

R E S O L U T I O N

WHEREAS, the Prince George=s County Planning Board has reviewed DSDS-619 requesting departures from the height, area and set back requirements for freestanding signs 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 July 15, 2004, the Prince George's County Planning Board finds:

- A. Location and Field Inspection:** The subject property is a rectangular-shaped parcel located on the northeast corner of the Auth Road/Branch Avenue intersection. The property is developed with an automobile dealership (Sheehy Ford), which consists of two 1-story structures and a large, paved outdoor display area. Access to the site is via two driveways on Auth Road. Two freestanding signs that identify the business are located along Branch Avenue near the northwest and southwest corners of the property.
- B. History:** The subject property was retained in the C-M Zone during the SMA for the Heights.
- C. Master Plan Recommendation:** The Heights and Vicinity Master Plan (2000) recommends service-commercial use for the subject property.
- D. Request:** The applicant is proposing to replace two existing freestanding signs with new freestanding signs. Both existing signs are located approximately five feet from the right-of way line for Branch Ave (see attached site plan). Section 27-614(a)(4) of the Zoning Ordinance requires that freestanding signs be set back a minimum of ten feet from a street right-of-way line. A departure is required to permit the proposed signs to be placed at the same location as the existing signs. The area of the proposed main business identification sign (shown as "S-1" on attached site plan) is 276.22 square feet. The maximum permitted sign area is 200 square feet. A departure of 76.22 square feet is, therefore, required. The height of the proposed freestanding sign ("S-1") is 42 feet, 1 inch. The maximum height permitted for freestanding signs in Commercial Zones is 25 feet. A departure of 17 feet, 1 inch is required. The second freestanding sign ("S-2") meets the height (19 feet, 11.75 inches) and size (100.21 square feet) for freestanding signs.
- E. Section 27-239.01(b)(9)(A)** 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 applicant is requesting relief from Section 27-614(a)(4) of the Zoning Ordinance, which requires that freestanding signs be set back a minimum of ten feet from a street right-of-way line. The subject signs will replace two existing signs that are approximately five feet from the street right-of-way for Branch Avenue. The record indicates that the right-of-way line for Branch Avenue has been widened since the subject use was established in the early 1960s. Strict compliance with the setback requirements would place the signs in a drive aisle that serves the parking area and make the signs difficult to see from the street. It appears that circumstances beyond the applicant's control have affected the location of the subject sign. The Planning Board believes that granting of a departure of five feet for the freestanding signs would serve the purposes of the Sign Regulations, which seek to, among other things, provide adequate identification and advertisement in a manner that is compatible with land uses.

In addition, the proposed main freestanding sign ("S-1") would exceed the 25-foot maximum height limit for freestanding signs in the C-M Zone by 17 feet, 1 inch for a total height of 42 feet, 1 inch. The sign area for "S-1" is proposed to be 276 square feet, which is 76 square feet larger than the maximum permitted sign area. The Board notes that the existing main freestanding sign is 40 feet tall and is 180 square feet in size. There is nothing in the record indicating that a departure was granted to allow the existing sign to exceed the 25-foot height limit. We note that Section 27-612(b) provides that:

**No departures from Design Standards shall be permitted for any sign erected in violation of this Subtitle, and for which a sign permit was not obtained at the time the sign was erected.**

Given the age of the use (over 40 years), the sign would have been permitted by Special Ordinance under the 1961 Zoning Ordinance. The Planning Board notes that a departure is requested for the proposed sign, not the existing sign, which may have been erected illegally. As such, we do not believe Section 27-612(b) applies.

The proposed sign would be 42 feet high. The existing sign is 40 feet high. The sign is, in our opinion, adequately visible from both northbound and southbound Branch Avenue. The subject use is relatively isolated at the top of a hill. The sign does not therefore compete with other signs. The Board did not find a compelling argument to make the proposed sign higher than the existing sign. The second freestanding sign ("S-2") meets the height and size requirements.

With respect to the proposed sign area for the new sign, the Board believes the request of 276 square feet to be excessive. The maximum sign area permitted is 200 square feet. The existing sign, which is quite visible along Branch Avenue, has 180 square feet of sign area. The sign area could be increased to 200 square

feet without a departure.

The request for a 42-foot-high, 276-square-foot freestanding sign would, for the reasons discussed above, not equally well or better serve the purposes of the Zoning Ordinance.

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

Based on the applicant's intent to provide a sign in accordance with the specifications of the Ford Motor Company, the departure is the minimum necessary, given the specific circumstances of the request.

**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 departure is necessary in order to alleviate circumstances which are unique to the site. A departure of 15 feet rather than 17 feet, 1 inch is appropriate in this case for the main freestanding sign. Given the isolated location of the property and speeds along Branch Avenue, a 40-foot high sign is, in our opinion the appropriate height. The site has been served by a 40-foot high sign for many years. With respect to the departures from the 10-foot setback from street line requirements for both freestanding signs ("S-1" and "S-2"), we note that the right-of-way line for Branch Avenue has been moved farther onto the subject property over the years by the Maryland State Highway Administration (SHA). The relocation of the right-of-way put the subject signs in conflict with the setback requirements. The proposed departure of five feet will resolve this issue. Strict compliance with the 25-foot high maximum height requirement and the required minimum 10-foot setback from a street line would adversely affect a longstanding use and commercial landmark.

The departure request for 276 feet of sign area for the main freestanding sign is excessive. The existing freestanding sign has 180 square feet of sign area and appears to adequately identify the subject use. No compelling justification has been given that would merit a 53 percent increase in sign area. The applicant is entitled to a maximum of 200 square feet of sign area.

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

The departures to permit the new signs to be located five feet from the street right-of-way line and for the main freestanding sign to be 40 feet high will not impair the visual, functional or environmental quality or integrity of the site or of

the surrounding neighborhood. These departures essentially allow the new signs to exist at the same location as the original signs. In order to make the new signs more attractive, the Urban Design Section recommends (memo dated May 25, 2004) accent plantings along the base of the main freestanding sign.

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 APPROVES a departure of 15 feet in height to allow a 40-foot high main freestanding sign, subject to a condition that accent plantings be placed along the base of the sign and APPROVAL of a departure of five feet from the setback requirements for the two proposed signs

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.

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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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 15, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of July 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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(Revised 8/9/01)