

Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530



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SPECIAL EXCEPTION APPLICATION NO. 4428

Application	General Data
Project Name Dower House Transfer Station Location Northeast side of Dower House Road, opposite its intersection with Buttercup Lane. Applicant Dower House LLC 3530 Waters Cove Way Alpharetta, Georgia. 30022	Date Accepted 7/26/01
	Planning Board Action Limit N/A
	Tax Map & Grid 099 D-4
	Plan Acreage 44.43
	Zone I-2
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 77
	Council District 09
	Municipality None
	200-Scale Base Map 208SE8

Purpose of Application			Notice Dates	
Transfer Station in accordance with Section 27-416.02			Adjoining Property Owners (CB-15-1998)	7/31/01
			Previous Parties of Record (CB-13-1997)	08/09/01
			Sign(s) Posted on Site	N/A
			Variance(s): Adjoining Property Owners	N/A
Staff Recommendation			Staff Reviewer	Tom Lockard
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION	
	X			

May 1, 2002

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Tom Lockard, Senior Planner

SUBJECT: **Special Exception Application No. 4428**

REQUEST: **Transfer Station in the I-2 Zone**

RECOMMENDATION: **Approval, subject to conditions**

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS:

- A. Location and Field Inspection: The subject property is located on the north and east sides of Dower House Road, opposite its intersection with Buttercup Lane. The site is currently used as a concrete-crushing plant.
- B. History: The 1994 *Sectional Map Amendment for Melwood-Westphalia* retained the subject property in the I-2 Zone.
- C. Master Plan Recommendation: The 1994 *Master Plan for Melwood-Westphalia* recommends ■limited intensity industrial■ land uses for the subject property.
- D. Request: The applicant proposes to develop a solid waste transfer station on the subject property. The transferring of materials would occur in a proposed 21,600-square-foot structure. Trucks would enter the building and empty their loads into transfer trailers. When the transfer trailers are filled, they would be tarped and hauled to a landfill or other disposal area.
- E. Neighborhood and Surrounding Uses: The property is surrounded by the following uses:
- North: A vacant parcel in the I-2 Zone (approved for a recycling facility) and vacant land in the I-4 Zone.
- East: Partially developed land in the I-1 and I-2 Zones and single-family residences in the R-R Zone.
- South: Vacant industrially zoned land and the Flower Village Mobile Home Park in the R-M-H Zone
- West: Andrews Air Force Base and partially developed land in the I-1 Zone.

The neighborhood is defined by the following boundaries:

- North: Pennsylvania Avenue
- East: Woodyard Road
- South: Dowerhouse Road
- West: Andrews Air Force Base

The surrounding neighborhood is primarily industrial in character, consisting of warehouse, storage and distribution facilities. Residential uses are found to the south in the Flower Village Mobile Home Park and single-family residences in the Dower Village Subdivision to the east.

- F. Specific Special Exception Requirements: Section 27-107.01(a)(242.1) of the Zoning Ordinance provides the following definition of a transfer station:

A place or facility where solid wastes are taken from a transportation unit or collection vehicle and placed in another transportation unit or collection vehicle for transport to a solid waste acceptance facility. The movement or consolidation of solid waste at the point of generation is not a Transfer Station. A ■Materials Recovery or Processing Facility,• as defined in Section 21-143 of the Prince Georges County Code, and a ■Waste Material Separation and Processing Facility• and ■Recycling Plant,• as defined in this Section, are not Transfer Stations.

Section 27-416.02 provides the following specific requirements for a transfer station:

- (1) **Hours of operation shall occur only between 7:00 A.M. and 6:00 P.M.;**

The applicant provides that the hours of operation will be from 7:00 a.m. to 6:00 p.m., Monday through Saturday.

- (2) **The building associated with the use shall be set back at least five hundred (500) feet from all property lines;**

The 30,000-square-foot building proposed for the transfer station is set back more than 500 feet from all property lines. To the southeast, where the subject property adjoins single-family residences, the applicant is proposing a 100-foot- wide vegetative buffer and a board-on-board fence to supplement the 500-foot setback.

- (3) **The applicant shall identify measures that will be taken to control any noxious and offensive odors;**

The applicant has outlined four measures to control noxious and offensive odors:

1. Tipping and waste storage shall be performed in a wholly enclosed building with a controlled entrance and exit with a ventilation/air exchange system.
2. No solid waste will be stored overnight on the facility floor. The facility floor will be cleared and cleaned at the completion of each business day.
3. The facility will be located a minimum of 500 feet from all adjoining property lines.
4. An odor control system will be provided within the facility to control any noxious or offensive odors. The system will use liquid deodorizers formulated to eliminate odors.

- (4) **All activities pertinent to the transferring of solid waste shall be conducted in a wholly enclosed building which has an impervious surface for loading and unloading solid waste and is capable of accommodating all types of solid waste hauling vehicles; and**

The applicant provides that the transferring of materials from trucks to tractor-trailers will occur in a wholly enclosed building. All trucks will unload in an area with an impervious surface. All types of hauling vehicle will be accommodated.

The Environmental Planning Section (M-NCPPC), in a memo dated August 20, 2001 (attached), raises the following concern:

■The Statement of Justification indicates that the floor of the facility will be cleared and cleaned every night. There is no indication how the cleaning will be accomplished or what will be done with the waste water from this cleaning operation.●

The applicant, in response to these comments, submits that the tipping floor will be cleared of solid waste at the end of each work day in accordance with state requirements. Waste cleared from the floor will be placed in an approved transfer trailer for transport and disposal at a permitted disposal facility. Any residual liquids created from the clearing process will be directed through a grated drain in the tipping floor and diverted to a grit chamber and oil/water separator. Upon receiving permission from WSSC, the resulting wastewater will be discharged into the sanitary sewer system. Prior to a discharge permit being approved, the applicant will have to submit information for review by WSSC regarding the pollutant characteristics of wastewater commonly associated with the subject use.

(5) The use shall not commence until the State of Maryland has issued all applicable permits including, but not limited to, a transfer station permit.

The applicant agrees not to commence operation of this use until the State of Maryland has issued all applicable permits including, but not limited to, a transfer station permit.

- G. Parking Regulations: Part 11 (Parking Regulations) does not specifically list ■transfer station● in the parking schedules (Section 27-568(a)). The Permit Review Section has previously decided the appropriate category for the proposed use is ■industrial plant.● Therefore, the correct parking standard for this use (industrial plant) is two parking spaces per 1,000 square feet. A total of 60 parking spaces are required for the proposed 30,000-square-foot building. The site plan indicates that a total of 60 parking spaces are provided for the transfer station and accessory scales.
- H. Landscape Manual Requirements: The proposed use is subject to the requirements of the *Landscape Manual*. According to a referral reply from the Urban Design Section (M-NCPPC), the site plan meets or exceeds the requirements of the *Landscape Manual*.
- I. Zone Standards: The proposed use meets the standards of the I-2 Zone.
- J. Sign Regulations: No signs are shown on the site plan. If a freestanding sign is proposed, it must be shown on the plan prior to approval.

K. Environmental Impact:

One of the major concerns during the review of this application has been environmental impact. We have reviewed comments from the following agencies and organizations:

1. Prince George's County Health Department, Division of Environmental Health; attached memos dated August 29, 2001, and April 18, 2002.
2. Prince George's County Planning Department, Countywide Planning Division, Environmental Planning Section; attached memo dated January 22, 2002.

The Health Department's first memo questions whether the applicant has provided sufficient information concerning the proposed operation. Subsequent to that memo, the applicant submitted a draft operations and maintenance plan (October 31, 2001). The draft plan gives details on most, if not all, of the concerns expressed by the Health Department, including:

- o Operations
- o Health, Safety and Preventative Measures
- o Facility Inspection and Maintenance
- o Contingency Plans
- o Environmental Controls
- o Wastewater Management

The Health Department submitted a second memo outlining additional concerns with the application following their review of the draft manual. Where necessary, staff has incorporated these concerns as conditions of approval.

The Environmental Planning Section has made a detailed analysis of this proposal, and offers the following:

This 44.44-acre property in the I-2 zone was previously graded with the exception of some woodland areas along the perimeter of the property. This site is located on the east side of Dower House Road across from Buttercup Lane. A review of the available information indicates that streams and wetlands are found to occur on the property. It is unclear from the plans if areas of 100-year floodplains are found on the property. No adverse noise impacts from off-site sources have been identified which would limit the development of this site as a transfer station. The soils found to occur on this site according to the Prince George's County Soil Survey include Beltsville silt loam, Chillum silt loam, Christiana clay, Fallsington sandy loam, Howell clay loam, Sandy land, and Sassafras gravelly sandy loam. According to information obtained from the Prince George's County Department of Environmental Resources, the sewer and water service categories are S-3 and W-3. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "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 property. There are no designated scenic and historic roads adjacent to this property. The property is located in the Charles Branch watershed, a subwatershed of the Patuxent River watershed and further located in the Developing Tier as reflected in the adopted Biennial Growth Policy Plan.

Environmental Review

1. A Detailed Forest Stand Delineation (FSD) was included with this application. The FSD provides accurate information with respect to the location and composition of the existing woodlands. The FSD has been found to address the requirements for a Detailed Forest Stand Delineation in accordance with the Prince George's County Woodland Conservation and Tree Preservation Technical Manual.

Discussion: No further information is required.

2. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there is a previously approved Tree Conservation Plan (TCPII/168/92) for the property. The Type I TCP received on January 22, 2002, has been found to address the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance. The 6.47-acre requirement for this property includes the 15 percent afforestation threshold of 6.44 acres and a 2:1 replacement requirement of 0.06 acre for clearing below the Woodland Conservation Threshold. That requirement is being satisfied by 2.29 acres of on-site preservation and 4.98 acres of on-site afforestation for a total of 7.27 acres woodland conservation or 0.80 acre more than the requirement. TCPI/24/01 is recommended for approval in conjunction with SE-4428.

Discussion: The Type II Tree Conservation Plan, TCPII/168/92, will need to be revised prior to the issuance of any permits for the construction of this transfer station, to be in conformance with TCPI/24/01.

3. Although many of the soils found on this property, according to the Prince George's County Soil Survey, have some limitations with respect to development, it must be noted that this site has been used for concrete recycling for a number of years, and that the soils have been disturbed. As a normal course of action the Department of Environmental Resources (DER) requires soils reports prior to the issuance of any building permits for industrial or commercial construction. At that time soil limitations will be addressed to the satisfaction of DER.

Discussion: No further information is required.

4. A stream and wetland area is located along the northern property line. The limit of disturbance as reflected on the Special Exception Site Plan does not propose impacts to the stream, wetlands or the associated buffers.

Discussion: No further information is required.

5. Trash transfer stations are licensed by the state and must conform to a variety of state regulations. There are several local concerns with regard to the operations and storage of materials that need to be addressed. The following conditions are recommended for inclusion in the approval.

Recommended Conditions:

- A. *The transfer station shall operate under an Operating and Maintenance Manual approved by the State of Maryland as part of the licensing application process. The manual shall be reviewed by the Prince George's County Health Department and the Department of Environmental Resources prior to state approval, and shall include, but not be limited to, the following concerns:*
- (1) *All aspects of the operation shall be conducted inside a wholly enclosed building. This includes storage of equipment, solid waste during operational hours and solid waste storage facilities. No solid waste will be stored outside the building unless the Special Exception Site Plan is revised prior to certification to show the location of fully enclosed storage containers for this purpose.*
 - (2) *Trucks transporting solid waste to the site that cannot be handled during the approved operating hours shall be refused at the facility and rerouted to an approved solid waste acceptance facility.*
 - (3) *The manual shall address the control of odors, debris and litter, and the prevention of facility degradation due to mechanical and structural failures.*
 - (4) *The manual shall include regularly scheduled preventive maintenance and housekeeping inspections and the performance of any necessary corrective actions. It shall also include the on-going monitoring of all aspects of the operation by personnel responsible for the daily operation of the facility.*
 - (5) *The site shall be washed down every night and all trash removed from the property. Any litter on the grounds shall be policed daily.*
2. *The sufficiency of odor control measures shall be assessed periodically by the Health Department. If the odor levels are determined by the Health Department to be unacceptable, a remediation plan shall be developed in conjunction with the Health Department and implemented immediately. If the Health Department determines that the odor level is not sufficiently remediated, then operations at the trash transfer station shall cease until appropriate odor control and mitigation measures can be determined and implemented.*
6. *The availability of capacity for the discharge of sewage for the proposed use has not been investigated. WSSC may or may not have the capacity available to handle all of the wash water to come off this site. To address this situation the following condition is recommended.*
Recommended Condition: All fluids from the operation of the trash transfer station shall be discharged to the sanitary sewer system and all appropriate permits from the Industrial Discharge Section of the Washington Suburban Sanitary Commission shall be obtained. This shall include drainage from the washing of loading and tipping areas and from scale areas. If the wastewater is not accepted by WSSC, or the quantity generated by the site will exceed WSSC capacity, or WSSC requires pretreatment prior to discharge

in the sanitary sewer system, the Special Exception Site Plan and application shall be revised prior to the issuance of permits to delineate and describe the disposal procedure for this material.

1. The dumping, sorting, and loading activities associated with the transfer station use are nuisance noises that will most likely not exceed 65dBA Ldn even if they were performed outside; however, these activities will occur within a structure which is in excess of 500 feet from the nearest property line, so there should not be any adverse noise impacts to the adjacent residential areas from the proposed use.

Discussion: No additional information is required.

The applicant's responses to the comments from these agencies are also attached to this report. Many of the concerns were addressed by a revised site plan.

L. Traffic Impact:

The Transportation Planning Section, in a memo dated November 28 , 2001, submits the following analysis:

The traffic study is based upon a transfer operation processing 2,000 tons per day. A transfer station processes trash by consolidating it from smaller trucks, which collect the trash from neighborhoods and individual sites into larger trucks that haul it to a landfill or another disposal facility. The facility operates between 7:00 a.m. and 6:00 p.m., meaning that both peak hours must be studied. The smaller trucks that haul the trash to the site have a capacity of seven tons per truck. Assuming that 2,000 tons per day are processed, this establishes 286 inbound and outbound small-truck trips per day. The larger trucks that haul the trash from the site have a capacity of 22 tons per truck, which results in 90 inbound and outbound large truck trips per day (total trips: 376 inbound and outbound). The hourly rate would be 34 trips in and out. The traffic study assumes a factor of 20 percent to account for peaking to estimate a peak-hour impact of 40 inbound and outbound trips in both the AM and the PM peak hours.

The traffic study examined the site impact at four intersections which were deemed to be critical to traffic accessing the subject property:

MD 4/Dower House Road
Marlboro Pike/Dower House Road
Dower House Road/site entrance (future unsignalized)
Dower House Road/Fallard Drive (unsignalized)

The transportation staff has fully reviewed the traffic study as submitted by the applicant. The existing conditions at the critical intersections are summarized below:

EXISTING CONDITIONS		
Intersection	Critical Lane Volume (AM & PM)	Level of Service (LOS, AM & PM)

MD 4/Dower House Road	1,869	1,583	F	E
Marlboro Pike/Dower House Road	388	665	A	A
Dower House Road/site entrance	planned			
Dower House Road/Fallard Drive	13.8*	13.5*	--	--
*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 <i>Guidelines</i> , an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

Under existing traffic, the MD 4/Dower House Road intersection operates unacceptably during both peak hours. The *Guidelines* identify signalized intersections operating at LOS D or better during both peak hours as acceptable, while unsignalized intersections must have delays not exceeding 50.0 seconds to be acceptable. The other two existing intersections operate within acceptable parameters.

Transportation staff would note that the *Guidelines* specifically require that unsignalized intersections be analyzed for turning movement delays using the unsignalized intersection procedures in the Highway Capacity Manual. Although this was done to a limited degree in the traffic study, the study only reports critical lane volumes at the unsignalized intersection. This is not appropriate, as critical lane volume is not a reliable measure of traffic operations at a stop-controlled intersection. **The results in the traffic study for the Dower House Road/Fallard Drive intersection should be ignored; the results reported in this memorandum are better indicators and are in line with Planning Board policy.** Furthermore, where the applicant has shown a Highway Capacity Manual computation, there was no accounting for a peak-hour factor or percentage of heavy trucks, and staff's analysis has corrected this oversight.

The traffic study shows approved development in the area, and assumed a two percent annual growth rate for through traffic along MD 4 over three years. The county Capital Improvement Program includes a project along MD 4 at Dower House Road, and this is included in the roadway network. Background conditions are summarized below:

BACKGROUND CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 4/Dower House Road	1,593	1,842	E	F
Marlboro Pike/Dower House Road	629	1,516	A	E
Dower House Road/site entrance	planned			
Dower House Road/Fallard Drive	40.6*	38.7*	--	--
*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. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.

The site is proposed for development as a transfer station. Using the information summarized earlier in this memorandum, the proposed use would generate a total of 80 AM and 80 PM peak-hour vehicle trips. The trip generation is acceptable. However, the traffic study should have separately assigned the light inbound trucks and heavy outbound truck trips. While staff believes that the heavier trucks will exclusively be distributed toward MD 4, some light trucks should have been distributed toward the south along Dower House Road. Staff's analysis considers that 25 percent of the lighter trucks hauling trash into the site would be distributed from the south, while all heavier trucks would be distributed from the north.

Given these assumptions with the information provided in the study, we obtain the following results under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 4/Dower House Road	1,610	1,859	F	F
Marlboro Pike/Dower House Road	659	1,549	A	E
Dower House Road/site entrance	39.3*	50.0*	■	--
Dower House Road/Fallard Drive	42.0*	40.3*	--	--
*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 <i>Guidelines</i> , an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

Albeit marginally, both unsignalized intersections are projected to operate within the acceptable standard which has been set by the Planning Board. However, both signalized intersections would operate unacceptably in at least one peak hour.

Specifically, a Special Exception may be approved if the proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area. More generally, the transportation staff understands that if the proposed use at this location would have impacts that would generally not be expected in the same zone in other locations, the transportation staff must recommend conditions to alleviate those impacts or must otherwise recommend disapproval of the application. This is not as stringent or specific as the adequate public facilities finding which is done at the time of Preliminary Plan of Subdivision. In the case of the subject application, the site is an unsubdivided parcel, and in order for the 30,000 square-foot facility to be constructed, the property must be subdivided. Therefore, the more specific adequate transportation facilities test must and will be done at that time. But this

test is not necessary at the time of Special Exception and probably should not be done except for two circumstances:

1. The proposed Special Exception use can be implemented without going through the Preliminary Plan of Subdivision process.
2. The proposed Special Exception use is of such a size, generating more than 100 trips in any peak hour, that there is a need to be aware of the scope of impacts so that potential roadway improvements can be identified for informational purposes.

Based on an initial review of transportation adequacy issues in the area, the transportation staff believes that there are challenges in the area. But a use of this type and size would encounter challenges in other similar parts of the county as well. Furthermore, if the property were to be developed under conventional I-2 zoning, it could contain over 500,000 million square feet of industrial space generating over 500 peak-hour vehicle trips, with many of those trips being trucks in all likelihood. Based on this information, the transportation staff does not believe that precise conditions for improving the critical intersections of MD 4/Dower House Road or Marlboro Pike/Dower House Road are needed in order to approve the Special Exception.

Notwithstanding this determination, the applicant has identified improvements in the traffic impact study that mitigate the impact of the site at the MD 4/Dower House Road intersection and provide an acceptable service level at the Marlboro Pike/Dower House Road intersection. The applicant recommends that the northbound approach of Dower House Road at MD 4 be modified to provide two left-turn lanes (as currently exist) and a third lane that would operate as a shared left-turn/through/right-turn lane. The applicant also proposes to widen the northbound Dower House Road approach at Marlboro Pike to provide two through lanes through the intersection. The improvements at the MD 4/Dower House Road intersection are suggested to mitigate the impact of the applicant's development in accordance with the provisions of Sec. 24-124(a)(6). The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 4/Dower House Road:				
Background Conditions	E/1593	F/1842		
Total Traffic Conditions	F/1610	F/1859	+17	+17
Total Traffic Conditions w/Mitigation	E/1473	F/1680	-137	-179

As the CLV at MD 4/Dower House Road is between 1,450 and 1,813 during the AM peak hour, the proposed mitigation action must mitigate at least 150 percent of the trips generated by the subject property during this peak hour, according to the *Guidelines*. As the CLV at this intersection is greater than 1,813 during the AM peak hour, at least 100 percent of the trips must be mitigated to a level no greater than 1,813, according to the *Guidelines*. The

above table indicates that the proposed mitigation action would mitigate at least 150 percent of site-generated trips during either peak hour. **Therefore, the proposed mitigation at MD 4 and Dower House Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.** Greater attention will be given to this issue at the time of subdivision, but it appears that the site can show transportation adequacy in accordance with Section 24-124.

Comments from the operating agencies are attached. DPW&T indicated that the applicant should address sight-distance issues at the entrance to the site and provide acceleration and deceleration lanes at the access point to the site. By moving access to the site to a point opposite or nearly opposite the existing gate to Andrews Air Force Base, the applicant would take advantage of the existing topography to resolve the sight-distance issue. The provision of acceleration and deceleration lanes are safety issues, and will be recommended as a condition. SHA concurred with the report findings.

Review Comments - Special Exception Site Plan

The site plan recognizes the ultimate right-of-way along Dower House Road, which transitions from an arterial facility to a collector facility at this point.

The site plan also recognizes the future location of the I-602 facility, which would provide a future second connection of Fallard Drive to Dower House Road. The location of the right-of-way has been discussed with DPW&T, and it has been mutually agreed that the right-of-way can shift within the area of the site to avoid potential impacts upon driveways or buildings. It has been generally agreed that a short section of I-602 should be dedicated and built for access to the subject site, with the internal driveway then coming from I-602 into the facility. This may help minimize the likelihood of vehicles parking along Dower House Road before the facility opens, and the plan should be so modified.

Findings and Recommendations

Strictly speaking from the Transportation Planning perspective, in consideration of the information given to the transportation staff about the proposal combined with a critical review of the analyses done, the Special Exception would not adversely affect the health, safety, or welfare of residents or workers in the area. As the site would require a preliminary plat of subdivision prior to its development, the applicant has chosen to submit a traffic study which would potentially show compliance with the requirements of Subtitle 24, a degree of detail which is normally beyond the Special Exception requirements. The staff's finding is subject to a number of conditions, which include:

1. The subject property shall require a finding of adequate transportation facilities, in accordance with Section 24-124, at the time of Preliminary Plan of Subdivision approval. Specific intersections and considerations involved in making those findings should include:
 - a. MD 4 and Dower House Road

- b. Marlboro Pike and Dower House Road.
- 8. Prior to the issuance of any building permit on the subject property, the following safety improvements at the intersection of the site entrance with Dower House Road shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with DPW&T:
 - a. Construction of the needed deceleration and acceleration lanes along Dower House Road.
- 9. The plan should be revised as appropriate to accommodate future dedication and construction of a short section of the planned I-602 facility, with final location to be determined by DPW&T, with the site receiving driveway access from the I-602 facility.

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.

Finding: There are 15 purposes set forth in Section 27-102 of the Zoning Ordinance. These purposes seek generally to protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the county through promoting beneficial land use relationships. This property is located in an industrial area just east of a major noise generator (Andrews Air Force Base) and south of a site soon to be operating as a recycling center. While it is true that the site does adjoin residential uses to the east and south, the substantial setbacks (>500 feet), as well as the applicant's plan to keep truck traffic to the north, ensure that the use, while not optimal, will be compatible. There, the proposed use and site plan are in harmony 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 few exceptions, the proposal meets the requirements and regulations of the Zoning Ordinance. In those instances where it does not, minor conditions are recommended to ensure conformance.

(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 1994 *Melwood-Westphalia Master Plan* designated this property for Limited Intensity Industrial uses in recognition of potential compatibility issues with aircraft noise. This designation favors industrial uses that are land intensive rather than people intensive. With

few employees anticipated, the proposed transfer station is in keeping with the recommendation of the 1994 Master Plan.

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

Finding: The health, safety and welfare of residents and workers will not be adversely affected. The applicant's proposal meets the specific requirements for a transfer station. These include a 500-foot setback from adjoining properties, having all transfer of waste taking place within a wholly enclosed building and a program for eliminating odors. The applicant is also proposing specific road improvements to be implemented at the time of subdivision that will mitigate truck traffic to and from the site.

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

The proposed use conforms to the 1994 Master Plan's recommendation of limited intensity industrial, having a maximum of 15 employees on the 44 $\frac{1}{2}$ acre site. The traffic study shows that truck traffic will be concentrated along Dower House Road north of the site, avoiding the residential neighborhoods to the south and east. The buffering requirements of the *Landscape Manual* and the tree conservation requirements are met or exceeded, as is the 500-foot setback required by Section 27-416-02. The surrounding sites are already developed; the site to the north is currently vacant but has been approved for a construction and demolition debris recycling facility. All of these factors lead to the conclusion that the proposed use 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 Environmental Planning Section (M-NCPPC) has reviewed TCP/24/01 and has recommended conditional approval thereof. Their conditions have been incorporated into the staff recommendation.

CONCLUSION:

Special exceptions are required for certain land uses in order to ensure compatibility with the area in which they are proposed. Often, they require that a proposal meet certain criteria before such uses are permitted. In this case, the applicant's proposal meets the specific requirements for a transfer station, as well as the general findings for all special exceptions.

The appropriate standard to be used in determining whether a requested special exception use would have an adverse effect, and therefore should be denied, is whether there are facts and circumstances showing that the particular use proposed at the particular location would have any adverse impacts above and beyond those inherently associated with such a special exception use, irrespective of its location within the zone. At the proposed location, we find the use would not have adverse impacts above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Staff, therefore, recommends APPROVAL of SE-4228, subject to the following conditions:

1. The transfer station shall operate under an Operating and Maintenance Manual approved by the State of Maryland as part of the licensing application process. The manual shall be reviewed by the Prince George's County Health Department and the Department of Environmental Resources prior to state approval, and shall include, but not be limited to, the following concerns:
 - a. All aspects of the operation shall be conducted inside a wholly enclosed building. This includes storage of equipment, solid waste during operational hours, and solid waste storage facilities. No solid waste will be stored outside the building unless the Special Exception Site Plan is revised prior to certification to show the location of fully enclosed storage containers for this purpose.
 - b. Trucks transporting solid waste to the site that cannot be handled during the approved operating hours shall be refused at the facility and rerouted to an approved solid waste acceptance facility.
 - c. The manual shall address the control of odors, debris and litter, and the prevention of facility degradation due to mechanical and structural failures.
 - d. The manual shall include regularly scheduled preventive maintenance and housekeeping inspections and the performance of any necessary corrective actions. It shall also include the on-going monitoring of all aspects of the operation by personnel responsible for the daily operation of the facility.
 - e. The site shall be washed down every night and all trash removed from the property. Any and all litter on the grounds shall be policed daily.
 - f. Additional items as noted in the April 18, 2002, memorandum from the Health Department.
2. The sufficiency of odor control measures shall be assessed periodically by the Health Department. If the odor levels are determined by the Health Department to be unacceptable, a remediation plan shall be developed in conjunction with the Health Department and implemented immediately. If the Health Department determines that the odor level is not sufficiently remediated, then operations at the trash transfer station shall cease until appropriate odor control and mitigation measures can be determined and implemented.
3. All fluids from the operation of the trash transfer station shall be discharged to the sanitary sewer system and all appropriate permits from the Industrial Discharge Section of the Washington Suburban Sanitary Commission shall be obtained. This shall include drainage from the washing of loading and tipping areas and from scale areas. If the waste water is not accepted by WSSC, or the quantity generated by the site will exceed WSSC capacity, or WSSC requires pretreatment prior to discharge in the sanitary sewer system, the Special Exception Site Plan and application shall be revised prior to the issuance of permits to delineate and describe the disposal procedure for this material.
4. The subject property shall require a finding of adequate transportation facilities, in accordance with Section 24-124, at the time of Preliminary Plan of Subdivision approval. Specific intersections and considerations involved in making those findings should include:

- a. MD 4 and Dower House Road.
 - b. Marlboro Pike and Dower House Road.
- 5. Prior to the issuance of any building permit on the subject property, the following safety improvements at the intersection of the site entrance with Dower House Road shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with DPW&T:
 - a. Construction of needed deceleration and acceleration lanes along Dower House Road.
- 6. The site plan shall be revised as appropriate to accommodate future dedication and construction of a short section of the planned I-602 facility, with final location to be determined by DPW&T, with the site receiving driveway access from the I-602 facility.
- 7. Prior to or at the Zoning Hearing Examiner's hearing, the applicant shall provide additional information and/or diagrams showing:
 - a. The interior layout of the transfer station to ensure that there is adequate space to handle the amount of waste anticipated and all planned activities (waste transfer, collection of recyclable materials, handling of bulky items, etc.)
 - b. Additional strategies to deal with odor control to supplement the proposed misters.
 - c. How material deposited on the floor of the loading tunnel will be removed throughout the day.
 - d. A spills management plan at the transfer station for, but not limited to, solid waste leachate and vehicle fluids.
 - e. A projected time schedule for day-to-day handling of the waste flow.
- 8. The site plan shall show a by-pass lane at the scales.
- 9. The height of the door shall be increased from 22 to 24 feet high to provide adequate clearance for all types of truck traffic without damage to the doors.
- 10. Solid waste may not remain at the transfer station at the end of the working day unless it is stored in leak-proof, fly and rodent-proof containers.
- 11. Due to the nature of the facility, a bio-retention pond may be a better choice to handle runoff than the proposed stormwater management pond. The applicant shall coordinate with the Department of Environmental Resources in this matter.
- 12. All scrap tires must be covered or removed within 10 days of receipt to discourage mosquito breeding sites.

13. Truck traffic shall not be permitted to queue onto Dower House Road at any time. The applicant shall arrange for some method whereby trucks are instructed to bypass the facility if the queue reaches the limits of the subject property.
14. The applicant shall investigate the need for a truck turn-around or breakdown area between the entrance to the site and the scale house.