

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DSDS-633 requesting a departure from setback of a freestanding sign less than 10 feet from the street line and a departure to allow a reduced setback from the 40-foot building requirement 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 February 1, 2007, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is an irregularly shaped parcel located on the west side of the divide where MD 564 (Lanham-Severn Road) and MD 450 (Annapolis Road) separate. It stretches across approximately 2.5 acres of land sharing frontage along both Princess Garden Parkway and Lanham-Severn Road and extending as far as Naval Avenue. The majority of the frontage runs along Lanham-Severn Road approximately 200 feet north of Princess Garden Parkway, hence the property is known as 9020 Lanham-Severn Road. The property is developed with a 71,003-square-foot auto dealership facility (Darcars, Lanham Ford) and a vehicle sales lot with 291 parking spaces. Its frontage amounts to approximately 545 feet along Lanham-Severn Road, and it is zoned C-M. It has three driveway entrances—two on Lanham-Severn Road and one on Princess Garden Parkway.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-M	C-M
Use(s)	Auto Dealership	Auto Dealership
Acreage	2.50	2.50
Signs	1 freestanding	1 freestanding
Sign (1) Area	113 SF	130 SF
Sign (1) Height	25' 10"	26' 9"

- C. **History:** The auto dealership, Darcars Lanham Ford, was originally constructed in 1972. The subject property was originally platted in 1971. The existing Ford sign was erected in accordance with the regulations imposed by the construction of the building. In 1982, the dealership expanded, and a new business was added. Because this business was identified separately with its own use and occupancy permit (Permit #4696-82-U), a second sign was permitted on the property. At the time of record plat, the state acquired 20 feet of road frontage along Lanham-Severn Road for use by the Maryland State Highway Administration for a service road. The possession reduced the building setback back by 20 feet, resulting in a 36.3-foot building setback from the property line. The reduced building setback also affected the requirements of the sign location. The sign is currently two feet in the right-of-way of Lanham-Severn Road and has not moved from its current location. The subject property has only undergone minor changes since its construction.

- D. **Master Plan Recommendation:** The 1993 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Master Plan and Sectional Map Amendment* recommends the property as a location for miscellaneous

commercial uses which may be disruptive to the harmonious development, compactness and homogeneity of retail areas. The 2002 General Plan places the subject site within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, and medium-to-high-density neighborhoods.

- E. **Request:** The applicant proposes to replace an existing freestanding sign on Lanham-Severn Road. Section 27-614(a)(1) establishes a minimum setback of 40 feet from the front street line for the main building associated with the sign. The main building associated with the sign is set back 36.3 feet from the street line. A departure of 3.9 feet is, therefore, requested. In addition, the proposed sign extends into the right-of-way for Lanham-Severn Road. Section 27-614(a)(4) requires that freestanding signs to be located at least ten feet behind the ultimate right-of-way, which is the street line in this case. The proposed sign would extend into the right-of-way approximately two feet. A departure is requested to waive the ten-foot setback. The applicant must also petition the District Council for permission to locate a structure within a right-of-way.

The proposed sign will not exceed the height requirements for freestanding signs. Section 27-614(b)(1) establishes a maximum height of 25 feet for freestanding signs. The new sign will be 25 feet in height.

- F. **Surrounding Uses:** The property is surrounded by the following uses:

North and Northwest: Residential development in the R-55 Zone.

West: Commercial development in the C-M Zone with one property zoned C-S-C.

South: Across Annapolis Road (MD 450), C-M and C-S-C Zones.

East: Across Annapolis Road (MD 450) and Lanham-Severn Road, commercial development in the C-M and C-S-C Zones as well as railroad property.

- G. **Sign Requirements:**

1. **Section 27-614** provides the following design standards for freestanding signs in the C-M Zone:

- (a) **Location**

Section 27-614(a)(1) provides that in all commercial and industrial zones (except I-3 and U-L-I Zones), signs shall only be located on property where the main building associated with the sign is located at least 40 feet behind the front street line.

At the time of record plat, the state acquired 20 feet of road frontage along Lanham-Severn Road for use by the Maryland State Highway Administration to construct a service road. This action reduced the building setback to 36.3 feet. The applicant is requesting a departure of 3.7 feet, which is the minimum necessary, given the above-mentioned circumstance that resulted in reduction of the building setback.

Section 27-614(a)(4) requires that freestanding signs shall be located at least ten feet behind the ultimate right-of-way line. Where the street line is situated behind the actual existing street right-of-way line, freestanding on-site signs may be temporarily located within the area between the street line and the existing street right-of-way line (the area of proposed future widening of an existing street).

The street line has encroached upon the subject property creating unique circumstances. There is no area between the street line and the right-of-way line.

The applicant is requesting a departure from the minimum ten-foot setback from the street line required for the proposed freestanding sign. The proposed sign will replace the existing freestanding sign located on Lanham-Severn Road. The departure is the minimum necessary to meet the requirement.

(b) Height

Section 27-614(b)(1) specifies that the maximum height of signs in the C-M Zone shall be 25 feet, measured from the finished grade at the base of the sign to the top of the sign.

With an area of 130 square feet and a height of 25 feet, the proposed freestanding sign will not exceed the maximum allowable height. No departure is necessary.

(c) Area

Section 27-614(c)(1): The area of freestanding on-site signs is in addition to that allowed for any other signs on a specific property.

There is an additional freestanding sign on the subject property. This sign was erected in 1982 with the expansion of the dealership. Because this business was identified separately with its own use and occupancy permit (Permit #4696-82-U), a second sign was permitted on the property.

Section 27-614(c)(3)(A) provides that in all commercial zones (except the C-O Zone) and all industrial zones (except the I-3 Zone), the area of the freestanding sign shall be not more than one square foot for each four linear feet of street frontage, to a maximum of 200 square feet for each sign, if the building is not located in an integrated shopping center; other commercial center with three or more businesses served by common and immediate off-street parking and loading facilities; industrial center; or office building complex. The street frontage shall be measured on the property occupied by the center or complex associated with the sign.

The frontage along Lanham-Severn Road amounts to approximately 545 feet, which would allow for a sign 136 square feet in area. The existing sign is 113

square feet. The proposed sign is 130 square feet. The proposed increase in area is within the allowed area and does not require a departure to meet the requirements of this section.

(d) **Quantity**

Section 27-614(d)(2) allows one freestanding sign for a property with street frontage of 40 to 1,100 feet, and one additional sign is permitted for each additional 1,000 feet or fraction thereof.

The applicant has requested only one sign based on 545 feet of frontage on Lanham-Severn Road. If the applicant chooses to erect a second freestanding sign in the future, then use and occupancy permits and site plans must be submitted showing how the frontage for the property is split between Lanham Ford and Lanham Kia. Based on the amount and location of the frontage, a determination will be made on the eligibility for a second freestanding sign and any departures that may be necessary.

2. **Section 27-589 contains the following purposes for regulating signs:**

- (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 which are a hazard to safe motor-vehicle operation.**
- (5) **To eliminate structurally unsafe signs which 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.**
- (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.**

3. **Section 27-612 (b) of the Zoning Ordinance 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.**

The sign was erected with the construction of the building in 1972.

H. **Required Findings:**

1. **Section 27-239.01(b)(7) 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.**

In general, the purposes of the sign ordinance are to regulate unsightly and hazardous signs, to provide adequate identification and advertisement, to promote the general welfare of the residents of the county, and to foster the appropriate use of land, buildings and structures.

The subject property has two frontages—545 feet on Lanham-Severn Road, a four- to six-lane arterial with a 100- to 120-foot right-of-way, from which it is primarily accessed, and 411 feet on Princess Garden Parkway, a four-lane collector with an 80-foot right-of-way, where access to the property is restricted. The proposed sign will be located on the Lanham-Severn frontage, replacing the existing sign currently standing in the right-of-way location.

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

The requested departure is the minimum necessary. Given the adjustments made to the property by the state's construction of the service road, the departure is appropriate.

3. **The departure is necessary in order to alleviate circumstances that 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 that affect the sign's location due to the fact that the street line has encroached further onto the subject property. The location of the property along a major roadway constitutes unique circumstances, which may be alleviated by the departures.

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

The sign has been in the same location since 1972 and does not appear to impair the visual quality or integrity. Because the signage change is a part of the company's national program, the refacing is expected to be more a contemporary design and a higher quality.

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. The applicant must receive District Council approval for the sign in the right-of-way.

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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark and Parker voting in favor of the motion, with Commissioner Vaughns opposing, and with Commissioner Squire absent at its regular meeting held on Thursday, February 1, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of February 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:KW:bjs