

RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Sign Design Standards DSDS-686, Marlow Heights Citgo, requesting a departure of four feet from the required 40-foot setback for a building identified by a freestanding sign and for additional canopy signage 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 February 25, 2016, the Prince George’s County Planning Board finds:

A. **Location and Field Inspection:** The subject property is a rectangular-shaped parcel at the northwest corner of the intersection of St Barnabas Road and Dallas Drive. The 0.32-acre parcel is zoned Commercial Shopping Center (C-S-C) and is improved with an existing gas station with three service bays and a small (150-square-foot) convenience store. Additional structures on the site include three concrete pump islands, three gasoline pump dispensers, one canopy, three underground storage tanks, one freestanding sign, and 11 surface parking spaces. The property has direct vehicular access via four driveway cuts, two each on St Barnabas Road and Dallas Drive.

B. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	Gas Station (6 fueling positions) with 3 Service Bays & Convenience Store	Gas Station (6 fueling positions) with 3 Service Bays & Convenience Store
Acreage	0.32	0.32
Lots	1	1
Square Footage/GFA	1,800	1,800

C. **History:** The subject property was developed with a gas station in 1956, and was placed in the C-2 Zone when the property was annexed into the Regional District in 1957. At some point in the 1980s, a canopy was erected to cover the pump islands. The property has been rezoned twice by Sectional Map Amendment first to the C-M Zone by the 2000 *The Heights and Vicinity Approved Master Plan and Sectional Map Amendment*, and later to the C-S-C Zone by the 2008 *Approved Branch Avenue Corridor Sector Plan and Sectional Map Amendment*. Permit 33681-2001-U was approved and issued on April 18, 2002 by the Department of Environmental Resources (DER) for the gas station when the property was zoned C-M. The existing three-bay auto repair business was certified as a nonconforming use in 2005 pursuant to Permit 32423-2005-U. It is operated as a

separate business by a tenant. The existing gas station building itself has remained in its current configuration since the time it was initially built.

- D. **Master Plan Recommendation:** The subject property is located in the Established Communities area of the Prince George's County Growth Policy Map in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). The vision for Established Communities in Prince George's County is to have context-sensitive infill and low to medium-density development. Located in an established industrial area, the proposed use is the context-sensitive development Plan Prince George's 2035 encourages. The 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* recommends retaining the neighborhood commercial use on the property. The subject property is within the plan identified Beech Road Focus Area. The sector plan examines the Beech Road focus area to address conflicts between residential, commercial, and industrial land uses. The plan envisions this area as a community-scaled commercial area that supports the residential neighborhoods by providing locally serving retail, offices, and public uses closely integrated with residential development. This is done by creating adequate on-site parking, landscaping and sidewalks, and code compliance of commercial properties.
- E. **Request:** The applicant does not propose substantial changes to the use as it now exists. They simply wish to validate the existing situation, and in the case of the freestanding sign, bring it into conformance with the County Code. As part of the application, the applicant is seeking several variances from the criteria of Section 27-358, the specific special exception requirements for a gas station.

The applicant has also requesting a Departure from Parking and Loading Standards (DPLS-413) to waive the previous requirement for a loading space.

The applicant is also requesting a Departure from Sign Design Standards (DSDS-686) from Section 27-614(a)(1) of the Zoning Ordinance, which requires buildings identified by a freestanding signs in all commercial and industrial zones (except the I-3 Zone) to be located at least forty feet behind the right-of-way. The existing building is 36 feet from the right-of-way of St Barnabas Road, necessitating a departure of four feet. In addition, the applicant is requesting a departure of 13.5 feet for canopy signage above the 70 feet permitted by the County Code.

- F. **Neighborhood and Surrounding Uses:** The subject property, 4801 St Barnabas Road, is located in the Marlow Heights neighborhood. The general neighborhood for this site is bounded to the north by the Barnaby Run Stream Valley and Saint Clair Drive, to the northeast by 28th Avenue, to the southeast by St Barnabas Road and to the west by Raleigh Road. The neighborhood contains a mix of uses, primarily service-commercial and auto-related uses along St Barnabas Road with single- and multifamily dwellings further to the north and west and industrial uses to the east and south across St Barnabas Road. The uses immediately surrounding the proposed special exception are as follows:

**North—** A convenience store and restaurant in the C-S-C Zone.

**East—** Across Dallas Drive is the AMF Marlow Heights Bowling Alley in the C-S-C Zone.

**West—** Strip commercial uses in the C-S-C Zone.

**South—** Across St Barnabas Road are several auto repair and sales lots in the C-S-C Zone.

G. **Parking and Loading Regulations:** Based on the mix of uses proposed for the site, a total 11 spaces are required. The site plan shows a total of 11 spaces provided. Because the applicant wishes to grandfather the previously existing parking and loading spaces pursuant to Section 27-584, the applicant would be required to provide a loading space, although no such space is required by today's standards. The applicant has requested a departure (DPLS-413) in lieu of providing the loading space.

H. **2010 Prince George's County Landscape Manual Requirements:** Because the application to validate the existing gas station does not involve new construction it is not subject to the requirements of the 2010 *Prince George's County Landscape Manual*.

**Tree Canopy Coverage**

This application is not subject to the Tree Canopy Coverage Ordinance (TCC), as it does not propose disturbance of 5,000 square feet or greater.

I. **Zone Standards:** The applicant's proposal appears to be in general compliance with the requirements of the C-S-C Zone. The applicant is seeking a variance to Section 27-462(b) to waive the assumed 70-foot right-of-way (ROW) along Dallas Drive.

J. **Signage:** The applicant is proposing canopy and freestanding signage that are prototypical red, white, blue and orange franchise-style for Citgo including the familiar "Trimark" pyramid logo. The freestanding sign will have the same colors and will include three types of gasoline price signs. The freestanding sign will be relocated to meet the 10-foot setback requirement. A departure of four feet from the required 40-foot setback for a building identified by a freestanding sign is requested. The applicant also requests a departure to permit additional canopy signage.

K. **Required findings for Departures from Sign Design Standards (DSDS-686):** The applicant has requested a departure from Section 27-614(a)(1) of the Zoning Ordinance because the main building associated with the freestanding sign is not set back at least 40 feet from the front street line. The applicant is also seeking a departure to exceed the 70 square feet of canopy signage permitted by the Zoning Ordinance by 13.57 square feet.

Section 27-614(a)(1) states the following:

(a) **Location.**

(1) **In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones),**

**signs shall only be located on property where the main building associated with the sign is located at least forty (40) feet behind the front street line. This shall not apply to integrated shopping centers, other commercial centers with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial centers, or office building complexes.**

Section 27-613(c)(3)(F) states the following;

**(c) Area.**

**(3) Commercial Zones (except the C-O Zone) and Industrial Zones (except the I-3 and U-L-I Zones).**

**(F) If all of the permissible sign area is to be used on a canopy that is located less than thirty (30), but at least ten (10), feet behind the street line, the total area of all signs on any one (1) canopy shall not exceed one (1) square foot for each lineal foot of building or canopy width (whichever has the greater width), to a maximum of two hundred (200) square feet. In the case of a shopping center, office building complex, or industrial center, the canopy width, measured along the front edge of the canopy in front of each individual place of business, shall be used. If the canopy is on a corner lot, a portion of the allowed sign area may be displayed on the side street; however, it shall be limited to twenty-five (25) square feet if the front lot line of any residentially zoned lot or lot land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan is located on either side of the street between the subject property and the next intersecting street.**

Section 27-239.01(b)(7) of the Zoning Ordinance contains the required findings that the Planning Board must make in order to approve a departure request:

**Section 27-239.01. Departures from Design Standards.**

**(7) Required findings.**

**(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;**

A freestanding sign has existed on the site for many years and currently, the freestanding sign is wholly located within the limits of the ten-foot setback from St Barnabas Road. The proposed new location of the freestanding sign is set back much further on the site than what currently exists and will meet the required setback.

Although the proposed building meets the required building setback from Dallas Drive, it is set back only 36 feet from St Barnabas Road, and a departure of approximately four feet is needed in order to allow a freestanding sign to remain on the site. The building and canopy on this corner lot are diagonally placed making building-mounted signage inadequate to identify this site for the traveling public. The freestanding sign is also necessary to adequately display the prices of different type of gasoline sold on the premises and to identify the car repair tenant. The additional canopy signage is not excessive and is similarly necessary because building signage would not be sufficient, especially to traffic heading northeast on St Barnabas Road.

With the canopy signage and freestanding sign being necessary to identify the use, display the fuel prices, being set back farther on the property than what was previously approved by the Planning Board, and with the proposed building meeting the required 40-foot building setback along one of the two public streets that abut the site, staff believes that the purposes of this Subtitle will be equally well or better served by the applicant's proposal.

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

A departure of approximately four feet is required from St Barnabas Road at the southern corner of the building. The proposed building is set back less than three feet from the southwestern property line and it cannot be shifted any further in order to meet the required 40-foot building setback. The 13.57 square feet of additional canopy signage in lieu of building signage is minimal and allows for the freshening of the canopy with a more contemporary corporate design.

**(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 site is a corner lot fronting on two streets. Although the building location was not set prior to 1949, it was established prior to the site being brought into the Regional District in 1957. The site has continued virtually unchanged since that time through three different zoning classifications, changes to development standards and the widening of the right-of-way for St Barnabas Road, leaving a wide unused portion of right-of-way which further constrains redevelopment of

the site. As a result, staff finds that the departure is necessary in order to alleviate circumstances which are unique to the site.

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

A gas station has been in continuous operation on this property since approximately 1956, and a freestanding sign has existed at the corner of St Barnabas Road and Dallas Drive for many years. There are no residential uses that are located within the immediate area of the site that would be negatively impacted by the departure request. The relocation of the sign to meet the 10-foot setback will be beneficial should the right-of-way be dedicated in the future and St Barnabas Road widened to the ultimate width envisioned by the master plan. The refacing of the sign and canopy will improve the visual quality of the site. As a result, staff finds that the proposed departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

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.

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 Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo temporarily absent at its regular meeting held on Thursday, February 25, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of March, 2016.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:TL:ydw