

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed ROSP-1147/02 requesting a revision of a special exception to add 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 hearing on December 10, 2009, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is located on the north side of Annapolis Road, 600 feet east of 76th Avenue, also known as 7600 Annapolis Road. The 0.45-acre site is developed with a gas station comprised of four fuel dispensers, a 60-square-foot kiosk, a 63-square-foot utility shed, an open-air car wash, and a 473-square-foot storage area/restroom/manager’s office. A six-foot-high, board-on-board fence runs along the entire northern property line and a portion of the western property line. Access is provided via two 35-foot-wide entrances from westbound Annapolis Road (MD 450).

B. **Development Data Summary**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use	Gas Station	Gas Station
Acreage	0.451	0.451
Parcels	1 (Parcel A)	1 (Parcel A)
Square Footage/GFA	596	596

C. **History:** Special Exception 1147 was approved by the District Council in 1965 (Zoning Resolution No. 112-1965) permitting a gas station on the subject property located in what was then the C-2 (General Commercial, Existing) Zone. The subject property was rezoned from the C-2 Zone to the C-S-C (Commercial Shopping Center) Zone in the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)*. A gas station is permitted by special exception in the C-S-C Zone.

D. **Master Plan Recommendation:** The 2002 *Prince George’s County Approved 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. The 1994 *Bladensburg-New Carrollton master plan and sectional map amendment* recommends a retail commercial land use for the site.

E. **Request:** The applicant seeks approval of a minor revision of the approved site plan to add a freestanding sign. The original freestanding sign has been removed; the new sign will be in a new location on the property.

F. Neighborhood and Surrounding Uses:

- North— Auto dealership/storage lot in the C-2 Zone
- South— MD 450 (Annapolis Road)
- East— A used car lot in the C-2 Zone
- West— Auto dealership in the C-M (Miscellaneous Commercial) Zone

The neighborhood is generally characterized as commercial with auto-related and retail commercial uses along Annapolis Road. Single-family detached homes are located to the north and south beyond the commercial area.

G. Minor Change Provisions: Section 27-325(b) of the Zoning Ordinance, which governs minor revisions to special exception site plans, provides that:

- (1) The Planning Board is authorized to approve the following minor changes:**
- (A) An increase of no more than fifteen percent (15%) in the gross floor area of a building;**
 - (B) An increase of no more than fifteen percent (15%) in the land area covered by a structure other than a building;**
 - (C) The redesign of parking or loading areas; or**
 - (D) The redesign of a landscape plan.**

The proposed revision, which only includes the relocation of a freestanding sign, does not increase the gross floor area of the site. There are no proposed changes to the design of the parking areas or the landscape plan.

In addition, Section 27-325(a)(4) provides that:

The revised site plan shall comply with all applicable requirements of this Subtitle, and with any conditions, relating to the use, imposed in the approval of the Special Exception or of any applicable Zoning Map Amendment, subdivision plat, or variance.

The revised site plan is in compliance with all applicable requirements of the Subtitle, with the exception of the requested departure which is discussed below. The District Council approved SE-1147 in 1965 with no conditions.

H. **Sign Requirements:**

1. Section 27-614(a)(1) of the Zoning Ordinance states that in all commercial and industrial zones, signs shall only be located on property where the main building associated with the sign is located at least 40 feet behind the front street line.

The existing main building, a kiosk, is set back approximately 30 feet from Annapolis Road. The applicant is requesting a departure from sign design standards of ten feet to allow a freestanding sign on a property where the main building is set back less than 40 feet from the front street line.

2. Section 27-614(a)(4) states that in all commercial and industrial zones, signs need only be located ten feet behind the street line.

The proposed sign is set back ten feet from the ultimate right-of-way along Annapolis Road.

3. 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 that are a hazard to safe motor vehicle operation;**
- (5) **To eliminate structurally unsafe signs that 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; and**
- (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.**

The proposed sign is not excessive in size; it will be located so as not to interfere with adequate sight lines or otherwise pose a hazard to motorists. The sign will provide for adequate identification and advertisement, and will be compatible with the commercial use of the property and with the overall streetscape along Annapolis Road.

- I. **Parking Regulations:** The applicant has provided four parking spaces for the gas station use, including one van-accessible handicap space, which exceeds the three total spaces required by the Zoning Ordinance.
- J. **Landscape Manual Requirements:** Compliance with the *Prince George's County Landscape Manual* is generally required when there is either a proposed increase in gross floor area of a building or a change of use. The proposed freestanding sign does not result in an increase in gross floor area. The proposed revision is, therefore, exempt from the Landscape Manual. The original plan approval preceded landscaping requirements. Although not shown on the site plan, a site visit revealed a row of plantings along a portion of the north property line. The site plan should be revised to indicate the existing shrubs.
- K. **Zone Standards:** No additional variances or waivers are required for this application.
- L. **Specific Special Exception Requirements for a Gas Station:** A gasoline station is permitted in the C-S-C Zone by special exception. Section 27-358 of the Zoning Ordinance sets forth the specific special exception 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;**
 - (2) **The subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, or hospital is located;**
 - (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;**
 - (4) **The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;**
 - (5) **Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable, 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 twenty (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 twelve (12) feet from the side or rear lot line of any adjoining lot;

- (6) Access driveways shall be defined by curbing;**
 - (7) A sidewalk at least five (5) feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic;**
 - (8) Gasoline pumps and other service appliances shall be located at least twenty-five (25) feet behind the street line;**
 - (9) Repair service shall be completed within forty-eight (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.**
 - (10) Details on architectural elements such as elevation depictions of each facade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.**
- (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 fifty (50) feet);**
 - (2) The location and type of trash enclosures; and**
 - (3) The location of exterior vending machines or vending area.**
- (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 fourteen (14) months after the retail services cease.**

(d) When approving a Special Exception for a gas station, 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 addition of the freestanding sign is the only proposed change to the approved site plan and represents an exceptionally minor revision to the approved special exception. The use and site plan continue to be compliant with the above regulations for gas stations, with one slight exception. During the site visit, it was noted that a vending area located in front of the kiosk was not reflected on the site plan. The site plan must be amended to show the vending area location.

M. **Referrals:** None of the referral responses noted any objection to the departure request or the revision to the site plan.

N. **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 purpose of this Subtitle;

The proposed use and site plan are in harmony with the purposes of this Subtitle. The general purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety, and welfare of the public and promote compatible relationships between various types of land uses. The gas station is an existing use that is compatible with the auto-related uses that predominate the immediate neighborhood. The proposed sign will provide necessary identification without being excessive or overwhelming. A staff visit to the site revealed that the gas station is generally well-maintained without piles of tires or other junked materials observed at other sites.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;

With the exception of the requested departure from setback requirements, the proposed use is in conformance with all applicable requirements and regulations of the Subtitle applicable to modifying an existing gas station special exception. As noted above, the site plan should be revised in accordance with Section 27-358(b)(3) to indicate the location of the vending area and also indicate a public pay phone located in the southeast corner of the site.

(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 Master Plan, the General Plan;

The gas station use is in conformance with the recommendations of the 1994 approved master plan for Bladensburg-New Carrollton and vicinity, and with the policies of the Developed Tier in that the addition of new signage will support an existing commercial use on the site.

(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

The proposed sign will not adversely affect the health, safety, or welfare of residents or workers in the area. To the contrary, it will provide necessary identification from the street so that motorists can safely and efficiently patronize the establishment. As noted previously, the sign will not be excessive or overwhelming and will be erected in an appropriate location within the required setback.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

The proposed sign will not adversely impact adjacent properties or the general neighborhood. The proposed sign represents a balance between the need to provide adequate identification for the gas station and the responsibility to control the location and size of signs in a manner that is compatible with adjacent land uses along the MD 450 corridor.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

The site is exempt from Woodland Conservation and Tree Preservation Ordinance requirements because the property contains less than 10,000 square feet of woodland, and it does not have a previously approved tree conservation plan.

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 condition:

1. The site plan shall be revised to show the following:
 - a. The correct zoning on the adjacent lots to the north and east.
 - b. The location of the vending area.
 - c. The location of the public pay phone.
 - d. The number, type, and location of existing plantings along the northern property line.

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.

* * * * *

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 Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire and Parker voting in favor of the motion, with Commissioner Cavitt voting against the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, December 10, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of January 2010.

Patricia Colihan Barney
Acting Executive Director

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:CF:arj