

June 30, 2020

AWE AR Iverson Mall, LLC
2200 Pennsylvania Ave., 4th Floor
Washington, DC 20037



Re: Notification of Planning Board Action on
Zoning Section DSDS-702
DSDS-702 – Iverson Mall

Dear Applicant:

This is to advise you that, on **June 25, 2020**, the above-referenced application was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-228.01 of the Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Acting Clerk of the County Council, at 301-952-3600.

Please be advised that, pursuant to Council Resolution 10-2020, adopted on March 17, 2020, the District Council suspended certain time periods that may be applicable to an appeal of the matter approved by the Planning Board in the attached resolution. For questions concerning your right to appeal, please contact the Office of the County Clerk at Clerkofthecouncil@co.pg.md.us.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Sherril Comer
Reviewer

Attachment: PGCPB Resolution No. 2020-97

cc: Donna J. Brown, Acting Clerk of the County Council
Persons of Record

RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Sign Design Standards Application No. DSDS-702, Iverson Mall, requesting departure from the sign height maximum of 25 feet to allow a 40-foot-tall sign 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 June 4, 2020, the Prince George’s County Planning Board finds:

1. **Request:** This application is for the construction of a new freestanding sign at the entrance to the existing shopping center/mall located on the subject site. The sign will replace an existing outdated sign located on the north side of Iverson Street, along MD 5 (Branch Avenue). The new 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 located 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 requested 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.

	APPROVED
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 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 conforms with all regulatory criteria with the exception of its 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 new freestanding business sign will be erected 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-O	8
Commercial Zones (except C-O)	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 a sign which is 40 feet in height is proposed, 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 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 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 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 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 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 at this time, it will 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 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 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. **Further Planning Board Findings and Comments from Other Entities:** No referral agencies provided any comment or concern that would affect the approval of this application. The relevant comments submitted for this application were included in the application analysis. The following referral memorandum was received and is adopted by reference herein:

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

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and approved the above-noted application, subject to the following conditions:

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.

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 4, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of June 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY
David S. Warner /s/
M-NCPPC Legal Department
Date: June 10, 2020