

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. 606 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 December 18, 2003, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located on the northwest corner of Laurel-Bowie Road and Old Chapel Road. The subject property comprises approximately .56 acre (24,374 square feet). It is improved with a 1,903-square-foot Shell gas station with two pump islands and four multipump dispensers (MPD) with a canopy cover. The existing building includes an office, sales area for food and beverages, storage, restrooms and three 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 Laurel-Bowie Road and Old Chapel Road. It has three driveway entrances—two on Laurel-Bowie Road and one on Old Chapel Road.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Gas Station	Gas Station
Acreage	.56 (24,374 SF)	.56 (24,374 SF)
Signs	1 freestanding	1 freestanding
Sign Area	78 SF	91.67 SF
Sign Height	25'	25'

- C. **History:** In January 1965, Special Exception No. 1125 was approved for a gas station on the property. A revision of site plan (ROSP SE-1125/1) was approved in 1984 but never implemented. Another revision of Site Plan (ROSP SE-1125/2) was approved in 1987 to renovate the gas station, replace the pump island and install a new canopy. A third revision of site plan (ROSP SE-1125/3) was approved in 1996. A Departure from Design Standards (DDS-463) and Alternative Compliance (AC-96063) were also approved in conjunction with the 1996 revision. In addition, Appeal No. 7471 was approved in 1985 to waive the setback requirement for a canopy and landscaping and also to validate the width of the driveways and the location of the pump islands. Appeal No. 9049 was approved in 1988 for a pump island setback. The 1991 Sectional Map Amendment (SMA) for Bowie-Collington-Mitchellville and Vicinity retained the property in the C-S-C Zone.
- D. **Master Plan Recommendation:** The 1991 Master Plan for Bowie-Collington-Mitchellville and Vicinity recommends this property for retail-commercial uses. The 2002 General Plan places the subject site within the Developing Tier. The vision for the Developing Tier is to maintain a

pattern of low-to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

- 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 15.42 square feet. A permit was issued in November 1996 for a 64-square-foot freestanding sign with a maximum allowable area of 76.25 square feet. No change of location is proposed for the existing freestanding sign.

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

North: A convenience store and a small retail center in the C-S-C Zone.

West: Single-family dwellings in the R-R Zone.

South: Across Old Chapel Road, Bowie Plaza Shopping Center in the C-S-C Zone.

East: Across Laurel-Bowie Road, single-family dwellings in the R-R Zone and an office building in the C-O 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 linear feet of total street frontage on Laurel-Bowie and Old Chapel Roads. Therefore, the site is allowed one freestanding sign with the maximum area of 76.25 square feet. 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 10 feet behind the street line of Laurel-Bowie Road.

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 drawing of the proposed sign shows a height of 25 feet. However, a proposed height of only 23 feet is indicated under "Signage Calculations." The note under Signage Calculations must be revised to indicate the proposed height of 25 feet.

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 linear feet of street frontage, the property is allowed one sign with an area of 76.25 square feet. A departure of 15.42 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.**

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. 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 interior of the building will be reconfigured to include a food and beverage store.

The applicant indicates that two gray blank panels (with a total area of 23.64 square feet) generate all of the (15.42 square feet) excess sign area. The blank panels will not be used for any type of advertisement. The proposed improvement and modification to the site also include a building sign with a total area of 7.31 square feet (approximately 5.1 square feet less than the total permitted area) and a canopy sign of 19.26 square feet (approximately 29.69 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.

In addition, the proposed sign uses only 35.46 square feet of the allowable 50 square feet for gasoline prices. Although the price portion of the sign is not included in the allowable freestanding sign area calculation, its reduced size helps to minimize the overall appearance of the sign. The site plan reference to the proposed price signage, under the heading "SIGNAGE CALCULATION," must be revised to reflect the correct (35.46 square feet) dimension of the gasoline price sign.

Given the approximately 34.7 square feet of combined unused canopy and building sign area and the reduced (by 14.54 square feet) size of the gasoline price sign, potential adverse impact from the proposed increase in the area of the freestanding sign is negligible. However, to ensure conformance with the purposes of the Ordinance and to provide for adequate identification and advertisement in a manner that is compatible with land uses in the surrounding area, the following conditions are recommended:

- (a) The blank, gray panels may not be used for any type of advertisement and shall remain blank as proposed. A color rendering, pictures or detail description of materials and color of the sign must be provided.
- (b) The color, position and size of the blank panel shall not change.
- (c) The total building sign area may not exceed 7.31 square feet, and the canopy sign area may not exceed 19.26 square feet.

- (e) The gasoline price sign may not exceed 35.46 square feet.
- (d) All unauthorized advertisement signs currently located on the property must be removed since they are in violation of the sign regulations.

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

The departure is necessary given the specific circumstances of the property, which 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.**

The .56-acre property has been in use as a gas station for 38 years. The original special exception was approved in 1965 and the most recent revision of site plan (ROSP-1152/3) was approved in 1996. In addition, to bring the property in compliance with zoning standards of the time and to upgrade the gas station, a number of variances and a departure from design standards have been approved in the past three decades.

In the instant application, the substandard size of the property, coupled with the continuous transformation 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. However, to maintain a harmonious and aesthetically appealing appearance for the entire site, all unauthorized advertisement signs on the property must be removed, and landscaping on the property must be maintained in accordance with the approved landscape plan (AC-96063).

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-606** subject to the following conditions:

1. The site/landscape plan shall be revised to include the following:
 - a. The landscaping shall be consistent with the approved landscape plan (AC-96063).
 - b. The reference to the height of the proposed freestanding sign shall be consistent and accurate on the drawing of the sign and in the calculations provided on the site plan.
 - c. The freestanding sign setback from the right-of-way along the south property line shall be added to General Note No. 11.
 - d. The calculation of the gasoline price sign shall be revised to reflect the correct dimensions of the price sign.
 - e. The gross floor area of the main building shall be indicated.
2. Prior to plan certification:
 - a. A color rendering, pictures or detailed description of materials and the color of the sign shall be provided to demonstrate that the proposed sign is consistent with or complements the design, colors and decorative features of the building and the canopy.
 - b. The applicant shall provide photographic documentation that all unauthorized advertising signs have been removed from the property.
3. The blank, gray panel shall not be used for any type of advertisement and shall remain blank as proposed.
4. The color, position, and size of the blank panel shall not change.
5. The total building sign area may not exceed 7.31 square feet, and the canopy sign area may not exceed 19.26 square feet.
6. The gasoline price sign may not exceed 35.46 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.

* * * * *

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 and Squire voting in favor of the motion, and with Chairman Hewlett absent, at its regular meeting held on Thursday, December 18, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of January 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:ET:wrc