



REPORT TO THE BOARD OF APPEALS SPECIAL EXCEPTION REQUEST DOCKET #1321

SUMMARY OF REQUEST:

- Proposed Activities:** Use # 4.06.300 – Telecommunications tower more than 50 feet tall. New 128' monopole and 6' lighting rod (134' total height) within a 30' x 40' 6' high chain-link fenced compound.
- Total Area of Site:** 54.72 acres (Only 30' x 40' / 1,200 square feet applicable to Use).
- Total Area Disturbed:** Approximately 1,200 square feet (30' x 40' compound) to be accessed via the extension of an existing gravel access road.
- Location of Site:** The location of the project site, known as "Heathcote", is directly adjacent to the track / stadium utilized by the Thomas Stone High School and is accessed off of Route 5 in Waldorf, Maryland. The property is designated as Tax Map 15, Grid 11, Parcel 333, and is located in the High-Density Residential (RH) Zone. (See Aerial, Location, and Zoning Maps).
- Tax ID Information:** 06-066518
- Property Owner:** Board of Education of Charles County Maryland
Thomas Stone High School
3785 Leonardtown Road
Waldorf, Maryland 20601
- Applicant:** **AT&T Mobility**
c/o Phillip Stetler
10015 Old Columbia Road, Suite F-100
Columbia, Maryland 21046
- Zoning:** RH, High-Density Residential
- Meeting Date:** June, 10 2014

SUMMARY OF ISSUES:

The following is a discussion of specific issues identified by Staff for consideration by the Board of Appeals. The minimum standards for Use # 4.06.300 are established within Article XIII §297-212 of the Charles County Zoning Ordinance. The principle issue is whether the proposed use is appropriate for the subject site, the surrounding neighborhood, and consistent with the requirements of the Zoning Ordinance.

NEED FOR SPECIAL EXCEPTION:

According to the current ordinance, the proposal as detailed in the application would require a Special Exception in the RH – High-Density Residential, Zone in accordance with Figure IV-1 Table of Permissible Uses, Use #4.06.300 – Telecommunications tower more than 50 feet tall.

MINIMUM ZONING REQUIREMENTS:

In order to be conforming with the current ordinance, the proposed tower must be located on the property in such a way that it meets all the minimum requirements as found in the RH – High-Density Residential Zone; standards set forth in Article XXV, §297-415 on Special Exceptions; the applicable minimum standards in Article XIII, §297-212; and, any performance guarantees and conditions imposed by the Board.

DESCRIPTION OF PROPERTY:

The location of the project site, known as “Heathcote” is directly adjacent to the track / stadium utilized by the Thomas Stone High School and is accessed off of Route 5 in Waldorf, Maryland. The property is designated as Tax Map 15, Grid 11, Parcel 333, and is located in the High-Density Residential (RH) Zone. The subject property is occupied by the Thomas Stone High School and is owned by the Board of Education of Charles County. The property consists of 54.72 acres, only 30’ x 40’ feet of which (1,200 square feet) are subject to the requested special exception use. AT&T Mobility is proposing to replace an existing 108’ tall light pole adjacent to the track / stadium with a 128’ monopole and 6’ lighting road totaling 134’ feet in height.

IMPACT ON SURROUNDING USES:

The character of the surrounding neighborhood consists of the Thomas Stone High School compound totaling 54.72 acres, which includes the school buildings, athletic fields, and parking. Directly across Route 5 to the North is the Stonebridge single-family / townhouse development currently under construction. Additionally a mix of existing commercial and residential development exists within a close proximity to the East, West, and South of the property boundary. (See Aerial Map and Conceptual Site Plan).

USE SPECIFIC ANALYSIS:

The Applicant, AT&T Mobility, is seeking approval of a Telecommunications tower more than 50 feet tall, Use # 4.06.300. AT&T Mobility is proposing to replace an existing 108’ tall light pole adjacent to the track / stadium with a 128’ monopole and 6’ lighting road totaling 134’

feet in height. The telecommunications facility will be comprised of a 128' tall monopole tower with a 6' lighting rod totaling 134' and will possess stadium lighting at the pre-existing 88' level with the addition of the proposed AT&T equipment (12 antennas) at the 128' level. The monopole will also be designed to accommodate a proposed future co-location carrier below the 128' level, as illustrated on the conceptual site plan.

The telecommunications facility will be located within a new fenced-in compound approximately 30' x 40' in size. The 30' x 40' compound will be fenced-in by a 6' tall chain-link fence, with barbed wire at its peak, and a 12'-0" wide access gate. Also within the proposed fenced tower compound, AT&T will install one (1) 12' x 12' equipment shelter and one (1) diesel generator on a 12' x 20' concrete pad, one (1) cable bridge, one (1) telco fiber mesa cabinet, and (1) utility backboard with meter and disconnect. Coaxial cables will be routed down from the monopole from the proposed antennas and across the cable bridge to the equipment shelter. Underground power conduits will be routed in a northerly direction to an existing pad-mounted transformer and proposed fiber routing will be routed in a southerly direction to an existing crown site. The facility compound will be accessed by authorized personnel via the extension of an existing gravel access road extending from Leonardtown Road (Route 5), as illustrated on the provided conceptual site plan.

Per the Applicant: AT&T proposes to locate a new telecommunications facility adjacent to the track and in line with the existing facility at Thomas Stone High School. AT&T seeks to install a new telecommunications facility in order to provide enhanced emergency and non-emergency wireless services that will include 4G technology. AT&T has determined this to be the most viable option if it is to provide enhanced services in this area. The best option for AT&T, and one that also fits in the County's stated policies, is to locate 12 antennas onto a light pole replacement/monopole.

PRELIMINARY FINDINGS:

The request for Special Exception #1324 was evaluated based upon the standards set forth in Article XXV Section 297-415 (H) and Use #4.06.300 of the *Charles County Zoning Ordinance*. Findings of the Staff have been annotated in *italics*. This use

- i. Will not be detrimental to or endanger the public health, safety, and general welfare.

Staff Finding: Based upon the Applicant's submittal materials it does not appear that the proposed use will be detrimental to or endanger the public health, safety, and general welfare as the proposed tower will be required to be designed in accordance with current building code and engineering standards, and will meet the required setbacks from property lines and dwellings as required under Section 297-212 of the Zoning Ordinance. The RCC Consultant, Gary Whitley, did recommend however that AT&T address the following concerns:

Demonstrate that the RF power density levels will not exceed the maximum permissible levels for Human Exposure to non-ionizing RF radiation as

specified by the FCC (OET65 Bulletin). The site is located at a high school and could present concern from the general public on RF radiation. The other concern would be maintenance personnel servicing the stadium lighting system coming in close proximity with the antennas, or while servicing the lights on an adjacent pole and coming in-line with the antennas.

Per the Applicant: *The Applicant has designed the tower to adhere to current structural standards, and structural certification has been provided. AT&T adheres to all federal communications government regulations. An RF interference analysis has been provided demonstrating it will not interfere with public safety radiation. A NEPA study has been provided.*

- ii. Is a Permissible Special Exception in the Zone.

The subject property is Zoned RH, High-Density Residential, and the requested use of a telecommunications tower more than 50 feet tall (Use # 4.06.300) is permitted by Special Exception in the RH, High-Density Residential, Zone.

- iii. Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

Staff Finding: *Based upon the Applicant's submittal materials it appears that the proposed tower will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood. Little to no impact is envisioned to be imposed upon the residencies / properties neighboring the proposed tower.*

Per the Applicant: *The tower will not impact the use, peaceful enjoyment, economic value, or development of any surrounding areas. It is located at a school property, and as it is a light pole replacement, very little change will occur to the current design.*

- iv. Complies with the Standards and Requirements set forth in Article XIII.

Staff Finding: *The proposed use complies with the Standards and Requirements set forth in Article XIII for this use.*

- v. Will cause no objectionable impact from traffic, noise, type of physical activity, fumes, odors, dust or glare.

Staff Finding: *Based upon the Applicant's submittal materials it appears that the proposed use will not cause an impact on traffic nor cause objectionable noise, type of physical activity, fumes, odors, dust or glare.*

Per the Applicant: *AT&T will have no signals, lights, or illumination on the*

tower. The light standard for the field, as existing, will remain on the pole however. AT&T will have no advertising or signage on the tower. The proposed pole will be located adjacent to the existing light standards at the field behind Thomas Stone High School and will not interfere with the view of or from sites of significant public interest. There will be no significant increase in traffic, noise, activity, fumes, odors, dust, or glare from this site.

- vi. Will provide adequate utilities, water, sewer or septic systems, access roads, storm drainage, and/or necessary public facilities and improvements. If a request requires an Adequate Public Facilities Review by the Charles County Planning Commission, such review shall be made a condition of the granting of the Special Exception by the Board.

Staff Finding: *The 30' x 40' facility compound will be accessed via the extension of an existing gravel access road on-site, which has in-direct access to Leonardtown Road (Route 5) via the existing high school internal road network.*

Per the Applicant: *AT&T will not impact utilities, water, sewer, access, or storm drainage. AT&T will provide enhanced emergency and non-emergency wireless communication coverage – increasing the capacity and speed of wireless service in the area.*

- vii. Will provide adequate ingress and egress and be so designed as to minimize traffic congestion on the public streets.

Staff Finding: *The proposed telecommunications cell tower site will be required to possess adequate ingress and egress on-site. Ingress and egress to the 30 x 40' facility compound will occur via the extension of an existing gravel access road as illustrated on the conceptual site plan. At time of future site development plan review applicable requirements associated with safe ingress and egress will be confirmed prior to final approval.*

Per the Applicant: *AT&T will provide adequate ingress and egress by extending an existing access road, thereby minimizing any traffic congestion.*

- viii. Is in accordance with the objectives of the Charles County Comprehensive Plan.

Staff Finding: *Community Planning staff members reviewed the proposed use for compliance with the Comprehensive Plan's goals and objectives and found no non-conforming issues in which to comment on. The proposal complies with the Comprehensive Plan.*

Per the Applicant: *In accordance with the Charles County Comprehensive Plan, AT&T's site will enhance wireless communication coverage, including improvements in capacity, service, and delivery of wireless services.*

- ix. Conforms to the Applicable Regulations of the zone in which it is located and to the Special Requirements established for the specific use.

Staff Finding: *The proposal conforms to the applicable regulations of the RH, High-Density Residential Zone and other special requirements established for the specific use.*

The request for Special Exception #1321 was evaluated based upon the standards set forth in Article XIII Section 297-212 and Use #4.06.300 of the *Charles County Zoning Ordinance*. Findings of the Staff have been annotated in *italics*. This use

- A. All structures shall be located at least 200 feet from an existing dwelling or residential zone.

Staff Finding: *Compliance with this requirement is verified on the conceptual site plan. Confirmation of the minimum 200' separation from existing dwellings or residential zones will be verified at time of future site development plan review and approval.*

Per the Applicant: *AT&T's proposed monopole is well over 200 feet from any dwellings and/or residential zones.*

- B. A minimum ten-foot landscape strip will be around all property lines exterior to any fence or wall.

Staff Finding: *The required minimum ten-foot landscaping strip has not been illustrated on the conceptual site plan per the stated condition. Staff recommends that a condition of approval be applied to any potential use approval which requires the inclusion of this buffered area around the proposed fenced compound perimeter, unless the Applicant is able to provide a preponderance of evidence as to why the required landscaping buffering is not desirable in this situation. If the Applicant did not wish to provide the landscape strip, as required, a variance from this condition should have been sought. Staff feels that in this instance the facility compound will be highly visible to individuals utilizing the track / stadium and therefore it should be screened in accordance with the stipulated condition.*

Per the Applicant: *This concern is not applicable given the location of the light pole replacement adjacent to the field.*

- C. Any proposed tower will have a setback of one foot from all property lines for every foot of height of the tower. Any broadcasting tower lawfully existing prior to the effective date of this chapter shall be exempt from the setback limitations imposed by this subsection and may be continued, structurally altered, reconstructed or enlarged, provided that no structural change, repair, addition, alteration or

reconstruction shall result in increasing the height of such tower above the then-existing structurally designed height.

Staff Finding: *Compliance with this setback requirement is verified on the conceptual site plan. Confirmation of the required setback from all property lines will be verified at time of future site development plan review and approval.*

Per the Applicant: *The light pole will easily meet and exceed this 1:1 setback requirement.*

D. The application submitted by the applicant to the Board of Appeals shall include the following:

- (1) A system design plan that shall include, at a minimum, radio frequency parameters, tower height, number and location of antennas on the tower, radio frequency output, effective radiated power and azimuth antenna type.
- (2) Coverage map of the area to be served by the proposed tower.
- (3) Coverage map showing coverage available under existing towers, towers proposed to be constructed for the county's public communication system and other appropriate structures.
- (4) An evaluation of the tower's relationship to other antenna sites, existing buildings taller than 50 feet and communications towers and water tanks within 1/2 mile of a proposed tower which is less than 150 feet tall and within one mile of a proposed tower which is greater than 150 feet tall.

Staff Finding: *The requested information pertaining to items (1), (2), (3), and (4) has been provided by AT&T on the conceptual site plan and within the attached supplemental application materials included with the packets prepared for the Board of Appeals consideration.*

Per the Applicant: *AT&T has provided the details of their system design plan within the design plan drawings included within this application. Additionally, the provided coverage maps detail the proposed coverage area and the current coverage available via existing sites.*

E. Co-location.

- (1) The applicant for a new communications tower shall demonstrate to the Board of Appeals that co-location on existing towers or other appropriate structures is not feasible. Feasibility shall be demonstrated by an analysis and explanation prepared by the applicant which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed communication service and a structural analysis indicating that no existing or proposed tower can be structurally modified to accommodate the applicant's use.

- (2) The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size and adverse environmental and public safety impacts of facilities necessary to provide the needed services to the county. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Physical constraints and economic feasibility may be considered. Approval of the project is subject to the board making a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site.
- (3) Co-location is not deemed possible if the Board finds that:
- (a) Planned equipment would exceed the structural capacity of existing and approved towers or towers proposed to be constructed for the county's public communications system considering existing and planned use of those towers, and such towers cannot be structurally modified or reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - (b) Planned equipment will cause interference with other existing or planned equipment for the tower, and the interference cannot be prevented at a reasonable cost;
 - (c) Existing, approved towers, or towers proposed to be constructed for the county's public communications system do not have space on which planned equipment can be placed so as to function effectively; or
 - (d) Existing, approved towers, towers proposed to be constructed for the county's public communications system will not provide effective signal coverage sought by the applicant.

Staff Finding: *Based upon AT&T's responses there are no existing or proposed towers, or existing structures from which their desired coverage can be provided. Per the RCC Consultant, Mr. Gary M. Whitley, "I concur that existing towers within two miles of the proposed location would not provide the desired signal coverage that will be offered by the proposed site".*

Per the Applicant: *AT&T's search area was .2 miles. The additional towers Mr. Whitley suggests for consideration fall outside of the intended coverage area. AT&T always looks first at co-location opportunities when evaluating any location where coverage is deemed necessary for present and future customers. AT&T radio-frequency engineers noted a lack of adequate coverage in the vicinity of Thomas Stone High School. The existing light pole replacement at the school, owned by Crown Castle International, was deemed structurally insufficient at present; additionally the only available RAD center on the pole was deemed too low to provide the necessary coverage in the area.*

- F. The tower shall be constructed so as to provide adequate capacity for future co-location of other commercial and/or government-operated antennas, unless the applicant demonstrates why such design is not economically or physically feasible. The system design plan shall delineate an area near the base of the tower to be used for the placement of additional equipment buildings for other users.

Staff Finding: *The proposed monopole tower satisfies this requirement as it is designed to accommodate future co-location opportunities for other carriers. The conceptual site plan illustrates the location of a proposed future carrier. Per the RCC Consultant, Gary Whitley, "AT&T has provided engineering drawings showing that the structure will be designed to accommodate the co-location of at least one cellular carrier. AT&T provided engineering drawings to indicate that the fenced compound facility will be constructed with space to accommodate at least one additional carrier for future co-locations".*

Per the Applicant: *The new monopole / light pole replacement will have adequate height to allow for future growth and potential co-location opportunities.*

- G. The applicant shall submit a master plan for its proposed communications network for the entire county. The Department of Planning and Growth Management shall adopt a policy outlining the submittal requirements for such a master plan.

Staff Finding: *The Applicant provided acceptable responses to the current Charles County Standard Operating Procedure (SOP) criteria for a Master Plan to Staff's satisfaction. AT&T Mobility has provided a copy of the lease agreement between themselves and the property owners (The Board of Education of Charles County) for the proposed 1,200 square foot facility compound. AT&T confirms that the tower structure has been designed to accommodate the additional carrier(s) and they additionally agree to construct and occupy the proposed light pole replacement structure within 6 months of approval.*

- H. The applicant shall demonstrate that the proposed tower will not interfere with existing lines of communication used for public safety purposes.

Staff Finding: *Per the RCC Consultant, Mr. Gary M. Whitley, "The Interference Analysis demonstrates that the proposed site will not interfere with Public Safety Lines of Communications. I concur that the site is unlikely to cause interference".*

Per the Applicant: *AT&T is happy to comply with this requirement and is willing to certify that lines of communication for public safety purposes will not be interfered with at any time.*

- I. No signals, lights or illumination shall be permitted on the tower unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA) or the County.

Staff Finding: *AT&T agrees to comply with this requirement. As a condition of approval the Applicant is required to submit documentation from the FAA/MAA*

which confirms a determination has been made that the proposed monopole tower is a non-hazard to aviation. This correspondence will confirm whether any lighting will be required.

Per the Applicant: *AT&T will have no signals, lights, or illumination on the tower. The light standard for the field, as existing, will remain on the pole however.*

- J. No commercial advertising or other signage shall be permitted on the tower.

Staff Finding: *AT&T agrees to comply with this requirement. Only appropriate danger / warning signage, required by law, are permissible.*

Per the Applicant: *AT&T will have no advertising or signage on the tower.*

- K. The applicant shall demonstrate that a tower shall not unreasonably interfere with the view of, or from, sites of significant public interest such as a public park, a state-designated scenic road, a structure on the historic sites surveyor or an historic district.

Staff Finding: *Charles County Community Planning staff members reviewed the proposed tower location and offered the following summary:*

- *A balloon test would typically be required to assess visual impacts to and from historic resources in the vicinity of the proposed telecommunications tower; however, the proposed location is not in the vicinity of any historic resources. Therefore, Community Planning does not have any comments.*

Per the Applicant: *The proposed pole will be located adjacent to the existing light standards at the field behind Thomas Stone High School and will not interfere with the view of or from sites of significant public interest.*

- L. All obsolete or unused facilities shall be removed within 12 months of cessation of operations without cost to the county.

Staff Finding: *The abandonment of towers, as induced by obsolescence, results in potential adverse effects to the public. They are unsafe to the public, due to cessation of maintenance and surveillance, and contribute to adverse visual impact, thereby resulting in incompatibility with surrounding communities and landscapes. AT&T agrees to comply with this requirement.*

- M. No tower or fixture attached thereto shall be taller than 300 feet above existing grade.

Staff Finding: *AT&T agrees to comply with this requirement. The proposed tower will possess a height of total height of 134' (128' tower with the 6' lightning rod).*

Per the Applicant: *The pole will reach a maximum height of 134' above grade.*

ENVIRONMENTAL IMPACTS:

Staff Finding: AT&T submitted a NEPA Study for the "Heathcote" site 3785 Leonardtown Road in Waldorf, Maryland. The NEPA Study, prepared by ACER Associates, LLC. Of West Berlin, New Jersey is dated March 21, 2014.

The RCC Consultant, Gary Whitley, reviewed the NEPA Study and found it acceptable for the purposes of this use approval request.

Per Mr. Gary Whitley, "AT&T provided a NEPA Survey report as required by the FCC. The report indicates that the site will have no impact on Wildlife, Wilderness, Endangered Species or Habitats, Indian Religious Sites, Wetlands, Historical Sites, or equipped with High Intensity lights located in residential neighborhoods (defined by local zoning laws)".

STAFF RECOMMENDATIONS:

Planning Staff recommends that Docket #1321 be approved with the following **Conditions of Approval**, for the purpose of adequately and completely addressing the requirements of the *Zoning Ordinance*:

- 1) The Applicant will provide a certified structural analysis with the final building permit application to confirm that the proposed tower structure is capable of supporting the proposed and speculative antenna loads. RCC Consultants will review the design at that time, prior to issuance of the building permit. The analysis will comply with TIA-EIA Structural Standards for Towers and Supporting Structures and validate that the design of the tower will have the structural integrity to support the stadium lighting and a future co-location carrier.
- 2) At time of Site Development Plan, AT&T is required to provide documentation from the FAA/MAA which confirms a determination has been made that the proposed monopole tower is a non-hazard to aviation, otherwise approval shall not occur.
- 3) A minimum ten-foot landscape strip will be around all property lines exterior to any fence or wall. This landscaping strip will include evergreen species to provide year round screening of the facility compound.
- 4) Prior to future building permit approval AT&T will be required to demonstrate that the RF power density levels will not exceed the maximum permissible levels for Human Exposure to non-ionizing RF radiation, as specified by the FCC (OET65 Bulletin), to the satisfaction of the RCC Consultants.
- 5) The approved monopole tower, antennas and ground support equipment, or future installation of any additional ground equipment and/or antennas, shall require the approval by the Department of Planning and Growth Management of a Site Development Plan and Building Permit, consistent with the requirements of the *Charles County Zoning Ordinance* and other applicable County regulations, and demonstrating continued conformance with the approved Special Exception.
- 6) Any future changes in height to the tower shall require approval, by the Board of Appeals, of a Modification to this Special Exception.

- 7) The approval and continued effect of this Special Exception is contingent upon compliance with all applicable County, State, and Federal regulations, including, but not limited to, the following local regulations: Charles County Zoning Ordinance, Grading and Sediment Control Ordinance, Road Ordinance, Storm Water Management Ordinance, Forest Conservation Ordinance, and Floodplain Ordinance.

Prepared By: Kirby R. Blass

Kirby R. Blass, Planner II

Date: June 10th, 2014

Attachments & Exhibits