

RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Sign Design Standards Application No. DSDS-700, McDonald’s at University Boulevard, requesting approval 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 May 21, 2020, the Prince George’s County Planning Board finds:

- Request:** The site is occupied by an existing restaurant with drive-through service. The applicant is proposing changes to the site layout, in order to accommodate the Maryland State Highway Administration’s (SHA) partial condemnation of the property for installation of Purple Line tracks. The area condemned varies in width, but reaches 22 feet, 7 inches at its widest point, as measured from the existing front property line. Within this area, 12 parking spaces and approximately 10 feet of landscape buffering are to be razed. The existing signage near the driveway entrance will also have to be relocated. The applicant proposes 6 new parallel parking spaces to replace the 12 to be removed; new landscaping at the front of the property, outside the condemnation area; and relocated signage.

The applicant requested this Departure from Sign Design Standards (DSDS-700), in order to allow relocation of the existing freestanding sign 5 feet behind the new post-condemnation right-of-way line. Section 27-614 of the Zoning Ordinance- Freestanding signs, requires a 10-foot setback from the right-of-way line.

In conjunction with this DSDS, the Planning Board approved companion departures DPLS-472 (PGCPB Resolution No. 2020-85) for reducing the number of parking spaces required on-site, and DDS-656 (PGCPB Resolution No. 2020-86) for reducing the amount of landscaping required along MD 193 (University Boulevard).

- Development Data Summary:** The following chart summarizes the approved development for the subject property.

	APPROVED
Zone	C-S-C
Use(s)	Commercial
Total Acreage	1.07
Number of Parcels	2
Gross Floor Area	4,372 sq. ft.

- Location:** The subject site consists of two parcels, known as Parcel A of the Coopersmith Tract (the east parcel), and Parcel A of the Karl M. Hohensee Et Ux Property (the west parcel). The site is in the Commercial Shopping Center (C-S-C) Zone and is located on the north side of MD 193,

approximately 0.5 mile east of its intersection with Riggs Road. The site is accessed from MD 193.

4. **Surrounding Uses:** The subject site is bound on the north and east by other commercial uses in the C-S-C Zone; to the south by MD 193, with additional commercial uses in the C-S-C Zone, and single-family detached dwellings in the One-Family Detached Residential (R-55) Zone beyond; to the west by a gas station in the C-S-C Zone; and to the northwest by transmission line right-of-way, owned by the Potomac Electric Power Company, in the R-55 Zone.
5. **Previous Approvals:** A restaurant with drive-through service has existed on-site since the 1960s. The use became certified nonconforming in 1984, in conjunction with Permit #50520-84U, but is no longer deemed nonconforming, due to the provisions of Section 27-461(b) of the Zoning Ordinance, Footnote 24. Four special exceptions have been approved for renovations of the McDonald's; the first, SE-3527, was approved in 1984 for expansion of the existing restaurant building. The second, SE-4006, was approved in 1993 to add a soft playland. The third, SE-4201, was approved in 1997 to enclose the playland, though this enclosure was never built.

The fourth and current Special Exception, SE-4686, along with associated departures DDS-611, DPLS-361, and DSDS-669, and Alternative Compliance AC-11028, were approved by the Prince George's County District Council in January 2013. SE-4686 authorized razing the existing restaurant building and building a new one of about the same size in a different location on the property. AC-11028 allowed parking and the trash enclosure to be located within the landscape bufferyard required by Section 4.7, Buffering Incompatible Uses, along the northwestern property line. DDS-611 allowed for a departure from the Section 4.7 landscape bufferyard requirement, along the northern and eastern property lines. DPLS-361 allowed a reduction in the number of required parking spaces from 75 to 53, and DSDS-669 allowed the property to retain its existing freestanding sign five feet behind the street line. The previously approved DSDS is discussed further in this resolution in the context of the presently requested one.

An application to revise the current Special Exception SE-4686, known as Revision of Site Plan ROSP-4686-01, was accepted on February 25, 2020 and is pending Planning Director review following the Prince George's County Planning Board approval of the subject departure and its companion cases.

6. **Zoning Ordinance Requirements for Freestanding Signs:** Section 27-614 provides the following freestanding sign regulations, which pertain to the subject site:
 - (a) **Location.**
 - (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 (40) feet behind the front street line. This shall not apply to integrated shopping centers, other commercial centers with three (3) or more businesses served by common and immediate**

off-street parking and loading facilities, industrial centers, or office building complexes.

While the front street line will be moving due to Purple Line construction, the building will remain more than 40 feet behind the front street line. Therefore, a freestanding sign can still be permitted. The property is not in an integrated shopping center, a commercial center with three or more businesses, an industrial center, or an office building complex.

- (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 (10) feet behind the street 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), provided that:**
- (A) **The land area involved has not been, and is not in the process of being, acquired for street purposes;**
 - (B) **The sign is located at least ten (10) feet behind the existing street right-of-way line; and**
 - (C) **A written agreement between the owner and the Department of Permitting, Inspections, and Enforcement assures that the sign will be removed, at the owner's expense, at the time of acquisition of that area for street purposes.**

The applicant requested a DSDS for the location requirements because they propose to locate the property's freestanding sign five feet behind the street line. The street line will not be situated behind the street right-of-way line in this case, and the sign's new location will not be in an area proposed for future street widening. Rather, the applicant proposes moving the sign because its old location is in an area marked for future street widening with the Purple Line.

The site has a previous Departure from Sign Design Standards (DSDS-699), which was approved on April 12, 2012 by the Planning Board and affirmed on January 28, 2013 by the District Council. This departure authorized the property's existing freestanding sign to remain in place five feet behind the street line, so it did not have to move to come into conformance with the sign requirements at that time. With DSDS-700, the applicant now does seek to move the sign, but allow it to retain its position relative to the street line, which is also moving. They are requesting to relocate the sign so it will be five feet behind the new street line.

Departure from Sign Design Standards: When the requested departure is from the permissible locations for a sign, the required findings for approval are set forth in Section 27-239.01(7)(A).

The required findings are shown in **BOLD** below, with staff responses in plain text following:

- (i) **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. Although the required 10-foot setback is not being met, the applicant's goal is to retain the sign in its current position, relative to the front property line. Currently the sign is approved for a 5-foot setback through DSDS-669; the applicant is requesting that once condemnation is complete and the site's front property line is moved back, the setback be allowed to remain at five feet in the sign's revised location. Retention of the existing sign in its current position, relative to the property line, would provide necessary visibility for the use in an appropriate manner, especially since the adjacent vehicular and pedestrian travel lanes will also be undergoing realignment. The height and area of the sign meet the requirements of the Prince George's County Code.

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

The freestanding sign will be positioned so that it is not obstructive to pedestrians and motorists. The applicant is not requesting a departure that is more than necessary; the freestanding sign's noncompliance is a result of SHA's condemnation of the property's frontage.

- (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;**

The requested departure is necessary, in order to alleviate circumstances which are special to the subject property. The departure is necessary to alleviate the applicant from setback violations caused by SHA's partial condemnation (and subsequent reconfiguration of property lines) and to ensure that the site maintains its commercial image. These circumstances are unique to properties which will be affected by Purple Line condemnation proceedings.

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

A freestanding sign is necessary to provide adequate identification for the existing fast-food/drive-through use. The requested departure permits the freestanding sign to continue to communicate the presence of the fast-food

establishment without compromising the character of the surrounding area or overpowering other nearby commercial uses. The freestanding sign in its new location will not have an impairing visual impact on the adjacent residential area, any more than it does in its current location.

Based on the preceding analysis, the required findings for approval set forth in Section 27-239.01(7)(A) are met for DSDS-700.

9. **Further Planning Board Findings and Comments from Other Entities:** The relevant comments submitted from referred agencies were addressed as part of the review of this application. The following referral memorandums were received, and are incorporated by reference herein:

- Community Planning Section, dated March 13, 2020 (Hartsfield to Diaz-Campbell)
- Urban Design Section, dated April 2, 2020 (Bossi to Diaz-Campbell)
- Transportation Planning Section (Trails referral), dated March 9, 2020 (Ryan to Diaz-Campbell)
- Police Department, dated February 19, 2020 (Contic to Development Review Division)
- SHA, dated February 20, 2020 (Woodroffe to Diaz-Campbell)

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 conditions:

1. Prior to approval of permits, a Certificate of Landscape Maintenance shall be submitted, in accordance with Section 1.7 of the 2010 *Prince George's County Landscape Manual*. The new landscape strip plantings and any dead or missing plant material identified for replacement through the Certificate of Landscape Maintenance, shall be shown on the permit plans and installed upon completion of on-site construction activities.
2. Prior to certification of the departure site and landscape plans, the plans shall be revised to:
 - a. In the Zoning Requirements table on the coversheet, provide under "parking stall sizes" information on the regular and compact parallel parking spaces provided.
 - b. In the Zoning Requirements table on the coversheet, under "parking lot requirements," indicate that a departure has been approved, rather than alternative compliance requested.

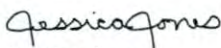
- c. Remove the approval blocks from all sheets. In the lower right corner of the plans, leave a 2-inch square blank space for placement of a new certification block, to be provided by the Development Review Division.
- d. In the general notes of the as-built survey, provide the source of the bearings shown on the plan for the Coopersmith Tract.
- e. In the general notes of the as-built survey, remove Note 4, as there is a known proposed change in the street right-of-way line shown on the plans.
- f. On the landscape plan, ensure no new plant materials are shown within the Maryland State Highway Administration right-of-way, and that old plant materials within the right-of-way are labeled as to be removed.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, May 21, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of June 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY
David S. Warner /s/
M-NCPPC Legal Department
Date: May 29, 2020