

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. 598 requesting departures to reduce street setback for freestanding sign in accordance with Subtitle 27 of the Prince George's County Code; and;

WHEREAS, after consideration of the evidence presented at the public hearings on July 24, 2003, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located on the northwest corner of 24th Avenue and University Boulevard in Adelphi. The property comprises approximately .30 acre of land. It is improved with a Shell gas station with a one-story, 1,568-square-foot building and four multi-pump dispensers (MPD) with a canopy cover. The existing building includes an office, a sales area, and three service bays. The gas station currently provides automobile repair and related services. A freestanding sign is located on the southeast corner of the property. A number of unauthorized advertisement signs are located on the grass islands and fastened to the light post and the freestanding sign along the property's frontage on University Boulevard. The property is zoned C-S-C, and it has street frontage on University Boulevard and 24th Avenue. It has three driveway entrances—two on University Boulevard and one on 24th Avenue.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Gas Station	Gas Station
Acreage	.30 (13,269 SF)	.30 (13,269 SF)
Signs	1 freestanding	1 freestanding
Sign Area	48.21 SF	48.21 SF
Sign Height	24ft	24 ft
Sign Setback	7.2 ft	7.2 ft

- C. **History:** On May 21, 1965, the District Council granted Special Exception 1188 allowing a gas station use on the property. In 1993 the Board of Zoning Appeals granted a number of variances for the subject property to validate existing conditions for the gas station use on the property. The 1990 *Adopted Langley Park-College Park-Greenbelt Sectional Map Amendment* (Planning Areas 65, 66 and 67) rezoned the property from the C-2 Zone to the C-S-C Zone.

- D. **Master Plan Recommendation:** The 1990 *Approved Langley Park-College Park-Greenbelt Master Plan* recommends retail commercial use for the subject property. The 2002 General Plan places the subject site within the Developed Tier and the University Boulevard Corridor. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian oriented, medium- to high-density neighborhoods. The University Boulevard Corridor is one of the

seven Corridors designated by the General Plan. The General Plan promotes development of mixed residential and nonresidential uses at moderate to high density with a strong emphasis on transit-oriented design for the seven Corridors.

- E. **Request:** The applicant is requesting a departure of 2.8 feet from the 10-foot setback from the right-of-way requirement for the existing freestanding sign as part of an overall renovation of the subject gas station. No change of location is proposed for the existing freestanding sign. The sign meets both area and height requirements.

- F. **Surrounding Uses:** The property is surrounded by the following uses:

North: A restaurant in the C-S-C Zone.

West: A wholesale clothing distributor, cleaners, and a parking lot in the C-S-C Zone.

South Across University Boulevard, single-family houses in the R-55 Zone.

East Across 24th Avenue, Shoppers Food Warehouse and its parking lot 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 227.96 linear feet of street frontage on University Boulevard and 24th Avenue. 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 7.2 feet behind the right-of-way for University Boulevard and a departure of 2.8 feet is requested. The sign is setback approximately 15 feet from the right-of-way of 24th Avenue.

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 24 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.**

With 227.96 linear feet of street frontage, the property is allowed one sign with an area of 56.99 square feet. The existing sign has a total area of 48.21 square feet, well within the maximum area allowed for the property. The applicant does not propose an increase in the area of the freestanding sign. The “signage calculations” on the site plan should be revised to reflect accurate breakdowns for the proposed sign.

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.**

H. **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 subject gas station as part of a program to revise and update the image of all Shell stations. The applicant indicated that this generally includes changing the appearance of the building, canopy and signage through color and lighting to create a harmonious and aesthetically appealing appearance for the entire site. The applicant also indicated that the approximately 150 square feet of the interior of the building will be devoted to serve as a food and beverage store area.

The proposed improvement and modification to the site include two building signs with a total area of 7.31 square feet, well within the maximum 39.20 square feet permitted, and a canopy sign of 12.82 square feet, well within the 30.55 square feet permitted.

The requested departure from the setback requirements will merely validate a situation that existed on the property for nearly 40 years and would not conflict with the purposes of this Subtitle. However, to ensure conformance with the purposes of the ordinance in a manner that is compatible with land uses in the surrounding area, all unauthorized advertisement signs currently located on the property's frontage on University Boulevard must be removed.

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

The departure is necessary given the specific circumstances of the of the property, which is relatively small in size and fully developed, with limited alternative locations for a freestanding sign that would provide adequate identification of the subject use.

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 .30-acre property has been in use as a gas station for nearly 40 years. The original special exception for gas station use was approved in 1965. In addition, to bring the property in compliance with zoning standards of the time, the following variances and a departure were approved in 1993:

- Variance from the 25-foot setback requirement for pump islands.

- Variance of 10 feet and 8 feet 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.
- A variance of 6 feet from the 12-foot setback from any side or rear lot line.
- A variance for a canopy that is set back less than 10 feet from the street line.

In the instant application, the substandard size of the property, coupled with the continuously expanding right-of-way, constitute unique circumstances that are alleviated by the requested departure.

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 use has operated on the subject property for nearly 40 years serving the surrounding neighborhood. The proposed renovation and upgrading of the property will enhance the visual quality of the property and the immediate area. However, to maintain a harmonious and aesthetically appealing appearance for the entire site, all unauthorized advertisement signs along the property's frontage on University Boulevard should be removed.

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-598**, subject to the following conditions:

1. The site plan shall be revised to reflect an accurate breakdown of numbers in the calculation for the proposed sign area.
2. All unauthorized product advertisement signs currently located on the property's frontage along University Boulevard 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 Scott, seconded by Commissioner Eley, with Commissioners Scott, Eley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Lowe absent at its regular meeting held on Thursday, July 24, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of September 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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