

# Charles County Board of Appeals Meeting of April 14, 2015

## Department of Planning and Growth Management Staff Report

**Project Name & Number: Cellco Partnership d/b/a Verizon Wireless. –  
'Silver Oak Site' - Board of Appeals - Docket #1335**

**Type of Project: Special Exception - Use 4.06.300 –  
Tower more than 50 feet tall (Telecommunications Tower)  
(199' Monopole at 6202 Bivens Place, La Plata, Maryland)**

**Prepared by Kirby R. Blass, Planning Division  
For questions, contact the Planning Division at 301-645-0540**

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## **I. Applicant & Project Information:**

**Applicant:** Cellco Partnership d/b/a Verizon Wireless c/o SCE at 9305 Gerwig Lane, Suite M, Annapolis Junction, Maryland 21701 (Lessee)

**Property Owners:** Multiple owners (4):

1. James R. Gray, 1524 C. St. NE, Washington D.C. 20002,
2. John E. Gray, Sr., 1006 Wiltshire Drive, La Plata, Maryland 20646,
3. Joseph C. Gray, Jr., 6580 Pomfret Road, La Plata, Maryland 20646,
4. Barbara E. Gray, 2706 Unicorn Lane NW, Washington D.C. 20015

An owner authorization and signature page provided in the attached report materials.

**Agent:** Hillorie Morrison, Senior Zoning Manager, SCE, 9305 Gerwig Lane, Suite M, Columbia, Maryland 21046.

**Specific Request:** The Applicant, Cellco Partnership d/b/a Verizon Wireless, is seeking special exception use approval of a Telecommunications tower more than 50 feet tall, Use # 4.06.300. The telecommunications facility will be comprised of a 199' tall monopole tower. The Applicant has confirmed that the tower will be designed to support colocation of panel antenna arrays for at least two (2) additional carriers.

The telecommunications facility will be located within a fenced-in compound approximately 32' x 42' in size (totaling 1,344 square feet). The 32' x 42' compound will be fenced-in by a 7' tall chain-link fence, with 1' barbed wire at its peak, and a 14' wide access gate. The facility will be accessed by authorized personnel via a proposed 12' wide gravel driveway, within a 20' wide access and utility easement, which accesses onto Bivins Place, as illustrated on the provided conceptual site development plan. The square footage subject to the special exception request is approximately 6,500 square feet.

**Subject Property:** The address of the project site, known as 'Silver Oak' is 6202 Bivins Place in La Plata, Maryland. The property is designated as Parcel 26 within Grid 7 of Tax Map 33, and located in the Rural Residential (RR) Zone. The property consists of approximately 24.567 acres.

**Impact on Surrounding Uses:** The majority of the 24.567 acre property is forested. Adjacent properties to the south and west are residentially developed off of Bivins Place and similarly zoned Rural Residential (RR). A large tract of land abutting this property to the east is zoned Business Park (BP). Please reference the attached aerial, location, and zoning maps provided within the appendices for a neighborhood overview.

**Zoning:** Rural Residential (RR)

## **Environmental Characteristics:**

**Watershed:** This project is within the Port Tobacco River watershed.

**Forest Conservation:** It appears that this project includes less than 20,000 square feet of clearing and will be exempt from Forest Conservation as a linear project. The conceptual site development plan states that the total disturbed forest area will be approximately 19,100 square feet.

**Habitat Protection:** A habitat protection plan is not required for this project.

## **II. Criteria for Approval and Findings:**

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

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 RR – Rural Residential Zone; the standards set forth in Article XXV, §297-415 on Special Exceptions; the standards set forth in Article XXV, §297-416 on Variances, the applicable minimum standards in Article XIII, §297-212; and, any performance guarantees and conditions imposed by the Board.

**III. Minimum Zoning Requirements:** (Findings by Staff and the Applicant have been annotated in *italics*):

**The request for Special Exception (Docket #1335) 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 and the Applicant have been annotated in *italics*.**

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

**Staff Finding:** *Compliance with this standard is verified on the conceptual site development plan (SDP) submitted by Morris & Ritchie Associates, Inc., dated February 12, 2014. The closest residential dwelling is located off-site and is approximately 412' feet from the proposed monopole location.*

*As shown on the conceptual site development plan (SDP), the tower is setback from existing dwellings or residential zones in the surround RR zone by over 307' along the northern property line, 423' along western property line, 369' along the southern property line and 778' along eastern property line which abuts a parcel of land zoned Business Park (BP). All of the setbacks provided far exceed the required 200 feet.*

**Per the Applicant:** *The tower is proposed to be located at least 200 feet from any existing dwellings or residential zone.*

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

**Staff Finding:** *The Applicant is requesting the Board of Appeals to recognize the existence of the substantial wooded buffer surrounding the compound in lieu of having to provide the required ten-foot landscaping strip. Staff agrees with the Applicant that the mature tree cover surrounding the compound more than satisfies the intent of this criteria. It would be illogical to ask the Applicant to cut down mature tree cover surrounding the compound in order to plant saplings.*

**Per the Applicant:** *As shown on the site plan, the proposed facility will be located within a heavily wooded area. The existing trees and vegetation will satisfy the intent of the 10' landscape strip required by this section.*

- 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:** *The conceptual site development plan (SDP) provided by the Applicant demonstrates compliance with the setback requirements as stipulated above. All setbacks are greater than the proposed 199' height of the tower.*

*The setback provided along the northern property line is 307', 423' to the western property line, 369' to the southern property line, and 778' to the eastern property line.*

**Per the Applicant:** *The tower will meet this setback.*

- 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.

**Staff Finding:** *This information has been provided within the Applicant's submittal materials.*

**Per the Applicant:** *Please see site plan for antenna detail, non-interference letter*

and specification sheets (all attached).

- (2) Coverage map of the area to be served by the proposed tower.

**Staff Finding:** *This information has been provided within the Applicant's submittal materials.*

**Per the Applicant:** *"before" and "after" coverage (computer generated propagation maps prepared by Verizon Wireless Radio Frequency engineer) are enclosed.*

- (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.

**Staff Finding:** *This information has been provided within the Applicant's submittal materials.*

**Per the Applicant:** *The "search ring" (the area identified by the Radio Frequency engineer as needing new telecommunication antennas) is enclosed with this application. There were no existing towers, or any other tall structure, where new antennas could be installed to meet Verizon Wireless' needs.*

- (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 ½ 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:** *Per the RCC Consultant, Mr. Gary M. Whitley, "Verizon has searched the general area for existing alternative towers or structures that could support their antenna load and meet the coverage objective. Verizon identified one tower, but found that the tower was structurally insufficient to support the proposed antenna load. Verizon also stated that a lease could not be negotiated with the landlord".*

**Per the Applicant:** *The FCC database was consulted and Verizon drove the area to find a suitable location but could find no such structure.*

#### 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.

**Staff Finding:** *Per the RCC Consultant, Mr. Gary M. Whitley, "Verizon has searched the general area for existing alternative towers or structures that could support their antenna load and meet the coverage objective. Verizon identified one tower, but found that the tower was structurally insufficient to support the proposed antenna load. Verizon also stated that a lease could not be negotiated with the landlord".*

**Per the Applicant:** *The FCC database was consulted and Verizon drove the area to find a suitable location but could find no such structure.*

- (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.

**Staff Finding:** *Per the RCC Consultant, Mr. Gary M. Whitley, "Verizon has searched the general area for existing alternative towers or structures that could support their antenna load and meet the coverage objective. Verizon identified one tower, but found that the tower was structurally insufficient to support the proposed antenna load. Verizon also stated that a lease could not be negotiated with the landlord".*

**Per the Applicant:** *The FCC database was consulted and Verizon drove the area to find a suitable location but could find no such structure.*

- (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:** *There are no existing or proposed towers, or existing structures from which the desired coverage can be provided.*

*Per the RCC Consultant, Mr. Gary M. Whitley, "Verizon has searched the general area for existing alternative towers or structures that could support their antenna load and meet the coverage objective. Verizon identified one tower, but found that the tower was structurally insufficient to support the proposed antenna load. Verizon also stated that a lease could not be negotiated with the landlord".*

**Per the Applicant:** *Verizon Wireless always searches for existing structures on which to co-locate antennas. The alternate sites considered by Verizon were:*

1. *The GTP Lattice Tower located at 9265 W&W Industrial Road.*
2. *The Somar Communication Tower.*
3. *The ATC Lattice Tower located at 6855 Crain Highway.*

*The only one of these candidates that RF concluded might fill the targeted coverage gap was the Somar Tower, but the guyed tower was not structurally sufficient to hold Verizon's antennas and a lease agreement could not be negotiated with the landlord. There are no other existing or proposed towers or existing structures which could be utilized as an antenna support structure in this 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 two (2) future co-location opportunities for other carriers.*

*Per the RCC Consultant, Gary Whitley, "Verizon has provided engineering drawings showing the structure will be designed to accommodate future co-location of at least two additional carriers".*

*The Applicant has provided the following note on the conceptual site development plan (SDP): "In an effort to minimize the amount of tree clearing required to accommodate the facility and the ancillary compound, the Applicant has designed the compound for its equipment only at this point. The monopole is designed for two (2) future co-locating wireless carriers. When a future collocating wireless carrier pursues a spot on this facility, then the leased area will need to be expanded and the lease amended".*

*If this special exception request is granted by the Board as currently proposed, the Applicant will be required to pursue a future modification request from the Board of Appeals at such time that the Applicant desires expand to 32' x 42' compound area to accommodate the two (2) future collocating wireless carriers. A condition of approval regarding this requirement has been recommended as condition 5.*

**Per the Applicant:** *The tower is designed to accommodate two (2) future carriers.*

- 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 was made aware of the Master Plan submittal requirements approved by Planning & Growth Management Director Peter Aluotto, which became effective April 8, 2014. The Applicant provided acceptable responses to those criteria within a letter from Donohue & Stearns, PLC, dated September 8, 2014, which is included within the attached report materials.*

**Per the Applicant:** *Please see attached master plan submitted as part of this application.*

***The proposed 'Silver Oak' telecommunications facility must demonstrate compliance with the Master Plan submittal requirements for proposed towers more than 50 feet tall, as stipulated below:***

1. Any cell tower Special Exception application is required to produce a signed lease or letter of intent with a service provider to occupy the site as part of the review and approval process.

**Staff Finding:** *This requirement has been satisfied. The Applicant, Verizon Wireless, intends to install antennas on the tower if the requested special exception is granted by the Board of Appeals. They have additionally designed space on the tower structure to support future co-location of two (2) future wireless carriers. Please additionally reference the August 20, 2014 dated letter*

*from Mr. David Reinauer, Real Estate Specialist, with Verizon Wireless, which is attached for your review.*

**Per the Applicant:** *Verizon is the Applicant for this Special Exception and so clearly intends to develop the site for its own use.*

2. The tower site must allow for other service providers to utilize the tower. Applicants should include letters of verification from at least two other carrier/service provider companies (aside from that proposed) and confirm that they have been contacted for potential co-location on this site.

**Staff Finding:** *This requirement has been satisfied. The Applicant, Verizon Wireless, intends to install antennas on the tower if the requested special exception is granted by the Board of Appeals. They have additionally designed space on the tower structure to support future co-location of two (2) future wireless carriers. Please additionally reference the August 20, 2014 dated letter from Mr. David Reinauer, Real Estate Specialist, with Verizon Wireless, which is attached for your review.*

*Within Mr. Reinauer's letter he states the following, "Verizon Wireless has designed the proposed telecommunications facility at 6202 Bivins Place to accommodate two (2) future co-locators at RAD centers of 185' and 175' as shown on Sheet C-2 – Site Details of the zoning drawings. Space will be available within the compound for future carriers. Verizon Wireless will notify other carriers of its intent to install at tower on the subject parcel and the availability of space for co-locators when the application is scheduled for hearing and the application is part of the public record. Verizon Wireless will provide records of its correspondence with other carriers prior to the date of the hearing".*

**Per the Applicant:** *Verizon has designed the proposed telecommunications facility to accommodate two (2) future co-locators at RAD centers of 175' and 185' as shown on the Tower Elevation detail on Sheet C-2 – Site Details. Verizon will provide a notarized letter attesting to the fact that the tower will be made available for co-location. For proprietary reasons, however, Verizon will not notify other carriers of its intent to install a tower on the subject parcel until the application is scheduled for hearing and the application is part of the public record.*

3. The tower must be occupied with a carrier/service provider within 6 months of the approval date of the site development plan, and provide Charles County with verification of such or the approval is null and void.

**Staff Finding:** *The Applicant has committed to the tower being occupied by a provider within 6 months of the approval date and verification will be provided. A condition of approval regarding this requirement has been recommended as condition 2.*

**Per the Applicant:** Verizon will comply.

4. The design of the tower shall be constructed to meet current industry standards for strength and wind load.

**Staff Finding:** The Applicant has committed to the tower being designed to meet current industry standards. A condition of approval regarding this requirement has been recommended as condition 1.

**Per the Applicant:** Verizon will confirm which tower company will be manufacturing the proposed tower prior to applying for the building permit. At that time, the tower manufacturer will provide certification that the facility meets current industry standards for strength and wind load.

5. The tower shall be designed to accommodate additional carriers.

**Staff Finding:** The tower is designed to accommodate two (2) additional carriers.

**Per the Applicant:** Verizon has designed the proposed facility to accommodate two (2) additional carriers as shown on the Tower Elevation detail on Sheet C-2 – Site Details. Verizon will confirm which tower company will be manufacturing the proposed tower prior to applying for the building permit. At that time, the tower manufacturer will provide certification that the facility is designed to accommodate two (2) additional carriers.

6. The application shall include a physical plan showing existing and future tower locations within Charles County. The plan shall also demonstrate how the proposed site fits into the regional wireless network.

**Staff Finding:** This requirement has been satisfied. Please reference Verizon's existing and future sites in Charles County, which is included within the report materials provided for your review. The proposed tower sites are all subject to future special exception applications with the Board of Appeals. Any future applications made for these locations will be approved or denied individually based upon their own merits.

**Per the Applicant:** The most recently updated map of Verizon's existing and future sites in Charles County is attached.

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, "Verizon has provided an Intermodulation Interference analysis demonstrating that the proposed system will not cause RF interference with the County's 800 MHZ system".

**Per the Applicant:** *Please see attached non-interference letter.*

- 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:** *Per the RCC Consultant, Mr. Gary Whitley, "Verizon provided a report from Federal Airways & Airspace stated that Notice to FAA is not required".*

**Per the Applicant:** *Verizon will comply.*

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

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

**Per the Applicant:** *None are provided other than those required for identification purposes and safety.*

- 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:** *Community Planning staff members reviewed the proposed monopole location and provided the following comment related to Historic Preservation:*

- *The recent balloon test conducted by Verizon Wireless demonstrated that the tower will not be visible from any cultural resources of concern for Charles County.*

**Per the Applicant:** *As demonstrated by the attached photosims, Verizon has sited the tower to minimize the visual impact to all surrounding vantage points. The tower is proposed to be located on a heavily-wooded parcel with no existing structures. It is proposed to be located over 420' from the nearest dwelling and setback from the closest road (Bivins Place) a distance of over 400'.*

- 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. Verizon agrees to comply with this requirement.*

**Per the Applicant:** *Verizon will comply.*

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

**Staff Finding:** *Verizon agrees to comply with this requirement. The proposed tower will possess a height of 199'.*

**Per the Applicant:** *The proposed tower has a maximum height of 199' (See Compound Plan).*

**The request for Special Exception (Docket #1335) was additionally 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 and the Applicant have been annotated in italics. This use**

(1) Will not be detrimental to or endanger the public health, safety and general welfare.

**Staff Finding:** *Staff finds that based upon the application materials submitted for review; that the proposed use will not be detrimental to or endanger the public health, safety and general welfare. The use will be subject to 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 Ordinance, Forest Conservation Ordinance, and Floodplain Ordinance.*

**Per the Applicant:** *The use will be operated in accordance with all FCC and FAA requirements and will further provide wireless communication services which will enhance the public health, safety and general welfare by providing effective communication services to the area to be served. NEPA, SHPO, FAA and FCC compliance documents are submitted with this application.*

(2) Is a permissible special exception in the zone.

**Staff Finding:** *The subject property is Zoned RR, Rural 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 RR, Rural Residential Zone.*

**Per the Applicant:** *Per 297-63 Table of Permitted Uses, Paragraph 4.06.300, the use is permitted by special exception in the RR Zone.*

(3) 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 facility will be located on an exceptionally large, wooded parcel and is sited to minimize its visibility as illustrated in the photographs and photo simulations accompanying this application. It is very remote from any properties owned by other property owners. The facility will be unmanned. The site will be visited only several times a year by technicians driving small SUV-type vehicles (typically a Chevy Blazer). The entire area is zoned RR with one property to the east zoned Business Park (BP) and the area is not intended for substantial development. It will serve existing residents and those traveling through the area as well as those using the recreational opportunities the area offers.*

(4) Complies with the standards and requirements set forth in Article XIII.

**Staff Finding:** *Based upon the Applicant's submittal materials, the proposed use complies with the Standards and Requirements set forth in Article XIII for this use.*

**Per the Applicant:** *See below.*

(5) 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 the proposed use will not cause an impact on traffic nor cause objectionable noise, type of physical activity, fumes, odors, dust or glare. Once construction is complete the site will un-manned except for a routine service/inspection visit by authorized personnel. The proposed use of a communications tower, once in place, is likely to generate one or two maintenance-related vehicular visits per month. Therefore, the proposal should not cause objectionable impact from traffic.*

**Per the Applicant:** *As noted above, there will be very little traffic generated by the telecommunications facility and virtually no noise from the proposed use. The site is large and completely buffered by woods. The equipment will be located within and enclosed by the equipment shelter.*

(6) Will provide adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements. If a use requires an adequate public facilities review by the Planning Commission, such review shall be made a condition of the granting of the special exception by the Board.

**Staff Finding:** *The 32' x 42' facility compound will be accessed via a proposed 12' wide gravel drive with access onto Bivins Place.*

*The following is in regards to "access roads" and improvements related to access roads only (Utilities, water, sewer, septic, storm drainage are not addressed here)*

*The tower site will utilize an existing paved private drive named Bivins Place, which then accesses from Maryland Route 225, a state road with adequate travel lane widths and*

*paved shoulders. Maryland State Highway Administration review expressed no concerns, stating "no direct access to a State road".*

*In conclusion, it can be said that adequate access roads are available.*

*The project requires an adequate public facilities (APF) review by the Planning and Growth Management Department, as part of a Site Development Plan (SDP) Application.*

*Such APF Review will include, but is not limited to, submittal of a Preliminary Adequate Public Facilities (PAPF) Application and \$108.16 review fee. The PAPF Application shall be submitted prior to SDP Application.*

**Condition:** *The project requires an adequate public facilities (APF) review by the Planning and Growth Management Department, as part of a Site Development Plan (SDP) Application. A condition of approval regarding this requirement has been recommended as condition 3.*

**Per the Applicant:** *The site will not be manned and will not require water, sewer, or septic system. The facility will generate only a few trips a year, as described above. An existing access drive will be used. Storm drainage will be addressed as advised by the County.*

(7) Will provide adequate ingress and egress and be so designed as to minimize traffic congestion in the public streets.

**Staff Finding:** *Adequate ingress and egress to the site was reviewed by County staff members for compliance with Transportation related requirements pertaining to the access point onto Bivins Place. It is found that adequate ingress and egress are provided for the site, and that in general, the ingress and egress is designed to minimize traffic congestion in the public streets. However, this finding does not preclude Site Development Plan ingress and egress review for safety.*

**Per the Applicant:** *The existing access road, as shown on the site plan, provides access to the site and a utility easement.*

(8) 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.*

**Per the Applicant:** *The proposal accords with the objectives of the Plan. The property is within the rural residential district which, according to the Plan:*

*"Address[es] unique conditions that exist adjacent to portions of the Development*

District between the southern edge of the Development District and the Town of La Plata. Rural Residential areas generally serve to buffer certain Development District edges from the more rural areas of the County. These areas contain or are within the sphere of influence of community facilities and services including schools and major transportation network components. The clustering density was amended in January 2005 from one dwelling unit per five acres to one dwelling unit per three acres. Growth Development is established in these areas at one dwelling unit per acre, in most cases significantly higher than the density in more rural districts. As such, long term future extension of sewer and water facilities to these areas is possible, although not planned within the 20 year framework for which this Plan is prepared. Pages 3-16-17 of Chapter 3 – Growth Management and Land Use.

The proposal is in keeping with the moderate density (buffer between Development and Rural Districts) of the RR Zone and, like the community facilities, major transportation network components and future expansion of sewer and water facilities, offers improved services to the Charles County residents living in the area.

(9) 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 RR, Rural Residential Zone and other special requirements established for the specific use.*

**Per the Applicant:** *The proposed facility is a use permitted by special exception in the RR Zone and does not conflict with the objectives for the zone outlined in 297-88(A)(2). Specifically, the facility will offer improved wireless coverage to those living in this low to moderate density residential zone much like the other community facilities and services already in place and appropriate in the RR Zone. The facility has been designed to mitigate its impact to the surrounding area to the greatest degree possible while serving the wireless subscribers in the vicinity. In addition, no changes are proposed that affect the minimum lot criteria (Figure VI-2) and the tower meets the requisite and more stringent setback requirements of Article XIII so the minimum yard requirements (Figure VI-2) are necessarily met.*

#### **IV. Recommendation & Proposed Conditions of Approval:**

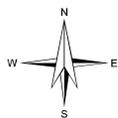
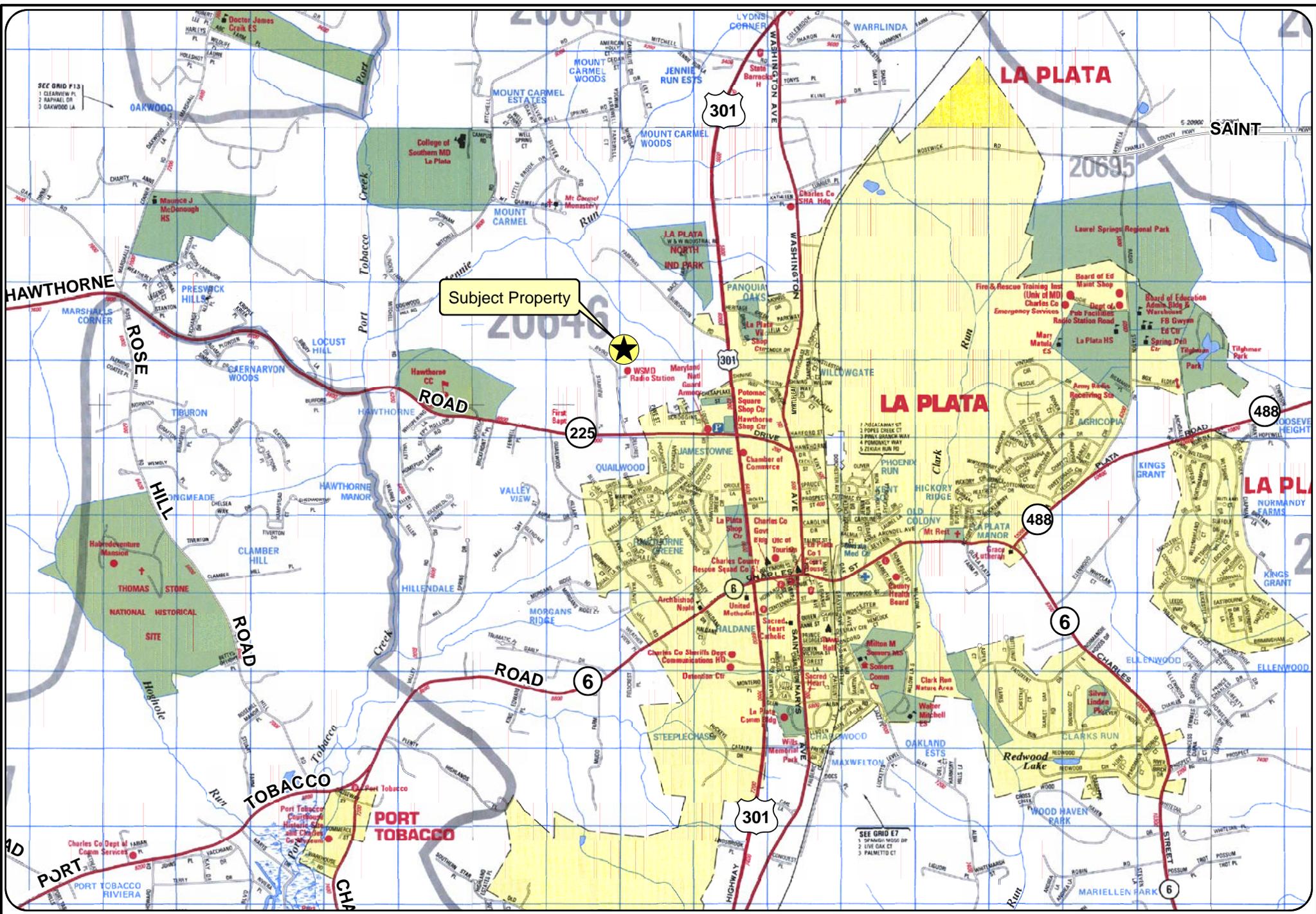
Planning Staff recommends that Docket #1335 be approved with the following **Conditions of Approval**, for the purpose of adequately and completely addressing the requirements of the *Zoning Ordinance*:

1. The Applicant will provide a 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.
2. In accordance with the Charles County Master Plan requirements for Towers more than 50' feet tall, the tower must be occupied with a carrier/service provider within 6 months of

the approval date of the Site Development Plan, and provide Charles County with verification of such or the approval is null and void.

3. The project requires an adequate public facilities (APF) review by the Planning and Growth Management Department, as part of a Site Development Plan (SDP) Application.
4. The approved 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.
5. Any future changes in height to the tower, and/or size of the compound / leased area as currently approved as part of this special exception, shall require subsequent approval, by the Board of Appeals, in the form of a Modification to this Special Exception.
6. 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.

**V. Appendices:** Attached.



SCALE

DRAWN BY:  
CHECKED BY:

CHARLES COUNTY GOVERNMENT  
Department of Planning and  
Growth Management



200 Baltimore St  
PO BOX 2150  
La Plata, MD 20646  
(301) 645-0627

DATE  
MAR 2015

VERIZON WIRELESS - SILVER OAK FACILITY

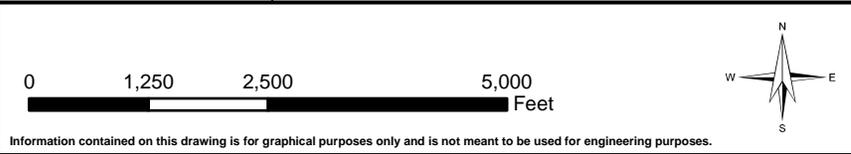
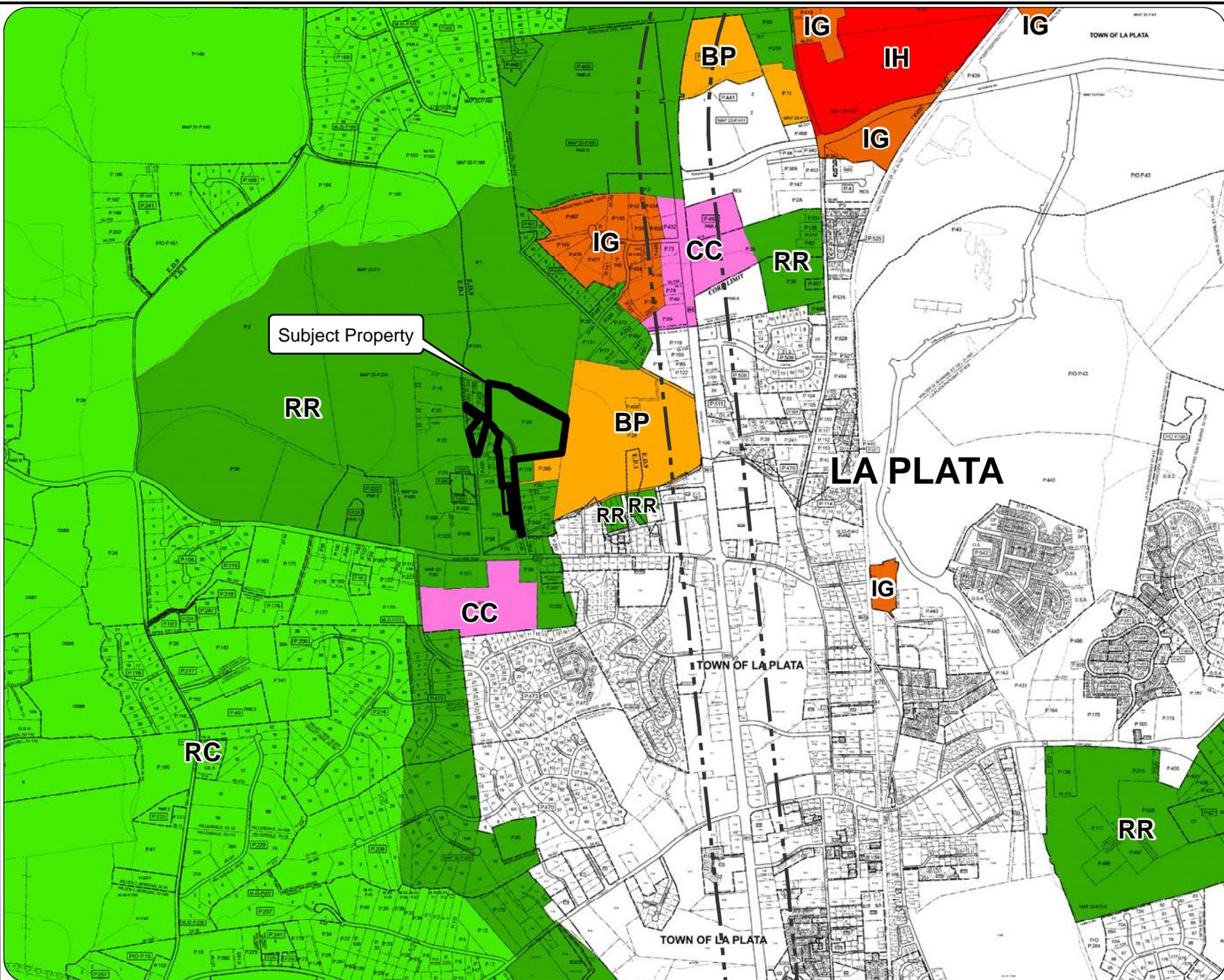
DOCKET 1335

LOCATION MAP

CHARLES COUNTY, MD

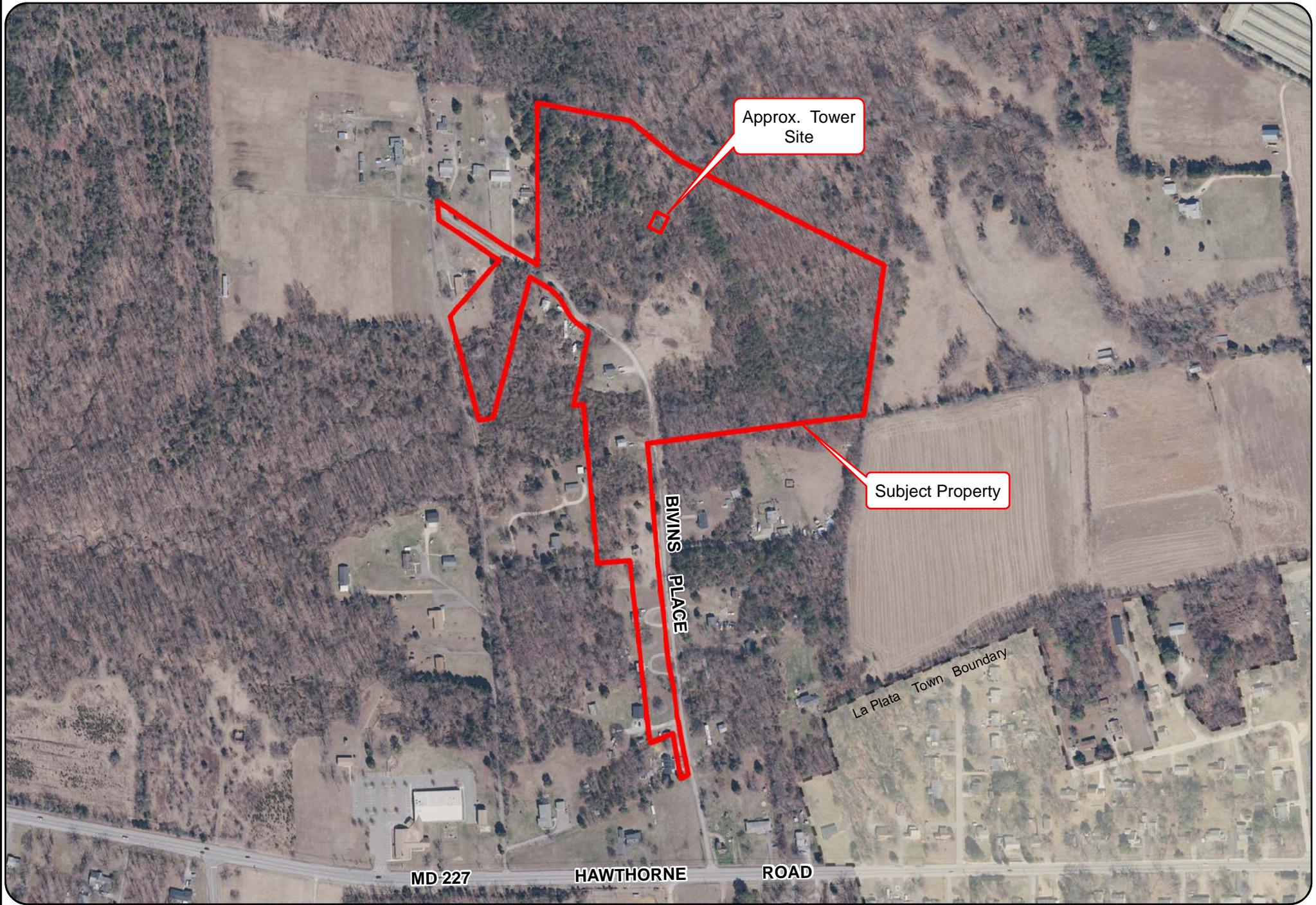
Information contained on this drawing is for graphical purposes only and is not meant to be used for engineering purposes.

BASE ZONES	
AC	AGRICULTURAL CONSERVATION
RC/RC (D) *	RURAL CONSERVATION
RR	RURAL RESIDENTIAL
RV	VILLAGE RESIDENTIAL
RL	LOW DENSITY SUBURBAN RESIDENTIAL
RM	MEDIUM DENSITY SUBURBAN RESIDENTIAL
RH	HIGH DENSITY SUBURBAN RESIDENTIAL
RO	RESIDENTIAL / OFFICE
CER	CORE DEVELOPMENT / RESIDENTIAL
CMR	CORE MIXED RESIDENTIAL
CRR	CORE RETAIL RESIDENTIAL
CN	NEIGHBORHOOD COMMERCIAL
CC	COMMUNITY COMMERCIAL
CB	CENTRAL BUSINESS
CV	VILLAGE COMMERCIAL
BP	BUSINESS PARK
IG	LIGHT INDUSTRIAL
IH	HEAVY INDUSTRIAL
AUC	ACTON URBAN CENTER
WC	WALDORF CENTRAL
* RC(D) = RURAL CONSERVATION DEFERRED DEVELOPMENT DISTRICT	
OVERLAY ZONES	
HIGHWAY CORRIDOR	
RESOURCE PROTECTION	
CRITICAL AREA BOUNDARY	
FLOATING ZONES	
PRD	PLANNED RESIDENTIAL DEVELOPMENT
PMH	PLANNED MOBILE HOME PARK
PEP	PLANNED EMPLOYMENT/INDUSTRIAL PARK
MX	PLANNED MIX USE
PUD	PLANNED UNIT DEVELOPMENT
WPC	WATERFRONT PLANNED COMMUNITY
TOD	TRANSIT ORIENTED DEVELOPMENT



SCALE	DATE MAR 2015
DRAWN BY:	<b>CHARLES COUNTY GOVERNMENT</b> Department of Planning and Growth Management 200 Baltimore St PO BOX 2150 La Plata, MD 20646 (301) 645-0627
CHECKED BY:	

**VERIZON WIRELESS - SILVER OAK FACILITY**  
**DOCKET 1335**  
**ZONING MAP**  
 CHARLES COUNTY, MD



Approx. Tower Site

Subject Property

BIVINS PLACE

La Plata Town Boundary

MD 227

HAWTHORNE ROAD

ROAD



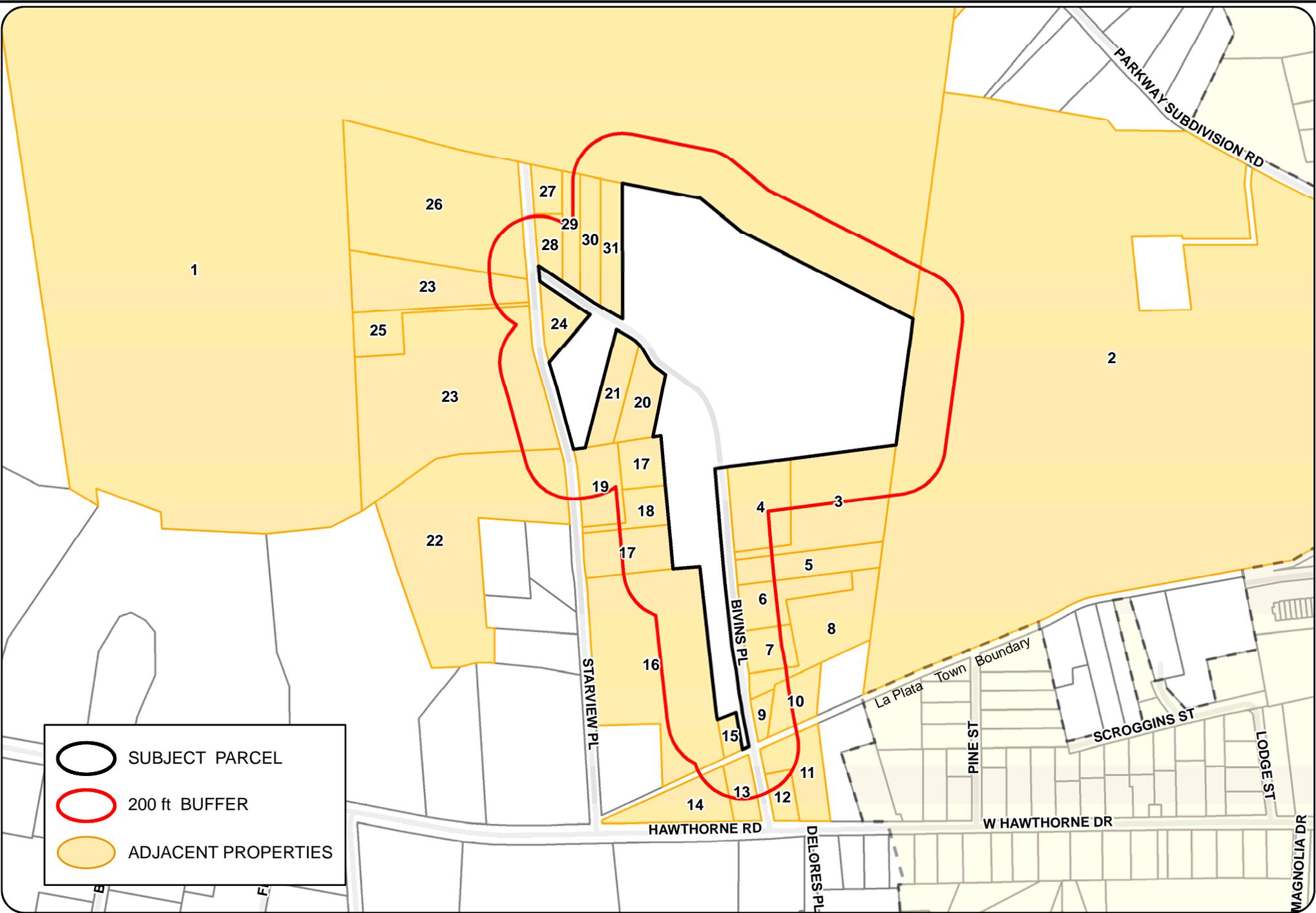
SCALE  
DRAWN BY:  
CHECKED BY:

CHARLES COUNTY GOVERNMENT  
Department of Planning and Growth Management  
200 Baltimore St  
PO BOX 2150  
La Plata, MD 20646  
(301) 645-0627

DATE  
MAR 2015

**VERIZON WIRELESS - SILVER OAK FACILITY**  
**DOCKET 1335**  
**AERIAL MAP (2014)**  
CHARLES COUNTY, MD

Information contained on this drawing is for graphical purposes only and is not meant to be used for engineering purposes.



 SUBJECT PARCEL  
 200 ft BUFFER  
 ADJACENT PROPERTIES



SCALE  
 DRAWN BY:  
 CHECKED BY:

CHARLES COUNTY GOVERNMENT  
 Department of Planning and Growth Management  
  
 200 Baltimore St  
 PO BOX 2150  
 La Plata, MD 20646  
 (301) 645-0627

DATE  
 MAR 2015

**VERIZON WIRELESS - SILVER OAK FACILITY**  
**DOCKET 1335**  
**ADJACENT PROPERTY MAP**  
 CHARLES COUNTY, MD

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Owner Information as of June 2014.

PROP NUM	ACCTID	ADDRESS	CITY	OWNNAME1	OWNNAME2	OWNADD	OWNCITY	OWNSTATE	OWNERZIP	LEGAL1_1	LEGAL2_1	LEGAL3_1	MAP_1	GRID_1	PARCEL_1	
1	0906044328			HAWTHORNE ROSEWICK LTD PARTNERSHIP	C/O JAY J HELLMAN	8225 WINDSOR VIEW TERRACE	POTOMAC	MD	20854	156.013 AC	OFF HAWTHORNE DR		0033	0007	0234	
2	0906034527	6125 CRAIN HWY	LA PLATA	GARNER DANIEL D TRS		9355 PARKWAY SUBDIVISION RD	LA PLATA	MD	20646	IMPS86.694 AC	W SI OF RT 301		0033	0007	0028	
3	0901020625	6250 BIVINS PL	LA PLATA	ADVANCE PROPERTIES COMPANY	SOMAR COMMUNICATIONS INC	28095 THREE NOTCH RD #2B	MECHANICSVILLE	MD	20659	IMPS3.91 AC	OFF RT 225 RADIO STATION		0033	0007	0395	
4	0901012649	1006 WILTSHIRE DR	LA PLATA	GRAY JOHN E & MARION E		1006 WILTSHIRE DR	LA PLATA	MD	20646	IMPS1.8863 AC	RT 225 W OF RT 301		0033	0007	0118	
5	0901024833			GRAY JOHN SR & RONNIE ET AL		PO BOX 659	LA PLATA	MD	20646	1.33 AC	OFF N SI RT 225		0033	0007	0082	
6	0901024256	6270 BIVINS PL	LA PLATA	GRAY BARBARA E & JAMES R ET AL	C/O JOHN E GRAY	PO BOX 659	LA PLATA	MD	20646	IMPS1.303 AC	OFF E/S DUMP RD		0033	0007	0051	
7	0901017675			JOHNSON CARDINAL B & BARBARA A		PO BOX 58	BRYANTOWN	MD	20617	IMPS1 AC	N OF RT 225		0033	0013	0096	
8	0901011235	6280 BIVINS PL	LA PLATA	COOMBS DAVID L		PO BOX 1342	LA PLATA	MD	20646	IMPS2.955 AC	N OF RT 225		0033	0007	0027	
9	0901017705	6324 BIVINS PL	LA PLATA	JOHNSON CARDINAL & BARBARA A		PO BOX 58	BRYANTOWN	MD	20617	IMPS.20 AC	N OF RT 225		0033	0013	0097	
10	0901008854	6294 BIVINS PL	LA PLATA	MATTHEWS JAMES N & BETTY M		PO BOX 130	LA PLATA	MD	20646	IMPS1 AC	S SI RT 225		0033	0007	0546	
11	0901021354	9170 HAWTHORNE ROAD	LA PLATA	LAWSON DANIEL L & DEBORA A		9170 HAWTHORNE RD	LA PLATA	MD	20646	IMPS1.681 AC	N/S RT 225		0033	0013	0439	
12	0901008048	6350 BIVINS PL	LA PLATA	BRAWNER HENRY E & MARY R		PO BOX 201	WHITE PLAINS	MD	20695	IMPS.47 AC	N SI RT 225		0033	0013	0099	
13	0901012665			GRAY JOSEPH C & MARTHA E		9130 HAWTHORNE RD	LA PLATA	MD	20646	.60 AC	RT 225 W OF LA PLATA		0033	0013	0098	
14	0901012657	9130 HAWTHORNE ROAD	LA PLATA	GRAY JOSEPH & ELIZABETH		9130 HAWTHORNE RD	LA PLATA	MD	20646	IMPS1.58 AC	RT 225 W OF LA PLATA		0033	0013	0095	
15	0901019716	6325 BIVINS PL	LA PLATA	PROCTOR AGNES THERESA		PO BOX 359	LA PLATA	MD	20646	IMPS.47 AC		BIVINS SUB	0033	0013	0076	
16	0901010379			LEE DOROTHY		PO BOX 922	LA PLATA	MD	20646	IMPS7.13 AC		BIVINS SUB	0033	0007	0094	
17	0901021478	6160 STARVIEW PL	LA PLATA	QUEEN JAMES E & AGNES S		PO BOX 2410	LA PLATA	MD	20646	IMPS2.556 AC		BIVINS SUB	0033	0007	0025	
18	0901033654	6150 STARVIEW PL	LA PLATA	QUEEN JAMES E		PO BOX 1083	LA PLATA	MD	20646	IMPS0.717 AC		BIVINS SUB	0033	0007	0135	
19	0901047094			CURTIS PATRICIA A Q & KENNETH A		PO BOX 2410	LA PLATA	MD	20646	PAR 1 = 1.327 AC	N SI RT 225 W OF RT 301		BIVINS SUB	0033	0007	0490
20	0901017837	6175 BIVINS PL	LA PLATA	JOHNSON DARLENE J ET AL	C/O IMOGENE M MARBURY	PO BOX 20	LA PLATA	MD	20646	IMPS1 AC		BIVINS SUB	0033	0007	0024	
21	0901012983	6165 BIVINS PL	LA PLATA	FARMER CATHERINE L & P E COLLINS		PO BOX 954	LA PLATA	MD	20646	IMPS1.03 AC		BIVINS SUB	0033	0007	0023	
22	0901025058	6175 STARVIEW PL	LA PLATA	WINTERS JAMES & BETTY & FRANCIS		PO BOX 898	LA PLATA	MD	20646	IMPS8.565 AC	ON N SI RT 225		0033	0007	0021	
23	0901011278			COOPER MARY JUNE ET AL		PO BOX 622	LA PLATA	MD	20646	IMPS12.10 AC	W/S DUMP RD		0033	0007	0020	
24	0901010336	6105 BIVINS PL	LA PLATA	BARBER JAMES S & MARY R		6105 BIVINS PL	LA PLATA	MD	20646	IMPS.78 AC		BIVINS SUB	0033	0007	0022	
25	0901053787	6075 BIVINS PL	LA PLATA	COOPER MARY J & GLORIA E		PO BOX 622	LA PLATA	MD	20646	IMPSPARCEL A - 1.00 AC	W SI DUMP RD N RT 225		0033	0007	0501	
26	0901011286	6055 BIVINS PL	LA PLATA	COOPER MARY J & FRANCIS X		PO BOX 622	LA PLATA	MD	20646	IMPS8 AC	OFF RT 225 NR DUMP		0033	0007	0019	
27	0901022962	6110 BIVINS PL	LA PLATA	SAVOY JOSEPH & MICHELLE TRAVIS		PO BOX 1133	LA PLATA	MD	20646	IMPS.51 AC		BIVINS SUB	0033	0007	0335	
28	0901022989	6100 BIVINS PL	LA PLATA	TRAVIS WILLIAM C & MARY C		PO BOX 134	LA PLATA	MD	20646	IMPS.561 AC		BIVINS SUB	0033	0007	0260	
29	0901015036	6120 BIVINS PL	LA PLATA	VAUGHAN BARBARA J		PO BOX 703	LA PLATA	MD	20646	IMPS.89 AC		BIVINS SUB	0033	0007	0280	
30	0901016822	6130 BIVINS PL	LA PLATA	ENGLISH SANDRA D		3905 LIGHT ARMS PL	WALDORF	MD	20602	IMPS.92 AC		BIVINS SUB	0033	0007	0408	
31	0901009109	6140 FLORADALE PL	LA PLATA	SLACK WILLIAM II		9360 OLD STAGECOACH RD	LA PLATA	MD	20646	IMPS1.147 AC		BIVINS SUB	0033	0007	0398	