

Prince George's County Special Exception Application No. SE-4375

Applicant: Allbritton Communications Company, Owner

Location: Located on the west side of Church Road, south of John Hanson Highway (US 50)

Request: Tower

R E S O L U T I O N

WHEREAS, the applicant has requested a special exception for a tower, pole or antenna in accordance with Section 27-416 of the Prince George's County Zoning Ordinance; and

WHEREAS, the Technical Staff Report released April 5, 2000, recommended DENIAL; and

WHEREAS, subsequent to the release of the staff report, the applicant submitted additional information required from the Federal Aviation Administration (FAA); and

WHEREAS, upon receipt of the required Federal Aviation Administration information, staff, in a memo dated May3, 2000, revised the recommendation to APPROVAL, with conditions.

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on May 11, 2000, the Prince George's County Planning Board agreed with the revised staff recommendation and adopted the staff analysis and recommendation as its own in this case.

WHEREAS, the Planning Board recommendation is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

- A. Location and Field Inspection: The subject property is located on the west side of Church Road and south of US 50. The property lies within the Freeway Airport. This airport is developed with a runway, a small office building, an airplane hanger and service building. The actual special exception area includes an undeveloped, circular-shaped area located at the end of a paved driveway that connects to Church Road.
- B. History: The subject special exception site is located within an airport that is a certified nonconforming use. The airport was established in the 1960s.
- C. Master Plan Recommendation: The 1991 Bowie-Collington-Mitchellville Master Plan recommends large-lot alternative low-density residential development at a density of .5 to 1.5 units per acre for the subject property. The Plan recognizes the property as being developed with a nonconforming airport.
- D. Request: The applicant wishes to erect a four-sided steel tower, 120 feet in height. The tower would serve as a base for an 18-foot-high geodetic dome containing a real-time doppler weather radar transmitter and receiver. A two-foot-high warning light standard will rise above the radar dome. The total height of the structure will be 140 feet.

E. Neighborhood and Surrounding Uses:

The property is surrounded by the following uses:

North: US 50 and agricultural land in the R-E Zone

East: Across Church Road is undeveloped land in the R-A Zone

South: Single-family detached home and agricultural land in the R-A Zone

West: Undeveloped land in the R-A Zone

The neighborhood boundaries are as follows:

North: US 50

East: Church Road

South: Woodmore Road

West: Woodmore Subdivision

F. Specific Special Exception Requirements:

Section 27-416 of the Zoning Ordinance provides that:

(1) A tower, pole, monopole, or antenna (electronic, radio, television, transmitting, or receiving) may be permitted, subject to the following:

- (1) In the Commercial and Industrial Zones, and for land in a Residential Zone owned by a public entity, the structure shall generally be set back from all property lines and dwelling units a distance equal to the height of the structure (measured from its base). The District Council may reduce the setback to no less than one-half (½) the height of the structure based on certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Prince George's County. In the Residential Zones, on privately owned land, the structure shall be set back from all property lines and dwelling units a distance equal to the height of the structure (measured from its base);**

Comment: The site plan indicates that the 140-foot-high tower will be set back 168 feet from the nearest property line which runs adjacent to US 50 to the north. There are no dwellings and no other structures located within the required setback area.

- (2) **The structure shall not be used to support lights or signs other than those required for aircraft warning or other safety purposes;**

Comment: A light is included on the tower for purposes of warning aircraft.

- (3) **Any tower or monopole which was originally used, but is no longer used, for telecommunications purposes for a continuous period of one (1) year shall be removed by the tower or monopole owner at the owner's expense; and**

Comment: This requirement does not apply. The tower will be used to monitor weather conditions.

- (4) **Any related telecommunication equipment building shall be screened by means of landscaping or berming to one hundred percent (100%) opacity.**

Comment: The Urban Design Section, in a memo dated March 9, 2000, notes that the site plan does not meet the screening requirements of Section 27-416(a)(4).

■The equipment building and ground level elements of the compound are proposed to be visually screened from John Hanson Highway by a staggered double row of evergreen trees planted along the entire north, and partially along the west, perimeter of the tower compound adjacent to the six-foot chain link fence. The proposed screening is not sufficient for staff to find compliance with the requirements of Section 27-416(a)(4). Therefore, it is recommended that the proposed screening along the north and west perimeter of the tower compound be continued in kind, identical spacing and species, around the entire perimeter of the compound adjacent to the proposed six-foot chain link fence.

■Secondly, the entrance gate at the northeast corner of the compound which will allow vehicular access should be constructed of an aesthetically pleasing opaque material, in light of the fact that the recommended perimeter landscape screening cannot be provided along the gate frontage. It is recommended that the entrance gate be two (2) 10-foot-wide sections constructed of vinyl-clad aluminum corrugated metal, for the purposes of screening, security, and permanence.●

- G. Parking Regulations: The proposed use is an unmanned facility. No parking is required.
- H. Landscape Manual Requirements: The proposed use is exempt from the *Landscape Manual* as it does not involve an increase of gross floor area of more than 10 percent of an existing building, or 5,000 square feet.
- I. Zone Standards: The use meets the general height, bulk and area requirements for the R-A Zone. No variances are necessary.
- J. Sign Regulations: No signs are included in this proposal.

K. Nonconforming Status of Freeway Airport:

The proposed weather radar facility will be located within the existing Freeway Airport. This airport operates pursuant to permit 68-2103-U, which was issued in December 1968. Based on Court Order No. HH-3-414 dated March 3, 1982, this property is considered to be a valid nonconforming use.

During the review of this application, staff determined that the proposed development does not constitute an enlargement, extension or alteration of the existing airport. This determination is based on a memo dated November 29, 1984, from M-NCPPC Associate General Counsel Thurman H. Rhodes. The proposed use does not add to the usable area of a building, structure or use.

L. 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.

Finding: The proposed use and site plan are generally in harmony with the purposes of the Zoning Ordinance. These purposes generally seek to protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County. The proposed tower will provide the most up-to-date weather forecasting available today. Residents of the County and the State would definitely benefit from this technology.

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

Finding: The special exception lies within a larger site which is not completely shown on the site plan. In a memo dated March 16, 2000, the Permit Review Section notes that the entire property must be shown on the site plan in order to meet the requirements of Section 27-296(c) of the Zoning Ordinance. Without this information and the correction of the previously mentioned screening deficiencies, we cannot conclusively find that the proposed use is in conformance with all the applicable requirements and regulations of this Subtitle. This deficiency can be addressed with a condition requiring that the entire property be shown on the site plan.

(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.

Finding: The Bowie-Collington-Mitchelleville Master Plan recommends a large-lot alternative low density residential development at a density of .5 to 1.5 units per acre for the subject property. The plan recognizes the location of the airport and recommends that nearby residential development be

kept to a minimum. The Transportation Planning Section, in a memo dated March 31, 2000, calls attention to a proposed public transportation right-of-way (PT-1) that would extend between the terminus of the Metrorail Blue Line Extension and Bowie. The Master Plan shows two alternatives for this right-of-way; one crosses the southern side of the airport property, and the second extends up the western side of the property and curves east in the northwest corner of the property to join the US 50 right-of-way.

The Transportation Planning Section further determines that:

- 1. The transportation staff would not be inclined to favor a reservation arrangement for the site. The Maryland Department of Transportation has no funded projects or studies along the immediate section of the PT-1 alignment, making it unlikely that the State could complete acquisition of any portion of the property even if it were a good candidate for reservation.
- 2. The PT-1 right-of-way in this area has not been fixed by prior plans or plats.
- 3. As a result of prior planning actions within the Bowie New Town Center, the more southerly alignment for PT-1 is probably less likely than the more northerly alignment which does affect this site.
- 4. Moving the tower and its facilities by a small amount ●40 feet due southeast ●would eliminate the plan conflict by placing all structures and landscaping outside of the proposed right-of-way.

■In addition, the applicant is required to obtain specific approval from the District Council to erect the tower within this Master Plan right-of-way in accordance with Sections 27-116 and 27-259 of the Zoning Ordinance. Also, any proposed relocation should be reviewed by the MAA and FAA. The applicant has agreed to move the tower out of the right-of-way. With this adjustment, the proposed use will not substantially impair the Master Plan.

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

Finding: The proposed use will not adversely affect the health, safety or welfare of residents. The proposed weather facility will be located on property that contains a small airport. This application is therefore subject to Federal Aviation Regulations (FAR). Part 77 of these regulations addresses the effect of proposed construction on the use of navigable airspace. The applicant has submitted this application to the Federal Aviation Administration for review. The FAA concludes that the proposed tower would not be a hazard to the air navigation if it is marked and lighted in accordance with FAA regulations.

Based on our understanding of this application, this is basically an unmanned facility. The facility would be visited by technicians on a limited basis. The amount of traffic using the access near the runway would be minimal.

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

Finding: The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The applicant has submitted comments from the Federal Aviation Administration (FAA) which conclude that the proposed tower would not be a hazard to air navigation if marked and lighted in accordance with FAA regulations.

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

Finding: This project is exempt from the Prince George's County Woodland Conservation Ordinance, since it will result in no woodland disturbance. A conditional exemption (#E-91-99) from the Ordinance was issued on 12-28-1999.

(7) Additional Determination

The Technical Staff Report dated April 5, 2000 for the above-mentioned application recommends DENIAL of the request for a radar tower. Key information from the Federal Aviation Administration (FAA) regarding the proposed towers' compliance with federal regulations had not been submitted by the applicant. The applicant has now submitted comments from the FAA which in a letter dated 4-17-00, finds that the proposed tower "... would not be a hazard to air navigation provided the following condition is met:

■ As a condition to this determination, the structure should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, Chapters 3 (Marked), 4, 5 (Red), & 12.

The Technical Staff report also discussed concerns from the Permit Review Section regarding the need to provide an overall site plan showing the proposed tower within the entire site. The Transportation Planning Section noted that the proposed tower conflicts with a proposed right-of-way alternative for the Metrorail Blue Line Extension. The Planning Board notes however, that this right-of-way is neither funded or fixed by any prior plats or plans. In addition, this right-of-way is one of two alternatives proposed in the Master Plan. Since no development activity is planned for the right-of-way in the near future, staff recommends that the applicant be given the choice to move the tower now or relocate it when the right-of-way is acquired. The applicant should be aware that relocating the tower at the time of acquisition will require a new revision of site plan to be approved.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board recommends that Special Exception No. SE-4375 be APPROVED subject to the following conditions:

1. The proposed structure shall be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, Chapters 3 (Marked), 4, 5 (Red), & 12.
2. An overall site plan which complies with Section 27-296(c) of the Zoning Ordinance must be submitted into the record.
3. The applicant must either move the tower in accordance with the comments of the M-NCPPC Transportation Planning Section (dated March 31, 2000) or obtain approval from the District Council for a structure within a right-of-way. If the tower is permitted to remain within the right-of-way, then the applicant must relocate the tower at his expense when the Maryland Department of Transportation acquires the proposed PT1 right-of-way.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Boone, seconded by Commissioner McNeill, with Commissioners Boone, McNeill, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 11, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of June 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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