

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 No. 577 requesting departures for freestanding sign location, size and number as well as canopy sign location 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 3, 2002, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The site is located on the north side of Annapolis Road (MD 450), 450" feet east of its intersection with Finns Lane. The site comprises approximately 24,590 square feet and is improved with a gas station constructed in 1966. A one-story building houses three service bays, an office, and a sales area. The site has approximately 166 feet of frontage on Annapolis Road, which it accesses via two 30-foot-wide driveways.
- B. History: The District Council approved a special exception for a gas station for this site in 1966 pursuant to SE-1330. On April 26, 1995, per Appeal No. V-59-95, the Board of Appeals granted variances from Sections 27-358(a) (7) and (8) to waive the five-foot-wide sidewalk requirement and to permit a five-foot canopy and 15-foot pump island setback.
- C. Master Plan Recommendation: The 1994 *Master Plan for Bladensburg-New Carrollton and Vicinity* recommends retail commercial use for the property.
- D. Request: Sunoco wishes to renovate this gas station by making the following changes:
 - 1. Replacement of canopy and building signs
 - 2. Cosmetic improvements to the canopy
 - 3. Addition of a trash enclosure
 - 4. Removal of an accessory storage building
 - 5. Restriping of the parking lot

The applicant also seeks a departure to allow the existing freestanding sign to remain in its present position and replace the existing canopy signs, as well as allow three additional freestanding signs to remain.

- E. Surrounding Uses: The site is surrounded on all sides by strip-commercial uses in the C-S-C zone.
- F. Minor Change Provisions: Section 27-325(b) - Minor Changes to Special Exception Site Plans:
 - (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 exist:**

(A) Situation No. 1

- (i) There is a proposed increase in gross floor area of 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; 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.**

(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 landscaped plan.**

Minor Change Provisions: Section 27-325(f) - Minor changes to gas station site plans:

(1) Changes of a site plan for an approved gas station may be permitted by the Planning Board for the following modifications:

- (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 27-325(b) or (c).**

Finding: The minor changes requested by the applicant fall within the revisions that the Planning Board is permitted to approve.

G. Sign Regulations - Departure from Sign Design Standards Application No. 577: The applicant is proposing to make the following changes to the signage on the site:

1. Retain the existing freestanding Sunoco sign with its attached A24 hours@ panel. Together, they measure 106.8 square feet in area; 41.5 square feet is allowed. The sign is 30 feet in height, which exceeds the permitted height of 25 feet by five feet. The sign is set back 16 feet from the actual paving of Annapolis Road, but only two feet from the ultimate right-of-way; ten feet is required.
2. Retain three additional freestanding signs referred to by the applicant as Amerchandising @ signs. They include one pole-mounted sign at 19.5 square feet and two pump island signs, each eight square feet in area.
3. Replace the existing canopy signs. They are set back eight feet from the right-of-way; ten feet is required.

(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.**

Finding: In general, the purposes of Part 12 (Signs) of the Zoning 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 existing freestanding sign with attachments, while more than twice the allowable area, has not proven deleterious through many years of service. The fact that it is five feet taller than allowed is not discernable. The canopy signs will be located on existing canopies, which are not to be moved. Because the applicant is simply validating the long-existing conditions on the site, there will be no detrimental impacts; nor would the approval of these departures result in a proliferation of signs.

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

Finding: The validation of the long-existing signage on the site, given the reality of the true setback from the existing streetline, can be considered the minimum necessary.

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.

Finding: With the exception of the three Amerchandising@ signs, there is little distinction between the existing situation and what the applicant is now proposing. The placement of the signs will not change to any noticeable degree; they will remain in the same general location they have been in for the past three decades or more. The fact that this site has been developed with this use and similar signs for more than 30 years results in unique circumstances which this departure can validate.

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

Finding: The departure will allow for a continuation of the long-existing sign placement on the site. In over 30 years it has not impaired the quality or integrity of the site or the surrounding area.

(B) Not applicable to this application

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-577 subject to the following conditions:

1. All illegal signs shall be removed
2. The pole-mounted freestanding Amerchandising@ 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.

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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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Brown, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 3, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of February 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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