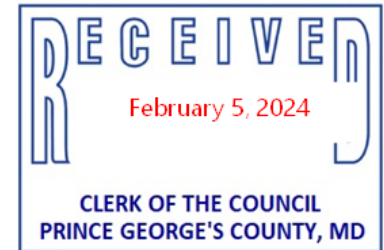




January 29, 2024



MEMORANDUM

TO: Donna J. Brown
Clerk of the Council

FROM: James Hunt, Division Chief
Development Review Division *JPH*

SUBJECT: Notification of Recommendation for Certification of Nonconforming Use

Permit Application Number: **36134-2022-U**

Specific Use(s): **Outdoor Advertising Sign (Billboard)**

Location of Property: **2300 Robert Crain Highway
Upper Marlboro**

Current Zone(s): **O-S**

Sign Posting Date: **October 7, 2023**

Reason for Certification: **Certification of existing outdoor advertising signs is required pursuant to Council Bill 84-2016 which requires that applications for the certification of outdoor advertising signs in existence as of January 1, 2002, be filed no later than December 31, 2023. This outdoor advertising sign was erected in 2000.**

This is to advise that the above-captioned permit application relating to certification of a nonconforming use has been reviewed by this office. It has been found to fulfill the requirements of the Zoning Ordinance for administrative certification of the use in question, and no request for the Planning Board to conduct a public hearing was received within the time



period specified on the public notice sign. Therefore, we are recommending that the use be certified as nonconforming.

Pursuant to Section 27-244(e) of the Zoning Ordinance (as amended by CB-78-1991), the District Council has the option of reviewing this recommendation, provided it votes to do so within 30 days of receipt of the recommendation. If you advise us that the Council has not elected to review this recommendation after expiration of the 30-day period, we will certify this use as nonconforming and transmit that action to the Department of Environmental Resources, so that the permit may be issued.

APPLICATION FORM

DO NOT WRITE IN THIS SPACE

Application No.(s): _____ Planning Board Review Planning Director Review
 Acceptance Date: _____ 70-day limit: _____ Limit waived–New limit: _____
 Posting Waived Posting Date: _____ No. of Signs Posted: _____ Agenda Date: _____
 Application Fee: _____ Posting Fee: _____ Case Reviewer: _____
 Subdivision Development Review Committee Date: _____
 Referral Mail-Out Date: _____ Referral Due Date: _____
 Date of Informational Mailing: _____ Date of Acceptance Mailing: _____

APPLICATION TYPE: NCU Revision of Case # _____ Companion Cases: _____

Payment option: Check (payable to M-NCPPC) Credit Card General Plan Growth Policy:

PROJECT NAME: NCU, Eastern Outdoor NCU-36134-2022-00

Complete address (if applicable) 2300 SE ROBERT CRAIN HWY. UPPER MARLBORO 20774 Tax Account #: 0246967

Geographic Location (distance related to or near major intersection) _____ Police District #: II

Approx. 1,400' North of the intersection of Swanson Road & Crain Hwy.

Total Acreage: <u>23.40 ac.</u>	Aviation Policy Area: <u>n/a</u>	Election District: <u>3</u>
Tax Map/Grid: <u>85/D2</u>	Current Zone(s): <u>O-S</u>	Council District: <u>9</u>
WSSC Grid: <u>204SE14</u>	Existing Lots/Blocks/Parcels: <u>41</u>	Dev. Review District: <u>n/a</u>
Planning Area: <u>6</u>	In Municipal Boundary: <u>n/a</u>	Is development exempt from grading permit pursuant to 32-127(a)(6)(A): <input checked="" type="checkbox"/> Y <input type="checkbox"/> N

(2002) General Plan Tier: Developed Developing Rural Area of proposed LOD: _____

Proposed Use of Property and Request of Proposal:
 Certification of Outdoor Advertising sign as a Non-Conforming Use

Please list and provide copies of resolutions of previously approved applications affecting the subject property:

Applicant Name, Address & Phone:

Eastern Outdoor, Kurt Rutherford
 7115 Rockridge Road
 Baltimore, MD 21207
 410-484-4440

Consultant Name, Address & Phone:

No Limit Land Consulting & Management, LLC
 240-338-0131
 1001 Prince George's Blvd., Suite 700
 Upper Marlboro, MD 20774

Owner Name, Address & Phone:

(if same as applicant indicate same/corporation see Disclosure)
 PARKER ABIGAIL Y
 2300 S E CRAIN HWY
 UPPER MARLBORO MD 20774-8904

Contact Name, Phone & E-mail:

Stephenie Clevenger
 240-338-0131
 nolimitland@icloud.com

SIGNATURE (Sign where appropriate; include Application Form Disclosure for additional owner's signatures)

Abigail Y. Parker

11/09/21
 Date

Owner's Signature typed & signed
 Abigail Y. Parker

Kurt S. Rutherford

11/09/21
 Applicant's Signature typed & signed

Kurt S. Rutherford
 Eastern Outdoor Advertising Co.

Contract Purchaser's Signature typed & signed

Date

Applicant's Signature typed & signed

Date

SUBDIVISION CASES – PRELIMINARY PLAN/CONSERVATION SKETCH PLAN:**Type of Application (Check all that apply)**

Conventional <input type="checkbox"/>	Comprehensive Design <input type="checkbox"/>	Conservation Sketch Plan <input type="checkbox"/>	Pre-Preliminary Plan <input type="checkbox"/>
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Variation, Variance or Alternative Compliance Request(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicable Zoning/Subdivision Regulation Section(s):
---------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------

Total Number of Proposed:
Lots _____ Outlots _____ Parcels _____ Outparcels _____

Number of Dwelling Units: Attached _____ Detached _____ Multifamily _____	Gross Floor Area (Nonresidential portion only):
------------------------------------------------------------------------------	-------------------------------------------------

SUBDIVISION CASES – FINAL PLAT:

Water/Sewer: DER <input type="checkbox"/> Health Dept. <input type="checkbox"/>	Number of Plats:
---------------------------------------------------------------------------------	------------------

CSP/DSP/SDP No.:	WSSC Authorization No.:
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Preliminary Plan No.:

Approval Date of Preliminary Plan:

URBAN DESIGN AND ZONING CASES:

Details of Request: Certification of Outdoor Advertising sign as a Non-Conforming Use	Zoning Ordinance Section(s):
------------------------------------------------------------------------------------------	------------------------------

Total Number of Proposed:
Lots _____ Outlots _____ Parcels _____ Outparcels _____

Number of Dwelling Units: Attached _____ Detached _____ Multifamily _____	Gross Floor Area (Nonresidential portion only):
------------------------------------------------------------------------------	-------------------------------------------------

Variance Request Yes <input type="checkbox"/> No <input type="checkbox"/>	Applicable Zoning/Subdivision Regulation Section(s):
------------------------------------------------------------------------------	------------------------------------------------------

Departure Request Yes <input type="checkbox"/> No <input type="checkbox"/>	Application Filed Yes <input type="checkbox"/> No <input type="checkbox"/>
-------------------------------------------------------------------------------	-------------------------------------------------------------------------------

Alternative Compliance Request Yes <input type="checkbox"/> No <input type="checkbox"/>	Application Filed Yes <input type="checkbox"/> No <input type="checkbox"/>
--------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------

APPLICATION FORM DISCLOSURE

List all persons having at least five percent (5%) interest in the subject property **ONLY required for Special Exception and Zoning Map Amendment Applications.**

Owner(s) Name - printed	Signature and Date	Residence Address

If the property is owned by a corporation, please fill in below.

Officers	Date Assumed Duties	Residence Address	Business Address

Board of Directors	Date Assumed Duties	Date Term Expires	Residence Address	Business Address

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 GOVERNOR ODEN BOWIE DRIVE
UPPER MARLBORO, MD 20772
DEVELOPMENT REVIEW DIVISION
301-952-3530

STATEMENT OF JUSTIFICATION
2300 SE CRAIN HIGHWAY
CERTIFICATION OF NONCONFORMING USE

1. CASE NAME

NCU-36134-2022-00

2300 SE Crain Highway, Upper Marlboro, MD 20774

2. DESCRIPTION OF PROPOSED USE / REQUEST

Eastern Outdoor (the “Applicant”) submits this Statement of Justification for the Certification of an outdoor advertising sign located at 2300 SE Crain Highway, Upper Marlboro, MD 20774 (the “Property”), as a nonconforming use.

3. DESCRIPTION & LOCATION OF THE SUBJECT PROPERTY

The Property is located on the east side of Crain Highway (US Route 301), approximately 1,300 feet north of the intersection of Crain Highway and Swanson Road. Specifically, the Property is located on Map 85, Grid D2, and is approximately 23.4 acres in size. The Property is zoned AG (Agriculture and Preservation).

An outdoor advertising structure is located at the southwest corner of the Property. The outdoor advertising structure is constructed on three low-rise metal pylon poles and contains a single bulletin face that is visible to northbound traffic on Crain Highway. Documentary evidence demonstrates that the structure has existed on the Property since at least 2000.

4. APPLICABLE CODE & REQUIRED FINDINGS

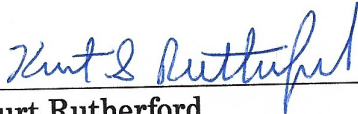
The Applicant is required to certify the outdoor advertising signs located on the Property pursuant to Section 27-3618(c)(3)(D) of Subtitle 27 of the Prince George’s County Code (the “Zoning Ordinance”). Section 27-3618(c)(3)(D) stipulates that “For outdoor advertising signs, if satisfactory documentary evidence described in Section 27-3618(c)(1)(B)(v) is received, the Planning Director shall approve certification of the use as nonconforming for the purpose of issuing applicable permits and certifying the use as nonconforming...” The Applicant has provided satisfactory documentary evidence in accordance with Section 27-3618(c)(1)(B)(v), which demonstrates that the outdoor advertising sign was constructed prior to and has operated continuously since January 1, 2002.

5. VARIANCE REQUESTS & REQUIRED FINDINGS FOR EACH REQUEST

The Applicant is not requesting a variance for the Property.

6. SUMMARY OF REQUEST

The Applicant has provided satisfactory documentary evidence pursuant to Section 27-3620(c)(1)(B)(v). Accordingly, the Applicant respectfully requests that the Planning Director certify the outdoor advertising signs located on the Property as a nonconforming use in accordance with Section 27-3618(c)(3)(D).



Kurt Rutherford
Applicant, Eastern Outdoor

SIGN POSTING AND INSPECTION AFFIDAVIT – PLANNING DIRECTOR REVIEW

I, Stephenie Clevenger, hereby certify that the subject property was posted with
(print or type name)

2 sign(s) on 10/7/2023
(specify number) (date)

Signature: Stephenie Clevenger

Application Number: CNU-36134-2022-00- Name: 2300 SE Crain Hwy

Date: 10/7/2023

Address: 1001 Prince Georges Blvd., Suite 700
Upper Marlboro, MD 20774

Telephone: 240-338-0131

Capacity in which you are acting: agent
(owner, applicant, agent)

NOTE: Take **legible** photograph(s) showing sign(s) in place, (see attached map for posting locations) and return (email) this affidavit and photographs, saved as one PDF to **PGCReferrals@ppd.mncppc.org** Subject: CaseNo-CaseName and “Posting Affidavit”

* * * * *

The affidavit must be received prior to the end of the 20-day (30 days for all CBCA conservation plans) posting period.



Sign 1 & 2 – SE Crain Hwy

CNU-36134-2022-00 - 2300 SE Crain Hwy

Sign posted by: Stephenie Clevenger

Posted on: 10/7/2023



Sign 1 – SE Crain Hwy

CNU-36134-2022-00 - 2300 SE Crain Hwy

Sign posted by: Stephenie Clevenger

Posted on: 10/7/2023

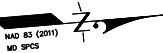
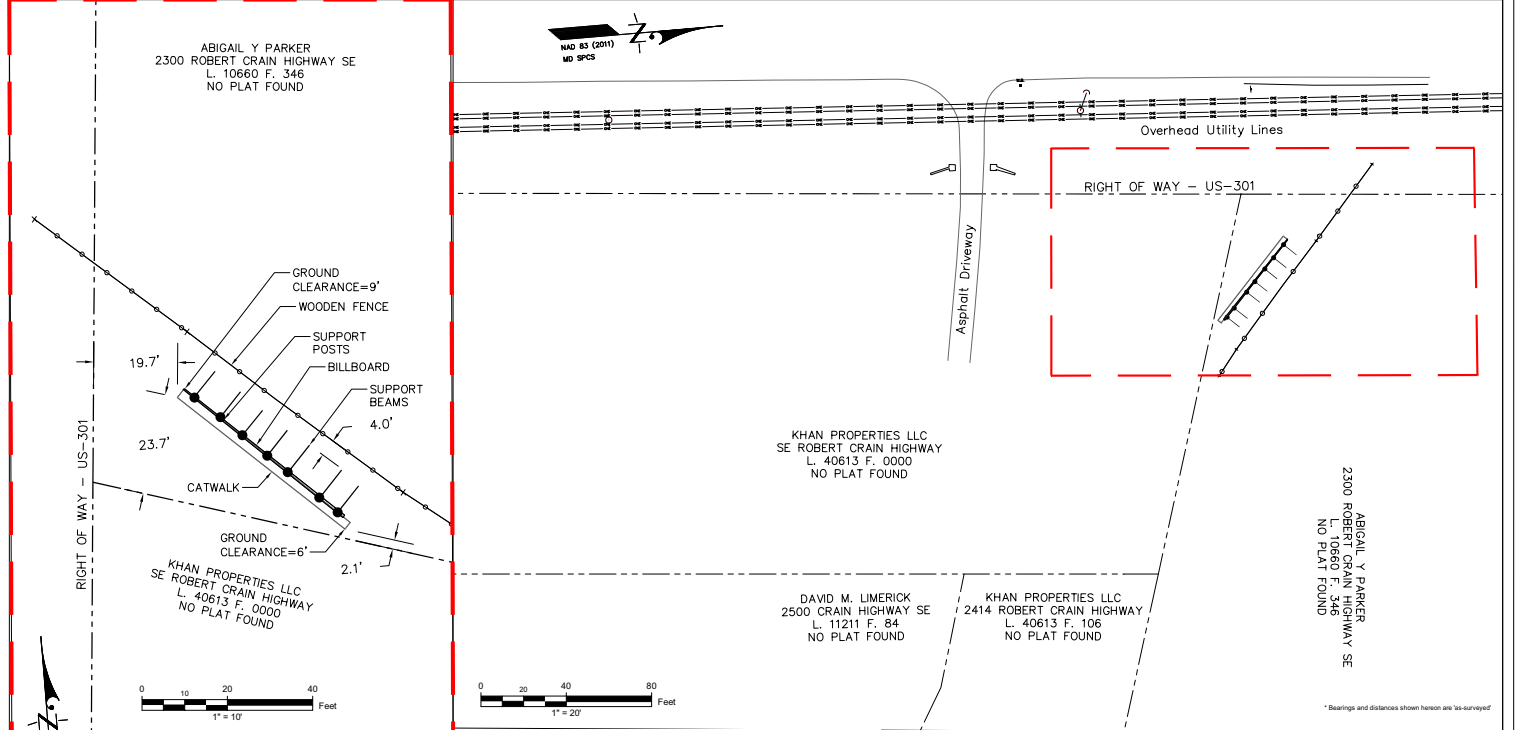


Sign 2 – SE Crain Hwy

CNU-36134-2022-00 - 2300 SE Crain Hwy

Sign posted by: Stephenie Clevenger

Posted on: 10/7/2023



ABIGAIL Y PARKER
2300 ROBERT CRAIN HIGHWAY SE
L. 10660 F. 346
NO PLAT FOUND

GROUND CLEARANCE=9'
WOODEN FENCE
SUPPORT POSTS
BILLBOARD
SUPPORT BEAMS 4.0'
CATWALK
GROUND CLEARANCE=6'
2.1'19.7'
23.7'RIGHT OF WAY - US-301

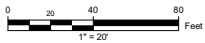
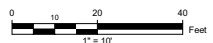
KHAN PROPERTIES LLC
SE ROBERT CRAIN HIGHWAY
L. 40613 F. 0000
NO PLAT FOUND

KHAN PROPERTIES LLC
SE ROBERT CRAIN HIGHWAY
L. 40613 F. 0000
NO PLAT FOUND

DAVID M. LIMERICK
2500 CRAIN HIGHWAY SE
L. 11211 F. 84
NO PLAT FOUND

KHAN PROPERTIES LLC
2414 ROBERT CRAIN HIGHWAY
L. 40613 F. 106
NO PLAT FOUND

ABIGAIL Y PARKER
2300 ROBERT CRAIN HIGHWAY SE
L. 10660 F. 346
NO PLAT FOUND



GENERAL NOTES - 1:
Flood Zone - X (Area of minimal flood hazard)
Source: Flood Map 240300365E
Zone: 0-1 (Current: X0 Proposed)
Zoning Category: Industrial
Tax ID: 03-0349657
Sign Permit: 0704
Parcel: 41
Height of sign tops above ground: 20'
Height of sign bottom above ground: 6'
Height of understructure above ground: 5'
Vertical dimension of sign board: 14'
Horizontal dimension of sign board: 48.0'

GENERAL NOTES - 2:
1. The accuracy of measurements of any physical feature(s) illustrated hereon, and/or their distance to others, is 2".
2. Although the boundary lines are referenced to markers located on site, this drawing does not represent a boundary survey.
3. This drawing is intended for general use by the consumer for certification requirements by the County in which it is situated.
4. This drawing is not to be used for planning or constructing any improvements, structures, fences, etc.
5. No land records or title report were provided at any time during the course of work embodied herein.
6. The bearings are referenced to NAD83 (2011) datum projected on to the Maryland State Plane Coordinate System (MD SPCS).
7. No true elevations were recorded or labeled on this two-dimensional survey. Heights shown are relative to elevation at grade.
8. Public Utility Easement is shown. Property may be subject to other appearances, easements, encumbrances on record.
9. Flood Zone classification was obtained through FEMA Map Service Center at <https://msc.fema.gov/pof/home>
10. Proposed existing zoning classifications are per Prince George's County at <http://constrapp.planning.com/zoning-swipe-tool/>

* Bearings and distances shown hereon are "as surveyed"

<p>OWNER EASTERN OUTDOOR 7115 Rockledge Road Baltimore, MD 21207 Kurt Rutherford (P): (410)-484-4440 (E): info@easternoutdoor.net</p>	<p>The purpose of this drawing is to locate, describe, and represent the position(s) of the billboard and buildings affecting the property shown hereon, being known as: 2300 SE Robert Crain Hwy as described in a deed from Horace M. Parker and Abigail Y. Parker, Trustees, and Horace M. Parker, individually, and thus recorded among the Land Records of Prince George's County, Maryland in Liber 15960, Page 348 on September 29, 2010. I hereby certify that the lines shown hereon are the result of a field run boundary survey as per record description and that all survey work was performed in accordance with a planimetric survey as defined by the Maryland Department of Labor Licensing and Regulations, Board of Professional Surveyors in COMAR 08.13.08.06 and under my direct supervision.</p>		<p>SPECIAL PURPOSE SURVEY 16400 ROBERT CRAIN HIGHWAY BRANDYWINE, MARYLAND 20613 ELECTION DISTRICT 27A PRINCE GEORGE'S COUNTY, MD</p> <p>1395 RICARD DRIVE, SUITE 370 ROCKVILLE, MARYLAND 20850 PHONE: (301) 637-2995 WWW.CVM.COM</p> <p>PROJECT NO. 20211071010 SCALE: AS SHOWN DATE: 06/29/2021 DRAWN BY: XT SHEET 1 OF 1</p>
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