

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DSDS-645 requesting a departure from the building setback requirements in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of evidence presented at a public hearing on July 19, 2007, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject 0.29-acre site in the C-O Zone is located on the north side of Powhatan Road at the southwest corner of Kenilworth Avenue and East West Highway in Riverdale Park and is known as 5424 Powhatan Road. The applicant is proposing a 1027-square-foot medical office on this property. The property has approximately 42 feet of frontage along East West Highway, 167 feet of frontage along Kenilworth Avenue, and 70 feet of frontage along Powhatan Road. Access to the property is from Powhatan Road.
- B. **History:** On February 22, 2000, the District Council approved A-9940 to rezone the subject property from the R-55 Zone to the C-O Zone. On March 15, 2007, the Planning Board approved a Detailed Site Plan DSP-05094 and an Alternative Compliance application AC-06020 for a medical office (PGCPB No.07-55). The applicant had proposed a new freestanding sign on the property during the review of the detailed site plan. Since the location of the sign required a departure from sign design standards application, the sign was not approved during the review of the detailed site plan. The Planning Board added a condition of approval requiring that the sign be removed from the site plan drawings so that the applicant can file a departure from sign design standards application. The applicant has therefore submitted the subject application.
- C. **Master Plan Recommendation:** The property is located in an area identified in the 2002 General Plan as the Developed Tier. The vision for the Developed Tier is medium- to high-density mixed use. The application is in conformance with the vision for the Developed Tier and the commercial-office land use recommendations of the 1994 approved Master Plan and Sectional Map Amendment (SMA) for Planning Area 68.
- D. **Request:** The applicant is proposing a freestanding identification sign for the proposed medical practice along Kenilworth Avenue. The proposed wood sign is approximately 15 feet wide and 16 inches high (21.28 square feet). The sign is supported by two 4-foot by 4-foot wooden posts. The total height of the sign is 5.7 feet. The sign lettering, "Pediatric Specialty Center," is in gold color and the background color matches the trim of the proposed building. The sign is setback one foot from the eastern wall of the proposed building, 20 feet from the Kenilworth Avenue ultimate right-of-way, and 80 feet from the nearest adjoining residentially zoned property.

Section 27-614 (a)(1) of the Zoning Ordinance states that in all commercial and industrial zones, a free-standing sign shall only be located on a property where the main building associated with

the sign is located at least 40 feet behind the front street line. The proposed building has a setback of approximately 20 feet along Kenilworth Avenue and approximately 30 feet along Powhatan Road.

The subject departure from sign design standards application is to request a freestanding sign on a property where the proposed building is set back less than 40 feet from the front street line.

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

North—East West Highway and single family residential uses in the R-55 Zone and retail uses in the C-O Zone across from East West Highway

West—Single family residential uses in the R-55 Zone

South—Powhatan Road and single family residential uses in the R-55 Zone

East—Kenilworth Avenue and retail uses in the C-S-C Zone across Kenilworth Avenue

F. **Sign Requirements:**

1. Section 27-614(a)(1) of the Zoning Ordinance states that in all Commercial and Industrial Zones, signs shall only be locate on property where the main building associated with the sign is located at least 40 feet behind the front street line.

The proposed building has a setback of approximately 20 feet along Kenilworth Avenue and approximately 30 feet along Powhatan Road.

The subject departure from sign design standards application is to request a freestanding sign on a property where the proposed building is set back less than 40 feet from the front street line.

2. Section 27-614 (a)(2)In the C-O Zone, signs shall not be located within 50 feet of 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.

The proposed sign is set back more than 80 feet from the nearest adjoining residential zone.

3. Section 27-614(a)(4) states that in all Commercial and Industrial Zones, signs need only be located ten (10) feet behind the street line.

The proposed sign is setback 20 feet from the ultimate right-of-way along Kenilworth Avenue.

4. Section 27-614 (b) states that the maximum height of signs in the C-O Zone shall be eight (8) feet.

The proposed sign is 5.7 feet in height.

5. Section 27-614(c)(2) states that in the C-O Zone, the area of a freestanding sign shall be not more than one square foot for each eight (8) lineal feet of street frontage of the property occupied by the use associated with the property. The area of the sign shall generally be not more than twenty-five (25) square feet.

The area of the proposed sign is 21.28 square feet.

6. Section 27-614 (d)(1) states that in the C-O Zone, only one freestanding on-site sign shall generally be permitted for each office building complex or single office building. If the property has frontage on two parallel streets, one freestanding sign shall be permitted on each street.

The applicant is proposing only one freestanding sign.

7. 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.

The proposed sign will not attract undue attention, will provide for adequate identification and advertisement, and will be compatible with the overall streetscape along Kenilworth Avenue. The overall design of the sign will be subdued and compatible with the commercial use of the

property. A condition of approval has been added to require landscaping along the base of the sign to enhance the appearance of the sign along the street.

G. Referral Comments:

1. The Permit Review Section (memorandum dated May 31, 2007) states that there are no zoning issues at this time.
2. The Historic Preservation and Public Facilities Planning Section (memorandum dated May 7, 2007) states that the subject proposal has no effect on historic resources.
3. The Historic Preservation and Public Facilities Planning Section (memorandum dated May 8, 2007) states that the subject proposal has no effect on public facilities.
4. The Environmental Planning Section (memorandum dated May 29, 2007) states that there are no environmental issues associated with this application.
5. The Urban Design Section (memorandum dated May 15, 2007) states that the proposal must be reviewed for compliance with the conditions of approval of the detailed site plan. During the review of the detailed site plan application for the subject property, the Planning Board added a condition of approval requiring that the sign be removed from the site plan drawing so that the applicant can file a departure from sign design standards application. The Urban Design Review Section has clarified that the intent of the condition was not to prohibit the sign but to require a departure application.
6. The Transportation Planning Section (memorandum dated May 8, 2007) states that the proposed signage is outside any master plan rights-of-way.
7. The Community Planning Division (memorandum dated June 5, 2007) states that the property is located in an area identified in the 2002 General Plan as the Developed Tier. The application is in conformance with the commercial-office land use recommendations of the 1994 approved Master Plan and Sectional Map Amendment (SMA) for Planning Area 68. The Division suggests a wall-mounted sign instead of a freestanding sign.
8. A referral was sent to Riverdale Park. No comments have been received as of this date.

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 subject 0.29-acre lot was originally in a residential zone and later rezoned to a commercial zone. Since the subject lot is very small, it is very difficult to comply with regulations for a commercial zone. 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 Zoning Ordinance requires a ten-foot setback from the right-of-way for freestanding signs. The proposed sign will be set back 20 feet from the right-of-way along Kenilworth Avenue.

Although the subject lot is very small, eight parking spaces and two bioretention ponds must also be provided on the site. In spite of these site constraints, the applicant has provided a sign that is adequate for easy identification of the medical office along Kenilworth Avenue.

Therefore, the location, size and design of the proposed sign is adequate to provide identification and advertisement for the medical office along Kenilworth Avenue and 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 applicant is only requesting a departure from the requirement to allow freestanding signs for properties that have a minimum building setback from the front property line. The departure is being requested because of site constraints. In this case, a building-mounted sign will not provide as much visibility as a freestanding sign along Kenilworth Avenue because it has to be located below the roof of the building or on the entrance canopy. Therefore, a freestanding sign is required to identify the medical office. 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 subject property is not in an area that was developed prior to November 29, 1949. However, it is in an older area of Riverdale Park. Kenilworth Avenue is a busy street. A building-mounted sign will not be adequate to provide easy identification along a busy street. The proposed departure is necessary to help identify the medical office along Kenilworth Avenue.

The irregular shape of the property combined with the limits of the adjoining ultimate rights-of-way and the land area needed to accommodate the bioretention ponds and parking lot do not allow the applicant to meet the required 40 foot building setback.

The departure is therefore necessary to alleviate circumstances that are unique to the site.

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

The size, scale and design of the proposed medical building are compatible with the surrounding residential neighborhood. A building-mounted sign on a small building of residential scale will not be large enough to provide easy identification along a busy street like Kenilworth Avenue. A freestanding sign is necessary to provide adequate identification and advertisement. Due to site constraints, the applicant could not provide a larger setback along the streets for the proposed building.

The size, design and height of the proposed sign are adequate for easy identification. The setbacks for the sign along Kenilworth Avenue ensure that the sign does not appear overwhelming along the street.

There are existing commercial uses at the intersection of East West Highway and Kenilworth Avenue. These uses have freestanding signs along Kenilworth Avenue. The proposed sign will be compatible with the existing freestanding signs. The overall design of the sign will be subdued and compatible with the commercial use of the property. The sign will not attract undue attention, will provide for adequate identification and advertisement, and will be compatible with the overall streetscape along Kenilworth Avenue.

The proposed sign represents a balance between the need to provide adequate identification and the responsibility to control the location and size of signs in a manner that is compatible with land uses in Prince Georges County.

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

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 DSDS-645 for a waiver of the building setback requirements, subject to the following condition:

Prior to certification of the site plan, the applicant shall revise the site plan to show landscaping at the base of the proposed sign.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following 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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, July 19, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of September 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

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