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FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND

1992-01

PETITIONERS: The Halle Companies and
Chesapeake Terrace, Inc.

ASSESSMENT DISTRICT: Fourth

CASE NUMBERS: BA120-90S (S71-90)
BA26-91S and BA27-91V
(S209-90 and V210-90)

COUNCILMANIC DISTRICT: Fourth

HEARING DATE: *April 29, 1992*

PREPARED BY:

Kevin P. Dooley
Planner

REQUEST

The petitioners are seeking a special exception to permit a rubble landfill (BA26-91S) on a site south of Odenton. Concurrently, the petitioners seek a variance (BA27-91V) to certain locational requirements governing the landfill. The petitioners also seek a special exception (BA120-90S) to permit a sand and gravel operation on a portion of the site.

LOCATION AND DESCRIPTION OF SITE

The subject site comprises 481.6 acres fronting approximately 4,200 feet along the south-west side of Patuxent Road, approximately 1,500 feet west of Bragers Station Road. Designated as Parcels 241, 215, 117, and 20 on Tax Map 36, the site is described by the latest deeds, title references 726/331, 1879/68, 4831/395, and 4831/401. The site for the sand and gravel operation occupies Parcels 20 and 117 comprising 107.99 acres.

2 ZONES
Currently, the site is "split-zoned" with approximately 322 acres zoned RA, Agricultural Residential, and 160 acres zoned OS, Open Space. Those classifications were received as a result of the comprehensive zoning process for the Fourth Assessment District effective June 12, 1989.

The site comprises three distinct physical areas. The western portion of the site is an old reclaimed surface mine while the eastern portion contains a large cleared area that was formerly farmed and a large area of hydric soils. Much of the area along Patuxent Road lies within the 100 year floodplain of the Little Patuxent River.

PROPOSAL

Should the requests be granted, the petitioners propose to use approximately 220 acres of the property as a landfill for the disposal of rubble and approximately 50 acres for the sand and gravel operation.

STANDARDS

The criteria by which a special exception for a rubble landfill may be granted are set forth under Section 12-242(b) of the Zoning Regulations. For the sand and gravel operations the governing criteria are set forth under Section 12-212. Since the subject request was filed prior to February 19, 1991, the sand and gravel operation is subject to the special exception criteria in effect prior to the adoption of County Council Bill Number 22-91.

NEW ZONING REGS

All special exceptions are subject to the site plan requirements of Title 15 of the Regulations.

VARIANCE

The various sought is to two of the standards governing the location of the fill. First, Section 12-242(b)(8) requires that any area used to deposit refuse be located at least 1,000 feet from any residential or institutional building. At least 21 dwellings and one church are located within 1,000 feet of the proposed fill area with the closest dwelling being located approximately 240 feet from the fill. As such, the variance needed is to permit the fill 760 feet closer to a residential building than allowed.

Secondly, Section 12-242(b)(9) requires any area used to deposit refuse to be located at least 100 feet from any neighboring property. In two locations the fill area would adjoin the property line of the site and, as such, the variance needed is to permit the fill 100 feet closer to a neighboring property than allowed.

Section 11-102.1 of the Zoning Regulations sets forth the criteria by which a variance may be granted.

FINDINGS

The Office of Planning and Zoning has conducted a review of both proposals and has found the landfill project capable of complying with the specific special exception criteria provided the variance is granted.

Concerning the variance, this office would note that most of the area where the variance is needed are those areas that were mined in the past. These areas are in rough condition with eroding slopes and their filling would be for their restoration. However, such filling could create a nuisance for the residences, such as an increase in noise, dust, and possible contamination of wells.

This office must also question the need for this facility at this time. The Al-Ray Corporation currently operates a rubble landfill in the county. A second rubble landfill, operated by PST Reclamation, should begin to accept fill within a few months.

As part of the sand and gravel operation criteria the operation must be located at least 1,000 feet from a dwelling. The proposed operation would be located within the required distance for at least five dwellings.

The access to the site would be along Patuxent and Conway Road and both roadways will require improvements to handle the additional truck traffic that would be generated. Specifically, 12 foot travel lanes and eight foot shoulders need to be provided along each road and a curve along Patuxent Road needs to be realigned. It is uncertain if these improvements can be accomplished prior to the start of the operation.

Along the same line, the intersection of MD Rt. 3 and MD Rt. 424/Conway Road, through which all the traffic from the operation must pass, currently operates at a failing level of service. The petitioners' proposal would add traffic to this intersection.

RECOMMENDATION

Based upon the findings discussed, the Office of Planning and Zoning must recommend that these requests be denied. Should the Board of Appeals be inclined to grant the request, this office would recommend the following conditions be included with the approvals.

1. Patuxent Road and Conway Road shall be improved with 12 foot travel lanes and eight foot paved shoulders from the entrance of the site MD Rt. 3.
2. The alignment of the reverse horizontal curve along Patuxent Road south of the site shall be improved to arterial standards as required by the Department of Public Works.
3. A right-turn lane shall be constructed on eastbound Conway Road at MD Rt. 3 to a minimum length of 500 feet.
4. The road improvements listed in Conditions 1, 2, and 3 shall be constructed before any rubble landfill or sand and gravel operations begin.
5. Should the access to the site be provided directly to Conway Road without use of Patuxent Road, the connection shall be through a fee-simple right-of-way.
6. Any driveway entrance onto Patuxent Road shall be constructed to discourage trucks to use Patuxent Road north and west of the site.
7. All traffic entering and exiting the site shall not use Patuxent Road north and west of the site.
8. Fill and waste material may be delivered to the site by truck only and may not be delivered by rail.
9. The petitioners shall maintain records specifying the material deposited and its place of origin for each truckload. Such records shall be available for inspection by Anne Arundel County.
10. The hours of operation shall be limited to 7:00 AM to 5:00 PM Monday through Friday.
11. The facility shall be surrounded by fencing that is at least six feet in height.

12. An undisturbed buffer of at least 100 feet in width shall be provided along the area of hydric soils in the southeastern portion of the site.
13. The life of the landfill operation, from the beginning of waste collection to the final waste acceptance, shall be limited to 15 years.
14. The sand and gravel operation shall be located at least 1,000 feet from any residence.
15. Any buildings constructed along the eastern side of the haul road onto Patuxent Road shall be screened from the county park in accordance with Title 9 of the Zoning Regulations.

KPD/jmr