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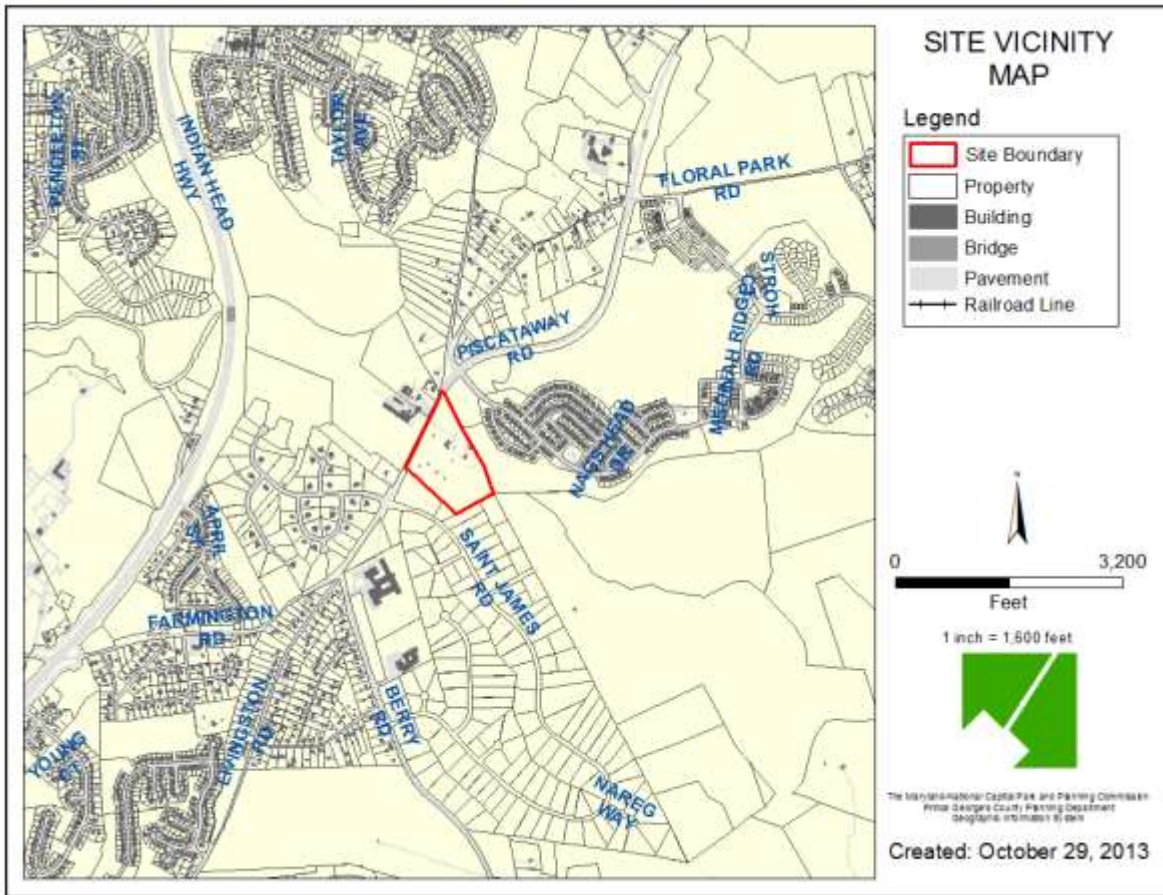
## Special Exception

## SE-4746

Application	General Data	
<b>Project Name:</b> Crown Castle – Briesmaster Property  <b>Location:</b> On the southeast side of Livingston Road, approximately 350 feet south of Piscataway Road (MD 223).  <b>Applicant/Address:</b> Crown Castle 3530 Torington Way, Suite 300 Charlotte, NC 28277  <b>Property Owner:</b> Abdol H. & Guitty Ejtemai 12331 Hatton Point Road Fort Washington, MD	Planning Board Review Date:	07/09/15
	Staff Report Date:	06/23/15
	Date Accepted:	04/21/15
	Planning Board Action Limit:	N/A
	Plan Acreage:	24.03 acres
	Zone:	R-A
	Gross Floor Area:	N/A
	Lots:	N/A
	Parcels:	1
	Planning Area:	84
	Council District:	09
	Election District	05
	Municipality:	N/A
	200-Scale Base Map:	218SE02

Purpose of Application	Notice Dates	
Special Exception for approval of a telecommunications facility consisting of a 113-foot monopole and related equipment pad and cabinet.	Informational Mailing	06/19/14
	Acceptance Mailing:	04/16/15
	Sign Posting Deadline:	N/A

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Tom Lockard <b>Phone Number:</b> 301-952-3410 <b>E-mail:</b> Thomas.Lockard@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT:**

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

VIA: Jimi Jones, Supervisor, Zoning Review Section, Development Review Division

FROM: Tom Lockard, Planner Coordinator Zoning Review Section, Development Review Division

SUBJECT: **Special Exception Application No. 4746**

REQUEST: **Approval of a telecommunications facility consisting of a 113-foot monopole and related equipment pad and cabinet.**

RECOMMENDATION: **APPROVAL with conditions**

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NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of July 9, 2015. 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 addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. 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.

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## FINDINGS

- A. **Location and Field Inspection:** The subject property is located on the southeast side of Livingston Road, approximately 350 feet south of its intersection with Piscataway Road (MD 223). The site is 24 acres in area and is developed with a large single-family detached residence (an historic site - St. James Hill – 84-001) and several other detached accessory buildings. Although the property is partially wooded, much of it has been cleared through the years for agriculture and stabling of horses. The applicant is leasing approximately 3,600 square feet in the southeast quadrant of the property for a monopole, related ground equipment and an eight-foot-high enclosure. The various structures on the site are accessed via a long driveway from Livingston Road.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-A	R-A
Use(s)	Single-Family Residence and 100-foot monopole	Single-Family Residence and 113-foot monopole
Acreage	24.03	24.03
Parcels	Parcel 60, Tax Map 142	Parcel 60, Tax Map 142

- C. **History:** A 100-foot-high monopole was erected on the site pursuant to Permit 21135-2001-CG in 2002. In conjunction with the permit approval, the Planning Director approved Alternative Compliance application (AC-01035) which found the combination of existing woodlands and the eight-foot-high enclosure to adequately screen the use from surrounding residential properties. The applicant has received several Historic Area Work Permits for the structures associated with the monopole, including one for the most recent addition that extended the height to 113 feet.

The applicant took their request before the Telecommunications Transmission Facility Coordinating Committee (TTFCC) on November 19, 2014. The TTFCC recommended approval of the request, subject to the applicant obtaining a special exception.

- D. **Master Plan Recommendation:** The *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) was approved May 2014, and defers to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (2013 Subregion 5 Master Plan SMA) for specific land use recommendations at this location. The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* recommends a Residential-Low Transition use for the site. The plan does not specifically address monopoles.

- E. **Request:** The applicant requests approval of a telecommunications facility consisting of a 113-foot monopole and related equipment pad and cabinet. When the monopole was first erected pursuant to Permit 21135-2001-CG, it was for a maximum height of 100 feet and conformed to the requirements of Section 27-445.04 of the Zoning Ordinance, thus, no special exception was required. However, the applicant has now added an additional antenna structure to the monopole which raises its height to 113 feet, making a special exception necessary.

- F. **Neighborhood and Surrounding Uses:** The subject property is located in the Piscataway community.

The neighborhood is defined by the following boundaries:

**North—** Piscataway Road (MD 223) and Floral Park Road

**East—** PEPCO Right-of-Way/Danville Road

**South—** Unnamed tributary to Piscataway Creek

**West—** Livingston Road

The subject neighborhood has a dual character. To the north and east, it is transitioning to suburban residential. To the west and south, the character is more rural in nature, with large expanses of undeveloped land and scattered residences on large lots.

The site is surrounded by the following uses:

**North—** Undeveloped land and a large stormwater management pond in the R-L (1.0-1.5) Zone.

**East—** Single-family detached residences in the R-L (1.0-1.5) Zone.

**South—** Subdivided but undeveloped land in the R-A Zone.

**West—** Across Livingston Road is a large farming operation (Parker Farm) in the R-A Zone.

**G. Specific Special Exception Requirements: Section 27-416(a)**

Section 27-416(a) Tower, pole, monopole, or antenna states the following permitted requirements:

- (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);**

**Comment:** The existing tower measures 113 feet in height. The location of the proposed tower meets the setback requirement for residentially zoned, privately owned land. The tower is set back 788, 202, 476, and 563 feet from the nearest property lines (to the north, east, south and west, respectively). The nearest residence is 422 feet to the northwest, the historic St. James Hill.

- (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;**

**Comment:** The applicant states that the structure shall not be used to support lights or signs. A general note to that effect should be added to the site plan.

- (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:** The owner's acknowledges this requirement. A general note to that effect should be added to the site plan.

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

**Comment:** The site plan indicates that the combination of the eight-foot-high, opaque wood privacy fence and existing woodlands on the site will screen the equipment from the views from adjoining properties. Views into the property from neighboring properties are screened by trees and topographical features. Alternative Compliance application (AC-01035) found the combination of existing woodlands and the eight-foot-high enclosure to adequately screen the use from surrounding residential properties.

- H. **Parking Regulations:** There are no parking requirements for an unmanned communications tower.
- I. **2010 Prince George's County Landscape Manual Requirements:** The proposed tower is exempt from requirements of the 2010 *Prince George's County Landscape Manual* due to the fact that no additional square footage is proposed. The Planning Director approved Alternative Compliance Application AC-01035 when the monopole was first erected, finding the combination of existing woodlands and the eight-foot-high enclosure to adequately screen the use from surrounding residential properties.
- J. **Zone Standards:** The proposed use meets the standards of the R-A Zone.
- K. **Sign Regulations and Other Issues:** No signs are proposed for this use.
- L. **Historic Preservation:** By way of a referral dated May 13, 2015, the Historic Preservation Section (M-NCPPC) made the following comments:

1. **Background**

The subject property is located at 14200 Livingston Road in Clinton, Maryland. This application is for a Special Exception to validate a 13-foot increase in the height of an existing monopole. The property is zoned Residential-Agricultural (R-A).

Built in the 1830s and later, St. James Hill is a three-part house. The central block is a two-and-one-half –story side-gabled brick structure. The principal façade is laid in Flemish bond and fronted by a two-story pedimented portico. It is attached at right angles to an early one-and-one-half-story gable-roof frame building. The main block was built in the 1830s as the home of Dr. Benedict J. Semmes, who served in the U.S. Congress. In the twentieth century the portico was added, and a balancing wing constructed at left.

2. **Findings and Conclusions**

To bring the monopole into compliance with County regulations, the applicant has

submitted a Special Exception proposal to validate the 113-foot height of an existing monopole. The existing monopole is located within the Environmental Setting of the St. James Hill Historic Site (84-001) and is approximately 450 feet southeast of the house. No structural changes or additions/replacement of equipment are proposed.

The original 100-foot monopole transmission tower, 20- by 10-foot concrete pad and 50- by 50-foot fenced area located 450 feet southeast of St. James Hill were approved by Historic Area Work Permit (HAWP) 3-02 on May 7, 2002. HAWP 25-08 for the installation of panel antennas on the existing 100-foot monopole that would increase the height to a total of 113 feet was approved by Historic Preservation staff on November 4, 2008. HAWP 33-08 for the installation of three panel antennas on the existing 100-foot monopole and an equipment cabinet within the 50- by 50-foot fenced area was approved by Historic Preservation staff on January 8, 2009.

The existing 100-foot monopole transmission tower and existing antennas and equipment within the Environmental Setting of the St. James Hill Historic Site were previously reviewed and approved through the Historic Area Work Permit process. The monopole and all existing equipment was found to have no adverse effect on the historic site.

This Special Exception does not propose any new construction or ground disturbance. Phase I archeological survey is not recommended on the subject property.

3. **Recommendation**

The Historic Preservation staff recommends approval of the subject Special Exception with no conditions.

M. **Required Findings: Section 27-317(A)**

Section 27-317(A) of the Zoning Ordinance states the following as to special exception approval:

(A) **Special Exception may be approved if**

(1) **The proposed use and site plan are in harmony with the purpose of this Subtitle;**

**Comment:** The purposes of the Zoning Ordinance listed in Section 27-102(a) are to promote the health, safety and welfare of County residents by providing for the orderly growth and development of the county and promoting the most beneficial relationship between the uses of land and buildings. The proposed use provides a service that is beneficial to the general public, including emergency service personnel, business operations, and private individuals. The monopole compound is set back from the roadways and surrounding properties. Many of the surrounding properties are wooded. The existing tower is expected to continue to have little visual impact on the surrounding area and is, therefore, in harmony with the purposes of Subtitle 27.

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

**Comment:** With the recommended conditions, the proposed tower will conform to the applicable requirements and regulations of the Zoning Ordinance.

- (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 monopole has existed at this location for many years. The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* does not specifically address monopoles. Care has been taken to ensure appropriate site planning to minimize the adverse impact of visual intrusion on the surrounding area. The proliferation of communication towers across the landscape is a national phenomenon that pits the visual environment, both natural and constructed, against the need for modern communication systems. This issue takes on greater significance in an area identified as having a rural and historic character. However, there are several factors that mitigate the otherwise negative impacts of a tower of this height at this location. Wooded areas both on-site and off-site will effectively screen the tower from views from adjoining roadways and properties. Also, those portions of the tower that will be visible are relatively narrow and less obtrusive than the sections near the base of the tower where all of the attendant electrical structures are located.

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

**Comment:** The monopole has existed at this location for many years. The proposed tower meets all regulations of the Zoning Ordinance and will not have a negative impact on the health, safety or welfare of nearby residents or workers in the area. The nearest residentially zoned land not owned by the county is about 400 feet from the proposed tower site. The nearest residences are located 800 to 1,000 feet away.

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

**Comment:** The base and much of the length of the proposed tower will be screened from the view of nearby properties. The closest nearby uses are owned by Prince George's County. The topography of the site, the generous setbacks, and the screening of the tower ensure that the proposed use will not be detrimental to adjacent properties or the general neighborhood. The difference of 13 feet in height from the long-existing permitted structure will not be discernable.

- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan; and**

**Comment:** The subject property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, and there are more than 10,000 square feet of existing woodland on site. The site has an approved Type 2 Tree Conservation Plan (TCP2-061-99). By way of referral dated May 5, 2015, the Environmental Planning Section has found the proposed request to be in accordance with the approved TCP2 plans

- (7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**



**Comment:** The southern end of the subject property has floodplain and steep slopes. The applicant's proposal does not impact these areas of concern.

## CONCLUSION

A special exception use is considered compatible with uses permitted by-right within the zone, as long as specific criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, **at the particular location proposed, would have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the zone.**

Staff believes that the applicant has their burden of proof in this instance. Therefore, staff recommends APPROVAL of Special Exception Application No. SE-4746, subject to the following conditions:

1. Prior to signature approval, general notes shall be added to the site plan stating that:
  - a. The structure shall not be used to support lights or signs other than those required for aircraft warning or other safety purposes.
  - b. If the monopole is no longer used for telecommunications purposes for a continuous period of one (1) year, it shall be removed by the owner at the owner's expense.