

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. 599 requesting a departure to increase the area of a 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 September 25, 2003, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located on south side of Brinkley Road approximately 2,000 feet east of Fisher Road, known as 3301 Brinkley Road. The subject property comprises approximately .58 acre (25,315 square feet). It is improved with a 2,148-square-foot Shell gas station and four multipump 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 number of unauthorized advertising signs are located in the front and side yards and fastened to the freestanding sign. The property is zoned C-S-C, and it has street frontage on Brinkley Road and St. Moritz Drive. It has three driveway entrances—two on Brinkley Road and one on St. Moritz Drive. St. Moritz Drive is a private street and not considered a public right-of-way.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Gas Station	Gas Station
Acreage	.58 (25,315 SF)	.58 (25,315 SF)
Signs	1 freestanding	1 freestanding
Sign Area	80 SF	85.77 SF
Sign Height	25'	25'

- C. **History:** In April 1977, the District Council granted Special Exception 1977 for a gasoline station on the property. A revision of site plan, ROSP SE-1977/1, was approved in 1997 to renovate the existing gas station and to replace the existing freestanding sign and canopy. Approval of a departure from the Sign Design Standards (DSDS-539) was also granted to waive building and street setback requirements. Moreover, two variances were granted in conjunction with the revision and the DSDS to validate existing locations of the canopy and gasoline pumps. The 1984 Sectional Map Amendment (SMA) for Subregion VII classified the property in the C-S-C Zone.
- D. **Master Plan Recommendation:** The 1981 Master Plan for Subregion VII recommends a village activity center for the subject property. The 2002 General Plan places the subject site within the Developed Tier.

E. **Request:** The applicant proposes to replace the existing freestanding sign as part of an overall renovation of the gas station. The sign will have a total area of 85.77 square feet and exceeds the maximum permitted sign area by 51.52 square feet. A permit was issued in November 1997 for an 80-square-foot freestanding sign with a maximum allowable area of 103.82 square feet. The permit was issued based on the approved site plan, which erroneously treated a private road as a 70-foot-wide public street. The applicant is also requesting for a departure from the ten-foot setback requirement. However, that departure was already granted in 1997 by Planning Board Resolution No. 97-275 with the approval of DSDS-539. No change of location is proposed for the existing freestanding sign.

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

North: Across Brinkley Road, A wooded lot with a single-family detached dwelling and apartments in the R-18C and R-18 Zones.

East: A food mart in the C-S-C Zone and a church in the R-R Zone.

South: The Rosecroft Shopping Center in the C-S-C Zone.

West The Rosecroft Shopping Center 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 137 linear feet of street frontage on Brinkley 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 8.6 feet behind the street line of Brinkley Road. A departure (DSDS-539) was approved in 1997 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 85.77 square feet for the proposed sign. With 137 linear feet of street frontage, the property is allowed one sign with an area of 34.25 square-feet. A departure of 51.52 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.**

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.

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 the freestanding sign through color and lighting to create a harmonious and aesthetically appealing appearance for the entire site. The applicant also indicated that the interior of the building will be reconfigured to include a food and beverage store.

No change is proposed with regard to location and height of the freestanding sign. However, the proposed sign would exceed the existing freestanding sign area by 5.77, and the maximum allowable sign area for the property by 51.52 square feet. As noted, a permit (9705-97-5) was issued in 1998 authorizing the existing 80-square-foot sign with a maximum allowable sign area of 103.82 square feet. The permit was issued based on the last approved site plan (ROSP SE 1977/1), which incorrectly shows St. Moritz Drive as a 70-foot right-of-way.

A review of the current application by the Transportation Planning Section revealed that St. Moritz Drive is not a publicly maintained and dedicated street, but rather an internal driveway, serving as access for the adjoining shopping center. Thus, the labeling of St. Moritz Drive as a 70-foot right-of-way on the approved plan was an error.

St. Moritz Dr., which is an approximately 64-foot-wide asphalt-paved driveway, provides access to the subject site from the shopping center to the west and the Shopping Center and Huntley Square Condominiums to the south. The driveway borders the subject property on two sides (west and southwest), giving it the appearance of a corner lot. Notwithstanding its status as an internal driveway, St. Moritz Drive does appear and function as a public street, which, incidentally, is the reason for the error in treating it as a public right-of-way in the last approved site plan. In addition, the existing sign has been at the current location since 1998 without any apparent negative impact on the surrounding area.

The applicant indicated that a gray blank panel with a total area of 17.1 square feet generates all of the 5.77-square foot excess area that is over the existing 80-square-foot sign. The blank gray panel will not be used for any type of advertisement. The proposed improvement and modification to the site include a building sign with a total area of 46.50 square feet (approximately 1.2 square feet less than the total permitted area), and a canopy sign of 12.82 square feet (approximately 22.38 square feet less than the allowable area). The site plan needs to be revised to provide the square footage of the one story building on the drawing.

Given the nature and function of St. Moritz Drive, the location of the subject property relative to the surrounding uses and streets, and the approximately 24 square feet total of

unused canopy and building sign area, the potential adverse impact from the proposed increase in the area of the existing sign appears to be negligible. However, to ensure conformance with the purposes of the Ordinance in a manner that is compatible with land uses in the surrounding area, the following conditions are recommended:

- (a) The blank, gray panel may not be used for any type of advertisement and shall remain blank as proposed.
- (b) The color, position, and size of the blank panel shall not change.
- (c) The total building sign area may not exceed 46.50 square feet, and the canopy sign area may not exceed 12.82 square feet.
- (d) All unauthorized product advertising signs currently located on the property's front and both side yards 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.

The .58-acre property has been in use as a gas station for 25 years. The original special exception for gas station use was approved in 1977 and a revision of site plan (ROSP-1977/1) was approved in 1997. In addition, to bring the property in compliance with zoning standards of the time, the following variances and a departure were approved in 1997:

- A variance of 15 feet from the 25-foot setback requirement for gasoline pumps.
- A variance of 2.5 feet for a canopy that is set back less than 10 feet from the street line.
- A departure from Sign Design Standards (DSDS-539) to waive the ten-foot street setback requirement and building setback (no longer applicable) requirement.

In the instant application, the substandard size of the property coupled with the nature of the adjoining private street, which for all practical purposes functions as a public 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 25 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 advertising signs on the front and side yards must be removed and existing landscaping on the property must be maintained at all times.

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-599**, subject to the following conditions:

1. All unauthorized product advertising signs currently located on the property's front and both side yards shall be removed.
2. The blank, gray panel shall not be used for any type of advertisement and shall remain blank as proposed.
3. The color, position, and size of the blank panel shall not change.
4. The total building sign area may not exceed 46.50 square feet, and the canopy sign area may not exceed 12.82 square feet.

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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Vaughns and Hewlett and voting in favor of the motion and Commissioner Lowe temporarily absent at its regular meeting held on Thursday, September 25, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of October 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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