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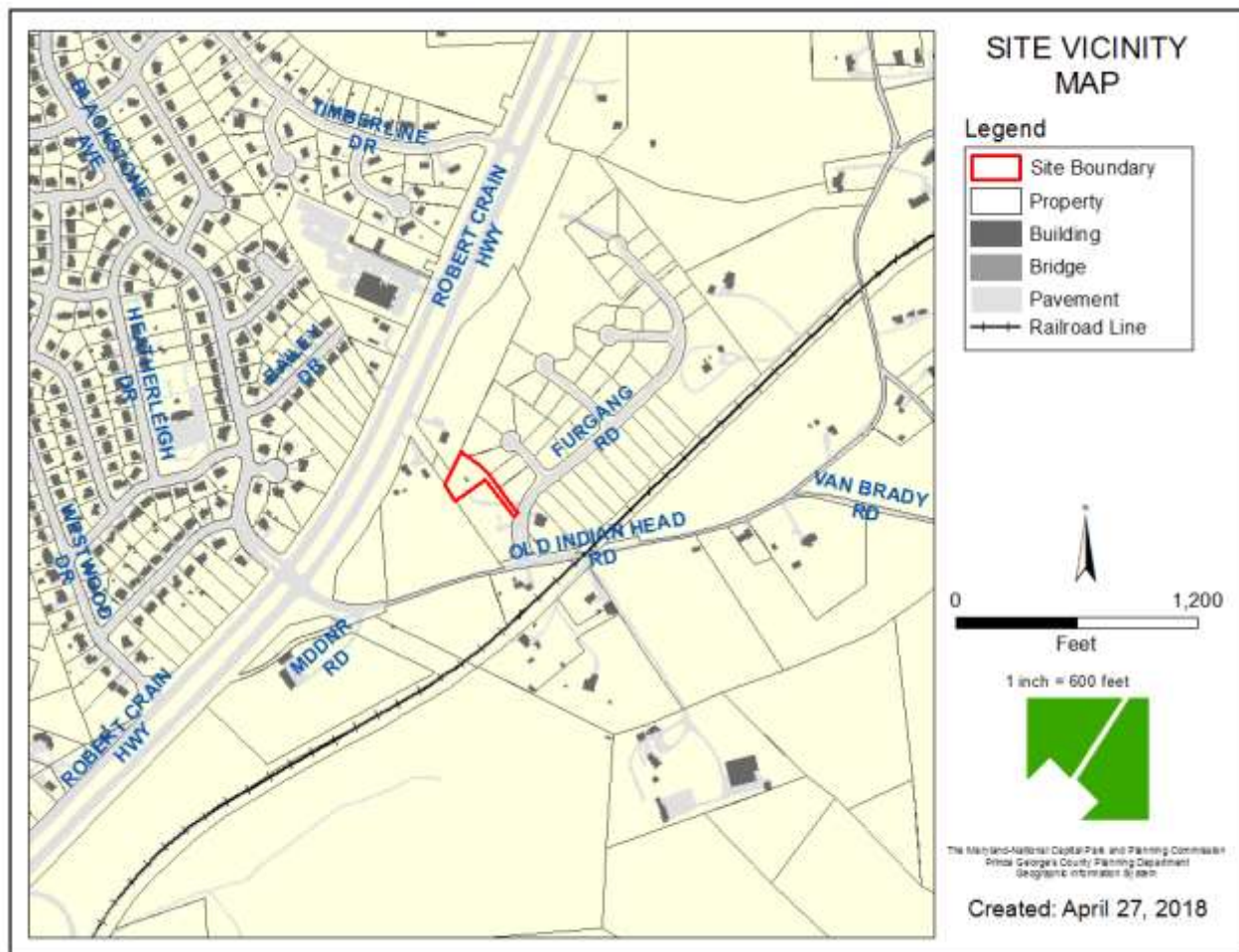
Special Exception Variance

SE-4804
VSE-4804

Application	General Data	
Project Name: Crown Castle Old Indian Location: West side of Furgang Road, approximately 215 feet north of the intersection of Furgang Road and Old Indian Head Road. Applicant/Address: Crown Castle, Inc. 3530 Torington Way, Suite 300 Charlotte, NC 28277 Property Owner: Abood Family, LLC 10813 Furgang Road Upper Marlboro, MD 20772	Planning Board Hearing Date:	05/17/18
	Staff Report Date:	05/02/18
	Date Accepted:	03/12/18
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.746
	Zone:	R-R
	Gross Floor Area:	N/A
	Lots:	N/A
	Parcels:	1
	Planning Area:	82A
	Council District:	09
	Election District	11
	Municipality:	N/A
	200-Scale Base Map:	214SE10

Purpose of Application	Notice Dates	
Extension of the height of an existing telecommunications tower to 125 feet. Variance from Section 27-416(a)(1).	Informational Mailing	10/11/17
	Acceptance Mailing:	03/06/18
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Ras Tafari Cannady II Phone Number: 301-952-3411 E-mail: Ras.Cannady@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: Sherri Conner, Acting Supervisor, Subdivision and Zoning Section
Development Review Division

FROM: Ras Tafari Cannady II, Senior Planner, Subdivision and Zoning Section
Development Review Division

SUBJECT: Special Exception Application No. SE-4804
Variance Application No. VSE-4804

REQUEST: SE-4804: Approval of an extension of the height of an existing telecommunications tower
to 125 feet.

VSE-4804: Approval of a Variance from Section 27-416(a)(1) for minimum setbacks.

RECOMMENDATION: SE-4804: APPROVAL with conditions

VSE-4804: APPROVAL of a Variance from Section 27-416(a)(1).

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of May 17, 2018. 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.

FINDINGS:

1. **Location:** The subject property is located on the west side of Furgang Road, approximately 215 feet north of the intersection of Furgang Road and Old Indian Head Road. The subject property is a flag lot with 25 feet of frontage along Furgang Road, which provides access to the site. The subject site is currently improved with a 115-foot-high telecommunications tower and is known as Parcel F, recorded in Plat Book REP 207-47. The subject site is 32,476 square feet and located in the Rural Residential (R-R) Zone.
2. **History and Previous Approvals:** The existing telecommunications tower was originally approved and built by-right as a 100-foot-high telecommunications tower in 2001 (Permit 15646-2001 and subsequent revisions). In 2004, Commercial Grading Permit 12491-2004-2 was approved to allow the construction of a 15-foot-high antenna mount extension to the existing 100-foot-high telecommunications tower, pursuant to Section 27-445.04 of the Prince George's County Zoning Ordinance. However, the actual telecommunications tower height was extended to 115 feet.

The telecommunications tower currently has three wireless carrier antennas installed: T-Mobile at 91 feet high, Sprint at 100 feet high, and AT&T at 109 feet high.

After the telecommunications tower's 2001 construction, prior to extension of the tower, the landowner subdivided the land via Preliminary Plan of Subdivision (PPS) 4-04105, which was approved by the Prince George's County Planning Board on October 28, 2004 (PGCPB Resolution No. 04-253), subject to 22 conditions. None of the 22 conditions affect the proposed special exception. The PPS approved a 47-lot subdivision, with half the lots exceeding 20,000 square feet and the other half being greater than 15,000 square feet, but less than 20,000.

It is important to note that, at the time of PPS 4-04105, the owner proposed that in the future when technology advances, the telecommunications tower may become obsolete. Pursuant to Section 27-416(a)(3) of the Zoning Ordinance, a telecommunications tower, which is no longer used for telecommunications purposes for a continuous period of one year, shall be removed at the owner's expense. The parcel may be converted into a lot if the telecommunications tower is removed in the future.

On June 12, 2006, limited Detailed Site Plan DSP-06005 was approved by the Planning Director in accordance with the PPS conditions of approval. There have since been four amendments to the subject DSP, of which the first amendment (DSP-06005-01) provided buffering between the telecommunications tower and an adjacent homeowners association (HOA) open space parcel.

On January 7, 2008, Prince George's County Council Bill CB-33-2007 was enacted, establishing the minimum lot area required for telecommunications towers on privately-owned land to be 2.5 acres.

On February 22, 2012, U.S. Congressional Bill 47 U.S.C. § 145 was passed, mandating that a state or local government shall not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. The Bill states that "a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

The impact that this Bill has on the subject application is outlined within the Discussion finding of this report.

3. **Neighborhood and Surrounding Uses:** The following master-planned roadway is adjacent to the subject property:

North/West— US 301/MD 3 (Crain Highway), a master-planned freeway, is approximately 90 feet northwest of the subject site.

The property is surrounded by the following uses:

North— Single-family detached residential development and a church in the R-R Zone.

East/West — Single-family detached residential development in the R-R Zone.

South— Single-family detached residential development in the R-R and Open Space (O-S) Zones.

4. **Request:** The subject project requests approval of an extension to an existing telecommunications tower to 125 feet high, with associated equipment and antennas, and a variance from setbacks required per Section 27-416(a)(1).

5. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Telecommunications Tower (Monopole)	Telecommunications Tower (Monopole)
Acreage	32,746 sq. ft.	32,746 sq. ft.
Parcels	1	1

6. **Required Findings:** Section 27-317(a) of the Zoning Ordinance provides that:

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

- (1) **The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The applicant's proposal conforms to, and does not impede, the purposes contained in Section 27-102 of the Zoning Ordinance. Specifically, the applicant's proposal supports the health, safety, convenience, and welfare of the residents, employees, and guests of Prince George's County by providing to them reliable wireless coverage, on which its citizens have come to rely and depend. The applicant's proposal furthers the Federal Communication Commission's goal to encourage collocation to mitigate the need for additional telecommunications towers.

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

As outlined within this staff report, this application has demonstrated conformance with the 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.

The telecommunications tower and associated compound will not impair the integrity of any master plan, functional plan, or the General Plan. The applicant has provided that, while Plan Prince George's 2035 does not have specific reference to telecommunications, the Public Facilities section aims to "invest in public facilities to catalyze economic development and revitalization, stimulate employment growth, and strengthen neighborhoods" (Policy 2). Additionally, Policy 7 seeks to "ensure the provision of equitable, high-quality public services within municipalities." The provision of reliable wireless coverage in the area through this facility supports both policies. Better wireless coverage benefits those working from home and conducting business in the area, while also ensuring that first responders have the network dependability needed to respond in emergency situations and locate those in need of help.

This application is in the Established Communities area, which is most appropriate for context-sensitive infill and low- to medium-density development. Plan Prince George's 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries and schools), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met. The 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) recommends residential low future land use for the subject property. Staff finds that this application for the extension of an existing telecommunications tower will not substantially impair the integrity of the Subregion 6 Master Plan and SMA. The impact of the proposed increase in height on the existing surrounding low-density residential community would be negligible.

The 2016–2017 Prince George's County Telecommunications Transmission Facilities Master Plan also shows that there are significantly fewer telecommunications facilities in this part of the County than in the western section. This telecommunications facility and application, therefore, do not impair the integrity of any plan, but rather, support the articulated goals of the County.

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

The applicant's proposal conforms to, and does not impede, the purposes contained in Section 27-102. Specifically, the applicant's proposal supports the health, safety, convenience, and welfare of the residents, employees, and guests of Prince George's County by providing them reliable wireless coverage, on which its citizens have come to rely and depend. The applicant's telecommunications tower extension mitigates the need for an additional telecommunications tower to provide the same reliable coverage. The proposal

will further enhance the health, safety, and welfare of the residents, workers, and travelers in the area because it will allow the wireless carrier tenants to provide safe, reliable wireless coverage for personal, professional, and emergency purposes.

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

Extending the existing telecommunications tower will not be detrimental to the use or development of adjacent properties or the general neighborhood. The closest structure from abutting properties is approximately 175 feet from the existing telecommunications tower. The telecommunications tower's proposed 125-foot fall zone, which is equal to the proposed height of the structure, will not impact adjacent structures, but will encroach into the yards of abutting properties. The applicant has shown a 125-foot radius on the site plan, which shows that the fall zone will encroach approximately 25 feet onto the abutting single-family residential lots and approximately 90 feet onto the HOA parcel to the south of the property. The fall zone limit on the HOA parcel is approximately 140 feet away from the HOA basketball court. From the surrounding neighborhood, the compound is screened by fencing and a buffer of trees. The increase in height of the telecommunications tower will not be detrimental to the existing surrounding development or the general neighborhood.

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

The associated Type II Tree Conservation Plan, TCPII-089-00, was approved on June 12, 2006 as part of DSP-06005. The proposed site plan does not include any woodland clearing and conforms to approved TCPII-089-00. The approved TCP includes afforestation areas, which screen the telecommunications tower from properties to the north and south. Additional tree coverage provided during the initial construction of the telecommunications tower screens the compound from the east and south of the site, and is proposed to remain.

(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).

This site does not contain any regulated environmental features and, therefore, conforms to this requirement.

7. Specific Special Exception Requirements:

Section 27-416. Tower, pole, monopole, or antenna.

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 existing telecommunications tower has setbacks of 101 feet, 9 inches from the eastern property line; 102 feet, 6 inches from the northwestern property line; 104 feet, 9 inches from the western property line; and 29 feet, 7 inches from the southern property line as a result of the approval of PPS 4-04105 and subsequent Record Plat REP 205-47, which isolated the telecommunications tower to a flag lot. The subdivision of land created a 32,476-square-foot parcel on which the telecommunications tower is not able to meet the setback requirements established by the above criteria. The applicant is requesting a variance from setbacks required. Justification for approval of the requested variance is discussed further in this staff report. The nearest structure, located on Parcel 147, is approximately 175 feet from the existing telecommunications tower. The nearest property line is approximately 29 feet from the telecommunications tower, which abuts an HOA parcel to the south.

- (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 proposed extension of the telecommunications tower will not support lights or signs, except for those required by law.

- (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**

Should the telecommunications tower cease to be used for a continuous period of one year, the applicant will comply and remove the structure at their expense.

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

The existing facility has screening around its entire compound space that obscures the related telecommunications equipment from public view. In addition to wood fencing, which surrounds the equipment, the existing telecommunications tower compound is surrounded by trees that obscure the equipment to 100 percent opacity.

8. **Variance Request:** The applicant seeks a variance to provide relief from the strict requirements of Section 27-416(a)(1), which requires a telecommunications tower to be set back from all property lines and dwelling units a distance equal to the height of the structure (measured from its base).

Section 27-230(a) of the Zoning Ordinance provides that a variance may only be granted when the following findings are made:

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

The existing telecommunications tower has setbacks of 101 feet, 9 inches from the eastern property line; 102 feet, 6 inches from the northwestern property line; 104 feet, 9 inches from the western property line; and 29 feet, 7 inches from the southern property line as a result of the approval of PPS 4-04105 and subsequent Record Plat REP 205-47, which isolated the telecommunications tower to a flag lot. The subdivision of land created a 32,476-square-foot parcel on which the telecommunications tower is not able to meet the setback requirements. The unique shape and size of the flag lot, which was established prior to Council Bill CB-33-3007 that established a minimum 2.5-acre lot area for telecommunications towers, has created an extraordinary condition that prevents the telecommunications tower from meeting the required setbacks.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

If the request for a variance is not granted, the owners of the structure and Parcel F will not be able to accommodate the fourth antenna, forcing the applicant to erect a new telecommunications tower in the immediate vicinity, to provide the necessary service to their subscribers in the area. Collocation of the proposed antenna on the existing telecommunications tower at a lower height is not sufficient for the antenna's signal to effectively propagate and fill the targeted gaps in service. Collocation on the existing structure will be much less impactful to the surrounding neighbors than an additional tower in close proximity. Not granting this would create an undue hardship on the owner and the surrounding community due to an overconcentration of telecommunications towers in the immediate vicinity.

- (3) **The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

The granting of this variance request for relief from the setback requirements, in conjunction with the associated Special Exception SE-4804 for the increased height and extension, will not substantially impair the intent, purpose, or integrity of Plan Prince George's 2035 or the master plan. This telecommunications tower was approved in the current location, and the applicant is seeking to utilize this approved tower for another carrier, Verizon Wireless, so that another telecommunications tower does not need to be erected. This is in direct accord with the County's preference for collocation over new macro sites. The visual impact of an additional telecommunications tower would be significantly more obtrusive than the requested height increase.

9. **Parking Regulations:** According to the parking regulations of the Zoning Ordinance, parking is not required on the site, as the telecommunications tower and unmanned compound is not serving employees or the general public.

10. **Landscape Manual Requirements:** At the time of construction, existing woodlands obscured the telecommunications tower, providing a natural landscaping buffer, as required by the 1990 Prince George's County Landscape Manual.

The added height of the telecommunications tower proposed with this application does not require conformance with the 2010 *Prince George's County Landscape Manual* (Landscape Manual), pursuant to the exemptions provided in Section 1.1.

Section 27-328.02., Landscaping, buffering, and screening, of the Zoning Ordinance requires that all landscaping required for a special exception be approved at the same time the special exception is approved, and that it comply with the Landscape Manual, as demonstrated on a landscape plan. However, in this case, the original permit applications were approved in accordance with the 1990 Landscape Manual, which allows for grandfathering of the original telecommunications tower and equipment structure, in accordance with these provisions.

11. **Tree Canopy Coverage:** The subject project is exempt from the Prince George's County Tree Canopy Coverage Ordinance, as it does not involve a disturbance in excess of 5,000 square feet of land area.
12. **Sign Regulations:** This application does not involve review of any freestanding signs or any building signs. Any sign proposed on the property must meet all area, height, and setback requirements of the applicable sign regulations of the Zoning Ordinance.
13. **Review Comments:** No major issues were identified for the subject application. The applicant has submitted a site plan and landscape plan, as required, and a statement of justification outlining the development proposal.

The following comments pertain to the review of the special exception application:

- a. **Urban Design**—The proposal to extend the existing height of the 115-foot-high telecommunications tower to 125 feet meets the requirements of Subtitle 27 of the Prince George's County Code for approval of a special exception, from an urban design standpoint. Comments in regard to landscaping have been described within the Landscape Manual Requirements finding of this report.
- b. **Transportation Planning**—The proposal to extend the height of the existing telecommunications tower to 125 feet meets the requirements of Subtitle 27 for approval of a special exception, from the standpoint of vehicular circulation and transportation.
- c. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-03123		Planning Board	Withdrawn		N/A
4-04105	TCP1-076-03	Planning Board	Approved	10/28/2004	PGCPB No 04-253
DSP-06005	TCPII-089-00	Planning Board	Approved	6/12/2006	N/A
DSP-06005-01	N/A	Planning Director	Approved	7/20/2006	N/A
DSP-06005-02	N/A	Planning Director	Approved	1/12/2011	N/A
DSP-06005-03	N/A	Planning Director	Approved	5/9/2014	N/A
DSP-06005-04	N/A	Planning Director	Approved	10/6/2017	N/A
SE-4804		Planning Board	Pending	Pending	Pending

This site has an approved forest stand delineation plan, which delineated the existing environmental conditions plan prior to the current natural resources inventory plan process. No other previous environmental reviews have occurred on this site.

Proposed Activity

This special exception proposes to bring the currently installed tower on the property into compliance to extend the height of the telecommunications tower to 125 feet. The project will not impact any regulated environmental features.

Grandfathering

The project is subject to the environmental regulations of Subtitle 27 that came into effect on September 1, 2010 because this is a new special exception request. The project is also subject to the WCO, effective on September 1, 2010.

Site Description

The subject 32,746-square-foot site is located at 10813 Furgang Road. This site contains an access road to an existing transmission tower pad site with no existing woodlands currently on-site. A review of available information identified that no regulated environmental features such as streams, wetlands, areas of steep slopes, 100-year floodplain, or associated buffers are found on the property. This site does not contain primary management area and is outside of the Chesapeake Bay Critical Area. The site is within the Piscataway Creek watershed, which drains into the Potomac River basin. This area is not within a stronghold watershed. The predominant soil found to occur on-site, according to the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, is Beltsville silt loam. According to available information, soils containing Marlboro or Christiana clays are not known to occur on-site. According to the Sensitive Species Project Review Area map prepared by the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on, or in the vicinity of, this property. This site is not identified as containing forest interior dwelling species (FIDS) or FIDS buffer. This site does not share frontage with any historic or scenic roadways. According to the 2017 Green Infrastructure Plan, the site has a pine buffer mapped as an evaluation area within the network.

Previously Approved Conditions

The subject site has previously-approved development applications; however, the current proposal is considered a new special exception application. The previous conditions of approval are not applicable to this application and no previously-approved conditions will be carried forward.

Master Plan Conformance

The site is currently located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan Prince George's 2035.

Subregion 6 Master Plan

The master plan for this area is the Subregion 6 Master Plan and SMA. In the master plan, the Environmental Infrastructure section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **bold** is the text from the master plan, and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve and restore the identified green infrastructure network and areas of local significance within Subregion 6 in order to protect critical resources and to guide development and mitigation activities.

There are two areas within the green infrastructure network and they are single rows of evergreen trees identified as being evaluation areas. These evaluation areas are located along the northern and western property lines. These areas will not be disturbed because the application is to add structural height to the existing on-site cell tower.

Based on the nondisturbance of the on-site green infrastructure network areas, this proposal meets the intent of protecting critical resources.

Policy 2: Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded.

This development proposal is to add to the height of the existing on-site cell tower. The site does not currently have a stormwater management concept approval letter. No grading will occur with this application, only structural work to an existing cell tower.

Policy 4: Protect, restore and enhance the Chesapeake Bay Critical Area.

The subject property is not located in the Chesapeake Bay Critical Area.

Policy 6: Increase awareness regarding air quality and greenhouse gas (GHG) emissions and the unique role that the Developing and Rural Tiers in Subregion 6 have to play in this effort.

Air quality is a regional issue that is currently being addressed by the Council of Governments.

Policy 7: Encourage the use of green building techniques and community design that reduce resource and energy consumption.

The development application for the subject property is for the enlargement of an existing telecommunications tower structure. No green building techniques, or the use of environmentally-sensitive building techniques to reduce overall energy consumption, are part of this type of construction activity.

Policy 8: Reduce energy usage from lighting, as well as light pollution and intrusion into residential, rural, and environmentally sensitive areas.

The development application for the subject property is for the enlargement of an existing telecommunications tower structure. No lighting pollution is part of this type of construction activity.

Policy 9: Reduce adverse noise impacts to meet acceptable state noise standards.

The development application for the subject property is for the enlargement of an existing telecommunications tower structure. No noise impacts, other than the initial construction of the structure, will occur from the subject site. No residential uses are proposed. A noise analysis and mitigation are not required at this time.

Countywide Green Infrastructure Plan (2017)

The 2017 *Countywide Green Infrastructure Plan* (Green Infrastructure Plan) was approved with the adoption of the *Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the Green Infrastructure Plan, the site does contain evaluation areas within the designated network of the plan. These evaluation areas, two areas of a single row of evergreen trees, are located along the northern and western property lines. These areas will not be disturbed because the application is to add structural height to the existing on-site telecommunications tower.

Therefore, the site was found to be in conformance with the Green Infrastructure Plan.

Environmental Review

Natural Resources Inventory/Environmental Features

This site has an approved forest stand delineation plan, which was the environmental feature review previous to the current natural resources inventory plan process. According to available information, the site does not contain regulated environmental features such as wetlands, streams, associated buffers, steep slopes, and 100-year floodplain.

As part of this application, no tree or woodland removal is proposed. No revisions are required for conformance with the forest stand delineation.

Preservation of Regulated Environmental Features/Primary Management Area

No regulated environmental features are known to exist on this property.

Woodland Conservation

This property is subject to the provisions of the WCO because the site has a previously approved TCPII Tree Conservation Plan (TCPII-089-00-02). The site is part of the overall Furgang Farm TCPII, and the subject existing cell tower is shown on the approved TCPII. No trees or woodlands are proposed to be removed as part of the application.

The proposed activity is in conformance with the approved TCPII. No TCPII revisions are required.

Stormwater Management

The Environmental Planning Section relied on the review of the Site/Road Plan Review Division of the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) to determine whether or not a stormwater management letter and plan is required, since no grading is proposed with this application. The Site/Road Plan Review Division has reviewed the project for conformance with the current provisions of the County Code, which addresses the state regulations.

No additional information is required with regard to stormwater management with this application.

Preservation of Regulated Environmental Features/Primary Management Area

No regulated environmental features are known to exist on this property.

- d. **Historic Preservation**—The proposed development lies within 0.25 miles of the Furgang Farm Historic Site (82A-023) and within 0.5 miles of the Cheltenham Methodist Church and Cemetery Historic Site (82A-042-21). There are no known archeological resources that will be affected by the proposed work. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low.
 - e. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated April 16, 2018 (Giles to Cannady II), DPIE offered several comments regarding approval of this plan. DPIE's comments will be addressed by the applicant at the time of permit submittal.
 - f. **Maryland State Highway Administration (SHA)**—SHA offered no comments regarding this proposal.
 - g. **Community Planning**—In a memorandum dated April 18, 2018 (Irminger to Cannady II), the Community Planning Division found that, pursuant to Section 27-317(a)(3), this application will not substantially impair the integrity of the Subregion 6 Master Plan and SMA. The impact of the increase in height on the existing surrounding low-density residential community would be negligible.
14. **Discussion:** A memorandum from the Prince George's County Government Office of Law dated July 1, 2013 (McCarthy to the Telecommunications Transmission Facility Coordinating Committee) described the impact that Congressional Bill 47 U.S.C. § 145 has on modifications to wireless towers in Prince George's County. The memorandum noted that 47 U.S.C. § 145 delineated that a substantial increase in the size of the tower occurs if:

“the mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20-feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limited set forth in this paragraph is necessary to avoid interference with existing antennas;”

This memorandum states that a telecommunications tower or monopole can increase in height, up to 10 percent, by permit, without requiring approval of a special exception.

The telecommunications tower, which was constructed as a permitted use in 2001 (Commercial Exterior/Grading Walkthrough Permit 15646-2001), was approved as a 100-foot-high telecommunications tower, which met all of the required setbacks and Zoning standards at the time of construction. The property was subsequently subdivided on December 16, 2004 via PPS 4-04105. The 2004 issuance of Commercial Grading Permit 12491-2004, which permitted a 15-foot-high antenna mount consisting of piping extending above the structure to hold AT&T's antennas, was a permitted modification that would not have been deemed a substantial increase or modification to the telecommunications tower and, therefore, was permissible via permit.

The applicant, at that time, however, increased the telecommunications tower from 100 feet to 115 feet, netting a 15 percent increase to the height of the telecommunications tower. As this was not done in accordance with the approved plans and prior to the implementation of 47 U.S.C. § 145, the telecommunications tower was not built in compliance with the approved plans, as of 2004.

In 2016, the applicant applied for a 10-foot extension of the existing 115-foot-high telecommunications tower, in order to add an additional antenna at 122 feet high. As discussed earlier within this finding, the extension of the telecommunications tower over 110 feet high is not considered a minor adjustment to the telecommunications tower. If the applicant had built the telecommunications tower in conformance with the approved plans, the applicant would have been able to extend the telecommunications tower up to 110 feet high through the building permit process.

As the memorandum states that a substantial increase to a telecommunications tower includes the addition of more than 10 percent height, the 25 percent increase to the 100-foot-high permitted height of the telecommunications tower (10 percent administrative with a 15 percent increase above the administrative cap) required this special exception application.

CONCLUSION:

Based upon the above analysis and findings, staff recommends **APPROVAL** of Special Exception Application No. SE-4804 and Variance Application No. VSE-4804, subject to the following conditions:

1. Prior to certificate approval of the special exception site plan, the applicant shall revise the site plan to:
 - a. Provide the dimensions of the access road on the site and landscape plans.
 - b. Provide the details of the fence surrounding the equipment compound.
 - c. Provide notation on the landscape plan clearly indicating the bufferyard dimensions, including the minimum building setbacks and the minimum landscape yards, around the entirety of the property associated with the telecommunications tower and equipment compound, in accordance with the requirements of the 1990 Prince George's County Landscape Manual.