

**R E S O L U T I O N**

WHEREAS, the Prince George’s County Planning Board has reviewed Departure for Sign Design Standards Application No. 644 requesting a departure from street setback requirements for a freestanding sign and the main building associated with 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 January 31, 2008, the Prince George’s County Planning Board finds:

A. **Location and Field Inspection:** The subject site is located on the north side of Woodyard Road (MD 223), 84 feet east of Clinton Street in Clinton. The property is a large rectangular-shaped area improved with a gas station, restroom/storage building, and service kiosk. Access is from Woodyard Road via a 36-foot-wide driveway at the west end of the site and a 34.5-foot-wide driveway at the east end of the site. A vehicle/camping trailer storage yard is located in the rear half of the site, which is enclosed by a six-foot-high chain-link fence

B. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	C-M	C-M
Use(s)	Gas Station Vehicle/Camping Trailer Storage Yard	Gas Station Vehicle/Camping Trailer Storage Yard
Acreage	0.738	0.738
Lots	2	2
Square Footage/GFA	314	314

C. **History:** The property was retained in the C-M Zone in the 1993 Sectional Map Amendment for Subregion V. In August 2006, a permit was approved (27322-2006-U) to allow a vehicle and camping trailer storage yard in the rear portion of the site.

D. **Master Plan Recommendation:** The approved 1993 Subregion V Master Plan recommends the subject property for commercial land use. The property is in the eastern portion of an area designated by the master plan as the Clinton Village Activity Center.

**2002 General Plan:** The subject site is in the Developing Tier where the vision is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

E. **Request:** This application requests a departure from the 40-foot building setback for a main building associated with a freestanding sign. The requested departure is for 19.5 from the 40-foot setback requirement. The applicant also requests a departure of 0.7 feet to validate the current location of a freestanding sign. The required sign setback is 10 feet; the sign is located 9.3 feet from the existing street line.

F. **Surrounding Uses:**

North: Auto repair uses in the C-M Zone.

South: Across Woodyard Road, commercial retail uses in the C-S-C Zone.

East: Medical offices in the C-S-C Zone.

West: Fast food restaurant in the C-S-C Zone

G. **Sign Requirements:**

1. **Section 27-614 (a) (1)** of the Zoning Ordinance allows signs to be located **on property where the main building associated with the sign is located at least 40 feet behind the front street line.**

The kiosk (main building) is currently set back 42.9 feet from the existing right-of-way line. However, the approved 1993 Subregion V Master Plan shows Woodyard Road widened from a 70-foot right-of-way to an ultimate right-of-way width of 120 feet. As a result, the kiosk is located only 20.5 feet from the ultimate street line. The applicant has requested a departure from this provision.

2. Section 27-614 (a) (4) provides that signs need **only be located ten feet behind the street line.** The Zoning Ordinance further provides **that when the street line is situated behind the actual existing street right-of-way line, freestanding on-site signs may be temporarily located within the area between the street line and the existing street right-of-way line (the area of proposed future widening of an existing street), provided that:**

- (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 as 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 freestanding sign is located 9.3 feet from the existing street line and totally within the proposed ultimate right-of-way for Woodyard Road. If the freestanding sign were located at least ten feet from the existing right-of-way, the applicant would not require a departure, even though the sign is located in the ultimate right-of-way. Because the sign is less than ten feet from the existing street line, the applicant has requested a departure from this provision.

3. **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 approximately 164.06 linear feet of total street frontage on Woodyard Road. Therefore, the site is allowed one freestanding sign. Only one freestanding sign is proposed on the subject property.

4. **Section 27-614(c)(3)(B) 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 area of the sign is limited to 41 square feet based on the property's 164 linear feet of frontage. The applicant is proposing a sign that has an area of 35 square feet.

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.**

The applicant is proposing to reface the existing freestanding sign, canopy, kiosk and pumps to update the overall gas station signage so it is consistent with other BP Amoco gas stations. The gas station is currently a Spirit station. No expansions or other modifications to the property are proposed. The applicant asserts in the statement of justification that the sign was erected legally, per permits issued in 1982, 1988, and 2005. Only one permit was found for the freestanding sign, which was issued in 1982 (3979-1982 SG). The Board, therefore, finds the sign was legally constructed in its current location. The location of the kiosk has not changed since it was legally permitted in 1977; the only change that has occurred is the proposed future widening of Woodyard Road shown on the current master plan. The Board finds the purposes of the subtitle will be equally well served by the applicant's proposal. The Board recommends, however, that the striping and dimensions of the two required parking spaces be provided on the site plan.

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

Neither the location of the kiosk nor the freestanding sign are proposed to change as a result of this application. The applicant requires a departure 19.5 feet from the building setback to validate the existing location of the kiosk and a departure of 0.7 feet for the freestanding sign to validate its current location, as a result of the proposed increase in the right-of-way width for Woodyard Road. The Board therefore concurs with the applicant that the departure is the minimum necessary.

3. **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 Board finds the departure is necessary to alleviate circumstances unique to the site. The only proposed modification to the existing site is the sign refacing. As noted earlier, the adoption of the Subregion V Master Plan and corresponding approval of the increased future right-of-way width necessitates the departure. To require the applicant to relocate the kiosk and sign is impractical, at least until such time as the road is actually widened or the applicant proposes major changes to the site. The applicant has met all other provisions of the Zoning Ordinance.

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

The Board finds that the departure will not impair the visual quality or integrity of the site or of the surrounding neighborhood. The location of the kiosk will not change, nor does its current location create any adverse impacts upon the site or the surrounding neighborhood. The proposed signage has been designed to be complementary to the renovated site. The current location of the freestanding sign has not created any adverse impacts. SHA indicated in its memorandum dated October 15, 2007, that staff has no objection to the location of the freestanding sign; however they are recommending a condition that the applicant relocate the freestanding sign at its own expense at the request of SHA once the MD 223 project is initiated. In addition, the applicant has agreed to repair and maintain the existing fence that surrounds the vehicle storage yard.

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

1. The site plan shall be revised to show the striping and dimensions of the two required parking spaces.
2. The applicant shall relocate the freestanding sign at its own expense at the request of SHA once the MD 223 project is initiated.
3. The existing fence surrounding the vehicle storage yard shall be repaired and maintained in good condition.

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 Cavitt, seconded by Commissioner Clark, with Commissioners Cavitt, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire temporarily absent at its regular meeting held on Thursday, January 31, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of February 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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