

August 3, 2021

MEMORANDUM

TO: Donna J. Brown
Clerk of the Council



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

SUBJECT: Notification of Recommendation for Certification of Nonconforming Use

Permit Application Number: **17542-2021-U**

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

Location of Property: **0000 Peerless Avenue
Upper Marlboro**

Current Zone(s): **M-X-T**

Sign Posting Date: **May 23, 2021**

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 1959.**

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



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

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

APPLICATION FORM

DO NOT WRITE IN THIS SPACE

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

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

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

PROJECT NAME: Peerless Avenue, 17542-2021-00

Complete address (if applicable) Peerless Avenue, Upper Marlboro, MD 20772 Tax Account #: 03-0197269
 Geographic Location (distance related to or near major intersection) Police District #:
 Peerless Avenue, Upper Marlboro, MD 20772. The Property is located on Peerless Ave., at the intersection with Crain Hwy.

Total Acreage: 4.256	Aviation Policy Area: N/A	Election District: 3
Tax Map/Grid: 093/B4	Current Zone(s): M-X-T (Mixed Use Trans. Oriented)	Council District: 6
WSSC Grid: 206SE14	Existing Lots/Blocks/Parcels:	Dev. Review District:
Planning Area: 79	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:

<p>Proposed Use of Property and Request of Proposal: Certification of an outdoor advertising structure as a non-conforming use</p>	<p>Please list and provide copies of resolutions of previously approved applications affecting the subject property:</p>
<p>Applicant Name, Address & Phone: Clear Channel Outdoor LLC c/o April Mackoff 9590 Lynn Buff Court, Suite 5 Laurel, MD 20723 240-755-9203</p> <p>Owner Name, Address & Phone: (if same as applicant indicate same/corporation see Disclosure) Peerless Avenue Associates LLC 1000 University Avenue, #500 Rochester, NY 14607</p>	<p>Consultant Name, Address & Phone:</p> <p>Contact Name, Phone & E-mail: same as applicant</p>

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

Peerless Avenue Associates LLC 4/26/21 Mackoff, April Digitally signed by Mackoff, April
Date: 2021.04.26 15:30:33 -0400 4/26/21
 Owner's Signature typed & signed Date Applicant's Signature typed & signed Date

Please see Section 6, Universal Outdoor, Inc. 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"/>
Variation, Variance or Alternative Compliance Request(s) Yes <input type="checkbox"/> No <input type="checkbox"/>		Applicable Zoning/Subdivision Regulation Section(s):	
Total Number of Proposed: Lots _____ Outlots _____ Parcels _____ Outparcels _____			
Number of Dwelling Units: Attached _____ Detached _____ Multifamily _____		Gross Floor Area (Nonresidential portion only):	

SUBDIVISION CASES – FINAL PLAT:

Water/Sewer: DER <input type="checkbox"/> Health Dept. <input type="checkbox"/>	Number of Plats:
CSP/DSP/SDP No.:	WSSC Authorization No.:
Preliminary Plan No.:	
Approval Date of Preliminary Plan:	

URBAN DESIGN AND ZONING CASES:

Details of Request: Certification of nonconforming use for existing billboard	Zoning Ordinance Section(s): Sections 27-244 and 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 <input type="checkbox"/> No <input type="checkbox"/>	Applicable Zoning/Subdivision Regulation Section(s):
Departure Request Yes <input type="checkbox"/> No <input type="checkbox"/>	Application Filed Yes <input type="checkbox"/> No <input type="checkbox"/>
Alternative Compliance Request Yes <input type="checkbox"/> No <input type="checkbox"/>	Application Filed Yes <input type="checkbox"/> No <input type="checkbox"/>

APPLICATION FORM DISCLOSURE

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

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

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

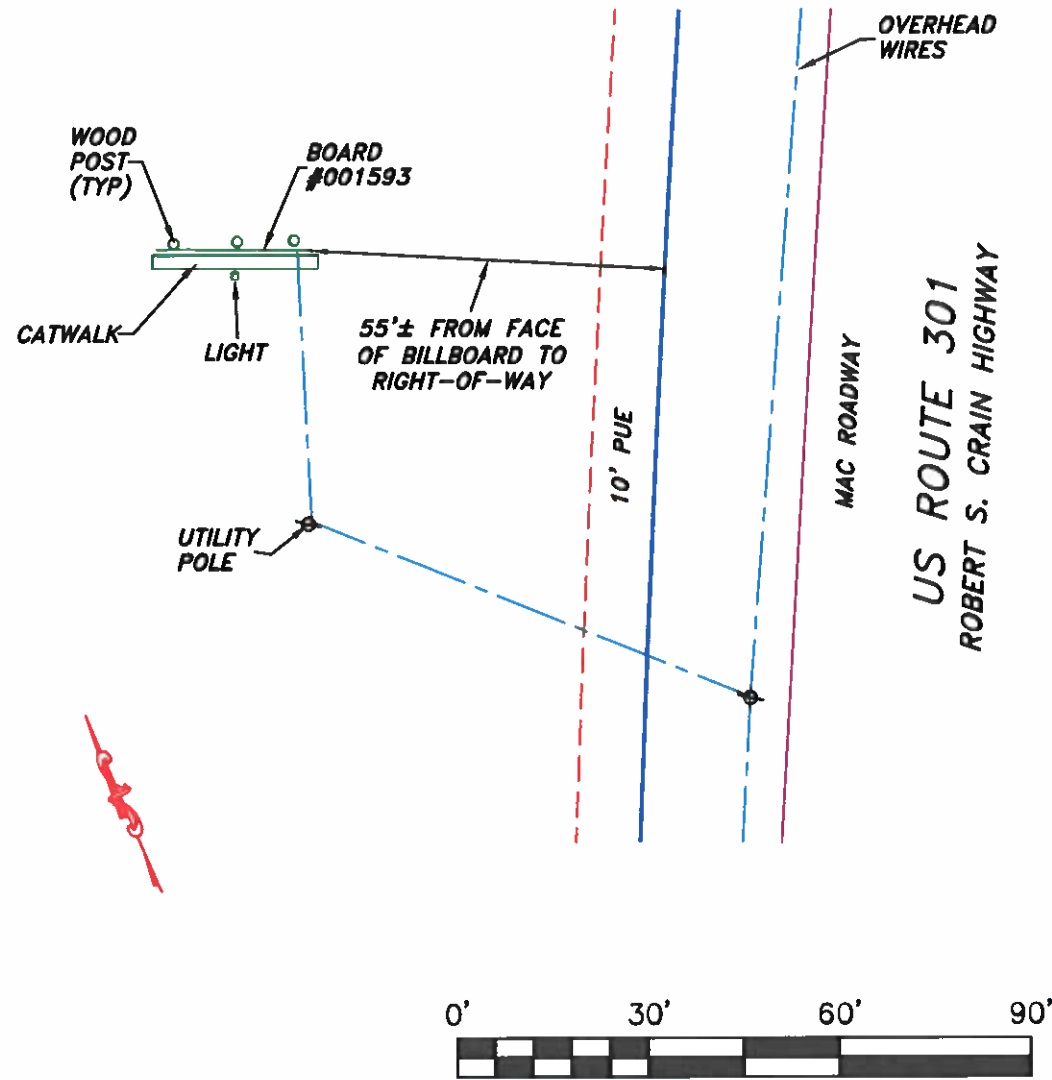
Officers	Date Assumed Duties	Residence Address	Business Address

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

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

BILLBOARD DETAIL:

SCALE: 1"=30'



JOB NOTES:

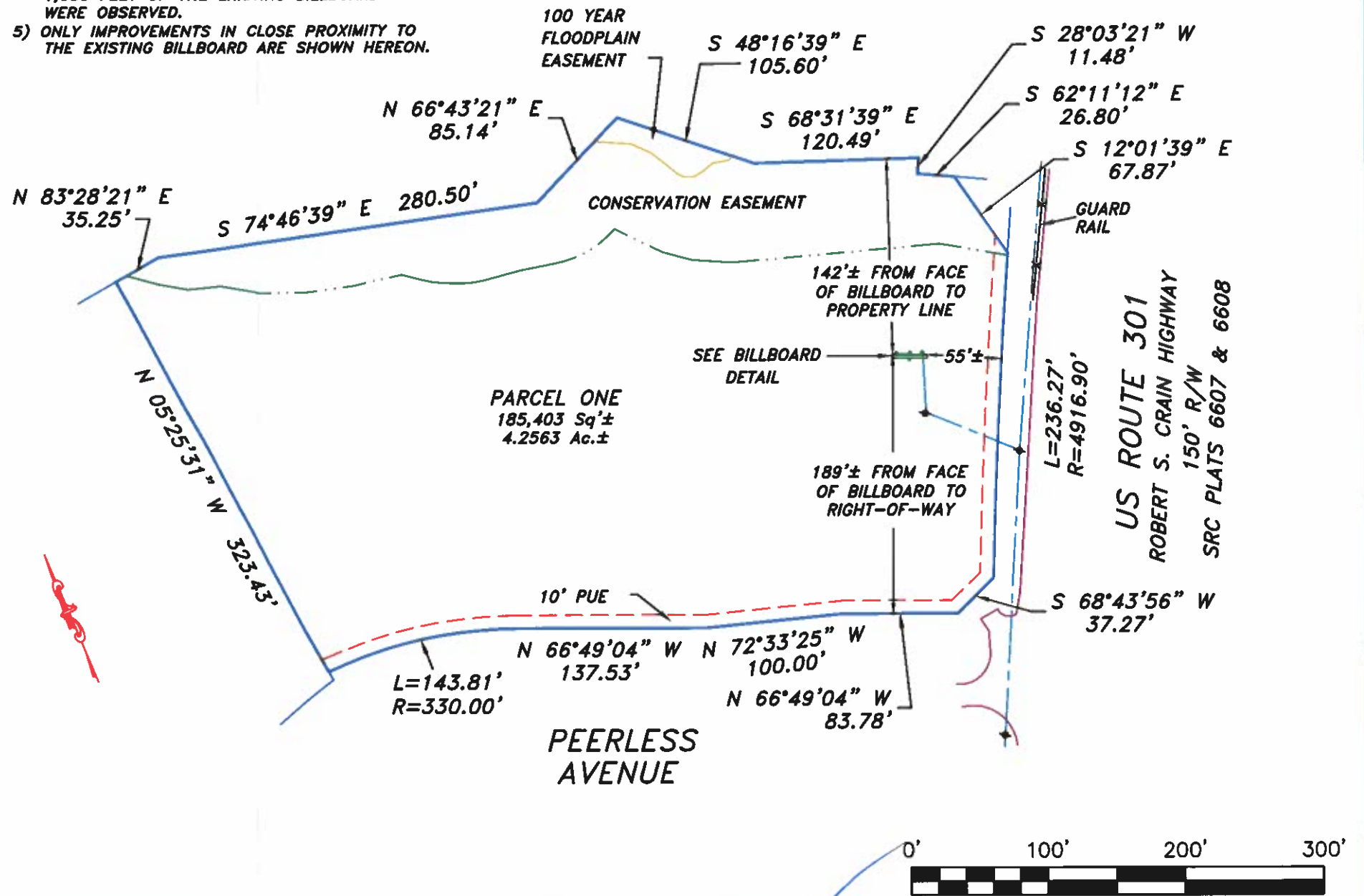
- 1) THE SUBJECT PROPERTY IS ZONED M-X-T (MIXED USE TRANSPORTATION ORIENTED)
- 2) TAX ID#: 03-0197269
- 3) ROAD FRONTAGE OF US ROUTE 301: 236.27'
ROAD FRONTAGE OF PEERLESS AVENUE: 502.39'
TOTAL ROAD FRONTAGE: 738.66'
- 4) NO STATIC OR DIGITAL BILLBOARDS WITHIN 1,000 FEET OF THE EXISTING BILLBOARD WERE OBSERVED.
- 5) ONLY IMPROVEMENTS IN CLOSE PROXIMITY TO THE EXISTING BILLBOARD ARE SHOWN HEREON.

SIGN HEIGHTS:

BOARD #001593 TOP: 25.8'
BOTTOM: 13.5'
(HEIGHT AT GROUND AT SIGN)

SIGN LENGTHS:

BOARD #001593: 24.5'



GENERAL NOTES:

- 1) The accuracy of the distances shown from any structure to any apparent property line is 3'±.
- 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 ONE as shown on the plat entitled PLAT ONE, PARCEL 1 & OUTPARCEL 1 "TOWNES AT PEERLESS" recorded among the Land Records of Prince George's County, Maryland in Plat Book 255, folio 94.

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 X on the FIRM Map of Prince George's County, Maryland on Community Panel Number 24033C0280 E, effective 9/16/2016



SPECIAL PURPOSE SURVEY
PARCEL ONE, PEERLESS AVENUE
3rd 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"=100'
Date: 4/13/2021
Field By: TOM
Drawn By: SKC
File No.: MISC 12793
Page No.: 1 of 1

Statement of Justification

1. Case Name

NCU 17542-2021-00

Peerless Avenue

2. Description of proposed use/request

Certification of outdoor advertising sign located at Peerless Avenue, Upper Marlboro, Maryland 20772 (the "Property") as a nonconforming use.

3. Description and location of the subject property

The Property is located on Peerless Avenue at the intersection with Robert Crain Highway. Specifically, the Property is located on Map 093, Grid B4, and is approximately 4.256 acres in size. The Property is zoned M-X-T (Mixed Use Transportation Oriented).

An outdoor advertising structure constructed on three metal posts and containing one poster face is located on the Property. Our documentary evidence demonstrates that the structure has existed on the Property since at least 1959.

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).



4/27/21

April Mackoff
Applicant, Clear Channel Outdoor LLC

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 : 04/28/2021

PERMIT APPLICATION

Case Number: 17542-2021-00

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: 4505 ROBERT CRAIN HWY UPPER MARLBORO 20772	PROJECT NAME: SUBDIVISION: 03255094	EST. CONSTRUCTION COST: ELECTION DISTRICT: 03 PROPERTY TAX ACCOUNT #: 0197269
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<u>OWNER</u>	<u>OCCUPANT</u>	<u>CONTRACTOR</u>	<u>ARCHITECT</u>
Peerless Avenue Associates 1000 University AVE # 500 Rochester NY 14607	Clear Channel Outdoor LLC 9590 Lynn Buff CT # 5 Laurel MD 20723	Clear Channel Outdoor LLC 9590 Lynn Buff CT # 5 Laurel MD 20723	

FOR OFFICE USE ONLY

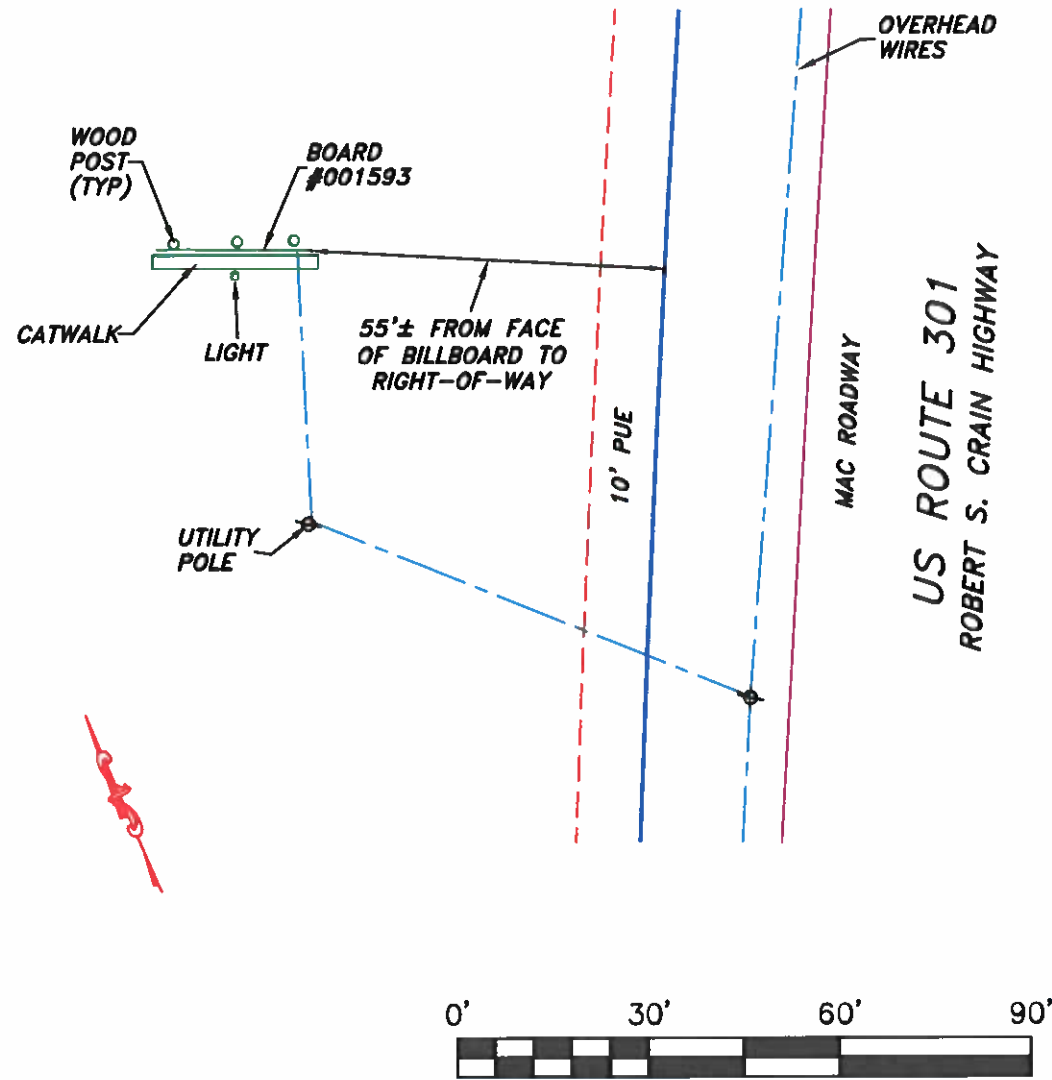
	Reviewer	Date		Reviewer	Date
M-NCPPC			Fire Eng.		
Site / Road Eng.			Mechanical Eng.		
Structural Eng.			Health		
Electrical Eng.			Issuance		

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 Clear Channel Outdoor LLC (240) 755 - 9203 
NAME **COMPANY** **PHONE** **SIGNATURE**

BILLBOARD DETAIL:

SCALE: 1"=30'



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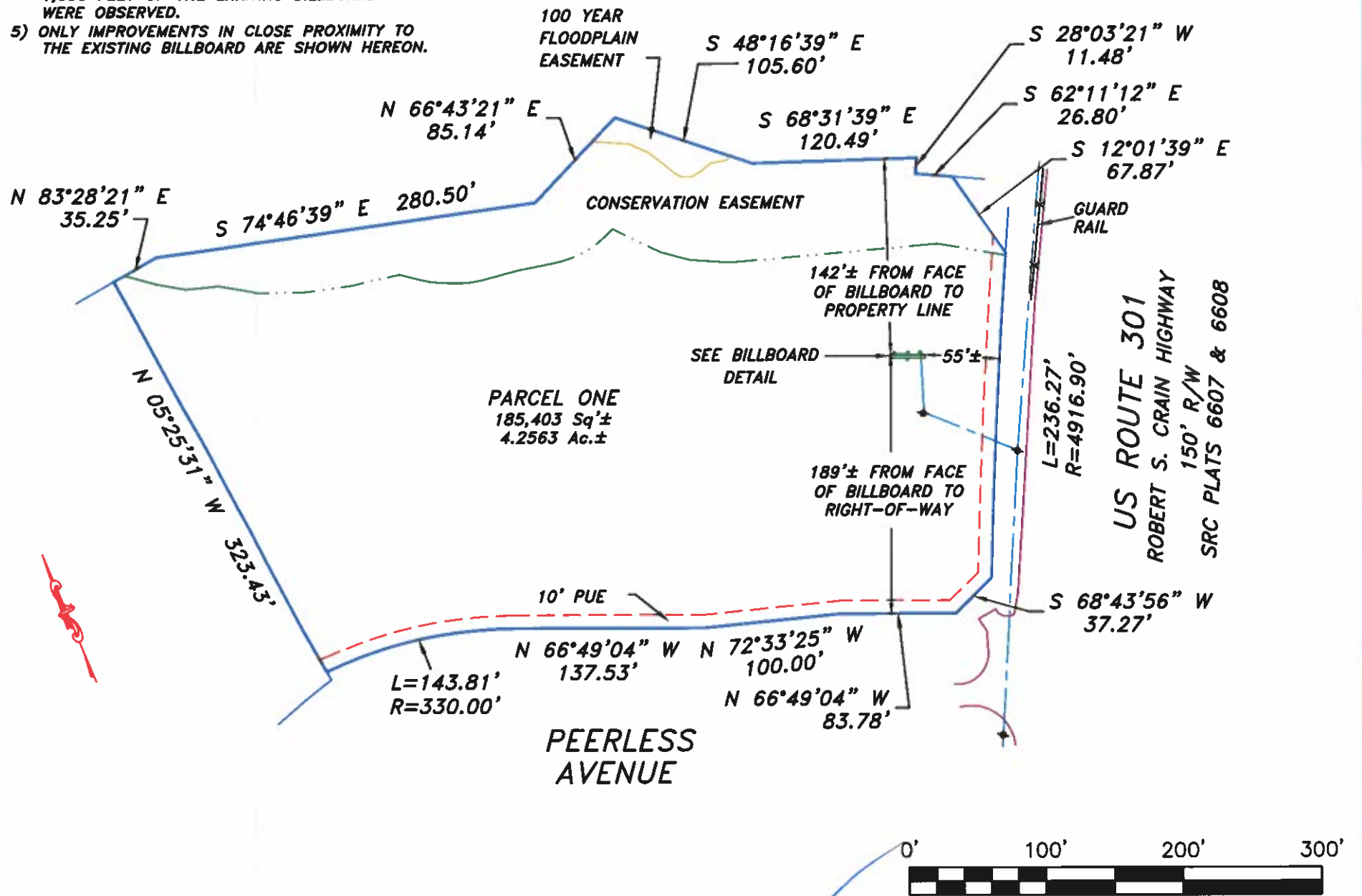
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NTT Associates, Inc.
16205 Old Frederick Rd.
Mt. Airy, Maryland 21771
Phone: (410) 442-2031
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www.nttsurveyors.com

Scale: 1"=100'
Date: 4/13/2021
Field By: TOM
Drawn By: SCK
File No.: MISC 12793
Page No.: 1 of 1

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 5/23/2021
(specify number) (date)

Signature: Stephenie Clevenger

Application Number: CNU-17542-2021 Name: Clear Channel Billboard

Date: 5/23/2021

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

Telephone: 240-338-0131

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

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

* * * * *

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

Planning DIRECTOR case: CNU-17542-2021

Reviewer: Kelsey Shaffer

2 single-sided signs (for a total of 2 physical signs)





Sign 1

CNU-17542-2021, 4505 Robert Crain Hwy, UM

Sign posted by: Stephenie Clevenger

Posted on: 5/23/2021



Sign 2

CNU-17542-2021, 4505 Robert Crain Hwy, UM

Sign posted by: Stephenie Clevenger

Posted on: 5/23/2021