



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 11-51

File No. DSDS-670

## RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DSDS-670, Brandywine Crossing, Phase II, requesting a departure from sign design standards for building mounted movie theatre signage 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 19, 2011, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The Brandywine Crossing Shopping Center is situated along the northbound side of US 301 (Robert Crain Highway) at its intersection with Timothy Branch Drive and along the west side of Matapeake Business Drive. The property consists of 34.1 acres in the C-S-C Zone. The property is currently vacant and undeveloped.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant	Integrated Shopping Center w/Movie Theater
Acreage	34.1	34.1
Parcels	1	1
Lots	4	4
Square Footage/GFA	None	116,100 sq. ft Integrated Shopping Center including a 60,000 sq. ft. Movie Theater

C. **History:** The subject site was a part of a larger subdivision known as Brandywine 301 Industrial Park (approximately 176.44 acres), which was approved as Preliminary Plan of Subdivision 4-97124 in 1998 (PGCPB Resolution No. 98-84). On July 10, 2008 Preliminary Plan of Subdivision 4-07112 was approved by the Planning Board with 23 conditions for Brandywine Crossing, Phase II (PGCPB Resolution No. 08-106).

The Brandywine Crossing property as a whole has had numerous zoning map amendments that were approved by the District Council. A summary of the recent prior zoning map amendments is provided below:

**September 14, 1993**—The *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B* retained this property in the I-1 (Light Industrial) and I-3 (Planned Industrial/Employment Park) Zones which was approved by County Council Resolution CR-17-1993.

**October 4, 2006**—Zoning Map Amendment A-9980-C (Zoning Ordinance No. 16-2006) approved rezoning 52.78 acres from the I-1 and I-3 Zones to the C-S-C Zone.

**November 20, 2007**—Zoning Map Amendment A-9990-C (Zoning Ordinance 12-2007) approved rezoning 30.35 acres from the I-1 and I-3 Zones to the C-S-C Zone.

**June 29, 2009**—Zoning Map Amendment A-10014-C (Zoning Ordinance No. 10-2009) approved rezoning 3.6 acres from the I-3 Zone to the C-S-C Zone.

**September 11, 2008**—Detailed Site Plan DSP-07076 was approved for a 271,215-square-foot integrated shopping center in the C-S-C (Commercial Shopping Center) Zone (PGCPB Resolution No. 08-122). On July 29, 2010 Detailed Site Plan DSP-07076/01 was approved by the Planning Board (PGCPB Resolution No. 10-82(C)) which reduced the gross floor area (GFA) for Phase II of Brandywine Crossing and relocated the proposed movie theater north of the "T" intersection of Matapeake Business Drive and Timothy Branch Drive. The DSP revision also added an additional 3.6 acres of land that was recently rezoned from the I-3 Zone to the C-S-C Zone per the District Council's approval of Zoning Map Amendment A-10014-C on June 29, 2009 (Zoning Ordinance No. 10-2009).

**April 1, 2009**—Special Exception No. 4612 was approved by the Zoning Hearing Examiner for the Safeway Fueling Station located at the northeast corner of the US 301 and Timothy Branch Drive intersection. A condition of approval of the special exception application required the fueling station to obtain detailed site plan approval prior to the issuance of building permits.

**November 4, 2009**—Detailed Site Plan DSP-06077-04 was approved by the Planning Director for the Safeway Fueling Station.

**March 23, 2010**—The Department of Public Works and Transportation (DPW&T) approved Stormwater Management Concept Plan 11481-2008-01.

- D. **Master Plan Recommendation:** The 2002 *Prince George's County Approved General Plan* locates the subject property in a designated Community Center in the Developing Tier per an amendment to the General Plan that was approved as part of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment (SMA)*. The vision for Centers is mixed residential and nonresidential uses at moderate- to high densities and intensities, with a strong emphasis on transit-oriented development.

The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* recommends commercial land uses that are more compact, transit-supportive and transit-oriented in the center edge area of the Community Center in Brandywine.

- E. **Request:** The applicant proposes building signage for the movie theater consisting of 1,704 square feet. A departure of 1,304 square feet is requested.

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

- North—** Golf cart rental business and other commercial uses in the I-3 and I-1 Zones.
- South—** Timothy Branch Drive, and beyond the Brandywine Crossing Shopping Center (Phase I) in the C-S-C Zone. Further to the south is the Brandywine 301 Industrial Park.
- East—** Matapeake Business Drive, and beyond undeveloped property in the I-1 and M-X-T Zones and the Brandywine 301 Industrial Park.
- West—** Robert Crain Highway (US 301), and beyond the Chaddsford development in the L-A-C and R-M Zones.

G. **Sign Requirements:**

**Section 27-613. Attached to a building or canopy.**

Section 27-613(b)(1) of the Zoning Ordinance states that in all Commercial Zones, no sign shall extend more than 12 feet above the roof line or parapet wall (whichever is higher) of that part of the building to which the sign is attached.

Section 27-613(c)(3)(C) of the Zoning Ordinance states that in all Commercial Zones (except the C-O Zone) if all of the permissible sign area is to be used on any building that is located within an integrated shopping center, the following applies:

- (i) **The area of all of the signs on a building shall be not more than two (2) square feet for each one (1) lineal foot of width along the front of the building measured along the wall containing the principal entrance of each individual place of business to a maximum of four hundred (400) square feet.**

On July 29, 2010 Detailed Site Plan DSP-07076-01 was approved by the Planning Board (PGCPB Resolution No. 10-82(C)). The location, size, height and architectural details for the proposed 60,000-square-foot movie theater were reviewed and approved as part of the detailed site plan. Based on the theater's linear feet of building frontage (372 feet), four hundred square feet of building signage would be permitted, which is the maximum amount of building signage allowed by the Zoning Ordinance for any one building located within an integrated shopping center. The applicant proposes approximately 1,704 square feet of building signage for the movie theater, and a departure of 1,304 square feet is requested.

Along the west elevation (front) of the building, an 876-square-foot building sign (Movieland A Bowtie Cinema) is proposed to extend 12 feet above the roof line, which is the maximum height allowed by Section 27-613(b)(1) of the Zoning Ordinance. The site plans initially submitted by the applicant proposed no screening measures for this sign, and the Urban Design Section was

concerned that the back of the sign would be visible from Matapeake Business Drive, located directly behind the proposed movie theater. In response to those concerns, the applicant submitted a revised sign elevation that includes a precast concrete wall that will be located directly behind the proposed sign in order to screen it from Matapeake Business Drive.

H. **Required Findings:** Section 27-239.01(b)(8)(A) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:

(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 in the county, and to foster the appropriate use of land, buildings and structures. On July 29, 2010, Detailed Site Plan application, DSP-07076-01 was approved by the Planning Board (PGCPB Resolution No. 10-82(C)). The location, size, height and architectural details for the proposed 60,000-square-foot movie theater were reviewed and approved as part of the detailed site plan.

Although the specific building signage for the movie theater was not included or reviewed as part of the DSP approval, the approved detailed site plan did specify the approximate size and locations for "potential signage" on the approved architectural elevations for the movie theater. The sign locations that are now proposed are consistent with the "potential signage" areas that were reflected on the approved detailed site plan.

Changeable marquee signage boards and changeable poster window signs that display upcoming and currently playing movie titles are fairly typical for most movie theaters. Section 27-602(a)(5) of the Zoning Ordinance states that individual sign permits are not required to be renewed every time these signs are altered or changed, however, they do require sign permits to be initially approved for their size and locations. In this instance, 16 changeable window signs totaling 216 square feet, and a changeable marquee sign consisting of approximately 396 square feet were required to be included in the applicant's departure request. Another issue that is requiring the departure for the building signs to be greater than the applicant initially anticipated within their Statement of Justification is due to the crosshatch bracing that the proposed building signage will be attached to. Section 27-591(a) of the Zoning Ordinance allows a 50 percent reduction to apply to letters, figures, and designs that are mounted directly on the architectural face of a building with no other decorative wall work. The applicant has applied the 50 percent reduction to all of the proposed building signs. However, several of the proposed building signs are proposed to be attached to prefinished metal panels that contain very visible crosshatch bracing. Since these signs are not individual letters that are attached directly to the architectural face of the building, they are not entitled to the 50 percent reduction provided within Section 27-591(a) of the Zoning Ordinance, and the entire sign area must be included in the applicant's departure request.

The maximum amount of building signage allowed by the Zoning Ordinance for any one building located within an integrated shopping center is 400 square feet. The applicant proposes

approximately 1,704 square feet of building signage, and therefore, requests a departure for 1,304 square feet. The 60,000-square-foot movie theater will be 60 feet in height and 372 feet in length across the front of the building, and will be located on a corner parcel that has street frontage on both Timothy Branch Drive and Matapeake Business Drive. Due to the large scale of the proposed building, the attached signs proposed by the applicant are not excessive or unsightly and will provide adequate identification and advertisement. As a result, the purposes of this Subtitle will be equally well or better served by the applicant's proposal.

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

The applicant's proposed building signs for the movie theater were found to be generally acceptable. The amount and locations for the proposed building signage were found to be consistent with the "potential sign areas" that were reflected on the approved detailed site plan, DSP-07076-01.

No information has been provided by the applicant regarding the illumination of the building signs. Therefore, a condition has been established to require the illumination notes and details for the proposed building signage prior to the approval of the revised detailed site plan. Due to the large scale of the proposed 60,000-square-foot movie theater building, the attached signs proposed by the applicant were not found to be excessive or unsightly and will provide adequate identification and advertisement. The Planning Board finds the departure for the building signage to be the minimum necessary, given the specific circumstances of the request.

- (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.**

Typically, large buildings are required to contain the necessary equipment and customer seating area that is needed for a movie theater. The approved architecture for the movie theater demonstrates that the proposed 60,000-square-foot building will be 60 feet in height and contain 3,266 seats. The changeable marquee signage and changeable one-sheet poster cases that are used by most movie theaters do not require the approval of sign permits when altered. However, permits are required to be initially approved for all of the changeable signs. Poster window signs and large changeable marquee signs that announce upcoming and now playing movie showings are unique and special to the use of a movie theater. Because a majority of the proposed building signage is proposed to be mounted to steel structure sign frames, and not directly to the face of the building, the 50 percent reduction in sign area that is typically allowed by the Zoning Ordinance for individual letters that are attached directly to the face of a building could not be applied. Because the 50 percent reduction could not be applied in this instance, and because the square footage of the changeable marquee sign and poster window signs were required to be included as part of the proposed building signage for the movie theater, the numbers for the departure request have increased since the time of acceptance. Although no information has been provided by the applicant regarding the illumination of the proposed building signs, the applicant has verbally stated that once the building signs are illuminated, the steel structure frame supporting the signs

would no longer be visible. However, the steel structure support frames would be visible during daylight hours. The Planning Board, therefore, believes the square footage of the entire sign should be included in the applicant's departure request.

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

The departure request for the proposed building signs for the movie theater was found to be acceptable. The amount and locations for the proposed building signs were found to be consistent with the "potential sign areas" that were reflected on Detailed Site Plan DSP-07076-01, which was approved by the Planning Board on July 29, 2010, (PGCPB Resolution No. 10-82(C)). The building will be located within the interior of an integrated shopping center that abuts other commercially-zoned properties to the south and west, and industrial-zoned property to the north and east. Therefore, the building signage will not be visible from any residentially-zoned properties. Due to the large scale of the proposed building and its location within an integrated shopping center, the departure for the building signs will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

- I. **Referral Comments**—None of the referral responses noted any objection to the departure request for the attached building signs.
- J. **At the Public Hearing**—This application includes a departure request for building mounted signage for the movie theater, and for an additional freestanding sign along Robert Crain Highway (US 301). At the public hearing on May 19, 2011, the Planning Board raised concerns about the size and design of the proposed freestanding sign and bifurcated the case by approving the attached buildings signs for the movie theater, and continuing the case as it relates to the freestanding sign to the June 9, 2011 Planning Board Hearing. A separate resolution will be adopted for DSDS-670 as it relates to the freestanding sign subsequent to the June 9, 2011 hearing.

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 in part and continued in part the above-noted application, as specified in finding J above, subject to the following conditions:

- I. Prior to certification, the following revisions shall be made to the site plan;
  - a. Revise the site plan to include the revised sign elevations for the movie theater. Only the two "Movieland" signs that are 14 square feet in sign area each and have letters directly mounted to the architectural face of the building shall receive the 50 percent reduction in accordance with Section 27-591(a) of the Zoning Ordinance.

- b. Remove all references from the site plan relating to the proposed freestanding sign unless the departure request for the proposed freestanding sign is approved by the Planning Board prior to certification.
  - c. Remove the directional sign from the ten-foot public utility easement (PUE).
  - d. Remove "Detailed Site Plan" from the cover sheet and title blocks, and replace with "Departure from Sign Design Standards, DSDS-670."
2. Prior to the approval of sign permits, the applicant shall revise the approved Detailed Site Plan, DSP-07076-01, to include the following:
  - a. Provide color scaled elevation drawings of the building signs with all materials clearly labeled so that the aesthetics of the signs can be properly evaluated.
  - b. Provide details on how the signs will be illuminated and further demonstrate that the building signs will be completely legible when attached to the proposed steel support structures.

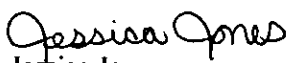
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

\* \* \* \* \*

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 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, May 19, 2011 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9<sup>th</sup> day of June 2011.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:JF:arj

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPPC Legal Department

Date 6/1/11