



DEPARTURE FROM SIGN DESIGN STANDARDS NO. 588

Application	General Data
Project Name Bojangle's (Camp Springs) Location West side of Allentown Road approximately 800' north of Maxwell Avenue, known as 5001 Allentown Road. Applicant Camp Springs, LLC 15942 Shady Grove Road Gaithersburg, Maryland 20877	Date Accepted 06/19/02
	Planning Board Action Limit N/A
	Tax Map & Grid 098 D-2
	Plan Acreage 0.61
	Zone C-S-C
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 76B
	Council District 09
	Municipality None
	200-Scale Base Map 207SE6

Purpose of Application		Notice Dates	
Departure of 67.6 square feet of sign area for a freestanding sign		Adjoining Property Owners 06/18/02 (CB-15-1998)	
		Previous Parties of Record (CB-13-1997)	
		Sign(s) Posted on Site 10/30/02	
		Variance(s): Adjoining None Property Owners	
Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			

November 13, 2002

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board

VIA: Arie Stouten, Zoning Supervisor

FROM: Tom Lockard, Senior Planner

SUBJECT: **Departure from Sign Design Standards Application No. 588**

REQUEST: **Departure of 67.6 square feet of sign area for a freestanding sign**

RECOMMENDATION: **APPROVAL**

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date indicated above. The Planning Board also encourages all interested persons to request to become a person of record in this application. Requests to become a person of record should be made in writing and addressed to the Development Review Division at the address indicated above. Please call 301-952-3530 for additional information.

FINDINGS:

- A. **Location and Field Inspection:** The subject property is 0.6± acre in area and is located on the northwest side of Allentown Road, 800± feet northeast of its intersection with Maxwell Avenue. The site is developed with a building that has been used as a variety of fast-food restaurants over the last 30 years, which is currently undergoing renovation. The site is part of a larger group of uses that was at one time an integrated shopping center. One of the major anchors of that center, a Memco retail store, has been closed for many years and is currently occupied by a church. The property continues to share access to Allentown Road with the church and other nearby retail businesses.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant building	Fast-Food Restaurant
Acreage	0.61 Acre	0.61 Acre

- C. **History:** The building on the site was originally constructed in 1970 as a Jr. Hot Shoppe restaurant. At that time, eating and drinking establishments were permitted uses in the C-S-C Zone. After changing to a Roy Rogers, the use became nonconforming in 1978, when the District Council passed legislation requiring a special exception for fast-food restaurants. In 1990, when the restaurant was sold to Hardees, it was certified as a legally established nonconforming use.

In 1998, the McDonald's Corporation received permission from the District Council to convert the site to a McDonald's restaurant as part of a major site redesign pursuant to SE-4306. The existing building was to be razed and a new building constructed. However, McDonald's subsequently decided not to pursue development of the site.

On November 1, 2001, the Planning Board approved a revision to SE-4306 and a Departure from Parking and Loading Standards (ROSP-SE-4306/1 and DPLS-273, respectively) to allow the building to be converted to a Bojangle's fast-food restaurant.

- D. **Master Plan Recommendation:** The 1981 Master Plan for Subregion VII recommends retail-commercial use for the site.
- E. **Request:** The applicant seeks permission to replace the existing freestanding sign with a new sign comprising 103.85 square feet. This exceeds the permitted sign area by 67.6 square feet.
- F. **Neighborhood and Surrounding Uses:** The site is surrounded by the following uses:

West, Northwest:	A church in the C-S-C Zone
Northeast:	A real estate business and a flea market in the C-S-C Zone.
South, East:	Across Allentown Road is the Andrews Air Force Base in the I-1 Zone.

The neighborhood is defined by the following boundaries:

North, Northwest:	The Capital Beltway (I-495)
Northeast:	Suitland Road

South, Southeast: Allentown Road
West: Auth Road

This neighborhood contains strip-commercial uses along Allentown Road. The southwest corner of the neighborhood near Auth Road is developed with garden apartments and single-family residences in the Andrews Manor subdivision.

G. **Sign Requirements:**

Section 27-614(c)(3)(B) 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 (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 building is not located in an integrated shopping center, other commercial center with three (3) 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 use associated with the sign.

With 145 lineal feet of frontage along Allentown Road, the applicant is permitted 36.25 square feet of freestanding sign area. The applicant is proposing an area of 103.85 square feet for the proposed 25-foot-high, freestanding sign along Allentown Road. A departure of 67.6 square feet is requested.

H. **Required Findings:**

(A) 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.**

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 proposed replacement of the freestanding sign is a part of an overall renovation of the site as it is converted to a Bojangle's fast-food restaurant. This was once a pad site for the Andrew's Manor Shopping Center; however, through the years, it has become a freestanding site as the retail uses in this section of the center converted to other uses (most notably a church and a flea market).

Because the site is no longer considered part of the shopping center, the allowable sign area is predicated on the relatively small amount of road frontage for the restaurant site rather than the much larger shopping center frontage. This discrepancy was also noted when a departure was approved for a 210-square-foot sign in 1993 for the church property that adjoins to the south (DSDS-478). In that case, the Planning Board found that it would be more equitable to consider the church sign as if it were a sign associated with a retail use in a shopping center. The applicant asks that the same consideration be given to their use, although at 103.85± square feet, it is half the size of the church sign.

The increased area is needed to ensure adequate identification and advertising for the restaurant. The restaurant building is set back 130± from the existing lanes of Allentown Road (a 40-foot setback is required to have a freestanding sign), at a lower elevation. In addition, the proposed sign location is approximately 22 feet from the right-of-way, whereas only ten feet are required. This increased setback and change in elevation ensure that the proposed sign will not appear out of scale with surrounding development. The purposes of this Subtitle will be equally well or better served by the applicant's proposal.

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

The departure is the minimum necessary given the specific circumstances of the property, which have changed through the years from a integrated shopping center to a group of separate uses, many of which no longer have a retail character. This has resulted in a "stand-alone" restaurant, at a lower elevation set back much further than would otherwise be required. Because the sign is to be placed more than twice the required distance behind the property line, a smaller sign would not be easily discernable. The sign will contain several lines of changeable copy, which the applicant asserts has become necessary to the industry not only to advertise specials, but as a means to advertise employment opportunities.

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 to alleviate a circumstance unique to this site. The proposed sign is only too large because it is associated with a former pad site that is restricted much more severely than if it was still considered part of the integrated shopping center. That is, if this were still considered part of the shopping center, with its long frontage on Allentown Road, Section 27-614 would allow a 200-square-foot sign, 25 feet tall. The applicant is proposing a sign half this size. The sign satisfies all other design standards.

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

The departure will not impair the visual integrity of the site or surrounding area. The proposed sign is centrally located on the long-stretched frontage with substantial distances from the adjoining properties both to the east and west. The proposed sign will not overwhelm the surrounding area in scale and proportion. Potential adverse impacts arising from the increase in area are minimized by the substantial distances between the proposed sign and the road, the adjoining properties, and other signs in the area.

Moreover, the sign is attractively designed in a manner that complements the design, colors and decorative features of the recently renovated restaurant building. Also, the applicant has provided landscaping at the base of the proposed freestanding sign. The landscaping at the base of the sign further enhances the visual quality of the site and projects an aesthetic appearance.

CONCLUSION:

Based on the preceding analysis and findings, staff recommends APPROVAL of DSDS-588.