

STAFF PERSON:
BOARD OF SUPERVISORS:

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Staff Analysis of Special Exceptions for SDP 201800067, Northside Materials Recovery Facility

Proposal: The applicant has submitted a site development plan for a privately owned materials recovery facility which is permitted by-right in the HI, Heavy Industry zoning district. The property is located on Northside Drive, which is on the west side of Rt. 29 in the Hollymead Development Area (Tax Map Parcels 032000000022C30; 03200000007000; 03200000007100; 03200000007200; 03200000007300). The properties are zoned HI, Heavy Industry. A portion of the property is located within the EC, Entrance Corridor. The applicant is proposing to process and recycle concrete, asphalt and masonry products. The products are primarily from demolition sites and will be brought to the site for recycling into marketable products. Equipment used on-site consist of a material “crusher,” conveyors, dump trucks and loaders. Approval of the site plan as proposed by the applicant will require approval of multiple Special Exceptions to modify or waive requirements found in the following sections of the Zoning Ordinance.

Supplementary regulations

- 18-5.1.51(a) and (b) – Outdoor Activities in Industrial Districts
 - 18-5.1.52 (a), (c), (e) – Outdoor Storage in Industrial Districts
- Industrial District – Generally
- 18-26.5(c) – Buffer requirements
- General Regulations – Noise
- 18-4.18.04

Character of the Area: The abutting parcels to the east, south, and west are zoned either HI Heavy Industry or LI, Light Industry. An auto body shop is located just west of this site. On the north side of the site, two (2) of the three (3) abutting properties are zoned HI and developed with industrial uses (cement mixing plant and building materials sales). The third parcel to the north is zoned R-4, Residential and contains a 70+ unit mobile home park. The abutting residentially zoned property shares a common boundary of about 210 feet in length.

Background:

Stockpiling construction materials on this property was allowed through a prior water protection plan approval. Fill and waste, including stockpiling materials may be allowed for up to a one-year period in association with performance standards in our zoning ordinance. Because this activity extended beyond the one-year period and involved areas of the property beyond the approved plan, there is currently a technical violation of this engineering approval. Because the construction materials have been brought to the property for the purpose of processing rather than stockpiling, this stockpiling was not reviewed for compliance with the industrial storage and activity performance standards in the zoning ordinance. These stockpiles are currently in violation of several of these standards. Several approvals necessary from the County and actions by the applicant will abate these violations. These include: a) approval of the requested special exceptions, an amended water protection ordinance plan, the final site plan and a zoning clearance, in conjunction with b) removal of stockpiled material to be consistent with the height and location of the stockpiles as proposed on the plan and installation of the proposed improvements such as landscaping and fencing. One of the proposed conditions addresses the steps necessary for compliance with associated timelines.

Staff Analysis of each Special Exception modification Request:

Supplementary Regulations

County Code §18-5.1 allows any requirement of section 5 to be modified or waived in an individual case, upon a finding that such requirement would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare, or that a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement; and upon making any finding expressly required for the modification or waiver of a specific requirement.

5.1.51 OUTDOOR ACTIVITIES IN INDUSTRIAL DISTRICTS Except as otherwise expressly permitted for a particular use, each use permitted by right or by special use permit in an industrial district shall be subject to the following:

a. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building.

Staff Analysis: The size, weight and volume of the concrete, masonry and asphalt materials to be processed on the site would make fully enclosing the activity within a building problematic. Staff has recommended, and the applicant has agreed to, a number of conditions that: establish the location and maximum height of the stockpile areas that can be screened by existing wooded areas (those heights are 24 feet and 28 feet); require construction and installation of additional landscaping and a berm to screen the adjacent residential area; provide for the protection of existing wooded areas that screen the site; and address the timing for commencement of the operation with bringing the existing stockpiles on-site in compliance with the new conditions. There appear to be no significant noise impacts based on the Certified Engineer's Report and noise study submitted by the applicant and reviewed by the County Engineer. There are no significant additional public health or environmental issues from this use being located outside instead of being completely enclosed within a building, provided that stormwater management measures are maintained.

With the proposed conditions which address preservation of the existing wooded buffer, installation additional landscaping and berm, and controls for the location and height of the material stockpiles, staff opinion is the proposal will adequately mitigate external impacts (including noise, public health/safety, and visibility of the site from the adjacent residential area and from the Entrance Corridor. It is our opinion that the purposes of this chapter and section is satisfied to at least an equivalent degree.

b. No outdoor activity, including the location of internal access roads, shall be established, conducted or used within one hundred (100) feet of a residential or agricultural district.

Staff Analysis: In order to allow effective and efficient use of the property, the applicant is requesting to allow outdoor activity within 50 feet of the residential area. The applicant is proposing to install within this buffer area an 8-foot high landscaped berm (including 6-foot tall evergreen trees) along the boundary of the adjacent residential property/mobile home park to address the visibility of the site and to reduce noise impacts from the use. Staff has recommended a condition of approval that requires the berm and landscaping installation. Staff opinion is that reduction of the limits on outdoor activity from 100 to 50 feet in conjunction with the installation of the berm and landscaping will satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement.

5.1.52 OUTDOOR STORAGE IN INDUSTRIAL DISTRICTS Except as otherwise expressly permitted for a particular use, the outdoor storage of parts, materials and equipment in an industrial district shall be subject to the following:

a. Storage areas shall be screened by a solid wall or fence, including solid entrance and exit gates, not less than seven (7) feet nor more than ten (10) feet in height.

Staff Analysis: As noted in the "Staff Analysis" for 18.5.1.51(a), ensuring the maintenance and preservation of existing wooded areas, providing the berm and landscaping/trees adjacent to the residential area, and controlling the location and maximum height of the stockpiles will best address screening and visibility of the site. The abutting properties on the east, south and north sides of the site and along most of the north side of the site are LI or HI zoned and industrially developed properties. The entrance to the site is from Northside Drive, which is in the center of this industrial area. Providing 7 to 10 fencing and exit gate would not provide a benefit to the abutting properties. The applicant will be installing 7-foot security fencing along the northern boundary of the property which is closer to the residential area.

c. The parts, materials and equipment stored in a storage area shall not be stacked higher than the screening wall or fence.

Staff Analysis: See “Staff Analysis” for 18.5.1.51 (b) and 18.1.52(a) above. The maximum height of the stockpiles and equipment are based on the screening provided by existing wooded areas and proposed berm and landscaping. The applicant has provided sightlines from various locations as requested by staff, to properly analyze this special exception.

e. The outdoor storage of recyclable materials at a recycling collection or recycling processing center is prohibited.

Staff Analysis: This prohibition was most likely established in the ordinance to address recycling of household/domestic waste. This proposal is focused on recycling of inert construction materials. The size/bulk and volume of materials typically associated with recycling/processing inert building/construction materials makes indoor storage problematic. The visibility of outside storage has been addressed as previously discussed. Additionally, there are fewer health or noxious impacts (odor, attraction of vectors, etc.) associated with recycling inert materials. There are no significant noise impacts based on the noise study information provided by the applicant and reviewed by the County Engineer. Staff opinion is the proposed modification, with staff’s recommended conditions, satisfy the purposes of this chapter to at least an equivalent degree as this underlying requirement.

Industrial Districts- Generally (buffer adjacent to Residential)

26.5 MINIMUM YARDS The minimum yard requirements in the industrial districts are as follows...

c. Buffer zone adjacent to district other than commercial or industrial district... No construction activity, including grading or clearing vegetation (collectively, “disturbance”), shall occur within thirty (30) feet of any district other than a commercial or industrial district except in the following circumstances: (i) adequate landscape screening does not currently exist and disturbance is necessary to install screening that meets or exceeds the screening requirements in section 32.7.9; (ii) an arborist or landscape architect certifies that trees in the buffer are dying, diseased or will constitute a fall hazard and must be removed; (iii) the county engineer determines that disturbance is necessary in order to address an existing drainage problem; or (iv) disturbance will result in improved screening through the use of a berm, a retaining wall or similar physical modification or improvement. When disturbance is allowed under subsection (i), (ii), (iii) or (iv), the developer

Staff Analysis: the applicant is proposing to install 8-foot tall berm with landscaping within the required 30-foot undisturbed buffer area along the property line adjacent the residentially zoned property. Staff opinion is that the disturbance to install the landscaped berm will result in improved screening and noise attenuation than retaining the existing vegetation, which consists primarily of small caliper deciduous trees.

Noise

4.18.04 MAXIMUM SOUND LEVELS Except as provided in section 4.18.05, it shall be unlawful for any person to operate or cause to be operated, any source such that the sound originating from that source causes a sound level that exceeds the sound levels in the receiving zone (below):

Maximum noise levels are 60 dBA daytime and 55 dBA nighttime for residential receiving zones; Maximum of 70 dBA for daytime and nighttime in industrial receiving zones

Staff Analysis: The applicant has submitted a certified engineer’s report and conducted a sound study of the proposal. Sound level tests were conducted at 6 locations. The County engineer observed sound testing in the field and reviewed the submitted study. The study indicated that noise from the site will not exceed the 60 dBA limit on the adjacent residential property. All other tested locations met the requirements of the ordinance except one location on the Hall’s Auto Body Shop site located immediately west of the MRF site (test location #2 in the certified engineer’s report). The maximum sound levels tested at this location

exceeded the 70dBA limit for an industrial receiving zone. The average sound level at his location was 72.67 dB and the maximum level recorded was 75.8 dB (minimum recorded was 70.6). The Hall's Body Shop site is owned and operated by the applicant. Staff opinion is that, overall, the MRF site meets the noise ordinance requirements. The noise levels measured at the Hall's Auto Body site/test location #2 will not have a significant impact on any residential properties or other property owners/businesses. Staff opinion is that granting the Special Exception to allow an average of 73 dBA at test location #2 (as noted in the Northside Materials Recovery Facility-Certified Engineer's Report from Shimp Engineering, dated March 1, 2019) is consistent with the intent of the ordinance, will forward the purposes of this chapter and will not be a detriment to public health, safety or welfare.

Recommendation:

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exceptions with the conditons as recommended by staff and outlined in Attachment C.