

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Sign Design Standards Application No. 594, requesting a departure of eight feet from the ten-foot freestanding sign setback, 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 9, 2003, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The site is located on the south side of University Boulevard, 205± feet west of its intersection with Riggs Road. The site comprises approximately 11,250 square feet and is improved with a gas station constructed in 1961. A one-story building houses two service bays, an office, and a sales area. The site has 90 feet of frontage on University Boulevard, which it accesses via a 30-foot-wide driveway. Additional access is provided via an easement from the adjoining property to the west.

- B. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Use(s)	Gas Station	Gas Station
Acreage	0.26± acre	0.26± acre
Square Footage/GFA	1,440 square feet	1,440 square feet
		1,414 square feet (canopy)

- C. **History:** The District Council approved a special exception for a gas station for this site in 1961 pursuant to SE-658.
- D. **Master Plan Recommendation:** The 1989 *Langley Park-College Park-Greenbelt Master Plan* recommends retail-commercial use for the property.
- E. **Request:** The applicant seeks a departure to allow the existing freestanding sign to remain in its present position, two feet from the ultimate right-of-way for University Boulevard.
- F. **Surrounding Uses:** The site is surrounded on all sides by commercial uses in the C-S-C and C-0 Zones, with the exception of apartments in the R-18 Zone to the south.
- G. **Sign Regulations—Departure from Sign Design Standards Application No. 594:** The applicant is requesting a departure to validate the location of the existing freestanding sign. The sign is set back ten feet from the actual pavement of University Boulevard but only two feet from the ultimate 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 has not proven deleterious through many years of service. 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:** The freestanding sign is proposed to remain in the existing location. The fact that this site has been developed with this use and similar signs at the same location for more than 40 years results in unique circumstances that 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 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 DSDS-594.

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 Eley, with Commissioners Lowe, Eley, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 9, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of January 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:TL:rmk

(Revised 8/9/01)