

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DSDS-632 requesting departures from design standards and VSE-839 requesting a variance 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 May 25, 2006, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The property, which is located on the south side of MD 450 (Annapolis Road), is an older gas station that is part of an integrated shopping center, the Enterprise Shopping Center. The center has a mix of retail uses and a number of developed pad sites along MD 450 including fast-food carryouts and a bank. The station is surrounded by development, either pad site development or parking lot for the shopping center, and has no room for expansion.

B. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Gas Station	Gas Station
Acreage	.44 acre	.44 acre
Square Footage/GFA	1653 sq. ft.	1653 sq. ft.

- C. **History:** The 1993 sectional map amendment for Glenn Dale-Seabrook-Lanham and vicinity (Planning Area 70) retained the C-S-C Zone for the property. A special exception, SE-805, for a gas station was originally approved for this property on October 19, 1962. Subsequently, another Special Exception, SE-839, was approved on January 18, 1963, that allowed the construction of the current gas station on this site. On January 4, 1994, a minor revision, ROSP-SE-839/01, was approved for the site to allow the applicant to erect a 28- by 50-foot canopy for the station.
- D. **Master Plan Recommendation:** The 1993 Glenn Dale-Seabrook-Lanham and vicinity master plan recommended retail commercial use for this property.
- E. **Request:** The applicant seeks approval of a Departure From Sign Design Standards (DSDS-632) to allow the gas station's freestanding sign to be located within the ten-foot setback zone, as required by Section 27-614(a)(4), and to allow the sign to exceed the 25-foot height limit requirement per Section 27-614(b)(1). The applicant is proposing to reface an existing sign that is one foot from the street line and is 26 feet in height. The proposed sign is set back one foot from the right-of-way for MD 450. Also, the applicant is requesting a variance (VSE-839) to allow two pump islands to be located within the 25-foot setback zone. The variance is needed because the existing islands are located 20 feet behind the street line.

F. **Surrounding Uses:**

The property is surrounded with the following uses:

North—Across MD 450 (Annapolis Road) are office uses in the C-O Zone

South—Shopping center retail uses in the C-S-C Zone

East— Shopping center retail uses in the C-S-C Zone

West—Pad-site bank within the shopping center in the C-S-C Zone

G. Sign Design Requirements:

Section 27-614(a)(4) of the Zoning Ordinance states that in all commercial zones, freestanding signs shall be located at least ten feet behind the street line. In addition, Section 27-614(b)(1) requires that these signs also be a maximum height of 25 feet. The applicant is requesting a departure for both of these requirements in order to reface the station's existing freestanding sign.

H. Zone Standards: VSE-839

The specific special exception requirements for gas stations include the requirement for gasoline pumps to be located at least 25 feet behind the street line (Section 27-358(a)(8)). The applicant has requested a variance from this requirement.

According to Section 27-230, variances may be granted when:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographical conditions, or other extraordinary situations or conditions;**

The special exception site plan was approved for this site in the 1960s. The site is small compared to more modern gas stations, and given that it is in a developed shopping center, it has no room to expand. Over time as MD 450 has been widened, the property has also been more constrained, which has made it even more difficult to provide a larger setback for the gasoline pumps without creating an unsafe situation for vehicles and pedestrians.

- (2) The strict application of this Subtitle will result in a peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the owner of the property; and**

The strict application of this subtitle will result in undue hardship upon the owner of the property. Given the site's small size it would be impractical to raze the pumps and rebuild them to gain an additional five-foot setback, which could also create conflicts for vehicle and pedestrian traffic as customers tried to enter the station.

- (3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or the Master Plan.**

This variance will not substantially impair the intent, purpose, or integrity of the general plan or the master plan. Since this is an older development, it was built prior to development standards such as this requirement. These plans recognize the need for flexibility to ensure that the owners of older facilities can continue to operate and update their facilities without being penalized.

- I. Sign Regulations:** A departure from sign design standards (application DSDS-632) has also been filed by the applicant for a departure from two requirements in the Zoning Ordinance for freestanding signs in order to reface the station's existing sign. The applicant is requesting a departure for the setback of the sign which is only one foot from the street line. Section 27-614(a)(4) establishes a minimum setback of ten feet from the right-of-way. The second departure is to allow the sign to be one foot higher than the maximum height allowed of 25 feet per Section 27-614(b)(1).

Section 27-239.01(b)(8) provides the following findings to be made when approving a sign departure:

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The purposes of this Subtitle will be equally well or better served by the applicant's proposal to vary from the required setback to allow the sign to be one foot from the right-of-way. The applicant is proposing departures for a sign that has existed on the property for many years. MD 450 has been widened significantly since the station was built, which has diminished the sign's original setback that was at one time over 30 feet from the roadway. Since the applicant is refacing the sign, however, the applicant should decrease the height of the sign to meet the 25 foot height restriction. This is a minor change which should not be a burden for the applicant.

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

The sign location departure is the minimum necessary, given the specific circumstances of the request. Again, the freestanding sign is existing and this proposed departure is necessary to permit the owner to upgrade and improve the overall appearance of this older gas station, recognizing the site constraints. The departure for the height requirement is not the minimum necessary because the applicant should be able to decrease the height of the refaced sign to meet the Zoning Ordinance height restriction.

- (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 departure for the sign setback is necessary in order to alleviate circumstances which are unique to the site. As mentioned previously, a special exception was approved for this gas station in the 1960s. Many of the ordinance requirements for the placement of signs did not exist at that time. Given that this station is constrained by both the built-out older shopping center which surrounds it, the Enterprise Shopping Center, and the widening of MD 450, this

departure is necessary. The departure is not necessary, however, for the height of the new sign which could be easily lowered by one foot.

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

The departure for the setback of the sign will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood. The granting of the departure will actually enhance and provide a more modern image for the gas station and assist in the implementation of a larger station improvement project that includes refacing the entire gas station. The increased height of the sign, however, is not warranted. The sign should be lowered to be compatible with other signage in the surrounding neighborhood.

J. Other Issues:

Permit staff noted in their referral that there was a discrepancy in the access aisle widths between the approved revised special exception site plan and the plan submitted with this application. It was noted: "Per Section 27-358 Gas Station (a)(5) Access driveways shall be not less than 30 feet wide unless a lesser width is allowed for a one-way driveway by MSA. The access driveways on ROSP-SE-839/01 are shown as 25 feet and 26 feet in width. The submitted plan shows the driveway width as 25 feet and 31 feet in width." After further review it has been determined that the area showing the discrepancy is actually in the right-of-way for the widened MD 450. The widths at the access points to MD 450 from the special exception site are over 30 feet wide. In addition, it should be noted that SHA, in its referral dated January 23, 2006, has noted that it has no objection to the variance or departure. The plan has been revised to show the existing situation and shows that the access aisles are of adequate width to meet the Zoning Ordinance requirements.

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 of the location of the sign only for the departure application and approval of the variance 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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, May 25, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of June 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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