

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. 603 requesting a departure from 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 hearing on September 25, 2003, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The site is located at the northwest quadrant of the intersection of Powder Mill Road and Cherry Hill Road. The site comprises approximately 0.67± acre and is improved with a gas station constructed in 1959. A one-story building houses a gas station with three service bays and a small food mart. The site has 217± feet of frontage on Powder Mill Road, which it accesses via a pair of 25-foot-wide driveways. Along Cherry Hill Road, the site has 119± feet of frontage, with one 25-foot-wide entrance drive and one 31-foot wide drive. The site also has frontage on Glen Sheil Road, a paper street.

- B. **Development Data Summary:**

| | EXISTING | PROPOSED |
|------------------------|--------------------------------------|--------------------------------------|
| Use(s) | Gas Station Food & Beverage Store | Gas Station Food & Beverage Store |
| Acreage | 0.67± | 0.67± |
| Square Footage/GFA | 1,818 | 1,818 |
| Freestanding Sign Area | 96 square feet | 137.07 square feet |

- C. **History:** A gas station was first established at this site in 1959. The District Council approved a special exception (SE-3263) to validate the existing gas station on the subject property in 1981. Later that same year, the applicant sought and received variances from many of the provisions of the Zoning Ordinance, including driveway widths, landscaping and the 25-foot setback requirement for gasoline pumps. This special exception has been revised on four occasions, the most recent being in 1995. The 1990 Sectional Map Amendment for Subregion I placed the property in the C-S-C Zone.

- D. **Master Plan Recommendation:** The 1990 Master Plan for Subregion I recommends retail-commercial use for the property.

- E. **Request:** Shell proposes to increase the size of their freestanding sign from an existing 96 square feet to 137.07 square feet as part of a nationwide color-scheme and architecture program (“Retail Visual Identity” or “RVI”) to make their stations more visually identifiable. Because the maximum allowable sign area for this site is 124.79 square feet, a departure of 12.28 square feet is requested. The applicant has also requested a departure of five feet from the ten-foot setback from the street line for a freestanding sign, although the site plan they submitted shows the

proposed sign to meet the setback.

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

North: A strip shopping center in the C-S-C Zone.

East: Across Powder Mill Road, townhouses in the R-S Zone.

South: Across the intersection of Powder Mill Road and Cherry Hill Road, single-family residences in the R-80 Zone.

West: Across Cherry Hill Road, apartments in the R-18 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 499 linear feet of street frontage on Cherry Hill Road, Powder Mill Road and Glen Sheil Road (an undeveloped paper street). 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 proposed sign is located 10 feet from the street line for Cherry Hill Road and 11 feet from Powder Mill Road. The applicant has requested a departure of five feet from the ten-foot setback requirement, but it appears this is not necessary.

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 137.07 square feet for the proposed sign. With 499 linear feet of street frontage, the property is allowed one sign with an area of 124.79 square-feet. A departure of 12.28 square feet is requested.

5. **Section 27-589** of the Zoning Ordinance 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 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 proposed improvement and modification to the site include two building signs with a total area of 7.31 square feet (approximately 55 percent of the total permitted area), and a canopy sign of 19.26 square feet (approximately 41 percent of the allowable area). The proposed freestanding sign with a total area of 137.07 square feet is 12.28 square feet (approximately 10 percent) over the maximum 124.79 square feet of area allowed for the subject property.

The applicant points out that two blank panels with a total area of 34.2 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 that 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 19.26 square feet.

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 departures are 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.

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 .67-acre property has been in use as a gas station for over 40 years. The original special exception for gas station use was approved in 1981 and four revisions have been granted since. 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 ten-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.
- A variance from the 30-foot width requirement for the driveways.
- A variance from the five-foot sidewalk requirement.

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 departures 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 the above-noted application, subject to the following conditions:

1. The two blank, gray panels shall not be used for any type of advertisement and shall remain blank as proposed.
2. The color, position and size of the two blank panels shall not change.

3. The total building sign area shall not exceed 7.31 square feet, and the canopy sign area shall not exceed 19.26 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 Vaughns, with Commissioners Harley, Vaughns, Eley, Lowe and Hewlett voting in favor of the motion, 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

TMJ:FJG:TL:rmk

(Revised 8/9/01)