

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on May 29, 2003 regarding Detailed Site Plan DSP-01040 for Metro Waste, Inc., the Planning Board finds:

1. The subject property is owned by MW Holdings, LLC. The property is located at 8215 Grey Eagle Drive. The applicant, Metro Waste, Inc., is seeking a use and occupancy permit to permit a trash removal service on the property. The purpose of this application is to expand the use of the site for trash removal services and eliminate the nonconforming use status.
2. **Development Data Summary**¾ The subject application is in conformance with the requirements of Section 27-469, which regulate development in the I-1 Zone as demonstrated by the following:

Site Development Data

Zone	I-1
Proposed Use	Trash Removal Service
Tract Area	2.4 acres
Gross Floor Area	
Office	2100 square feet
Truck Maintenance building (3 bays)	5,125 square feet
Garage storage	688 square feet
Green Area Required (at 10%)	10,454 square feet
Green Area Proposed	14,600 square feet
Parking Required at 1/500 for office and storage and 3 spaces per bay for truck maintenance	15 spaces
Parking Provided	13 spaces*
Loading Required	1 spaces
Loading Provided	1 spaces

*additional spaces required as a condition of approval.

3. ERR-82 was approved by the District Council on April 25, 1988, deeming this property a nonconforming use as a refuse company. The property was (and still is) zoned I-1, which prohibited the

use of a trash removal service/refuse company at the time permit 8571-86-GU was approved for the subject property, thus creating the need for the validation of the building permit. Permit 9403-86-CGU/02 was approved for the construction of a building on the slab approved by 8571-86-GU once the validation process had begun. Prior permits for the site had been approved as contractor's services (5888-81-CGU and 490-83-CGU). With the adoption of Council Bill 82-1991, trash removal services are currently permitted with Detailed Site Plan approval in accordance with Section 27-475.06 of the Zoning Ordinance.

The applicant has submitted a site plan that does not match the site plan validated by the Council. The truck storage area has greatly expanded toward the rear of the property, a seven-foot fence is shown along Grey Eagle Drive that did not meet the required 25-foot setback, the landscaping was within the 70-foot right-of-way, the parking layout changed, landscape islands were added to the parking lot, green area diminished, etc. The applicant filed a Detailed Site Plan to validate the expansion of the use, which eliminates the nonconforming status of the property.

4. To the east of the subject property, there are a plumbing contractor with outside storage and an automotive repair facility, both in the I-1 Zone. To the south is undeveloped property and to the west is a truck storage yard.

5. Section 27-475.06(a)(1) lists specific requirements for trash removal services. The detailed site plan is in conformance with the following requirements:

(A) Trash collected by this business will not be brought to or stored upon the property.

Comment: A note has been added to the plan stating that the applicant will abide by this requirement.

(B) The subject property is more than 1,000 feet from any land in a Residential Zone, or land that is used for residential purposes or proposed to be used for residential purposes on an approved Basic Plan, Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan.

Comment: The subject property is within Penn-Belt South Industrial Center. The surrounding property is zoned I-1 and the subject property is not within 1,000 feet of any residentially zoned property.

(C) The subject property is not adjacent to, or across an industrial right-of-way, from an office building consisting of at least 10,000 square feet, and which is occupied by at least three unrelated tenants.

Comment: The property is not adjacent to, or across the street from, an office building containing 10,000 square feet.

6. Section 27-475.06(a)(2)(B) lists additional requirements for trash removal services:

(i) Driveways for ingress and egress shall be identified on the site plan, and shall be located so as not to endanger pedestrians or create traffic hazards.

Comment: The plan was referred to the Transportation Planning Section and the ingress and egress were determined to be safe. The improvements for pedestrian sidewalks will be addressed by the Department of Public Works and Transportation at the time of the issuance of the use and occupancy permit. Based on the site and landscape plan, there do not appear to be any site visibility issues.

(ii) The applicant shall identify measures that will be taken to control noxious and offensive odors.

Comment: The applicant has stated that there is no waste brought onto the site. In addition, the trucks are washed inside and out a minimum of once per week with a specialized power scrub machine that is contained within the truck maintenance building. The staff recommends the following notes be added to the plan:

- a. All trucks and containers must be thoroughly emptied before being brought to the site and will be stored in a clean condition.
- b. All trucks shall be thoroughly cleaned a minimum of once per week.
- c. Industrial strength deodorizers will be used as necessary to treat any residual odors in truck bays and/or empty containers.

7. If the notes above are added to the plans, the proposed hours of operation, anticipated traffic, odor and noise level will not be detrimental to uses on adjacent properties and in the general neighborhood.

The proposed hours of operation are 2:00 a.m. to 6:00 p.m., Monday through Friday, and 3:00 a.m. to 12:00 p.m. on Saturdays. The departure and arrival of trucks will be staggered.

8. The location of the proposed use is appropriate, given the nature of the development and uses on adjoining properties and the general neighborhood. The applicant's property is surrounded by existing developed properties zoned I-1.

9. The subject application was referred to all applicable agencies and divisions. The following comments were received:

- a. The Environmental Planning Section has reviewed the above referenced Detailed Site Plan and the revised Type II Tree Conservation Plan date stamped as received by the Environmental Planning Section on July 10, 2002. The Environmental Planning Section recommends approval of DSP-02034 and TCPII/23/95-01 with one condition.

This site has been previously reviewed by the Environmental Planning Section in conjunction with a Detailed Site Plan, SP-94045 and a Type II Tree Conservation Plan, TCPII/23/95, which were approved

The 2.4-acre site is located on the south side of Grey Eagle Drive approximately 650 feet west of Old Marlboro Pike. A review of the information available indicates that no wetlands, wetland buffers, 100-year floodplain, severe slopes, and steep slopes with highly erodible soils are found to occur on the subject parcels. This property is located in the Accident Potential Zone I (APZI) for Andrews Air Force Base and is subjected to adverse noise impacts in excess of 75 dBA due to its location under the airport flight path. The soil found to occur according to the Prince George's County Soil Survey is Marr fine sandy loam, which has no significant limitations with respect to the development of the site. There are no Marlboro clays found in the vicinity of this property. The sewer and water service categories are S-3 and W-3, respectively. According to 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 lot. There are no scenic or historic roads in the vicinity of this lot. This property is located in the Henson Creek watershed of the Potomac River Basin and in the Developing Tier as reflected in the adopted General Plan.

- (1) The Forest Stand Delineation (FSD) as submitted to the Development Review Division on November 12, 2002 has been reviewed and generally found to address the criteria for a Forest Stand Delineation.

Discussion: No further information with respect to the Forest Stand Delineation is required.

- (2) This 2.4-acre property has 0.34 acre of existing woodland along the eastern property line. Because this application proposed less than 5,000 square feet of woodland disturbance the property is exempted from the requirements of the Prince George's County Woodland Conservation Ordinance. In the event plans are revised in the future to propose more than 5,000 square feet of woodland disturbance, this property will be subject to the requirements of the Prince George's County Woodland Conservation Ordinance.

Discussion: Prior to the issuance of any permits for this property a Letter of Exemption shall be obtained from the Environmental Planning Section.

- (3) This property is located within the Accident Potential Zone I, APZI, for Andrews Air Force Base. The APZI is an area that begins 3,000 feet from the end of the runways and extends 1,500 feet on either side of the runway centerline for a distance of 5,000 feet. The APZI and APZII account for approximately 16 percent of the airplane accidents and although not warranted for acquisition by the Air Force, these areas are recommended for land-use planning and controls for public safety. The "Air Installation Compatible Use Zone (AICUZ) Study" prepared for the Air Force indicates that residential uses in this zone are incompatible with the airport, and commercial and industrial uses could be appropriate if they have a relatively low population or employment density associated with the use.

The proposed use of this property by Metro Waste, Inc., may or may not be in conformance with the compatible uses as listed in the AICUZ Study. This type of use would generally fall into the manufacturing category, which is a compatible use as long as there is no potential to create explosive characteristics and air pollution which would create air traffic concerns.

This property is located between the 75 dBA and 80 dBA noise contours for Andrews Air Force Base as reflected in the AICUZ Study. The proposed use of this site is for parking, as a storage area, for equipment maintenance, and an existing office.

Discussion: Uses such as the office and maintenance areas are generally compatible with the noise levels generated in the vicinity.

- (4) According to available information there appears to be an intermittent stream along the eastern property line. The Subdivision Ordinance and the Woodland Conservation Ordinance require the protection of streams by establishing protective buffers.

Recommended Condition: Provide protective fencing along the eastern edge of the gravel parking to provide protection to the 15- to 20-foot-wide forested buffer located between the stream and the parking lot. The fence may be constructed of chain link, split rail, or other permanent type fencing.

10. The Detailed Site Plan is in conformance with all applicable sections of the *Landscape Manual*.
11. The Detailed Site Plan represents a reasonable and workable resolution of the Site Design Guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code.

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 APPROVED the Type II Tree Conservation Plan (TCP/23/95-01) and further APPROVED Detailed Site Plan DSP-01040 for the above-described land, subject to the following conditions:

1. Prior to signature approval, the following changes shall be made to the plans:
- a. The parking calculations shall include the garage storage area.
 - b. Two additional parking spaces shall be added to the plans.
 - c. Provide protective fencing along the eastern edge of the gravel parking to provide protection to the 15 to 20 foot wide forested buffer located between the stream and the parking lot. The fence may be constructed of chain link, split rail, or other permanent type fencing.

d. The following notes shall be added to the plans:

- (1) All trucks and containers must be thoroughly emptied before being brought to the site and will be stored in a clean condition.
- (2) All trucks shall be thoroughly cleaned a minimum of once per week.
- (3) Industrial strength deodorizers will be used as necessary to treat any residual odors in truck bays and/or empty containers.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following the final notice of the Planning Board=s decision.

* * * * *

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 Lowe, seconded by Commissioner Vaughns, with Commissioners Hewlett, Lowe, Vaughns, Eley and Scott voting in favor of the motion, at its regular meeting held on Thursday, May 29, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of May 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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