

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
E side of Rossville Blvd., 55 feet S of		
the c/l of Franklin Square Drive	*	DEPUTY ZONING
14 th Election District		
6 th Councilmanic District	*	COMMISSIONER
(9000 Franklin Square Drive)		
	*	FOR BALTIMORE COUNTY
Franklin Square Hospital Center, Inc.		
<i>Petitioner</i>	*	CASE NO. 2011-0076-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Franklin Square Hospital Center, Inc., a subsidiary of H.H. MedStar Health, Inc. and Bay Development Corp. Petitioner is requesting Variance relief from the Table of Sign Regulations set forth in the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows:

- From Section 450.5.B.3.b of the B.C.Z.R. to allow a sign on a vertical face of canopy to extend above and below the face of the canopy (signs E025, E031); and
- From Section 450.5.B.4 of the B.C.Z.R. to allow on a single premises freestanding signs within 100 feet of other freestanding signs having an area per face larger than 8 square feet (signs X04/E002, X02/E052, X06/E053, MA-2, X02/EO13, X05/E014); and
- From Section 450.4 - Attachment 1.1(a) of the B.C.Z.R. to allow 2 changeable copy, freestanding signs accessory to an institution on a single premises in lieu of the permitted 1 sign, with an area per face of up to 120 square feet in lieu of the permitted area per face of 25 square feet, and a sign height of up to 13.6 feet in lieu of the permitted 6 feet in height (MA-1, MA-2); and
- From Section 450.4 - Attachment 1.3 of the B.C.Z.R. to allow directional, freestanding signs with an area per face of up to 68 square feet in lieu of the permitted area per face of 8 square feet (see Council Bill 89-1997) (Signs X02/E013, X02/E042, X02/E052, X03/E004, X03/E008, X04/E002, X04/E003, X04/007, X04/E009, X05/E014, X06/E053); and
- From Section 450.4 - Attachment 1.3 of the B.C.Z.R. to allow directional, freestanding signs in a residential zone of up to 12.333 feet in height in lieu of the permitted 4 feet in height (Signs X02/E013, X02/E042, X02/E052, X03/E004, X03/E008, X04/E003, X04/007, X05/E014, X06/E053); and

- From Section 450.4 - Attachment 1.3 of the B.C.Z.R. to allow directional, freestanding signs in a non-residential zone of up to 12.333 feet in height in lieu of the permitted 6 feet in height (Signs X04/E002, X04/E099); and
- From Section 450.4 - Attachment 1.6 of the B.C.Z.R. to allow an identification sign for an institution with an area per face of 763 square feet in lieu of the permitted area per face of 25 square feet (Sign E033); and
- From Section 450.4 - Attachment 1.6 of the B.C.Z.R. to allow 2 identification signs on the same building frontage in lieu of the permitted 1 identification sign on a building frontage, each with an area per face of up to 63 square feet in lieu of the permitted area per face of 25 square feet, and constructed on a canopy in lieu of the permitted wall mounted, freestanding, or integral sign (Signs E025, E031).

The subject property and requested relief are more fully depicted on the 4 page site plan documents which were collectively marked and accepted into evidence as Petitioner's Exhibit 1, as well as the 22 page colorized signage details packet that was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the variance requests were Dennis Kephart and Bob Nelson on behalf of Petitioner Franklin Square Hospital Center, Inc. Mr. Kephart is in charge of the hospital facilities and has been involved in the recent improvements to the campus, and Mr. Nelson is Chief of Security for the hospital. John B. Gontrum, Esquire, appeared as attorney for Petitioner. Also appearing in support of the requested relief was James Applegate with Apple Signs, the company involved in the design and placement of the signs identified on the site plan drawings and the colorized signage details packet. The site plan drawings were sealed by Tobi Louise Kester, a registered landscape architect with Dewberry & Davis LLC. There were no Protestants or other interested persons in attendance.

Testimony and evidence was presented by way of a proffer from Mr. Gontrum and revealed that the subject property is irregular shaped and consists of approximately 55.879 acres, more or less, zoned D.R.5.5 and O.R.-1. As shown on pages 1 and 2 of the site plan, the property

is located on the east side of Rossville Boulevard, south of Interstate 95, west of King Avenue and north of Philadelphia Road, in the White Marsh area of Baltimore County. The property straddles the north and south sides of Franklin Square Drive, which stretches from Rossville Boulevard to the west to King Avenue to the east. As shown on the vicinity map, Hospital Drive also runs from Philadelphia Road in a northerly direction to the subject property and effectively bisects the property on the east and west sides. The property is also bordered to the north by the Community College of Baltimore County – Essex Campus. The hospital property is improved with several buildings, with the focus of the hospital campus being the existing nine-story Patient Tower building located on the north side of Franklin Square Drive opposite Hospital Drive. To the south of Franklin Square Drive are parking lots and medical buildings that are part of the larger hospital campus.

By way of background, Petitioner Franklin Square Hospital Center, Inc. is the largest community teaching hospital in the State and is a member of MedStar Health, the region's largest integrated health system. Franklin Square has a medical staff of more than 3,200 healthcare professionals, including over 600 physicians. In 2009, Franklin Square's Emergency Department served more than 104,700 patients, making it the busiest emergency services facility in Maryland. Franklin Square opened at its present location in eastern Baltimore County in 1969 with the construction of a relatively modest four-story hospital building. Since that time, the hospital facility has continued to expand with a broad range of healthcare specialties, advanced technologies and treatments, and has also developed into a major regional meeting place of healthcare administrators and practitioners to discuss important healthcare issues at seminars in its conference center. This expansion culminated in the recent completion of the nine-story \$175 million Patient Tower. The 356,000 square foot facility will have private rooms and begin

accepting patients in November, 2010. The building includes an expanded emergency department, intensive care unit, and a Family Pediatric Center with pediatric emergency and inpatient units. Franklin Square is also one of the regional disaster centers in partnership with other area hospitals, wherein they can share resources and shift patients in emergencies, such as with potential railroad or chemical disasters, or tropical storms.

In discussing the specific signage issues, Mr. Gontrum indicated that one of the more unusual features of the subject site is the fact that the hospital campus is so spread out, with the various hospital and medical professional buildings, as well as delivery areas and over 3,000 parking spaces. Because the hospital campus is so sprawling, there are multiple entrances onto the property, including two at each end of Franklin Square Drive (at Rossville Boulevard and King Avenue) and one on Hospital Drive. According to Mr. Gontrum, an already complex hospital layout is now even more extensive with the new Patient Tower. The possible confusion associated with the various entrance points, coupled with the sheer size of the hospital building and its array of services, and the presence of parked vehicles and other visual obstructions throughout the property, has led Franklin Square Hospital and its engineers and consultants to fashion a signage package for the campus, as shown in Petitioner's Exhibit 2. In a broad sense, it is these features of the property, as well as the property's use as a major metropolitan hospital, that drive the need for the aforementioned sign variances.

Mr. Gontrum explained that the sign variances could be separated into four main categories: (1) the main building signs; (2) the changeable copy signs at the entrances; (3) the freestanding signs within 100 feet of other freestanding signs; and (4) the directional, freestanding signs. Details of the signs and their proposed locations are shown on Petitioner's Exhibit 2, as well as pages 1 and 2 of the site plan drawings. They can also be summarized as follows:

Main Building Signs – as the category suggests, these are the three signs that are affixed to the main hospital building, as shown on pages 18-22 of Petitioner’s Exhibit 2. This includes the large “Franklin Square Hospital Center – *MedStar Health*” sign proposed for the front of the Patient Tower building just below the roofline, as well as the “Staff Entrance” and “Emergency” signs proposed on the side of the building attached to the canopies at ground level. Because of the size of the new Patient Tower, a sign of relative comparable size is necessary. As to the other signs, it is necessary to affix these signs to the canopy over the staff and emergency entrances to make them visible, while providing cover for ambulances and other emergency vehicles.

Changeable Copy Signs at Entrances – these signs would be permanent signs with foundation and brick bases with fixed and changeable copy signage on both sides. One would be located at each of the main entrances to the hospital campus -- at the Rossville Boulevard and Franklin Square Drive entrance, and the entrance to the new Patient Tower and the Emergency Department from Franklin Square Drive. These signs are depicted on pages 3 and 5 of Petitioner’s Exhibit 2. The need for these signs at the height proposed is for the visibility from Rossville Boulevard, and then once visitors and emergency vehicles are on the campus, to direct them to the proper areas of the Patient Tower building. In addition, as shown on page 6 of Petitioner’s Exhibit 2, there are vehicles parked on both sides of Franklin Square Drive, so a sign with sufficient size and height is needed to overcome the height of the vehicles. The changeable copy is requested to alert the public of news and events that may change from time to time and be relevant to their lives, such as blood drives and meetings or seminars at the hospital.

Freestanding Signs – these are the freestanding signs that are within 100 feet of other freestanding signs. They include the freestanding entrance “5” sign depicted on page 7 of Petitioner’s Exhibit 2 that mainly directs vehicles to the Emergency Department and the service

and delivery areas, as well as a second entrance sign depicted on page 16 of Petitioner's Exhibit 2 that highlights the parking areas. Also included is the freestanding entrance "1" sign depicted on page 9 and the similar freestanding directional sign depicted on page 12 of Petitioner's Exhibit 2. These signs, and their proposed square footage and lettering size, are also needed to properly direct traffic once they enter the hospital campus.

General Directional Signage – these include the balance of the signs depicted on pages 7 through 17 of Petitioner's Exhibit 2 and request variance relief from the height, square footage, and copy size of the Regulations. Petitioner has chosen the size and placement of the proposed signs to provide directional and location information to visitors traveling along the interior public roads of the hospital campus.

Further evidence revealed that Franklin Square Hospital is a regional medical center and, as such, draws patients from a wide geographic area, many of whom are not familiar with the location of the hospital campus or the new Patient Tower. Even visitors familiar in general with Franklin Square Hospital may need the proposed signage, because some uses at the campus have recently been updated or changed. Additionally, many visitors to the hospital will be ill, under stress, or elderly and, therefore, would be assisted by signage that provides for quick identification of the campus buildings and uses. The three separate entrance locations also provide the necessity for adequate signage to accurately and efficiently direct visitors and patients to their desired destinations.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated September 27, 2010 which indicates they reviewed the request for variances from the B.C.Z.R. for a comprehensive sign package including 16 new signs to be erected on the Franklin Square Hospital

Center campus. That Office does not oppose the requested variances, but recommends that all freestanding signs should incorporate landscaping around the base of the sign, and that Petitioner should consider adding directional language to Sign X06/E053 that would direct motorists to the adjacent CCBC campus.

After due consideration of the testimony and evidence presented, it is clear that the signage, as shown on the site plan drawings and the colorized signage details packet, is appropriate in the locations proposed and, having met the standards set forth in Section 307.1 of the B.C.Z.R., should be granted. This almost 56 acre campus is unique by virtue of its overall size and irregular shape, along with the relationship of the campus to the public roadways on which it has frontage, as well as the interior public roadways and the multiple entrances on those roadways. These features and characteristics not only limit visibility into and within the property, but also drive the need for the amount of signage requested in order to provide adequate guidance for patients and visitors.

It has also been established that strict compliance with the B.C.Z.R. would result in a practical difficulty and unreasonable hardship for Petitioner. Requiring Petitioner to adhere to the number and size limitations for signage and restrictions on locations required under the B.C.Z.R. would make it quite difficult for patients and visitors to locate the many medical services provided throughout the campus and utilize those services in an efficient manner. The signs also direct service and delivery persons to the appropriate areas so as not to be intermingled or confused with the medical areas.

Finally, there is no evidence that the grant of the relief would be detrimental to the surrounding area. The proposed signage is reasonable given the size of the hospital campus -- especially with the existence of the new Patient Tower -- and the number of patient services

provided throughout the hospital, and the need to provide adequate guidance to patients and visitors. A review of the details and elevations of the proposed signage confirms that the new signs will provide a significant upgrade. Additionally, the character of the proposed signs will be consistent with the signage for this type of institutional use. Therefore, I am persuaded to grant the requested relief.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED this 16th day of November, 2010 by this Deputy Zoning Commissioner that Petitioner's request for Variance relief from the Table of Sign Regulations set forth in the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- From Section 450.5.B.3.b of the B.C.Z.R. to allow a sign on a vertical face of canopy to extend above and below the face of the canopy (signs E025, E031); and
- From Section 450.5.B.4 of the B.C.Z.R. to allow on a single premises freestanding signs within 100 feet of other freestanding signs having an area per face larger than 8 square feet (signs X04/E002, X02/E052, X06/E053, MA-2, X02/EO13, X05/E014); and
- From Section 450.4 - Attachment 1.1(a) of the B.C.Z.R. to allow 2 changeable copy, freestanding signs accessory to an institution on a single premises in lieu of the permitted 1 sign, with an area per face of up to 120 square feet in lieu of the permitted area per face of 25 square feet, and a sign height of up to 13.6 feet in lieu of the permitted 6 feet in height (MA-1, MA-2); and
- From Section 450.4 - Attachment 1.3 of the B.C.Z.R. to allow directional, freestanding signs with an area per face of up to 68 square feet in lieu of the permitted area per face of 8 square feet (see Council Bill 89-1997) (Signs X02/E013, X02/E042, X02/E052, X03/E004, X03/E008, X04/E002, X04/E003, X04/007, X04/E009, X05/E014, X06/E053); and
- From Section 450.4 - Attachment 1.3 of the B.C.Z.R. to allow directional, freestanding signs in a residential zone of up to 12.333 feet in height in lieu of the permitted 4 feet in height (Signs X02/E013, X02/E042, X02/E052, X03/E004, X03/E008, X04/E003, X04/007, X05/E014, X06/E053); and

- From Section 450.4 - Attachment 1.3 of the B.C.Z.R. to allow directional, freestanding signs in a non-residential zone of up to 12.333 feet in height in lieu of the permitted 6 feet in height (Signs X04/E002, X04/E099); and
- From Section 450.4 - Attachment 1.6 of the B.C.Z.R. to allow an identification sign for an institution with an area per face of 763 square feet in lieu of the permitted area per face of 25 square feet (Sign E033); and
- From Section 450.4 - Attachment 1.6 of the B.C.Z.R. to allow 2 identification signs on the same building frontage in lieu of the permitted 1 identification sign on a building frontage, each with an area per face of up to 63 square feet in lieu of the permitted area per face of 25 square feet, and constructed on a canopy in lieu of the permitted wall mounted, freestanding, or integral sign (Signs E025, E031),

be and are hereby **GRANTED**.

The following shall be conditions precedent to the relief granted herein:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. All freestanding signs should incorporate landscaping around the base of the sign, and Petitioner should consider adding directional language to Sign X06/E053 that would direct motorists to the adjacent CCBC campus.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

____SIGNED____
 THOMAS H. BOSTWICK
 Deputy Zoning Commissioner
 for Baltimore County

THB:pz