

R E S O L U T I O N

WHEREAS, the Prince George=s County Planning Board has reviewed Departure from Sign Design Standards Application No. 590 requesting an increase in the area of a freestanding sign in accordance with Subtitle 27 of the Prince George=s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on January 9, 2003, the Prince George's County Planning Board finds:

- A. The subject property is located in the northwest quadrant of the intersection of Marlboro Pike and Delano Lane. The site is developed with a Bojangle's fast-food restaurant and associated parking lot.
- B. **History:** The subject site was first developed with a fast-food restaurant (Burger King) in the 1970s when fast-food restaurants were a permitted use in the C-2 Zone. The use became nonconforming on July 1, 1978, with the passage of CB-27-1978 requiring special exception approval for fast-food restaurants. In 1989, Burger King obtained a special exception for a fast-food restaurant. It also obtained approval of V-10177 to waive landscaping requirements along Delano Lane and the adjoining residential property, DPLS-77 to reduce the number of required parking spaces, and DDS-351 to reduce interior and peripheral landscape requirements.
- D. **Master Plan Recommendation:** The 1985 *Approved Master Plan for Suitland-District Heights and Vicinity* recommends commercial uses for the subject property.
- E. **Request:** The current owner plans to replace the existing freestanding sign with a new sign in the same location. The applicant is permitted to erect a freestanding sign with an area of 77.4 square feet. The applicant desires to add a reader board to the main sign. The total area of the proposed freestanding sign is 103.8 square feet, requiring a departure of 26.4 square feet, or 34 percent of the permitted area.
- F. **Surrounding Uses:** The subject property is located in a commercial strip along Marlboro Pike. It is surrounded by the following uses:
 - North—Single-family residences in the R-55 Zone
 - East— Across Delano Lane, a restaurant, a gun dealer and other commercial uses in the C-S-C Zone
 - South—Across Old Marlboro Pike, the Parkland Stop and Shop Shopping Center in the C-S-C Zone
 - West—Insurance office in the C-O and R-55 Zones and single-family residences in the R-55 Zone
- G. **Design Requirements:** The proposed sign meets the design requirements for the location of a freestanding sign. The sign is set back 14 feet from Marlboro Pike, four feet in excess of the required ten-foot setback. The building is set back 68 feet from the street, 28 feet in excess of the minimum 40 feet required for a freestanding sign. The total street frontage of the site is 309.76 feet, permitting a freestanding sign area of 77.44 feet. The requested sign exceeds the maximum

area allowed by 26.4 square feet or 34 percent.

H. **Other Issues:** The proposed site plan shows a parking lot design reflective of the approved special exception site plan. The current parking lot layout is also shown, as a prior owner made some design changes without the approval of a revision of site plan. The proposed site plan, therefore, indicates that the current applicant intends to conform to the approved site plan.

The staff field inspection noted that the handicapped access to the central walkway and front door of the restaurant is not at grade for the easternmost handicap parking space. The proposed (and previously approved) site plans show the parking space and walkway at grade. The variation in grade may have been caused by settlement or a construction defect. Compliance with federal ADA regulations will require the applicant to correct this issue, and the applicant's attorney has indicated that it is his client's intention to do so.

I. **Required Findings:** *Section 27-239.01(b)(9)* of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:

1. The purposes of this Subtitle will be equally well or better served by the applicant's proposal.

The purposes of the Zoning Ordinance relating to signs are found in Section 27-589:

- (1) To promote the health, safety, and welfare of the present and future inhabitants of the Regional District;**
- (2) To encourage and protect the appropriate use of land, buildings, and structures;**
- (3) To regulate unsightly and detrimental signs which could depreciate the value of property and discourage quality development in the Regional District;**
- (4) To regulate signs that are a hazard to safe motor vehicle operation;**
- (5) To eliminate structurally unsafe signs that endanger a building, structure, or the public;**
- (6) To prevent the proliferation of signs that could detract from the scenic qualities of the landscape or the attractiveness of development; and**
- (7) To control the location and size of signs, so as to provide for adequate identification and advertisement in a manner that is compatible with land uses in the Regional District.**

The combination of location and area requirements found in the Zoning Ordinance are intended to ensure that adequate information is presented to identify locations and direct vehicular and other traffic to the site without detracting from the qualities of the landscape or attractiveness of development.

The Commercial Areas and Activity Center Chapter of the 1985 *Approved Master Plan for*

Suitland-District Heights and Vicinity (Marlboro Pike Corridor Study Section) includes an objective that seeks to eliminate excessive, ineffective and unsightly signing along Marlboro Pike. Freestanding signs are frequently singled out as creating sign proliferation. However, in this particular part of the Marlboro Pike corridor, there is not an overabundance of freestanding signs. Moreover, it is often the overall signage on the site that creates an image of sign proliferation. In this case, the applicant requests an increase in the area of the freestanding sign amounting to 34 percent over that permitted by the sign regulations. A corresponding decrease in the allowable building sign area would ensure that the overall sign package for the site does not create an unsightly appearance.

(2) The departure is the minimum necessary, given the specific circumstances of the request.

The departure from the area regulations is the minimum necessary to permit the applicant to provide special information on the freestanding sign.

(3) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949.

The site is located in an older commercial area and the business requires the ability to advertise specials and employment opportunities in order to succeed.

(4) The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.

A freestanding sign has existed on this property for a number of years. Although the proposed sign will add additional area, it is set back more than the required ten feet from Marlboro Pike, and the applicant, by letter dated December 16, 2002, has agreed to a reduction in area permitted for building signs on the site.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George=s County Code, the Prince George=s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the above-noted application, subject to the following condition:

1. Allowable building signage on the site shall be reduced by 34 percent.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council for Prince George=s County, Maryland within thirty (30) days of the final notice of the Planning Board=s decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 9, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of January 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:CW:rmk

(Revised 8/9/01)