



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

SPECIAL EXCEPTION APPLICATION NO. 4474 (VSE-4474)

Application	General Data
Project Name: TDB Properties, LLC Location: West side of Forestville Road, approximately 440 feet north of Suit Road, known as 3709 Forestville Road. Applicant/Address: TDB Properties, LLC 700 Seagull Beach Road Prince Frederick, Maryland 20678	Date Accepted: 6/18/03
	Planning Board Action Limit: N/A
	Plan Acreage: 4.96
	Zone: I-2
	Dwelling Units: N/A
	Square Footage: @
	Planning Area: 75A
	Council District: 06
	Municipality: N/A
	200-Scale Base Map: 205SE07

Purpose of Application	Notice Dates
SE-4474 – Concrete batching or mixing plant VSE-4474 – Variance of 300-foot setback requirement for certain concrete plant components & truck parking from residential zone.	Adjoining Property Owners: (CB-15-1998) 6/23/03
	Previous Parties of Record: (CB-13-1997) N/A
	Sign(s) Posted on Site: N/A
	Variance(s): Adjoining Property Owners: 6/23/03

Staff Recommendation		Staff Reviewer: Catherine H. Wallace	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

July 20, 2004

TECHNICAL STAFF REPORT:

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

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Catherine H. Wallace, Planner Coordinator

SUBJECT: **Special Exception Application No. 4474 (VSE4474)**

REQUEST: Concrete Batching Plant and a variance for setbacks for plant components and parking

RECOMMENDATION: APPROVAL, with 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 site is located on the west side of Forestville Road, approximately 440 feet north of Suit Road. It is almost five acres in size and has been used for manufacturing concrete products since the 1960s. The site is developed with several cinderblock and concrete buildings ranging from one to two stories in height. The balance of the site is used for storage of concrete products. Staff did not observe any active manufacturing on the site on the day of the field visit.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-2	I-2
Use(s)	concrete manufacturing	concrete batching plant
Acreage	4.96 acres	4.96 acres

Other Development Data: The site is legally described as Parcel 200, Prince George's County Tax Map 89. The site is exempt from the subdivision requirements as less than 5,000 square feet are proposed to be added to the existing square footage.

- C. **History:** The proposed use was permitted by right in the I-2 Zone for many years. Special exceptions were required for cement manufacturing starting in 1978, and concrete batching plants have required a special exception since 1986.

The applicant indicates that the subject property has a history of manufacturing concrete block products dating back to 1929, prior to the area being annexed into the Maryland-Washington Regional District on May 7, 1943. The manufacturing of concrete block products on the property was noted from 1942 through to the 1960s, when concrete production, including concrete mixing and batching, commenced. The manufacturing of concrete block products continued into the 1980s, as the 1985 Suitland-District Heights Master Plan text recognized the “well maintained cinder block manufacturer’s yard” (page 178). In 1997, the current property owner, and applicant in this request, applied for and obtained a use and occupancy permit to manufacture special concrete-type product known as “flowable fill.” Flowable fill is not concrete, but is mixed and batched at the property in much the same way. The components of flowable fill are flyash, cement, water, and some minor chemical additives. However, because the manufacturing of flowable fill uses only premanufactured cement, does not produce actual concrete, and is a structural material, it was determined by the M-NCPPC Permit Review Division to be permitted by right within the I-2 Zone under the category listed as “Manufacturing or cutting of structural materials.” The existing flowable fill manufacturing facility located on the property makes use of a mixer, silo, water tank, outdoor truck wash down area, and storage bins, as well as the familiar concrete mixing trucks for delivering the flowable fill to job sites.

- D. **Master Plan Recommendation:** The subject property is located in the Developed Tier of the 2002 General Plan. The vision for the Developed Tier is a network of sustainable, transit-supporting,

mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The 1985 *Approved Suitland-District Heights and Vicinity Master Plan* recommends heavy industrial employment uses for this property. The site is also located within the Andrews Air Force Base aircraft noise impact area.

- E. **Request:** This proposal is for the modernization of an existing flowable fill manufacturing operation to include facilities for the mixing and batching of standard concrete. The existing manufacturing operation is presently producing concrete block and flowable fill, uses permitted by right in the I-2 Zone. The mixing and batching of standard concrete requires a special exception in the I-2 Zone. The proposed improvements include the removal of some existing buildings and structures and the addition of a new batch plant. The new components of this plant include conveying systems, concrete mixers, weighing hoppers, batching equipment, aggregate bins, truck mixing areas, and truck wash out facilities.

A variance to Section 27-343.02(a)(1) of the Zoning Ordinance is also requested to allow the batching plant and truck parking within 300 feet of residentially and commercially zoned land.

- F. **Neighborhood and Surrounding Uses:** The neighborhood boundaries identified for this application are:

North—Pennsylvania Avenue (MD 4)
East—Forestville Road
South—Suitland Parkway
West—a tributary of Henson Creek

The neighborhood contains a mixture of industrial, retail and service commercial, office and residential land uses.

The uses immediately surrounding the subject property are:

North—a printing company in the C-M Zone; a Knights of Columbus private club in the R-80 Zone; and a gas station, retail center, two-story office building, and lighting store all in the C-S-C Zone.

East—undeveloped land, a used auto sales lot, a single-family residence, an auto parts store, and the Forestville Business Center all in the I-1 Zone.

South—a single-family detached residence, a church, and additional single-family residences in the R-80 Zone, and an outdoor vehicle storage yard in the I-1 Zone.

West—undeveloped land in the R-80 Zone.

- G. **Specific Special Exception Requirements:**

Sec. 27-343.02. Concrete batching or mixing plant.

- (a) **A concrete batching or mixing plant (including the batching and mixing of cement with sand, aggregates, and water; the storage of natural materials; and the mixing of materials in trucks) may be permitted, subject to the criteria, below.**

- (1) **Mixing plant components and other parts of the operation having the potential for generating adverse impacts (including conveying systems, concrete mixers, weighing hoppers, batching equipment, aggregate bins, truck mixing areas, truck wash-out facilities, and truck parking areas) 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 present configuration of the plant components has evolved over several decades. As a result, various plant components do not meet the 300-foot setback from residentially zoned and commercially zoned land that is required for a special exception. A variance to these setback requirements is being requested in conjunction with this Special Exception application. This proposal will avoid nearly all of the potential adverse impacts for which the setbacks were created, and the history of more than 70 years of use of the property for the manufacture of concrete products constitutes an “extraordinary situation” within the context of the requirements for a variance. Section L. of this report discusses this issue in detail.

- (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 mixing plant;

The schedule of mixing plant components is as follows:

1. Batch Plant Building (70 feet x 50 feet x 50 feet ht.) housing the batching operation and truck loading including:
 - Three fully pneumatic self-contained **Cementitious Silos**, approximately 11 feet in diameter and 70 feet in height.
(Two silos are overhead gravity-fed silos, which protrude above the batching plant building. A third silo is located outside the batching building and is fed by a screw-type conveyor to the cement batcher inside the plant building.)
 - Dust Control System, attached to the plant, enclosed in the plant building.
 - Admixture storage, within enclosed plant building.
 - Batch Control Room, within enclosed plant building.

2. Aggregate Conveyors (3), 24 inches wide, attached to Ground Hoppers (10 feet x 10 feet x 8 feet ht.) for aggregate transfer
 - Water Chiller (10 feet x 12 feet) on concrete pad (attached to plant building).
 - Water Storage Tank and Heater (20,000 gallon insulated tank, attached to plant building).
3. Existing Covered Aggregate Storage Bin.
4. Wash-down Building (90 feet x 60 feet x 40 feet ht.) for truck wash-down and staging area for the mixing of newly loaded material by concrete trucks.
5. Outdoor Equipment Storage Areas.
6. Proposed Aggregate Storage Compound (90 feet x 50 feet).
7. Natural Material Stockpile Area (175 feet x 40 feet).
8. Truck Parking Area.
9. Existing Plant Office.
10. Existing Manufacturing Building (80 feet x 56 feet).

(B) The daily capacity of the plant;

The daily capacity of the mixing plant is approximately 495 cubic yards per day.

(C) The location of all natural material stockpiles;

The location of natural stockpiles is indicated on the site plan. It is located 40 feet from the southern property line and is surrounded by a seven-foot-high masonry wall.

(D) The settling ponds, if any;

There are no settling ponds proposed with this application.

(E) The source of water to be used in the operation;

The proposed operation will use public water supplied by WSSC. The water used for truck wash down will be recycled.

(F) Truck wash-out facilities, if any;

Truck wash-down facilities are provided in an enclosed building.

(G) The methods of disposing of waste materials;

The applicant intends to dispose of waste materials in a dumpster or by hauling unsuitable material to an approved landfill, as needed. The dumpster will be screened from view from adjacent properties and the public street.

(H) The internal traffic circulation system;

Directional arrows must be added to the site plan to show the internal traffic circulation system.

(I) The truck mixing areas;

The truck mixing area will be located inside the proposed wash-down building.

(J) The parking and storage areas for all vehicles and equipment;

The parking and storage for all vehicles and equipment is shown on the site plan.

(K) The identification of the trucks and heavy equipment to be used in the plant operation.

The site plan notes two types of heavy equipment: John Deere Front End Rubber Tire Loader Model No. 444H or equivalent and Concrete Delivery Trucks with 10 yard mixers Mack DM Model Chassis with MTM mixers or equivalent.

- (3) 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 its predominant length.**
- (4) 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 site plan shows 22-foot-wide driveways for ingress and egress, which will be paved for their entire length. The proposed driveway entrance is 30 feet wide. A traffic study has been submitted and was reviewed by the M-NCPPC Transportation Planning Section which provided the following comments:

Growth Policy - Service Level Standards

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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Review Comments

The applicant proposes the construction of a concrete mixing and batching plant. There are no statistics in either the guidelines or the Institute of Transportation Engineers' *Trip Generation Manual* for concrete plants; reliance must be given to the stated capacity and hours of the proposed plant. For this case, it is stated that the hours of operation will be 7:00 a.m. to 4:00 p.m., and the capacity of the plant will be 110 truckloads per day. Assuming that these trips are evenly spread throughout the weekday, this would suggest 12 trips per hour entering and exiting the site between 7 and 4. As the afternoon peak hour would occur after 4:00 P.M., the study assumes that there is some residual activity later in the day. Therefore, the resulting new trips for the concrete mixing/batching plant is estimated at 24 AM (12 in and 12 out) and 10 PM (5 in and 5 out) peak-hour vehicle trips. For the purpose of analysis, a factor of 2.0 is used to estimate passenger-car equivalents as a means of the large heavy trucks to a "car equivalent."

The vehicle trips generated by the proposed use on the subject property would utilize the MD 4/Forestville Road and the Forestville Road/site entrance intersections (these intersections are mapped on an attached figure). According to the study, the MD 4/Forestville Road intersection currently operates at LOS F, with a CLV of 1,645 in the AM peak hour, and at LOS F, with a CLV of 1,679 in the PM peak hour. In consideration of approved development in the area along with nonlocal traffic growth, this intersection would operate at LOS F with a CLV of 1,784 in the AM peak hour and at LOS F with a CLV of 1,811 in the PM peak hour. With site trips added, the MD 4/Forestville Road intersection would operate at LOS F with a CLV of 1,786 in the AM peak hour and at LOS F with a CLV of 1,816 in the PM peak hour.

The Forestville/site entrance is unsignalized. The methodology used in the traffic study to analyze this intersection is indeed puzzling. No numbers are shown, and the performance measure used is completely inconsistent with the guidelines. Staff has analyzed the intersection using information otherwise provided in the traffic study and finds that the Forestville Road/site entrance intersection would operate within the 50-second standard for delay in both peak hours.

With regard to the failing operating conditions at the MD 4/Forestville Road intersection, it is noted that case law suggests that the required findings for approving a Special Exception may be made subject to conditions if the proposed use at this location would have impacts that would generally not be expected in the same zone in other locations. 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 use can be constructed without need of subdivision. This is a key reason

for considering the more specific adequate transportation facilities test at this time.

Based on staff's review of transportation adequacy issues, the MD 4/Forestville Road intersection fails under existing, background, and total future traffic. In response to the inadequacy at the MD 4/Forestville Road intersection, the applicant has proffered mitigation. This intersection is eligible for mitigation under the first criterion in the *Guidelines for Mitigation Action* (approved as CR-29-1994). The applicant recommends that both the northbound approach of Forestville Road be restriped to provide an exclusive left-turn lane, a shared through/left-turn lane, and an exclusive right-turn lane (the approach is already three lanes—one left-turn, one through, and one right-turn). 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/Forestville Road				
Background Conditions	F/1,784	E/1811		
Total Traffic Conditions	F/1,786	E/1816	+2	+5
Total Traffic Conditions w/Mitigation	E/1,749	D/1770	-37	-46

The options for improving this intersection to LOS E, the policy level of service at this location, are very limited. Additional through lanes along MD 4 through the intersection could be effective, but they could also introduce excessive weaves and merges between the intersection and the Capital Beltway ramps immediately to the east.

As the CLV at MD 4/Forestville Road is above 1,813 during the PM peak hour, the proposed mitigation actions must mitigate at least 100 percent of the trips generated by the subject property, and the actions must reduce the CLV to no worse than 1,813 during the PM peak hour, according to the guidelines. Also, as the CLV at MD 4/Forestville Road is between 1,450 and 1,813 during the AM peak hour, the proposed mitigation actions must mitigate at least 150 percent of the trips generated by the subject property during the AM peak hour. The above table indicates that the proposed mitigation action would mitigate at least 150 percent of site-generated trips during each peak hour. This table also indicates that the resulting CLV under total traffic with the mitigation improvements is 1,813 or less, as required, during the PM peak hour. Therefore, the applicant's proposed mitigation at MD 4 and Forestville Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

While Subtitle 24 is not necessarily germane during normal review of a Special Exception, it does contain the recognized standard and legal findings of transportation adequacy by which all properties in the county are measured. Because there is a need to ensure that the subject property conforms to countywide adequacy standards, it is essential that the Subdivision Ordinance test be applied in this case.

The conditions at the site entrance recommended by DPW&T are very closely tied to safety rather than adequacy and should be made conditions of the Special Exception.

The access and circulation shown on the submitted plan is acceptable. Forestville Road is a master

plan collector facility. Aside from landscaping, the submitted plan shows no improvements within this right-of-way.

Conclusion

The Transportation Planning Section finds that the proposal would not pose unanticipated capacity or safety issues on adjacent roadways. This finding is conditional on the provision of facilities needed to ensure that transportation adequacy will exist on roadways in the vicinity of the site:

1. **MD 4 at Forestville Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Restripe the existing three-lane northbound Forestville Road approach to provide an exclusive left-turn lane, a shared through/left-turn lane, and an exclusive right-turn lane.

Comment: In addition to the above condition, the Transportation Planning staff concurs with the following conditions recommended by the Department of Public Works and Transportation in a memorandum dated August 5, 2003:

2. Right-of-way dedication and roadway improvements along the frontage of the property on Forestville Road in accordance with DPW&T Standard No. 100.03 for an urban four-lane collector road are required.
3. All improvements within the public right-of-way as dedicated to the county are to be in accordance with the county Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act.

(5) 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;

A Stormwater Management Concept Approval Letter dated June 1, 2003, was submitted with the subject application. The condition of approval requires that the proposed redevelopment create a 20 percent reduction in impervious area to meet the requirements of the Stormwater Ordinance. Compliance with this condition is not reflected on the Special Exception Site Plan, and the Environmental Planning Section staff recommended that prior to final approval of the special exception, the plan be revised to add a note that states the existing and proposed amount of impervious surfaces and how the requirements of the Stormwater Concept Approval will be met. The applicant provided the information regarding the impervious surfaces in a letter dated July 1, 2004, and a note consistent with that information is recommended as a condition of approval.

(B) A preliminary noise assessment;

A noise assessment was filed with the application and was reviewed by the staff of the M-NCPPC Environmental Planning Section. The placement of the manufacturing process in an enclosed building is an improvement over the prior outdoors operations. However, suggestions were made to improve the noise abatement features of the site. A revised plan and a revised noise study were submitted in accordance with the earlier comments and after a meeting between staff and the applicant. The proposed revisions include two extensions of the external wall of the proposed batch plant building nearest the western property line. In addition, the existing board-on-board fence is to be modified or replaced with a sound mitigation wall.

(C) A horizontal profile illustrating all structures and stockpiles

A horizontal profile has been submitted showing views from Forestville Road and from the southern property line. Some materials are proposed to be stored in an aggregate material storage compound in the central portion of the site, surrounded by masonry walls six feet in height. A natural materials stockpile area, shown 40 feet from the southern property line, is to be surrounded by either a six- or seven-foot-high masonry wall. The site plan indicates a height of seven feet and the profile shows a height of six feet. The height must be clarified. If the height is over six feet, the structure will be required to be set back an additional ten feet from the southern property line. Since the profiles do not show any visible stockpiles, it is assumed that no stockpiles will be visible above the proposed walls. A note to this effect should be added to the site plan. If this is not the case, the horizontal profile should be amended, and additional screening may be required.

Similarly, the site plan does not make clear, and the horizontal profiles, ignore the proposed outdoor equipment storage areas to be located in the northwest and southwest corners of the property. If this equipment is visible above the proposed fences, a revision to the site plan may be required.

There will also be two proposed outdoor retail display and sales areas. These areas are not depicted on the horizontal profile along Forestville Road, and the nature of these areas requires some clarification. Section B-B of the horizontal profile should be revised to show the nature and vertical impact of these areas. In addition, the landscape plan should be revised to better screen these areas from view. It is recommended that the number of shrubs in the landscape strip be increased by 50 percent.

(D) A grading plan that illustrates existing and proposed topography.

The special exception plan illustrates the existing topography of the facility. There will be no grading associated with modifying the existing facility as proposed. Some of the existing paved areas are to be removed and replaced with green area, but the resulting grades will not be noticeably different.

- (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.**

This application was referred to each of the above-mentioned agencies, and the responses are attached to this report.

- (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 batching or mixing plant 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 the Chesapeake Bay Critical Area Overlay Zone.

- H. **Parking Regulations:** The proposed use requires 45 parking spaces and 1 loading space. The required spaces are shown on the site plan in conformance with the requirements of Part 11 of the Zoning Ordinance.
- I. **Landscape Manual Requirements:** The proposed landscape plan meets the requirements of the *Landscape Manual* for Section 4.2 (Commercial and Industrial Landscape Strip) and Section 4.3 (Interior Planting). The requirements for Section 4.7 (Bufferyards) will be met with the following revisions:
1. The plan must address the northern property line. The adjoining printing business is a high impact use, like the subject use, therefore no buffer is required, and the plan should so state. Also, about 60 feet of the northern property line (northwest corner of the site) adjoin undeveloped R-80-zoned property, requiring a Type D buffer with a 50-foot setback and a 40-foot landscaped yard. A revision is required which will also impact the proposed the proposed outdoor equipment area in this location.
 2. Bufferyard No. 1 (the western property line) is adequate. However, a note on the plan reads that the proposed fence will be either modified or replaced to meet the minimum specifications for a sound wall. A detail of the fence is required to ensure that the fence will remain compatible with residentially zoned land
 3. Bufferyard No. 2 will be adequate with a revision to move the proposed natural materials stockpile area ten feet to the north. Since the masonry wall enclosing this area exceeds six feet, it must be set back 50 feet from the residential property line.

4. The commercial/industrial landscape strip along Forestville Road meets the standards of the *Landscape Manual*. However, the area along Forestville Road is proposed to be used for rather large display areas for the sale of products on the site. Some of this display area may take on the appearance of stockpiles of materials. In addition to reflecting this information on the horizontal profile, it is recommended that the shrubs shown in the landscape strip be increased by 50 percent.

J. **Noise Study:** The following analysis was prepared by staff of the Environmental Planning Section. (See the June 4, 2004, memorandum from Robert Metzger.)

A revised noise study prepared by Staiano Engineering, Inc., dated April 28, 2004, is an update to a previously submitted noise study conducted in October 17, 2003, and was received on June 2, 2004. The revised noise study reflects the proposed concrete batch plant operations, the proposed new plan configuration, and the new equipment movements on-site with additional mitigation measures, which include an 8-foot-high property line wall and 16-foot-high “wing walls” located on the west side of the proposed batch plant building.

Results from the noise study indicate that if the recommended measures are implemented, the proposed development will not exceed the state noise standard at the adjacent residential property lines. The analysis showed that state noise limits are achieved with banned tanker truck PTO operation (by unloading tankers via motor-driven pumps inside the batch plant building); increasing the height of the three-sided wall around the materials stockpile area to seven feet; and constructing the 8-foot-high property line wall and the 16-foot-high “wing walls” west of the proposed batch plant building. Minimization of backing of vehicles is also recommended.

A site visit on August 5, 2003, by staff verified the presence of a six-foot-high, board-on-board fence on the west side of the subject property, which is not adequate to mitigate noise levels to state standards should the adjacent residentially zoned properties be developed. Noise mitigation was not recommended along the north property line because it abuts a commercially zoned property that is not impacted by the current or proposed operation.

The study has addressed all appropriate regulations to ensure acceptable maximum noise levels of 65 dBA (Ldn) exterior and 45 dBA (Ldn) interior for adjacent residentially zoned properties with mitigation measures as recommended in the study. The plan as submitted shows all the mitigation measures recommended in the study except for a note, which prohibits the use of power takeoffs.

Recommended Condition: Prior to certificate approval of the Special Exception, the Site Plan shall be revised to add as a note to the plan “Power takeoff (PTO) operations shall not occur outside the batch plant building.”

Comment: The board-on-board fence along the western property line is eight feet in height and a variance was previously obtained for the height of the fence. The site plan contains a note that the wall will be modified or replaced to meet the specifications for a sound mitigation wall. With these conditions, the proposed special exception will meet state requirements for noise standards on adjoining properties. The site plan should be revised, however, to provide a detail of the proposed or modified fence to ensure that the new fence will continue to be visually compatible with the adjoining residentially zoned property.

- K. **Sign Regulations:** The site plan shows a freestanding sign located within the right-of-way for Forestville Road. The site plan must be revised to show the relocation of the sign at least ten feet from the right-of-way.
- L. **Variance VSE-4474:** Section 27-343.02(a)(1) of the Zoning Ordinance requires that a 300-foot setback be provided from conveying systems, concrete mixers, weighing hoppers, batching equipment, aggregate bins, truck mixing areas, truck wash-out facilities, and truck parking to land in an adjoining residential or commercial zone.

This application requests variances to the 300-foot setback for concrete batching plant components as follows:

1. A 260-foot variance along the southern property line (adjoining residentially zoned land)
2. A 260-foot variance along the western property line (adjoining residentially zoned land)
3. A 229-foot variance along the northern property line (adjoining commercially zoned land)

Conformance with the Zoning Ordinance

Variances may be granted provided the application meets the following criteria, contained within Section 27-230(a) of the Prince George's County Code.

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographical conditions, or other extraordinary situations or conditions;”**

Comment: The property does not have exceptional narrowness, shallowness, or shape, or exceptional topographical conditions. However, staff concurs with the applicant that the 60+ years of concrete products manufacturing that has occurred on the subject property certainly qualifies as an extraordinary situation or condition peculiar to the property. This is especially true as it relates to the use-specific variances being requested.

Substantially greater than usual setbacks are required by Section 27-343.02 to the concrete batching or mixing plant use specifically, because “...of the operation having the potential for generating adverse impacts.... Traditionally, concrete batching or mixing plant equipment and facilities are arranged as freestanding elements in the out-of-doors, where the effects from the noise, dust and appearance of the equipment is unmitigated for the most part, as they are perceived from adjoining properties. However, in the case of this application, most of these potentially adverse impacts will be eliminated by the complete enclosure of equipment and/or operations inside new buildings, as itemized below:

Site Components/Operations	Existing:	Proposed:
Concrete batching	Outdoor concrete batching	Concrete batching within enclosed building
Loading of concrete	Outdoor loading of cement trucks	Loading of concrete trucks inside a fully enclosed building
Mixing of concrete by concrete trucks	Outdoor staging area for the mixing of newly loaded material by concrete trucks	Indoor staging area for the mixing of newly loaded material by concrete trucks, inside a fully enclosed building

Truck wash-down	Outdoor wash-down of trucks	Truck wash-down within a fully enclosed building
Consolidation of buildings	Product mixer, material silo, frame trailer and two metal enclosures are separate structures.	These structures have been consolidated into one building
Storage of fly ash for flowable fill	Fly ash stored outdoors in bins	Fly ash stored under pressure in dust-tight, pneumatic silos, which are part of plant building
Dust control system for concrete plant	Product mixing and loading occurs outdoors	Indoor dust control system inside a fully enclosed batching building
Outdoor equipment storage	Outdoor equipment is not screened	Screening of outdoor equipment storage by sight-tight fencing and bufferyard landscaping
Landscaped bufferyards	No bufferyards are existing; minimal landscaping exists at site	40-foot wide landscaped bufferyards are provided in accordance with the <i>Landscape Manual</i>
Parking Lot Landscaping	No parking lot landscaping exists	Interior parking lot green area, including shade trees, is provided

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property;

The existing batching plant for the manufacturing of flowable fill has operated for many years and may continue to operate, as it is a use permitted by right. The existing plant components, however, do not comply with the 300-foot setbacks required for the proposed concrete batching and mixing operation. By granting the requested variances, the District Council will facilitate the plant modernization within the confines of the property. The proposed modernization will retain the same compact arrangement of plant components but will greatly diminish the adverse impacts of the concrete batching operation to adjoining property, by placing the concrete mixing, batching, loading, and truck wash down functions within enclosed buildings.

The horizontal separation provided by the 300-foot setback is intended to reduce the impact of noise, dust and appearance from the plant on adjoining properties. The placement of these activities within enclosed buildings and the use of landscaped bufferyards will actually better serve the same purpose as the setback in reducing the negative impacts to adjoining properties.

Strict application of the setback requirements will result in peculiar and unusual practical difficulties to and exceptional hardship upon the applicant. The property is not large enough to permit the addition of the concrete batching plant use if the setbacks are observed. Imposition of the setbacks will serve to deprive the applicant of reasonable use of the property.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

The granting of this variance will not substantially impair the intent, purpose, or integrity of the

Approved Master Plan for Suitland-District Heights, dated July 1985. It will permit the continuation of the longstanding (60-year) use of the subject property for concrete product manufacturing in conformance with the recommended employment land use category of the comprehensive plan. Granting the variance will allow the concrete product manufacturing business to diversify, thereby increasing nonservice employment in the area and stimulating the local economy.

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.

The primary purposes of the Zoning Ordinance are to protect the public health, safety and welfare; to promote the most beneficial relationship between the uses of land and buildings; and to protect landowners from adverse impacts of adjoining development. This application proposes to retain the current industrial character of the site and modernize the existing use through the consolidation of activities and components inside two new buildings. Due to the enclosure of the manufacturing operations and the addition of landscaping and screening on the property, the resulting development will be more harmonious with the uses on adjacent properties than the current manufacturing operation.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.

With the recommended conditions, the proposed use and accompanying site and landscape plan are in conformance with all of the applicable requirements and regulations of the Zoning Ordinance with the exception of the 300-foot setback to certain plant components and the 100-foot setback for automobile parking. Variances are requested to these setbacks, in connection with this application. Other than these variances, this application requires no other variances, departures from design standards, or Alternative Compliance.

(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 1985 Suitland-District Heights and Vicinity Master Plan recommends the ■Heavy Industrial• land use for the subject property, which is consistent with the concrete batching operation. Redevelopment of the existing facility on the subject property will not substantially impair the integrity of the approved Master Plan for the area.

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

The concrete batching plant will not adversely affect the health, safety or welfare of residents and workers in the area. Placement of the concrete mixing, loading and wash down functions within enclosed buildings will significantly reduce the amount of noise and dust to adjoining properties. The proposed bufferyard landscaping and sight-tight fencing will result in a more effective screening of the facility from the surrounding area than what currently exists. The proposed parking lot landscaping will contribute to an improvement in the visual character of the property. The haul route

will use Forestville Road to Pennsylvania Avenue. The entrance to the site is approximately 1,200 feet from Pennsylvania Avenue, resulting in minimum impacts to residential neighborhoods.

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

The improvements to the existing facility are designed to reduce the adverse spillover effects of dust, noise and appearance, which are inherent to such an operation. The visibility of the operations from Forestville Road will be significantly limited due to their containment within wholly enclosed buildings on the property. With the added landscape screening, the facility 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.

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site contains less than 10,000 square feet woodland and does not have a previously approved Tree Conservation Plan on the subject property. This site has an approved Letter of Exemption from the Environmental Planning Section dated July 3, 2003.

CONCLUSION:

The proposed Special Exception will provide for the modernization of an existing heavy industrial use and provide opportunities to improve the visual and noise impacts typically associated with this type of manufacturing. Based on the foregoing analysis, staff recommends APPROVAL of Special Exception 4474 and VSE-4474 subject to the following conditions:

1. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Restripe the existing three-lane northbound Forestville Road approach to provide an exclusive left-turn lane, a shared through/left-turn lane, and an exclusive right-turn lane.
 - b. Right-of-way dedication and roadway improvements along the frontage of the property on Forestville Road in accordance with DPW&T Standard No. 100.03 for an urban four-lane collector road.
 - c. All improvements within the public right-of-way as dedicated to the county are to be in accordance with the county Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act.
2. The horizontal profiles shall be amended to show typical stockpiles of material and equipment stored in the equipment storage areas. If either stockpiles or equipment are visible from adjoining residentially zoned land or from Forestville Road, the site and landscape plans shall be revised to show how they will be screened.
3. The site plan will be revised to show the following:
 - a. The relocation of the proposed natural material stockpile area ten feet to the north.

- b. A note to indicate that Power takeoff (PTO) operations shall not occur outside the batch plant building.

- c. A note indicating the following:

Stormwater Management Concept Approval #17479-2003-00 states that the proposed redevelopment of the existing developed industrial site will meet the requirement of the Stormwater Ordinance by creating a 20 percent reduction in impervious area.*

Impervious Area Existing	=	54,478 SF
Impervious Area Proposed	=	31,320 SF
Amount of Impervious Area Reduction	=	23,158 SF
Percentage of Impervious Area Reduction =		42.5 percent

*These calculations are performed for redevelopment projects using only the disturbed area as the base area for calculating the impervious area reduction.

- d. The relocation of the freestanding sign at least ten feet from the right-of-way for Forestville Road.

- 4. The landscape plan will be revised to show the following:

- a. The bufferyard requirements for the northern property line to include no buffer required along the adjoining high impact (printing) use, and a Type D buffer for 60 feet along the undeveloped R-80-zoned property.
- b. A detail of the fence along the western property line, which will meet both sound mitigation standards and remain compatible with residentially zoned property.
- c. A 50 percent increase in the number of shrubs in the landscape strip along Forestville Road.
- d. The location of overhead utilities along Forestville Road, if any.