

R E S O L U T I O N

WHEREAS, the Prince George=s County Planning Board has reviewed DSDS-575 requesting a departure from the 10-foot setback requirement for a freestanding 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 June 6, 2002, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The subject property is a rectangularly shaped parcel located on the northwest corner of Auth Road and Auth Place. The property is developed with a one-story frame building that contains a Texaco gas station with a convenience (food and beverage) store. The gas station has four pumps under a canopy, an asphalt parking area, and an outdoor vacuum cleaner for vehicles. Two freestanding signs are located along Auth Place near the easternmost of the two driveways that serve the property. The driveways are located on Auth Road. No access from Auth Place is provided.
- B. History: The subject gas station was originally constructed in 1967, subsequent to the approval of SE-1350, which was approved by the District Council on April 15, 1966. The gas station has operated continuously since the time of its original construction in 1967. When the station was originally constructed, it offered the sale of gasoline and included automotive service. In 1996, the applicant filed SE-4240 to expand sales of retail food items inside the existing building. Automobile service work was terminated and the bays were removed. SE-4240 was approved with conditions on February 13, 1997. The sale of gas remained unchanged.
- C. Master Plan Recommendation: *The Heights and Vicinity Master Plan* (2000) recommends commercial development for the subject property.
- D. Request: The applicant wishes to validate an existing freestanding business sign which has been located on the property for an extended period of time. This freestanding business sign was erected pursuant to the issuance of a sign permit which was approved in 1987. Section 27-614(a) of the Zoning Ordinance provides that a freestanding business sign must be located at least ten feet behind the street line. The street line is determined to be the property line or the existing or proposed right-of-way line. In this instance, the existing freestanding business sign is located approximately eight feet, six inches behind the street line for Auth Road and approximately five feet, six inches behind the street line for Auth Place. Therefore, a departure of approximately one foot, six inches from the setback requirement for Auth Road and approximately four feet, six inches from the setback requirement for Auth Place is needed for the sign to remain in its present location.
- E. Surrounding Uses:

- North - Car dealer in the C-M Zone.
- East - Across Auth Place is an office building in the C-O Zone.
- South - Across Auth Road are two single-family detached homes in the C-M Zone.
- West - A car dealer in the C-M Zone.

F. Design Requirements:

1. Parking and Loading Areas: The site plan demonstrates compliance with the 22-foot driveway width requirement. Parking spaces are shown at 200 square feet in accordance with the requirements in effect when the special exception was originally approved (1966). The subject structure is less than 2,000 square feet in size and therefore does not require a loading space.
2. Number of Required Spaces: The site plan indicates that 11 parking spaces are required based on the requirements for the gas station (1 space per employee = 2 spaces for 2 employees), a 986-square-foot retail sales area (1 space per 150 square feet = 7 spaces), food and beverage area with 8 seats (1 space per 3 seats = 3 spaces) and a 138-square-foot nonpatron area (1 space per 50 square feet = 3 spaces). The total required parking spaces is 15 less 20 percent for joint use of the parking area, which equals 12 parking spaces. The site plan indicates that 12 parking spaces are provided.
3. Landscape Manual: The proposal does not require the construction, enlargement, or extension of a building and is, therefore, exempt from the *Landscape Manual*. However, the Urban Design Section, in a memo dated June 14, 2001, recommends that a landscaped area be provided around the base of the subject sign.
4. Signs: The subject application is for a Departure from Sign Design Standards for a freestanding business sign in the C-M Zone. The sign is located at eight feet, six inches and five feet, six inches, respectively, from the street lines for Auth Road and Auth Place. Section 27-614(a) requires that a freestanding business sign must be located at least ten feet behind the street line. Staff also notes that an additional freestanding Afuel and food@ sign is shown on the site plan. This sign is approximately one foot, six inches and four feet, six inches, respectively, from the street lines for Auth Road and Auth Place. Section 27-614(d) generally restricts the number of freestanding signs to one sign for businesses with less than 1,100 linear feet of street frontage. The subject property has 180 feet of frontage on Auth Road and 122 feet of frontage on Auth Place for a total of 302 linear feet of street frontage. The applicant has not requested a departure and has

agreed to remove the sign.

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.

The purposes of the Sign Regulations will be equally well or better served by the applicant=s proposal. Section 27-589 provides the following purposes of the Sign Regulations:

- i. To promote the health, safety and welfare of the present and future inhabitants of the Regional District;*
- ii. To encourage and protect the appropriate use of land, buildings, and structures;*
- iii. To regulate unsightly and detrimental signs which could depreciate the value of property, and discourage quality development in the Regional District;*
- iv. To regulate signs that are a hazard to safe motor vehicle operation;*
- vi. To eliminate structurally unsafe signs that endanger a building, structure or the public;*
- vii. To prevent a proliferation of signs that could detract from the scenic qualities of the landscape or the attractiveness of development; and*
- viii. 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 subject sign has been at its current location since 1987. A substantial amount of road improvement work has taken place since the sign was erected. It is likely that the street line has moved farther onto the subject property as a result of these road improvements. Therefore, allowing this sign to remain at its current location will not have an adverse impact on the health, safety or welfare of residents.

Furthermore, it will do nothing to discourage the appropriate use of land, buildings and structures since this application involves no changes to the subject property. In addition, the existing sign is not unsightly, and no information in the record suggests that it will cause a detrimental impact on property values or discourage quality development. The subject freestanding sign will continue to advertise the Texaco gas station in a manner that promotes safe motor vehicle operation and will in no way endanger the public. Also, since the applicant is only proposing to retain a single freestanding sign, granting the departure as requested will not result in a proliferation of signs.

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

The departure is the minimum necessary, given the specific circumstances of the request. In order to remain at its current location, the sign requires departures of one foot, six inches from the Auth Road street line and four feet, six inches from the Auth Place street line.

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 which are unique to the site. The Planning board notes the Zoning Hearing Examiner in his decision of July 17, 1996, for SE-4240 (to add a food and beverage store to the subject property) noted that the widening of Auth Road eliminated the sidewalk on Auth Road and reduced the setback for the pump islands and canopy. Since the subject sign was in its current location in 1996, it is reasonable to assume that the road widening also affected the setback for the sign.

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 departure will allow the sign to remain at its current location. The subject sign, with the recommended conditions for landscaping around its base, will be more attractive.

- (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.

The subject application does not propose a departure from the *Landscape Manual*.

- H. Additional Finding: The Board agrees with staff that the additional existing Freestanding AFood and Fuel@ sign must be removed. The proposed condition (to remove the sign) is not, however, intended to prevent the applicant from adding the words AFood and Fuel@ to the remaining freestanding sign approved under the is departure request. The approved freestanding sign must continue however, to meet the sign area requirements for the C-M Zone.

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 APPROVED DSDS-575 subject to the following conditions:

1. Prior to the issuance of permits, the site plan shall be revised to include a landscape planting bed containing a minimum of 30 plant units around the base of the sign.
2. The existing freestanding AFood and Fuel@ sign shall be removed.

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.

* * * * *

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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Brown, and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, June 6, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of June 2002.

Trudye Morgan Johnson
Executive Director

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By Frances J. Guertin
Planning Board Administrator

TMJ: FJG: JJ: rmk