

R E S O L U T I O N

WHEREAS, the Prince George=s County Planning Board has reviewed DSDS-607 requesting a departure to increase the area and reduce the setback for 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 December 18, 2003, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located in the southwest quadrant of Baltimore Avenue (US 1) and Sellman Road in Beltsville. The site comprises approximately 21,514 square feet and is improved with a Shell gas station constructed in 1968. A one-story masonry building houses three service bays, an office and a sales area. A freestanding sign at the corner of Baltimore Avenue and Sellman Road identifies the use. The site plan shows an additional freestanding sign facing Sellman Road; however, this sign has been removed from the property. The site occupies frontage on Baltimore Avenue and Sellman Road. It is accessed from both streets.
- B. **History:** The District Council approved a special exception (SE-1642) for a gas station for this site in 1968. In 1989 the Planning Board, per Resolution PGCPB No. 89-58, approved a minor site plan revision (SE-1642/1) to allow relocation of the pump islands and the addition of a new canopy. Also in 1989, the Board of Appeals, per Appeal No. 9884, granted a number of variances: from Section 27-462 to allow the canopy to be set back eight feet from the street line in lieu of the required 10 feet; from Section 27-358(a)(8) to allow gasoline pumps to be set back 18 feet from the street line in lieu of the required 25 feet; from Section 27-358(a)(5) to allow driveway entrances less than the required 30 feet in width; and from Section 27-358(a)(5) to allow the southernmost driveway on Baltimore Avenue to end at a point six feet from the south property line and the westernmost driveway on Sellman Road to end at a point eight feet from the western property line in lieu of the required 12 feet.

In 1997, the District Council approved a special exception (SE-4192) for a car wash on the site. The car wash was not constructed, however. A second minor revision (ROSP SE-1642/2) was approved by the Planning Board in conjunction with SE-4192 (per PGCPB No. 96-297) to add a storage room for the gas station. This storage room, however, was never constructed. Alternative Compliance (AC-95062) for the Commercial Landscape Strip and Parking Lot Landscape Strip was also granted (in conjunction with SE-4192).

On January 3, 2002, the Planning Board approved a third minor site plan revision (SE-1642/3) to allow for the replacement of the existing three-bay service station building with a new food mart and for the reconfiguration of the parking and landscaping layouts. A companion departure from parking and loading standards application (DPLS-276) was also approved, which waived the loading space requirement for the use. The replacement of the service station building never occurred, and a food mart has not been developed.

On June 5, 2002, District Council approved a special exception (SE-4440) to operate a car wash

on the subject property. The car wash has not been constructed.

- C. Master Plan Recommendation:** The 1990 Subregion I Master Plan recommends retail-commercial use for the property. The subsequent sectional map amendment retained the property in the C-S-C Zone.
- D. Request:** The applicant proposes to reface the existing freestanding sign with a slightly larger sign, exceeding the maximum permissible area by 7.97 square feet. In addition, the applicant proposes to retain the current sign location, which is within 1.57 feet of the existing dedicated right-of-way for Baltimore Avenue/Sellman Road. Furthermore, the applicant proposes to reface the signs on the existing canopy that does not set back the required ten feet from the ultimate proposed right-of-way for Baltimore Avenue.
- E. Surrounding Uses:** The site is surrounded by commercially zoned (C-S-C) properties improved with commercial uses. The site is bounded by the Beltsville Plaza retail center on the north across Selman Road, on the east by the Cosco Wholesale Club facility across Baltimore Avenue, on the south by a Kentucky Fried Chicken restaurant, and on the west by office buildings.
- F, Sign Design Standards:**
1. **Section 27-613(a)(1) of the Zoning Ordinance allows signs to be placed on a canopy that is set back at least 10 feet from the ultimate proposed right-of-way.**

The existing canopy extends two feet into the ultimate proposed right-of-way and to within eight feet of the existing dedicated right-of-way for Baltimore Avenue. However, the canopy is set back 22+ feet from the actual edge of pavement. A departure is needed to reface the signs on the existing canopy.
 2. **Section 27-614(a)(4) requires freestanding signs to be located at least 10 feet behind the ultimate proposed right-of-way. However, signs are allowed to be temporarily located within the ultimate right-of-way (without obtaining a departure) provided that:**
 - (1) **The land area involved has not been, and is not in the process of being acquired for street purposes.**
 - (2) **The sign is located at least 10 feet behind the existing dedicated right-of-way.**
 - (3) **A written agreement between the owner and the Department of Environmental Resources ensures that the sign will be removed at the owner's expense, at the time of acquisition of that area for street purposes.**

The existing freestanding sign straddles the ultimate right-of-way, and it extends to within 1.57 feet of the existing dedicated right-of-way for Baltimore Avenue. However, it is located 29+ feet from the existing edge of pavement. A departure is needed to retain the existing sign location.

3. **Section 27-614(c)(3)(B) allows one square foot of sign area for every four linear feet of street frontage, to a maximum area of 200 square feet per allowed sign.**

The property occupies 282.08 linear feet of street frontage, allowing a maximum sign area of 70.52 square feet. The applicant proposes a slightly larger sign area of 78.49 square feet, requiring a departure of 7.97 square feet.

G. Required Findings:

Section 27-239.01(b)(9)(A) 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.**

The purposes of the Sign Regulations will be equally well or better served by the applicant's proposal. The purposes of the Sign Regulations are provided in Section 27-589(a) of the Zoning Ordinance as follows.

- (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 that are a hazard to safe motor vehicle operation;**
- (5) To eliminate structurally unsafe signs that 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; and**
- (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.**

The applicant proposes an increase in sign area of 7.97± square feet. This proposal will not increase the height of the sign or alter the setback. The sign drawing submitted by the applicant indicates that the blank panels located above and below the brand pricing panels generate the excess sign area. These combined panels consist of 20.18 square feet and will be colored gray. The panels do not serve the function of brand identification or advertisement. However, due to the manner in which the sign area is computed pursuant

to the Zoning Ordinance, these panels must be counted in the overall sign area.

With respect to the setback of the freestanding and canopy signs, they have been at the present locations for many years. It is common in older commercial areas such as the subject location that the street line is widened (by the State Highway Administration) to address the need for street improvements. This results in the gradual loss or shrinkage of front and side yard areas. Variances approved for the subject property on April 12 and 26, 1989, by the Board of Appeals (Appeal No. 9884) note that the ultimate right-of-way lines for the streets have changed.

The requested departures essentially allow the signs to remain at their present locations, which were recognized as appropriate in earlier revisions of site plan approvals by the Planning Board. At that time findings were made that the use, including its signs, met the purposes of the Sign Regulations. The same findings can continue to be made with respect to retaining the existing sign locations.

With respect to the freestanding sign area, this slight increase is due to the way sign area is required to be computed. In reality, it does not enlarge the portion of the sign that has to do with advertisement. As such, it does provide adequate identification and advertisement of the property, and it does not create a proliferation of signs that could detract from the scenic qualities of the development.

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

The departure is the minimum necessary without requiring the applicant to obtain a formal revision to the approved special exception site plan. Furthermore, the site is small, comprising just under a half acre. It offers limited, impractical alternatives to relocate the freestanding sign and/or shorten the existing extent of the pump island canopy.

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

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 subject property is small for all of the permitted uses on the site. This is evidenced by the numerous applications granted by the Board of Appeals and the Planning Board for the property. These various approvals, as is the case with this application, were sought in connection with proposed improvements or modernization projects for the subject uses.

Furthermore, most if not all newly developed gas stations are on much larger sites with larger parking compounds to accommodate multiple uses. These modern stations typically occupy more street frontage and are therefore afforded larger freestanding signs.

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

The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood. The freestanding and canopy signs have been in the same locations for years and the proposed size increase in the freestanding sign is only slightly larger than the existing sign.

(B) For a departure from a standard contained in the *Landscape Manual*, the Planning Board shall find, in addition to the requirements in paragraph (A) above, that there is no feasible proposal for alternative compliance, as defined in the *Landscape Manual*, which would exhibit equal or better design characteristics.

No departure from a standard in the *Landscape Manual* is requested.

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 recommends APPROVAL the above-noted application, subject to the following conditions:

1. The site plan shall be revised as follows:
 - a. The sign labeled “existing sign” that faces Sellman Road shall be removed.
 - b. The proposed right-of-way for Baltimore Avenue shall be delineated at 120 feet.
2. The proposed 10.09-square-foot, gray panels located above and below the brand pricing panels shall not be used for brand identification or advertisement.
3. The applicant shall obtain written permission from the State Highway Administration to retain the current canopy and freestanding sign locations within the proposed ultimate right-of-way for Baltimore Avenue. Furthermore, this written permission shall ensure removal of the sign and canopy at the owner’s expense when the area is acquired for street purposes.

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 and Squire voting in favor of the motion, and with Commissioner 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:JJ:wrc