

Prince George's County Departure from Design Standards Application No. 567

Applicant: Ana Tex, Inc., Owner

Location: Southeast corner of Annapolis Road and 56<sup>th</sup> Avenue

Request: Reduction in street setback for freestanding sign

### R E S O L U T I O N

WHEREAS, the applicant is requesting a departure from the 10-foot setback from the right-of-way requirement for an existing freestanding sign; and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the adopted Rules of Procedure of the Prince George's County Planning Board; and

WHEREAS, the Technical Staff Report released June 21, 2000, recommends APPROVAL, with conditions; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on June 29, 2000, the Prince George's County Planning Board agreed with the staff recommendation; and

WHEREAS, the Prince George's County Planning Board decision is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

- A. Location and Field Inspection: The subject property is located at the southwest corner of the intersection of Annapolis Road (MD 450) and 56th Avenue, in the town of Bladensburg. The site consists of approximately 15,137 square feet of land area. It is improved with a one-story building with three bays and two pump islands, each with two gasoline dispensers. The site has approximately 122 feet of frontage on Annapolis Road (north) and 116 feet on 56th Avenue (east).
- B. History: The 1994 Bladensburg-New Carrollton and Vicinity Sectional Map Amendment retained the C-S-C zoning of the property. Special Exception 234 was approved on June 15, 1955, permitting a gas station use on the property. A revision of site plan application (ROSP-234/1) was approved on March 11, 1999.
- C. Master Plan Recommendation: The 1994 Bladensburg-New Carrollton and Vicinity Master Plan recommends the property for retail-commercial use.
- D. Request: The applicant is requesting a departure from the 10-foot setback from the right-of-way requirement for an existing freestanding sign. This departure is one of the conditions of approval for ROSP-234/1.
- E. Surrounding Uses: The subject property abuts a 20-foot-wide public alley to the south (rear). A

building that houses a laundering service, floor sales and a liquor store is located to the west. The immediate area surrounding the site is characterized by a mixture of uses with residential uses located to the south, southeast and northeast in the R-55 Zone. Light-commercial uses are located to the west, northwest and east of the site in the C-S-C and C-O Zones.

F. Sign Requirements:

1. **Section 27-614(a)(4) of the Zoning Ordinance specifies that freestanding 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 Environmental Resources assures that the sign will be removed, at the owner's expense, at the time of acquisition of that area for street purposes.**

The subject freestanding sign is located within the area between the street line and the existing-right-of-way-line, but less than 10 feet behind the existing street right-of-way line. Therefore, the subject freestanding sign needs a departure from this requirement.

G. Required Findings:

- (A) **Section 27-239.01(b)(9) 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.**

In general, the purposes of the Sign Ordinance are to regulate unsightly and hazardous signs, to provide adequate identification and advertisement, to promote the general welfare of the residents of the County and to foster the appropriate use of land, buildings and structures.

The purposes of this Subtitle will be equally well or better served by the applicant's proposal. As noted, the subject property has been in use as a gas station for 45 years. The existing sign has been at this location since the approval of the original special exception in 1955. The current requirements from which

the Departure is sought came into effect several years after approval of the special exception.

A permit (1986-88-S) was issued in 1988 for the existing freestanding sign. However, the permit was issued for a proposal to replace the existing sign. The site plan submitted with the permit application shows that the proposed location of the sign met the 10-foot setback requirement. It appears that the replacement did not take place.

In the current application, no change is proposed with regard to area, height and location of the existing freestanding sign. The sign is 16 feet tall and therefore complies with the 25-foot maximum height requirement for free standing sign. As well, the sign complies with area requirements. The sign has 32 square feet of sign area. The subject use is permitted up to 62 square feet of sign area. The departures relative to this sign will merely validate the situation which existed on the property for the past 45 years and would not conflict with the purposes of this Subtitle.

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

The departure is necessary given the specific circumstances of the of the property, which is relatively small in size and fully developed, with limited alternative locations for a freestanding sign that would provide adequate identification of the subject use.

**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.**

Although this property was not developed prior to 1949, it is located in an older, developed area of the County. In addition, the small size and irregular shape of the property, coupled with the ever-expanding right-of-way, constitute unique circumstances which are alleviated by the requested departures.

**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 integrity of the site or surrounding area. The use has operated on the subject property for 45 years serving the surrounding neighborhood. However, to enhance the visual quality of the site and maintain an aesthetic appearance, it is recommended that the applicant provide landscaping, including a combination of shrubs, ground cover and annuals around the base of the freestanding signs.

H. Other Issues:

As noted, in February of 1999, a revision of site plan (ROSP-234) was approved for the subject property for installation of a canopy addition over the existing two pump islands. As of now, the canopy has not been installed and only one of the conditions of approval ( is a removal of an old oil storage tank) is complied with. A site visit reveals the following inconsistencies between the site plan and the existing conditions on the subject site:

1. A trash dumpster is located in the southeastern corner of the property in the area designated for parking spaces. The dumpster should be relocated to the area shown on the site plan.
2. The parking spaces and the driveway on the western portion of the property are being used for the parking of cars waiting to be repaired. Similarly, the parking spaces and the driveway on the east side of the property are also used for parking purposes. The southeastern access driveway on 56th Avenue is sometimes blocked with parked cars. As a result, vehicular mobility on the property is difficult and hazardous. This deficiency was cited in the findings for ROSP-234, however, the applicant has not taken any measure to improve the situation in the past year and the problem persists.
3. The two wooden sheds located at the rear of the building are not permitted; they are not constructed of brick or other similar materials as the main structure. The removal of the larger shed or its reconstruction in accordance to applicable code was one of the conditions of approval of ROSP-234. The site now consists of a new small wooden shed located near the older shed in or adjacent to the area designated for the proposed trash dumpster. The new shed appears to provide cover to some kind of mechanical equipment. However, the previously approved plan does not show or identify this shed. Unless the applicant can produce a valid building permit for its construction, it must be removed or reconstructed with acceptable materials.

NOW, THEREFORE, BE IT RESOLVED, that Departure from Design Standards Application DSDS-567 is hereby APPROVED with conditions, subject to the following conditions:

1. Compliance with the conditions of approval for ROSP-234 shall be demonstrated.
2. Unless the applicant can provide a valid building permit for the wooden sheds located at the rear of the building, they must be removed or reconstructed with brick or other similar materials as the main structure.
3. Landscaping, including a combination of shrubs, ground cover and annuals, shall be provided around the base of the freestanding sign.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following 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 Boone, seconded by Commissioner McNeill, with Commissioners Boone, McNeill, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 29, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27<sup>th</sup> day of July 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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