

Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3470



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SPECIAL EXCEPTION

SE-4375

Application	General Data
Project Name WJLA Doppler Radar Installation Location West side of Church Rd., south of Rte. 50 Applicant/Address Allbritton Communications Company 808 17 th St. N.W., Suite 300 Washington, D.C. 20006.	Date Accepted 1/3/00
	Planning Board Action Limit N/A
	ZHE Hearing Date N/A
	Plan Acreage 2.5622 Acres
	Zone R-A
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 74A
	Council District 6
	Municipality N/A
	200-Scale Base Map 205/6NE12L

Purpose of Application	Notice Dates
Tower, pole or antenna	Adjoining Property Owners 1/11/00 (CB-15-1998)
	Previous Parties of Record N/A (CB-13-1997)
	Sign(s) Posted on Site N/A
	Variance(s): Adjoining N/A Property Owners

Staff Recommendation			Staff Reviewer
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION

April 5, 2000

TECHNICAL STAFF REPORT:

TO: The Prince Georges County Planning Board
The Prince Georges County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Jimi Jones, Planning Coordinator

SUBJECT: **Special Exception Application No. 4375**

REQUEST: **Tower**

RECOMMENDATION: **DENIAL**

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. 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 sent to the Office of the Zoning Hearing Examiner at the address indicated above. 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 301-952-3280.

FINDINGS:

- 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 the attached 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.**

Comment: 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.**

Comment: 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.

(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.

Comment: The Bowie-Collington-Mitchelleville 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 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 (see attachment); 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.

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

Comment: 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 results of this review have not been submitted to staff. We are therefore unable to determine if the use complies with FAR and how the proposal would affect airport operations. Without this information, we are unable to make findings regarding the effect of the facility on the health, safety or welfare of residents or workers in the area.

Staff has, however, received the following comments (dated January 6, 2000) from the Maryland Aviation Administration (MAA):

■The Maryland Aviation Administration has calculated the height of the radar site in relation to the runway and the imaginary surfaces surrounding the runway.

■The radome and its obstruction light are calculated to penetrate the transitional surface at the airport by 81 feet. The presence of the radome will not significantly degrade the utility of the airport as it exists, but the MAA intends to abandon any attempt to enhance the instrument approach procedures designed and published for the airport. The penetration is so significant the minimum descent altitudes for such a procedure are going to be unsatisfactorily high.

■I am not happy with the proposed access road across the runway end. It will require significant displacement of the runway and may reduce its useable length to such an extent to render the airport ineligible for licensing as public-use. I would prefer restricted access across the runway by whomever needs to get to the site.●

Clearly, there are issues the applicant must address with other licensing authorities. 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.

Comment: As noted above, the review performed by the Federal Aviation Administration for compliance with FAR, Part 77, will play an important role in our ability to assess the effect of the proposed use on the adjacent properties. If this use creates conflicts with airport operations, it may also be detrimental to the use or development of adjacent properties or the general neighborhood. However, absent comments from FAA, we are unable to make the necessary determinations.

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

Comment: 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.

CONCLUSION:

The proposed weather facility is one that provides obvious benefits to the community from the standpoint of predicting significant weather events. However, its location within an airport may pose other safety concerns. The FAA plays an important role in the review of this facility which will extend to a height of 140 feet. Unfortunately, as of this writing, the applicant has not provided documentation from the FAA indicating that the proposed tower will not pose a hazard to the continued operation of the airport.

In addition, this proposal must be revised or otherwise resolve several other issues. The site plan does not include the entire nonconforming airport, and the proposed screening for the equipment building is inadequate. In addition to the proposed tower location encroaches into a Master Plan-designated right-of-way. It is for all the above reasons that staff recommends DENIAL of this application.