

Case No.: S.E. 4502

Applicant: American Resource
Management Group, LP

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 33 - 2008

AN ORDINANCE to approve a special exception.

WHEREAS, an application has been filed for property described as approximately 6.32 acres of land, in the I-2 Zone, located northeast of Clay Brick Road, approximately 440 feet north of its intersection with Sheriff Road, identified as 5800 Sheriff Road, Seat Pleasant, Maryland, for approval of a special exception for a concrete batching plant; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff, which filed recommendations with the District Council; and

WHEREAS, a public hearing on the application was held before the Zoning Hearing Examiner, who filed recommendations with the District Council, and supplemental recommendations after remand; and

WHEREAS, having reviewed the record, the District Council has determined that the application should be approved; and

WHEREAS, to protect adjacent properties and the surrounding neighborhood, this special exception is granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the decision and recommendations of the Zoning Hearing Examiner, as supplemented after remand, as its findings of fact and conclusions of law in this case.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

Section 1. The Zoning Map of the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended to show an approved special exception for a concrete batching plant on the property which is the subject of Application No. S.E. 4502. All development and use of the subject property under this special exception shall conform to the revised site plan filed in accordance with this decision.

Section 2. The special exception approval herein is subject to the following conditions:

1. A Revised Forest Stand Delineation shall be submitted for approval 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 Forest Stand Delineation Plan 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 Forest

Stand Delineation 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. The TCP I 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.
 - 3. The Type I Tree Conservation Plan TCPI/28/91-01 shall be revised as follows:
 - a. The expanded stream buffer shall be revised, if necessary, to address the limits of the 100-year floodplain based on an approved study.
 - b. The Tree Conservation Plan shall be in conformance with the Revised Forest Stand Delineation.
 - 4. An independent consultant with expertise in air sampling of particulate material (gross particulate, PM 10 and PM 2.5) shall collect and analyze air monitoring samples within the residential communities on the south side of Sheriff Road, between Marblewood Avenue and Cabin Branch Road, in accordance with the recommendation of the Prince George's County Health Department. (Letter to the Zoning Hearing Examiner, dated December 27, 2007). The sampling shall occur over a period of time not less than one month, and any dust samples collected shall be analyzed both quantitatively and qualitatively. An independent consultant shall be selected by the County Council representative of the 5th Councilmanic District, in consultation with a committee consisting of a representative of the residential community, the Maryland Department of the Environment (MDE), the Health Department, and the applicant. The independent consultant shall propose a specific methodology for the analysis, and such methodology shall be approved by MDE

and the Health Department. It is the intention of the District Council that the study shall be conducted as expeditiously as possible. The cost of the study shall be funded by the applicant

5. Upon receipt of the air monitoring study, the applicant shall participate in a committee comprised of the District 5 Council Office, the residential community, the M-NCPPC, and DER, to address compliance of the existing industrial uses in the vicinity of the subject property with air quality and zoning ordinance requirements, and to consider possible amendments to the zoning ordinance which may be necessary.
6. The applicant shall also participate in meetings with Councilmanic District staff and representatives of businesses on adjacent properties, to develop measures to improve air quality conditions in the Sheriff Road corridor.
7. (a) The applicant shall acquire air monitoring equipment that is adequate and sufficient, in the judgment of Maryland Department of the Environment staff, to continuously measure and record air pollutant levels from the subject property's plant and adjacent properties.

(b) MDE or the Health Department, as determined by those agencies, should locate the equipment to monitor air quality in the Cedar Heights community, on a continuing basis.

Section 3. This Ordinance shall take effect on the date of its enactment.

Enacted this 18th day of November, 2008, by the following vote:
In Favor: Council Members Dean, Bland, Campos, Exum, Harrison,

Knotts, and Turner

Opposed:

Abstained:

Absent: Council Member Dernoga, Olson

Vote: 7-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL DISTRICT
IN PRINCE GEORGE'S COUNTY, MARYLAND

By: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council