

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

WHEREAS, the Prince George=s County Planning Board has reviewed Departure from Sign Design Standards Application 576 requesting relief from the setback requirement for freestanding signs, for permission to exceed sign area requirements and add freestanding signs 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 January 24, 2002, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The property is a small, irregularly-shaped parcel on the northwest corner of Marlboro Pike and Forestville Road. The property is developed with a gas station that includes a one-story, four-bay brick structure and four gasoline pumps. The property is completely paved and has a coin-operated vacuum for vehicles.
- B. History: The property was placed in the C-S-C Zone in 1986 during the Sectional Map Amendment for Suitland-District Heights and Vicinity. Special Exception SE-2296 was approved for a gas station in May 1970. Revisions to the site plan were approved in 1983 and 1987.
- C. Master Plan Recommendation: The 1985 Master Plan for Suitland-District Heights & Vicinity recommends retail, service-commercial use for the subject property.
- A. The applicant requests relief from the 10-foot setback from street line requirement to permit the existing 87.3-square-foot freestanding business identification sign and 19.5-square-foot, 24-hour sign panel to remain in its current location within the right-of-way for Marlboro Pike. This request also proposes that three existing 19.5-square-foot Amerchandising@ signs be allowed to remain.
- B. Neighborhood and Surrounding Uses: The subject property is located in an old strip commercial area. It is surrounded by the following uses:
  - North - A small office townhouse development in the C-O Zone and a church in the R-55 Zone.
  - East - Across Forestville Road is a shopping center which sits behind a small liquor store and a mattress store that fronts on Marlboro Pike in the C-O Zone.
  - South - Across Marlboro Pike is an Exxon gas station and small commercial center in the C-S-C Zone.
  - West - Undeveloped land in the C-O Zone, a gas station in the C-S-C Zone and a bank in

the C-O Zone.

F. Minor Change Provisions: Section 27-325(b) provides that:

- (1) **Changes of site plans for property of less than five (5) acres may be permitted by the Planning Board, provided that either of the following two (2) situations exists:**

**(A) Situation No. 1.**

- (i) **There is a proposed increase in gross floor area of a building or in land area covered by a structure other than a building (over that approved on the original site plan) which is not greater than ten percent (10%) of the gross floor area or covered land area or five hundred (500) square feet, whichever is less (see Figure 40); or**
- (ii) **There is a proposed relocation (in any direction) of any improvement (approved on the original site plan) which is not greater than ten percent (10%) of the distance to the boundary line of the Special Exception property or twenty (20) feet, whichever is less (see Figure 41).**

**(B) Situation No. 2.**

- (i) **There is a proposed change in the design of a parking lot or loading area; or**

(ii)

**There is a proposed change in a landscape plan.**

The Applicant is proposing to add a loading space in accordance with Section 27-325(b)(1)(B)(i). Section 27-325(f) further provides that:

- (1) **Changes of a site plan for an approved gas station may be permitted under the site plan amendment procedures in Section 27-324. The Planning Board**

**may permit the following modifications, under the procedures in this subsection:**

- (A) The enlargement or relocation of pump islands;**
- (B) The addition of one (1) pump island;**
- (C) The addition, relocation, or modification of a fence, kiosk, island shelter, island canopy, storage area, trash enclosure, vending area, or lavatory facility;**
- (D) The addition, relocation, or modification of an accessory building used solely for the storage of automotive replacement parts or accessories. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to that of the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be approved as a part of the minor change.**
- (E) Any situation described in Subsection (b) or (c).**

G. Specific Special Exception Requirements: Section 27-358(a) provides the following specific requirements for a gas station:

**(a) A gas station may be permitted, subject to the following:**

- (1) The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet;**

The subject property has over 200 feet of frontage along Forestville Road. Direct vehicular access to Forestville Road is provided by two driveways. Forestville Road has a proposed 80-foot-wide right-of-way.

- (2) The subject property shall be located at least three hundred (300) feet from any lot on which a school, playground, library, or hospital is located;**

The property meets this requirement.

- (3) The use shall not include the display and rental of cargo trailers, trucks, or similar uses, except as a Special Exception in accordance**

**with the provisions of Section 27-417;**

The Applicant does not propose the display and rental of cargo trailers or trucks.

- (4) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;**

The use meets this requirement. However, a note should be added to the site plan stating that the storage or junking of wrecked motor vehicles is prohibited on the subject property.

- (5) Access driveways shall be not less than thirty (30) feet wide, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than 20 feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than 12 feet from the side or rear lot line of any adjoining lot;**

The site plan demonstrates compliance with this requirement.

- (6) Access driveways shall be defined by curbing;**

Driveways are defined by curbing as required.

- (7) A sidewalk at least five feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic;**

A 10-foot-wide sidewalk is shown along the portion of the property that fronts on Marlboro Pike.

- (8) Gasoline pumps and other service appliances shall be located at least 25 feet behind the street line;**

The use meets this requirement.

- (9) Repair service shall be completed within 48 hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory**

**building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the Landscape Plan.**

A field inspection of the property revealed that repair service is conducted on site. Staff found no evidence of discarded parts on the property. While there are cars parked on the property, none of them appeared to be junked cars. The property is generally well kept.

**(b) In addition to what is required by Section 27-296(c), the site plan shall show the following:**

- (1) The topography of the subject lot and abutting lots (for a depth of at least 50 feet);**
- (2) The location and type of trash enclosures; and**
- (3) The location of exterior vending machines or vending area.**

The site plan provides the information required above.

**(c) Upon the abandonment of a gas station, the Special Exception shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this subsection, the term "abandonment" shall mean nonoperation as a gas station for a period of 14 months after the retail services cease.**

The Applicant makes no reference to this requirement in his statement of justification. However, if this application is approved, the Applicant will be required to comply with this requirement.

**(d) The District Council shall find that the proposed use:**

- (1) Is necessary to the public in the surrounding area; and**
- (2) Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.**

The subject use has served the community for over 30 years. Both the Planning Board and District Council have considered several revisions to this site plan; and in doing so, found that this use was necessary to the public and did not

restrict the availability of land. The Planning Board believes these findings continue to be valid.

- A. Sign Regulations: The subject property occupies approximately 360 feet of road frontage. **Section 27-614(d)(2)(A) allows one freestanding sign per every 40 to 1,100 feet of frontage. In addition, Section 27-614(c)(3)(B) allows a maximum freestanding sign area of 90 square feet for the subject property, computed at one square foot of sign area per four feet of road frontage.** The Applicant is requesting departures to allow a total of five freestanding signs with a combined sign area estimated at 142.3 square feet. A departure of 52.3 square feet is requested.

The signs are described as follows:

- AA) Existing freestanding sign in right-of-way with attached 24-hour panel. 106.8 square feet total combined area. Two attached price signs.
- AB) Two merchandising signs under canopy. Eight square feet each. No prior permits approved.
- AC) One light pole-mounted price sign (required) at north entrance. 19.5 square feet. No prior permits approved.
- AD) One light pole-mounted merchandising (advertising) signs. 19.5 square feet. No prior permits approved. @

The main business identification sign (described in >A= above) is located on the southeast corner of the site, at the intersection of Marlboro Pike and Forestville Road. The Applicant proposes to retain this location within the Master Plan proposed right-of-way. **Section 27-614(a)(4) allows the sign to remain at this location in accordance with the following:**

- (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 not located ten feet behind the existing street right-of-way line. The site plan indicates that the sign is located on the right-of-way line for Marlboro Pike and Forestville Road. A departure of ten feet is required. The Applicant amended the proposal at the public hearing to request that two small (8 sq.ft.) merchandising signs be permitted within the pump island area. These signs would be barely visible from the street and stand less than five feet tall. The additional signs would change the required departure from 16.8 sq. ft. to 48.8 sq.ft.

**Section 27-594 requires gasoline price signs to be located at each entrance. Section 27-614(c)(6) allows these signs a maximum area of 25 to 50 square feet, depending upon whether two or three types of gasoline are offered for sale.** These requirements can be satisfied by either attaching price signs to light fixtures or placing portable ground-mounted panels along each of the adjoining rights-of-way. Staff notes that there are two price signs mounted on the freestanding business sign and two price signs mounted on light poles. These signs measure 19.5 square feet each.

I. Findings for Departures: Section 27-239.01 provides the following findings for departures from sign design standards:

**(A) In order for the Planning Board to grant the departure, it shall make the following findings:**

**(i) The purposes of this Subtitle will be equally well or better served by the Applicant's proposal;**

The purposes of the sign regulations will not be equally well or better served by the Applicant's proposal. The sign regulations permit one freestanding sign to identify a business. There are five freestanding signs on the property, four of which have been erected without a sign permit. The seven purposes of the sign regulations are contained in Section 27-589(a). Purpose number six, as shown below, is particularly relevant to this request:

A. To prevent the proliferation of signs that could detract from the scenic qualities of the landscape or the attractiveness of development.

While the fact that four of the freestanding signs were erected illegally makes the request to permit these signs moot, the issue of Aexcessive and unsightly signing@ along Marlboro Pike is noted in the ACommercial Areas and Activity Center@ chapter of the 1985 *Master Plan for Suitland-District Heights and Vicinity*. The

additional merchandising signs proposed in this application would add to the visual clutter that is characteristic of this older commercial area. The Applicant has agreed to remove the illegal signs and obtain sign permits for the new merchandising signs.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request;**

The requested departure is not the minimum necessary in this case. Based on the sign permits issued for this property, only one freestanding sign is permitted. The existing 87.3-square-foot freestanding business sign and 19.5-square-foot 24-hour panel sign are the only signs which appear to have a sign permit. The total square footage of these signs is 106.8 square feet. The Applicant has also proposed two small 8 square foot merchandising signs to be located near the pump islands. Under Section 27-614(c)(3)(B), a total of 90 square feet of signage is permitted for the subject property. The freestanding business sign and 24-hour price signs are currently the only legal signs. The three illegal business signs will be removed. With the two additional 8 square foot merchandising signs, a departure of 48.8 square feet of sign area is required. A departure of 10 feet is also required to allow this freestanding sign to remain in its current location.

**(iii) 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 subject property is located in an old commercial area. A departure for 48.8 square feet of sign area would not constitute a significant increase in sign area and would address the Applicant's need to identify the business for motorists.

**(iv) 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 would allow the existing freestanding sign to remain in its original location. The two small merchandising signs would also allow the Applicant to make customers at the pump island aware of other products sold on-site. All illegal signs would be removed, thus decreasing the amount of signage on the property in accordance with the Master Plan.

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

1. The existing freestanding business sign shall remain in its current location.
2. All illegal signs shall be removed from the property.
3. Departures are approved for 48.8 square feet of sign and from the ten-foot setback (behind the existing right-of-way) requirement.
1. Two 8 square foot merchandising signs will be permitted in the pad area for the pump islands.

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 Brown, seconded by Commissioner Eley, with Commissioners Brown, Eley, Scott, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 24, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of February 2002.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ: FJG: JJ: rmk