

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. 609 requesting a departure from the setback 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 December 11, 2004, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The site is located in the northwest corner of Baltimore Avenue (US 1) and Montgomery Road in Beltsville. The site comprises approximately 14,950 square feet and is improved with a Shell gas station constructed in 1962. A one-story building houses two service bays, an office, and a sales area. The site has approximately 110 feet of frontage on Baltimore Avenue and approximately 163 feet of frontage on Montgomery Road. It is accessed from both streets.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Use(s)	Full-Service Gas Station (2 bays)	Full-Service Gas Station (2 bays)
Acreage	0.34±	0.34±
Square Footage/GFA	1,236	1,236
Freestanding Sign Area	68.39 square feet	68.39 square feet

- C. **History:** The District Council approved a special exception for a gas station for this site in 1962 pursuant to SE-737. On July 9, 1987, per Appeal No. 8684, the Board of Appeals granted variances from Section 27-358(a)(5) and (8) to permit access driveways along Montgomery Road to be 25 feet wide, driveways along US 1 to be 20 feet wide, and a nine-foot pump island setback. In 1995, Shell Oil Company sought a revision to SE-737 (ROSP-SE- 737/1) to make minor changes to the site. This request was approved by the Planning Board on November 2, 1995.

On November 8, 2001, the Planning Board approved the following applications for this site:

ROSP-737/2: Minor revision to special exception site plan for an existing gas station.

VSE-737A: Variances to permit an 8.3-foot pump island setback and a 0-foot and 3.6-foot canopy setback.

- DPLS-272:** Departure from parking and loading standards to allow ten off-street parking spaces in lieu of the required 12.
- DDS-524:** Departure from design standards to permit a 20-foot by 10-foot loading space.
- DSDS-581:** Departure from sign design standards to permit a freestanding sign for a building setback less than 40 feet from the streetline, canopy signs 1.3 feet and 3.6 feet from the streetline, and a freestanding sign within the ultimate right-of-way. (At that time it was thought that the entire sign was within the ultimate right-of-way, but it now appears that only part of the sign falls within the area between the existing street line and the ultimate right-of-way for Baltimore Avenue).
- AC-01042:** Alternative Compliance from Section 4.2 of the *Landscape Manual*.

- D. **Master Plan Recommendation:** The 1990 Subregion I Master Plan recommends retail-commercial use for the property. The 2002 General Plan places the site in the Developed Tier.
- E. **Request:** Shell proposes to reface their existing sign as part of a nationwide color scheme and architecture program (“Retail Visual Identity” or “RVI”) to make their stations more visually identifiable. The applicant has also requested a departure of ten feet from the ten-foot setback from the street line for a freestanding sign, to allow the sign to remain in its existing location, partially within the ultimate right-of-way for Baltimore Avenue. As shown, the sign projects four feet into the right-of-way, 20 feet from the existing travel lanes of Baltimore Avenue.
- F. **Surrounding Uses:** The site is surrounded on all sides by strip-commercial uses 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 273.8 linear feet of street frontage on Baltimore Avenue (US 1) and Montgomery 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.***

Baltimore Avenue has a 120-foot right-of-way according to the master plan. The site plan shows a 100-foot right-of-way. When the correct right-of-way line is shown, the existing

sign is partially within the ultimate right-of-way for Baltimore Avenue (US 1). The applicant has requested a departure of ten feet from the ten-foot setback requirement, so that they can simply re-face the existing sign. This section also allows for the retention of a freestanding sign in that area between the existing travel lanes and the ultimate right-of-way, if certain conditions are met:

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 ten (10) feet behind the existing street right-of-way line; and**
3. **A written agreement between the owner and the Department of Environmental Resources assures that the sign will be removed, at the owner's expense, at the time of acquisition of that area for street purposes.**

When DSDS-581 was approved in 2001, the applicant obtained permission from the State Highway Administration to locate the sign in the ultimate right-of-way area. The applicant has agreed to remove the sign at its own expense upon the SHA's taking of this area for roadway improvements.

3. ***Section 27-614(b)(1)* specifies that the maximum height of freestanding 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 68.39 square feet for the proposed sign. With 273.8 linear feet of street frontage, the property is allowed one sign with an area of 68.45 square-feet.

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:

1. *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:

- a. **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 conflict with 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 applicant’s request for a zero-foot setback in lieu of the required ten-foot setback from the streetline is not problematic, considering the fact that the sign is actually some 20 feet from the existing travel lanes of Baltimore Avenue (US 1), and an agreement exists between the property owner and the State Highway

Administration to move the sign, at the owner's expense, when the area is needed for roadway improvements.

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

The departure is the minimum necessary given the specific circumstances of the property. The site is relatively small in size and fully developed, with no potential alternative for relocation in accordance with current standards. The sign has been at this approximate location for 40 years with no apparent detriment or adverse affect to surrounding properties.

c. **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 .34-acre property has been in use as a gas station for over 40 years. The original special exception for a gas station use was approved in 1962. In addition, to bring the property in compliance with zoning standards of the time, numerous variances, departures and alternative compliance have been approved.

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 departure.

d. **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. Even with this approval, the sign will be setback 20 feet from the actual travel lanes of Baltimore Avenue (US 1). If and when this area is needed for road improvements, the owner has agreed to relocate the sign at its expense.

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 site plan being revised prior to the issuance of permits to show the 120-foot right-of-way, 60 feet from centerline, for Baltimore Avenue (US 1).

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 Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, Squire and Hewlett voting in favor of the motion, and with Commissioner Harley absent, at its regular meeting held on Thursday, December 11, 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:TL:meg:wrc

(Revised 8/9/01)