

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DSDS-631 requesting departure from setback of a freestanding sign less than 10 feet from street line 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 4, 2006, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The site is located at the southwest quadrant of Ritchie Road and MD 214 (Central Avenue) and is known as 8301 Central Avenue, Capitol Heights, Maryland. The site comprises approximately 0.51± acre and is improved with a gas station constructed in 1966. A one-story building houses a gas station with three service bays. The site has 202± feet of frontage on Central Avenue, which it accesses via a pair of 35.8-foot and 41.2-foot-wide driveways. Along Ritchie Road, the site has 86± feet of frontage, with one 29.8-foot-wide entrance drive.

There is an associated parking area along Ritchie Road with three spaces and another parking area on the east side of the property (seven spaces).

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Use(s)	Full Service Gas Station (3 bays)	Full Service Gas Station (3 bays)
Acreage	0.51±	0.51±
Square Footage/GFA	2,130	2,130
Freestanding Sign Area	34 square feet	56.21 square feet

- C. **History:** A gas station was first established at this site in 1966. The applicant assumes that the sign was also erected at this time. They do not have evidence that a valid sign permit has been issued. According to the applicant, since the Prince George's County permit system only goes back to 1998, they are unable to retrieve permit-related information prior to this date. In 2002 there was a freestanding sign permit applied for; however, the permit was never issued. The sign permit, which was applied for but never issued, is Permit #6589-2002-0. In 1989, the applicant sought and received variances for a waiver of the ten-foot landscape strip requirements and an eight-foot reduction in the 25-foot gasoline pump setback requirement. The 1986 Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B placed the property in the Industrial Zone.
- D. **Master Plan Recommendation:** The 1986 Sectional Map Amendment retained industrial use for the property. The 2002 General Plan places the site in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

- E. **Request:** The applicant seeks departures of 3.4 feet and 3.2 feet from the ten-foot setback from the street line to allow a new freestanding sign at the corner of Central Avenue and Ritchie Road. The new sign will replace non-permitted signs that currently occupy the location.

F. **Surrounding Uses:**

The property is surrounded by the following uses:

North—WMATA property including parking lot

South—Industrial building zoned I-1

East—McDonald's

West—Taco Bell/KFC drive thru restaurant

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 288.04 linear feet of street frontage on Central Avenue and Ritchie Road. Therefore, the site is allowed one freestanding sign. There are two existing signs related to Shell and one advertising sign on the property; no additional freestanding sign is proposed. The applicant has not provided valid permits for either of the signs. However, the proposal seeks to replace the existing freestanding sign. All illegal signs must be removed from the property.

2. **Section 27-614(a)(4) requires that freestanding signs shall be located at least 10 feet behind the ultimate right-of-way line.**

The site plan shows one existing sign with a setback of 6.6 feet from the streetline for Ritchie Road and 6.8 feet for Central Avenue. The applicant has requested a departure from the ten-foot setback requirement, so that they can replace the existing signs with one new sign in the same location. The location of the existing signs is the only available site due to the existing storage tanks that are located below the surface at the ten-foot setback.

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 property is located in the I-1 Zone. Therefore this requirement does not apply.

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 56.21 square feet for the proposed sign. With 288.04 linear feet of street frontage, the property is allowed one sign with an area of 72.01 square-feet. The proposed sign is in conformance with this requirement. No departure is necessary. Staff notes that there are signs on the property that do not have permits. All illegal signs must be removed.

5. **Section 27-589** of the Zoning Ordinance 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. In this instance, the facts establish that granting the requested departures will not jeopardize these purposes.

The applicant contends that the site is restricted to the location of the proposed sign due to underground storage tanks and a Phase II Vapor Recovery System located next to the signs. The proposed modifications of freestanding signage are a part of a “national reimagining project”.

Although the applicant is unable to produce valid sign permits for the existing signs, the location has not served as a detriment to the residents of the county. Staff notes that the applicant is proposing signage in accordance with the sign regulations which better serve the purposes of this Subtitle.

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

The applicant refers to the “uniqueness of the site.” A site visit revealed the site is relatively small in size and fully developed. The footers for a 25-foot sign must be approximately 7 feet 9 inches underground, and the storage tanks are usually 3 feet under grade. Also, there is a Phase II Vapor Recovery System currently located next to the existing sign. In order to relocate the sign, it would be necessary to relocate the underground tanks and the vapor system. Therefore, the departures are the minimum necessary given the specific circumstances of the property.

The site visit also revealed that parking is located above the storage tanks near the corner island. This parking shall be prohibited.

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 departure is necessary to alleviate circumstances that are unique to the property. Although this property was not developed prior to 1949, it is an old property. The .51-acre property has been in use as a gas station for nearly 40 years. In order to bring the property in compliance with zoning standards of the time, in 1989, the applicant sought and received variances for a waiver of the ten-foot landscape strip requirements and an eight-foot reduction in the 25-foot gasoline pump setback requirement. The applicant is now attempting to improve the site in a manner compatible with the unique features of the site. These features include underground storage tanks and a Phase II Vapor Recovery System.

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

The departures will not impair the visual, functional and environmental integrity of the site and surrounding area. The proposed freestanding sign on the property will enhance the visual quality of the property and the immediate area. In accordance with the recommendation of the urban design section, accent plantings shall be located at the base of the sign.

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 the above-noted application, subject to the following conditions:

1. All illegal signs shall be removed.
2. Parking along the corner island shall be prohibited.
3. Accent plantings shall be located at the base of the sign.

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, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, May 4, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of May 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator