

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 20, 2011, regarding Detailed Site Plan DSP-08067/01 for The Shops at Queens Chillum, the Planning Board finds:

1. **Request:** The subject application proposes new building-mounted and free-standing signage for the existing Giant tenant within the existing commercial strip building, and for the proposed Dunkin Donuts tenant in an existing free-standing building, which require amendments to the mandatory development requirements of the 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone (TDDP)*.

2. **Development Data Summary**

	EXISTING	APPROVED
Zone	C-O/M-X-T/T-D-O-Z	C-O/M-X-T/T-D-O-Z
Use(s)	Commercial Shopping Center	Commercial Shopping Center
Acreage	8.135	8.135
Parcels	Two	Two
Lots	One	One
Building Square Footage/GFA	78,887	78,887

3. **Location:** The site is in Planning Area 68 and Council District 2. More specifically, it is located in the southwest quadrant of the intersection of Queens Chapel Road and Chillum Road.

4. **Surrounding Uses:** The subject property is bounded to the south by two single-family residences in the C-O Zone and beyond that by apartments in the R-10 Zone; to the east by the right-of-way for Queens Chapel Road (MD 500) and beyond it by apartments in the R-10 and R-18 zones and a shopping center in the M-X-T Zone; to the west by a self-storage center and a shopping center in the M-X-T Zone; and to the north by the right-of-way for Chillum Road (MD 501) and beyond it by a gas station and a retail center in the C-S-C Zone.

5. **Design Features:** The shopping center measures a total of 78,887 square feet and is comprised of a main-strip building, with a Giant food store as the anchor tenant, measuring 76,360 square feet, and two pad sites, an 802-square-foot drive-through Checkers restaurant and a 1,725-square-foot former bank that is being converted into a proposed Dunkin Donuts. The site is accessed from a single-access point on the project's Chillum Road (MD 501) frontage and three access points from the Queens Chapel Road (MD 500) frontage. In addition, there is one point of ingress and egress

along the Chillum Road frontage to an alley for truck access. Landscaping of the site, as approved on the original site plan in 1959, was minimal including several landscaped islands containing only shrubs in the parking lot and several trees included on the southwestern portion of the site. The main building sits in the northwestern corner of the site with the proposed Dunkin Donuts building on the eastern side of its southern end, and the Checkers restaurant is in the southeastern corner of the site. Parking for the project is provided on the eastern side of the main building, along its Queens Chapel Road frontage. Additional parking is provided at the southern end of the site surrounding the two pad sites. The somewhat dated architecture was recently modernized and improved by the applicant.

The only improvements proposed with this DSP revision include the removal and replacement of the existing building-mounted signage on the Giant tenant area and the addition of free-standing signage, building-mounted signage and awnings on and around the former bank building, which is to be retrofitted for a Dunkin Donuts. All of this signage is typical for the franchises in regard to colors and style.

#### COMPLIANCE WITH EVALUATION CRITERIA

6. **Zoning Ordinance:** The subject application is for amendments to the signage standards of the July 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone (TDDP)*. As part of a TDDP, the application is subject to Section 27-548.08, Site Plan, of the Zoning Ordinance, which specifies the following required findings:

(1) **The findings required by Section 27-285(b) shall not apply to the T-D-O Zone. Instead, the following findings shall be made by the Planning Board when approving a Detailed Site Plan in the T-D-O Zone:**

(A) **The Transit District Site Plan is in strict conformance with any mandatory requirements of the Transit District Development Plan;**

The subject application proposes new signage only and requests amendments to the TDDP requirements for this as discussed in Finding 7 below.

(B) **The Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Development Plan;**

Further discussion of conformance of the proposed signage with the guidelines and criteria of the TDDP are in Finding 7 below.

- (C) **The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone, and applicable regulations of the underlying zones;**

The subject application proposes revisions to the signage only. Further discussions of conformance of the signage with the purposes of the T-D-O-Z are in Finding 7 below. The regulations for building-mounted and free-standing signage in the underlying M-X-T Zone, Sections 27-613(f)(1) and 27-614(e)(1) of the Zoning Ordinance, allows that the design standards shall be determined by the Planning Board for each development at the time of DSP review as follows:

**In approving these signs, the Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the use to be served, and are in keeping with the remainder of the Mixed Use Zone development and, in the M-X-C Zone, are in conformance with the sign program as set forth in Section 27-546.04(j).**

The proposed signs are appropriate in size, type and design given the existing shopping center's overall suburban nature where the buildings are setback more than 150 feet from the right-of-way line with parking in front. Additionally, although the current site development does not fully exemplify the type of compact, mixed-use development that is envisioned by the TDDP, the proposed signs are similar in nature to what currently exists within the shopping center and can be said to be in keeping with the remainder of the development.

- (D) **The location, size, and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas maximize safety and efficiency, and are adequate to meet the purposes of the Transit District Overlay Zone;**

The subject application proposes revisions to the signage only. Further discussion of the signage meeting the purposes of the T-D-O-Z are in Finding 7 below.

- (E) **Each structure and use, in the manner proposed, is compatible with other structures and uses in the Transit District, and with existing and proposed adjacent development.**

The subject application does not propose any changes to structures or uses; therefore, this requirement does not apply.

- (2) **The applicant may ask the Planning Board to apply development standards which differ from mandatory requirements in the Transit District Development Plan, unless the plan provides otherwise. The Board may**

**amend any mandatory requirements except building height restrictions and parking standards, requirements which may be amended by the District Council under procedures in Part 10A, Division 1. The Board may amend parking provisions concerning the dimensions, layout, or design of parking spaces or parking lots.**

**In approving the Transit District Site Plan, the Planning Board shall find that the mandatory requirements, as amended, will benefit the proposed development and the Transit District and will not substantially impair implementation of the Transit District Development Plan, and the Board shall then find that the site plan meets all mandatory requirements which apply.**

The requested amended requirements are discussed further in Finding 7 below. However, the proposed building-mounted and free-standing signage will benefit the existing shopping center development and the Transit District by allowing the applicable retail tenants to maintain the visibility needed for viable businesses within the existing buildings and site layout. The proposed amended sign requirements will not substantially impair the implementation of the TDDP as these amendments are for replacement signage only, with no other proposed site improvements, and apply only to this site with its suburban-style shopping center layout. Approval of these amended signage requirements is appropriate for this specific site, with this style of development, and would not be appropriate for every other retail site within the T-D-O-Z.

7. ***Conformance with the July 2006 Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone (TDDP):*** The transit district development plan (TDDP) places the Shops at Queens Chillum shopping center in the Retail Commercial Preferred Land Use Plan Category. The applicant has requested modifications from the TDDP development standards for all of the proposed signage. The following provides a discussion of the amendment requests:

- a. **Sign Lighting: Building signs shall be illuminated with external lighting only. Lighting shall provide full cut-off fixtures to reduce sky glow and glare. Flashing, traveling, animated, or intermittent lighting shall be prohibited on the exterior of any building or building sign whether such lighting is of temporary or long term duration.**

The proposed building-mounted Giant signage and the proposed free-standing Dunkin Donuts signage do not meet this requirement because both are internally illuminated; however, neither includes flashing, traveling, animated or intermittent lighting. The applicant has requested an amendment from this requirement and stated that the proposed type of signage is identical to that installed in other shopping centers throughout the county.

The Planning Board agreed with the applicant's assertion that other centers throughout the county have a similar type of internally illuminated signage. Additionally, the Planning Board found that the standard for externally illuminated signage was written for a transit-oriented development that is close to the street and pedestrian-friendly. The existing development on-site does not conform to this type, being of a more suburban, vehicular-oriented nature which necessitates different requirements for signage visibility. The Planning Board approved the requested amendment.

- b. Sign Specifications: Building signage shall be permitted as board signs, cornice signs, blade signs, door signs, awning signs, and window signs only. All other signage, including freestanding signs, shall be prohibited. Sign specifications, typology, and location standards are as follows:**

The proposed building-mounted box signs for Giant and Dunkin Donuts and the free-standing signage do not meet this requirement because they are not board, cornice, blade, door, awning or window signs. The allowed types of building-mounted signage are not feasible on this site given the suburban, vehicular-oriented nature of the buildings and layout. The proposed free-standing signage consists of directional signage and a menu board that are necessary for use of the existing drive-through lane that is adjacent to the former bank building. The Planning Board approved the requested amendment.

- c. Cornice/parapet signs shall be permitted using a masonry or bronze plaque bearing an owner or building's name. These signs shall be placed in the building's cornice/parapet wall or under the eaves and above the upper story windows.**

The proposed building-mounted signs for Giant and Dunkin Donuts do not meet this requirement because, although they are to be located in the cornice or parapet areas, they are not masonry or bronze plaques bearing the owner or building's name. Given the design of the existing buildings and site, which are to remain unchanged, the only visible location for the building-mounted signage from Queens Chapel Road is the cornice or parapet; however, it is also necessary then to have a more substantial sign, rather than just a bronze plaque, in this location in order to maintain the business' visibility along this primary frontage. The Planning Board approved the requested amendment.

- d. Awning/overhang signs shall be permitted within the front face of the awning as illustrated in the reference drawing. Lettering shall be a maximum of five inches high. Awnings/overhangs shall have a minimum ten feet clear height above the sidewalk, a minimum of six feet depth out from the building façade, and the maximum extension shall not protrude over any tree or landscape planting area. Canvas cloth or equivalent (no shiny or reflective materials), metal or glass materials shall be permitted. All other materials shall be prohibited. Internal illumination through the awning/overhang shall be prohibited.**

The proposed awning signs for the Dunkin Donuts do not meet this requirement as they extend only three feet out from the building façade, as opposed to the required six-foot minimum. The requirement as written lends itself to a pedestrian-friendly, transit-oriented development, which is not the style of the existing building and site. A three-foot awning is appropriate given the building location in relation to the sidewalks and right-of-way. The Planning Board approved the requested amendment.

**e. Lettering for all signage shall not exceed 18 inches in height or width and 3 inches in relief.**

The proposed building-mounted signs for Giant do not meet this requirement because they are all taller than 18 inches in height. The existing building, which is not being modified, is setback over 150 feet from Queens Chapel Road, which warrants a larger sign in order to maintain the business' visibility along this primary frontage. The Planning Board approved the requested amendment.

As to conformance with the goals of the July 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone (TDDP)*, they are as follows (TDDP, p. 1):

**The goal of the West Hyattsville TDDP is to provide a clear and predictable path for transit-oriented development (TOD) within the West Hyattsville TDOZ... The 2002 Prince George's County Approved General Plan (page 44) defines TOD as development that actively seeks to increase the transit use and decrease automobile dependency by:**

- **Locating homes, jobs, and shopping closer to transit services;**

The shopping center is located approximately 1,000 feet from the West Hyattsville Metro Station. Allowing existing and proposed retail tenants to provide signage that is appropriate for the scale and layout of the existing buildings will ensure they maintain viable businesses that will offer the residents of the West Hyattsville community more retail choices and job opportunities within close proximity to the metro.

- **Locating the mix of critical land uses (living/working/shopping) in closer proximity to one another; and**

This DSP is not proposing any changes to the shopping center. The sole purpose is to amend the signage requirements contained in the TDDP. As mentioned above, approval of these amendments will allow the retail tenants to maintain visibility along the primary site frontage and help to maintain functionality of the center.

- **Establishing land use/transit linkages that make it easier to use transit (rail and bus).**

As mentioned above, the existing shopping center is in close proximity to the West Hyattsville Metro Station, which makes it easily accessible from the trains and buses en route to and from the metro station.

As stated on p. 4 of the TDDP:

**The main purpose of this plan is to maximize the public benefits from the West Hyattsville Metro Station. The plan sets out primary goals emphasizing the neighborhood, environment, transportation, and low-impact development (LID).**

- **Promote TOD near the Metro Station and create a sense of place consistent with the neighborhood character areas.**

The existing shopping center includes a grocery store, a pharmacy, and restaurants. Allowing the tenants to have signage that maintains visibility and, hence, viability, within the existing shopping center context will be consistent with the neighborhood character area.

- **Ensure that all new development or redevelopment in the transit district is pedestrian-oriented.**

The applicant is not proposing any redevelopment to the existing shopping center.

- **Restore, protect, and enhance the environment by protecting environmentally sensitive areas, minimizing impacts of development, and expanding recreational opportunities and trail and bikeway connections.**

The subject property has no environmentally sensitive areas and proposes no new development. Amendment of the regulations for the signage, will allow the existing and proposed retail tenants to remain viable, which ensures the tenants can stay within the existing shopping center and, thereby, minimizes the impact of development within the area in general.

- **Maximize residential development opportunities within walking distance of the Metro Station.**

As stated above, amending the signage regulations to allow the Giant and Dunkin Donuts tenants to remain viable within the existing shopping center will increase the retail options within walking distance of the Metro Station, thereby attracting customers from the surrounding communities and attracting developers to pursue more residential opportunities nearby.

8. **Conformance to Detailed Site Plan DSP-08067:** Detailed Site Plan DSP-08067 was approved by the Planning Board on July 9, 2009 (PGCPB Resolution No. 09-70) subject to two conditions. Subsequently, the District Council reviewed the case on October 26, 2009, and adopted the Planning Board's resolution, with two conditions, of which the following is applicable to the review of this detailed site plan and warrants discussion as follows:

1. **Prior to signature approval of the plans, the applicant shall revise the plans as follows:**

- a. **The plan shall be revised to provide no less than 10 shade trees in the parking lot and the southern section of the property, and several annual and perennial flower beds in the parking lot, to be approved by the Urban Design Section as designee of the Planning Board.**

The submitted DSP does not show these previously approved shade trees and perennial beds and should be revised to show them. A condition has been included in this approval requiring this to be completed.

- b. **Indicate the correct acreage of the site as 8.135 and that the site is composed of one lot and two parcels.**

The information is listed correctly on the cover sheet of the submitted DSP.

9. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning**—The application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier and that this application conforms with the commercial/retail land use recommendations of the July 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* (TDDP).

The applicant is seeking amendments to the sign standards from the 2006 *West Hyattsville Transit District Development Plan*. The detailed site plan will require the follow amendments:

**DUNKIN' DONUTS**

- (1) **Sign Lighting**

Building signs shall be illuminated with external lighting only.



Since the menu board and directional signage are internally illuminated, an amendment is required. These signs are essential for this type of development. The Planning Board approved an amendment for these internally illuminated signs.

The plan shows 18 inches inline externally illuminated cloud signs, although, the external lighting for the signs are not indicated on the plan. Please indicate the location of the external lighting on the plan.

A condition requiring the addition of details for the external lighting for the cloud signs has been included in this approval.

**(2) Sign Specifications**

Building signage shall be permitted as board signs, cornice signs, blade signs, door signs, awning signs, and window signs only. All other signage, including freestanding signs, shall be prohibited.

Since the menu board and directional signage are freestanding, an amendment is required. These signs are essential for this type of development. The Planning Board approved an amendment for these freestanding signs.

**GIANT**

**(1) Sign Lighting**

Building signs shall be illuminated with external lighting only.

The proposed signs for the Giant logo, trademark, and other signage, while attached to the building, are setback significantly from Queens Chapel Road due to its location and scale. The size and lighting for the proposed signs are essential for this type of development. The Planning Board approved amendments for: internally illuminated signs, and sign lettering in excess of 18 inches.

**(2) Sign Specifications**

Lettering for all signage shall not exceed 18 inches in height or width and 3 inches relief.

The proposed signs for the Giant logo, trademark, and other signage, while attached to the building, are setback significantly from Queens Chapel Road due to its location and scale. The size and lighting for the proposed signs are essential for this type of development. The Planning Board approved amendments for: internally illuminated signs, and sign lettering in excess of 18 inches.

- b. **Permit Review**—Permit Review comments are either not applicable at this time, have been addressed through revisions to the plans, or are addressed through conditions of approval of this detailed site plan.
- c. **Town of Brentwood**—The Town of Brentwood did not provide comments on the subject application.
- d. **City of Hyattsville**—In a letter dated September 21, 2011, the City of Hyattsville indicated that they were unanimously opposed to the subject DSP revision. They stated that the intent of the West Hyattsville TDDP is to plan for and construct pedestrian-oriented development that utilizes Smart Growth principles and that the applicant's requested amendments are in direct conflict with these principles. The City stated that they are particularly concerned that the approval of this request will set precedence for subjugating pedestrian-oriented design standards and prioritizing vehicular design throughout the entire West Hyattsville T-D-O-Z. It was also noted that the Giant supermarket pre-dated the adopted West Hyattsville TDDP, but that the newly constructed pad site, approved through an amendment to the TDDP, is not pre-existing and its inconsistency with pedestrian-oriented design and exceptions should not be made to further this use.

It should be noted that the reference to "newly constructed pad site" in the City's letter is incorrect as aerial imagery shows that both free-standing buildings on-site were existing in 1998. The tenant, Dunkin' Donuts, for the one free-standing building is new and is an allowed use on-site due to the approval of the original Detailed Site Plan DSP-08067, which expanded the T-D-O-Z list of allowed uses for this site. This DSP does not propose any building or site renovations, except for the addition of free-standing and building-mounted signage.

- e. **City of Mount Rainier**—The City of Mount Rainier did not provide comments on the subject application.
  - f. **Town of North Brentwood**—The Town of North Brentwood did not provide comments on the subject application.
9. **Required Finding for Detailed Site Plan:** As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan will, if approved in accordance with proposed conditions, represent a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

Additionally, per Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

**The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.**

No sitework or development is proposed with this detailed site plan (DSP) application; therefore, no preservation or restoration is necessary.

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 Detailed Site Plan DSP-08067/01, subject to the following conditions:

1. Prior to signature approval of the DSP, the applicant shall revise the plans as follows:
  - a. Show the shade trees and perennial beds as approved on Detailed Site Plan DSP-08067.
  - b. Provide specifications and details for the type of external lighting on the Dunkin' Donuts building-mounted cloud signs.


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.

\* \* \* \* \*

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 Cavitt, with Commissioners Squire and Bailey voting in favor of the motion, with Commissioner Cavitt opposing the motion, with Commissioner Washington absent, and with Commissioner Hewlett temporarily absent at its regular meeting held on Thursday, October 20, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10<sup>th</sup> day of November 2011.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date 10/26/11