



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

October 1, 2020



MEMORANDUM

TO: Donna J. Brown
Clerk of the Council

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

SUBJECT: Notification of Recommendation for Certification of Nonconforming Use

Permit Application Number: **1156-2020-U**

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

Location of Property: **1751 Kenilworth Ave
Capitol Heights**

Current Zone(s): **I-2**

Sign Posting Date: **March 8, 2020**

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, 2021. This outdoor advertising sign was erected in 1988.**

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): NCU 1156-2020 Planning Board Review Planning Director Review

Acceptance Date: 3/3/2020 70-day limit Limit waived--New limit _____

Posting Date: 3/8/2020 No. of Signs Posted: 2 Agenda Date: _____

Filing Fee: _____ Posting Fee: \$100 Case Reviewer: Kelsey Shaffer

Date: _____

Referral Mail-Out Date: _____ Referral Due Date: _____

Date of Informational Mailing: _____ Date of Acceptance Mailing: _____

APPLICATION TYPE: NCU Revision of Case # _____

Case(s): NCU 1156-2020-00

PROJECT NAME: 1751 Kenilworth Avenue

Complete address (if applicable) and Geographic Location (distance related to or near major intersection)
 1751 Kenilworth Avenue, Capitol Heights, Maryland 20743. The Property is located on the east side of Kenilworth Avenue running north, at the intersection with S Street.

Total Acreage: 1.1930		Election District: 2
Tax Map/Grid: 058/D4	Current Zone(s): I-2 (Heavy Industrial)	Council District: 5
WSSC Grid: 203NE04	Existing Lots/Blocks/Parcels:	Dev. Review District:
COG TAZ: 1032	PG TAZ: 816	Aviation Policy Area: N/A
Planning Area: 72	In Municipal Boundary: N/A	Is development exempt from grading permit pursuant to 32-127(a)(6)(A): <input 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:
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Applicant Name, Address & Phone: April Mackoff, Clear Channel Outdoor LLC 9590 Lynn Buff Court, Suite #5 Laurel, Maryland 20723 (240) 755-9203, aprilmackoff@clearchannel.com Owner Name, Address & Phone: <small>(if same as applicant indicate same/corporation see Disclosure)</small> Roubin MD Investments, LLC 8550 Lee Highway Fairfax, Virginia 22031 (703) 573-9352	Consultant Name, Address & Phone: Contact Name, Phone & E-mail: same as applicant (240) 755-9203, aprilmackoff@clearchannel.com
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SIGNATURE (Sign where appropriate; include Application Form Disclosure for additional owner's signatures)

Roubin MD Investments LLC
 Owner's Signature typed & signed _____ Date _____

Applicant's Signature typed & signed _____ Date 1-9-20

Please see outdoor Advertising Lease Agreement
 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 No

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 Health Dept.

Number of Plats:

CSP/DSP/SDP No.:

WSSC Authorization No.:

Preliminary Plan No.:

Approval Date of Preliminary Plan:

URBAN DESIGN AND ZONING CASES:

Details of Request:
 Certification of nonconforming use for existing billboards

Zoning Ordinance Section(s):
 Sections 27-244 & 241

Total Number of Proposed:

Lots _____ Outlots _____ Parcels _____ Outparcels _____

Number of Dwelling Units:
 Attached _____ Detached _____ Multifamily _____

Gross Floor Area (Nonresidential portion only):

Variance Request
 Yes No

Applicable Zoning/Subdivision Regulation Section(s):

Departure Request
 Yes No

Application Filed
 Yes No

Alternative Compliance Request
 Yes No

Application Filed
 Yes No

APPLICATION FORM DISCLOSURE

List all persons having at least five percent (5%) interest in the subject property.

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

1. Case Name

NCU 1156-2020-00

1751 Kenilworth Avenue

2. Description of proposed use/request

Certification of outdoor advertising sign located at 1751 Kenilworth Avenue, Capitol Heights, Maryland 20743 (the "Property"), as a nonconforming use.

3. Description and location of the subject property

The Property is located on the east side of Kenilworth Avenue running north, at the intersection with S Street. Specifically, the Property is located on Map 058, Grid D4, and is approximately 1.1930 acres in size. The Property is zoned I-2 (Heavy Industrial).

An outdoor advertising structure constructed on a single metal post containing two bulletin faces is located on the Property. Our documentary evidence demonstrates that the structure has existed on the Property since at least 1993.

4. Description of each required finding

In accordance with CB-84-2016, the applicant is required to certify the outdoor advertising signs located on the Property. *Section 27-244, Prince George's County Code* (the "Code"). Section 27-244(d)(2) of the Code states that "...if satisfactory documentary evidence described in Section 27-244(b)(2)(E) is received, the Planning Board's authorized representative shall recommend certification of the use as nonconforming...". The applicant has provided satisfactory documentary evidence in accordance with Section 27-244(b)(2)(E), which shows that the outdoor advertising signs were constructed prior to and have operated continuously since January 1, 2000.

5. Variance requests and required findings for each request

The applicant is not requesting a variance for the Property.

6. Summary/conclusion of request

Because the applicant has provided satisfactory documentary evidence in accordance with Section 27-244(b)(2)(E), the applicant respectfully requests that the Planning Board's authorized representative certify the outdoor advertising signs located on the Property as a nonconforming use in accordance with Section 27-244(d)(2).



1-9-19

April Mackoff
Applicant, Clear Channel Outdoor

PRINCE GEORGE'S COUNTY
DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT
PERMITTING CENTER

9400 PEPPERCORN PLACE, 1st FLOOR, LARGO, MD 20774 (301) 883-5900



YOU MUST COMPLY WITH MUNICIPAL, HOMEOWNER/CIVIC ASSOCIATION AND LOCAL COVENANTS. A FINE MAY BE IMPOSED IF CONSTRUCTION IS BEGUN WITHOUT REQUIRED APPROVALS.

PERMIT APPLICATION FILING FEES ARE NON-REFUNDABLE

Date : 01/09/2020

PERMIT APPLICATION

Case Number: 1156-2020-00

ACTIVITY: Building Permit Application
WORK DESCRIPTION: Certification of outdoor advertising structure
USE TYPE:
EXISTING USE: Outdoor advertising structure
PROPOSED USE: Outdoor advertising structure

LOT :
BLOCK :
PARCEL :

SITE INFORMATION

SITE ADDRESS: 1751 KENILWORTH AVE CAPITOL HEIGHTS 20743	PROJECT NAME: SUBDIVISION: KENILWORTH- PEEBLES ADDN	EST. CONSTRUCTION COST: ELECTION DISTRICT: 02 PROPERTY TAX ACCOUNT #: 0158279
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<u>OWNER</u>	<u>OCCUPANT</u>	<u>CONTRACTOR</u>	<u>ARCHITECT</u>
Roubin MD Investments LLC 8550 Lee HWY # Suite 700 Fairfax VA 22031	Clear Channel Outdoor LLC 1751 Kenilworth AVE Capitol Heights MD 20743	Clear Channel Outdoor LLC 9590 Lynn Buff CT # 5 Laurel MD 20723	

FOR OFFICE USE ONLY

	Reviewer	Date		Reviewer	Date
M-NCPPC			Fire Eng.		
Site / Road Eng.			Mechanical Eng.		
Structural Eng.			Health		
Electrical Eng.			Issuance		

I hereby certify that I have permission of the property owner to submit this application on his/her behalf and that the information is complete and correct.

APPLICANT April Mackoff *Signature* **Clear Channel Outdoor LLC** **(240) 755 - 9203** *Signature*
NAME **COMPANY** **PHONE** **SIGNATURE**

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 3/8/2020
(specify number) (date)

Signature: Stephenie Clevenger

Application Number: CNU-1156-2020 Name: 1751 Kenilworth Ave., Capitol Heights, MD

Date: 3/9/2020

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.mneppc.org Subject: CaseNo-CaseName and "Posting Affidavit"

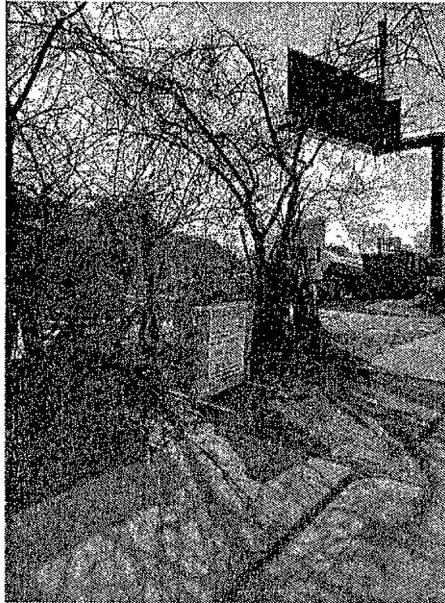
* * * * *

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

anning DIRECTOR case: CNU-1156-2020; 1751 Kenilworth Ave
Reviewer: Kelsey Shaffer

02 single-sided signs ~~xx double-sided signs~~ (for a total of 2 physical signs)





Sign 1 – S Street

CNU-1156-2020, 1751 Kenilworth Ave.

Sign posted by: Stephenie Clevenger

Posted on: 3/8/2020

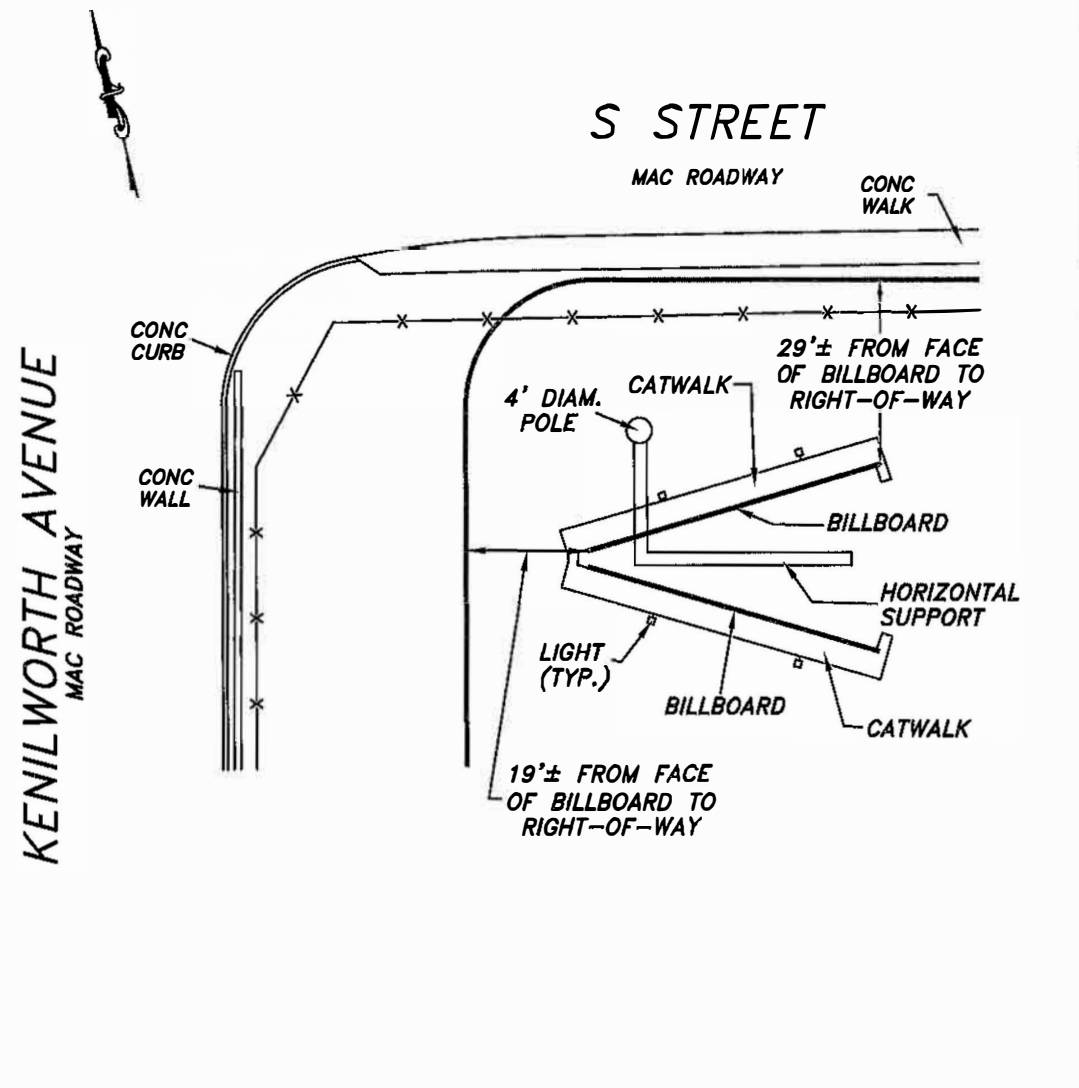


Sign 2 – Kenilworth Ave.

CNU-1156-2020, 1751 Kenilworth Ave.

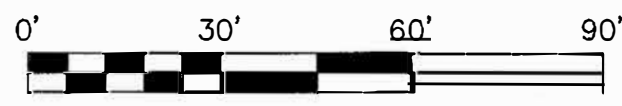
Sign posted by: Stephenie Clevenger

Posted on: 3/8/2020



BILLBOARD DETAIL

Scale: 1" = 30'



JOB NOTES:

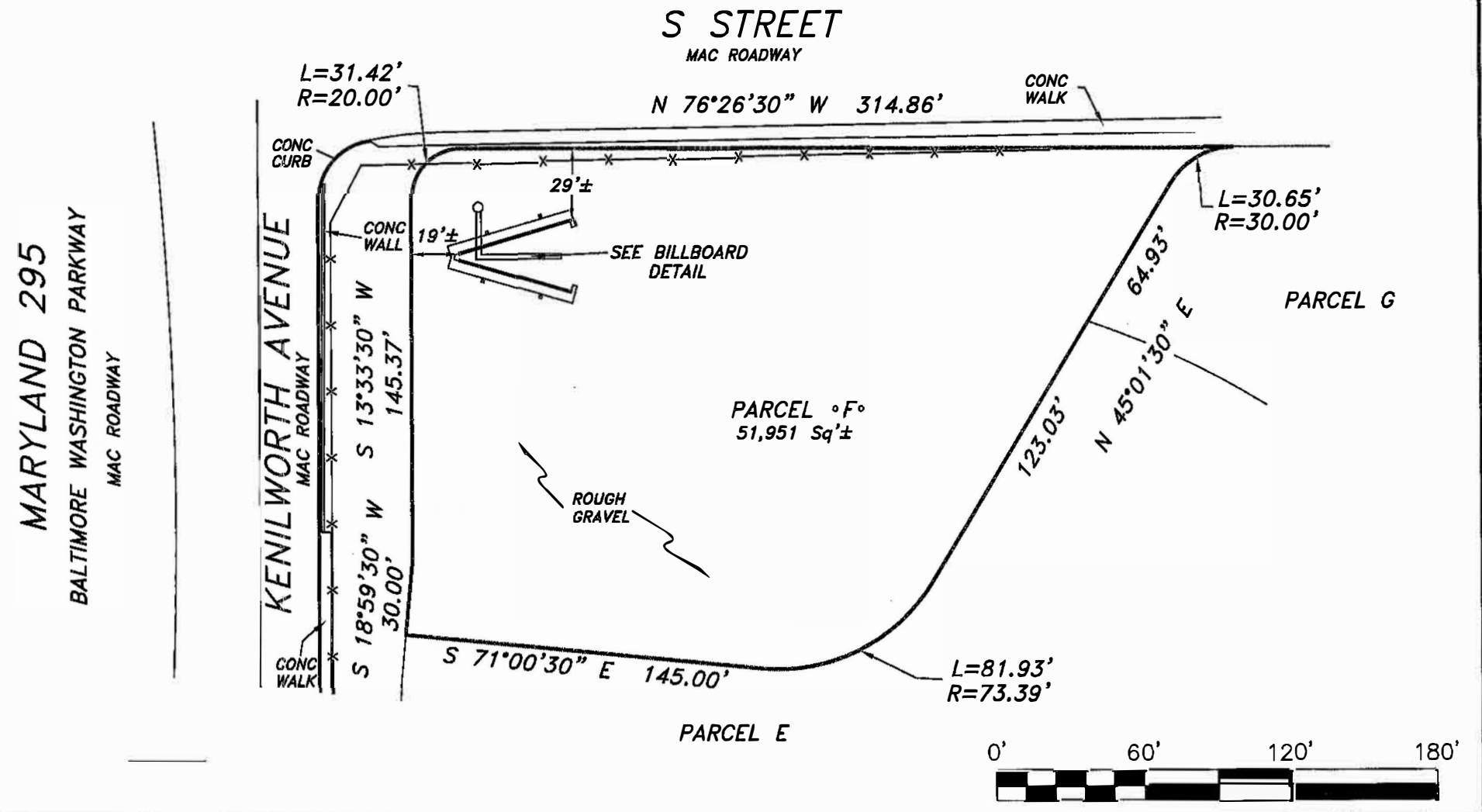
- 1) THE SUBJECT PROPERTY IS ZONED I-2 (HEAVY INDUSTRIAL)
- 2) TAX ID#: 02-0158279
- 3) ROAD FRONTAGE OF KENILWORTH AVENUE: 191.08'
ROAD FRONTAGE OF S STREET: 330.57'
TOTAL ROAD FRONTAGE: 521.65'
- 4) THE NEAREST STATIC BILLBOARD IS 670'± FROM THE EXISTING BILLBOARD, NO DIGITAL BILLBOARDS WERE OBSERVED WITHIN 1,000 FEET OF THE EXISTING BILLBOARD.
- 5) ONLY IMPROVEMENTS WITHIN CLOSE PROXIMITY TO THE EXISTING BILLBOARD ARE SHOWN HEREON.
- 6) NO PROPERTY CONTROL FOUND.
- 7) THE BOARDS WERE NOT LABELED, BOARD NUMBERS WAS PROVIDED BY CLIENT.
- 8) THE FENCE APPEARS TO LIE OFF THE SUBJECT PROPERTY.

SIGN HEIGHTS:

BOARD # 100523 TOP: 61.2'
BOTTOM: 42.2'
BOARD # 100524 TOP: 61.2'
BOTTOM: 42.2'
(HEIGHT AT MARYLAND 295)

SIGN LENGTHS:

BOARD # 100523: 47.9'
BOARD # 100524: 47.9'



GENERAL NOTES:

- 1) The accuracy of the distances shown from any structure to any apparent property line is 4'±.
- 2) This drawing does not represent a Boundary Survey. Any property markers labeled hereon are not guaranteed by NTT Associates, Inc.
- 3) This plat is of benefit to a consumer only insofar as it is required by a lender, a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing.
- 4) This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required, for the transfer of title or securing financing or refinancing.
- 5) This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
- 6) Unless noted on the drawing, no title report was provided. This drawing was prepared by examining the current title deed or record plat. Any easements, restrictions, rights of way, or any other property alterations not referred to in the current title deed may not be shown.
- 7) Unless otherwise noted, the bearings and north arrow shown hereon are in the meridian of the current title deed or record plat.
- 8) Building Restriction Line information, if shown, was obtained from existing records only and is not guaranteed by NTT Associates, Inc.
- 9) Flood Zone information shown on FIRM maps is subject to interpretation.
- 10) Improvements which in the surveyor's opinion appear to be in a state of disrepair or considered "temporary" may not be shown.
- 11) If it appears encroachments may exist, a Boundary Survey is recommended to determine the exact location of the property boundary lines and improvements.
- 12) The locations of fence lines, if shown, are approximate.

The purpose of this drawing is to locate, describe, and represent the positions of the billboard and buildings affecting the property shown hereon, being known as: PARCEL F as shown on the plat entitled "PARCELS D·E·F·G·H·&·J· PEEBLES' ADDITION KENILWORTH" recorded among the Land Records of Prince George's County, Maryland in Plat Book 10, folio 99.

This is to certify that I either personally prepared or was in responsible charge over the preparation of this drawing and the surveying work reflected in it, all set forth in Regulation .12 of Chapter 09.13.06 of the Code of Maryland Annotated Regulations.

Subject property is shown in Zone AE on the FIRM Map of Prince George's County, Maryland on Community Panel Number 24033C0141 E, effective 9/16/2016



SPECIAL PURPOSE SURVEY
1751 KENILWORTH AVENUE
2nd ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND

NTT Associates, Inc.
16205 Old Frederick Rd.
Mt. Airy, Maryland 21771
Phone: (410) 442-2031
Fax: (410) 442-1315
www.nttsurveyors.com

Scale: 1" = 60'
Date: 1/9/2020
Field By: TOM
Drawn By: SCK
File No.: MISC 13698
Page No.: 1 of 1