

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DSDS-660 requesting a departure to reduce the required setback for a main building associated with 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 10, 2009, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located on the north side of Annapolis Road, 600 feet east of 76th Avenue, also known as 7600 Annapolis Road. The 0.45-acre site is developed with a gas station comprised of four fuel dispensers, a 60-square-foot kiosk, a 63-square-foot utility shed, an open-air car wash, and a 473-square-foot storage area/restroom/manager's office. A six-foot-high, board-on-board fence runs along the entire northern property line and a portion of the western property line. Access is provided via two 35-foot-wide entrances from westbound Annapolis Road (MD 450).

B. **Development Data Summary**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use	Gas Station	Gas Station
Acreage	0.451	0.451
Parcels	1 (Parcel A)	1 (Parcel A)
Square Footage/GFA	596	596

- C. **History:** Special Exception 1147 was approved by the District Council in 1965 (Zoning Resolution No. 112-1965) permitting a gas station on the subject property located in what was then the C-2 (General Commercial, Existing) Zone. The subject property was rezoned from the C-2 Zone to the C-S-C (Commercial Shopping Center) Zone in the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)*. A gas station is permitted by special exception in the C-S-C Zone.
- D. **Master Plan Recommendation:** The 2002 *Prince George's County Approved General Plan* places the site in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The 1994 Bladensburg-New Carrollton master plan and sectional map amendment recommends a retail commercial land use for the site.
- E. **Request:** The applicant seeks approval of a Departure from Design Standards for a kiosk associated with a freestanding sign. The kiosk is located within the required setback. The

application is in conjunction with a request for a minor revision of the approved site plan to add a freestanding sign. The original freestanding sign has been removed; the new sign will be in a new location on the property.

F. **Sign Requirements:**

1. Section 27-614(a)(1) of the Zoning Ordinance states that in all commercial and industrial zones, signs shall only be located on property where the main building associated with the sign is located at least 40 feet behind the front street line.

The existing main building, a kiosk, is set back approximately 30 feet from Annapolis Road. The applicant is requesting a departure from sign design standards of ten feet to allow a freestanding sign on a property where the main building is set back less than 40 feet from the front street line.

2. Section 27-614(a)(4) states that in all commercial and industrial zones, signs need only be located ten feet behind the street line.

The proposed sign is set back ten feet from the ultimate right-of-way along Annapolis Road.

3. 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 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 proposed sign is not excessive in size; it will be located so as not to interfere with adequate sight lines or otherwise pose a hazard to motorists. The sign will provide for adequate

identification and advertisement, and will be compatible with the commercial use of the property and with the overall streetscape along Annapolis Road.

G. Required Findings:

Departure from Sign Design Standards: 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:

(i) 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. Although the building setback from the front street line is less than the required setback, the proposed sign is in an appropriate location and will not appear overwhelming from the street. The Zoning Ordinance requires a ten-foot setback from the right-of-way for freestanding signs. The proposed sign will be set back ten feet from the right-of-way along Annapolis Road.

The location, size, and design of the proposed sign is adequate to provide identification and advertisement for the gas station and therefore, the purposes of this Subtitle will be equally well or better served by the applicant's proposal.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

The applicant is requesting a departure from the main building setback requirement for a freestanding sign. The structure (kiosk) requiring the departure is existing; relocating the structure to conform to current regulations is not feasible or practical. The departure is the minimum necessary, given the specific circumstances of the request.

(iii) 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 subject property is in an area that was developed prior to November 29, 1949. The proposed departure is necessary to provide the signage required for a gas station.

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

Gas stations are required to have pricing signage (Section 27-594 of the Zoning Ordinance). A freestanding sign is necessary to further provide adequate identification and advertisement for the use.

There are existing commercial uses along Annapolis Road, most of which have freestanding signs. The proposed sign will be compatible with the existing freestanding signs, and the overall design of the sign will be compatible with the commercial use of the property. The sign will not attract undue attention, will provide for adequate identification and advertisement, and will be compatible with the overall streetscape along Annapolis Road. In addition, the sign will help identify the entrance to the gas station ensuring the safety of motorists entering and exiting the site. The setback for the sign along Annapolis Road further ensures that the sign will not appear overwhelming from the street. For the reasons stated above, the departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

- H. **Referrals:** None of the referral responses noted any objection to the departure request or the revision to the site plan.

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.

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 Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire and Parker voting in favor of the motion, with Commissioner Cavitt voting against the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, December 10, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of January 2010.

Patricia Colihan Barney
Acting Executive Director

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:CF:arj