

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



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

SPECIAL EXCEPTION APPLICATION NO. 4471

Application	General Data
Project Name: Bazilio Property Location: West side of Enterprise Road approximately 285 feet north of Locust Dale Court, known as 3400 Enterprise Road. Applicant/Address: Sprint PCS/APC Realty & Equipment Company, LLC 1120 20 th Street, N.W., Suite 300S Washington, D.C. 20036	Date Accepted: 12/31/02
	Planning Board Action Limit: N/A
	Plan Acreage: 0.44
	Zone: R-E
	Dwelling Units: N/A
	Square Footage: N/A
	Planning Area: 73
	Council District: 05
	Municipality: None
	200-Scale Base Map: 205NE10

Purpose of Application	Notice Dates
SE-4471 – Monopole	Adjoining Property Owners: 1/2/03 (CB-15-1998)
	Previous Parties of Record: N/A (CB-13-1997)
	Sign(s) Posted on Site: N/A
	Variance(s): Adjoining Property Owners: N/A

Staff Recommendation		Staff Reviewer: Jimi Jones	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

October 20, 2003

TECHNICAL STAFF REPORT:

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

VIA: Arie Stouten, Zoning Supervisor

FROM: Jimi Jones, Planner Coordinator

SUBJECT: **Special Exception Application No. 4471**

REQUEST: **Special Exception for a 130-foot Cellular Telephone 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:** The subject property is an irregularly shaped parcel on the west side of Enterprise Road approximately 285 feet north of Locust Dale Court. The special exception boundaries lie within a large residential parcel (about 10 acres) that is developed with a single-family detached home, swimming pool, pond and asphalt driveway. The special exception area consists of a long asphalt driveway that connects to Enterprise Road and a small field behind the existing house. There are several stands of mature trees on the property.

B. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	R-E Zone	R-E Zone
Use(s)	Single-family detached	Single-family detached and monopole
Acreage	0.44 ac.	0.44 ac.
Lots	1	1
Parcels	1	1
Square Footage/GFA	N/A	N/A
Dwelling Units:	N/A	N/A

- C. History:** The property was retained in the R-E Zone through the approval of the Largo-Lottsford Sectional Map Amendment in 1990.
- D. Master Plan Recommendation:** The Largo-Lottsford and Vicinity Master Plan (1990) recommends residential estate development for the subject property.
- E. Request:** The applicant proposes to erect a 130-foot-tall cellular telecommunications monopole within a 50 foot x 50 foot area enclosed within a seven-foot-high “solid wood” fence. A departure from design standards application was also submitted to address a deficiency in the width of the driveway that would provide access to the monopole. It was later determined, however, that parking is not required for this unmanned facility. Therefore, the departure was withdrawn.
- F. Neighborhood and Surrounding Uses:** The neighborhood is defined by the following boundaries:

North -	John Hanson Highway (US 50)
East –	Enterprise Road (MD 193)
South –	Lottsford Road
West -	Lottsford Vista Road

The neighborhood is dominated by single-family homes on large lots. The subject property is surrounded by single-family detached homes in the R-E and R-A Zones to the north, east and

west. Newton White Mansion and Enterprise Golf Course are located to the south and southwest, respectively.

G. Specific Special Exception Requirements: Section 27-416(a) provides the following specific special exception requirements for monopoles:

(a) A tower, pole, or monopole for the support of an 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 (1/2) 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);**

The subject property and all adjoining land are in the R-E Zone. The proposed 130-foot-high tower is set back at least 130 feet from all property lines as required.

- (2) On privately owned land, the structure shall not be used to support lights or signs other than those required for aircraft warning or other safety purposes;**

The applicant does not propose to attach lights to the structure. Further, due to its height and location, it is unlikely that lights will be required for aircraft warning.

- (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**

The applicant agrees to this condition.

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

A seven-foot-high, board-on-board fence will screen the facility as required. Staff notes that no equipment building is proposed.

H. Parking Regulations: The proposed monopole is not a traffic generator. The use is an unmanned facility that would require a small number of maintenance visits per year. No parking is therefore required for this use. Staff recommends that the parking area be labeled as a "vehicle turn-around" area since no parking is required.

I. Landscape Manual Requirements: The Urban Design Section, in a memo dated April 24, 2003, submits that the proposed use is exempt from the requirements of the *Landscape Manual*. Specifically, Section 1.1(g) exempts building and grading permits from the buffering requirements of Section 4.7. The Urban Design Section, however, recommends, among other

things, some additional landscaping along the eastern portion of the fence. This portion of the fence is most visible (albeit barely visible) from Enterprise Road.

- J. Zone Standards:** The proposed use meets the height and bulk requirements for the R-E Zone.
- K. Sign Regulations:** No signs are proposed for this facility.
- L. Enterprise Road Commission:** This application was referred to John Waller of the Enterprise Road Commission on January 24, 2003. The Commission has not provided comments on this case.
- M. 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.**

The proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The purposes of the Zoning Ordinance seek generally to protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the county. Cellular telephones have become a popular means of communication and can also serve a public safety purpose. The proposed facility will improve cellular phone service in the area. The proposed monopole has been designed to resemble a flagpole to minimize the visual impact.

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

The proposed use is in conformance with all the applicable requirements and regulations of the Zoning Ordinance. Staff had initially advised the applicant that a departure from design standards was required to address a deficiency in the width of the proposed driveway. Section 27-563 requires that all parking areas be connected to a street by a driveway at least 11 feet wide for each lane. The subject driveway must be 22 feet wide to accommodate two-way traffic. Fortunately for the applicant, the proposed facility does not generate traffic. The use would be visited for maintenance purposes four or fewer times a year. A parking lot is not required for such a use and the driveway width requirements do not, therefore, apply. The applicant should revise the parking area to indicate that it is a "vehicle turnaround area."

- (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.**

The proposed use will not substantially impair the integrity of the Largo-Lottsford and Vicinity Master Plan (1990). The plan recommends residential-estate development for the subject property. The proposed use will be located on a large lot that is developed with estate-style housing. The use will be designed to look like a flagpole. Granted, the height will be higher than a normal flagpole, but given a setback of over 500 feet from Enterprise Road, the pole will not substantially detract from views from the road. The

Community Planning Division, in a memo dated June 3, 2003, recommends that the flag associated with the pole should be the standard size. This condition will help to maintain an innocuous appearance for the pole.

The Community Planning division, in a memo dated June 9, 2003, submits that “the application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This application is located in the Developing Tier. The vision for the Developing tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable.”

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

The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. The use will be constructed in accordance with all applicable safety and engineering standards. A seven-foot high, board-on-board fence will enclose the facility to protect against accidental entry or vandalism. The use must also be operated in compliance with FCC standards for radio frequency emissions and the requirements of the Telecommunications Act of 1996. It could be argued that the proposed facility would help to provide a more reliable cellular telephone network and thus enhances the health, safety or welfare of residents or workers in the area.

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

With the recommended conditions, the proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The proposed monopole has been redesigned to resemble a flagpole. The proposed pole will be 130 feet high. The Urban Design Section, in a memo dated April 24, 2003, raises concerns about the height of the flagpole:

“The Urban Design Section... is concerned with visual impacts. Enterprise Road is a scenic corridor in the county that provides lush vegetation and large-lot development. Imposing a tower on the scenic landscape will interrupt its natural beauty. Although a flagpole is preferable to a conventional telecommunications tower, its proposed height may make it suspect as a bona fide flagpole and carry its own impacts.”

The applicant has submitted maps that show signal coverage under three scenarios:

1. Without the proposed pole (WA 54XC506)
2. With the pole at 115 feet high
3. With the pole at 127 feet high.

Essentially, the maps illustrate how a gap in coverage exists (dark purple area) without the proposed pole. This gap crosses US 50 (the red line extending east to west across the map). The coverage is significantly better with the 115- and 127-foot-high poles. The applicant points out, however, that the 127-foot-high pole is needed to address terrain and vegetation issues. The antennas need to be located so that there are no obstructions between them. There are several stands of tall, mature trees that lie between the proposed

facility and other monopoles within the cellular network. In addition, the rolling terrain can also hamper the effectiveness of the facility. The proposed height of 130 feet will allow signals to be relayed to neighboring monopoles without obstructions caused by trees and terrain.

Certainly a 130-foot-high pole will appear as somewhat of an oddity in an R-E-zoned environment. Staff believes, however, the impacts associated with the pole are basically visual and would be the same on most R-E-zoned land. It is important to note that a monopole is permitted by right if it is 100 feet tall or less. If the height of the proposed facility was reduced to 100 feet, a typical monopole could be constructed with exposed antennae. The flagpole design does, in our opinion, lessen the visual impact. A condition requiring a standard sized flag is also recommended to further minimize visual impact. The additional 30 feet of height certainly is more noticeable but does not, in our opinion, rise to a level of detrimental impact.

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

The proposed facility is not subject to the Woodland Conservation Ordinance because the proposed activity will disturb less than 5,000 square feet of woodland. The Environmental Planning Section has issued an exemption letter for this application.

CONCLUSION:

The appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and therefore should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location would have any adverse impacts above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Special exception uses are afforded a strong presumption of validity absent any facts or circumstances negating this presumption.

The visual impacts associated with the proposed 130-foot-tall monopole are the primary concern. Staff believes the impacts are basically the same regardless of the location of the facility within the R-E Zone (scenic qualities and lush vegetation notwithstanding). A 100-foot-tall monopole is permitted by right in the R-E Zone. The additional 30 feet requires a special exception. The applicant has proposed to redesign the monopole to resemble a flagpole to address concerns regarding visual impact. Antennae normally visible on monopoles will be located inside of the pole.

A concern that is not heavily discussed in this report but is nonetheless important is public safety. The cellular telephone has become a common means of communication. Placement of these cellular facilities has become necessary so that signals (phone calls) are not dropped. This can become an issue in a situation when contacting a tow truck or an ambulance during an emergency in such semi-rural areas. It is the public safety use provided by this type of facility that in our opinion overcomes the visual impact associated with the additional 30 feet. Staff therefore recommends APPROVAL, subject to the following conditions:

1. Revise the site plan as follows:
 - a. Change the label of the parking area to indicate that it is for vehicle turn around.

- b. Provide a row of Leeland Cyprus planted on four-foot centers along the easterly boundary of the compound.
- 2. Only a standard size flag shall be displayed on the pole.
- 3. The applicant shall replace the monopole elevation on sheet number Z-2 of the site plan with an elevation showing the proffered flagpole.