

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. 581 requesting a departure to allow for a freestanding sign partially within the right-of-way serving a building less than 40-feet from the right-of way and canopy signs less than 10 feet behind the streetline 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 November 8, 2001, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The site is located in the northwest corner of Baltimore Avenue (US 1) and Montgomery Road in Beltsville. The site comprises approximately 14,950 square feet and is improved with a Shell gas station constructed in 1962. A one-story building houses two service bays, an office, and sales area. The site has approximately 110 feet of frontage on Baltimore Avenue and approximately 163 feet of frontage on Montgomery Road. It is accessed from both streets.
- B. History: The District Council approved a special exception for a gas station for this site in 1962 pursuant to SE-737. On July 9, 1987, per Appeal No. 8684, the Board of Appeals granted variances from Sections 27-358(a)(5) and (8) to permit access driveways along Montgomery Road to be 25 feet wide, driveways along US 1 to be 20 feet wide, and to permit a 9-foot pump island setback. In 1995, Shell Oil Company sought a revision to SE-737 (ROSP-SE- 737/1) to make minor changes to the site. This request was approved by the Planning Board on November 2, 1995.
- C. Master Plan Recommendation: The 1990 *Subregion I Master Plan* recommends retail-commercial use for the property.
- D. Request: Motiva wishes to further renovate this gas station by razing the existing two-bay service station building and erecting a 2,010-square-foot food mart (a use permitted by right in the C-S-C Zone). As a result of the older, developed nature of the site, numerous variances and departures are required.
- E. Surrounding Uses: The site is surrounded on all sides by strip-commercial uses in the C-S-C Zone.
- F. Sign Regulations - Departure from Sign Design Standards Application No. 581: The applicant is proposing to replace the existing freestanding sign with a comparably sized sign to be located in the same general area as the existing freestanding sign. The new sign will be located partially within the ultimate right-of-way for Baltimore Avenue. Pursuant to Section 27-614(a)(4), the applicant has obtained permission from the State Highway Administration to locate the sign in the ultimate right-of-way area and the applicant has agreed to remove the sign at its own expense upon the SHA=s taking of this property for roadway improvements. The applicant has filed a

separate application (DSDS-581) seeking a departure from Section 27-614(a)(1) to allow a freestanding sign where the main building associated with the sign is set back less than the required 40 feet from the front street line. That application also requests a departure from Section 27-613(a)(1) to allow signs on the pump island canopies which are set back less than the requisite 10 feet from the street.

(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 proposed sign is within the required height and area restrictions, and is located in the same general location as the sign approved in 1996 in ROSP-SE-737/1. 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 will it result in a proliferation of signs. While the building to be served will be less than 40 feet from the streetline, it will not be easily viewed because it is oriented toward Montgomery Road rather than US 1, making building-mounted signs impractical.

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

Finding: The canopies upon which signs are to be placed are not being moved as a result of this proposal. Because of the size of the site, it is unlikely that a redesign could be done which would result in a greater setback. In addition, in order for the food mart to meet the prescribed 40-foot setback to be served by a freestanding sign, it would have to be reduced to such a degree that it would no longer be able to serve the purpose for which it is intended. In light of these circumstances, the departure is 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: The only distinction between the existing situation and what the applicant is proposing is the relative location and orientation of the main building. 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 35 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 35 years it has not impaired the quality or integrity of the site or the surrounding area. There is no reason to believe that it will do so in the future.

(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-581

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 and Eley voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, November 8, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of November 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator