



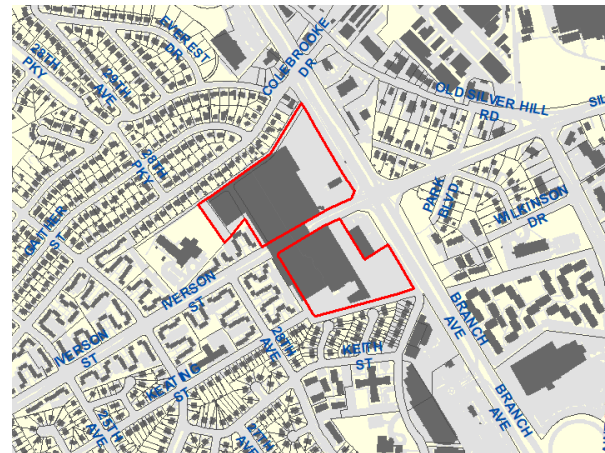
The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

Note: Staff reports can be accessed at <http://mncppc.igm2.com/Citizens/Default.aspx>

Departure from Sign Design Standards DSDS-702 Iverson Mall

REQUEST	STAFF RECOMMENDATION
Departure from the sign height maximum of 25 feet to allow a 40-foot-tall sign.	APPROVAL with conditions

Location: Location: On the west side of MD 5 (Branch Avenue), on both the north and south sides of Iverson Street.	
Gross Acreage:	20.24
Zone:	C-S-C/D-D-O
Gross Floor Area:	N/A
Lots:	0
Parcels:	3
Planning Area:	76A
Council District:	07
Election District:	06
Municipality:	N/A
200-Scale Base Map:	205SE03
Applicant/Address: AWE AR Iverson Mall, LLC 2200 Pennsylvania Ave, 4th Floor Washington, DC 20037	
Staff Reviewer: Thomas Sievers Phone Number: 301-952-3994 Email: Thomas.Sievers@ppd.mncppc.org	



Planning Board Date:	06/04/2020
Planning Board Action Limit:	N/A
Staff Report Date:	05/12/2020
Date Accepted:	03/31/2020
Informational Mailing:	10/07/2019
Acceptance Mailing:	03/25/2020
Sign Posting Deadline:	05/05/2020

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Departure from Sign Design Standards DSDS-702
Iverson Mall

The Subdivision and Zoning staff has reviewed the departure from sign design standards for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION CRITERIA

This departure from sign design standards was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Prince George's County Zoning Ordinance for freestanding signs;
- b. The requirements of prior approvals; and
- c. Referral comments.

FINDINGS

1. **Request:** The applicant is proposing to construct a new freestanding sign at the entrance to the existing shopping center/mall located on the subject site. The sign is proposed to replace an existing outdated sign located on the north side of Iverson Street, along MD 5 (Branch Avenue). The proposed sign consists of two vertical piers anchored in a landscape planter, which will be three feet in height. The opening between the two poles will rise to nearly 15 feet. At that point, sign nameplates will be incorporated to advertise individual tenants. The individual tenant nameplates will be placed in an area approximately six feet in height. A light-emitting diode (LED) display board is proposed above the tenant nameplates and above the LED display board will be the shopping center name, "The Shops at Iverson." In total, the sign will reach 40 feet in height. This is 15 feet higher than the 25-foot height maximum, which is permitted, pursuant to the Prince George's County Zoning Ordinance. Therefore, the applicant is requesting a departure from sign design standards (DSDS) of Section 27-614(b) of the Zoning Ordinance.
2. **Development Data Summary:** The following chart summarizes the approved development for the overall Hillcrest Heights subdivision, which remains unchanged by this application.

	EXISTING
Zone	C-S-C/D-D-O
Use(s)	Commercial/Retail
Total Acreage	20.24
Number of Lots	0
Parcels	3
Outlots	0

3. **Location:** The site is located on the west side of MD 5 (Branch Avenue), on the north and south sides of Iverson Street. More specifically, the sign is located on the subject property in the northwest quadrant of the intersection of MD 5 and Iverson Street. The property comprising the application is known as Parcels A, B, and C as per the plat recorded among the Prince George’s County Land Records, in Plat Book WWW 36, Plat No. 27. In addition, there is a small area of abandoned street right-of-way, which is also part of the site.

4. **Surrounding Uses:** The subject site is improved with a large surface parking lot and commercial buildings totaling 1,499,622 square feet (including parking garages), and is located in the Commercial Shopping Center (C-S-C) and Development District Overlay (D-D-O) Zones, subject to the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* (Southern Green Line Station Area Sector Plan and SMA). The property is located on Tax Map 88 in Grid B-1 and in Planning Area 76A. The subject parcels are bound to the north by commercial and residential uses in the C-S-C/D-D-O and One-Family Detached Residential (R-55) Zones, to the west by multifamily residential uses in the Multifamily Medium Density Residential Zone, to the south by residential and commercial uses in the One-Family Triple-Attached Residential and Commercial Office (C-O) Zones, and to the east by MD 5. Beyond MD 5 are commercial and single and multifamily residential uses in the C-S-C, R-55, and Townhouse Zones, all also within the D-D-O Zone.

5. **Previous Approvals:** In 2008, the Iverson Mall property was zoned C-S-C and upon adoption of the 2008 *Approved Branch Avenue Corridor Sector Plan and Sectional Map Amendment*, pursuant to Prince George’s County Council Resolution CR-86-2008, the property was rezoned to the Mixed Use-Transportation Oriented Zone. However, the property was subsequently rezoned back to the C-S-C Zone, pursuant to the adopted Southern Green Line Station Area Sector Plan and SMA, which was enacted February 2014, pursuant to the adoption of CR-10-2014.

6. **Master Plan Recommendation:** The subject property is located in Planning Area 76A and is within the limits of the Southern Green Line Station Area Sector Plan and SMA. There are no standards contained in the Sector Plan regarding signage, therefore the proposed signage is subject to the signage requirements of Subtitle 27 of the Prince George’s County Code.

7. **Zoning Ordinance Requirements for Freestanding Signs:** Freestanding signs are governed by the provisions of Section 27-614. The applicant submits that the freestanding sign proposed conforms with all regulatory criteria with the exception of its proposed height. Conformance with Section 27-614(a)-(d) regarding location, height, area, and quantity requirements for freestanding signs is analyzed further below.

Section 27-614(a) regulates the location of freestanding signs, as follows:

(a) Location

- (1) In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs shall only be located on property where the main building associated with the sign is located at least forty (40) feet behind the front street line. This shall not apply to integrated shopping centers, other commercial centers with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial centers, or office building complexes.**

Iverson Mall is an integrated shopping center. Therefore, this section is inapplicable. Notwithstanding that fact, the main buildings associated with the mall on both Parcel A and Parcel C are located approximately 300 feet behind the proposed ultimate right-of-way line for MD 5.

Section 27-614(a)(4) further provides:

- (4) Notwithstanding any other provisions of this Subtitle addressing setbacks and yards, in all Commercial and Industrial Zones (except the I-3 Zone), signs need only be located ten (10) feet behind the street line. Where the street line is situated behind the actual existing street right-of-way line, freestanding on-site signs may be temporarily located within the area between the street line and the existing street right-of-way line (the area of proposed future widening of an existing street), provided that:**
- (A) The land area involved has not been, and is not in the process of being, acquired for street purposes;**
 - (B) The sign is located at least ten (10) feet behind the existing street right-of-way line; and**
 - (C) A written agreement between the owner and the Department of Permitting, Inspections, and Enforcement assures that the sign will be removed, at the owner's expense, at the time of acquisition of that area for street purposes.**

In this instance, the proposed ultimate right-of-way line for MD 5 has a greater impact on the property than the existing right-of-way line. Therefore, the applicant is proposing to erect its new freestanding business sign 10 feet behind the proposed ultimate right-of-way line, in order to conform with this provision.

Section 27-614(b) governs the height of freestanding signs, as follows:

(b) Height

- (1) The maximum height of signs shall be as shown in the following table. Measurements are from the finished grade at the base of the sign to the top of the sign.**

ZONE	MAXIMUM HEIGHT (IN FEET)
C-0	8
Commercial Zones (except C-0)	25
Industrial Zones (except I-3)	25
I-3 Zone	Not greater than the lowest point of the roof of any building in the employment park

Pursuant to the height regulations, the freestanding sign is limited to 25 feet in height. Since the applicant is proposing a sign which is 40 feet in height, a departure from this requirement is needed.

DSDS are governed by the provisions of Section 27-612 of the Zoning Ordinance. Pursuant to Section 27-612(d), the Planning Board is authorized to approve DSDS, pursuant to the procedures and requirements set forth in Part 3, Division 5, of the Zoning Ordinance. Therefore, DSDS must satisfy the requirements of Section 27-239.01 of the Zoning Ordinance, which is discussed further below.

Section 27-614(c) regulates the area of freestanding signs. Pursuant to Section 27-614(c)(3)(A), each freestanding sign permitted to advertise an integrated shopping center is regulated, as follows:

(c) Area

- (A) One (1) square foot for each two (2) lineal feet of street frontage, to a maximum of two hundred (200) square feet for each sign, if the building is located in an integrated shopping center, other commercial center with three (3) or more businesses served by a common and immediate off-street parking and loading facilities, industrial center, or office building complex. The street frontage shall be measured on the property occupied by the center or complex associated with the sign; or**

Parcel A alone has approximately 822 lineal feet of street frontage on MD 5. Therefore, even if only Parcel A was considered, a sign area of 200 square feet would be permitted. Since the proposed sign will have only 171.9 square feet of area, it fully complies with the area requirements.

Section 27-614(d) governs the quantity/number of freestanding signs, which may be permitted and provides two options for applying the calculation. Using either formula, the subject site would be entitled to a total of four freestanding signs given the fact that it has a total of approximately 3,201 lineal feet of street frontage on both MD 5 and Iverson Street.

Departure from Sign Design Standards

Section 27-239.01(b)(7)(A) 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.**

Section 27-589(a) of the Zoning Ordinance 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;**

The applicant provides that Iverson Mall once thrived as a major retail center in Prince George’s County. Since 2014, the applicant has been engaged in substantial efforts to re-tenant and revitalize the mall. The sign being proposed utilizes contemporary architectural form. The individual tenant plates will advertise the existence of new tenants in the mall and will alert both residents and motorists to the existence of these retail opportunities. A highlight of the sign will be the LED digital display board above the tenant plates. Here, illuminated messages will appear advertising tenants within the mall. This display board will strictly conform to the illumination standards set forth in Section 27-592 of the Zoning Ordinance. The top panel of the sign will advertise The Shops at Iverson. This new name for the mall will assist in revitalization efforts. MD 5 is a major vehicular thoroughfare running in a north-south direction from Washington, D.C. through Prince George’s County and thereafter into Charles County. Thousands of vehicles traverse this road on a daily basis. The new sign, with its higher elevation, will be more readily seen by motorists and residents in the area and will further promote the resurgence of the mall. Given this fact, it will promote the health, safety, and welfare of present and future inhabitants.

- (2) To encourage and protect the appropriate use of land, buildings, and structures;**

Again, Iverson Mall fell into serious decline. This sign will help to more readily advertise the mall and thus greatly assist in its revitalization. It therefore will have the effect of encouraging and protecting use of the land and buildings associated with the mall.

- (3) To regulate unsightly and detrimental signs which could depreciate the value of property and discourage quality development in the Regional District;**

Iverson Mall could qualify for as many as four freestanding signs, most of which would be permitted to have the maximum

200 square feet of sign area. The proposed sign is only 171.9 square feet in area. Further, as can be seen from a review of the sign illustration filed with this application, the sign utilizes substantial and prominent architectural features. As such, it will be attractive and functional and will in no way present an unsightly or detrimental appearance. Quite the contrary, this sign will certainly add to the value of the mall and other commercial properties in the area.

(4) To regulate signs which are a hazard to safe motor-vehicle operation;

The proposed sign will conform to area and locational requirements. Further, while the sign will be illuminated, it will conform with the illumination requirements of Section 27-592. The applicant submits that this higher sign will actually promote safety since it will be more readily visible to motorists.

(5) To eliminate structurally unsafe signs which endanger a building, structure, or the public;

The proposed sign, being new, will be structurally sound. Therefore, this provision is inapplicable.

(6) To prevent the proliferation of signs that could detract from the scenic qualities of the landscape or the attractiveness of development; and

The mall could, in fact erect as many as four freestanding signs. Since only one sign is being proposed, this will actually prevent a proliferation of signs.

(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 applicant is only proposing a sign of 171.9 square feet, which is much less than the maximum permissible sign area. Further, the sign is set back, as required by the Zoning Ordinance. Therefore, the location and size are proposed in accord with the Zoning Ordinance requirements. That being said, allowing a sign 40 feet in height will provide adequate identification and advertisement for the mall while ensuring compatibility with other land uses in the area.

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

Iverson Mall, comprising over 600,000 square feet of retail space, is a major commercial enclave located on MD 5, which is a divided highway carrying traffic at substantial speeds. The mall is in need of adequate identification through its

freestanding signs. Given that the buildings comprising the mall are set back such a substantial distance from MD 5, visibility and advertising is crucial. Accordingly, the applicant submits a sign, which is 40 feet in height and is the minimum necessary, in order to accommodate the individual tenant plaques, the LED display, and the message to be located at the top advertising the existence of the mall itself. The applicant submits that this request must be viewed in light of the revitalization needs for the mall. It is also important to note that the actual permitted sign area is not being exceeded and the location of the sign will conform to Zoning Ordinance setback requirements. Therefore, in view of the above, the applicant submits that the proposed sign height results in the minimum departure necessary under the circumstances of this case.

(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.

This criterion is not applicable.

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

It must be kept in mind that the sign is being set back in accord with Zoning Ordinance requirements. Further, the proposed ultimate right-of-way line for MD 5 substantially impacts the property. In addition, the sign area requirement is not being exceeded. While a much larger sign would be permitted, the sign being proposed is only 171.5 square feet in area. In addition, the main buildings associated with Iverson Mall are set back over 300 feet from the proposed ultimate right-of-way line of MD 5. This puts the buildings themselves a substantial distance from the road surface of MD 5, thus requiring adequate signage, in order to identify the mall and safely direct patrons. Finally, the sign itself is tasteful in its design. For all of these reasons, the applicant submits that this departure will not impair either visual, functional, or environmental quality of the mall site or of the surrounding neighborhood. This is particularly true, given that residential uses in the neighborhood are generally located behind the mall.

The required findings for a DSDS, to allow a 40-foot-high freestanding sign, have been adequately addressed by the applicant.

8. Referrals: No referral agencies provided any comment or concern that would affect the recommendation of approval for this application. The relevant comments submitted for this application were included in this technical staff report. The following referral memorandum was received, is included as backup to this technical staff report, and adopted by reference herein:

- Permit Review Section, dated April 13, 2019 (Glascoe to Sievers)

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Subdivision and Zoning staff recommends that the Planning Board adopt the findings of this report and APPROVE Departure from Sign Design Standards, DSDS-702 for Iverson Mall, subject to the following condition:

1. Prior to certification of the departure site plan, the plans shall be revised to:
 - a. Clearly demonstrate the location of the freestanding sign on the site plan by darkening the inset line, ensuring legibility of the labeling, and providing dimensions to the abutting rights-of-way.
 - b. Provide the dimensions of each tenant sign panel.

ITEM: 7

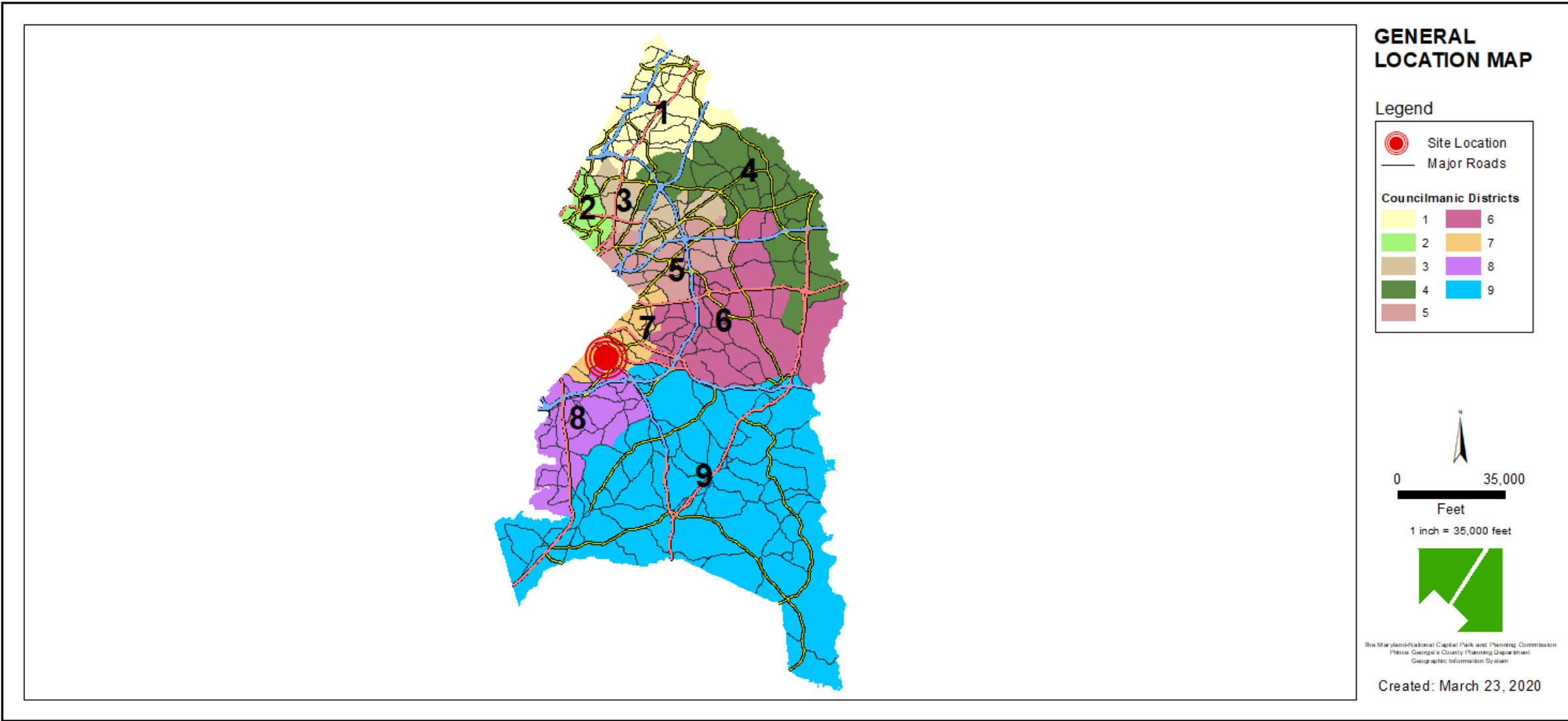
CASE: DSDS-702

IVERSON MALL

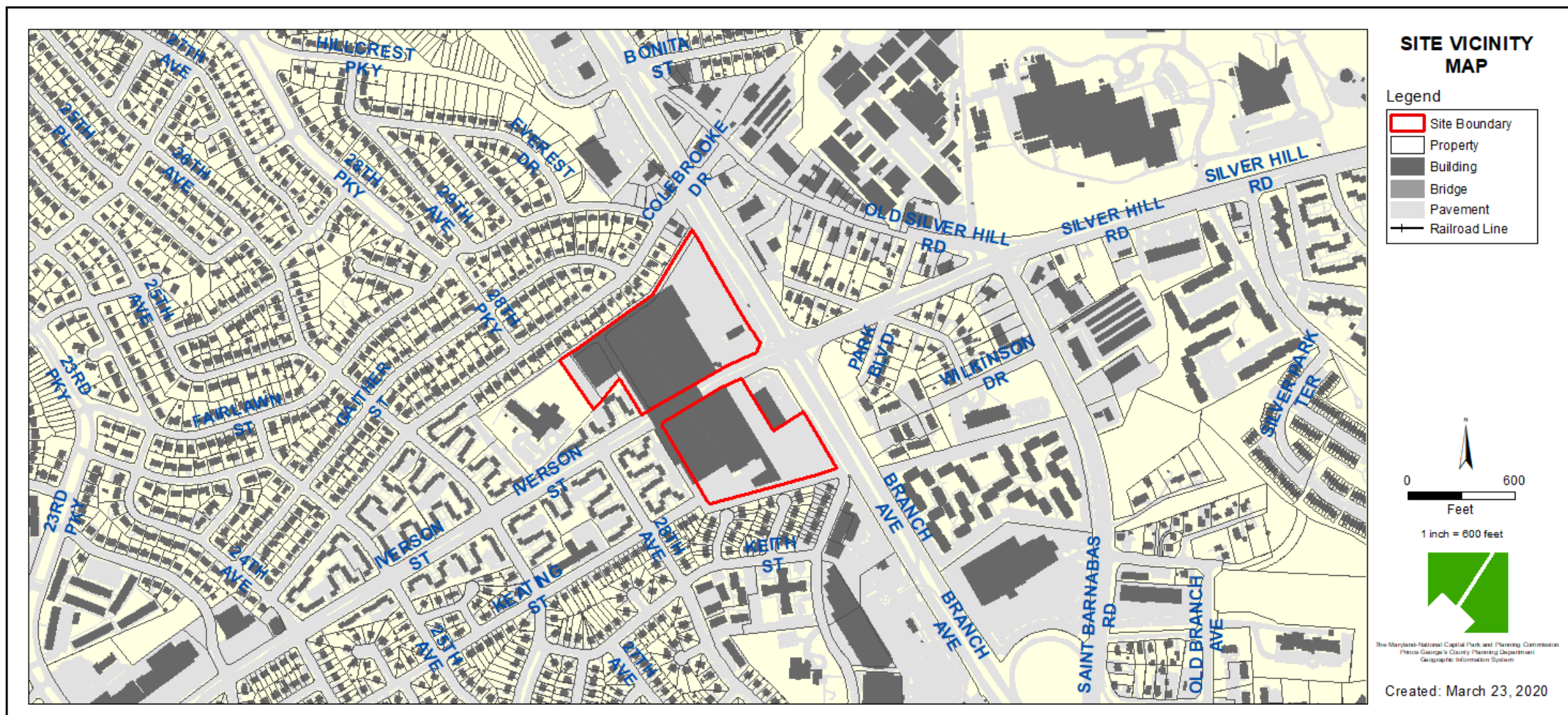
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



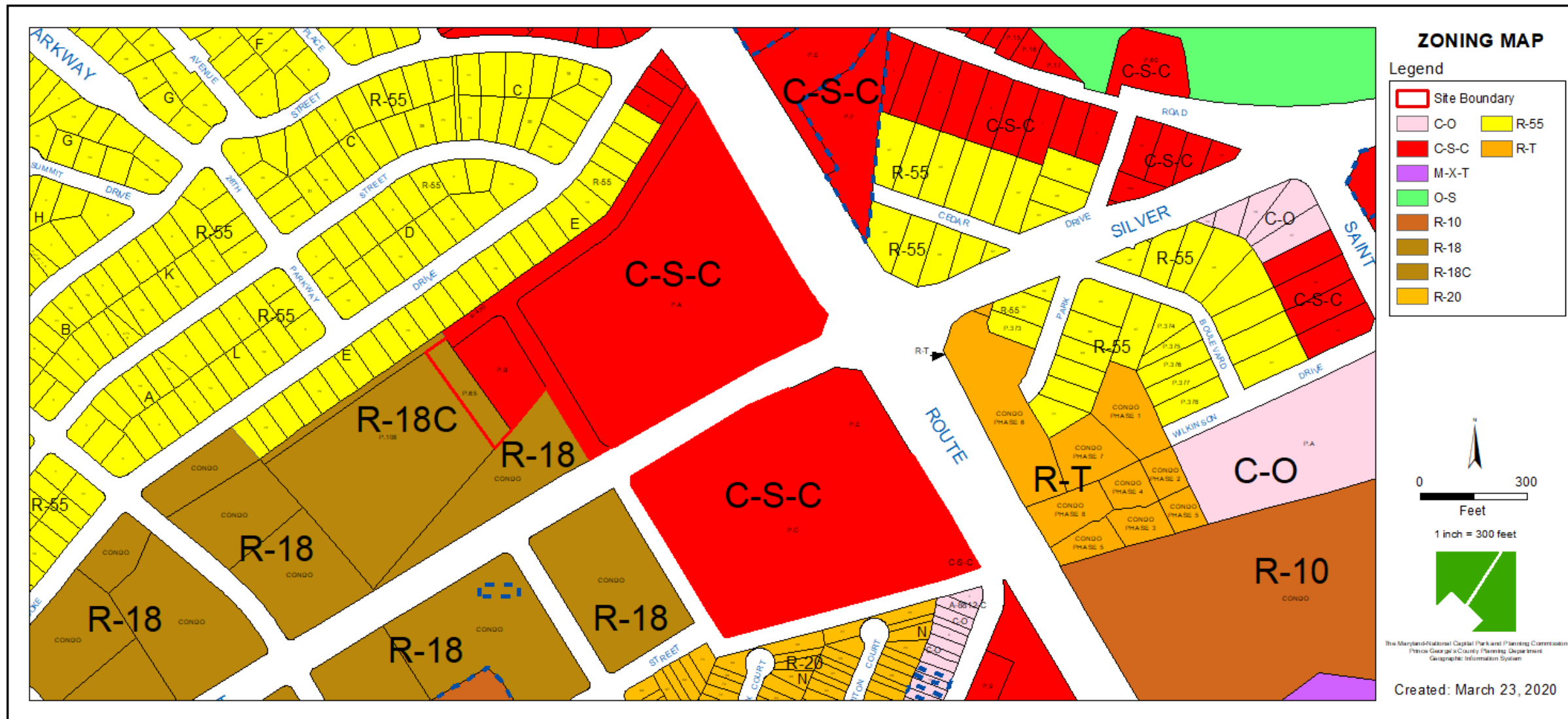
GENERAL LOCATION MAP



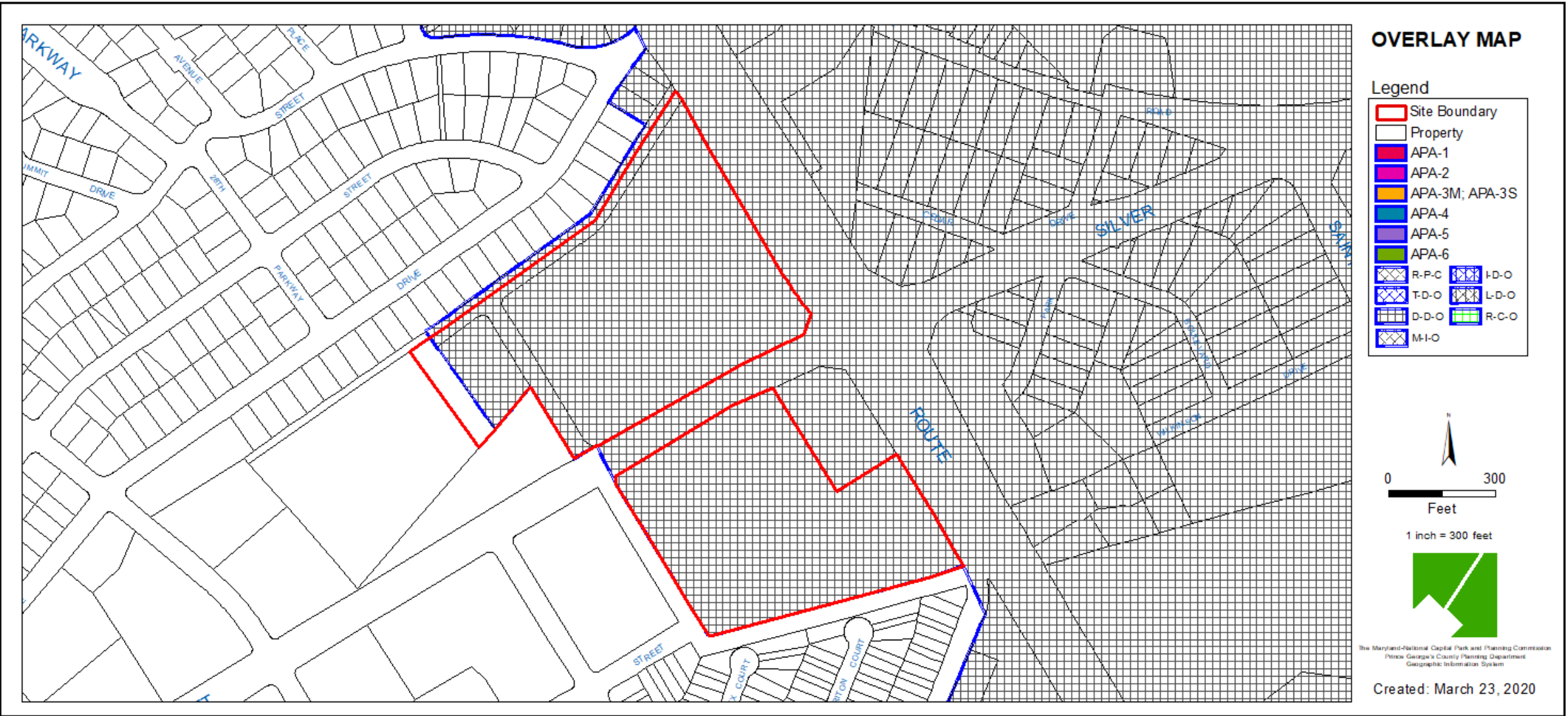
SITE VICINITY



ZONING MAP



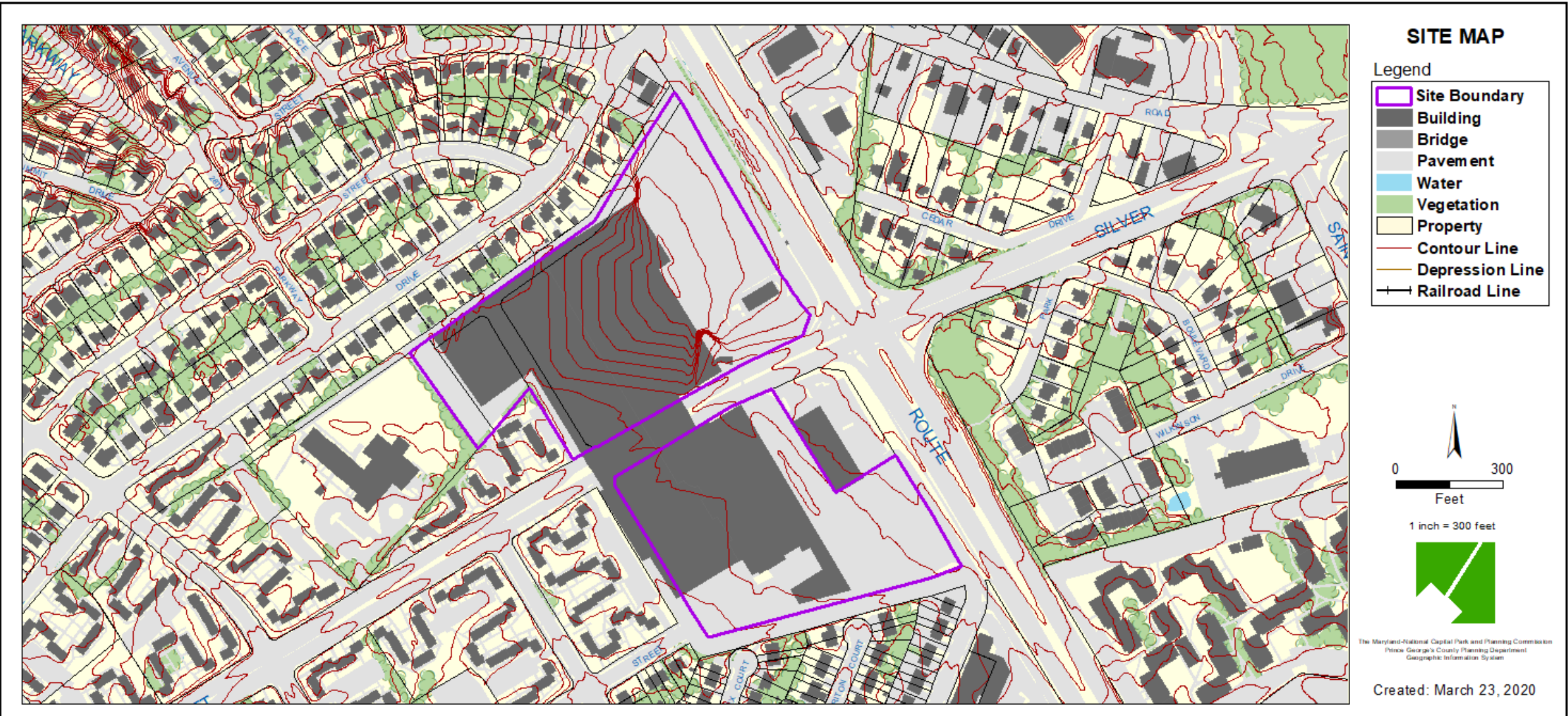
OVERLAY MAP



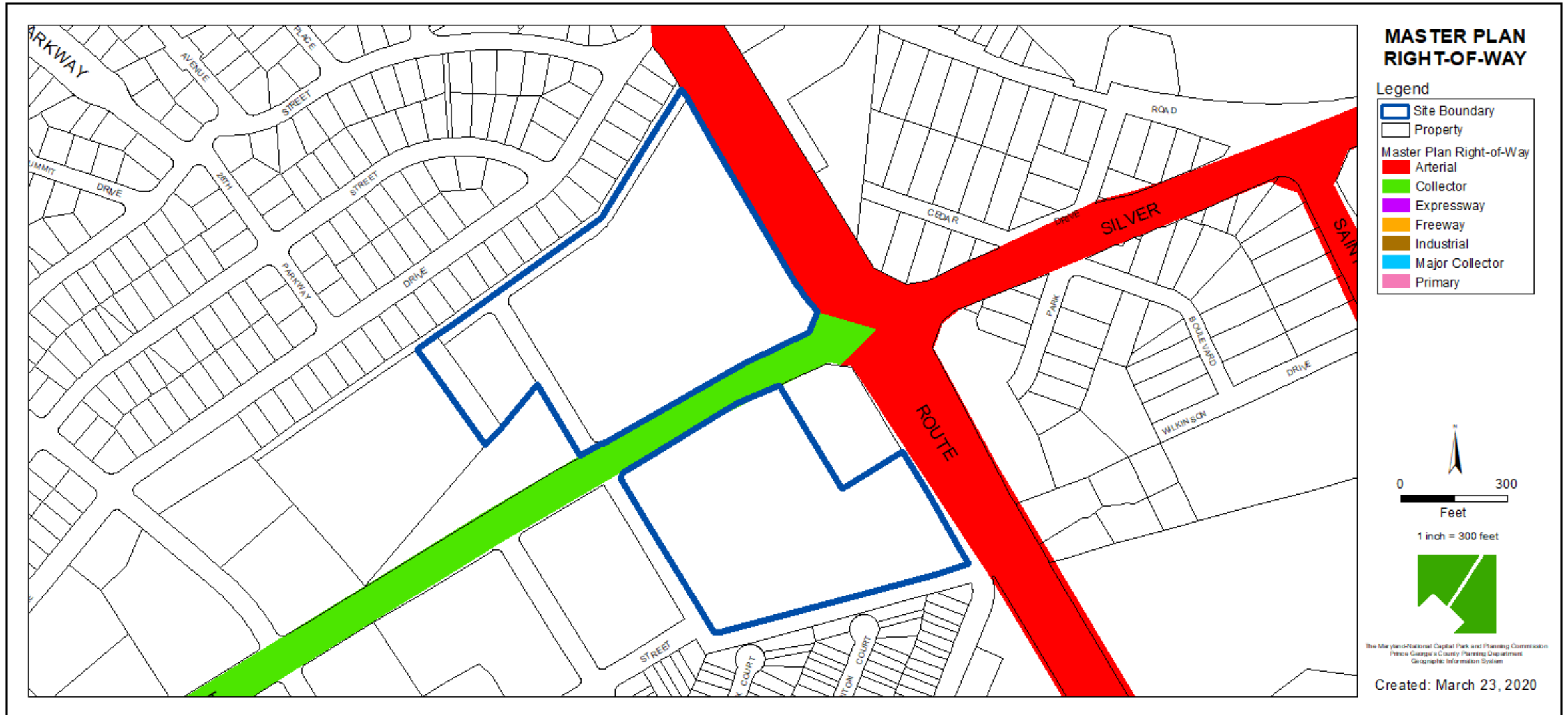
AERIAL MAP



SITE MAP



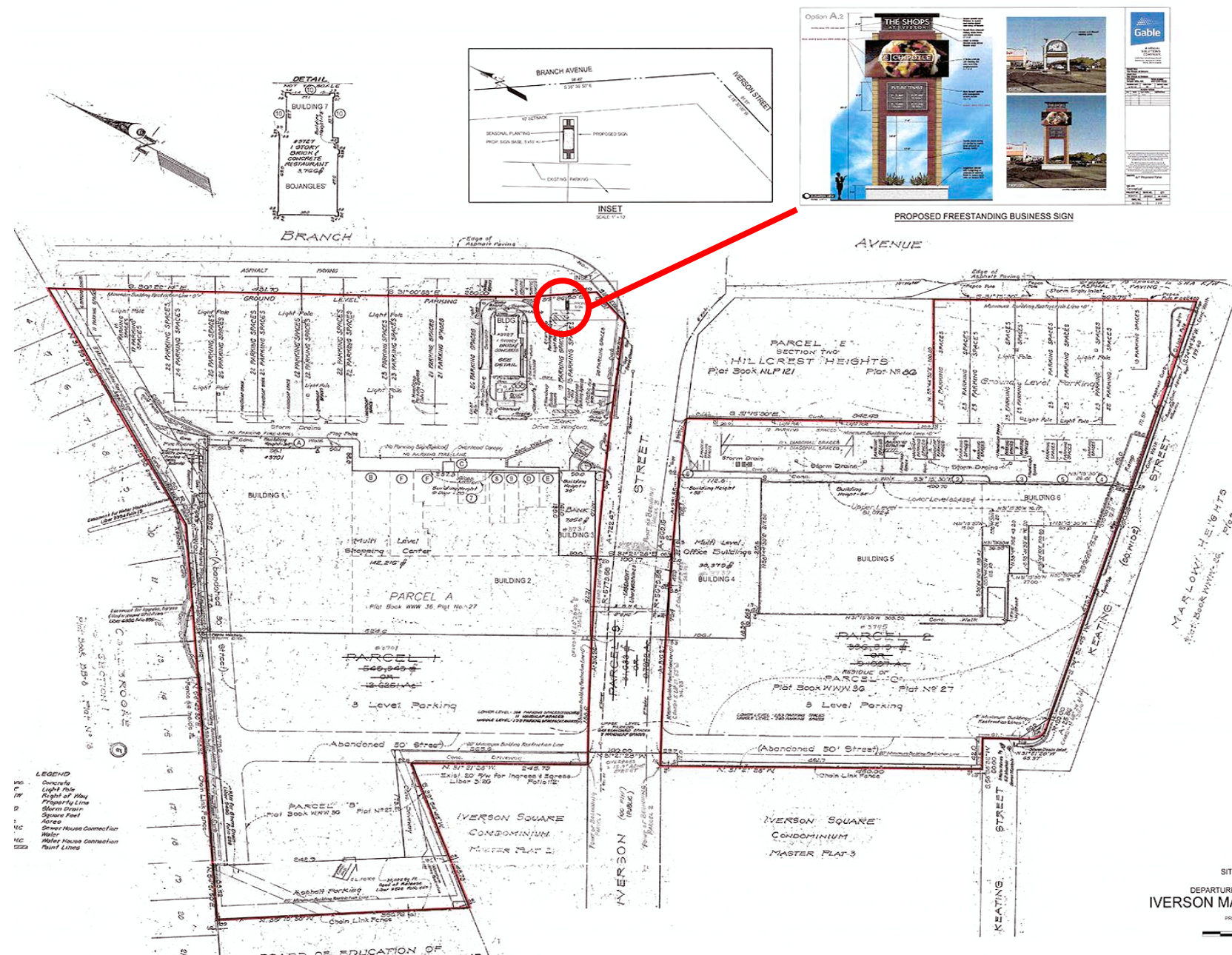
MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW



SITE PLAN



SIGN DETAIL

Option A.2

PROPOSED FREESTANDING BUSINESS SIGN

AMENDED
STATEMENT OF JUSTIFICATION
DEPARTURE FROM DESIGN STANDARDS DDS-702
IVERSON MALL
APPLICANT AND PROPERTY

The applicant for this Departure from Sign Design Standards is AWE AR IVERSON MALL LLC ("AWE"). AWE is also the owner of the property forming the subject matter of this application. The property comprising this application is known as Parcels A, B and C as per plat thereof recorded among the Land Records of Prince George's County, Maryland in Plat Book WWW 36, Plat No. 27. In addition, there is a small area of abandoned street right-of-way. In total, it comprises 20.2426 acres. Together, Parcels A, B and C are improved with a large enclosed retail commercial shopping mall known as Iverson Mall.

Iverson Mall opened for business in approximately 1967. It includes approximately 606,000 square feet of gross floor area. Parcels A and C are bisected by Iverson Street which runs generally in an east-west direction. Parcels A and C also have both frontage and access on Branch Avenue and Iverson Street. A copy of an aerial photograph depicting the Mall as it exists today is marked Exhibit "A" and attached hereto.

Iverson Mall is an enclosed multilevel shopping mall. The front of the Mall is oriented toward Branch Avenue where there is a large surface parking lot. Beyond the surface parking lot are the buildings comprising the mall. Pedestrian access is available from Iverson Street to the lower levels of the mall. In addition, driveways provide vehicular access to structured parking compounds located in the rear of the Mall complex. An

enclosed climate controlled pedestrian bridge provides access across Iverson Street.

For many years, Iverson Mall functioned as a vibrant retail hub within Prince George's County. The Mall space was fully leased by sought after retail tenants including a major anchor department store. Over the course of time, vacancies began to appear and the Mall declined. AWE assumed ownership of the mall in mid-2014. Since that time, it has been engaged in an extensive effort to re-tenant spaces within the Mall and upgrade both the appearance and effectiveness of the property to once again establish it as a vital retail commercial center hub within the County.

ZONING HISTORY

In 2008, the Iverson Mall property was zoned C-S-C. However, upon to the adoption of the Branch Avenue Corridor Sector Plan and Sectional Map Amendment on September 30, 2008, pursuant to CR-86-2008, the Property was rezoned to the M-X-T Zone. Attached as Exhibit "B" is a copy of a letter from the Maryland-National Capital Park and Planning Commission dated October 16, 2008 with an accompanying map. The Iverson Mall property is shown as Change No. 7. However, the property was subsequently rezoned back to the C-S-C Zone pursuant to the adopted and Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment which was enacted in February of 2014 pursuant to the adoption of CR-10-2014.

I am attaching a copy of the Zoning Map marked as Exhibit "C". The Zoning Map, while indicating that the property is zoned C-S-C, also includes the notation "D-D-O". The "D-D-O" designation stands for "Development District Overlay". The overlay was approved as part of the 2014 adoption of the Sector Plan.

SECTOR PLAN DEVELOPMENT STANDARDS

The Southern Green Line Station Area Sector Plan is odd in that the Use Tables, Development Standards, Applicability Standards, Exemptions, etc. are contained in the adopting resolution, (CR-10-2014) and not the text document. While the pages of the Resolution are not numbered, Paragraph 11 of the Resolution deals with "Signs". There, it is provided that signs in a development requiring a Detailed Site Plan will be reviewed as part of the site plan process. However, if a Detailed Site Plan is not required for development, Paragraph 11 provides that signs will be reviewed as part of a sign permit in order to determine compliance with development district standards. In this instance, no development is being undertaken since only a new sign is being erected to replace an existing freestanding sign. Therefore, the proposed freestanding sign must be reviewed within the context of a sign permit application. There are no development district standards which apply to signs in the Southern Green Line Station Area Sector Plan. Therefore, the provisions of the Zoning Ordinance will apply. This was

confirmed in a letter from undersigned counsel to Debra Borden, Esquire, Associate General Counsel for the Maryland- National Capital Park and Planning Commission, dated August 22, 2019. A copy of that letter, along with the pertinent sections from the Sector Plan are marked Exhibit "D" and attached hereto.

NATURE OF THE REQUEST

A freestanding business sign is currently situated near the southeast corner of Parcel A near the intersection of Branch Avenue and Iverson Street. A photograph of the existing freestanding sign is marked Exhibit "E" and attached hereto. As can be seen from a review of the photograph, the freestanding sign is in the form of an arch and advertises only the name "Iverson Mall". As part of AWE's efforts to continue to upgrade the Mall, it proposes to remove the existing sign and to construct a new modern sign in generally the same location as the existing sign. The proposed sign will consist of two vertical piers. The piers will be anchored in a landscape planter which will be three feet in height. The opening between the two poles will rise to almost 15 feet. At that point, sign nameplates will be incorporated to advertise individual tenants. The individual tenant nameplates will be placed in an area approximately six feet in height. Above the individual tenant plates will be an LED display board. Above the LED display board will be the message "The Shops at Iverson". In total, the sign will reach 40 feet in height. This is 15 feet higher than the normal 25 foot

height which is permitted pursuant to the Zoning Ordinance. The area of the sign will be 171.9 square feet. This is less than the theoretical maximum of 200 square feet. Because the height exceeds the normally allowable 25 feet, this Departure from Sign Design Standards is necessitated.

CONFORMANCE WITH STATUTORY CRITERIA

Freestanding business signs are governed by the provisions of Section 27-614 of the Zoning Ordinance. AWE submits that the freestanding sign which it is proposing conforms with all regulatory criteria with the exception of its proposed height.

Section 27-614(a) regulates the location of freestanding signs. Section 27-614(a)(1) provides as follows:

Location.

In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs shall only be located on property where the main building associated with the sign is located at least forty (40) feet behind the front street line. This shall not apply to integrated shopping centers, other commercial centers with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial centers, or office building complexes.

Iverson Mall is an integrated shopping center. Therefore, this section is inapplicable. Notwithstanding that fact, the main buildings associated with the Mall on both Parcel A and Parcel C are located approximately 300 feet behind the proposed ultimate right-of-way line for Branch Avenue.

Section 27-614(a)(4) provides as follows:

Notwithstanding any other provisions of this Subtitle addressing setbacks and yards, in all Commercial and Industrial Zones (except the I-3 Zone), signs need only be located ten (10)

feet behind the street line. Where the street line is situated behind the actual existing street right-of-way line, freestanding on-site signs may be temporarily located within the area between the street line and the existing street right-of-way line (the area of proposed future widening of an existing street), provided that:

- (A) The land area involved has not been, and is not in the process of being, acquired for street purposes;
- (B) The sign is located at least ten (10) feet behind the existing street right-of-way line; and
- (C) A written agreement between the owner and the Department of Permitting, Inspections, and Enforcement assures that the sign will be removed, at the owner's expense, at the time of acquisition of that area for street purposes.

In this instance, the proposed ultimate right-of-way line for Branch Avenue has a greater impact on the Property than the existing right-of-way line. Therefore, AWE is proposing to erect its new freestanding business sign ten (10) feet behind the proposed ultimate right-of-way line in order to conform with this provision.

Section 27-614(c) regulates the area of freestanding signs. Pursuant to Section 27-614(c) (3) (A), each freestanding sign permitted to advertise an integrated shopping center is regulated as follows:

(C) Area.

- (3) In all Commercial Zones (except the C-0 Zone) and all Industrial Zones (except the I-3 Zone), the area of the sign shall be not more than either:
 - (A) One (1) square foot for each two (2) lineal feet of street frontage, to a maximum of two hundred (200) square feet for each sign, if the building is located in an integrated shopping center, other commercial center with three (3) or more businesses served by common and immediate off-street parking and loading

facilities, industrial center, or office building complex. The street frontage shall be measured on the property occupied by the center or complex associated with the sign; or

Parcel A alone has approximately 822 lineal feet of street frontage on Branch Avenue. Therefore, even if only Parcel A was considered, a sign of 200 sq. feet of sign area would be permitted. Since the proposed sign will have only 171.9± sq. feet of area, it fully complies with the area requirements.

Section 27-614(c) governs the quantity/number of freestanding signs which may be permitted. Using either formula which is authorized pursuant to that section, Iverson Mall would be entitled to a total of four (4) freestanding signs given the fact that it has a total of approximately 3,201 lineal feet of street frontage on both Branch Avenue and Iverson Street.

Section 27-614(b) governs height of freestanding signs. That section provides as follows:

(b) Height.

- (1) The maximum height of signs shall be as shown in the following table. Measurements are from the finished grade at the base of the sign to the top of the sign.

ZONE	MAXIMUM HEIGHT (IN FEET)
Commercial Zones (except C-0)	25

Pursuant to the height regulations, the freestanding sign would be limited to 25 feet in height. Since AWE is proposing a sign which is 40 feet in height, a departure from this requirement is needed.

Departures from sign design standards are governed by the provisions of Section 27-612 of the Zoning Ordinance. Pursuant to Section 27-612(d), the Planning Board is authorized to approve departures from Sign Design Standards pursuant to the procedures and requirements set forth in Part 3, Division 5 of the Zoning Ordinance. This section of the Zoning Ordinance governs departures from design standards. Therefore, departures from Sign Design Standards must satisfy the requirements of Section 27-239.01 of the Zoning Ordinance. That section provides that the Planning Board, when considering a departure from Sign Design Standards, must find as follows:

i. The purpose of this Subtitle will be equally well or better served by the applicant's proposal.

RESPONSE: The purposes of the Zoning Ordinance relating to signs are set forth in Section 27.589. They are as follows:

i. To promote the health, safety and welfare of the present and future inhabitants of the Regional District;

RESPONSE: As noted above, Iverson Mall once thrived as a major retail center in Prince George's County. Since 2014, AWE has been engaged in substantial efforts to retenant and revitalize the Mall. The sign being proposed utilizes contemporary architectural form. The individual tenant plates will advertise the existence of new tenants in the Mall and will alert both residents and motorists to the existence of these retail

opportunities. A highlight of the sign will be the LED digital display board above the tenant plates. Here, illuminated messages will appear advertising tenants within the Mall. This display board will strictly conform to the illumination standards set forth in Section 27-592 of the Zoning Ordinance. The top panel of the sign will advertise "The Shops at Iverson". This new name for the Mall will assist in revitalization efforts. Branch Avenue is a major vehicular thoroughfare running in a north-south direction from Washington, D.C. through Prince George's County and thereafter into Charles County. Thousands of vehicles traverse this road on a daily basis. The new sign, with its higher elevation, will be more readily seen by both motorists and residents in the area and will further promote the resurgence of the Mall. Given this fact, it will promote the health, safety and welfare of present and future inhabitants.

ii. To encourage and protect the appropriate use of land, buildings and structures;

RESPONSE: Again, Iverson Mall fell into serious decline. This sign will help to more readily advertise the Mall and thus greatly assist in its revitalization. It therefore will have the effect of encouraging and protecting use of the land and buildings associated with the Mall.

iii. To regulate unsightly and detrimental signs which could depreciate the value of property, and discourage quality development in the Regional District;

RESPONSE: As noted above, Iverson Mall could qualify for as many as four freestanding signs, most of which would be permitted to have the maximum 200 sq. feet of sign area. The proposed sign is only 171.4 sq. ft. in area. Further, as can be seen from a review of the sign illustration filed with this application, the sign utilizes substantial and prominent architectural features. As such, it will be attractive and functional and will in no way present an unsightly or detrimental appearance. Quite the contrary, this sign will certainly add to the value of the Mall and other commercial properties in the area.

iv. To regulate signs that are a hazard to safe motor vehicle operation;

RESPONSE: As described above, the proposed sign will conform to area and locational requirements. Further, while the sign will be illuminated, it will conform with the illumination requirements of Section 27-592. AWE submits that this higher sign will actually promote safety since it will be more readily visible to motorists.

v. To eliminate structurally unsafe signs that endanger a building, structure or the public;

RESPONSE: The proposed sign, being new, will be structurally sound. Therefore, this provision is inapplicable.

vi. To prevent proliferation of signs that could detract from the scenic qualities of the landscape or the

attractiveness of development; and

RESPONSE: As noted above, the Mall could in fact erect as many as four (4) freestanding signs. Since only one sign is being proposed, this will actually prevent a proliferation of signs.

vii. 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.

RESPONSE: AWE is only proposing a sign of 171.9 sq. feet, which is much less than the maximum permissible sign area. Further, the sign is set back as required by the Zoning Ordinance. Therefore, location and size is being proposed in accord with Ordinance requirements. That being said, allowing a sign 40 feet in height will provide adequate identification and advertisement for the Mall while insuring compatibility with other land uses in the area.

ii. The departure is the minimum necessary, given the specific circumstances of the request.

RESPONSE: Iverson Mall, comprising over 600,000 sq. feet of retail space, is a major commercial enclave located on Branch Avenue, which is a divided highway carrying traffic at substantial speeds. The Mall is in need of adequate identification through its freestanding signs. Given that the buildings comprising the Mall are set back such a substantial

distance from Branch Avenue, visibility and advertising is crucial. Accordingly, AWE submits a sign which is 40 feet in height is indeed the minimum necessary in order to accommodate the individual tenant plaques, the LED display, and the message to be located at the top advertising the existence of the mall itself. AWE submits that this request must be viewed in light of the revitalization needs for the Mall. It is also important to note that the actual permitted sign area is not being exceeded and the location of the sign will conform to Zoning Ordinance setback requirements. Therefore, in view of the above, it is submitted that the sign height being proposed does result in the minimum departure necessary under the circumstances of this case.

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.

RESPONSE: This criterion is inapplicable.

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

RESPONSE: It must be borne in mind that the sign is being set back in accord with Ordinance requirements. Further, the proposed ultimate right-of-way line for Branch Avenue substantially impacts the property. In addition, the sign area requirement is not being exceeded. While a much larger sign would be permitted, the sign being proposed is only 171.5 sq. feet in area. In addition, the main buildings associated with the Mall are set back over 300 feet from the proposed ultimate

right-of-way line of Branch Avenue. This puts the buildings themselves a substantial distance from the road surface of Branch Avenue thus requiring adequate signage in order to identify the Mall and safely direct patrons. Finally, the sign itself is tasteful in its design. For all of these reasons, AWE submits that this Departure will not impair either visual, functional or environmental quality of the Mall site or of the surrounding neighborhood. This is particularly true given that residential uses in the neighborhood are in general located behind the Mall.

CONCLUSION

In view of the above, AWE respectfully requests that this Departure from Sign Design Standards be approved as requested.

Respectfully submitted



Edward C. Gibbs, Jr.
Gibbs and Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033

8.5X11_Landscape

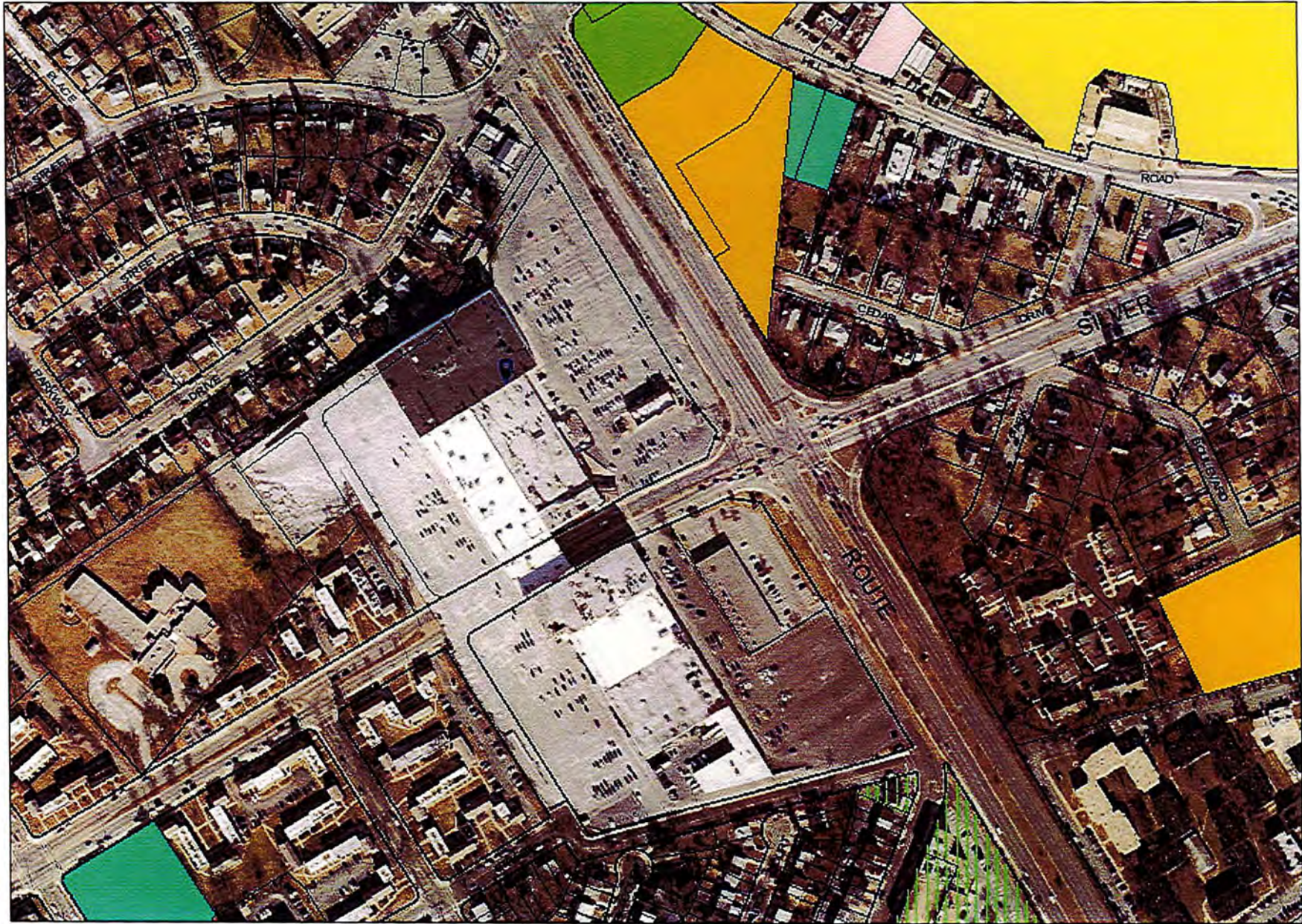
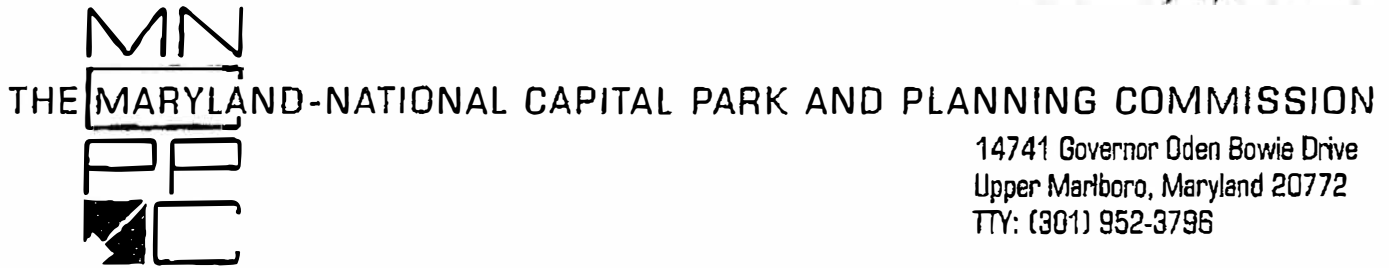


Exhibit "A"

Donner, File - Mall



Prince George's County Planning Department
Community Planning South Division

301-952-3972
www.mncppc.org

October 16, 2008

Dear Property Owner:

This letter is to inform you that the Prince George's County Council approved the rezoning of your property on September 30, 2008, through the approval of the Branch Avenue Corridor Sector Plan and Sectional Map Amendment (SMA) by Council Resolution CR-86-2008. The SMA is intended to implement the land use recommendations of the sector plan. A map of the approved SMA zoning changes is on the reverse of this letter for your information.

You are strongly advised to visit the M-NCPPC Planning Information Services Office, located on the Lower Level of the County Administration Building in Upper Marlboro, or call 301-952-3208 to verify if the existing or proposed use on your property is permitted in the new zone. You can also obtain the same information by visiting http://www.mncppc.org/html/zoning_ordinance.htm for instructions on accessing the Zoning Ordinance. Uses permitted in the C-S-C Zone (Section 27-461) and the M-X-T Zone (Section 27-543) are found in the Prince George's County Zoning Ordinance.

The approved plan and SMA, when published, will be available for a fee from the M-NCPPC Planning Information Services Office. Until then, unpublished copies of the Adopted Branch Avenue Corridor Sector Plan and Endorsed Sectional Map Amendment and the resolution of approval are available free of charge at the same location.

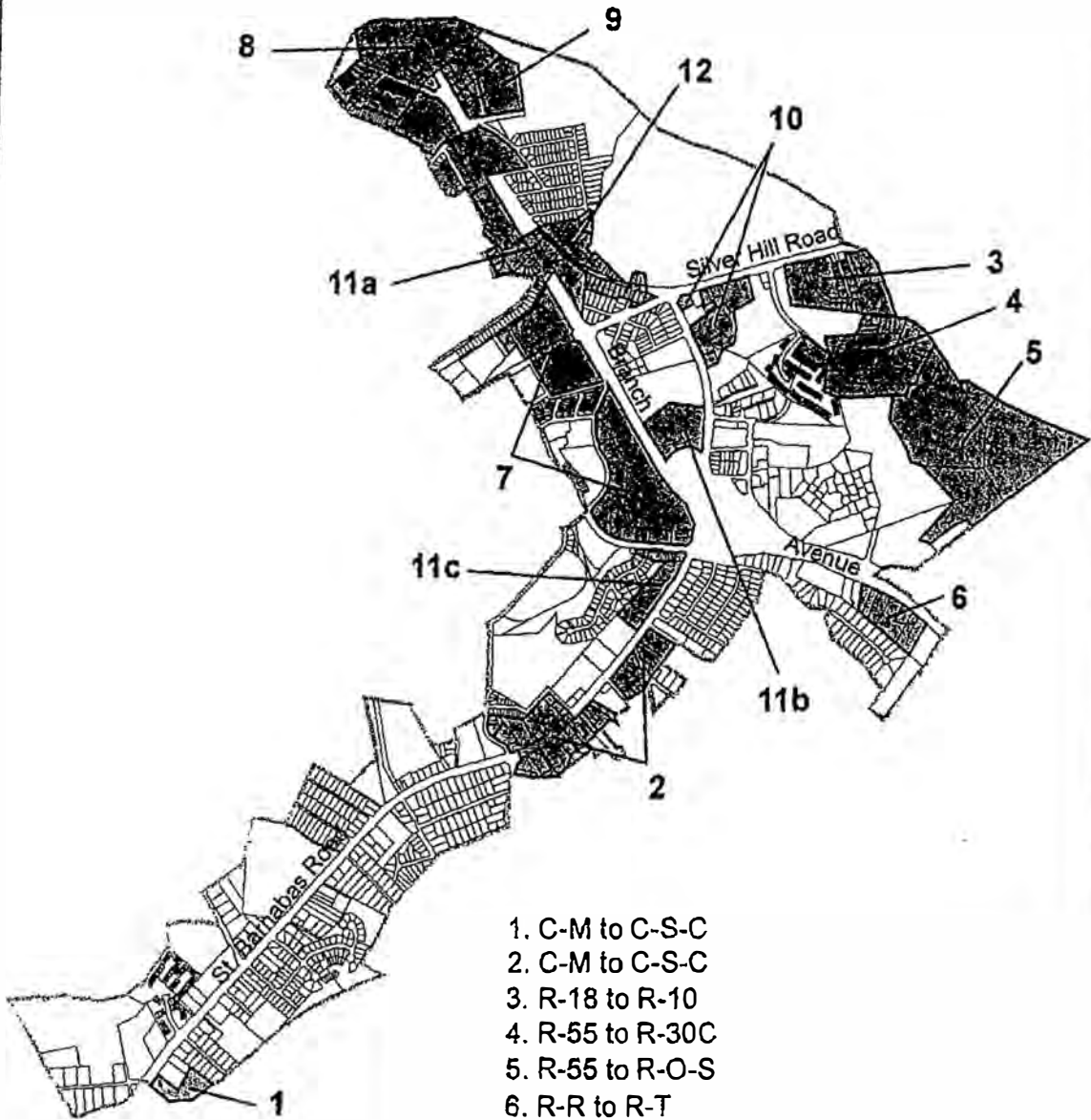
Information on the sector plan/SMA may also be obtained on the project web site at www.mncppc.org/cpd/branchavenue. Questions regarding this matter should be directed to Chidy Umeozulu at 301-952-4198 or e-mail chidy.umeozulu@ppd.mncppc.org.

Sincerely,

Chidy Umeozulu
Project Planner

Approved Branch Avenue (MD 5) Corridor Sectional Map Amendment Changes

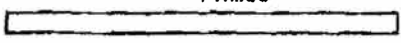
September 30, 2008 per CR-86-2008



- 1. C-M to C-S-C
- 2. C-M to C-S-C
- 3. R-18 to R-10
- 4. R-55 to R-30C
- 5. R-55 to R-O-S
- 6. R-R to R-T
- 7. C-S-C to M-X-T
- 8. R-10, C-S-C, C-M, C-O to M-X-T
- 9. C-O to O-S
- 10. C-M to C-S-C
- 11a. R-55, R-T, R-10, C-O, C-M, C-S-C to M-X-T
- 11b. C-S-C to M-X-T
- 11c. C-O, C-S-C to M-X-T
- 12. C-M to C-S-C



1 Miles



LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774

(301) 306-0033

FAX (301) 306-0037

gibbs_haller.com

August 22, 2019

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

Debra Borden, Esquire
Associate General Counsel
Maryland-National Capital
Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Iverson Mall/Applicability of Southern Green Line
Station Area Sector Plan and Sectional Map Amendment

Dear Debra:

I would like to confirm our conversation of August 14th. I represent the owner of Iverson Mall. As you know, Iverson Mall fronts on Branch Avenue on both the east and west sides of Iverson Street. The mall was built many years ago. Presently, there is a freestanding sign located on the property along its Branch Avenue frontage. The sign is approximately 23 feet in height. My client desires to remove that sign and to replace it with a sign which is approximately 40 feet in height and which will also likely exceed the area allowance as set forth in the Zoning Ordinance. I initially reviewed the Southern Green Line Station Area Sector Plan to determine its applicability since Iverson Mall is located within the land uses covered by that Sector Plan. I also discussed the applicability of that Sector Plan with Thomas Lester, a member of the staff of M-NCPPC who has review responsibility for this Sector Plan. We both came to the conclusion that the Sector Plan does not apply to the proposed signage change. When you and I discussed this matter, you agreed. I would like to confirm our conversation.

As you know, the Southern Green Line Sector Plan is odd in that the Use Tables, Development Standards, Applicability Standards, Exemptions, etc. are contained in the adopting Resolution, CR-10-2014, and not the text document. The resolution of the issue which presents itself in this matter is addressed through an analysis of applicability and exemption provisions found near the back of the resolution. Unfortunately, the pages are not numbered. I am attaching a copy of the applicable pages from the Resolution. I would direct your attention to Paragraph 11 titled "Signs". There it is provided that signs in a development requiring a detailed site plan will

Debra Borden, Esquire
August 22, 2019
Page 2

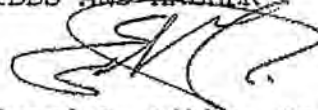
be reviewed as part of the detailed site plan process. If a detailed site plan is not required for development, Paragraph 11 provides that signs will be reviewed as part of the sign permit "for compliance with the development district standards". The section further provides that refacing an existing sign is exempt from the development district standards as long as there is no increase in height or area. Certain public signs are also exempt. Since my client does not propose to replace the sign with one of the same height and area and the sign is not public, those exemption provisions are not applicable. However, no development is being undertaken which requires a detailed site plan. Therefore, the signs must be reviewed within the sign permit application. However, there are no development district standards which apply to signs in the Green Line Sector Plan. We therefore have to review the applicability section which is attached. There, it is provided that if a development standard is not included in the Sector Plan, the Prince George's County Zoning Ordinance will apply.

Given the above, we default to the provisions of the Zoning Ordinance dealing with signs. Since this sign will, at a minimum, exceed the normal height limit of 25 feet, we will need to file a Departure from Sign Design Standards ("DSDS"). However, no detailed site plan will be required. Normal Zoning Ordinance provisions regarding filing and processing of the DSDS will apply.

If it my understanding that you agree with this analysis. My client has requested that I obtain written confirmation before they move forward to file a DSDS. I would appreciate your countersigning the enclosed photocopy of this letter where indicated below and returning the same to me. Thank you for your assistance and for taking the time to review this matter with me.


Very truly yours,

GIBBS AND HALLER



Edward C. Gibbs, Jr.

READ AND AGREED:


8/29/19
Debra Borden, Esq.
Associate General Counsel
Maryland-National Capital Park
and Planning Commission

S:\AWE AR Iverson Mall LLC\Borden.wpd

Southern Green Line Development District Overlay Zone

The Development District Overlay Zone (DDOZ) is superimposed over the Southern Green Line to ensure that the development of land meets goals and objectives of the sector plan. The development district standards are specifically intended to address new development and redevelopment proposals in the development district. The standards establish a consistent design framework to ensure quality in future development.

The development district standards follow and implement the recommendations of the Southern Green Line Sector Plan and SMA. Property owners and citizens consulting the standards should also review the goals and objectives of the sector plan, the Zoning Ordinance, and the *Landscape Manual* to have a full understanding of the regulations for property within the district.

Applicability and Administration

Development in the Southern Green Line DDOZ is subject to the development district standards as detailed below. All new development and redevelopment of existing structures within the DDOZ should comply with the general intent and goals of the development district standards and the Southern Green Line sector plan. Development must show compliance with the development district standards during the detailed site plan process.

Section 27-107.01 of the Zoning Ordinance and this Development District Overlay Zone defines development as "Any activity that materially affects the condition or use of dry land, land under water, or any structure." Redevelopment, rehabilitation, and renovation of existing structures are all forms of development.

Development district standards within this document replace comparable standards and regulations required by the Zoning Ordinance of Prince George's County. Wherever a conflict between the Southern Green Line DDOZ and the Prince George's County Zoning Ordinance or *Landscape Manual* occurs, the DDOZ shall prevail. For development standards not covered by the Southern Green Line DDOZ, the Zoning Ordinance and the *Landscape Manual* shall serve as the requirement as stated in Section 27-548.21. All development shall comply with all relevant federal, state, county, and local regulations and ordinances.

Exemptions from the Development District Standards

The following are exemptions from the development district standards:

1. **Properties Zoned Mixed-Use Town Center (M-U-TC).** Properties within the Suitland Mixed Use Town Center (M-U-TC) boundaries are exempt from the development district standards and detailed site plan review. Properties zoned M-U-TC shall be developed in accordance with the Suitland M-U-TC development plan and the processes stated therein. However, the Southern

Green Line Tables of Uses Permitted may eliminate certain uses permitted within the M-U-TC Zone, and therefore supersede the use table of the Suitland M-U-TC development plan. See the Use Tables herein for specific use designations pursuant to this DDOZ in the M-U-TC Zone.

2. Applicability Provisions for Parcels within ½ mile radius of entrance to the Branch Avenue Metro Station

(A) Southern Green Line Station Area design requirements and limitations of the Development District Overlay Zone shall not be binding and shall be only advisory for property located within the Branch Avenue Metro Station Area, for which the subject property will be developed for a public building or public use, to be operated or occupied by any department or branch of federal or state government for public purposes, excluding warehouses; the public building or public use included in the project is subject to an executed lease, or letter of intent to enter into a lease, with a term of not less than 20 years; the total density of the public building or public use is a minimum of five-hundred thousand (500,000) square feet; and greater than fifty percent (50%) of its net lot area is located in the Branch Avenue Metro Station Area.

(B) Public utility uses or structures, including underground pipelines, electric power facilities or equipment, or telephone facilities or equipment; and railroad tracks or passenger stations, but not railroad yards, shall be permitted in all frontages in the Branch Avenue Metro Station Area, subject to the design standards of this DDOZ and the Sector Plan provided in this Section. These uses or structures shall be designed to be harmonious to the overall design and character of the DDOZ and the Sector Plan. All other public utility uses or structures, including major transmission and overhead distribution lines and structures, are prohibited in the Branch Avenue Metro Station Area.

(C) The design requirements and limitations of the the Development District Overlay Zone, and limitations on public utility uses or structures prescribed in this subsection shall?

(i) be only advisory and non-binding for applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ; and

(ii) be only advisory and non-binding for alteration, enlargement or extension of uses legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which a Detailed Site Plan is sought.

- 3. Other legally existing development within the DDOZ area.** Until a detailed site plan is submitted, all buildings, structures, and uses which were lawful or could be certified as a legal nonconforming use on the date of SMA approval are exempt from the development district standards and from detailed site plan review and are not nonconforming.
- 4. Legally existing parking and loading.** Until a detailed site plan is submitted, all legally existing parking and loading spaces in the development district that were lawful and not nonconforming on the date of SMA approval are exempt from the development district standards and detailed site plan review, need not be reduced, and are not nonconforming.

5. **Single-family residential dwellings.** Additions to single-family residential dwellings are exempt from the development district standards and detailed site plan review, if the residential use continues.
6. **Multifamily development.** An addition to a multifamily residential structure that was lawful and not nonconforming on the date of SMA approval is exempt from the development district standards and detailed site plan review if the addition (and the accumulated sum of all additions since approval of the SMA) does not increase the gross floor area (GFA) by more than 15 percent or 750 square feet, whichever is less.
7. **Nonresidential development.** An addition to a nonresidential structure that was lawful and not nonconforming on the date of SMA approval is exempt from the development district standards and detailed site plan review, if the addition (and the accumulated sum of all additions since approval of the SMA) does not increase the GFA by more than 15 percent or 5,000 square feet, whichever is less.
8. **Parking facilities.** Resurfacing, restriping, or adding landscaping to parking facilities are exempt from the development district standards and detailed site plan review, if the parking facilities were lawful and not nonconforming on the date of SMA approval.
9. **Nonconforming Buildings, Structures, and Uses.**
 - a. Changes in ownership of a certified nonconforming use or a use that was lawful or could be certified as a legal nonconforming use on the date of SMA approval shall be permitted subject to the provisions of Section 27-241 and, in the case of property within the DDOZ that is zoned M-U-TC, subject to the requirements of Parts 3 and 10 of the Zoning Ordinance.
 - b. Restoration or reconstruction of a nonconforming building or structure, or a certified nonconforming use, is exempt from the development district standards and from detailed site plan review if it meets the requirements of Section 27-243(a)(1) of the Zoning Ordinance.
 - c. Except for improvements listed in 10. General below, a property owner may not expand a certified nonconforming use unless a detailed site plan is approved with findings that the expansion is compatible with adjacent uses and meets the goals of the sector plan.
10. **General.** The following are exempt from the development district standards and detailed site plan review if the existing or proposed use is permitted:
 - a. Permits for alteration or rehabilitation, with no increase in the existing gross floor area.
 - b. Canopies.
 - c. Fences of six feet in height or less for rear and side yards and made of wood or masonry (not concrete block) are exempt. Fences and walls in the front yard that are four feet in height or less and made of wood or masonry (not concrete block) are exempt.
 - d. Decks.
 - e. Ordinary maintenance.
 - f. Changes in use or occupancy.

g. Changes in ownership.

11. **Signs.** Signs in a development requiring a detailed site plan will be reviewed in the detailed site plan process. Signs for development not otherwise requiring a detailed site plan will be reviewed in the permit review process for compliance with the development district standards.
- a. Refacing of an existing sign with no increase in sign area or increase in the height of freestanding signs is exempt from the development district standards.
 - b. Certain public signs are exempt from the development district standards in accordance with Section 27-602 of the Zoning Ordinance.

12. Additional exemptions for existing uses.

All uses lawfully existing at the time of approval of the SMA located within a building legally constructed before January 1, 1983, shall be deemed permitted uses and shall not be nonconforming. Such uses may be altered, enlarged, or extended without an approved detailed site plan, provided the alteration, enlargement, or extension does not increase the gross floor area by more than 15% percent, or 5,000 square feet, whichever is less. A valid use and occupancy permit must be continuously maintained for the use from the time of the SMA approval, and may continue to be permitted during the sale or transfer of business ownership or control of the use, provided that a valid use and occupancy permit for that use is continuously maintained.

For integrated shopping centers lawfully existing at the time of the SMA and legally constructed before January 1, 1983, such uses shall be permitted uses and shall not be deemed nonconforming.

Gas stations lawfully existing at the time of the SMA and legally constructed before January 1, 1983, shall be deemed permitted uses and shall not be nonconforming, provided that there is no vehicle repair service use on the site. Such uses may be altered, enlarged, or extended with an approved detailed site plan.

Site Plan Submittal Requirements

- a. *Site Plan Submittal Requirements for Development within one-half mile radius from any entrance to the Branch Avenue Metro Station.*

M-X-T flexibility for TOD parcels not in the M-X-T zone

As of the effective date of this DDOZ, conditioned on approval of a Detailed Site Plan and compliance with the provisions of this DDOZ and other applicable provisions of the Zoning Ordinance for M-X-T zoned projects (provided such provisions do not conflict with this DDOZ), a development project not located in the M-X-T zone, but located in the Branch Avenue Metro Station Area, is entitled to the uses of the M-X-T zone.

Exceptions: The provisions of this subsection shall

- (i) not apply to a development project for which an amendment to an approved Detailed Site Plan is sought if such Detailed Site Plan is in a valid status as of the effective date of this DDOZ;
- (ii) not apply to buildings or structures legally in existence as of the effective date of this DDOZ; and

(iii) not apply to property in a residential zone (as defined in Section 27-109(a)(1) of the Code) as of the effective date of this DDOZ. Applications to rezone property in a residential zone to the M-X-T zone in the Branch Avenue Metro Station Area are compatible and consistent with the purposes and goals of this DDOZ and the Southern Green Line Station Area Sector Plan and SMA subject to the provisions of Section 27-213 of the Code.

Exemption for certain public projects at Branch Avenue Metro Station

Southern Green Line Station Area design requirements and limitations of the Development District Overlay Zone shall not be binding and shall be only advisory for property located within the Branch Avenue Metro Station Area, for which the subject property will be developed for a public building or public use, to be operated or occupied by any department or branch of federal or state government for public purposes, excluding warehouses; the public building or public use included in the project is subject to an executed lease, or letter of intent to enter into a lease, with a term of not less than 20 years; the total density of the public building or public use is a minimum of five-hundred thousand (500,000) square feet; and greater than fifty percent (50%) of its net lot area is located in the Branch Avenue Metro Station Area.

Public utility uses or structures, including underground pipelines, electric power facilities or equipment, or telephone facilities or equipment; and railroad tracks or passenger stations, but not railroad yards, shall be permitted in all frontages in the Branch Avenue Metro Station Area, subject to the design standards of this DDOZ and the Sector Plan provided in this Section. These uses or structures shall be designed to be harmonious to the overall design and character of the DDOZ and the Sector Plan. All other public utility uses or structures, including major transmission and overhead distribution lines and structures, are prohibited in the Branch Avenue Metro Station Area.

The design requirements and limitations of the the Development District Overlay Zone, and limitations on public utility uses or structures prescribed in this subsection shall?

- (i) be only advisory and non-binding for applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ; and
- (ii) be only advisory and non-binding for alteration, enlargement or extension of uses legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which a Detailed Site Plan is sought.

b. Site Plan Submittal Requirements for all other Development within the DDOZ.

Unless otherwise specified herein, the detailed site plan submittal requirements for the Southern Green Line Development District are intended to supplement those required by Part 3, Division 9, of the Zoning Ordinance. In addition, all site plan applications should be designed in accordance with the land use recommendations of the sector plan.

Other pertinent information required for detailed site plan submittals as per Section 27-282(e)(20) shall include:

- Architectural elevations in full color.
- Street and streetscape sections.

- Build-to lines.
- A parking schedule and plan.
- A list of all applicable development district standards, as well as a list of standards that have not been fulfilled and explanations as to why they have not been fulfilled, in the form of a signed and dated justification statement.

Uses

The Southern Green Line Development District includes properties classified in the O-S, R-O-S, R-R, R-80, R-55, R-30, R-30C, R-35, R-18, R-T, R-10, R-10A, C-O, C-M, C-S-C, I-1, I-3, M-X-T, and M-U-TC Zones. The uses allowed on these properties shall be the same as those allowed in the underlying zone in which the property is classified, except as modified by the use tables contained herein.

Certain uses have been modified by the development district standards in accordance with Sections 27-548.22(b) and 27-548.25(d) of the Zoning Ordinance to limit uses that are incompatible with, or detrimental to, the goals of the development district and purposes of the D-D-O Zone and to eliminate the need for special exceptions, which shall not apply to uses within a development district. Please refer to the table of uses provided herein for specific use designations within the sector plan area.

Uses that would normally require a special exception in the underlying zone are permitted uses if the development district standards so provide, subject to site plan review by the Planning Board. Development district standards may restrict or prohibit such uses. The Planning Board shall find in its approval of the site plan that the use complies with all applicable development district standards, meets the general special exception standards in Section 27-317(a)(1), (4), (5), and (6), and conforms to the recommendations in the sector plan. These uses have been identified with the notation "P*" within the tables of uses permitted. Development district standards may not allow uses prohibited in the underlying zone.

It should be noted that the Southern Green Line Station Area Development District makes a distinction between uses within the overall development district boundaries and those uses located on any parcel wholly or in part within a one-half mile radius of any entrance to the Branch Avenue Metro Station. Generally, uses on parcels wholly or in part within a one-half mile radius of any entrance to the Branch Avenue Metro Station are more restrictive than elsewhere in the development district in order to implement the county and sector plan's vision of Branch Avenue as a priority for transit-oriented development. Accordingly, the tables of uses permitted within the Southern Green Development District are designed specifically to incorporate this distinction.

Development District Standards

Modification of the development district standards is permitted through the process described in Section 27-548.25(c) of the Zoning Ordinance. "If the applicant so requests, the Planning Board may apply development standards which differ from the approved Development District Standards, unless the Sectional Map Amendment provides otherwise. The Planning Board shall find that the alternative

Development District Standards will benefit the development and the development district and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan.”

Per Section 27-548.26 of the Zoning Ordinance, there are two types of amendments that are required to be heard by the District Council: changes to the boundary of the DDOZ and changes to the underlying zones and to the list of permitted uses. These amendment requests may be in the form of a conceptual or detailed site plan.

Equivalent or better practices and products than those specified are always encouraged and may be submitted for approval.

As set forth in Section 27-108.01(a)(15) of the Zoning Ordinance, “The words ‘including’ and ‘such as’ do not limit a term to the specified examples, but are intended to extend its meaning to all other instances or circumstances of like kind or character.” As set forth in Section 27-108.01(a)(19) of the Zoning Ordinance, “The words ‘shall,’ ‘must,’ ‘may only,’ or ‘may not’ are always mandatory and not discretionary. The word ‘may’ is permissive.” The word “should” is also construed as a permissive term and provides guidance on the intended development character.

Except as modified or referenced by the development district standards, the provisions of the *Landscape Manual* regarding alternative compliance and buffering incompatible uses do not apply within the development district. All other standards and regulations of the *Landscape Manual* apply as necessary.

Development proposals evaluated under these regulations should be measured against the general intent and desired character for the Southern Green Line Development District as established in the sector plan.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

April 13, 2020

MEMORANDUM

TO: Thomas Sievers, Urban Design Division

FROM: Joanna Glascoe, Permit Review Section

SUBJECT: Referral Comments for DSDS-702, Iverson Mall (Sign

1. Please clearly demonstrate locate of ground sign on site plan.
2. Please provide the dimensions of the purposed tenant panels.