

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DSDS-636 requesting a Departure from Sign Design Standards from Section 27-614(a)(1) Freestanding sign, Section 27-414(c)(3)(B) Area, and Section 27-613(a)(1) attached to a building canopy 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 September 20, 2007, the Prince George's County Planning Board finds:

1. **Request:** The applicant requests a departure from sign design standards (DSDS) from several provisions of Section 27-613 and Section 27-614 of Zoning Ordinance. The Planning Board approved DSP-06016 for a new 2,580 square foot Taco Bell building on the subject site on July 19, 2007. The freestanding sign for which the DSDS has been requested has been in existence since 1986. The requested departure from Section 27-614(a)(1), Location of freestanding sign, would be for 14 feet of the 40-foot building setback requirement.

The applicant has also requested a departure from Section 27-613(a)(1), Location to allow "Taco Bell" logo signs on top of three canopies.

2. **Location:** The property is located in Planning Area 69, Council District 3 in the northeast quadrant of the Annapolis Road (MD 450) and Chesapeake Road intersection.
3. **Surroundings and Use:** The proposed development is surrounded to the north and east by an existing shopping center in the C-S-C Zone and to the south by Chesapeake Road. To the north the property fronts Annapolis Road (MD 450). The subject property is not part of an integrated shopping center or commercial center.
4. **Previous Approvals:** The subject site has Stormwater Management Concept Approval 33719-2005-00, which is valid through October 3, 2008. The site was certified as non-conforming on February 3, 1983 by Permit 6134-81-CGU for Taco Bell fast-food restaurant. A freestanding sign was shown on the non-conforming use certified plan in 1986. The site also has an approved letter of exemption from the Woodland Conservation and Tree Preservation Ordinance. The exemption will expire on August 18, 2007.

On July 19, 2007, the Planning Board approved DSP-06016 for construction of a new one-story Taco Bell fast-food restaurant, with drive through and associated parking on Parcel D with one condition. The resolution for the subject DSP is pending.

5. **Design Features:** The subject property consists of 0.427 acres of land in the C-S-C Zone. The applicant is requesting a departure from sign design standards (DSDS) to reface the existing freestanding sign with a new Taco Bell sign. The new approved Taco Bell building will be 26 feet behind the street line. The applicant is requesting a departure of 14 feet from the 40-foot building-setback requirement. The existing freestanding pylon sign measurements are approximately 65 square feet in size and 25 feet in height.

The applicant originally proposed to reface the existing freestanding sign with a round-top sign approximately 69 square feet in size and 22.23 feet in height. Section 27-614 (c)(3)(B) Area, states: "One (1) square foot for each four (4) linear feet of street frontage, to a maximum of two hundred (200) square feet for each sign, if the business 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 use associated with the sign." However, during the course of the Planning Board hearing on September 20, 2007, the applicant agreed to 64 square-feet of area for the sign. Thus a departure from Section 27-614(c)(3)(B), Area of sign, is not necessary.

The proposed architectural elevations and detail sheets indicate three aluminum canopies over the two entrances and over the drive-through window. The "TACO BELL" logo is proposed in steel channel lettering in purple and magenta above the canopies. The logo measures 9 feet.2 inches in width by 9 1/8 inches in height, with recessed incandescent lamps. Section 27-613 (a)(1) states: "In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs may be attached to the walls or roof of a building or to a canopy that is located at least ten feet behind a street line. No signs may be erected on the top of a canopy." The applicant requests a departure from this section to allow the three canopy signs to be constructed as proposed. The proposed canopy signs are visually compatible with the design of the new Taco Bell building.

COMPLIANCE WITH EVALUATION CRITERIA

6. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the C-S-C Zone and the site plan design guidelines of the Zoning Ordinance. The proposal is also in conformance with the requirements of Section 27-454, Regulations, which governs development in the C-S-C Zone.
7. The following is a discussion of the sign regulations that apply to this site:

Section 27-614(a) Freestanding signs.

- (1) **In all Commercial and Industrial Zones (except the 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 forty feet behind the front street line. This shall not apply to integrated shopping centers, other commercial centers with three or more businesses served by common and immediate off-street parking and loading facilities, industrial centers, or office building complexes.**

Comment: The applicant is requesting a departure from sign design standards (DSDS) for 14 feet of the 40-foot building setback requirement in order to reface the existing freestanding sign with a new Taco Bell sign. The existing freestanding sign has two sign-reface permits dated November 19, 1982, and October 7, 1986. The 1986 permit states the permit was for refacing of an existing double-faced Taco Bell pylon sign which is 65 square feet in size and 25 feet in height. The existing freestanding sign was built on the property in conjunction with the existing, non-conforming building, pursuant to permit No. 8223-1986-00. The existing building is 29 feet behind the street line. The building and its associated structures were certified as non-conforming

on February 3, 1983, by Permit 6134-81-CGU. The approved new Taco Bell building will be 26 feet behind the street line. Applicant filed DSDS-636, requesting a departure of 14 feet from the 40-foot building setback requirement.

- (4) Notwithstanding any other provisions of this subtitle addressing setbacks and yards, in all Commercial and Industrial Zones (except the I-3 Zone), signs need only be located ten feet behind the street line.**

Comment: The proposed freestanding sign is located approximately 10 feet behind the street line.

(b) Height.

- (1) The maximum height of signs shall be as shown in the following table. Measurements are from the finished grade at the base of the sign to the top of the sign. (See Figure 65.)**

ZONE	MAXIMUM HEIGHT (IN FEET)
C-O	8
Commercial Zones (except C-O)	25
Industrial Zones (except I-3)	25
I-3 Zone	Not greater than the lowest point of the roof of any building in the employment park

Comment: The maximum height permitted for a freestanding sign in a Commercial Zones is 25 feet. The applicant proposed to reface the existing sign, which is 22.2 feet in height, below the maximum height.

(c) Area.

- (3) In all Commercial Zones (except the C-O Zone) and all Industrial Zones (except the I-3 Zone), the area of the sign shall be not more than either:**

- (B) One (1) square foot for each four (4) delineal feet of street frontage, to a maximum of two hundred square feet for each sign, if the business 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 use associated with the sign.**

Comment: The proposed freestanding sign measurements are 10.2 feet by 6.9 feet for a total of approximately 69 square feet in size. However, during the Planning Board hearing the applicant agreed to a limit of 64 square-feet for the area of the sign.

Sec. 27-613. Attached to a building or canopy.

(a) Location.

- (1) In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs may be attached to the walls or roof of a building or to a canopy that is located at least ten feet behind a street line. No signs may be erected on the top of a canopy. No sign shall be erected on a rear wall or canopy attached to a rear wall so that it is visible from any land in any Residential Zone or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan.**

Comment: Three aluminum canopies—with the “TACO BELL” logo in steel-channel lettering above the canopy and with recessed incandescent lamps below—are located above the building front and side entrances and above the drive-through window. Per Section 27-613 (a)(1), no signs may be erected on top of a canopy. The architectural elevations for the new Taco Bell building show three canopy signs for the new building. The applicant is requesting a departure from the above section in order to be permitted to maintain the proposed canopy signs. Staff believes the proposed canopy signs are compatible in style with the architectural design of the building.

(c) Area.

(1) In general.

- (A) The maximum permissible area of building and canopy signs is dependent upon the building or canopy width, the distance between the edge of the canopy and the street line toward which the sign faces, and whether the permissible sign area is divided between the building and the canopy.**

Comment: The proposed architectural elevations show three building signs for the Taco Bell restaurant. The “TACO BELL” logo is 1.25 feet high and 9.12 feet wide.

Section 27-239.01 (b)(8)(A) Departures from Design Standards. This section states that in order for the Planning Board to grant a departure from sign design standards, it shall make the following findings:

- (i) The purposes of this subtitle will be equally well or better served by the applicant's proposal;**

Comment: 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 0.42-acre lot is not part of the integrated shopping center. Although the building setback from the front street line is less than the required setback, the proposed sign will not appear overwhelming from the street. The new Taco Bell building will be 26 feet behind the street line. The applicant is requesting a departure of 14-feet from the 40-foot building setback requirements in order to reface the existing freestanding sign, which has stood in this location for well over 20 years. The

request to allow the Taco Bell signs on top of the three canopies will result in attractive and functional signs that will enhance the commercial streetscape. Staff believes the applicant's request regarding the signs will allow for a visually improved identification of the Taco Bell restaurant uses.

Section 27-102 contains the following purposes for the Zoning Ordinance, which are most relevant to the subject application:

(9) To encourage economic development activities that provides desirable employment and a broad, protected tax base;

Comment: The proposed new Taco Bell will encourage economic development activities that provide desirable employment and contribute to a broad tax base. The applicant proposes to reface the existing freestanding sign without sign relocation. A newly refaced Taco Bell freestanding sign will provide necessary identification for the fast food restaurant use.

(12) To insure the social and economic stability of all parts of the county;

Comment: The existing Taco Bell restaurant has been in business for over twenty years. The new proposed Taco Bell restaurant will not only continue to provide services for the public but will encourage the economic stability of the county.

Section 27-589 contains the purposes for regulating signs

(1) To promote the health, safety, and welfare of the present and future inhabitants of the Regional District;

Comment: The property was developed as a Taco Bell fast-food restaurant. It has been on the site for over twenty years and will have a positive impact on the health, safety, and welfare of the present and future inhabitants of the regional district. The applicant will demolish and rebuild the existing Taco Bell building and construct a new fast-food restaurant that will enhance the health, safety, and welfare of the present and future inhabitants of the regional district. The requested departure for the existing signage location on the subject site will allow for the continued identification of the Taco Bell restaurant use on the site in the same manner as has been in place for over 20 years.

(2) To encourage and protect the appropriate use of land, buildings, and structures;

Comment: The existing sign will continue to allow for adequate identification of the Taco Bell fast-food restaurant use.

(3) To regulate unsightly and detrimental signs which could depreciate the value of property and discourage quality development in the Regional District;

Comment: The applicant is proposing to reface the existing freestanding sign to be compatible with the design of the new building. Redevelopment of the property will increase its value and will encourage quality development in the regional district.

(4) To regulate signs that are a hazard to safe motor vehicle operation;

Comment: The proposed freestanding sign height and size are within the allowed limit and are not a hazard to safe motor vehicle operation.

(5) To eliminate structurally unsafe signs that endanger a building, structure, or the public;

Comment: The existing freestanding sign is a very old one that is not visually compatible with new Taco Bell architectural design features. The proposed sign will be structurally safe and will not 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

Comment: The applicant proposes to reface the existing freestanding sign with a modern sign that will not detract from the scenic qualities of the landscape or the attractiveness of development. The proposed freestanding sign and the three canopy signs will provide necessary identification for the fast food restaurant use on the property.

(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.

Comment: It is proposed that the freestanding sign, which has been present at this location for the past 21 years, be refaced with new sign design. The location, size and design of the proposed sign is adequate to provide identification and advertisement for the Taco Bell restaurant along the northeast quadrant of Annapolis Road (MD 450) and Chesapeake Road intersection and the purposes of this subtitle will be equally well or better served by the applicant's proposal.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

Comment: The proposed building will be 26 feet behind the street line. The applicant's request for a 14-foot departure from the 40-foot required building setback is the minimum necessary given the location of the new building on this relatively small property and the location of the existing freestanding sign.

(iii) 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;

Comment: The subject property has been developed for approximately 40 years and is not part of an integrated shopping center as described in Section 24-614(a)(1). On February 3, 1983, the Taco Bell restaurant was certified as a nonconforming use (Permit #6134-81-CGU). The site was previously a Jack-in-the-Box restaurant beginning in 1976.

On July 19, 2007, the Planning Board approved DSP-06016 for a new 2,580-square-foot Taco

Bell building on the subject site. DSDS-636 was originally submitted with the DSP-06016 application; however, the applicant requested a continuance to the September 20 Planning Board hearing. The freestanding sign for which the subject DSDS has been requested has been in existence since 1982. The subject freestanding sign was shown on the nonconforming use certified plans in 1986.

The existing freestanding sign has two sign permits which were processed and approved in the 1980s for the Taco Bell sign. On November 19, 1982, a permit (#5954-1982-0) to reface the existing freestanding sign was issued for a double-sided Taco Bell sign which measured 56 square feet in size and 24 feet in height. On October 7, 1986, a permit (#8223-1986-0) to reface the "existing pylon sign" was issued for a double-faced Taco Bell sign which is 65 square-feet in size and 25 feet in height.

The subject property has a total of 125 feet of frontage on Annapolis Road and 100 feet of frontage on Chesapeake Road. The applicant proposes to reface the existing Taco Bell freestanding sign along the Annapolis Road frontage. The new Taco Bell building will be 26 feet behind the street line. The applicant's request for a 14 feet departure from the 40-foot required building setback is the minimum necessary given the location of new building on the site. Although the freestanding sign does not appear to have ever been in strict conformance with the Zoning Ordinance because the requirement for a 40-foot building setback dates from at least 1972 and the building has never been set back 40 feet from the street, it is clear that numerous permits have been issued for the freestanding sign since the building was built in 1976. The sign has provided adequate identification for the existing Taco Bell restaurant over the last 20 years. There also are other existing and functioning freestanding signs along the east side of Annapolis Road which appears to be closer to the street than the existing Taco Bell Sign.

The applicant originally requested to reface the existing 65 square feet freestanding sign with a new round top Taco Bell sign which is 69 square feet in size without increasing the height of the sign. However, during the course of the Planning Board hearing the applicant agreed to 64 square-feet freestanding sign. The proposed refacing of the sign will not only provide continued identification for the restaurant but also will be compatible with design of the new Taco Bell building. The circumstances relating to the existing sign on the subject site are unusual in that they appear to reflect numerous instances in which the permitting authorities overlooked the applicable requirement resulting in an uninterrupted 25-year existence for the subject sign. This highly unusual circumstance in the opinion of the staff, is sufficient justification for the Planning Board to make this required finding and grant the requested departure for the freestanding sign. On September 20, 2007, the Planning Board approved a 64 square-foot limit for the freestanding sign and the applicant was in agreement with the board's finding. Thus, a departure from Section 27-614(c)(3)(B) Area is not necessary.

The applicant requested a departure from the requirements of Section 27-613(a)(1) Location, to allow attachment of Taco Bell in steel channel lettering above three canopies will result in attractive and functional signs that will enhance the commercial streetscape. The type of canopies proposed to be attached to the subject building does not present the same problem and esthetic issues as do freestanding canopies which may be the main target of this provision.

(iv) The departure will not impair the visual, functional, or environmental quality or

integrity of the site or of the surrounding neighborhood.

Comment: The requested departure of 14 feet will not impair the visual, functional and environmental integrity of the site and surrounding area. The refaced freestanding sign and canopy signs will provide an attractive design which is compatible with the new Taco Bell restaurant. The proposed renovation and upgrading of the property will enhance the visual quality of the property and the immediate area. In a letter dated January 19, 2005, Annapolis Road Inner Beltway Alliance (ARIBA), the local civic group, stated that renovation of Taco Bell is in line with their mission of providing long-term collaborative leadership toward the economic improvement and revitalization of the Annapolis Road corridor. Staff agrees with ARIBA that remodeling of the subject site could be a catalyst to other improvements along the corridor.

10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments relevant to the DSDS request are summarized as follows:

Historic Preservation: In a memorandum dated January 12, 2007, the Historic Preservation Section stated the subject development will have no effect on historic resources.

Community Planning: In a memorandum dated January 23, 2007, the Community Planning Division stated this application is not inconsistent with the 2002 *Prince George's County Approved General Plan's* Development Pattern policies for the Developed Tier. This application conforms to the retail commercial land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)*.

Transportation: In a memorandum dated January 26, 2007, the Transportation Planning Section offered the following: "Access and circulation remain very similar to the existing site. The plan proposes to demolish the existing fast food restaurant and replace it with the same use of similar size. MD 450 is a master plan arterial, and the existing right-of-way is fully consistent with that recommendation." The Transportation Planning Section had no objection to the requested departure.

Permits: In a memorandum dated January 31, 2007, the Permit Review Section offered numerous comments, which have been either addressed or are part of the recommendation section of this report.

Department of Public Works and Transportation (DPW&T): In a memorandum dated April 4, 2007, DPW&T offered the following:

- A review of the departure from design standards request determined that the new sign to be installed will be on private property and will have no impact on county right-of-way.

Town of Landover Hills: At the time of writing this report no comments had been received from the Town of Landover Hills.

Town of New Carrollton: At the time of writing of this report no comment had been received from the Town of New Carrollton.

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 APPROVE the above-noted application, subject to the following condition:

1. Prior to certificate approval of the detailed site plan, the following item shall be submitted:
 - a. Provide a detail sheet and specification for the 64-square-foot freestanding sign.

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 Clark, seconded by Commissioner Cavitt, with Commissioners Clark, Cavitt and Parker voting in favor of the motion, with Commissioner Vaughns opposing the motion, and with Commissioner Squire abstaining at its regular meeting held on Thursday, September 20, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of October 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:NR:bjs