

MEMORANDUM

To: City Council

From: David J. Deutsch
City Manager

Subject: Resolution #R-13-09 (Consent Agenda)
Departure #BD-01-09
Pointer Ridge Plaza

Date: February 25, 2009

I. Background

Attached is Resolution #R-13-09 recommending approval of a Departure from Sign Design Standards to: validate the current location of the existing free standing sign along U.S. Route 301 (Crain Highway) at the Pointer Ridge Plaza Shopping Center, which is set back ten (10) feet from the right-of-way (r/w); and, to allow the present height of the sign to remain at 33 feet, 8.5 inches. Pursuant to the Prince George's County Zoning Ordinance, free standing signs in Commercial Zones must be set back a minimum of ten (10) feet from a property line (a setback of zero (0) feet exists), and shall not exceed a height of 25 feet (the existing sign is 33 feet, 8.5 inches high). The purpose of the Departures requested is to allow the shopping center owner (PRSC, LLC) to refurbish/reface the existing free standing sign as part of the redevelopment/renovation of Pointer Ridge Plaza.

The Bowie Advisory Planning Board (BAPB) conducted a public hearing on this case on February 10, 2009, and voted unanimously to recommend approval of the requested Departure.

The City Council is authorized to adopt this Resolution via the Variance and Departure procedures granted to the City.

No appeal or oral argument has been filed with the City, nor has any City Council member called up the action of the BAPB recommending approval of the Departure.

II. Recommendation

It is recommended that the City Council approve the attached Resolution #R-13-09.

Attachment

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RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
ADOPTING THE RECOMMENDATION OF THE
BOWIE ADVISORY PLANNING BOARD IN THE
CASE OF #BD-01-09

WHEREAS, the City of Bowie (hereinafter the “City”), pursuant to Ordinance O-24-98 (hereinafter the “Ordinance”), is authorized to hear requests for Departures from the terms of the Prince George’s County Zoning Ordinance (hereinafter the “Zoning Ordinance”) with respect to sign design standards, landscaping requirements, parking and loading requirements and building setbacks; and,

WHEREAS, the City is authorized by the Ordinance to grant an application for a Departure from Sign Design Standards if the Bowie Advisory Planning Board (hereinafter the “BAPB”) makes the following findings pursuant to Section 27-239.01 of the Zoning Ordinance:

(1) The purposes of Chapter 27, Zoning, of the Prince George’s County Code will be equally well or better served by the applicant’s proposal; and,

(2) The Departure is the minimum necessary given the specific circumstances of the request; and,

(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; and,

(4) The Departure will not impair the visual, functional or environmental quality of the site or of the surrounding neighborhood; and

WHEREAS, on January 16, 2009, Matthew C. Tedesco, Attorney for the applicant, PRSC, LLC, submitted an application for a Departure of Sign Design Standards from Sections 27-614(a)(4) and 27-614(b)(1) of the Prince George’s County Zoning Ordinance for a 7.27-acre site, located at 1334 Crain Highway (Pointer Ridge Plaza), Bowie, Maryland, specifically requesting Departures from the Required Setback and Maximum Height of a free standing sign, in order to refurbish/reface the existing free standing sign as part of the redevelopment/renovation of Pointer Ridge Plaza. The applicant is seeking Departures of: ten (10) feet to validate the current location of the existing free standing sign; and eight (8) feet, 8.5 inches from the height requirement to allow the height of the refurbished sign to remain at 33 feet, 8.5 inches; and,

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the Code on January 23, 2009 and a legal notice advertising the public hearing appeared in the local newspaper on January 29, 2009; and,

WHEREAS, the technical staff report recommended **APPROVAL**; and,

WHEREAS, on February 10, 2009, the BAPB conducted a public hearing on the merits of the Departure application, at which the BAPB heard testimony and accepted evidence with respect to whether it can make the necessary findings set forth in the Ordinance to grant a Departure from Sign Design Standards; and,

WHEREAS, at the conclusion of the public hearing on February 10, 2009, the BAPB voted unanimously to approve Departure #BD-01-09, transmitting their recommendation in Resolution #BD-01-09 on February 11, 2009; and,

WHEREAS, the BAPB's recommendation considered the findings and conclusions found in the technical staff report and testimony presented at the public hearing; and,

WHEREAS, pursuant to the City Code, within 15 days of the BAPB's decision, persons of record may file an appeal or a member of the City Council may request oral argument if the BAPB's recommendation either fails to comply with the criteria for approval, or if the recommendation is not unanimous; and,

WHEREAS, no appeal or oral argument has been filed with the City within the 15 day period; and,

WHEREAS, the City Council accepts the following findings of fact recommended by the BAPB, specifically as follows:

1. The Applicant is the owner of certain real property consisting of 7.27 acres located at 1334 Crain Highway, Bowie, Maryland (the "Subject Property").
2. The Subject Property is located in the C-S-C (Commercial Shopping Center) Zone.
3. The Applicant is proposing to refurbish and reface the existing free standing sign in conjunction with the redevelopment of the Pointer Ridge Plaza Shopping Center.
4. The 2006 Approved Master Plan and Sectional Map Amendment (SMA) for Bowie and Vicinity discussed Pointer Ridge Plaza and recognized that it was scheduled for renovation. The SMA retained the site in its current zoning category (C-S-C). A goal for Pointer Ridge Plaza, discussed in the Master Plan, was to promote a high-quality development; an identified strategy in the Plan was to ensure high quality design by recommending that "high-quality, durable, and attractive signage" be provided. The proposed refurbishing/refacing of the sign helps achieve that goal.

WHEREAS, the City Council accepts the following conclusions of law, recommended by the BAPB, specifically as follows:

1. The purposes of Subtitle 27 of the County Zoning Ordinance will be equally or better served by the applicant's proposal. While there are 15 purposes of the County Zoning Ordinance, the most applicable in this

case are to: “protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County;” “implement the General Plan, Area Master Plans, and Functional Master Plans;” and, “lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions”. Granting the Departure requested will not have a negative impact on the other purposes of the County Zoning Ordinance.

2. The Departure is the minimum necessary, given the specific circumstances of the request. To relocate the sign to the required setback or further would impact the on-site traffic circulation pattern, leading to the reconfiguration of travel aisles, rows of parking spaces and parking islands within the parking lot. Relocation of the sign would also cause the electrical supply to the sign to be re-routed, leading to an additional expense and the removal/replacement of parking lot pavement.
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 site was not developed prior to November 29, 1949. However, Pointer Ridge Plaza is unique along this stretch of U.S. Route 301 in that it is not visible from the roadway, and it is obscured from the view of the traveling public by the gas station at the southern corner of the U.S. Route 301/Pointer Ridge Drive intersection. Another set of circumstances that is unique to this property are that the site and existing building are undergoing an extensive renovation. No other properties in the area are experiencing the level of renovation/rehabilitation as the subject site/building.
4. The Departure will not impair the visual, functional, or environmental quality or integrity of the site or the surrounding neighborhood. Approval of the Departure will result in a visually improved and aesthetically-pleasing refurbished sign that will be designed to complement the renovated site/building and will be approximately 102.5 sq. ft. less in area than the existing sign. The height and location of the current sign have been unchanged for many years and have not been visually detrimental to the site or surrounding neighborhood. Granting the Departure to allow the improvement of the sign will enhance the visual quality of the site and will convey a new, fresh look to the building and surrounding area.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Bowie hereby accepts the findings, conclusions and recommendations of the BAPB as to the Departure Application, and adopts Resolution #R-13-09 for #BD-01-09, to **APPROVE** a Departure from Sign Design Standards from Sections 27-614(a)(4) and 27-614(b)(1) of the Prince George’s County Zoning Ordinance, in order that the Applicant be permitted to refurbish/reface the existing free standing sign as part of the redevelopment/renovation of Pointer Ridge Plaza, and validating the current location of the existing free standing sign setback zero (0) feet from the Crain Highway right-of-way, and eight (8) feet, 8.5 inches from the height requirement to allow the height of the current sign to remain at 33 feet, 8.5 inches.

INTRODUCED AND PASSED on this Second day of March 2009, by the City Council
of the City of Bowie.

G. Frederick Robinson
Mayor

Pamela A. Fleming
City Clerk