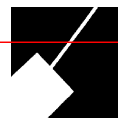


The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530



Comment [COMMENT1]: WHEN INSERTING
 INFORMATION AT THE @ SIGN
 REMEMBER TO USE INDENT FOR SECOND
 LINE - NOT TAB. ALSO, IT WILL LOOK
 LIKE THE TEXT IS GOING WACKO, BUT
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SPECIAL EXCEPTION APPLICATION SE-4423

Application	General Data
Project Name P.G.C. Elks Lodge #1778 Location West side of Kenilworth Avenue approximately 1,000 feet south of Good Luck Road, known as 6700 Kenilworth Avenue. Applicant Nextel Communications, Inc. c/o TH Inc. Wireless 11931 Tech Road Silver Spring, Maryland 20904	6/20/01
	Planning Board Action Limit
	Tax Map & Grid 42 F-2
	Plan Acreage 1.59 Acres
	Zone O-S
	Dwelling Units
	Square Footage
	Planning Area 68
	Council District 03
	Municipality Riverdale Park
200-Scale Base Map 208NE5	

Purpose of Application	Notice Dates		
Nonconforming buildings, structures, and uses, alteration, enlargement, extension, or reconstruction - 27-384 & 27-317	Adjoining Property Owners (CB-15-1998) 6/26/01		
	Previous Parties of Record (CB-13-1997) 12/10/01		
	Sign(s) Posted on Site N/A		
	Variance(s): Adjoining Property Owners N/A		
Staff Recommendation	Staff Reviewer Catherine H Wallace		
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

December 21, 2001

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Catherine H. Wallace

SUBJECT: **Special Exception Application No. 4423**

REQUEST: **Alteration of a nonconforming use to permit the addition of a monopole**

RECOMMENDATION: **Approval, with conditions**

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 301-952-3530.

FINDINGS:

- A. Location and Field Inspection: West side of Kenilworth Avenue approximately 1,000 feet south of Good Luck Road.
- B. History: The subject site has been used for a private club for many years. In 1994, the use became nonconforming when the property was rezoned from the C-S-C Zone to the O-S Zone. A private club is permitted by right in the C-S-C Zone, but requires a special exception in the O-S Zone. The club became a certified nonconforming use by approval of permit no. 5129-94-CU. According to the 1994 Sectional Map Amendment text (Change 35, Page 117, of the *Approved Master Plan and Sectional Map Amendment for Planning Area 68*) the site was rezoned from the C-S-C to the O-S Zone due to the oversupply of retail zoning and the fact that the property is within the 100-year floodplain.
- C. Master Plan Recommendation: The *Master Plan for Planning Area 68* recommends public/quasi-public uses for the site.
- D. Request: Modification of a certified nonconforming use to permit the erection of a monopole, 95 feet in height. The site plan also shows the addition of a one-story modular equipment room (12 feet by 20 feet by 10 feet high).

- E. Neighborhood and Surrounding Uses: The neighborhood boundaries are identified as:

North- Calvert Road/Paint Branch Parkway

East- Kenilworth Avenue

South- East West Highway

West- Northeast Branch

The neighborhood is largely composed of park property and office uses fronting on Kenilworth Avenue including office development located on the opposite (east) side of Kenilworth Avenue.

- F. Specific Special Exception Requirements: **Sec. 27-384. Nonconforming buildings, structures, and uses; alteration, enlargement, extension, or reconstruction.** The proposed use conforms to Section 27-384 in relevant part as follows:

- (a) **The alteration, enlargement, extension, or reconstruction of any nonconforming building or structure, or certified nonconforming use (except those certified nonconforming uses not involving buildings, those within the Chesapeake Bay Critical Area Overlay Zones as specified in paragraph 7, below, unless otherwise provided, and except for outdoor advertising signs), may be permitted subject to the following:**

* * * * *

- (4) **When not otherwise allowed, a certified nonconforming use may be otherwise altered by the addition or relocation of improvements, such as fencing,**

landscaping, off-street parking and loading areas, and outdoor trash enclosures, or the relocation of buildings or other improvements within the boundary lines of the lot as it existed as a single lot under single ownership at the time the use became nonconforming.

The proposed improvements to the site fall under this category. The addition of a monopole and equipment room, although permitted by right in the O-S Zone, is an alteration of the private club nonconforming use. The proposed site plan also alters the nonconforming use by proposing the relocation of some parking spaces to accommodate the location of the monopole and equipment room.

- (5) **Any new, or any addition to, or alteration or relocation of an existing building or other improvement (which is either nonconforming or utilized in connection with a certified nonconforming use), shall conform to the building line, setback, yard, and height regulations of the zone in which the certified nonconforming use is located. The District Council may further restrict the location and bulk of the building or structure where the evidence so warrants. If the use is presently permitted by Special Exception in the zone, the new building, improvement, or addition shall conform to all of the physical requirements of the specific Special Exception use.**

The proposed equipment building and monopole conform to the requirements of the O-S Zone. A proposed dumpster does not conform to the setback requirements and must be relocated.

- (6) **The District Council may grant this Special Exception for property within a one hundred (100) year floodplain only after it has determined that the proposed enlargement, extension, reconstruction, or alteration will:**
- (A) **Not require additional filling in the floodplain;**
 - (B) **Not result in an increase in elevation of the one hundred (100) year flood; and**
 - (C) **Conform with all other applicable requirements of this Subtitle and of Division 2 of Subtitle 4, ■Building,• of this Code, entitled ■Floodplain Ordinance.■**

The subject property is located within the 100-year floodplain. However, the applicant indicates that the addition of the monopole and equipment building will not require any additional filling in the floodplain. The equipment building will be placed on an existing concrete slab. The monopole will need excavation to a depth of about four feet to provide an area to support the structure. This work will not result in an increase in elevation of the floodplain and will not involve the addition of any impervious surface. All work will comply with Subtitle 4, Division 2 as well as with Subtitle 27. See Section K, Other Issues, for additional discussion of this issue.

- (7) **In a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted where the existing impervious surface coverage exceeds that**

allowed by Section 27-548.17, and which would result in a net increase in the existing impervious surface coverage. In addition, a Special Exception shall not be granted which would result in converting a property which currently meets the impervious surface coverage requirements of Section 27-548.17 to a nonconforming status regarding impervious surface coverage, except if a finding of extenuating circumstances is made, such as the necessity to comply with other laws and regulations.

The subject site is not in the Chesapeake Bay Critical Area.

- (b) **Applications for this Special Exception shall be accompanied by a copy of the Use and Occupancy Permit for the certified nonconforming use, as provided for in Section 27-241(b).**

The private club with 400 members was certified nonconforming by approval of Permit No. 5129-94-CU, a copy of which has been attached to this application.

Sec. 27-445.04. Antennas, monopoles, and related equipment buildings for mobile telephone transmission or other telecommunications.

- (a) **Antennas, monopoles, and related equipment buildings permitted (P) in the Table of Uses shall be subject to the following:**

(1) **Requirements**

(A) **The antenna shall comply with the following standards:**

- (i) **Unless otherwise prohibited below, it shall be attached to a public utility, radio, television, or telecommunications broadcasting tower/monopole; a light pole; a multifamily dwelling at least five (5) stories in height; a structure owned by a municipality or by Prince George's County; or a structure owned and primarily used by a government agency that is exempt from the requirements of this Subtitle;**

The antenna will be attached to a monopole.

- (ii) **It shall not be attached to a public school or library;**

Not applicable.

- (iii) **It shall not extend more than fifteen (15) feet above the height of the tower or structure to which it is attached; and**

It will extend no higher than 15 feet.

- (iv) **It shall not support lights or signs unless required for aircraft warning or other safety reasons.**

It will not use support lights or signs, unless required.

(B) The related telecommunications equipment building shall comply with the following standards:

- (i) It shall not exceed five hundred sixty (560) square feet of gross floor area or twelve (12) feet in height;**

The telecommunications building does not exceed 560 square feet gross floor area or 12 feet in height.

- (ii) The building shall be screened by means of landscaping or berming to one hundred percent (100%) opacity from any adjoining land in a Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, or any approved Conceptual or Detailed Site Plan);**

The site plan indicates that the equipment building is proposed to be screened by 100 percent opaque board-on-board fence.

- (iii) When attached to an existing building, it shall match the construction material and color(s) of that building; and**

Not applicable.

- (iv) When constructed as a freestanding building, it shall be constructed of brick and its design shall coordinate with the design of any existing main building on the same lot or on an adjoining lot.**

It shall be constructed to coordinate with the main lodge building.

(C) The monopole shall comply with the following standards:

- (i) The maximum height shall be one hundred ninety-nine (99) feet when located on public property or one hundred (100) feet when located on all other properties;**

The height of the monopole will be 95 feet, or 99 feet to the top of the lightning rod, which is within the permitted height range for nonpublic property.

- (ii) For privately owned land, the minimum setback from all adjoining land and dwelling units shall be equal to the height of the structure measured from its base; for publicly owned land, the minimum setback shall be one-half (½) of the height of**

the structure measured from the base to the adjoining property lines;

The proposed setbacks exceed the requirement. The closest adjoining property line, which is the western boundary with M-NCPPC park property, is located about 120 feet from the proposed monopole location.

(iii) The structure shall not support lights or signs unless required for aircraft warning or other safety reasons;

This is indicated on the proposed site plan.

(iv) The structure shall be designed, galvanized, and/or painted in a manner which is harmonious with surrounding properties;

This note is on the proposed site plan.

(v) The applicant shall provide 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; and

This note is on the proposed site plan and shall be required.

(vi) Any monopole which is no longer used for telecommunications purposes for a continuous period of one (1) year shall be removed by the monopole owner at owner's expense.

This note is also found on the proposed site plan.

- G. Parking Regulations: The private club has a maximum occupancy of 400, requiring 100 parking spaces, which have been provided. The proposed equipment building requires one additional space. The site plan notes indicate that 96 regular and 5 handicap spaces are provided, which meets the requirement.
- H. Landscape Manual Requirements: The use is exempt from the *Landscape Manual* since the area of the equipment building measures less than ten percent of the existing square footage.
- I. Zone Standards: (Need for Variances and 27-230 Criteria) The site meets the standards of the O-S Zone except for lot coverage and the setback of the dumpster. The existing lot coverage, which is listed as 69,395 square feet, or 87 percent of the lot, exceeds the 50 percent maximum lot coverage for uses other than residential uses in the O-S Zone. However, this lot coverage predates the certification of the private club as a nonconforming use, and the applicant does not propose to increase this area, therefore the lot coverage remains the same as that approved in 1994.

The dumpster is an accessory structure which requires a setback of two feet from the side lot line. As shown, it encroaches upon neighboring park property. The dumpster is not shown on the site plan accompanying the nonconforming use certification, and must therefore meet current standards. The

site plan must be revised to show the relocation of the dumpster in accordance with the requirements of the O-S Zone. The dumpster must also be screened from the street and neighboring properties.

J. Sign Regulations: No signs are proposed for the proposed use.

K. Other Issues: As pointed out by Mary Hampton, of the Permit Review Section, the dimensions on the site plan proposed for this application differ somewhat from those shown on the certified site plan. A revised site plan, dated 8/20/01, was submitted; however, this plan still shows a somewhat larger area than that approved per 5129-94-CU. This site plan also responds to Ms. Hampton's comments regarding parking space size and parking aisle width. In so doing, however, the revised site plan extends a drive aisle onto the neighboring park property. This would clearly be an expansion of the nonconforming use onto property not under the applicant's control and, furthermore, not shown on the certified site plan.

The approval of the requested special exception depends upon the applicant's showing that the addition to the nonconforming use can be accomplished without the addition or enlargement of impervious surface or lot coverage. The site plan must continue to comply with applicable parking regulations. Should the number of parking spaces be reduced, the maximum occupancy of the private club must be reduced proportionately. The approval of this special exception is conditioned upon the applicant providing a site plan in accordance with the boundaries of the approved certified site plan and the regulations of Part 11.

L. Required Findings:

Sec. 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 purpose of this Subtitle;

The primary purposes of the Zoning Ordinance are to protect the public health, safety and welfare and to provide for harmonious land use relationships. With the recommended conditions, the proposed special exception will be in harmony with these purposes. The proposed monopole will provide wireless communication services while utilizing a quasi-public use in a developed area. The proposed location is well buffered from surrounding residential areas by parkland and office uses.

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

With the recommended conditions to bring the plan into conformance with the certified site plan and to meet the setback standards of the O-S Zone as well as the parking regulations, the site plan will conform to all applicable requirements.

(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 Master Plan, the General Plan;

The site is identified as a quasi-public use in the *Master Plan for Planning Area 68* in an area comprised of institutional, park and office commercial uses fronting on Kenilworth Avenue. The addition of the proposed monopole will not alter the master plan recommendations for this area.

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

The proposed use will bring no traffic to the site. It furthermore will not exceed the obstruction standards set forth by state code to protect College Park Airport. (See attached letter from the Maryland Aviation Administration.) The proposed monopole will therefore not adversely affect the public health, safety and welfare.

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

The private club has been in existence at this location for many years. The addition of the monopole will not significantly alter the relationship between the site and its park and office neighbors, assuming the site plan is brought into conformance with approved plans certified in 1994.

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

The proposed plan is exempt from the requirements of the Woodland Conservation Ordinance because there is less than 10,000 square feet of existing woodland on the site, according to a memorandum from Porter Ingrum of the Environmental Planning Section.

CONCLUSION:

The proposed monopole will have a negligible effect on the surrounding area due to its location on a quasi-public use surrounded by passive parkland and office uses. With the recommended conditions, the use is appropriate at this location, and staff recommends APPROVAL, subject to the following conditions:

1. The site plan shall be revised to conform to the overall dimensions of the area certified as a nonconforming use via Permit No. 5129-94-CU.
2. The site plan shall be revised to remove all encumbrances shown on park property, and shall comply with the parking regulations of Part 11 or the parking regulations in effect prior to 1970.
3. The dumpster shall be screened in accordance with Section 4.4 of the *Landscape Manual*.
4. The accessory telecommunications equipment building shall be constructed of brick, as required by Section 27-445.04(a)(1)(B).