

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. 593 requesting a departure of four feet of the ten-foot setback requirement for a canopy 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 January 23, 2003 the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The site is located on the west side of US 301, 0.7± mile south of the intersection of US 301 and Branch Avenue. The site comprises approximately 30,000 square feet and is improved with a gas station constructed in the 1950s. A one-story building houses a gas station, fast-food restaurant and convenience-commercial center. The site has 150 feet of frontage on US 301, which it accesses via a pair of 35-foot-wide driveways.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Use(s)	Gas Station Fast-Food Restaurant Convenience Commercial	Gas Station Fast-Food Restaurant Convenience Commercial
Acreage	0.69± acre	0.69± acre
Square Footage/GFA	1,625 square feet	1,625 square feet
Canopy Signs	None	25.82 square feet

- C. **History:** The District Council approved a special exception for a commercial-convenience center on this site in 1985 pursuant to SE-3530. Numerous variances were also approved over the years covering pump island and canopy setbacks, landscaping, side yard setback and screening/fencing requirements along the north and west lot lines (Appeals Nos. 5529 and 7470). A departure application filed in 1985 for the freestanding sign setback (DSDS-308) was found to be unnecessary and was withdrawn.

- D. **Master Plan Recommendation:** The 1993 *Subregion V Master Plan* recommends retail-commercial use for the property.

E. **Request:** Citgo proposes to renovate this gas station by adding signs to the existing pump island canopy.

- F. **Surrounding Uses:** The site is surrounded on all sides by undeveloped land in the R-R Zone, with the exception of a gas station and undeveloped land to the east, across US 301, in the C-M, I-3 and E-I-A Zones.

- G. **Parking and Loading Regulations:** The use requires 16 parking spaces; 18 are shown.
- H. **Other Issues:** The Permit Review Section (M-NCPPC), in its referral dated December 1, 2002, found no additional deficiencies to the site plan.
- I. **Sign Regulations:** The applicant is requesting a departure to allow three signs to be placed on the existing pump island canopy. The canopy is set back 42 feet from the actual paving of US 301, but only six feet from the ultimate right-of-way; a setback of 10 feet is required by Section 27-613(a)(1). The applicant is permitted 50 square feet of canopy sign area; 25.82 square feet is proposed.

(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 pump island canopy is set back 42 feet from the existing edge of pavement for US 301. It is the existence of a wide, unused ultimate right-of-way for US 301 that makes this departure necessary. The applicant proposes 25.82 square feet of signage; 50 square feet is permitted. Given the circumstances, the purposes for sign regulation will be equally well served by the applicant's proposal.

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

Finding: The placement of three 8.6-square-foot signs on the long-existing pump island canopy, given the reality of the true setback from the existing edge of pavement, 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: There is no distinction between the existing situation and what the applicant is now proposing. The placement of the signs on the pump island canopy will not change the use to any noticeable degree; the signs will simply function to make the site more attractive and recognizable. The fact that this site has been developed with this use for more than 40 years results in unique circumstances that this departure can address.

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 use on the site. In over 40 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 the above-noted application.

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 Eley, with Commissioners Lowe, Eley, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 23, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of February 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk

(Revised 8/9/01)