

Prince George's County Revision of Site Plan (Minor Change) Special Exception No. 3561/2

Applicant: E.L. Gardner

Location: The subject property is located on the north side of North Keys Road at the intersection of North Keys and Gibbons Church Road

Request: An above-ground fuel tank addition to an existing Surface Mining Facility

R E S O L U T I O N

WHEREAS, the applicant is requesting approval of a minor change to Special Exception No. 3561/2 in accordance with Section 27-325(b) of the Prince George's County Zoning Ordinance; and

WHEREAS, under this provision the applicant proposes to install an above-ground fuel tank on the southern portion of the property, approximately 800 feet north of North Keys Road; and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the adopted Rules of Procedure of the Prince George's County Planning Board; and

WHEREAS, the Technical Staff Report released March 1, 2000, recommended APPROVAL; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on March 9, 2000, the Prince George's County Planning Board agreed with the staff recommendation; and

WHEREAS, the Planning Board decision is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

- A. Location and Field Inspection: The subject property is located on the north side of North Keys Road at the intersection of North Keys and Gibbons Church Roads. The site is irregularly-shaped and consists of approximately 300 acres of land. A 265-foot-wide PEPCO power line right-of-way traverses the property in a north south direction. The property is currently used as a sand and gravel wet processing plant. The property is also improved with a one-story 3,400-square-foot equipment maintenance facility with seven parking spaces and a loading space. It has 4,955 feet of frontage on North Keys Road from which it is accessed. The property is zoned O-S.
- B. History: The property was retained in the O-S Zone in the approved *1994 Sectional Map Amendment for Subregion VI Study Area*. SE- 3561 was approved in 1985, and Revision of Site Plan 3561/1 was approved in 1989.
- C. Master Plan Recommendation: The *1993 Approved Master Plan for Subregion VI Study Area* recommends the property for Low-Rural Residential land use at a density of .20 dwelling units per acre.

- D. Request: The applicant proposes to install an above ground fuel tank on the southern portion of the property, approximately 800 feet north of North Keys Road. The fuel tank will be mounted on a concrete slab with all piping above ground.
- E. Neighborhood and Surrounding Uses: The subject property is surrounded by a PEPCO fly-ash disposal site to the north in the O-S Zone; scattered single-family homes on large parcels to the east and south in the O-S Zone; a sand and gravel mine, and a surface mining plant which were the subjects of SE-3619 and SE-3903, respectively, to the west in the O-S Zone.
- F. Minor Change Provision: **Section 27-325(c)(1)(A)(I) permits changes of site plans for property of greater than five (5) acres, provided that there is a proposed increase in gross floor area of a building or in land area covered by a structure other than a building (over that approved on the original site plan) which is not greater than fifteen percent (15%) of the gross floor area or covered land area.**

Section 27-107.1(a) (228) of the Zoning Ordinance defines a structure as ■anything constructed or built.● In the 1989 revision of site plan application, it was determined that existing wash ponds, stationary equipment and buildings on the property satisfy this definition. It was also determined that these improvements total approximately 254,900 square feet. After the approval of ROSP SE-3561/1, a 3,400-square-foot addition was constructed on the property. The proposed revision involves a 480-square-foot increase in land area covered by a structure. The previous and the proposed revisions together represent only about 1.5 percent of increase, which is well within the 15 percent maximum increase permitted.

- G. Specific Requirements: **Section 27-405 sets forth the specific special exception requirements for sand and gravel wet-processing.**

- (1) Wet-processing of sand and gravel (including only washing, screening, classifying, crushing, and stockpiling of natural materials), may be permitted, subject to the criteria below:
 - (1) The subject property shall contain at least fifty (50) contiguous acres. This minimum acreage requirement may be waived by the District Council, provided the property has direct vehicular access to an existing four (4) lane highway.
 - (2) Initially, the Special Exception shall be valid for twenty (20) years, unless the District Council grants some lesser time period. Extensions of specific periods may be granted if a new Special Exception application is filed and no substantial adverse impact is found in the continuation of the

use. When the subject property is in a Residential Zone, extensions of time may be granted only where the area surrounding the property is not substantially developed with incompatible uses.

- (3) Fixed installations that involve washing, screening, classifying, and crushing facilities, and parking and storage areas for trucks and heavy equipment, shall be located at least four hundred (400) feet from all boundary lines of the subject property; fixed installations that involve automobile parking, and settling ponds shall be located at least two hundred (200) feet from all boundary lines of the subject property; and nonstructural installations that involve stockpiles of natural material shall be located at least three hundred (300) feet from all boundary lines of the subject property. The District Council may waive the three hundred (300) foot setback for stockpiles of natural material when it determines that adequate screening and buffering are being provided.
- (4) 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 shall show:
 - (A) The location of all washing, screening, classifying, and crushing facilities.
 - (B) The location of all natural material stockpiles.
 - (C) The internal traffic circulation system.
 - (D) The parking and storage areas for all vehicles and equipment.
 - (E) The settling ponds and water bodies.
 - (F) The source of water to be used in the operation.
 - (G) The identification of the trucks and heavy equipment to be used in the plant operation.

- (5) All applications for Special Exception shall be accompanied by the following:
 - (1) stormwater concept plan approved pursuant to Section 4-322 of this Code.
 - (B) preliminary noise assessment.
 - (C) A horizontal profile illustrating all structures and stockpiles.
 - (D) A grading plan that illustrates existing and proposed topography.
- (6) 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 the predominant length of the street.
- (7) 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.
- (8) The Technical Staff Report prepared in response to the application shall include a current, Countywide inventory of the locations, dates of approval, and conditions of approval concerning haul routes and estimated loads per day, for all approved and pending Special Exceptions for sand and gravel wet-processing, sanitary landfills and rubble fills, and surface mining, as indicated by the record in the case. The inventory shall also

include the locations of all nonconforming sand and gravel wet-processing, sanitary landfills and rubble fills, and surface mining operations throughout the County that were certified after September 6, 1974.

- (b) In reviewing the application, the District Council shall consider the use of techniques which provide for noise attenuation.
- (c) 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, and Maryland State Water Resources Administration for comment. These agencies shall be given forty-five (45) days to reply. A copy of the same information shall also be submitted to the Sand and Gravel Advisory Committee.
- (d) Wash plants, including ponds, spoil sites, and equipment, are prohibited within the Buffer, as defined in the Conservation Manual, in any of the Chesapeake Bay Critical Area Overlay Zones.
- (e) In reviewing the application for compliance with the required findings set forth in Sections 27-317(a)(4) and 27-317(a)(5), the District Council shall consider the inventory required in Section 27-405(a)(8).

The applicant sufficiently demonstrated compliance with these requirements at the time of the original special exception approval and subsequent revision. The following conditions were imposed as part of the original approval of SE-3651:

1. That the 500-foot setback from North Keys Road between the PEPCO power-line and Gibbons Church Road remain undisturbed with the natural vegetation maintained.

2. That the access opposite Gibbons Church Road be the only point of ingress and egress to the subject property and the existing 22-foot-wide roadway be maintained.
3. That access to and from the property be via North Keys Road west of Brandywine Road.
4. That there shall be no operations conducted on the subject property including the hauling of processed sand and gravel, on weekdays before 7.00 a.m. and after 5:00 p.m., or on weekends and Federal holidays.
5. That the proposed 50-foot buffer zone be maintained as landscape strip in accordance with Section 27-124(a)(1) of the Zoning Ordinance and that in so far as possible existing tree cover be preserved.
6. That noise attenuating measures similar to the ones found at the Crofton plant be incorporated into the proposed plan. A list of these measures follows:
 - (A) All classification screens, where possible, must be rubberized.
 - (B) Water must be mixed with the material to be separated.
 - (C) The entire box of the vibrator must be rubberized, and bolted down.
 - (D) The hopper at the bottom of the vibrator must be rubberized.
7. If the PEPCO fly ash disposal site on the northeast section of the property is ever developed as a residential area, the applicant must install noise control measures such as a berm, to protect said area.

The 1989 revision to the site plan (ROSP-SE-3561/1) was approved subject to the following condition:

Repair and maintenance operations shall be limited to the repair and maintenance of the processing plant and other equipment housed on this site, used solely in the operation of the subject facility. Equipment usually stored at other sites shall not be repaired at this location.

There is no indication to suggest that the use is not operating under these (SE-3561 and ROSP-SE-3561/1) conditions. The current proposal to install an above-ground fuel tank is minor, and it will not result in a significant change in the nature of the existing use. Nor will it adversely impact the immediate neighborhood or the adjoining road system. The applicant has indicated that the proposed above ground fuel tank will be a concrete vaulted tank which is environmentally friendly and meets EPA and MDE requirements for commercial fuel storage. The applicant further indicated that the tank will be equipped with a spill over-fill protection, electronically, controlled dispensers with a tank monitoring system and secondary containment.

- H. **Parking Regulations: Section 27-568 of the Zoning Ordinance requires two parking spaces for every 1,000 square feet of gross floor area for an industrial plant.**

The existing buildings and the proposed building will have 4,360 square feet of total gross floor area. A total of 9 parking spaces are required. A total of 10 parking spaces, including one van-accessible parking space, are provided.

- I. **Loading Requirements: Section 27-582 of the Zoning Ordinance requires one loading space (for industry or manufacturing) comprising up to 25,000 square feet of gross floor area.**

One loading space is required and provided.

- J. **Landscape Manual Requirements:** The Urban Design Review Section indicated that the subject property is exempt from the requirements of the *Landscape Manual* with respect to the proposed construction, because the construction of the concrete slab and installation of the fuel tank to not increase the intensity of the current uses on the site. Furthermore, the proposed construction is not additional gross floor area of a building.

- K. **Zone Standards:** The site plan conforms to all development standards of the O-S Zone.

- 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.**
- (2) **The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**
- (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.**
- (4) **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 or workers.**
- (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**

The requested revision is so minor in nature that it does not alter the Council's previous findings of conformance with the requirements.

NOW, THEREFORE, BE IT RESOLVED, that this application for a "minor change" to Special Exception No. 3561/2, is hereby APPROVED.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

* * * * *

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 McNeill, seconded by Commissioner Brown, with Commissioners McNeill, Brown, Boone and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 9, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of March 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:ET:aj