

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Sign Design Standards Application No. 615 requesting a departure to increase the area of 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 hearings on June 3, 2004, the Prince George’s County Planning Board finds:

A. **Location and Field Inspection:** The subject property is located on the south side of Annapolis road approximately 100 feet north of Riverdale Road, known as 8309 Annapolis Road. The subject property comprises approximately .45 acre (19, 600 square feet) of land. It is improved with a 2, 318-square-foot Shell gas station with two pump islands and four multipump dispensers (MPD) with a canopy cover. The existing building includes an office, sales area for food and beverages, utility room, restrooms and three service bays. The gas station currently provides automobile repair and related services. A freestanding sign is located on the northwest corner of the property. A number of unauthorized advertisement signs are fastened to the light post and the freestanding sign along the property’s frontage on Annapolis Road. A vacuum, an air pump, and a trash receptacle are located on the western edge of the property. Neither the approved nor the proposed plans show these service appliances. The property is zoned C-S-C, and it has 175 feet of street frontage on Annapolis Road. It has two 30-foot-wide driveway entrances on Annapolis Road.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Gas Station	Gas Station
Acreage	.45 (19,600 SF)	.45 (19,600 SF)
Signs	1 freestanding	1 freestanding
Sign Area	36 SF	78.66 SF
Sign Height	25'	25'

C. **History:** In January 1960, special exception No. 548 was approved for a gas station on the property. In November 1969 another special exception (SE-2169) was approved for a gas station use. A revision of site plan (ROSP SE-2169/548) was approved in 1996 to renovate the gas station and modify the parking lot. A departure from design standards (DDS-523) and variances (VSE-2169- sidewalk, locations of pump islands and canopy) were also approved in conjunction with the 1996 revision. In addition, Appeal No. 2697 was approved in 1970 to waive the setback requirement for a canopy and pump islands, the required 5-foot-wide sidewalk and the 10-foot-wide landscape strip. The 1994 Approved Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity retained the site in the C-S-C Zone.

- D. **Master Plan Recommendation:** The 1994 Bladensburg-New Carrollton and Vicinity Master Plan recommends the property for retail–commercial use. The 2002 General Plan places the subject site in a Corridor within the Developed Tier. The vision for Corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor.
- 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 78.66 square feet and exceeds the maximum permitted sign area by 34.91 square feet. A permit was issued in August 1996 for a 36-square-foot freestanding sign with a maximum allowable area of 43.75 square feet. No change of location is proposed for the existing freestanding sign.
- F. **Surrounding Uses:** The property is surrounded by the following uses:
- North: Across Annapolis Road, the New Carrollton Shopping Center in the C-S-C Zone.
 - West: Vacant property in the C-S-C Zone.
 - South: Plaza 30 Shopping Center in the C-S-C Zone.
 - East: Plaza 30 Shopping Center 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 175 linear feet of total street frontage on Laurel-Bowie and Old Chapel Roads. Therefore, the site is allowed one freestanding sign with the maximum area of 43.75 square feet. 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 10 feet behind the street line of Annapolis Road.
 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 78.66 square feet for the proposed sign. With 175 linear feet of street frontage, the property is allowed one sign with an area of 43.75 square feet. A departure of 34.91 square feet 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 proposes to modify and upgrade the subject gas station as part of a program to revise and update the image of all Shell stations. This generally includes changing the appearance of the building, canopy and the freestanding sign through color and lighting to create a harmonious and aesthetically appealing appearance for the entire site.

The applicant indicates that two gray blank panels, with a total area of 20.32 square feet, generate approximately 50 percent of the excess sign area. The blank panels will not be used for any type of advertisement. The proposed improvement and modification to the site also include a building sign with a total area of 7.31 square feet (approximately 39.47 square feet less than the total permitted area) and a canopy sign of 12.82 square feet (approximately 16.88 square feet less than the allowable area). In addition, the proposed sign uses only 30.92 square feet of the allowable 50 square feet for gasoline prices.

The applicant contends that a more pronounced freestanding sign is needed to promote safety and access to 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.

The approximately 56.35 square feet of combined unused canopy and building sign area and the reduced (by 19 square feet) size of the gasoline price sign appear to more than offset the proposed 34.9 square feet increase in the freestanding area. However, it should be noted that the existing canopy is located 40 percent closer (DPLS-523) to the street than is allowed by the Zoning Ordinance, and as such, performs some of the functions intended for a freestanding sign. Furthermore, DPLS-523 also waved the five-foot-wide sidewalk requirement thereby, allowing increased visibility of the canopy as well as the existing freestanding sign from the street. It should also be noted that while the reduction in building, canopy and gasoline sign areas may help to minimize the overall appearance of all signs on the subject property, their size and designs are geared primarily to satisfy industry standards rather than the sign standards of the Zoning Ordinance.

Moreover, the nature and potential impacts of building and canopy signs are different than those of freestanding signs. 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. Therefore, while at times, it would be reasonable to take into consideration the reduced size of canopy and building signs to allow a slight increase in a freestanding sign, it should not be a major factor to justify an excessive increase such as the one represented in the instant

application. The proposed departure amounts to approximately an 81 percent increase over the allowable freestanding area for the subject property. Staff believes such an increase is excessive and unjustifiable.

Upon reviewing the applicant's original proposal for a 91.67 square foot sign the City of New Carrollton, in a letter dated February 18, 2004, offered the following comments:

“While the City generally approves of the efforts to improve the appearance of the Shell gas station, we do not concur with the size of top of the proposed freestanding sign. We proposed a slightly smaller sign, 6 feet on each side. This would make the overall sign less obtrusive but would enable the Shell gas station to identify itself adequately.”

The letter does not specify the total sign area that is preferred by the city. In a telephone conversation, the city's administrative officer, Mr. Jeffery Klem, has indicated that the “6 feet on each side” was intended to mean 6 feet by 6 feet. The applicant maintains that the proposed 78.66 square foot freestanding sign is designed to incorporate the City of New Carrollton's recommendation in terms of the sign area.

As indicated, there is an approved freestanding sign for the property with 36 square feet of sign area, which is 7.75 square feet under the 43.75 square foot maximum allowed for the subject property. The existing sign has a height of 25 feet. The 1996 approved freestanding sign conforms to the maximum allowed area, is visually compatible with surrounding properties, and provides clear and practical direction for customers.

The proposed 34.91 square foot increase in the freestanding area is substantial and would not be compatible with the size of the property and the existing improvements, which through the years, had been granted various variances and departures. A street frontage of at least 315 linear feet is required to allow the proposed 78.66 sign area. As indicated, the subject property has only 175 linear feet of frontage.

The departure as proposed, would conflict 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.

In view of this, and taking into consideration that the City of New Carrollton's desire for a reduced sign area, staff recommends a total freestanding area of 54 square feet (a 10.25 square foot increase)—approximately 23 percent over the maximum permitted and a 35 percent increase over the existing sign—rather than the proposed 78.66 square feet. The 10.25 square foot increase would accommodate one of the two gray blank panels and allow a design flexibility needed for the company's new design standards. A number of recently renovated or newly constructed freestanding signs for Shell gas stations in Prince George's

County and surrounding counties are designed with a single gray panel instead of two. Therefore, to ensure conformance with the purposes of the Ordinance in a manner that is compatible with land uses in the surrounding area, the following conditions are recommended:

- (a) The total area of the proposed freestanding sign shall not exceed 54 square feet
- (b) The blank, gray panel may not be used for any type of advertisement and shall remain blank as proposed.
- (c) The color, position and size of the blank panel shall not change.
- (d) The total building sign area may not exceed 7.31 square feet, and the canopy sign area may not exceed 12.82 square feet.
- (e) The gasoline price sign may not exceed 30.92 square feet.
- (f) All unauthorized advertisement signs currently located on the property must be removed since they are in violation of the sign regulations.

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

As indicated, the proposed 34.91 square feet departure is excessive for the subject property. The recommended departure of 10.25 is the minimum necessary given the specific circumstances of the property, which is relatively small in size and fully developed, with limited alternatives for a freestanding sign to accommodate both current sign standards and current demands of the gas station industry for continuous modification in terms of appearance and design.

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 .45-acre property has been in use as a gas station for 45 years. The original special exception (548) was approved in 1960 and the most recent revision of site plan (ROSP SE-2169/548) was approved in 1996. In addition, to bring the property in compliance with zoning standards of the time and to upgrade the gas station, a number of variances and a departure from design standards have been approved in the past four decades.

In the instant application, the substandard size of the property, coupled with the continuous

transformation of gas stations and new zoning development standards, constitute unique circumstances that can be alleviated by the recommended departure of 10.25 square feet.

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

To ensure compatibility with existing and future signs in the area and to maintain an aesthetic appearance, it is imperative that the area of the proposed freestanding sign not exceed the 54 square feet. The recommended departure of 10.25 square feet will not impair the visual, functional and environmental integrity of the site and surrounding area provided that the total area of the proposed sign does not exceed 54 square feet.

The proposed renovation and upgrading of the property will enhance the visual quality of the property and the immediate area. However, to maintain a harmonious and aesthetically appealing appearance for the entire site, all unauthorized advertisement signs on the property must be removed, and landscaping on the property must be maintained in accordance with the approved plan.

Current conditions on the site are inconsistent with both the approved and the proposed plans. Parking spaces should be clearly marked and the handicap parking space should be labeled in a manner that is consistent with the site plan. The number and size of spaces provided shall be consistent with the numbers and sizes shown on the approved site plan. Moreover, the proposed plan makes a reference to a 12-foot-high board on board fence. The height of this fence exceeds the 10-foot height that was approved at the last revision of the plan. Furthermore, the 12-foot-high fence as it currently exists on the property is unsightly and in need of repair. The fence needs to be repaired and must be of the height shown on the approved site plan. In addition, the service appliances currently located on the property should either be removed or be depicted on the site plan through the appropriate revision process. In summation, the site plan must be revised to demonstrate consistency with the approved site plan (ROSP SE-2169/VSE-2169/DSDS-523) and the related conditions of approval for that plan.

The Planning Board finds that the 78.66 square feet freestanding sign area proposed by the applicant is excessive and is not justifiable. By contrast, the recommended 54 square feet of sign area represents a balance between the need to provide adequate identification and the responsibility 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 Prince Georges County.

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 **DSDS-615** subject to the following conditions:

1. The total area of the proposed freestanding sign shall not exceed 54 square feet.
2. The site plan shall be revised to demonstrate consistency with the approved site plan (ROSP SE-2169/VSE-2169/DSDS-523) and the related conditions of approval for that plan or a new revision of site plan application will be required.
3. Prior to plan certification, the applicant shall provide photographic documentation that all unauthorized advertising signs have been removed from the property.
4. The blank, gray panel shall not be used for any type of advertisement and shall remain blank as proposed.
5. The color, position, and size of the blank panel shall not change.
6. The total building sign area may not exceed 7.31 square feet, and the canopy sign area may not exceed 12.82 square feet.
7. The gasoline price sign may not exceed 30.92 square feet.

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 Harley, seconded by Commissioner Vaughns, with Commissioners Harley, Vaughns, Squire, Eley and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 3, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of July 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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