with the existing lighter industrial. Also, adjoining industrial and residential uses that are in close proximity may adversely be affected by dust and noise that is generated from this type of business.

“The development will prevent the overcrowding of land.”

The plan does not indicate how safe circulation by vehicles and pedestrians will be accomplished. Nor does it indicate how the trucks will be stacked if several are waiting to be serviced.

“Traffic congestion and danger is lessened due to staggered vehicle entry time of three to ten minutes.”

Consideration should be given to a more definitive safety plan other than an estimate of the time it will take for each truck to enter and exit the facility.

“The development will meet all regulations pertaining to noise, water and air quality.”

The applicant is not considering the impact of noise and air quality on surrounding properties derived from truck traffic on route to the recycling facility. Plans to redevelop St. Barnabas Road have been included in the Branch Avenue Sector Plan and Sectional Map Amendment. Truck traffic traveling along that route could discourage reinvestment in the area.

“The proposed plan complies with the recommendation contained in the April 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area.*”

The proposed plan should comply with the recommendations contained in the November 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A).*

A joint public hearing for the April 2008 *Preliminary Branch Avenue Corridor Sector Plan and Proposed Sectional Map Amendment* was held by the County Council and Planning Board on January 29, 2008. The vision for St. Barnabas Road is to create a safe, vibrant, and attractive community that encourages residents to walk, shop, and socialize at the upgraded commercial areas. Attractive landscaping and streetscape will link the residential neighborhoods to the shopping, recreation, and transit. The final County Council action on the plan and its recommendations is anticipated in the summer or fall of 2008.

The Silver Hill Industrial Area is not within the project boundaries of the sector plan; however, the plan acknowledges that the industrial area potentially could have a negative effect on the growth and stability of the adjoining commercial and residential communities. The preliminary plan recommends that a study be conducted of the industrial land uses adjacent to the St. Barnabas commercial corridor for their impact and develop a plan to mitigate the effect of operational uses such as dump trucks ingress and egress, noisy equipment, etc. It is important to note that the property is situated at the end of Clifton Road (1,150 feet south of St. Barnabas Road). St. Barnabas Road is the only access point which would allow travel in any direction from the proposed recycling site.

Truck traffic and other heavy equipment that would support a concrete recycling facility would negatively impact the residential, office and retail uses that are proposed for St. Barnabas Road. Careful attention should be paid not only to the design of the site but also to the impact of the use to the St. Barnabas Road commercial area and the additional traffic on St. Barnabas Road.

The Community Planning South Division finds that the proposed facility conflicts with plans to redevelop St. Barnabas Road according to the *Preliminary Branch Avenue Corridor Sector Plan and Proposed Sectional Map Amendment* adopted by the District Council July, 2008. Anticipated truck traffic and other heavy equipment associated with the concrete recycling facility is predicted to negatively impact future residential, office and retail uses proposed along the corridor. The Board notes that the proposed special exception use is outside of the sector plan boundaries in an established industrial area. The proposed use should, however, conform to the guidelines and recommendations that apply to the Silver Hill Industrial Area (attached) within the 2000 master plan. The applicant is not expanding the industrial area beyond the current nonresidential uses, trucks will not travel through residential neighborhoods, and appropriate screening will be provided along road frontages (in accordance with Landscape Manual requirements). Particular attention will be given to dust control measures. The master plan recognizes the negative impacts of truck traffic associated with industrial uses, and, on page 83, states: "The detrimental effect of trucking related to industrial uses is always a concern. However, its overall impact is not as great in the Heights as in some planning areas because good highway access has generally served the existing employment area, thereby reducing truck traffic through residential neighborhoods." As previously stated, vehicles will not have to travel through residential areas to ingress or egress the site.

The applicant has since revised the site plan to provide an additional access point at Stamp Road which would be used primarily for egress. The issue of dust control will need to be addressed further, but the applicant is required to obtain an air quality permit from MDE. The applicant submitted two noise assessment studies which concluded (and the Environmental Planning Section concurred) that noise will not negatively impact the adjoining properties.

**L. 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 purposes of the Zoning Ordinance, as provided in Section 27-102(a), seek generally to protect and promote the health, safety and welfare of County inhabitants and promote compatible land use relationships. The applicant asserts that "[i]n light of the fact that the property is currently developed with a Class 3 landfill, the installation of a concrete recycling facility will have no appreciable impact on adjoining property." A Class 3 Fill is defined in the Zoning Ordinance as a "temporary use of land for the spreading or depositing...soils difficult to compact...rock and similar irreducible materials...and

topsoil.” Class 3 fill materials must be free of pollutants which may constitute a potential health hazard, particularly to groundwater and/or drainage systems. (Class 3 fill is also distinguished from a rubble fill, which is included in the definition for sanitary landfill.) Concrete recycling is not specifically defined in the Zoning Ordinance. One of the obvious differences between the uses is their overall lifespan. While a permit for a landfill has a limited lifespan, there is no such limitation on a concrete recycling facility. It is allowed to continue indefinitely. Review of the applicant’s site plan and statement of justification also suggest the proposed concrete recycling use is a more intensive use than the Class 3 fill. Instead of only arriving full and leaving empty (as in the case of a fill operation), trucks will also be arriving empty and leaving full. Dust is a concern, especially with the anticipated truck traffic and stockpiles up to 64 feet high. The applicant indicates that Clifton Road will be cleaned twice a day but does not address how dust will be minimized within the site. Cleaning Clifton Road twice a day, particularly in the summer when it is especially dry, will most likely not be sufficient.

The applicant initially indicated the fill site permit would expire in April 2008; however, that permit has been renewed until April 2010. This suggests that if the special exception is approved the site will operate, at least for a time, as both a Class 3 fill site and a concrete recycling site, resulting in a significant increase in truck traffic. While the Transportation Planning Section has concluded that the increase in truck traffic will not have an adverse impact upon the transportation network from a capacity perspective, it will affect the safety, health and welfare of workers in the area. Increased traffic increases the risk of vehicular conflicts, and more trucks will result in more noise and dust. For this reason, if the Class 3 fill and concrete recycling facility are to operate concurrently, the total average daily capacity of the uses shall not exceed 2,000 tons per day. Once the fill site is no longer operating, the entire 2,000 ton per day average daily capacity shall be applied to the concrete recycling facility. This restriction is intended to mitigate the anticipated impact upon the surrounding neighborhood while allowing the uses to operate concurrently until such time as the landfill permanently ceases operations. The Board notes that the property is located in an exclusively industrial area well removed from residential properties. The operations are required to be conducted in conformance with the applicable State and County standards meant to protect adjacent property owners and the surrounding area from adverse impacts.

**(2) The proposed use is in conformance with all the applicable requirements and his Subtitle.**

The proposed use is subject to *Prince George’s County Landscape Manual* requirements. The applicant has submitted a revised landscape plan indicating the adjoining uses, so that the appropriate bufferyards, pursuant to Section 4.7(Buffering Incompatible Uses), can be determined. The site plan does not indicate that 10% green area has been provided per Section 27-469 (b)(1). The site plan shall either be revised to show the required green area or a variance will be required. No other departures or waivers are required to implement the special exception.

**(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 Master Plan, the General Plan.**

This application is subject to the 2000 November 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)*. As noted previously, the statement of justification erroneously states that the proposed plan complies with the recommendations contained within the 2006 approved Henson Creek-South Potomac master plan and sectional map amendment for the *Subregion VII* study area. The subject property is located within the I-1 Zone, which allows the proposed use with an approved special exception. The use is thus presumed to be compatible within the current zone and therefore 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 master plan, the General Plan.

In the Employment Section, the master plan, on page 84, takes into account the close proximity of portions of the industrial area to the residential community, stating:

“Future development or reuse of sites in the employment area should be as a light industrial area. Uses that require special exceptions and exhibit a more industrial type use should be carefully considered for the impact on the nearby residential area and roads. In addition, any development of these properties should be designed to enhance the appearance of the site through attractive building facades and adequate landscaping.”

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

The applicant is in general compliance with the requirements for a concrete recycling facility. Truck traffic, dust and noise are the primary concerns associated with the proposed use. The Transportation Planning Section has indicated that from a standpoint of transportation, this special exception raises no health, safety or welfare issues. The applicant will be required to address dust control measures as part of the air quality permit process from MDE. The applicant explained in their testimony before the Board exactly what dust control measures will be taken to reduce dust, both on-site (stockpiling and internal circulation) and along public rights of way. The applicant submitted two noise studies which were reviewed by the Environmental Planning Section. The conclusion reached by Environmental Planning Section was that noise resulting from the rock crushing component of the use is within County standards. Hours and days of operation should be included in the site plan notes to ensure a reasonable schedule.

A special exception use, not unlike a comprehensive rezoning, is accorded a strong presumption of validity. A special exception use is considered compatible with uses

permitted by right within the zone, as long as specific criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, **at the particular location proposed, would have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the zone.** Although there are clearly negative effects associated with the proposed facility, they are integral to the use and will not result in greater or more unique adverse effects at the proposed location than if the use were located at another site with the same zoning. Therefore, with the recommended conditions, and in conjunction with the required state and county permits, it can be reasonably concluded that the proposed use will not adversely affect the health safety or welfare of residents or workers in the area.

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

The use is located in the Silver Hill Industrial Area and is surrounded by industrial uses with no residential development in the immediate vicinity. The addition of a concrete recycling operation will not detract from the established industrial character of the neighborhood. The location and operation of the proposed concrete recycling facility is consistent with the existing industrial development in the area and therefore will not be detrimental to the use or development of adjacent properties or the general neighborhood.

It is noted that the applicant is proposing screening consisting of landscaping and a six-foot high concrete block wall. The height of the stockpiles ranges from 34 feet to 64 feet high. The proposed screening clearly will be insufficient to adequately screen the stockpiles from the adjacent properties and/or Clifton Road. Although not a strict requirement of the Zoning Ordinance, the height of the stockpiles should either be reduced or the stockpiles adequately screened so as to not be visible from Clifton Road or Stamp Road. The existing landfill will screen some of the stockpiles from the senior rental apartments to the southwest; however, the applicant should demonstrate that the stockpiles west of Clifton Road will also be screened from the adjacent residential use.

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

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has a previously approved tree conservation plan. The TCPII must be revised to show the necessary grading to implement the plan. In addition, the reforestation area shown on the approved Type II Tree Conservation Plan shall be implemented or the plan shall be revised to remove the reforestation areas and show the remaining requirement as off-site woodland conservation.



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. Prior to special exception approval, the applicant shall make the following revisions to the site plan notes:
  - a. Indicate the waste storage and disposal methods.
  - b. Indicate that there are no vehicle or equipment storage areas.
  - c. Indicate that the average daily capacity of the facility is proposed to be 2,000 tons per day.
  - d. Indicate how the gravel roads and asphalt driveways will be kept dust-free during loading, unloading, and crushing, in addition to providing dust control measures for Clifton and Stamp Roads.
  - e. Indicate the stormwater management concept approval number.
2. Prior to special exception approval, the applicant shall make the following revisions to the site plan:
  - a. The boundaries of the special exception shall be expanded to include the eastern sediment trap.
  - b. The height of the recycling component shall be provided.
  - c. The driveway apron width from Stamp Road shall be provided.
  - d. The proposed ingress/egress driveways to and from Clifton Road and Stamp Road shall have a minimum width of twenty-two feet and be paved for a distance of at least two hundred feet from the boundary line of the special exception. The driveways shall be constructed per the standards of the Department of Public Works and Transportation (DPW&T).
  - e. The driveways from Clifton Road and Stamp Road shall be connected to provide a continuous traffic flow that will allow vehicles to use either access to enter or leave the site.
  - f. The driveway leading to the eastern stockpile shall be connected to the gravel road which accesses that stockpile, and the gravel road shall be clearly delineated to ensure that there is adequate turning room for trucks to enter and exit the site.

- g. Indicate the correct adjacent uses to the subject property on the site plan and landscape plan.
  - h. Indicate that ten percent green area has been provided per Section 27-469(b)(1) of the Zoning Ordinance or a variance will be required.
  - i. Sign details shall include building materials and all dimensions shall be to scale. The sign shall be an appropriate height that is compatible with the prevailing pattern in the area.
  - j. The required handicap parking space shall be van accessible (16 feet by 19 feet).
  - k. The topography of the stockpiles shall be shown in two foot increments.
  - l. The location of the sediment traps shall be indicated.
  - m. The dimensions and height of the proposed waste bin shall be provided.
  - n. Any sediment ponds that are provided within the boundaries of the special exception shall be shown on the site plan.
3. The note on the landscape schedule that states: "If any discrepancies occur between the amounts shown in the plan and the plant list, the plan shall dictate" shall be removed.
  4. The amounts and types of plant material shall be in conformance with the Landscape Manual requirements and be shown on the landscape plan and the plant list.
  5. The height of any stockpiles shall either be reduced or adequately screened so as to not be visible from Clifton Road or Stamp Road.
  6. Complete sign details shall be provided prior to the Zoning Hearing Examiner's review to ensure conformance with height and area requirements.
  7. The gate must be relocated outside of the public right-of-way unless permission is obtained from the District Council to build within a public right-of-way in accordance with Section 27-259 of the Zoning Ordinance.
  8. If the Class 3 fill and concrete recycling facilities are operate concurrently, the total average daily capacity of the two uses shall not exceed 2,000 tons per day. Once the fill site is no longer operating, the entire 2,000 ton per day average daily capacity shall be applied to the concrete recycling facility.
  9. The proposed development on this site shall be limited to no more than 92 total trips (46 trips in/46 trips out) during the AM peak hour, and 72 total trips (36 trips in/36 trips out) during the PM peak hour, as indicated in the applicant's traffic study. Any expansion or intensification of

the concrete recycling use resulting in additional peak-hour trips will require a revision of the site plan.

10. The sketch map shall be revised to reflect the additional acreage.
11. Prior to signature approval of the special exception site plan, the TCPII shall be revised to show the necessary grading to implement the plan.
12. Prior to signature approval of the special exception, the reforestation areas as shown on the approved Type II tree conservation plan shall be implemented, or the TCPII shall be revised to remove the proposed reforestation areas and show the remaining requirement as off-site woodland conservation.
13. Prior to signature approval of the special exception, copies of the stormwater management concept approval letter and the associated plan shall be submitted.

\* \* \* \* \*

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 Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, July 30, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of September 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator