



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

Special Exception Application

SE-4532

Application	General Data
Project Name: Brandywine Wash Plant Location: North side of North Keys Road adjacent to Gibbons Church Road, known as 13911 Gibbons Church Road. Applicant/Address: Merit Concrete, Inc. 6401 Golden Triangle Drive Greenbelt, Maryland 20770-3202	Date Accepted: 4/18/05
	Planning Board Action Limit: N/A
	Plan Acreage: 187
	Zone: O-S
	Dwelling Units: N/A
	Square Footage: N/A
	Planning Area: 86A, 85B
	Tier: Rural
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 218SE10

Purpose of Application	Notice Dates
Extension of time for existing sand and gravel wet-processing facility	Adjoining Property Owners Previous Parties of Record Registered Associations: 2/17/05 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

Staff Recommendation		Staff Reviewer: Evelyn Kasongo	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

July 11, 2005

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: Evelyn Kasongo, Senior Planner

SUBJECT: **Special Exception Application No. 4532**

REQUEST: **Extension of use of existing wet-processing facility**

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 property consists of 187.7 acres and is located on the north side of North Keys Road, northwest of the intersection with Gibbons Church Road.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	O-S	O-S
Use(s)	Sand and Gravel/Wet Processing	Sand and Gravel/Wet Processing
Acreage	187.7	187.7

- C. **History:** On March 23, 1985, Special Exception SE-3561 was approved through December 31, 2005. No changes to the previously approved special exception are proposed, as the current wet-processing operations will be left “as is.” Since the approval of Special Exception SE-3561, the wet-processing facility has been continuously operated. Two revisions to the special exception have also been approved. One revision was to add a maintenance building and the other was for the installation of an above-ground fuel storage tank.
- D. **Master Plan Recommendation:** This site is located in the Rural Tier. The vision for the Rural Tier is the protection of large amounts of land for woodland wildlife habitat, recreation and agriculture pursuits, and preservation of rural character and vistas that now exist. The 2002 General Plan Development Pattern policies for the Rural Tier do not address a sand and gravel wet processing facility as proposed by this application. Reclamation and reuse of this site for recreation, forestry or agriculture upon the completion of mining activities would be consistent with Rural Tier goals and policies. Mining of sand and gravel resources prior to permanent development conforms to recommendations of the 1993 Subregion V Study Area Master Plan and the 1993 Subregion VI Study Area Master Plan.
- E. **Request:** One-year extension of an existing wet-processing facility, which was previously approved in SE-3561 until December 31, 2005.
- F. **Neighborhood and Surrounding Uses:** The neighborhood is bounded by Mattaponi Creek on the north, MD 381 on the south, Molly Berry Road and Baden-Naylor Road on the east, and Popes Creek line of the CSX Railroad on the west. The M-NCPPC Brandywine-North Keys Park is located immediately east of the subject property and to the north of the property is the PEPCO fly ash landfill. A small number of single-family homes can be found along North Keys Road; however, the predominant land use of the area is rural in nature.
- G. **Specific Special Exception Requirements:**
- (a) **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.**

The existing wet processing facility encompasses approximately 187.7 acres.

- (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.**

The applicant is requesting an extension of the current wet-processing operations through the end of calendar year 2006.

- (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 involved 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.**

All fixed installations that involve parking and storage for trucks, automobiles and heavy equipment are located at least 422 feet from the subject property boundary. All nonstructural installations that involve stockpiles of natural material are located within an area that is no less than 470 feet from the subject property boundary. All settling ponds are located at least 275 feet from the subject property boundary.

- (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:**
- i. The location of all washing, screening, classifying, and crushing facilities;**
 - ii. The location of all natural material stockpiles;**
 - iii. The internal traffic circulation system;**
 - iv. The parking and storage areas for all vehicles and equipment;**
 - v. The settling ponds and water bodies;**
 - vi. The source of water to be used in the operation, and**

- vii. The identification of the trucks and heavy equipment to be used in the plant operation.**

The site plan for the wet-processing facility contains the information required in subsections (4)A-F. A list of the trucks and heavy equipment was also provided.

(5) All applications for Special Exception shall be accompanied by the following:

- i. A stormwater concept plan approved pursuant to Section 4-322 of this Code;**
- ii. A preliminary noise assessment;**
- iii. A horizontal profile illustrating all structures and stockpiles; and**
- iv. A grading plan that illustrates existing and proposed topography.**

The items referenced in this subsection have been submitted. The horizontal profile is located on sheet 1 of 2 of the special exception site plan.

(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.

The traffic analysis will include the specific information required in subsection (6) and will be filed at least 60 days prior to the hearing before the Zoning Hearing Examiner.

(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.

The site's private access road is a paved road 24 feet in width from the intersection of North Keys Road and Gibbons Church Road. It is the ingress and egress to the existing wet-processing facility. The private access road is paved to a distance of at least 1,200 feet northward from the intersection at North Keys Road and Gibbons Church Road to the scale house.

(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.

The required inventory is attached to this report.

- (b) In reviewing the application, the District Council shall consider the use of techniques, which provide for noise attenuation.**

The applicant has provided an evaluation of noise impacts from the proposed operations and has addressed the need for any noise attenuation techniques. Mufflers will be used to attenuate noise generated by machinery on the property. In addition, the berm and wooded buffer more than adequately attenuate noise generated by this facility.

- (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.**

All referrals relative to this case have been included within the technical staff report. The following agencies have not responded to this application: Fire Department, Property Standards, Soil Conservation, WSSC, Maryland Health and Mental Hygiene, Maryland State Planning, and Maryland Department of Environment.

- (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.**

The subject property is not located in the Chesapeake Bay Critical Area Overlay Zone.

- (e) In reviewing the application for compliance with the required findings set forth in Sections 21-317(a)(4) and 27-317(a)(5), the District Council shall consider the inventory required in Section 27-405(a)(8).**

The applicant understands that the District Council will consider the required inventory in reviewing the subject application.

- H. Landscape Manual Requirements:** This proposal does not require the construction, enlargement, or extension of a building and, therefore, is exempt from the landscaping, screening, and buffering requirements of the *Landscape Manual* per Section 27-328.02 of the Zoning Ordinance.
- I. Sign Regulations:** Any sign that will be placed on the property must meet all area, height and setback requirements.

J. 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 purposes of this Subtitle 27 are set forth in Section 102. The proposed uses and accompanying site plans are in harmony with the purposes of the subtitle to protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the county.

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

With the recommended conditions of approval, the proposed use will be in conformance with the requirements of the Zoning Ordinance.

- (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 Master Plans for Subregion V and VI indicate the subject property is located within a rural area with substantial sand and gravel deposits. The Master Plans for Subregion V and VI at pages 183 and 35, respectively, recognize that sand and gravel deposits provide the major natural resource in the area and are of vital importance to the area's economy because of their effect on private and public construction costs. The current O-S zoning, which permits wet-processing of sand and gravel by special exception under conditions, and the recognized concepts and guidelines of the subject master plans, lead to the determination that the processing of sand and gravel on the subject site is the logical implementation of the concepts and guidelines of both master plans. Thus, the proposed use will not substantially impair the integrity of any validly approved master plan or functional master plan or the General Plan.

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

The applicant is requesting an extension of time for the operation of an existing sand and gravel wash plant. A special exception was approved for this use on March 23, 1985. At that time, the Council found that environmental and traffic issues could be addressed. The use has operated in compliance with the approved special exception. The continued operation of this use for one year would not impair the findings. With the recommended conditions, 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.**

The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. To assure compatibility in this rural area, no physical activity related to the wet-processing plant begins before 7:00 a.m. and ends no later than 5:00 p.m.; no use is permitted on weekends or federal holidays, including the hauling of already processed sand and gravel. This restricts the use of the property to times when normal amounts of physical activity would be expected by area residents, and restricts the use during those times when residents should be able to expect the peace and tranquility of rural living.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

The proposed use is exempt from this requirement of the Woodland Conservation Ordinance. Exemption E-26-01 from the Woodland Conservation Ordinance was approved for the subject property on March 26, 2001, and was reissued on December 27, 2004. It will expire December 27, 2006.

CONCLUSION:

Based on the preceding analysis and findings, it is recommended that this application be APPROVED with the following conditions:

1. The width of the drive aisle accessing the parking compound from plant access road should be provided on the site plan. A minimum of 22 feet is required.
2. The required loading space must be dimensioned on the site plan.
3. A detail of the area containing the maintenance building, above-ground fuel storage tanks, truck scales, and scale house should be provided as done on the previously approved special exception. The surface of the parking lot and the existing lighting should be provided on this detail.
4. The gross floor area of the existing pump house shed located in the wash plant equipment area must be provided on the site plan and included in the parking schedule. This building was not shown on the previously approved special exception or revision.
5. An overall site plan of the property in its entirety must be provided containing all adjacent uses and zones.
6. The site plan should label Gibbons Church Road as reflected on the PEPCO Brandywine Fly Ash Facility record plat VJ 189@96.