

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. 596 requesting departures to increase the area of a freestanding sign and reduce street setback for gasoline price sign in accordance with Subtitle 27 of the Prince George's County Code; and;

WHEREAS, at the public hearings on June 5, 2003, the applicant amended the application to remove the existing gasoline price sign, thereby eliminating the need for departure from the setback requirement for the gasoline price sign, and

WHEREAS, after consideration of the evidence presented at the public hearings on June 5, 2003, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is located on the northeast corner of the intersection of Oxon Hill Road (MD 414) and Livingston Road. The subject property comprises approximately .58 acre. It is improved with a Shell gas station with a 2,593-square-foot building, three multi-pump dispensers (MPD) with a canopy cover, and one MPD without a canopy cover. The existing building includes an office, a sales area, and four service bays. The gas station currently provides automobile repair and related services. The property is zoned C-S-C, and it has street frontage on Oxon Hill Road and Livingston Road. It has four driveway entrances—two on each street.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Gas Station	Gas Station
Acreage	.66 (25, 753 SF)	.58 (25, 328 SF)
Signs	1-freestanding	1-freestanding
Sign Area	.76.29 SF	91.67 SF
Sign Height	25'	25'
Sign Setback	1'	1'

C. **History:** On May 20, 1970, the District Council granted Special Exception No.2258 for a gasoline station on the property. A revision of site plan ROSP-SE-2258/1 was approved in 1984 to enclose an existing portico and to add storage containers to the existing gas station. On May 28, 1998, the Planning Board approved a second revision to the site plan in ROSP SE-2258/2. In addition, a number of variances and a departure have been granted for the subject property since 1984. The 1984 *Sectional Map Amendment (SMA) for Subregion VII* rezoned the property from the C-2 Zone to the C-S-C Zone.

- D. **Master Plan Recommendation:** The 1981 *Master Plan for Subregion VII* recommends retail-commercial land use for the subject property.
- E. **Request:** The applicant proposes to replace the existing freestanding sign as part of an overall renovation of the subject gas station. The proposed sign will have a total area of 91.67 square feet and exceeds the maximum permitted sign area by 15.38 square feet.
- F. **Surrounding Uses:** The property is surrounded by the following uses:

North: Automobile glass service in the C-S-C Zone.

West: Across Livingston Road, a liquor store, a convenience store, and cleaners in the C-S-C Zone.

Southwest: Across the intersection of Oxon Hill Road and Livingston Road, the Oxon Hill Shopping Center with various commercial uses and a church in the C-S-C Zone.

Southeast: Across the intersection of Oxon Hill Road and Livingston Road, a gas station and a bank in the C-S-C Zone.

East and Northeast: Pizza Hut (Silver Hill Plaza) in the C-S-C Zone.

G. **Sign Requirements:**

1. ***Section 27-614(d)(2)* of the Zoning Ordinance allows one freestanding sign for a property with street frontage of 40 to 1,100 feet, and one additional sign is permitted for each additional 1,000 feet or fraction thereof.**

The subject property has 305.15 linear feet of street frontage on Livingston Road and Oxon Hill Road. Therefore, the site is allowed one freestanding sign. There is an existing sign on the property; no additional freestanding sign is proposed.

2. ***Section 27-614(a)(4)* requires that freestanding signs shall be located at least 10 feet behind the ultimate right-of-way line.**

Review of the site plan indicates that the existing sign is located 14 feet from the street pavement and only one foot behind the street line of Oxon Hill Road. A departure was approved (DSDS-546) in 1998 to allow the current sign location.

3. ***Section 27-614(b)(1)* specifies that the maximum height of signs in the C-S-C Zone shall be 25 feet, measured from the finished grade at the base of the sign to the top of the sign.**

The proposed freestanding sign is 25 feet tall.

4. ***Section 27-614(c)(3)(A)* provides that in all Commercial Zones (except the C-O Zone) and all Industrial Zones (except the I-3 Zone), the area of the freestanding sign shall be not more than one (1) square foot for each (4) linear feet of street frontage, to a maximum of two hundred (200) square feet for each sign, if the building is not located in an integrated shopping center, other commercial center with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial center, or office building complex. The street frontage shall be measured on the property occupied by the center or complex associated with the sign.**

The applicant is proposing a total area of 91.67 square feet for the proposed sign. With 305.15 linear feet of street frontage, the property is allowed one sign with an area of 76.29 square-feet. A departure of 15.38 square feet is requested.

5. ***Section 27-589* contains the following purposes for regulating signs:**
 - (1) **To promote the health, safety, and welfare of the present and future inhabitants of the Regional District.**
 - (2) **To encourage and protect the appropriate use of land, buildings, and structures.**
 - (3) **To regulate unsightly and detrimental signs which could depreciate the value of property and discourage quality development in the Regional District.**
 - (4) **To regulate signs which are a hazard to safe motor-vehicle operation.**
 - (5) **To eliminate structurally unsafe signs which endanger a building, structure, or the public.**
 - (6) **To prevent the proliferation of signs that could detract from the scenic qualities of the landscape or the attractiveness of development.**
 - (7) **To control the location and size of signs, so as to provide for adequate identification and advertisement in a manner that is compatible with land uses in the Regional District.**

G. **Required Findings:**

- (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.

In general, the purposes of the sign 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. In this instance, the facts establish that granting the requested departures will not jeopardize these purposes.

The applicant proposes to modify and upgrade the existing freestanding sign as part of “a program to revise and update the image of all Shell stations in the United States and world wide.” The applicant indicated that these changes generally include changing the appearance of the building, canopy and signage through color and lighting changes to create a harmonious and aesthetically appealing appearance for the entire site.

The applicant requests to replace the existing freestanding sign for which a departure was approved with conditions by DSDS-546 in 1998. In the instant application, no change is proposed with regard to location and height of the freestanding sign that was approved in 1998. However, the proposed sign would exceed, by 15.38 square feet, the maximum allowable sign area for the subject property.

The proposed improvement and modification to the site include two building signs with a total area of 7.31 square feet (approximately 44 percent of the total permitted area), and a canopy sign of 12.82 square feet (approximately 32 percent of the allowable area). The proposed freestanding sign with a total area of 91.67 square feet is 15.38 square feet (approximately 20 percent) over the maximum 76.29 square feet of area allowed for the subject property.

The applicant points out that two blank panels with a total area of 23.64 square feet generate all of the excess sign area. The applicant maintains that due to the relatively small size of the property and its location at the intersection of two heavily traveled thoroughfares, a more pronounced sign is needed to adequately advertise the site. The applicant contends that a more pronounced sign would allow motorists sufficient opportunity to realize that the gas station is located at the intersection and provide time to safely enter the site. The applicant further argues that a combination of the allowable building and canopy signs that are not used at the site would more than offset the proposed increase to the area of the freestanding sign.

The cumulative area of the building and canopy signs is, indeed, substantially below than that is allowed by the Zoning Ordinance. Thus, given the resulting upgrading and aesthetically pleasing appearance of both the proposed sign and the other improvements to the site, offsetting the increased freestanding sign area with the unused canopy and building sign area can be justified, provided that the property and the proposed sign meet the following conditions:

- (a) The two blank, gray panels may not be used for any type of advertisement and shall remain blank as proposed.
- (b) The color, position, and size of the two blank panels shall not change.
- (c) The total building sign area shall not exceed 7.31 square feet, and the canopy sign area shall not exceed 12.82 square feet.
- (d) All unauthorized product advertisement signs currently located on the property's frontage along Oxon Hill Road shall be removed.

These conditions ensure conformance with the purposes of the Ordinance in a manner that is compatible with land uses in the surrounding area.

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

The departure is the minimum necessary given the specific circumstances of the property. The site is relatively small in size and fully developed, with limited alternatives for a freestanding sign to accommodate both current sign standards and current demands of the gas station industry for continuous modification in terms of appearance and design.

The proposed site plan does not match the most recently approved special exception plan (ROSP-SE-2258/2) and therefore the conditions of approval of that plan are not met. The proposed plan reflects a number of inconsistencies including plant units, fencing around storage, distance between canopy and street line, area of the property, number of price signs, and the number of parking spaces. The site plan shall be revised to eliminate these inconsistencies. Otherwise, approval of another revision to the approved site plan will be required. In addition, the location map on the proposed plan is inaccurate and needs to be corrected.

3. The departure is necessary in order to alleviate circumstances that are unique to the site or prevalent in areas of the county developed prior to November 29, 1949.

Although this property was not developed prior to 1949, it is located in an older, developed area of the county. The .58-acre property has been in use as a gas station for over 30 years. The original special exception for gas station use was approved in 1970 and two revisions were granted 1986 and 1998. In addition, to bring the property in compliance with zoning standards of the time, the following variances and a departure were approved:

- Variance from the 10-foot landscape strip requirement.
- Variance from the 25-foot setback requirement for pump islands.
- Variance from the requirement that a driveway may begin at a point not less than - 20 feet from the point of curvature of any curve return.
- Variance from the requirement that the access driveway be defined by curbing f-or the north driveway on Livingston Road.
- A variance from the 30-foot setback requirement for the canopy.
- A departure from the ten-foot setback from the street requirement for the freestanding sign.

In the instant application, the substandard size of the property, coupled with the continuous evolution in the nature of gas stations and new zoning development standards, constitute unique circumstances that are alleviated by the requested departures.

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

The departure will not impair the visual, functional and environmental integrity of the site and surrounding area. The proposed renovation and upgrading of the property will enhance the visual quality of the property and the immediate area.

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-596, subject to the following conditions:

1. Prior to the issuance of permits, the site/landscape plan shall be revised to demonstrate consistency with the last approved special exception plan (ROSP-SE-2258/2) and shall comply with all the conditions of approval of ROSP-SE-2258/2).
2. The location map on the proposed plan shall be corrected to reflect accurate information.
3. The two blank, gray panels shall not be used for any type of advertisement and shall remain blank as proposed.
4. The color, position, and size of the two blank panels shall not change.

5. The total building sign area shall not exceed 7.31 square feet, and the canopy sign area shall not exceed 12.82 square feet.
6. All unauthorized product advertisement signs currently located on the property's frontage along Oxon Hill Road 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.

* * * * *

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 Scott, seconded by Commissioner Vaughns, with Commissioners Scott, Vaughns, Eley and Hewlett voting in favor of the motion, and with Commissioner Lowe absent at its regular meeting held on Thursday, June 5, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of July 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:ET:rmk