



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Departure from Sign Design Standards No. 632 (VSE-839)

| Application | General Data |
|---|----------------------------------|
| Project Name: Shell (Annapolis Road) Location: South side of Annapolis Road approximately 2,200 feet east of Carter Avenue, known as 9415 Annapolis Road. Applicant/Address: Shell Oil Company P.O. Box 2099 Houston, Texas 77252 | Date Accepted: 12/7/05 |
| | Planning Board Action Limit: N/A |
| | Plan Acreage: 0.44 |
| | Zone: C-S-C |
| | Dwelling Units: N/A |
| | Square Footage: 1,653 |
| | Planning Area: 70 |
| | Tier: Developing |
| | Council District: 05 |
| | Municipality: N/A |
| | 200-Scale Base Map: 207NE08 |

| Purpose of Application | Notice Dates |
|--|---|
| DSDS-632—Setback and height of a freestanding sign VSE-839—Setback of two pump islands from the street line | Adjoining Property Owners Previous Parties of Record Registered Associations: 11/7/05 (CB-12-2003) |
| | Sign(s) Posted on Site and Notice of Hearing Mailed: 4/25/06 |
| | |

| Staff Recommendation | | Staff Reviewer: Teri Bond | |
|----------------------|--------------------------|---------------------------|------------|
| APPROVAL | APPROVAL WITH CONDITIONS | DISAPPROVAL | DISCUSSION |

| | | | |
|----------|--|--|--|
| X | | | |
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May 10, 2006

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Teri Bond, Planning Coordinator

SUBJECT: **Departure from Sign Design Standards DSDS-632**

REQUEST: **Departure from the requirements of Section 27-614, Freestanding Signs, of the Zoning Ordinance and Variance from Section 27-358(a)(8), Special Exception requirements for Gas Stations**

RECOMMENDATION: **Approval**

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.

FINDINGS:

- 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 right-of-way line of ten feet. 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)(7) 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. 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. Staff believes that the request to permit the sign to be one foot higher than the maximum height of 25 feet is minor, particularly since this is an existing sign and the applicant is proposing to improve the sign as part of an overall upgrade of this facility.

- (ii) **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 request. Again, the freestanding sign is existing and the proposed departures are necessary to permit the owner to upgrade and improve the overall appearance of this older gas station.

- (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 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 and size 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.

- (iv) **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 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

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.

CONCLUSION:

Based on the preceding analysis and findings, it is recommended that DSDS-632 and VSE-839 be APPROVED.