

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2018 Legislative Session

Reference No.: CB-046-2018

Draft No.: 2

Committee: PLANNING, ZONING AND ECONOMIC DEVELOPMENT

Date: 07/18/2018

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 3-0 (In favor: Council Members Franklin, Patterson, and Toles)

The Committee Director summarized the purpose of the legislation and informed the committee of written referral comments that were received. This legislation amends the Zoning Ordinance Industrial Table of Uses to allow concrete recycling facility uses in the I-2 (Heavy Industrial) zone without the requirement for a special exception if the use meets certain criteria in a new footnote 65 to the table. The Committee also discussed a related bill, CB-47-2018, during this worksession. CB-47 also amends the Industrial Table of Uses to allow concrete batching or cement plant uses in the I-2 Zone without the requirement for a special exception if the use meets certain criteria in a new footnote 66 to the table.

Council Member Franklin, the bill's sponsor, informed the Committee that the proposed legislation, CB-46-2018 and CB-47-2018, is intended to address a unique situation involving this industrial type of use, specifically, how sand and gravel materials are handled on site. Mr. Franklin explained that the intent of the legislation is to reduce truck traffic on nearby roads by having both operations of recycling and remixing onsite, thereby diminishing the need for new sand and gravel mining operations.

The Zoning Hearing Examiner reviewed the legislation and provided the following comments in a July 16, 2018 memorandum to the Committee Director. "The bill deleted the requirement that a special exception be approved prior to operation. In lieu thereof, the applicant must file a Site Plan with its building permit. This type of review raises the following questions:

1. What if anything can be done if DPIE questions the information shown on the Site Plan? As drafted there doesn't appear to be any ability to amend/reject the information.
2. There are other provisions in §27-343.03 aimed at protecting surrounding communities and requiring referrals to various county and state agencies before the use can be approved. Is the sponsor amenable to adding any of these?

The Planning Board voted to oppose the legislation and provided a June 12, 2018 letter to Council Chair Glaros with comments and suggested amendments as follows:

“The Planning Board believe this bill was drafted for a specific property. There are additional specific Special Exception (SE) regulations for concrete recycling facilities under Section 27-343.03 (Concrete recycling facility).

On page 3 under footnote 65 letter E the letter should be revised. It is not clear how this language would be enforced. Perhaps language should be added to require a separate temporary use and occupancy permit for the crushing operations on site. The temporary use and occupancy permit would allow the Department of Permitting, Inspections and Enforcement (DPIE) to restrict the number of calendar days crushing operations could occur.

Under letter (G) remove the words ‘two hundred (200)’ and replace with the words ‘three hundred (300)’. This language would be consistent with current language under Section 27-343.03.

Under letter (H) add the remaining requirements listed under Section 27-343.03 to be consistent with current regulations.”

Council Member Patterson commented on his concern and sensitivity to the health of nearby residents and suggested an ongoing evaluation of the operation to ensure there is no adverse impact on the community. Council Member Toles inquired about the distance of the nearest residence from the operation and potential impact to the residents. She expressed concern about the unintended consequences of the legislation relating to dust and noise from the operation impacting existing neighborhoods. In commenting on her position in support of the legislation, Council Member Toles commented that it is not her intent to have a proliferation of these uses without a special exception process that includes the voice of the community; however, the legislation addresses a special circumstance with existing uses that will result in a reduction in the number of truck trips in the affected community.

Edward Gibbs, representing Rock Hill Sand and Gravel, testified in support of the legislation.

The Committee voted favorable with amendments as follows: on page 3, in footnote 65 letter (G), change “two hundred (200) feet” to “three hundred (300) feet” and in letter (H) after “A site plan is filed”, add “and approved by County Department of Permitting, Inspections, and Enforcement (“DPIE”).