



DEPARTURE FROM SIGN DESIGN STANDARDS No. 596

Application	General Data
Project Name: Shell Gas Station (Livingston Road) Location: Northeast quadrant of the intersection of Oxon Hill Road and Livingston Road, known as 6222 Livingston Road Applicant/Address: Motiva Enterprises, L.L.C. 3800 Pickett Road Fairfax, Virginia 22031 Correspondent: Edward Gibbs Gibbs and Haller 4640 Forbes Blvd 1 st Floor	Date Accepted 12/12/02
	Planning Board Action Limit N/A
	Tax Map & Grid 81/B-2
	Plan Acreage 0.58
	Zone C-S-C
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 76B
	Council District 8
	Municipality N/A
	200-Scale Base Map 208SE01

Purpose of Application	Notice Dates
Departure to increase the area of a freestanding sign by 15.38 square feet.	Adjoining Property Owners 12/12/02 (CB-15-1998)
	Previous Parties of Record N/A (CB-13-1997)
	Sign(s) Posted on Site 1/10/03
	Variance(s): Adjoining Property Owners N/A

Staff Recommendation			Staff Reviewer: Elsabett Tesfaye
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	

January 22, 2003

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board

VIA: Arie Stouten, Zoning Supervisor

FROM: Elsabett Tesfaye, Senior Planner

SUBJECT: **Departure from Sign Design Standards Application No. 596.**

REQUEST: **Departure to increase the area of a freestanding sign by 15.38 square feet.**

RECOMMENDATION: **DENIAL**

NOTE: The Planning Board has scheduled this application for a public hearing on the agenda date indicated above. The Planning Board also encourages all interested persons to request to become a person of record in this application. Requests to become a person of record should be made in writing and addressed to the Development Review Division at the address indicated above. Please call 301-952-3530 for additional information.

A. **Location and Field Inspection:** The subject property is located on the northeast corner of the intersection of Oxon Hill Road (MD 414) and Livingston Road. The subject property comprises approximately .58 acre. It is improved with a Shell gas station with a 2,593 square-foot building, three multipump dispensers (MPD) with a canopy cover, and one MPD without a canopy cover. The existing building includes an office, a sales area, and four 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 Oxon Hill Road and Livingston Road. It has four driveway entrances—two on each street.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Gas Station	Gas Station
Acreage	.66 (25, 753 SF)	.58 (25, 328 SF)
Signs	1-freestanding	1-freestanding
Sign Area	≤ .76.29 SF	91.67 SF
Sign Height	25'	25'

C. **History:** On May 20, 1970, the District Council granted Special Exception No.2258 for a gasoline station on the property. A revision of site plan RO SP SE-2258/1 was approved in 1984 to enclose an existing portico and to add storage containers to the existing gas station. On May 28, 1998, the Planning Board approved a second revision to the site plan in RO SP SE-2258/2. In addition, a number of variances and a departure have been granted for the subject property since 1984. The 1984 *Sectional Map Amendment (SMA) for Subregion VII* rezoned the property from the C-2 Zone to the C-S-C Zone.

D. **Master Plan Recommendation:** The 1981 *Master Plan for Subregion VII* recommends retail-commercial land use for the subject property.

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 91.27 square feet and exceeds the maximum permitted sign area by 15.38 square feet.

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

North:	Automobile glass service in the C-S-C Zone.
West:	Across Livingston Road, a liquor store, a convenience store, and cleaners in the C-S-C Zone.
Southwest:	Across the intersection of Oxon Hill Road and Livingston Road, the Oxon Hill Shopping Center with various commercial uses and a church in the C-S-C Zone.
Southeast:	Across the intersection of Oxon Hill Road and Livingston Road, a gas station and a bank in the C-S-C Zone.
East and Northeast:	Pizza Hut (Silver Hill Plaza) 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 305.15 linear feet of street frontage on Livingston Road and Oxon Hill Road. 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.**

Review of the site plan indicates that the existing sign is located 14 feet from the street pavement and only one foot behind the street line of Oxon Hill Road. A departure was approved (DSDS-546) in 1998 to allow the current sign location.

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 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 91.67 square feet for the proposed sign. With 305.15 linear feet of street frontage, the property is allowed one sign with an area of 76.29 square-feet. A departure of 15.38 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 requests to replace the existing freestanding sign that was approved with conditions by DSDS-546 in 1998. In the instant application, no change is proposed with regard to location and height of the freestanding sign. However, the proposed sign would exceed, by 15.38 square feet, the maximum allowable sign area for the subject property.

The applicant indicated that two blank panels with a total area of 23.64 square feet generate all of the excess sign area. The applicant maintains that due to the relatively small size of the property and its location at the intersection of two heavily traveled thoroughfares, a more pronounced sign is needed to adequately advertise the site. The applicant contends that a more pronounced sign would allow motorists sufficient opportunity to realize that the gas station is located at the intersection and provide time to safely enter the site. The applicant further argues that a combination of the allowable building and canopy signs that are not used at the site would more than offset the proposed increase to the area of the freestanding sign.

As noted, the existing sign was approved in 1998 by DSDS-546. The applicant, at that time, indicated that the departure was needed to validate the location of an outdated sign and to improve the appearance of the site. In addition to the relief from the ten-foot setback requirement for the freestanding sign, variances from setback requirements for the existing canopy along Oxon Hill Road and a proposed canopy (not constructed) along Livingston Road were also granted. The variances move the canopy signs closer to the right-of-way. At Oxon Hill Road, the canopy sign is located with one foot of the ultimate right-of-way.

The issue of visibility of the sign to motorists traveling on the adjoining roads was sufficiently resolved with the 90 percent departure from the setback requirement that was approved with DSDS-546. There has not been a substantial change in the area since then

that resulted in reduced visibility of the gas station or the existing sign from either one of the adjoining streets. A site inspection reveals adequate visibility of the subject site and the existing sign from all directions traveling through the intersection of Oxon Hill Road and Livingston Road. The existing sign conforms with the maximum allowed area, is visually compatible with surrounding properties, and provides clear and practical direction for customers. The allowable maximum area of 78.29 square feet provides sufficient advertising space for the gas station, food mart, and the service center on the property. The proposed increase, which amounts to 19 percent over the allowable area, is driven by inflexible design specification that the applicant desires to apply to all Shell stations regardless of the size, shape, location of the property, or the local zoning standards that govern sign regulations.

As the applicant indicates, 44 percent of the allowable building sign area and 32 percent of the allowable canopy sign area are not used. It should be noted, however, that only the letter area is counted in the computations for the building and canopy signs. Colors and other decorative features that are used for exclusive identification of the Shell gasoline stations are not included in the area computation. As the applicant indicated, the 15.38-square-foot increase is a result of the addition of the two blank panels that have a total area of 23.51 square feet. With their elimination or substantial reduction, the sign can provide adequate and safe identification for the use and conform to the requirements for maximum allowed sign area.

Given the lack of unique and unusual circumstances, offsetting the increased freestanding sign area with the unused canopy and building sign area cannot be justified. The existing sign, which was brought into compliance with current sign standards through a departure and a number of variances, can adequately and safely advertise the use and the site. The current request for yet another unnecessary departure amounts to stretching the sign regulations beyond their intended purposes. As such, the proposed sign conflicts with the following purpose:

- **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.**

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

With 305.15 feet of street frontage, the property is allowed one freestanding sign with a maximum area of 76.29 square feet and a maximum height of 25 feet. In order to have 91.27 square feet of sign area, 365.1 linear feet of street frontage will be necessary to allow the proposed increase in the area of the sign. The proposed increase is necessitated due to the fact that the sign was designed to include two blank panels, the function of which is not very clear, except for the fact that they contribute to enlarge the size of the sign.

There is no functional or practical purpose to be served by the proposed increase in the sign area that is not already provided by the existing sign. The requested departure is not necessary given the specific circumstances of the property, which is adequately served by the existing sign.

In addition, the proposed site plan does not match the most recently approved special exception plan (ROSP SE-2258/2) and, therefore, the conditions of approval of that plan are

not met. The proposed plan reflects a number of inconsistencies including plant units, fencing around storage, distance between canopy and street line, area of the property, number of price signs, and the number of parking spaces. These inconsistencies can only be cured with yet another ROSP application. In addition, the location map on the proposed plan is inaccurate and needs to be corrected.

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 .58-acre property has been in use as a gas station for over 30 years. The original special exception for gas station use was approved in 1970 and two revisions were granted 1986 and 1998. In addition, the following variances and a departure were approved in conjunction with the two revisions:

- Variance from the ten-foot landscape strip requirement.
- Variance from the 25-foot setback requirement for pump islands.
- Variance from the requirement that a driveway may begin at a point not less than 20 feet from the point of curvature of any curve return.
- Variance from the requirement that access driveway be defined by curbing for the north driveway on Livingston Road.
- A variance from the 30-foot setback requirement for canopy.
- A departure from the ten-foot setback from the street requirement.

With the above listed variances and departure, the property is currently in compliance with the sign regulations. Additionally, there are no unique or unusual circumstances in terms of size, shape, location or topography of the property or the nature of the existing use to warrant the proposed increase in the area of the sign.

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

The departure will impair the visual, functional and environmental integrity of the site and surrounding area. The proposed signs are not in harmony with existing developments in the immediate area and would not be compatible with existing and future signs in the area. The Urban Design Review Section has offered the following comments:

...granting the departure would allow the applicant a larger sign than other business in the same zone. Since the size requirement seeks to limit visual impacts, the departure would, to a certain extent, negatively impact visual quality of the surrounding neighborhood.

CONCLUSION:

Based on the preceding analysis and findings, it is recommended that DSDS-596 be DENIED.