



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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■ Ellicott City, Maryland 21043 ■

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Voice/Relay

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October 6, 2017

TECHNICAL STAFF REPORT

Hearing Examiner hearing of October 23, 2017

Case No./Petitioner: BA-17-014C – Vertical Bridge Development II, LLC

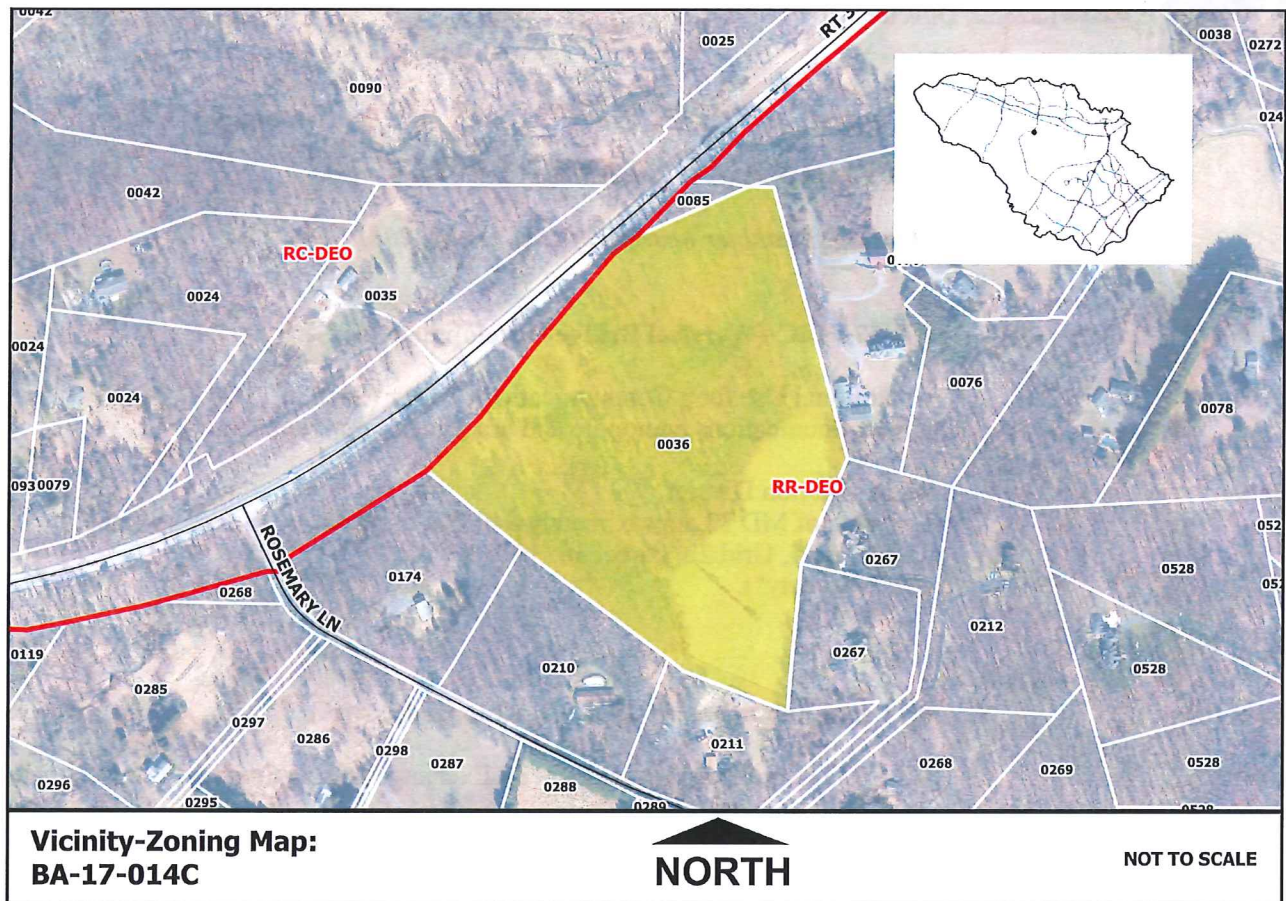
Request: Conditional Use for a Communications Tower (Section 131.0.N.14) for a telecommunications monopole and associated improvements.

Location: Third Election District
East side of MD 32 approximately 840 feet northeast of Rosemary Lane
Tax Map 15, Grid 22, Parcel 36; 3075 RT 32
(the "Property").

Area of Property: 23.66 acres

Area of Site: 0.14 acre, approximately (the "Conditional use site")

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



I. CONDITIONAL USE PROPOSAL

The Petitioner proposes a 150-foot tall monopole tower and associated equipment on approximately 0.14 acres, located at 3075 Route 32 (the Property). The structure and equipment will be within a 50-foot by 50-foot fenced enclosure. Located outside the fence will be a Modular Electronic Sealed Architecture (MESA) power cabinet and transformer, protected by bollards.

The Petitioner states that a maintenance employee will visit the site once a month and the backup generator will be tested for one-half hour during the day, each week.

II. BACKGROUND INFORMATION

A. Site Description

The Property is irregularly-shaped, vacant, and predominantly wooded. The low point is approximately 440 feet at the front lot line. The site rises to the southeast to an elevation of 540 feet in a cleared, open area, at the rear of the parcel. Most of the front of the property is separated from MD 32 by woods and an unimproved public right-of-way.

B. Vicinal Properties

To the northwest, across MD 32, is Parcel 35, which is zoned RC-DEO and contains a single-family detached dwelling with a driveway to MD 32. North of Parcel 35 is the Middle Patuxent River and associated floodplain and wetlands.

All properties on the south side of MD 32 are zoned RR-DEO. Parcel 85, a small triangular vacant parcel, and Parcel 97, are to the north. Parcel 97 is large and contains a single-family detached dwelling with a long driveway to MD 32.

There are three residential parcels to the east. Parcel 76 contains a single-family detached dwelling, a barn, and a large detached garage. Parcel 267 (Lots 1 and 2) contain single-family detached dwellings with driveways that access Rosemary Lane.

To the south are Parcels 211, 210, and 174, which contain single-family detached dwellings that front Rosemary Lane. The closest dwelling to the conditional use is on Parcel 174.

C. Roads

MD 32 has two travel lanes and approximately 45 feet of paving within a wide variable-width right-of-way along the front of the Property. It has a posted speed limit of 50 miles per hour.

The estimated sight distance from the existing driveway entrance is approximately 1,090 feet to the southwest and over 1,300 feet to the northeast. However, precise sight distance measurements can only be determined by a detailed sight distance analysis.

According to State Highway Administration data, traffic volume on MD 32, from Burntwoods Road to I-70, was 24,481 AADT (annual average daily trips), as of 2016.

D. Water and Sewer Service

While the Property is in the No Planned Service Area, the proposed use does not require water or septic facilities. The plan shows a sealed well within the fenced area.

E. General Plan

The Property is designated Low Density Residential on the PlanHoward 2030 Designated Place Types Map and is designated Undeveloped Residential on the Land Use Map.

MD 32 is a Principal Arterial.

F. Agency Comments

Agency comments are attached.

G. Adequate Public Facilities Ordinance

The communication tower is subject to the Adequate Public Facilities Ordinance if a Site Development Plan is required.

III. ZONING HISTORY

There is no record of a Board of Appeals, Zoning Board, or Department of Planning and Zoning case for the Property.

IV. EVALUATION AND CONCLUSIONS

A. Evaluation of 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 can be considered generally compatible with residential uses and support the cellular network infrastructure. The Petitioner notes that the proposed Conditional Use is consistent with Policy 5.2 to "Establish Howard County as a leader in 21st century entrepreneurship, information technology, and cyber security", which has an Implementing Action that states "Define broadband, mobile communications, and utility infrastructure requirements, and ensure that service capacity and quality are available." While service capacity and quality may be determined by a needs evaluation for new communications towers, the above policy is not directly related to the appropriateness of a communications tower in western Howard County.

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 communication tower is located on 0.14 acres of a 23.66-acre site (less than 1 percent of the site) and it complies with all required setbacks. The Petition states that the only activity will be a maintenance employee who visits the site once a month. The nature and intensity of the use, the size of the Property in relation to the use, and the location of the site, with respect to streets that provide access, are such that the overall intensity and scale of the use are appropriate.

3. *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 be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning district.*

The use will not generate fumes or odors, nor cause glare, vibrations, or hazards. The gravel areas may generate some localized dust and noise, but not significantly due to infrequent activity. The generator may emit some noise; however, the site is along MD 32 and away from adjacent dwellings. Any noise generated on the site would likely be less than that associated with nearby MD 32 traffic. Therefore, the impact of adverse effects will not be greater at the proposed site than it would generally be elsewhere in the same or similar zoning district.

4. *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.*

The Balloon Test photographs provided by the Petitioner show that existing vegetation will screen the monopole and equipment enclosure from adjacent properties. However, the monopole will be visible from MD 32. The Petitioner proposes evergreen trees along the northeast and northwest sides of the fence to screen those views. 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 same or similar zoning district.

5. *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.*

There area next to the enclosure is adequate to accommodate service vehicles associated with routine maintenance. Loading or refuse areas are not proposed. The driveways are appropriately buffered and screened from MD 32 and surrounding residential uses.

6. *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 view from the existing access drive on MD 32 is estimated to be 1,090 feet to the

southwest and over 1,300 feet to the northeast. According to the American Association of State Highway and Transportation Officials (AASHTO) guidelines, based on an estimated stopping sight distance of 425 feet, for a car going 50 miles per hour, the driveway appears to accommodate safe access, with adequate stopping sight distance. However, MD 32 is a Principal Arterial and AASHTO recommends an intersection sight distance analysis, in addition to a stopping sight distance analysis. Therefore, a sight distance analysis must be conducted to conclusively evaluate sight distance at the proposed location. A sight distance analysis is typically conducted when a Site Development Plan is submitted and approval would be contingent upon complying with all Howard County design criteria, including sight distance requirements.

The State Highway Administration has commented that the existing access is acceptable for the proposed use.

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

There are no known environmentally sensitive areas on the Property. The closest environmentally sensitive area is the Middle Patuxent River floodplain, which is across MD 32, more than 500 feet from the Conditional Use site. Therefore, the proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.

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

The closest designated historic structure is the MD 32 bridge over the Middle Patuxent River, which is located over 900 feet from the Conditional Use site. The proposed use is not likely to diminish the character and significance of this bridge. Therefore, 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. (Specific Criteria for):

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 asserts there are no nearby government or other existing structures that could accommodate the proposed facility based on the above criteria. Aerial photographs show there does not appear to be a structure over 50 feet tall within the required one mile evaluation area. The antennae mentioned in the petition appear to be outside the one-mile radius from the conditional use site.

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 plan shows that the additional equipment and monopole can support future collocation.

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

The fenced compound will be screened from the public streets and adjoining residential properties.

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 monopole will be “neutral gray”, with options for light blue or brown.

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

Signals or lights are not proposed.

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 acknowledges this requirement.

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

The monopole complies with or exceeds the setback requirements.

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.*

This criterion does not apply as the use is not proposed on an ALPP purchased easement property.

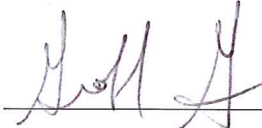
9. *On an ALPP dedicated easement property, the use is permitted, provided that the use shall not interfere with farming operations or limit future farming production, shall operate within a specified area, which shall be no larger than necessary for the tower and the ground mounted equipment structures, 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.*

This criterion does not apply, as the use is not proposed on an ALPP purchased easement property.

V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for a Conditional Use for a telecommunications monopole and associated improvements be **GRANTED**.

Report Drafted By:

 10/6/17
J Robert Lalush, Planning Supervisor Date

Approved by:

 10-6-17
Valdis Lazdins, Director Date

NOTE: The file on this case is available for review by appointment at the Public Service Counter in the Department of Planning and Zoning.

**Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments**

Date: August 22, 2017Hearing Examiner 10/23/2017

Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA-17-014C Map No. _____ Block _____ Parcel _____ Lot _____Petitioner: _____ Vertical Bridge Development II, LLC

Petitioner's Address: _____

Address of Property: _____

Return Comments by September 25, 2017 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: _____ SEE APPLICATION

To:

_____ MD Department of Education – Office of Child Care
3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
_____ Bureau of Environmental Health
_____ Development Engineering Division
_____ Department of Inspections, Licenses and Permits
_____ Department of Recreation and Parks
_____ Department of Fire and Rescue Services
_____ ☒ State Highway Administration
_____ Sgt. Karen Shinham, Howard County Police Dept.
_____ James Irvin, Department of Public Works
_____ Office on Aging, Terri Hansen (senior assisted living)
_____ Police Dept., Animal Control, Deborah Baracco, (kennels)
_____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
_____ Land Development - (Religious Facility & Age-Restricted
Adult Housing)
_____ Housing and Community Development
_____ Resource Conservation Division – Beth Burgess
_____ Route 1 Cases – DCCP – Kristen O'Connor
_____ Telecommunication Towers – (Comm. Dept.)
_____ Division of Transportation – Dave Cookson



COMMENTS:

EXISTING ACCESS IS ACCEPTABLE FOR THE PROPOSED CONDITIONAL USE.
FUTURE DUALIZATION OF MD 32 MAY IMPACT EXISTING ACCESS
ALTHOUGH THE EXTENT OF IMPACTS AND CONSTRUCTION IS
NOT KNOWN AT THIS TIME.

A handwritten signature in dark ink, appearing to be "SHA" followed by a stylized flourish.

SHA DIST. 7 ACCESS
MGMT.

SIGNATURE

