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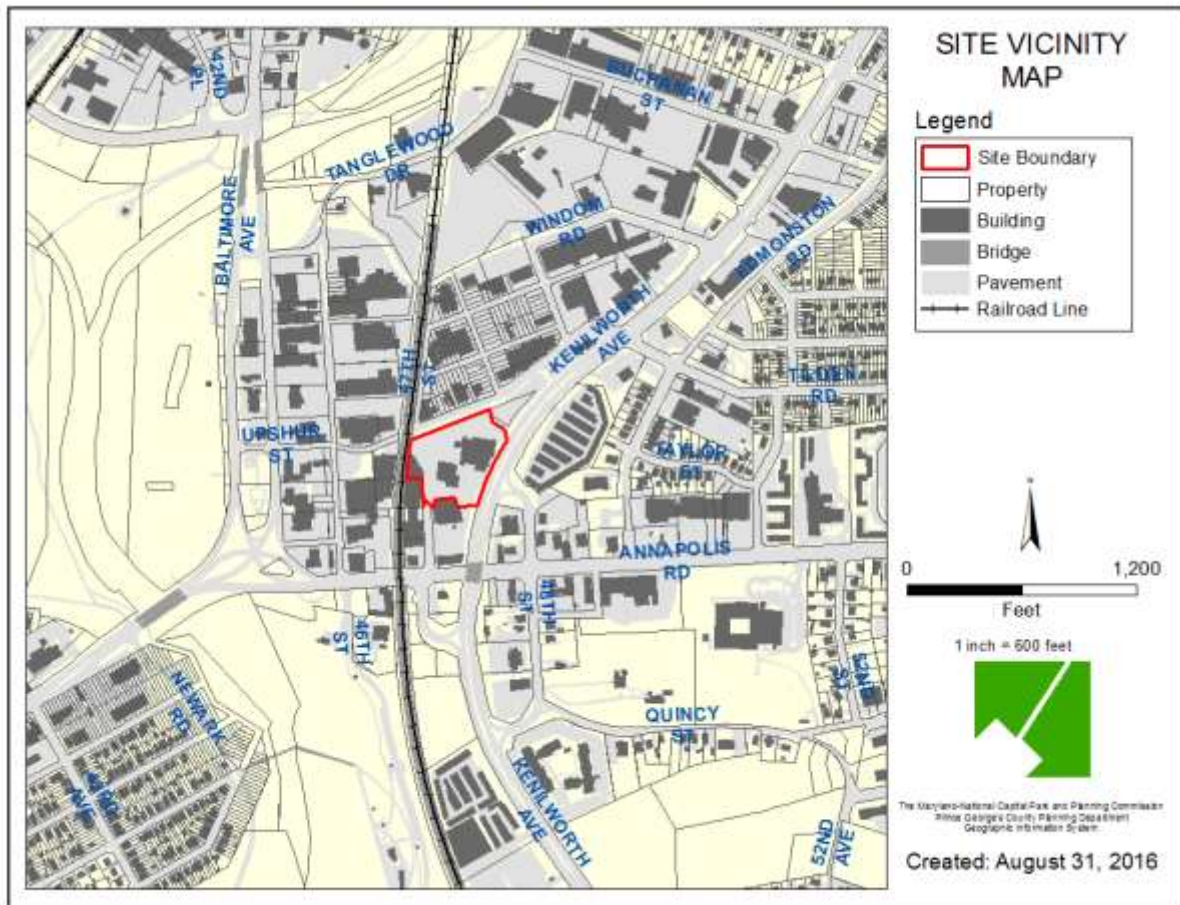
## Special Exception

## SE-4792

Application	General Data	
<b>Project Name:</b> Ernest Maier Concrete Batching Plant  <b>Location:</b> West side of Kenilworth Avenue (MD 201), approximately 254 feet west of its intersection with Upshur Street.  <b>Applicant/Address:</b> Ernest Maier, Inc. 4700 Annapolis Road Bladensburg MD 20710	Planning Board Hearing Date:	06/29/17
	Staff Report Date:	06/14/17
	Date Accepted:	01/09/17
	Planning Board Action Limit:	N/A
	Special Exception Plan Area:	3.95
	Zone:	I-2
	Gross Floor Area:	N/A
	Planning Area:	69
	Council District:	05
	Election District:	02
	Municipality:	Bladensburg
	200-Scale Base Map:	205NE04

Purpose of Application	Notice Dates	
(1) Special Exception to operate a concrete batching plant in addition to the existing concrete block plant in the I-2 Zone. (2) Variance from Section 27-343.02(a)(1) to allow a concrete batching plant and its components to be within 300-foot setback from property located in a residential or commercial zone. (3) Variance from Section 27-474(b) to reduce the 25-foot setback from Kenilworth Avenue by five feet.	Informational Mailing:	12/07/16
	Acceptance Mailing:	12/28/16
	Sign Posting Deadline:	N/A

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Ivy R. Thompson <b>Phone Number:</b> 301-952-4326 <b>E-mail:</b> Ivy.Thompson@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT**

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

VIA: Christina Pompa, Acting Subdivision and Zoning Supervisor  
Development Review Division

FROM: Ivy R. Thompson, Senior Planner, Urban Design Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4792  
Ernest Maier, Inc.**

REQUEST: **Special Exception for a concrete batching plant in accordance with Section  
27-343.03 of the Zoning Ordinance and two Variances from Sections  
27-343.02(a)(1) and 27-474(b) in accordance with Sections 27-316  
and 27-230 of the Zoning Ordinance**

RECOMMENDATION: **Approval with Conditions**

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NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of June 29, 2017. 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 addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. 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.

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## FINDINGS

- A. **Location and Field Inspection:** The subject property, 4700 Annapolis Road, is located within the municipality of Bladensburg on the west side of Kenilworth Avenue (MD 201), approximately 254 feet southwest of its intersection with Upshur Street. The large irregularly-shaped property is 4.63 acres in size and is zoned I-2 (Heavy Industrial) and I-1 (Light Industrial). The property is currently developed with a concrete-block plant. The subject area proposed for the concrete batching plant is 3.95 acres and encompasses the I-2 zoned property on Lot 4. Some of the existing structures associated with the block plant will be demolished to accommodate the concrete batching plant. Some of the components associated with the existing concrete block plant, such as raw material stockpiles, will be utilized in the operation of the concrete batching plant. Access to the site is via Upshur Street and 47<sup>th</sup> Street. This area of Bladensburg is predominately industrial in nature.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
<b>Zone(s)</b>	I-1 and I-2	I-1 and I-2
<b>Use(s)</b>	Concrete Block Plant	Concrete Block and Batching Plant
<b>Acreage</b>	4.63 acres 0.68 (I-1) and 3.95 acres (I-2)	4.63 acres 0.68 (I-1) and 3.95 acres (I-2)
<b>Lot(s)</b>	2	2
<b>Special Exception Area</b>	N/A	3.95 acres
<b>Variance Requests</b>	N/A	Yes—Section(s) 27-343.02(a)(1) and 27-474(b)

- C. **History:** This concrete-block plant has been in operation since the late 1960s. The property was never the subject of a preliminary plan, but was recorded pursuant to Section 24-107(c)(7)(D) of the Subdivision Regulations for Lot 2 in Plat Book PM 220-3 and subsequently rerecorded as Lots 3 and 4 in Plat Book PM 224-90 on Tax Map 50 in Grid C-3.
- D. **Master Plan Recommendation:** The 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* retained the property in the I-2 Zone. Per the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035), this site is located within the Established Communities' policy area. The plan recommends maintaining and enhancing existing public services and infrastructure in these areas to ensure that the needs of existing residents are met.
- E. **Request:** The applicant seeks approval of a Special Exception and Variances for setback requirements per the Prince George's County Zoning Ordinance Section 27-343.02(a)(1), for a 284-foot variance from adjacent residential properties; and Section 27-474(b), for a five-foot variance from Kenilworth Avenue (MD 201), to support the addition of a concrete batching plant. The applicant's original application included a Variance to Section 27-474(e) of the Zoning Ordinance, to eliminate the green area requirement. The need for this variance was eliminated with the expansion of the Special Exception Area because the green area requirement is based upon net lot area and net lot area does not include the 100-year floodplain. The entire property is located within the 100-year floodplain, thus the green area requirement is zero. Consequently, the need for the variance was eliminated.

The site currently houses a concrete block plant that was established in the 1960s and is operated by the applicant. The proposed concrete block plant will be located at the center of the 4.63-acre property on approximately 3.95 acres of land. An existing two-story concrete block building in the center of the subject property will be demolished to accommodate the new concrete batching plant. The proposed concrete batching plant improvements will be located approximately 30 feet west of the existing building. The batching plant will consist of two cement silos, the highest being 53 feet 11 inches and the lower slightly more than 45 feet in height, and an aggregate batching compartment, which will be 21 feet 3 inches in height. The concrete batching plant will utilize the existing raw material stockpile areas for the operation of the concrete block plant. Section 27-473(b)(2)(K) of the Zoning Ordinance permits the concrete batching plant use in the I-2 Zone, subject to the approval of a special exception.

- F. **Neighborhood and Surrounding Uses:** The neighborhood for this application is defined as follows:

**North:** Tanglewood Drive and Buchanan Street

**East:** Kenilworth Avenue

**South:** Annapolis Road

**West:** Baltimore Avenue

The neighborhood has a mix of uses that are not neatly characterized. The subject property is within 1,000 feet of five designated historic sites, Maryland-National Capital Park and Planning Commission (M-NCPPC) parkland, the Anacostia River and residentially zoned properties. Many of the properties located within a quarter-mile of the subject site are zoned Mixed-Use Transit (M-X-T), while abutting properties are zoned commercial and industrial. Large parts of the neighborhood are zoned heavy industrial consisting of such uses as the concrete block plant on the subject property and parts are light industrial consisting of automobile repair facilities and consolidated storage. The property is surrounded by the following neighboring uses:

**North:** Upshur Street and across Upshur Street are contractors' offices in the I-1 Zone.

**South:** Offices, parking and outdoor storage in the I-2 and C-S-C and D-D-O zones.

**East:** Kenilworth Avenue and across Kenilworth Avenue is a consolidated storage facility in the M-X-T Zone and D-D-O Zone.

**West:** CSX Railway Line and across railway line is an automotive repair facility in the I-1 Zone and D-D-O Zone.

- G. **Specific Special Exception Requirements:** Section 27-343.02 of the Zoning Ordinance permits a concrete batching facility in the I-2 Zone, subject to the following:

- (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).**

**Comment:** The site plan indicates that the proposed concrete batching plant and components do not conform with the required setbacks. The applicant is requesting variances for the zone setbacks. The first variance is from Section 27-343.02(a)(1) of the Zoning Ordinance, to allow the plant and its components to be within the 300-foot setback from property located in a residential or commercial zone. The second variance is from Section 27-474(b) of the Zoning Ordinance, to reduce the 25-foot setback from Kenilworth Avenue by five feet.

- (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;**
  - (B) The daily capacity of the plant;**
  - (C) The location of all natural material stockpiles;**
  - (D) The settling ponds, if any;**
  - (E) The source of water to be used in the operation;**
  - (F) Truck wash-out facilities, if any;**
  - (G) The methods of disposing of waste materials;**
  - (H) The internal traffic circulation system;**
  - (I) The truck mixing areas;**
  - (J) The parking and storage areas for all vehicles and equipment; and**
  - (K) The identification of the trucks and heavy equipment to be used in the plant operation.**

**Comment:** The Special Exception site plan and application information complies with the acceptance requirements as noted on the site plan coversheet Standard Note 7(2), A-K.

- (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.**

**Comment:** A traffic impact analysis was submitted that indicates that an additional 40 trips per day are generated, by the proposed use, via the existing 22-foot paved access drive identified on Upshur Street. There is also a 22-foot access drive entrance to 47<sup>th</sup> Street that is identified for limited secondary use.

- (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.**

**Comment:** The existing 22-foot paved access drive is identified on Upshur Street. The 47<sup>th</sup> Street ingress/egress is noted as being a secondary use ingress/egress. Standard Note 7(4) on the site plan coversheet identifies the use of the water spray method for dust control.

- (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;**
  - (B) A preliminary noise assessment;**
  - (C) A horizontal profile illustrating all structures and stockpiles; and**
  - (D) A grading plan that illustrates existing and proposed topography.**

**Comment:** The approved Stormwater Management Concept Plan No. (54476-2016-00), preliminary noise assessment, horizontal profile, and grading plan were submitted as part of the acceptance package.

- (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 Permitting, Inspections, and Enforcement, 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.**

**Comment:** Referrals were sent to the appropriate agencies for comments. Referral comments are provided in Section (N) of this technical staff report.

- (c) On land which is located within a Chesapeake Bay Critical Area Overlay Zone, development is subject to Subtitle 5B. No new concrete batching or mixing plant may be located in the R-C-O.**

**Comment:** The 3.95-acre special exception site is not located within the Chesapeake Bay Critical Area (CBCA) Overlay Zone or the R-C-O.

- H. **Variance Analysis:** Section 27-230(a) of the Zoning Ordinance contains findings required for all variances. Two separate variances must be obtained. Variances must be obtained from Section 27-343.02(a)(1) because the concrete batching plant and its components do not meet the minimum setback requirements of at least 300 feet from a residential or commercial property; and from Section 27-474(b) for the 25-foot setback from all streets. The special exception boundary is located 225 feet from commercially zoned (C-S-C) property, which is also owned by the applicant and 40 feet from property zoned Mixed-Use Transit. The applicant is seeking variances of 75 feet and 260 feet respectively, for the southern boundary setback requirement. The applicant also seeks a 4.2-foot variance from the 25-foot setback requirement along Kenilworth Avenue. The following is an analysis of the application's conformance with these requirements.

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

**Comment:** The subject property is currently developed with a concrete block manufacturing plant. The special exception area is 3.95 acres, irregularly shaped, and already contains necessary infrastructure for a concrete block plant. At the widest points, the special exception area is roughly 435 feet and 490 feet. The proposed concrete batching plant is located generally in the middle of the special exception area to the west of the existing concrete block plant. The existing material storage bins are used in conjunction with the existing concrete block plant and are proposed to be used for the concrete batching plant. Raw material is fed into the concrete block plant via a conveyor system located on the south side of the plant. The existing storage bins are located on the south side of the concrete block plant to allow material to be fed to the plant via a front-end loader. Maintaining the existing block plant infrastructure and constructing the concrete batching plant in proximity to take advantage of the existing infrastructure makes sense. However, the irregular shape and narrowness of the lot do not accommodate the proposed use while meeting the 300-foot setback from commercially-zoned property and the 25-foot setback from all streets. Compliance with the 25-foot and 300-foot setback would require the applicant to relocate those storage bins and the concrete batching plant to the north of the existing concrete block plant and closer to Upshur Street. The site plan shows the setbacks and the area compliance is feasible, but the triangle-shaped area is of an insufficient size to accommodate the concrete block plant operation and additional material storage bins.

Currently, the existing material storage bins are only 18.3 feet from Kenilworth Avenue (MD 201) at the northern end. The applicant has proposed to increase the setback to at least 20 feet along the length of the material storage bins and plant supplementary landscaping materials to screen the use from Kenilworth Avenue. The location of the building on Lot 3 (owned by Ernest Maier, LLC), will provide a buffer between the proposed concrete batching plant and the commercially-zoned property adjacent to Annapolis Road (MD 450).

**(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; and**

**Comment:** The strict application of the Zoning Ordinance would result in undue hardship upon the owner of the property. The existence of the concrete block plant on the subject property and the irregular shape and narrowness of the lot inhibit the applicant's ability to comply with the 25-foot and 300-foot setbacks. The applicant has proffered to relocate a



portion of the stockpile area north of its current location and plant trees, to increase the buffer along Kenilworth Avenue, thus requiring only a 4.2-foot variance while providing more screening of the site. The adjacent properties to the south are owned by the applicant. ~~and~~ The existing building provides a buffer to the commercially zoned property because while zoned industrial, the properties have less intense uses. The location of the concrete batching plant is sited such that it is approximately 200 to 250 feet diagonally from the M-X-T zoned Historic Kingdom Missionary Baptist Church. The applicant would need to reconfigure and relocate its existing concrete block plant to the north to comply with the setback requirements, which is not feasible and creates an undue hardship ~~on~~ for the applicant.

The plan as submitted, reflects a reasonable expansion and use of the property as a concrete block and concrete batching plant and is in keeping with the character of the existing industrial neighborhood. The applicant is seeking to enhance the use of the facility at the subject property. The strict application of the Zoning Ordinance would prevent the applicant from expanding needed services to the community and possibly lead the applicant to cease operations of a business that has legally operated since the 1960's.

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

**Comment:** The variance will not substantially impair the integrity of the General Plan, Plan Prince George's 2035 or the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment*. Plan Prince George's 2035 designates this property within the Established Communities policy area. The added use of the site for a concrete batching facility is an industrial use that is permitted in the Heavy Industrial (I-2) Zone with a Special Exception.

**Summary**

Granting of the two variances is appropriate because the proposed use, a concrete batching plant, complements the existing use as a concrete block plant that has existed for over fifty years. The proposed use is permitted with a Special Exception in the I-2 Zone. The validation of the proposed property configuration is the most feasible and will allow the applicant to continue pursuit of a reasonable expansion of services and business related to concrete batching and concrete block production. The applicant has proffered to increase the setback between Kenilworth Avenue (MD 201) and the materials stockpiles to 20.8 feet where 25 feet is required, and to provide supplementary landscaping to provide additional screening between the use and Kenilworth Avenue.

**I. 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;**

**Comment:** The purposes of Subtitle 27, as set forth in Section 27-102 of the Zoning Ordinance, are generally to protect the health, safety, and welfare of the public and promote compatible relationships between various land uses. The applicant is proposing to add a concrete batching plant. The applicant has submitted all required studies and analyses which indicate the facility will operate in accordance with local and state requirements. The proposed use complements the concrete block plant use that has existed on the site for more than 50 years. Therefore, with the approval of the variances and the recommended conditions, both the site plan and the proposed added use as a concrete batching plant are in harmony with the purposes of this Subtitle.

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

**Comment:** The subject property is in the I-2 (Heavy Industrial) Zone, which permits the proposed concrete batching plant by a special exception provided that certain specific requirements are met. The applicant has requested variances to seek relief from the setback requirements. With the approval of the requested variances to the setback requirements and the recommended conditions, the proposed use will be in accordance with the applicable requirements and regulations of this Subtitle.

**(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

**Comment:** The proposed special exception use is in conformance with the provisions of *Plan Prince George's 2035 Approved General Plan*, the *2009 Approved Port Towns Sector Plan and Sectional Map Amendment*, and the *2005 Approved Countywide Green Infrastructure Plan* noted herein. The master plan maintains an industrial land use for the subject property. Therefore, it can be concluded that 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 master plan, the General Plan.

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

**Comment:** A concrete block plant has operated continuously on this property for more than 50 years and it has not adversely affected the health, safety, or welfare of residents or workers in the area. The proposal is designed to provide for the safe internal flow of vehicles on-site and for the safe ingress and egress of vehicles. While vehicular access, adequate sight distance, truck traffic, dust, noise, air and water pollution are primary concerns that are associated with the proposed use there are regulatory measures that the applicant is required to implement to ensure compliance. The applicant will be required to address dust control measures as part of the air quality permit process from Maryland Department of the Environment (MDE). The applicant has indicated that a water method would be used to mitigate and reduce dust. Furthermore, a noise study prepared by Staiano Engineering, Inc., dated October 2016, indicates that the State of Maryland daytime and nighttime noise limit requirements are met without mitigation. The noise and truck traffic are typical impacts for this type of use. None of the responses from any referring agencies indicate the proposed use will adversely affect the health, safety, or welfare of residents or workers in the area. The special exception use is considered compatible with uses permitted by right within the I-2 Zone, if specific criterion is met. There are no significant adverse impacts for the proposed use.

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

**Comment:** The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. It is the applicant's belief that the modernization of the site will be complementary to the vision noted in the Port Towns Sector Plan and SMA regarding local employment. The site has housed a concrete block plant for many years under a legal permit. Adding a concrete batching facility on the site enhances the services offered at the facility. It will be operated in a manner that will not be detrimental to the use or development of

the adjacent properties or general neighborhood. The Transportation Planning staff has indicated that the current proposal will not result in adverse impacts to the transportation network.

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

**Comment:** This site is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site has no previous tree conservation (TCP) approvals, and contains less than 10,000 square feet of woodlands. The site was issued a Standard Letter of Exemption from Woodland Conservation (S-144-16) and is in conformance with the proposed application subject to the findings and conditions agreed to by the Prince George's County Planning Board.

**(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

**Comment:** This site contains regulated environmental features, which include 100-year floodplain and primary management area (PMA). The area of PMA and 100-year floodplain proposed to be impacted have already been developed. Improvements in the form of stormwater attenuation are proposed with this use that are currently not present onsite. The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of grading shown on the Special Exception Site Plan submitted for review.

- J. **Zone Standards:** The applicant's proposal for a concrete batching plant generally complies with the requirements of Section 27-470, I-2 Zone (Heavy Industrial) of the Zoning Ordinance, by providing a mix of industrial uses that are essential to the County's economic well-being and the provision of additional landscaping along Kenilworth Avenue. The approval of the recommended conditions will bring the proposal further into compliance with the requirements of Section 27-470 of the Zoning Ordinance.
- K. **Parking Regulations:** Section 27-568 of the Zoning Ordinance requires two parking spaces for every 1,000 square feet of gross floor area (GFA) of office space. The applicant is not proposing any new GFA within the Special Exception area, therefore, this application is exempt.
- L. **Sign Regulations:** The site plan does not show any signs as part of an entrance feature. Section 27-617 of the Zoning Ordinance allows one sign per street with a maximum area of 48 square feet and the maximum height eight feet above finished grade at the base of the sign. The signs would be noted for conceptual purposes only; however, all proposed signs must be shown on the site plan. The details must be reviewed for conformance with the location, height, and area requirements of the sign regulations, prior to issuance of permits.
- M. **2010 Prince George's County Landscape Manual Requirements:** The proposed project is generally exempt from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) pursuant to Sections 1.1(f) and 1.1(g), as there is no increase in gross floor area or the impervious surface to be utilized for parking and loading. The application is subject to the requirements of Section 4.4, Screening Requirements. There are no loading spaces, mechanical equipment or trash facilities, the items required to be screened, shown on the site plan, however, a loading space is required for the development. It is recommended that the applicant show the loading space on the plans prior to certificate approval and provide screening as required by Section 4.4 of the Landscape Manual.

**Prince George's County Tree Canopy Coverage Ordinance (TCC):** This application is subject to the Prince George's County Tree Canopy Coverage Ordinance. The special exception area of 0.71 acre is zoned I-2 and is required to provide ten percent, or 3,093 square feet, in tree canopy coverage (TCC). A TCC worksheet has been provided on the site plan specifying that this requirement is being met.

N. **Referral Comments:**

1. **Subdivision Review:** No new gross floor area (GFA) is proposed with this application based on the general notes on the cover sheet. However, the application states that some of the existing structures associated with the concrete block plant will be demolished to accommodate the proposed concrete batching plant. To meet the above referenced exemption, the existing development to remain on the site must constitute 10 percent of the total area of the site. Sheet 3 shows the overall site plan but does not include any bearings, distances or public utility easements as shown on the record plat. Bearings and distances as well as public utility easements should be added to the plan in accordance with the record plat. Failure of the site plan and record plat to match (including bearings, distances and acreage) will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues.
2. **Community Planning:** The application conforms to the 2009 approved Port Towns Sector Plan and SMA land use recommendations for industrial with an approved Special Exception applications. The applicant should take the necessary precautions to minimize dust and noise level to surrounding properties and traffic impact on the area roads as indicated in the Statement of Justification.
3. **Historic Preservation:** The subject application was referred to the Historic Preservation Commission (HPC) because the developing property is adjacent to St. Paul's Baptist Church Historic Site (69-005-06). Built in 1818 to house the Presbyterian congregation of Bladensburg, this church was sold to a Black Baptist congregation established by Sarah Miranda Plummer, and was enlarged and remodeled after 1908 in the Romanesque Revival style. The Plummer's were once enslaved laborers for the Calvert family at Riversdale. A front-gabled brick church with a later bell tower and lower front-gabled addition, its entrance is centered in the base of the tower and flanked by brick pilasters, above which is an octagonal belfry with a steep pyramidal roof. St. Paul's Church is the only surviving historic structure in a densely developed industrial area and is the only remaining resource associated with the historic African-American community in Bladensburg.

The older part of St. Paul's Church was built in 1818, using bricks salvaged from the Presbyterian church formerly located on the site of Evergreen Cemetery in Bladensburg. The building burned in 1908 and was restored with the addition of the entrance tower and south wing. The additions were laid in red brick and were incorporated into the original north concrete block. At a later date a cellar was added beneath the southwest wing and is constructed of concrete. In the 1960s, 15 feet by 14 feet addition was built in the southeast. The church has several large cracks in the masonry that have expanded after the elevation of the adjoining CSX train tracks in recent years.

Testimony provided during the March 21, 2017, HPC meeting by Mr. Alfonso Narvaez, Aeon Preservation Services, indicated that the Historic Preservation staff report did not address possible adverse effects of the proposed development on other historic sites in the

vicinity. These Historic Sites include the Hilleary Magruder House (69-00-07), located approximately 635 feet south of the proposed location of the concrete batching plant and directly across the street from the main Ernest Maier building on Annapolis Road; the Peace Cross (69-005-16), located approximately 1,080 feet southwest of the developing property; and the George Washington House (69-005-02), located approximately 1,040 northwest of the developing property. Concerns expressed included the applicant's traffic study did not adequately address traffic issues at the intersection of 47<sup>th</sup> Street and Annapolis Road or the effect of heavy concrete mixer trucks on the other historic sites in the vicinity. Staff indicated that many of these concerns are better addressed by the M-NCPPC Transportation Planning Section.

The proposed concrete batching plant will reduce the building mass closest to the historic site. The existing concrete block plant has operated next to the historic site since the 1960s and the proposed concrete batching plant will not further impact the viewshed of the church. The applicant's traffic study indicates that the proposed concrete batching plant will generate 40 new trips per day and will be [primarily] accessed from Upshur Street to the north of the historic site, therefore, reducing the impact of heavy vehicles passing in front of St. Paul's Baptist Church Historic Site. In order to ensure a *de minimis* impact on the historic site, access for truck traffic to and from the developing property should be limited to Upshur Street on the north.

4. **Transportation:** The site currently fronts on Kenilworth Avenue (MD 201) to the east, Upshur Street to the north and has 47<sup>th</sup> Street terminating at its southern boundary. The property also shares its western border with the CSX railway. Kenilworth Avenue is a master plan arterial road and provides no access (current or future) to the site. 47<sup>th</sup> Street ends at the site's southern (gated) border and is not likely to be extended through the site as a through street at any point in the foreseeable future. The existing concrete block plant is currently accessible by a single-access point at the unsignalized intersection of Upshur Street and Webster Street.

#### **Traffic Impact**

Information provided by the applicant indicates that the proposed batching plant will be generating no more than 40 truckloads of concrete per day. Based on that projection, a Traffic Impact Study (TIS) was ~~done~~ conducted to evaluate the impact of this development on the surrounding streets. The traffic study evaluated the potential impact on the following intersections deemed critical.

<b>EXISTING</b>		
<b>Intersection</b>	<b>AM</b>	<b>PM</b>
Upshur Street & Southbound Baltimore Avenue (US 1) *	A/552	A/847
Upshur Street & Northbound Baltimore Avenue (US 1) *	A/905	B/1008
Upshur Street & 47 <sup>th</sup> Street-Site Access *	A/464	A/401

Upshur Street & Kenilworth Avenue (MD 201)	A/772	A/973
Bladensburg Road and Baltimore Avenue (US 1)	C/1241	C/1260
<b>BACKGROUND</b>		
Upshur Street & Southbound Baltimore Avenue (US 1) *	A/565	A/868
Upshur Street & Northbound Baltimore Avenue (US 1) *	A/929	B/1041
Upshur Street & 47 <sup>th</sup> Street-Site Access *	A/477	A/447
Upshur Street & Kenilworth Avenue (MD 201)	A/793	A/1016
Bladensburg Road and Baltimore Avenue (US 1)	C/1273	C/1291
<b>TOTAL</b>		
Upshur Street & Southbound Baltimore Avenue (US 1) *	A/568	A/871
Upshur Street & Northbound Baltimore Avenue (US 1) *	A/934	B/1046
Upshur Street & 47 <sup>th</sup> Street-Site Access *	A/484	A/454
Upshur Street & Kenilworth Avenue (MD 201)	A/795	A/1018
Bladensburg Road and Baltimore Avenue (US 1)	C/1275	C/1293
* Unsignalized intersections are required to be evaluated using the Highway Capacity Software. However, when the results exceed 50 seconds of delay, subsequent analyses are required using the CLV methodology. Under these conditions, a CLV of 1,150 or less is deemed to be adequate. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i> .		

Several assumptions were made as part of these analyses. Among those assumptions are as follows:

- Regional traffic growth was estimated as one half of one percent for five years.
- The “Beyond Restaurant” was included as a background development.
- All of the proposed site traffic will be limited to the site entrance at Upshur Street.

The results of the traffic analyses show that all the intersections deemed critical will continue to operate adequately. There are no apparent issues that would be posed by adding this degree of travel to roadways in the immediate area. It is important to remember that adequacy of transportation facilities is not an issue in the review of this use; review is strictly within the required findings of health, safety, and welfare.

The site plan was reviewed for conformance with the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment*, in terms of master plan trails and bikeways. Since the site does not require a preliminary plan it is not subject to Section 24-124.01 of the Subdivision Regulations or the “Transportation Review Guidelines, Part 2, 2013,” which are used for evaluating the adequacy of bicycle and pedestrian facilities. The site fronts on Upshur Street which is designated as a side path on the Master Plans Trails map. The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) recommends a shared use sidepath along Upshur Road (see plan map). Upshur Road is an important bicycle connection because it provides access across the CSX railroad tracks and serves as a connection to both Bladensburg Waterfront Park and the Northeast Branch Trail. Because Upshur Road is a municipal right-of-way, any improvement recommendation is subject to the approval of the City of Bladensburg.

Currently, Upshur Road is an open section in the vicinity of the site, includes no accommodations for pedestrians, and has striped bike lanes along some segments. The use application poses no issue regarding the required special exception finding.

5. **Environmental:** No woodlands exist on-site. The site is located within the Upper Anacostia Watershed that drains into the Potomac River Basin. The predominant soil found to occur on-site according to the USDA NRCS Web Soil Survey is Urban land-Zekiah complex (0-2% slopes) frequently flooded. According to available information, neither Marlboro clay nor Christiana complexes are known to occur onsite. According to the Sensitive Species Project Review Area (SSSPRA) map prepared by the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered (RTE) species found to occur on or in the vicinity of this property. There are no streams, Waters of the U.S., or wetlands associated with the site. A roadside ditch lies to the north of the site running parallel to Upshur Street. This site is within an area of 100-year floodplain and located within the primary management area (PMA). This site is not identified as containing forest interior dwelling species (FIDS) or FIDS buffer. The site has frontage with Kenilworth Avenue (MD 201) and Annapolis Road (MD 450), which are master planned arterial roadways that are traffic noise generators. The site also has frontage with 47<sup>th</sup> Street and Upshur Street, which are not classified as master plan roadways; neither of these roads are considered traffic noise generators. CSX railway tracks are located along the western property boundary. Because the proposed use is not residential, traffic generated noise is not regulated in relation to the subject application. This site does not share frontage with any historic or scenic roadways. A portion of the overall 4.63-acre site is located within the Resource Conservation Overlay (R-C-O) Zone of the Chesapeake Bay Conservation Plan; however, the proposed use associated with this application is for a 3.95-acre area of this overall site that is

outside of this zone. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site is not mapped within the network.

The Sector Plan for this area is the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment*. In the Port Towns Sector Plan and SMA, the Environmental Infrastructure section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the sector plan and the plain text provides comments on plan conformance.

**Policy 1: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.**

The site has an approved Stormwater Management Concept Letter No. (54476-2016-00). The site plan shows the use of an underground stormwater management facility that will improve volume control. According to the letter, a floodplain waiver will be required. This project will meet water quality requirements from both storm and non-storm events entering wetlands and waterways in accordance with an approved final stormwater management plan to be approved by the Site/Road Plan Review Division of the Department of Permitting, Inspections and Enforcement (DPIE).

**Policy 2: Require new and infill development to implement stormwater management techniques that minimize the amount and toxicity of stormwater runoff from the site. Preserve, enhance, or restore the vegetated buffers around wetlands and waterways.**

As previously stated the site has an stormwater management concept approval letter. Water quality will continue to be addressed through the approval of the final stormwater management plan.

**Policy 3: Implement environmentally sensitive design building techniques and reduce overall energy consumption.**

The use of green building techniques and energy conservation techniques should be used as appropriate.

**Policy 4: Preserve and enhance the existing urban tree canopy.**

The site is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance. No on-site preservation or restoration is proposed with this application.

**Policy 5: Reduce light pollution and intrusion into residential communities and environmentally sensitive areas.**

The proposed use associated with this application is not immediately adjacent to any residential communities or environmentally sensitive areas. Lighting requirements will be evaluated by the Urban Design Section of the Development Review Division.

**Policy 6: Reduce air pollution to support communities' health and wellness and champion no motorized alternatives by placing a high priority on transit-oriented**



**development and transportation demand management (TDM) projects and programs.**

The Transportation Planning Section will review the application further for appropriate strategies.

**Policy 7: Reduce adverse noise impacts to meet State and Maryland noise standards.**

Environmental requirements for noise impacts are addressed in the Environmental Review Section below.

**Conformance with the 2005 Approved Countywide Green Infrastructure Plan:** According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site is entirely outside of the Regulated Area of the designated network of the plan. The site was found to be in conformance with the Countywide Green Infrastructure Plan. No further review for conformance is needed for this application.

**Conformance Finding for 2010 Approved Water Resources Functional Master Plan:** The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the County, on a County wide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections and Enforcement, Prince George's County Department of Health, Prince George's County Department of Environmental Resources, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban Sanitary Commission are also deemed to be consistent with this master plan.

**Preservation of Regulated Environmental Features/Primary Management Area:** Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

The site contains regulated environmental features. According to the special exception site plan and the approved stormwater management concept plan, impacts to the 100-year floodplain are proposed for a concrete batching plant and associated stormwater management facilities that include one stormwater outfall, storm drain and associated grading. A statement of justification

has been received for the proposed impacts to the 100-year floodplain, which is within the PMA. The Statement of Justification and exhibits request one impact to the PMA totaling approximately 0.73 acres for the installation of the proposed concrete batching plant and associated stormwater management facility. The area of Impact #1 is currently developed with a 11,000-square-foot concrete-block building that will be removed to make room for the concrete batching plant and stormwater management facility. This impact cannot be avoided because a majority of the site is within the 100-year floodplain. The site, which previously had no stormwater management controls will receive installation of an underground stormwater management facility to improve flood control. A floodplain waiver for the construction within the floodplain is required from the Department of Permitting, Inspections, and Enforcement (DPIE) prior to permit issuance. Staff has confirmed with DPIE that the waiver will be granted. Staff recommends approval of these impacts.

**Chesapeake Bay Critical Area (CBCA):** A portion of the overall 4.63-acre site is located within the Resource Conservation Overlay (R-C-O) Zone; however, the proposed use associated with this application is for only 1.1 acres (0.73 acres total limits of disturbance) of the 3.95-acre special exception area, which is located outside of the R-C-O Zone. Therefore, this application for special exception is not subject to the restrictions of Section 5B and Section 27-548.16 of the Zoning Ordinance, that prohibit the proposed use of concrete batching or mixing plant. No additional information is required with regard to the CBCA.

Therefore, based on the level of design information currently available and the recommended conditions, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the impact exhibit submitted for review.

6. **Prince George's County Health Department Environmental Engineering Program:** Miscellaneous solid waste materials (construction materials, fencing, storage containers, tires) must be collected and properly disposed to a municipal waste landfill. The proposed concrete batching plant is required to be permitted by the Air & Radiation Management Administration of the Maryland Department of the Environment. The applicant must file applications for both a Permit to Construct and a Permit to Operate. The demolition of the existing structure must be preceded by a raze inspection performed by the designated Environmental Health Specialist at the Department of Permitting, Inspections and Enforcement (DPIE) to assure the proper remediation of any asbestos containing materials on-site. During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 *Maryland Standards and Specifications for Soil Erosion and Sediment Control*. During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code. There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Plans should indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.
7. **Town of Bladensburg, MD:** The Mayor and Town Council of Bladensburg held a public hearing on May 30, 2017, to discuss resident concerns and to hear from the applicant regarding the special exception proposal for a concrete batching plant at the existing Ernest Maier concrete blocking plant. The Mayor and Town Council of Bladensburg voted on June 1, 2017, to support the special exception subject to approval with conditions. The letter from the Mayor and Town

Council of Bladensburg with their proposed conditions are included as part of the back-up for the technical staff report.

## CONCLUSION

A Special Exception use is considered compatible with uses permitted by-right within the I-2 Zone, as long as specific criteria are met. Unless unique adverse impacts are identified, the Special Exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, **at the particular location proposed, would have adverse impacts above and beyond those inherently associated with the Special Exception use, regardless of its location within the zone.** The subject use, a concrete batching facility, is in addition to the existing operation of a concrete block plant at this location since the 1960's. The impacts associated with this expanded use of service, as noted in previous sections of this report, are typical and would be similar regardless of its location in the I-2 Zone.

Staff believes that the applicant has met their burden of proof in this instance. Therefore, based on the preceding analysis and findings, staff recommends APPROVAL of Special Exception Application No. SE-4792, Ernest Maier Concrete Batching Plant, subject to the following conditions:

1. Prior to site plan certification of Special Exception, SE-4792:
  - a. The applicant shall show the required loading space on the site plan and include screening of that loading space pursuant to Section 4.4 of the 2010 *Prince George's County Landscape Manual*.
  - b. The applicant shall add a tree canopy coverage schedule to the plan set demonstrating conformance with the requirements of the Tree Canopy Coverage Ordinance and revise the plans to show a minimum of 4.3 acres or 187,308 square feet of the site covered in tree canopy.
  - c. In order to ensure a *de minimis* impact on the St. Paul's Baptist Church Historic Site (69-005-06), access for barrel mixing truck traffic to and from the concrete batching plant to be located on the property shall be limited to Upshur Street on the north.
  - d. The applicant shall provide a light plan illustrating that all exterior light fixtures are shielded and positioned to minimize light trespass.
  - e. The applicant shall provide a 20-foot-wide landscape screening buffer along the special exception (and property) boundary adjacent to Kenilworth Avenue (MD 201) as shown on Sheet 5 of the Special Exception site plan.
  - f. The applicant shall add Special Exception plan boundary acreage to General Note 2 on Sheet 1 of the Special Exception Plan.
2. The applicant shall provide the current number of daily truckloads and shall be limited to 40 additional truckloads in accordance with the assumption in the traffic impact study.
3. Prior to the installation and operation of any concrete equipment, the applicant shall obtain a permit to construct and a permit to operate from the Maryland Department of the Environment (MDE), Air and Radiation Management Administration (ARMA).

4. The applicant shall limit the hours of operation shall be limited to 6:00 a.m. to 4:00 p.m. with the ingress/egress of truck traffic shall occur no later than 5:00 p.m.
5. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the applicant shall provide a shared used sidepath (or eight-foot-wide sidewalk) along the subject site's entire frontage of Upshur Road, unless modified by the Town of Bladensburg.