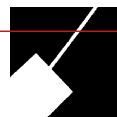


The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530



Comment [COMMENT1]: WHEN INSERTING  
 INFORMATION AT THE @ SIGN  
 REMEMBER TO USE INDENT FOR SECOND  
 LINE - NOT TAB. ALSO, IT WILL LOOK  
 LIKE THE TEXT IS GOING WACKO, BUT  
 DON'T WORRY - IT IS FINE.

## (Minor) Revision Of Site Plan SE-2296/3

### Departure From Sign Design Standards Application 576

Application	General Data
Project Name Sunoco, Inc. Forestville  Location Northwest corner of Marlboro Pike and Forestville Rd., known as 7622 Marlboro Pike.  Applicant Engineering Solutions, Inc. 436 Creamery Way, Suite 100 Exton, Pa. 19341 ATTN: Ed McGuire	Date Accepted: 6/15/01
	Planning Board Action Limit: N/A
	Tax Map & Grid 081 F-4
	Plan Acreage 0.6258 Acre
	Zone C-S-C
	Dwelling Units: N/A
	Square Footage: N/A
	Planning Area 75A
	Council District 06
	Municipality: None
	200-Scale Base Map 205SE7

Purpose of Application	Notice Dates
Installation of gasoline dispenser, trash enclosure, loading space, replacing existing canopy, rounding corners of existing canopy and freestanding sign placement within 10' setback requirement.	Adjoining Property Owners: July 13, 2001 (CB-15-1998)
	Previous Parties of Record: None (CB-13-1997)
	Sign(s) Posted on Site: January 4, 2002
	Variance(s): Adjoining: N/A Property Owners
Staff Recommendation	Staff Reviewer
APPROVAL	Jimi Jones
APPROVAL WITH CONDITIONS	
DISAPPROVAL	
DISCUSSION	
	X

January 17, 2002

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board

VIA: Arie Stouten, Zoning Supervisor

FROM: Jimi Jones, Planning Coordinator

SUBJECT: Revision of Site Plan (Minor Change) Special Exception Application No. 2296/3  
Departure From Sign Design Standards Application DSDS-576

REQUEST: ROSP SE-2296/3: Revisions to Gas Station and Parking Area  
DSDS-576: Freestanding Sign Within Right-of-Way and Permission to Install  
Two Additional Freestanding Signs

RECOMMENDATION: **APPROVAL of ROSP SE-2296/3 with conditions**  
**APPROVAL of DSDS-576 with conditions**

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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.

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## **FINDINGS:**

- A. **Location and Field Inspection:** The property is a small, irregularly-shaped parcel on the northwest corner of Marlboro Pike and Forestville Road. The property is developed with a gas station that includes a one-story, four-bay brick structure and four gasoline pumps. The property is completely paved and has a coin-operated vacuum for vehicles.
2. **History:** The property was placed in the C-S-C Zone in 1986 during the Sectional Map Amendment for Suitland-District Heights and Vicinity. Special Exception SE-2296 was approved for a gas station in May 1970. Revisions to the site plan were approved in 1983 and 1987.
3. **Master Plan Recommendation:** The 1985 Master Plan for Suitland-District Heights & Vicinity recommends retail, service-commercial use for the subject property.
4. **Request:** The applicant wishes to revise the approved site plan as follows:
1. Installation of one additional gasoline dispenser.
  2. Addition of a trash enclosure.
  3. Addition of a loading space.
  4. Rounding corners of the existing canopy.
  5. Replacement of one existing gasoline pump with a diesel pump.
  6. Replacement of existing canopy and building signage.

The applicant also requests relief from the 10-foot setback from street line requirement to permit the existing 87.3-square-foot freestanding business identification sign and 19.5-square-foot, 24-hour sign panel to remain in its current location within the right-of-way for Marlboro Pike. This request also proposes that three existing 19.5-square-foot ■merchandising■ signs be allowed to remain.

- E. **Neighborhood and Surrounding Uses:** The subject property is located in an old strip commercial area. It is surrounded by the following uses:

**North** - A small office townhouse development in the C-O Zone and a church in the R-55 Zone.

**East** - Across Forestville Road is a shopping center which sits behind a small liquor store and a mattress store that fronts on Marlboro Pike in the C-O Zone.

**South** - Across Marlboro Pike is an Exxon gas station and small commercial center in the C-S-C Zone.

**West** - Undeveloped land in the C-O Zone, a gas station in the C-S-C Zone and a bank in the C-O Zone.

- F. **Minor Change Provisions:** Section 27-325(b) provides that:

- (1) **Changes of site plans for property of less than five (5) acres may be permitted by the Planning Board, provided that either of the following two (2) situations exists:**
- (A) **Situation No. 1.**

- (i) There is a proposed increase in gross floor area of a building or in land area covered by a structure other than a building (over that approved on the original site plan) which is not greater than ten percent (10%) of the gross floor area or covered land area or five hundred (500) square feet, whichever is less (see Figure 40); or
- (ii) There is a proposed relocation (in any direction) of any improvement (approved on the original site plan) which is not greater than ten percent (10%) of the distance to the boundary line of the Special Exception property or twenty (20) feet, whichever is less (see Figure 41).

**(B) Situation No. 2.**

- (i) There is a proposed change in the design of a parking lot or loading area; or
- (ii) There is a proposed change in a landscape plan.

The applicant is proposing to add a loading space in accordance with Section 27-325(b)(1)(B)(i). Section 27-325(f) further provides that:

- (1) Changes of a site plan for an approved gas station may be permitted by the Planning Board for the following modifications:**
  - (A) The enlargement or relocation of pump islands;**
  - (B) The addition of one (1) pump island;**
  - (C) The addition, relocation, or modification of a fence, kiosk, island shelter, island canopy, storage area, trash enclosure, vending area, or lavatory facility;**
  - (D) The addition, relocation, or modification of an accessory building used solely for the storage of automotive replacement parts or accessories. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to that of the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be approved as a part of the minor change.**

G. Specific Special Exception Requirements: Section 27-358(a) provides the following specific requirements for a gas station:

- (a) A gas station may be permitted, subject to the following:**

- (1) **The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet;**

The subject property has over 200 feet of frontage along Forestville Road. Direct vehicular access to Forestville Road is provided by two driveways. Forestville Road has a proposed 80-foot-wide right-of-way.

- (2) **The subject property shall be located at least three hundred (300) feet from any lot on which a school, playground, library, or hospital is located;**

The property meets this requirement.

- (3) **The use shall not include the display and rental of cargo trailers, trucks, or similar uses, except as a Special Exception in accordance with the provisions of Section 27-417;**

The applicant does not propose the display and rental of cargo trailers or trucks.

- (4) **The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;**

The use meets this requirement. However, a note should be added to the site plan stating that the storage or junking of wrecked motor vehicles is prohibited on the subject property.

- (5) **Access driveways shall be not less than thirty (30) feet wide, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than 20 feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than 12 feet from the side or rear lot line of any adjoining lot;**

The site plan demonstrates compliance with this requirement.

- (6) **Access driveways shall be defined by curbing;**

Driveways are defined by curbing as required.

- (7) **A sidewalk at least five feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic;**

A 10-foot-wide sidewalk is shown along the portion of the property that fronts on Marlboro Pike.

- (8) **Gasoline pumps and other service appliances shall be located at least 25 feet behind the street line;**

The use meets this requirement.

- (9) **Repair service shall be completed within 48 hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.**

A field inspection of the property revealed that repair service is conducted on site. Staff found no evidence of discarded parts on the property. While there are cars parked on the property, none of them appeared to be junked cars. The property is generally well kept.

- (b) **In addition to what is required by Section 27-296(c), the site plan shall show the following:**

- (1) **The topography of the subject lot and abutting lots (for a depth of at least 50 feet);**
- (2) **The location and type of trash enclosures; and**
- (3) **The location of exterior vending machines or vending area.**

The site plan provides the information required above.

- (c) **Upon the abandonment of a gas station, the Special Exception shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this subsection, the term "abandonment" shall mean nonoperation as a gas station for a period of 14 months after the retail services cease.**

The applicant makes no reference to this requirement in his statement of justification. However, if this application is approved, the applicant will be required to comply with this requirement.

- (d) **The District Council shall find that the proposed use:**

- (1) **Is necessary to the public in the surrounding area; and**
- (2) **Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.**

The subject use has served the community for over 30 years. Both the Planning Board and District Council have considered several revisions to this site plan; and in doing so, found that this use was necessary to the public and did not restrict the availability of land. Staff believes these findings continue to be valid.

- H. Parking Regulations: The site plan correctly indicates that the existing 4 service bays require 12 parking spaces, based on 3 parking spaces required per bay. In addition, one loading space is required for buildings with 2,000 square feet or more of gross floor area. Note: The applicant is proposing one loading space for the existing 2,331-square-foot building. However, the parking schedule indicates that the existing building has 2,435.5 square feet of gross floor area. The applicant will be required to provide the correct gross floor area (either 2,331 or 2,435.5 ).
- I. Landscape Manual Requirements: The proposal does not require the construction, enlargement, or extension of a building and is, therefore, exempt from the specific requirements of the *Landscape Manual*.
- J. Zone Standards: This application meets the general requirements of the C-S-C Zone. No variances are required.
- K. Sign Regulations: See Part M of this report.
- L. Required Findings:

**Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:**

- (1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**
- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**
- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**
- (4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**
- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**
- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

The District Council, in approving the original site plan and subsequent revisions, found that the subject use met the above criteria. Staff believes these finding continue to be valid. However, we do note that some minor corrections to the site plan are required to ensure that the use remains in conformance with all applicable requirements. These corrections are included in the recommended conditions of approval.

M. DSDS-576:

The subject property occupies approximately 360 feet of road frontage. **Section 27-614(d)(2)(A) allows one freestanding sign per every 40 to 1,100 feet of frontage. In addition, Section 27-614(c)(3)(B) allows a maximum freestanding sign area of 90 square feet for the subject property, computed at one square foot of sign area per four feet of road frontage.** The applicant is requesting departures to allow a total of five freestanding signs with a combined sign area estimated at 142.3 square feet. A departure of 52.3 square feet is requested.

The signs are described as follows:

- A) Existing freestanding sign in right-of-way with attached 24-hour panel. 106.8 square feet total combined area. Two attached price signs.
- B) Two merchandising signs under canopy. Eight square feet each. No prior permits approved.
- C) One lightpole-mounted price sign (required) at north entrance. 19.5 square feet. No prior permits approved.
- D) One lightpole-mounted merchandising (advertising) sign. 19.5 square feet. No prior permits approved. •

The main business identification sign (described in •A• above) is located on the southeast corner of the site, at the intersection of Marlboro Pike and Forestville Road. The applicant proposes to retain this location within the Master Plan proposed right-of-way. **Section 27-614(a)(4) allows the sign to remain at this location in accordance with the following:**

- (A) **The land area involved has not been, and is not in the process of being, acquired for street purposes;**
- (B) **The sign is located at least ten (10) feet behind the existing street right-of-way line; and**
- (C) **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.**

The subject freestanding sign is not located ten feet behind the existing street right-of-way line. The site plan indicates that the sign is located on the right-of-way line for Marlboro Pike and Forestville Road. A departure of ten feet is required.

**Section 27-594 requires gasoline price signs to be located at each entrance. Section 27-614(c)(6) allows these signs a maximum area of 25 to 50 square feet, depending upon whether two or three types of gasoline are offered for sale.** These requirements can be satisfied by either attaching price signs to light fixtures or placing portable ground-mounted panels along each of the



adjoining rights-of-way. Staff notes that there are two price signs mounted on the freestanding business sign and two price signs mounted on light poles. These signs measure 19.5 square feet each.

**Section 27-612(b) prohibits the Planning Board from approving departures for signs that were erected without a sign permit.** The applicant has not submitted copies of sign permits for at least three of the existing signs. This information is required as proof these signs were legally erected.

Section 27-614(a)(6) also requires gas price signs to be affixed to the same freestanding structure that supports the sign containing other advertising matter. A freestanding price sign erected in accordance with this section shall not be permitted if other price signs are attached to the building. Staff notes that no price signs are attached to the building.

Section 27-239.01 provides the following findings for departures from sign design standards:

**(A) 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;**

The purposes of the sign regulations will not be equally well or better served by the applicant's proposal. The sign regulations permit one freestanding sign to identify a business. There are five freestanding signs on the property, four of which have been erected without a sign permit. The seven purposes of the sign regulations are contained in Section 27-589(a). Purpose number six, as shown below, is particularly relevant to this request:

5. To prevent the proliferation of signs that could detract from the scenic qualities of the landscape or the attractiveness of development.

While the fact that four of the freestanding signs were erected illegally makes the request to permit these signs moot, the issue of excessive and unsightly signing along Marlboro Pike is noted in the Commercial Areas and Activity Center chapter of the 1985 *Master Plan for Suitland-District Heights and Vicinity*. The additional merchandising signs proposed in this application would add to the visual clutter that is characteristic of this older commercial area.

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

The requested departure is not the minimum necessary in this case. Based on the sign permits issued for this property, only one freestanding sign is permitted. There are a total of five freestanding signs on the property which the applicant is requesting to remain. The existing 87.3-square-foot freestanding business sign and 19.5-square-foot 24-hour panel sign are the only signs which appear to have a sign permit. The total square footage of these signs is 106.8 square feet. The total

square footage for the five signs in the applicant's request is 142.3 square feet. Under Section 27-614(c)(3)(B), a total of 90 square feet of signage is permitted for the subject property. Since the freestanding business sign and 24-hour price signs are the only legal signs, the correct departure is for 16.8 square feet. A departure of 10 feet is also required to allow this freestanding sign to remain in its current location.

- (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 located in an old commercial area. A departure for 16.8 square feet of sign area would not constitute a significant increase in sign area and would address the applicant's need to identify the business for motorists.

- (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 departure would allow the existing freestanding sign to remain in its original location. All illegal signs would be removed, thus decreasing the amount of signage on the property in accordance with the Master Plan.

## **CONCLUSION:**

Staff recommends APPROVAL of ROSP subject to the following conditions:

1. The site plan is to be revised to reflect the correct square footage on the plan and parking schedule.
2. A note shall be added to the plan stating that the storage or junking of vehicles is prohibited on the subject property.

Staff further Recommends APPROVAL of DSDS-576 subject to the following conditions

1. The existing freestanding business sign shall remain in its current location.
2. All illegal signs shall be removed from the property.
3. Departures are approved for 16.8 square feet of sign and from the ten-foot setback (behind the existing right-of-way) requirement.