



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350
Voice/Relay

Brian Shepter, Acting Director

FAX 410-313-3467

TECHNICAL STAFF REPORT

Hearing Examiner Hearing of May 17, 2023

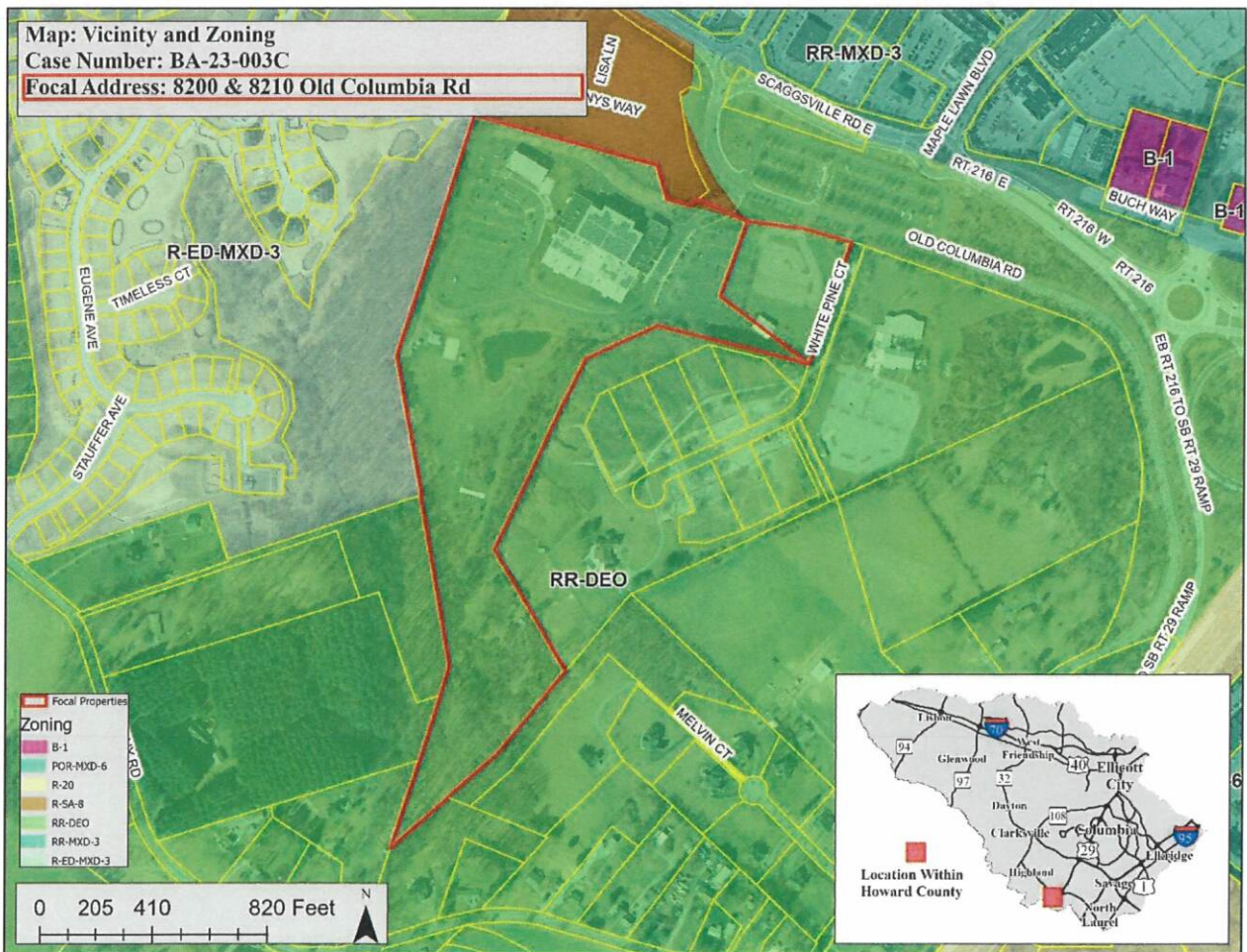
Case No./Petitioner: BA-23-003C – Milestone Tower Limited Partnership - IV

Request: Conditional Use for a Communication Tower (Section 131.0.N.14)

Location: 8200 & 8210 Old Columbia Road
Tax Map 46, Grid 3, Parcel 387, Lots 1&2; (the "Property")

Property Size: 34.14 acres (Conditional Use Area: approximately 9,701 square feet)

Zoning: RR-DEO (Rural Residential – Density Exchange Overlay)



I. **CONDITIONAL USE PROPOSAL**

The Petitioner proposes a 125-foot-tall communication tower that can accommodate four (4) antennas and a 2,357 square foot equipment enclosure enclosed by an 8-foot-tall security fence and a ten-foot-wide landscaping buffer. Approximately three (3) employees may visit the site monthly for general maintenance and emergency outages.

II. **BACKGROUND INFORMATION**

A. Site Description

The Property consists of a religious facility and approximately 5.53 acres of Forest Conservation. The southwest section of the property is encumbered by a perennial stream and wetlands. The site descends from an elevation of 461 feet at the northeast corner of the property to 347 feet at the southernmost property line.

B. Vicinal Properties

Direction	Zoning	Land Use
North	R-SA-8/RR-DEO	Undeveloped/Park and Ride Facility
South	RR-DEO	Single-Family Residential
East	RR-DEO	Religious Facility
West	R-ED-MXD-3	Single-Family Residential

C. Roads

Old Columbia Road has four lanes and a variable right-of-way width. The speed limit is 25 miles per hour. Annual Average Daily Traffic data is not available for this portion of Old Columbia Road.

D. Water and Sewer Service

The Property is inside the Planned Service Area for water/sewer.

E. General Plan

The Property is designated Growth and Revitalization on the Designated Place Types Map of PlanHoward 2030. Old Columbia Road is a Minor Collector.

F. Agency Comments

Agency comments are attached.

III. **ZONING HISTORY**

Case: BA-02-033C&V

Request: Conditional Use for a structure used for religious activities and a variance to reduce parking

Case No.: BA-23-003C

Petitioner: Milestone Tower Limited Partnership – IV

Page | 3

Action: setbacks
Approved December 13, 2002

Case: BA 03-078C
Request: Modification of Conditional Use for a structure used for religious activities
Action: Approved April 12, 2003

IV. EVALUATION AND CONCLUSIONS

A. Evaluation of the petition according to Section 131.0.B of the Zoning Regulations (General Criteria for Conditional Uses):

1. *The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.*

While Howard County General Plan policies are not directly related to Conditional Use requests for Communication Towers, properly sited communication towers are generally compatible with residential areas.

2. *The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use(s) are appropriate for the site.*

The proposed Conditional Use area is 9,701 square feet, which is approximately 0.006% of the 34.14-acre Property and complies with all required setbacks. Approximately three (3) employees may visit the site monthly for general maintenance and emergency outages. Old Columbia Road is a Minor Collector and appropriate for the type and number of vehicles associated with the proposed use.

The nature and intensity of the proposed use, the size of the Property in relation to the use, and the location of the site with respect to the streets that provide access, are such that the overall intensity and scale of the use are appropriate.

3. *The proposed use at the proposed location will not have adverse effects on vicinal properties above and beyond those ordinarily associated with such uses. In evaluating the proposed use under this standard, the Hearing Authority shall consider whether or not:*

- a. *The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will not be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning district.*

The proposed use will not generate fumes or odors, nor will it cause glare vibrations, or hazards. The use of the access driveway may generate some noise but will not be significant due to infrequent use. The proposed use is unlikely to result in adverse effects at the Property greater than it would generally be elsewhere in the RR-DEO zoning district.

- b. *The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.*

Pursuant to Sec. 128.0.A.3.d, Communication Towers are exempt from height requirements and the ground equipment is 7.5 feet tall, which does not exceed the 25-foot height limit for accessory structures in the RR-DEO district. The proposed 125-foot-tall tower and equipment are 125 feet and 156.6, respectively, from the closest property line. The Petitioner is proposing a landscape buffer planting of 22 White Pines immediately adjacent to the fenced enclosure.

Therefore, the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the RR-DEO zoning district.

- c. *The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.*

Section 133.0 does not specify a parking requirement for the Communication Tower use. The approved site development plan requires 600 parking spaces for the religious facility and 727 are provided. The proposed communication tower and associated compound are located within the existing parking lot and will result in the elimination of 13 parking spaces. Therefore, sufficient parking will be available for the infrequent employee visits. The location is currently screened by mature trees to the east and south, effectively screening it from adjacent properties. Refuse areas are not proposed.

- d. *The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the convenience or safety of shared use of the driveway.*

The existing ingress/egress drives approved through SDP-04-079 will not be impacted by the proposed use.

- e. *The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.*

The closest environmentally sensitive area is a pond located approximately 700 feet west of the proposed equipment enclosure, which exceeds all environmental setback and buffer requirements. Therefore, the proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.

- f. The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.*

A structure listed on the Howard County Historic Sites Inventory as HO-720, the Whetzel Farm, previously existed adjacent to this location. According to records and aerial imagery, all the structures associated with the historic farm property were demolished around 2004. Therefore, there are no extant historic structures on or in the vicinity of this property and the proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

B. Evaluation of petition according to Section 131.0.N.14 (Specific Criteria for a Conditional Use for Communication Towers):

- a. A Conditional Use may be granted for commercial communication towers in the following districts (provisions for permitted commercial communication antennas are in Section 128.0.E):*

- (1) In the RC, RR, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH or PGCC Districts, except that antennas meeting the requirement of Section 128.0.E.4., and commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, are permitted as a matter of right.*
- (2) In the POR, PEC, B-1, B-2, SC, BR and CE Districts for towers with a height of 200 feet or greater (including antennas) measured from ground level.*

The Property is within the RR-DEO zoning district.

- b. Conditional Use Criteria:*

- (1) An applicant for a new communication tower shall demonstrate that a diligent effort has been made to locate the proposed communication facilities on a government structure or, on an existing structure or within a non-residential zoning district, and that due to valid considerations, including physical constraints, and economic or technological feasibility, no appropriate location is available. The information submitted by the applicant shall include a map of the area to be served by the tower, its relationship to other antenna sites in the area and, an evaluation of all existing structures taller than 50 feet, within one mile of the proposed tower.*

The Petitioner provided a map and analysis of structures in Howard County that are within one mile of the Property and taller than 50 feet. None of these structures could provide the capacity and coverage required in the area of the proposed facility. Additionally, the Petitioner

asserts that are no government or non-residentially zoned structures that are economically or technologically feasible to accommodate an antenna within the required search area. This is supported by communication from Howard County Government to the Petitioner stating that installing antennas on the water tank and on the public-school campus is not allowed.

- (2) *New communication towers shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons. Unless collocation has been demonstrated to be infeasible, the Conditional Use plan shall delineate an area near the base of the tower to be used for the placement of additional equipment buildings and cabinets for other users.*

The tower is designed to accommodate four (4) antennas and four (4) equipment areas are shown within the fenced enclosure on the Conditional Use plan

- (3) *Ground level equipment and buildings and the tower base shall be screened from public streets and residentially-zoned properties.*

The compound will be screened from public streets and adjoining residentially zoned properties by an 8-foot-tall fence, a ten-foot-wide landscape buffer and existing dense vegetation on the Property.

- (4) *Communication towers shall be grey or a similar color that minimizes visibility, unless a different color is required by the Federal Communications Commission or the Federal Aviation Administration.*

The photo simulations depict a grey/similar color tower.

- (5) *No signals or lights shall be permitted on a tower unless required by the Federal Communications Commission or the Federal Aviation Administration.*

The Petitioner does not propose to install any lights on the tower, unless required to by the FCC or FAA.

- (6) *A communication tower that is no longer used shall be removed from the site within one year of the date that the use ceases.*

The Petitioner agrees to comply with this criterion.

- (7) *The communication tower shall comply with the setbacks for such structures as specified in Section 128.0.E.*

Section 128.0.E.2 requires a minimum setback from residentially zoned properties and public street rights-of-way that is equal to the height of the

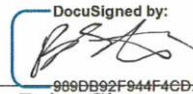
tower. The proposed 125-tall tower is setback 125 feet or more from all residential properties and public street rights-of-way.

- (8) *On an ALPP purchased easement property, the use is not permitted except as a release of one acre for a public interest use per Section 15.516 of the Howard County Code.*

The Property is not an ALPP purchased easement property; therefore, this criterion does not apply.

- (9) *On an ALPP dedicated easement property, the use is permitted, provided that the use shall not interfere with farming operations or limit future farming production, shall operate within a specified area, which shall be no larger than necessary for the tower and the ground mounted equipment structures, and the parking shall be within this same area. The tower, the ground mounted equipment and parking shall count towards the cumulative use cap of 2% of the easement.*

The Property is not an ALPP dedicated easement property; therefore, this criterion does not apply.

DocuSigned by:

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Brian Shepter, Acting Director

5/1/2023

Date



Amy Gowan, Director

FAX 410-313-3467

Agency Comment Form
 Conditional Use

Date:
 Use Category: Communication Tower
 File No.: BA-23-003C
 Petitioner: Milestone Tower Limited Partnership - IV
 Property Address: 8200 & 8210 Old Columbia Road
 Map No: 46
 Parcel: 387

CONDITIONAL USE CRITERIA REVIEW BY AGENCY									
GENERAL CRITERIA	DLD	DED	RCD	DCCP	BEH	DRP	SHA	DILP	FD
Certification that the development shown on the plan has the potential to comply with all technical requirements in subsequent Subdivision and Site Development Plan stages of review.	x	x	x		x	x	x	x	x
The nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures	x								
The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.	x								
The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate.		x					x		x
The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere. (Streams, Wetlands, Floodplain, Forest Con., etc)	x	x			x	x			
The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.			x						
Design Advisory Panel review	x								

Comments Due: February 22, 2023

COMMENTS: WE HAVE NO COMMENTS.

Paul Walsh
 SIGNATURE
 REC. & FILED



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Amy Gowan, Director

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Agency Comment Form

Conditional Use

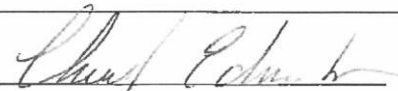
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CONDITIONAL USE CRITERIA REVIEW BY AGENCY										
GENERAL CRITERIA	DLD	DED	RCD	DCCP	BEH	DRP	SHA	DILP	FD	
Certification that the development shown on the plan has the potential to comply with all technical requirements in subsequent Subdivision and Site Development Plan stages of review.	x	x	x			x	x	x	x	x
The nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures	x									
The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.	x									
The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate.		x					x			x
The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere. (Streams, Wetlands, Floodplain, Forest Con., etc)	x	x			x	x				
The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.			x							
Design Advisory Panel review	x									

Comments Due: February 22, 2023

COMMENTS:

The Development Engineering Division takes NO EXCEPTION to the request for a communication tower subject to submitting a redline revision for SDP-04-079 for Grace Community Church showing the location and installation of the improvements.


SIGNATURE



Amy Gowan, Director

FAX 410-313-3467

Agency Comment Form

Conditional Use

Date:

Use Category: Communication Tower

File No.: BA-23-003C

Petitioner: Milestone Tower Limited Partnership - IV

Property Address: 8200 & 8210 Old Columbia Road

Map No: 46

Parcel: 387

CONDITIONAL USE CRITERIA REVIEW BY AGENCY									
GENERAL CRITERIA	DLD	DED	RCD	DCCP	BEH	DRP	SHA	DILP	FD
Certification that the development shown on the plan has the potential to comply with all technical requirements in subsequent Subdivision and Site Development Plan stages of review.	x	x	x		x	x	x	x	x
The nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures	x								
The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.	x								
The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate.		x					x		x
The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere. (Streams, Wetlands, Floodplain, Forest Con., etc)	x	x			x	x			
The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.			x						
Design Advisory Panel review	x								

Comments Due: February 22, 2023

COMMENTS: RCD has the following clarifying comments:

- The adjacent parcel labeled on Plan Page 2 as "Existing Agricultural Preservation Easement" is labeled incorrect, it is not under an Agricultural Land Preservation Program (ALPP) easement. Rather, it is an Environmental Preservation Parcel recorded with F-18-047.
- A structure listed on the Howard County Historic Sites Inventory as HO-720, the Whetzel Farm, previously existed at this location. According to records and aerial imagery, all the structures associated with the historic farm property were demolished around 2004. Therefore, there are no historic structures on this property.

SIGNATURE

RCD
 2/10/23



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

Subject: BA-23-003C, Grace Community Church, (Conditional Use Petition)

To: Geoff Goins, Chief
Division of Public Service and Zoning Administration

Through: Anthony Cataldo, Chief 
Division of Land Development

From: Brenda Luber, Division of Land Development

Date: February 21, 2023

The Division of Land Development has reviewed the conditional use petition for a communication tower and has no objection to the request to construct a communication tower. Our recommendation is based on the following analysis:

1. A site development plan (SDP) is required for the construction of the tower and associated compound after the approval of this conditional use. Proposed site improvements and features shall be evaluated by DPZ staff and county agencies/offices as part of the SDP submission requirements.
2. The area of the tower does not adversely impact any on site environmental features, such as stream, wetland, their buffers, 100-year floodplain, steep slopes and forest conservation easements.
3. Landscaping will be required for this development with the SDP, in accordance with the Landscape Manual.
 - a. The compound must be screened from the adjacent property boundaries by providing a Type C landscaped buffer, which requires the equivalent of 1 shade per 40' and 1 evergreen per 20'.
 - b. The conditional use plan provides a 10-foot landscape buffer surrounding the compound and within the existing parking lot. It is unclear from the conditional use plan how the proposed landscaping will be installed on the impervious area.
 - c. Two internal parking lot landscape trees are impacted by the compound facility. The replacement of the two internal landscape trees may be required elsewhere onsite.
4. The tower and associated compound will remove thirteen existing parking spaces. The current SDP requires 600 parking spaces and provides 727 parking spaces; therefore, there is sufficient parking for the site.
5. The forest conservation obligation for the parcel has been satisfied under SDP-04-079.
6. The parcel is not located within DAP's reviewing area.

:bl



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Agency Comment Form

Conditional Use

Date:

Use Category: Communication Tower

File No.: BA-23-003C

Petitioner: Milestone Tower Limited Partnership - IV

Property Address: 8200 & 8210 Old Columbia Road

Map No: 46

Parcel: 387

CONDITIONAL USE CRITERIA REVIEW BY AGENCY										
GENERAL CRITERIA	DLD	DED	RCD	DCCP	BEH	DRP	SHA	DILP	FD	
Certification that the development shown on the plan has the potential to comply with all technical requirements in subsequent Subdivision and Site Development Plan stages of review.	x	x	x		x	x	x	x	x	x
The nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures	x									
The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.	x									
The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate.		x					x			x
The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere. (Streams, Wetlands, Floodplain, Forest Con., etc)	x	x			x	x				
The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.			x							
Design Advisory Panel review	x									

Comments Due: February 22, 2023

COMMENTS: No comment nor objection to approval. As far as access, Old Columbia Road is a County roadway therefore MDOT SHA defers all access review to Howard County.

D. Scott Newill MDOT SHA District 7

 SIGNATURE