

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DSDS-551 requesting departures to increase the area and reduce the setback for a freestanding sign, and reduce the setback for a canopy 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 December 18, 2003, the Prince George's County Planning Board finds:

- A. Location and Field Inspection:** The property is located on the northeast corner of St. Barnabas and Raleigh Roads. The property is developed with a gas station that consists of a one-story building with three service bays and a small room where a cashier is located. The gas station has an asphalt parking lot and two pump islands that are situated under a canopy.
- B. History:** The District Council approved a special exception (SE-2597) for the existing gas station on August 9, 1972. On April 26, 1989, the District Council approved a special exception for a commercial convenience center on the property (SE-3883). On October 26, 1989, the Planning Board approved a departure from design standards that authorized a portion of the landscaped strip to be located within the right-of-way for St. Barnabas Road (DDS-372). On December 19, 1989, the Board of Appeals approved several variances from provisions of the Zoning Ordinance, including the requirements for driveway and sidewalk widths, the location of driveways from the point of curvature, the requirement for landscape strips, and the location of gasoline pumps (V-10329).
- C. Master Plan Recommendation:** The Heights and Vicinity Master Plan (2000) recommends service-commercial development for the subject property. The 2002 General Plan places the property in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.
- D. Request:** The applicant proposes to reface the existing freestanding sign with a slightly larger sign, exceeding the maximum permissible area by 5.13 square feet. In addition, the applicant proposes to retain the current sign location, which is within 1.25 feet of the existing dedicated right-of-way for St. Barnabas Road. Furthermore, the applicant proposes to reface the signs on the canopy that does not meet the minimum setback of ten feet from the ultimate right-of-way for St. Barnabas Road.

E. Surrounding Uses:

- North— Offices of Verizon Telephone Company to the northeast in the C-M Zone.
- East— A Hyundai automobile dealership in the C-M Zone.
- South— Across St. Barnabas Road to the southeast is a two-story commercial and office building in a strip development and a U.S. Post Office in the C-M Zone. To the southwest, at the intersection of Temple Hills Road and St. Barnabas Road, is the Temple Hills Church of God in the R-R Zone.
- West— Across Raleigh Road is a Jerry's Sub Shop and the Barnside Diner in the C-S-C Zone.

F. Sign Design Standards:

1. **Section 27-613(a)(1) of the Zoning Ordinance allows signs to be placed on a canopy that is setback at least 10 feet from the ultimate proposed right-of-way.**

The existing canopy is located at the ultimate proposed right-of-way, and it is set back 30+ feet from the actual edge of pavement along St. Barnabas Road. A departure is needed to reface the signs on the existing canopy.

2. **Section 27-614(a)(4) requires freestanding signs to be located at least 10 feet behind the ultimate proposed right-of-way. However, signs are allowed to be temporarily located within the ultimate right-of-way (without obtaining a departure) provided that:**

- (1) **The land area involved has not been, and is not in the process of being acquired for street purposes.**
- (2) **The sign is located at least 10 feet behind the existing dedicated right-of-way.**
- (3) **A written agreement between the owner and the Department of Environmental Resources ensures that the sign will be removed at the owner's expense, at the time of acquisition of that area for street purposes.**

The existing freestanding sign straddles the ultimate right-of-way, and it extends to within 1.25 feet of the existing dedicated right-of-way for St. Barnabas Road. However, it is located 25+ feet from the existing edge of pavement. A departure is needed to retain the existing sign location.

3. **Section 27-614(c)(3)(B) allows one square foot of sign area for every four linear feet of street frontage, to a maximum area of 200 square feet per allowed sign.**

The property occupies 298.88 linear feet of street frontage, allowing a maximum sign area of 74.72 square feet. The applicant proposes a slightly larger sign area of 79.85 square feet,

requiring a departure of 5.13 square feet.

G. Required Findings:

Section 27-239.01(b)(9)(A) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:

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

The purposes of the Sign Regulations will be equally well or better served by the applicant's proposal. The purposes of the Sign Regulations are provided in Section 27-589(a) of the Zoning Ordinance as follows:

- (1) To promote the health, safety, and welfare of the present and future inhabitants of the Regional District;**
- (2) To encourage and protect the appropriate use of land, buildings, and structures;**
- (3) To regulate unsightly and detrimental signs which could depreciate the value of property and discourage quality development in the Regional District;**
- (4) To regulate signs that are a hazard to safe motor vehicle operation;**
- (5) To eliminate structurally unsafe signs that endanger a building, structure, or the public;**
- (6) To prevent the proliferation of signs that could detract from the scenic qualities of the landscape or the attractiveness of development; and**
- (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 proposes an increase in sign area of 5.13± square feet. This proposal will not increase the height of the sign or alter the existing setback. The sign drawing submitted by the applicant indicates that the blank panels located above and below the brand pricing panels generate the excess sign area. These combined panels consist of 23.64 square feet and will be colored grey. The panels do not serve the function of brand identification or advertisement. However, due to the manner in which sign area is computed pursuant to the Zoning Ordinance, these panels must be counted in the overall sign area.

With respect to the setback of the sign, based on a review of older site plans for the property, the sign has existed at its present location for many years. The applicant's proposal will validate the sign's location and provide a more attractive sign than the existing one. However, a portion of the sign is located within the ultimate proposed right-of-way for St. Barnabas Road. Therefore, it is recommended that the applicant obtain written permission

from the Maryland State Highway Administration (SHA) for the location of the sign. Furthermore, the written permission should ensure removal of the sign at the owner's expense when the area is acquired for street purposes.

When SE-3883 was approved in 1989, the canopy was depicted on the approved site plan with a setback of six feet (from the proposed ultimate right-of-way) and no mention was made in the Zoning Hearing Examiner's decision for the need for a variance or departure. The canopy is located six feet from the existing dedicated right-of-way but also lies directly on (or above) the proposed ultimate street line. Section 27-613(a) requires that a canopy be located at least ten feet behind the proposed ultimate street line. It is also important to bear in mind that this is a small parcel of land, and there is very little room for making major changes to the site in order to comply with the setback provisions. Further, the subject canopy serves the comfort and convenience of motorists by providing shelter from the elements as they purchase gas for their vehicles.

The departures essentially allow the signs to remain at their existing locations, which were recognized as appropriate on the special exception site plan approved by the District Council in 1989. At that time findings were made that the use, including the canopy and freestanding signs met the purposes of the Sign Regulations. The same findings can continue to be made with respect to the signs and their locations.

With respect to the sign area, this proposed slight increase is due to the way sign area is required to be computed. In reality, it does not enlarge the portion of the sign that has to do with advertisement. As such, it does provide adequate identification and advertisement of the property, and it does not create a proliferation of signs that could detract from the scenic qualities of the development.

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

The departures are the minimum necessary without requiring the applicant to obtain another formal revision to the approved special exception site plan. Furthermore, this site is small, comprising less than a half acre. It offers limited, impractical alternatives to relocate the freestanding sign and/or to shorten the existing extent of the pump island canopy.

3. 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.

The departure is necessary in order to alleviate circumstances that are unique to the site or prevalent in areas of the county developed prior to November 29, 1949. The subject property is small. This is evidenced by the numerous applications granted by the Board of Appeals and the Planning Board for the property. These various approvals, as is the case with this application, were sought in connection with proposed improvements or modernization projects.

Many newly developed gas stations are on much larger sites with larger parking compounds to accommodate the often multiple uses on the site. These modern stations typically have more street frontage and are therefore afforded larger freestanding signs.

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

The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood. The freestanding sign and canopy are in the same location that they have been for years, and the proposed size increase to the freestanding sign is only slightly larger than the existing sign.

(B) For a departure from a standard contained in the *Landscape Manual*, the Planning Board shall find, in addition to the requirements in paragraph (A) above, that there is no feasible proposal for alternative compliance, as defined in the *Landscape Manual*, which would exhibit equal or better design characteristics.

No departure from a standard in the Landscape Manual is requested.

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 recommends APPROVAL the above-noted application, subject to the following conditions:

1. The applicant shall obtain written permission from the Maryland State Highway Administration (SHA) to retain the existing freestanding sign location. Furthermore, this written permission shall ensure removal of the sign at the owner's expense when the area is acquired for street purposes.
2. The proposed 10.09-square-foot grey panels located above and below the brand pricing panels shall not be used for brand identification or advertisement.

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.

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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 Harley, seconded by Commissioner Vaughns, with Commissioners Harley, Vaughns, Eley and Squire voting in favor of the motion, and with Commissioner Hewlett absent, at its regular meeting held on Thursday, December 18, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of January 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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