Prince George's County Council

Agenda Item Summary

Meeting Date: 3/28/2017
Effective Date: 3/28/2017
Reference No.: CR-017-2017
Chapter Number:
Draft No.: 1
Public Hearing Date:
Proposer(s): Taveras
Sponsor(s): Taveras, Lehman, Glaros, Franklin and Davis
Item Title: A RESOLUTION CONCERNING THE 2004 GATEWAY ARTS DISTRICT FOR PRINCE GEORGE'S COUNTY for the purpose of approving a minor amendment to the Gateway Arts Development District Table of Permitted Uses within the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District.

Drafter: Karen T. Zavakos, Zoning and Legislative Counsel
Resource Personnel: Cindy S. Espinoza, Chief of Staff/Legislative Aide, District 2
Karen T. Zavakos, Zoning and Legislative Counsel

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
03/28/2017	County Council	introduced	

Action Text:
This Resolution was introduced by Council Members Taveras, Lehman, Glaros, Franklin and Davis

03/28/2017	County Council	rules suspended	

Action Text:
A motion was made by Vice Chair Glaros, seconded by Council Member Turner, that the Council Rules of Procedure be suspended to allow for the immediate adoption of this Resolution. The motion carried by the following vote:

Aye: 9 Davis, Glaros, Franklin, Harrison, Lehman, Patterson, Taveras, Toles and Turner

03/28/2017	County Council	adopted	

Action Text:
A motion was made by Vice Chair Glaros, seconded by Council Member Lehman, that this Resolution be adopted. The motion carried by the following vote:

Aye: 9 Davis, Glaros, Franklin, Harrison, Lehman, Patterson, Taveras, Toles and Turner

AFFECTED CODE SECTIONS:

BACKGROUND INFORMATION/FISCAL IMPACT:

Sections 27-548.26 and 27-642 of the Zoning Ordinance of Prince George's County provide a process for initiation and approval of minor amendments to approved comprehensive plans by the District Council. Accordingly, by way of its adoption of CR-089-2016 on November 14, 2016, the District Council directed initiation of certain minor amendments to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* proposing an amendment to the 2004 Gateway Arts Development District Table of Permitted Uses to add two (2) uses, "Tattoo Parlor" and "Music Recording Studio," that were not yet contemplated within the local zoning laws at the time the 2004 Gateway Arts Development District was approved by the District Council.

In accordance with the requirements of law, the District Council and Prince George's County Planning Board conducted a duly advertised joint public hearing on February 7, 2017, in order to garner public comment and/or written testimony concerning the proposed minor amendments to the Gateway Arts development district. After the close of the joint public hearing record, the Planning Board reviewed the record testimony with hits staff and transmitted its comments and recommendations to the District Council on March 2, 2017, as prescribed by law.

Thereafter, on March 21, 2017, and as publicly advertised upon its published public meeting agenda, the County Council conducted a public work, convened as the Committee of the Whole, to review the record of public hearing testimony received at the February 7, 2017, joint public hearing on the proposed minor amendments. After presentations by the Planning Department and Council's legal staff, as well as questions and other discussion from the committee members, the Committee of the Whole voted to direct staff to prepare this Resolution of Approval for the proposed minor amendments to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, as recommended within the resolution adopted by Planning Board via PGCPB No. 17-28.

Accordingly, this Resolution will approve, as final action by the District Council in accordance with prescriptions of local zoning laws, certain minor amendments to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*

Document(s): R2017017, CR-17-2017 AIS.pdf, CR-17-2017 Attachment A (PGCPB 17-28)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2017 Legislative Session

Resolution No. CR-17-2017
Proposed by Council Member Taveras
Introduced by Council Members Taveras, Lehman, Glaros, Franklin and Davis
Co-Sponsors
Date of Introduction March 28, 2017

RESOLUTION

A RESOLUTION concerning

The 2004 Gateway Arts District for Prince George's County

For the purpose of approving a minor amendment to the Gateway Arts Development District Table of Permitted Uses within the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.

WHEREAS, on November 30, 2004, the Prince George's County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District in Prince George's County ("District Council") approved the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, and

WHEREAS, in accordance with the provisions of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code ("Zoning Ordinance"), the comprehensive zoning approval approved by the District Council also approved a D-D-O (Development District Overlay) Zone for the geographic area of Prince George's County included within the plan boundaries of the Gateway Arts District; and

WHEREAS, as stated within Section 27-548.19 of the Zoning Ordinance, the purpose of the D-D-O Zone is to ensure that the development of land in the Gateway Arts development district meets the goals established for the district set forth in the Sector Plan and takes advantage of unique opportunities presented by the district; and

WHEREAS, pursuant to Section 27-548.24 of the Zoning Ordinance, the District Council's 2004 Gateway Arts Sector Plan and Sectional Map Amendment ("SMA") approved certain development district standards, including seven (7) character areas to govern development within

the Gateway Arts Development District area, and which replace or modify the development regulations applicable to the underlying zoning classifications therein; and

WHEREAS, the Gateway Arts Development District standards approved by the District Council also include a Table of Uses Permitted for each character area that controls the underlying uses listed in the Zoning Ordinance; and

WHEREAS, the District Council takes administrative notice of the provision of the Gateway Arts Development District that, if a use is not listed in the Development District Table of Uses, said use shall be prohibited; and

WHEREAS, as a result, the District Council finds that, since approving the Gateway Arts Development District in 2004, subsequent amendments to the text of the Zoning Ordinance established certain additional uses within the local zoning laws, such as "Tattoo Parlor" and "Music Recording Studio," which, by operation of law, were not contemplated at the time the Table of Permitted Uses for the 2004 Gateway Arts Development District was approved, and are thus prohibited uses within the Gateway Arts Development District; and

WHEREAS, it is the desire of the District Council to address these two subsequently enacted uses that were not previously contemplated within the Gateway Arts Development District Table of Permitted Uses, and

WHEREAS, Sections 27-548.26 and 27-642 of the Zoning Ordinance establish a process whereby which the District Council may initiate minor amendments to an approved D-D-O Zone; and

WHEREAS, the District Council adopted CR-089-2016 on November 14, 2016, thereby directing initiation of a minor amendment to the 2004 *Sector Plan and Sectional Map Amendment* in order to propose the addition of the uses "Tattoo Parlor" and "Recording Studio" to certain character areas within the Gateway Arts Development District; and

WHEREAS, as previously adopted by way of the findings set forth in CR-089-2016, it remains the finding of the District Council that the proposed minor amendments to the Gateway Arts Development District are authorized by the provisions of Section 27-642 of the Zoning Ordinance, because the subject proposed minor amendment: (1) advances the goal of an approved development district plan; (2) involve no more than 50% of the underlying plan area, but are not limited to a single property or property owner; and (3) do not constitute an

amendment which would require major transportation analysis and/or modeling, revised water and sewer classifications, or any Adequate Public Facilities analysis; and

WHEREAS, in accordance with the prescriptions of law, the District Council and Planning Board thereafter conducted a duly advertised joint public hearing on February 7, 2017, in order to receive public comment and other testimony into a record of joint public hearing testimony concerning the proposed minor amendments to the Gateway Arts Development District; and

WHEREAS, after the close of the record of joint public hearing testimony on February 10, 2017, Planning Board's technical staff prepared a summary of testimony submitted to the record for the February 7, 2017, joint public hearing on the proposed minor amendment for use by Planning Board for use in preparation of a recommendation as to the proposed amendments to the 2004 Gateway Arts Development District standards, as required by law; and

WHEREAS, upon conducting a public work session on the proposed minor amendments on March 2, 2017, Planning Board voted to adopt Resolution No. PGCPB No. 17-28, including its recommendations for approval of the minor amendments proposed for the 2004 Gateway Arts Development District embodied therein, and transmitted same to the District Council on March 2, 2017, respectively, in accordance with the applicable prescriptions of law; and

WHEREAS, on March 21, 2017, the District Council held a public work session, convened by the Council Chairman as the Committee of the Whole in accordance with all applicable administrative procedures and provisions of law, to examine the record of joint public hearing testimony; the digest of said hearing testimony prepared by Planning Board technical staff; and the recommendations adopted by Planning Board regarding the proposed minor amendments to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*; and

WHEREAS, after respective procedural and substantive presentations by legal counsel to the Council and Planning Board staff, as well as questions and other discussion regarding the record of hearing testimony for the proposed minor amendment by members of the District Council, the Committee of the Whole voted favorably on March 21, 2017, to direct staff to prepare a resolution of approval as to the proposed minor amendments to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, in accordance with the recommendations adopted by Planning Board within PGCPB No. 17-28.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that, in accordance with Sections 27-548.26 and 27-642 of the Zoning Ordinance for Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, the proposed minor amendment to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, as set forth in the recommendation of approval and embodied in a resolution adopted by Planning Board via PGCPB No. 17-28, as set forth in Attachment A hereto and incorporated as if restated fully herein, be and the same is hereby APPROVED.

BE IT FURTHER RESOLVED that the Clerk of the Council shall transmit a copy of this Resolution to the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission in accordance with the requirements of Sections 27-548.26 and 27-642 of the County Zoning Ordinance.

BE IT FURTHER RESOLVED that this Resolution shall take effect on the date of its adoption.

Adopted this 28th day of March , 2017.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

_____
Redis C. Floyd
Clerk of the Council

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

PGCPB No. 17-28

RESOLUTION

WHEREAS, on November 30, 2004, the District Council approved the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment;* and

WHEREAS, the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment* set forth the vision, goals, policies and strategies and development standards to facilitate a mixed-use, walkable arts district in the sector plan area; and

WHEREAS, the area of the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment* is defined by the municipal boundaries of the City of Mount Rainier, the Town of Brentwood, the Town of North Brentwood and the City of Hyattsville (excluding the Prince George's Plaza Transit District and the West Hyattsville Transit District); and

WHEREAS, on November 15, 2016, the District Council approved CR-46-2016 the initiation of a minor amendment to the Development District Overlay Zone Table of Permitted Uses within the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment;* and

WHEREAS, the minor amendment is to include "Tattoo Parlor" and "Music Recording Studio" to the Table of Permitted Uses, and permit them in certain Character Areas; and

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, in conjunction with the Prince George's County Council, pursuant to Section 27-644 of the Zoning Ordinance of Prince George's County, held a duly advertised public hearing on the Minor Amendment to the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment,* on February 7, 2017; and

WHEREAS, on February 23, 2017, the Planning Board held a public worksession on the minor amendment to examine the analysis of testimony presented at the February 7, 2017, joint public hearing and exhibits received before the close of the record on February 10, 2017; and

WHEREAS, a technical staff report has been prepared that analyzes the proposed minor amendment to the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment*; and

WHEREAS, the Prince George's County Planning Board determined to amend the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment* in response to staff recommendations and public testimony, and to adopt and transmit the minor amendment with further additions in response to the public hearing record, as follows:

I. CR-89-2016 Minor Amendment

1. Add "Tattoo Parlor" to the Table of Permitted Uses under (2) Commercial (D) Services as:
    a. A *permitted* use in the Town Center and Arts and Production Character Areas.

b. A use *permitted by special permit* in the Neighborhood Arts and Production Character Area
c. A *non-permitted* use in the Neighborhood Commercial Character Area

2. Add "Music Recording Studio" to the Table of Permitted Uses under (1) Arts-Related Uses as
   a. A use *permitted by special permit* in Town Center, Arts and Production and Neighborhood Arts and Production Character Areas.
   b. A *non-permitted* use in the Neighborhood Commercial Character Area

WHEREAS, Section 27-642(e) of the Zoning Ordinance of Prince George's County, the Planning Board will transmit a draft of the proposed amendment, a technical staff report analyzing the amendment, and the Planning Board's recommendation on the Development District Overlay Zone amendment and/or the Planning Board's adoption of the plan amendment within 30 days of the date of the joint public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby adopt the Minor Amendment to the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment*, this said adoption updates the Gateway Arts District Development District Overlay Zone Table of Permitted Uses, resulting in extensions, deletions, and additions in response to the public hearing record; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the minor amendment has been prepared in accordance with the requirements of Section Sec. 27-642 of the Zoning Ordinance; and

BE IT FURTHER RESOLVED that the adopted minor amendment updates *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment,* CR-89-2016 text, maps and tables as amended by this resolution; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the minor amendment recommendations, as heretofore described, are in conformance with the principles of orderly comprehensive land use planning and staged development, being consistent with the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment,* and with consideration having been given to the applicable County Laws, Plans, and Policies.

This is to certify that the foregoing is a true and correct copy of a resolution, as revised, adopted by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, Hewlett and Doerner voting in favor of the motion, with Commissioner Washington absent, at its regular meeting held on Thursday, March 2, 2017.

Adopted by the Prince George's County Planning Board this 2nd day of March, 2017.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 3/3/17

The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Community Planning Division
301-952-3972

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

REVISED TECHNICAL STAFF REPORT

SUBJECT: Minor Amendment to the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment*

The District Council, by Council Resolution 89-2016, approved on December 16th, 2016, directed the Planning Board to initiate an amendment to the Gateway Arts District Development District Overlay Zone (DDOZ) within the boundaries of the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment*. The proposed minor amendment revises the Development District Table of Permitted Uses to add "Tattoo Parlor" and "Music Recording Studio", which would be permitted in the Town Center, Arts. Production and Entertainment, Neighborhood Arts and Production, and Neighborhood Commercial Character Areas (page 3 of CR-89-2016, lines 23–27).

Staff presents the following evaluation and findings pertaining to the proposed amendment to the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment*. This amendment was reviewed and evaluated for conformance with the following criteria:

a. The requirements of Section 27-642 of the Zoning Ordinance for a Minor Amendment to an Approved Master, Sector, Functional Plans and Development District Overlay Zones.

b. The *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment*.

PROPOSED AMENDMENT

The District Council proposes the following amendment to the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment* Development District Table of Permitted Uses:

> *[P]rovide for "Tattoo Parlor" and "Music Recording Studio" as permitted uses within the Town Center, Arts Production and Entertainment, Neighborhood Arts and Production, and Neighborhood Commercial Character Areas of the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District.*

EVALUATION

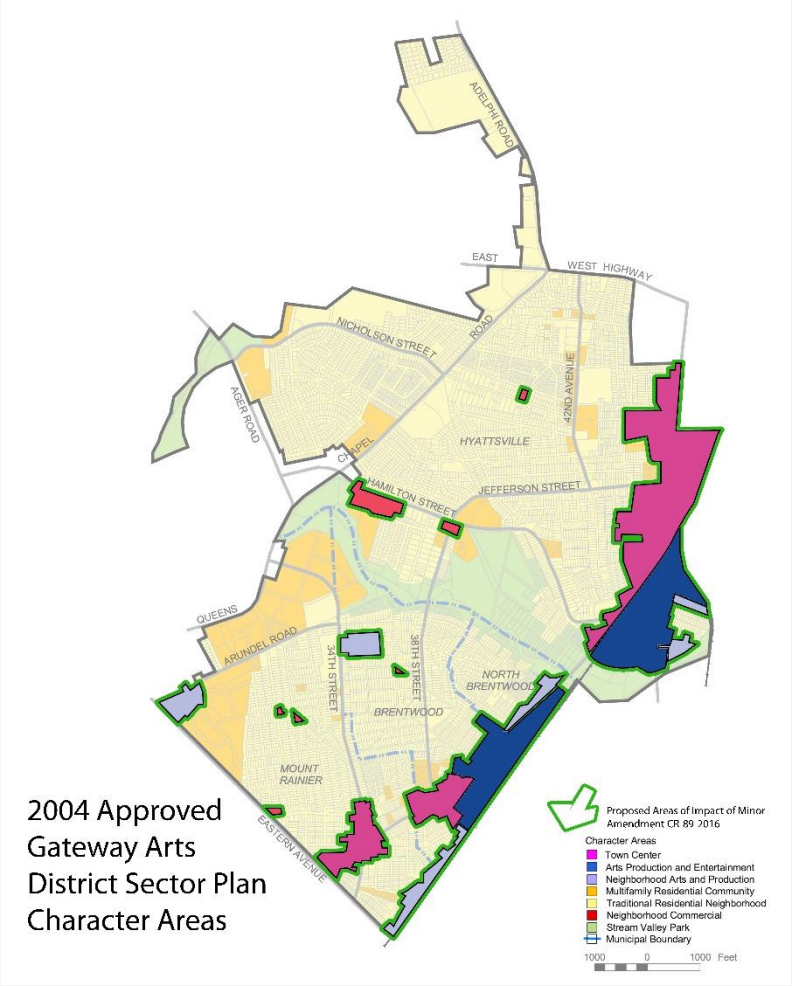
1. **Location:** The boundary of the Prince George's County Gateway Arts District sector plan area includes the municipalities of Mount Rainier, Brentwood, North Brentwood, and Hyattsville (excluding the Prince George's Plaza Transit District and the West Hyattsville Transit District). The sector plan area is located within Council Districts 02 and 05, in Planning Area 68, and is an Established Community as designated by the 2014 *Plan Prince George's 2035 Approved General*

Plan. The Gateway Arts District Development District Overlay Zone (DDOZ) overlays the entire plan area of the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment*. This DDOZ includes specific development regulations, applicability provisions and exemptions; this minor amendment proposes to permit the "Tattoo Parlor" and "Music Recording" Studio" only within the Town Center, Arts Production and Entertainment, Neighborhood Arts and Production, and Neighborhood Commercial Character Areas.

2. **Background:** The Prince George's County District Council adopted CR-78-2004 approving the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment* on November 30, 2004. In 2015, the District Council approved CB-35-2015 to amend the Zoning Ordinance to provide a minor plan amendment process for approved comprehensive plans, functional plans, development district plans, and associated Development District Overlay (D-D-O) Zones.

3. **Gateway Arts District Sector Plan and SMA Vision:** The *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment* seeks to create an environment for art activities of all kinds, entertainment and living.

The proposed amendment is exclusively applicable to the following areas, which are highlighted in Map 1.1:



Map 1.1

a. Town Center: This area typology is characterized as a dense, mixed-use area bustling with residential and business life. It overlays historic commercial centers in Hyattsville, Brentwood and Mount Rainier along U.S. Route 1 (Rhode Island Avenue and Baltimore Avenue).
b. Arts Production and Entertainment: The plan encourages lively centers of production, limited industry, and entertainment in this Character Area. These areas overlay land zoned as industrial.
c. Neighborhood Arts and Production: The plan vision for this area typology is for artist studio space, live/work space, some technical research and limited industrial uses. This typology is in areas zoned for light industrial and areas located at the edge of single-family residential neighborhoods.
d. Neighborhood Commercial: The plan encourages limited retail uses, such as convenience grocery stores, dry cleaners, and similar neighborhood-serving retail. These areas are located adjacent to residential Character Areas, and allow for second-floor residential use.

FINDINGS

4. **Zoning Ordinance Compliance:** In Part 13 for Area Master Plans, General Plans, Functional Master Plans and Planning Areas, Section 27-642, Minor Amendment to An Approved Master, Sector, Functional Plans and Development District Overlay Zones, requires the following process:

(a) Minor amendments of approved master, sector, functional plans, and/or associated Development District Overlay Zones may be initiated by Resolution of the District Council, or by the Planning Board upon approval by Resolution of the District Council. At the time of initiation, a joint public hearing date shall be scheduled to occur within 60 days, in accordance with the notice requirements set forth in Sections 27-644 (b)(2)(A) through Section 27-644(b)(2)(D) of this subtitle.

Comment: The District Council, by CR-89-2016 adopted on December 16, 2016, directed the Planning Board to initiate a Minor Amendment to the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment*. A joint public hearing was held on February 7, 2017.

(b) The minor amendment process may be utilized to:
(1) Advance the goals of an approved comprehensive plan, functional plan or development district plan; or
(2) Safeguard the public safety, health and welfare of citizens and residents within the plan area boundaries.

Comment: As highlighted above, the sector plan envisions the Gateway Arts District to be a center of creativity, artistic development, entertainment and commerce for the County. Expanding the Table of Permitted Uses to include two common, contemporary artistic establishments will allow the Gateway Arts District to be competitive within the regional creative economy, and draw a higher diversity of artists and patrons.

(c) The scope of the minor amendment shall be limited to:
(1) a geographic area which is not more than 50% of the underlying plan area, but not limited to a single property or property owner;
(2) limited to specific issues regarding public planning objectives; or

(3) for the purpose of correcting errors in the text or maps in the applicable plan.
(4) notwithstanding subsections (1) through (3), herein, the minor amendment process shall not be utilized for any amendment which would require major transportation analysis and/or modeling, revised water and sewer classifications, or any Adequate Public Facilities analysis.

Comment: The proposed amendment meets the first, second, and fourth requirements noted above. The geographic area of the amendment is less than 50% of the plan area. The proposed amendment is limited to expanding the Table of Permitted uses in limited character areas. This amendment will not require major transportation analysis and/or modeling, revised water and sewer classifications, or any Adequate Public Facilities analysis. It meets the minor amendment scope set forth by Section 27-642(c).

(d) The Resolution initiating a minor amendment shall set forth the purpose and scope of the proposed amendment, and shall set the date of the joint public hearing on the proposed amendment.

Comment: In the adopted Council Resolution 89-2016, the District Council directed the Planning Board to initiate a minor amendment for the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment* to add two additional uses to the Table of Permitted Uses. The joint public hearing was set for February 7, 2017.

(e) The Planning Board shall transmit a draft of the proposed amendment, a technical staff report analyzing the amendment, and the Planning Board's recommendation on the Development District Overlay Zone Amendment and/or the Planning Board's adoption of the plan amendment within 30 days of the date of the joint public hearing.

Comment: The Planning Board will meet the requirements of this section by the prescribed due date.

RECOMMENDATION

APPROVAL WITH REVISIONS of a Minor Amendment to the Gateway Arts District Development District Overlay Zone Table of Permitted Uses, established by the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment*.

Based on the plan vision and stakeholder testimony, it is recommended that "Tattoo Parlor" be *permitted* in the Town Center and Arts Production & Entertainment Character Areas. It is further recommended that this use be *permitted by special permit* in the Neighborhood Arts & Production Character Area. Per Planning Board review and public testimony, it is also recommended that "Music Recording Studio" be *permitted by special permit* in the Town Center, Arts & Production and Neighborhood Arts & Production Character Areas.

Lastly, it is recommended that neither of these uses be permitted in the Neighborhood Commercial Character Area. The sector plan outlines the following uses as most appropriate for the Neighborhood Commercial Character Area: "limited retail services such as specialty or convenience grocery stores, dry cleaners, and similar services within walking distance of neighborhoods" (page 15). While "Tattoo Parlor" and "Music Recording Studio" are viable commercial uses appropriate for town centers and arts production areas, these establishments often draw regional patronage, which is not the intent of the existing Neighborhood Commercial areas. Additionally, there is community concern that the "Music Recording Studio" use, in particular, will become a nuisance due to noise. Given this concern, it is recommended that the use not be permitted within residential neighborhoods, where this Character

Area is located throughout the Gateway Arts District.

Finally, while no determination has been made about the designation of the uses within the Table of Permitted Uses, it is recommended that "Tattoo Parlor" be designated as a Commercial Service, as it is like other commercial services such as "Acupuncturist", "Barber or beauty shop" and "Massage establishment". It is recommended that "Music Recording Studio" be added under Arts-Related Uses, which currently includes "Artist studio sound stage for TV/film recording studio" and "Artist studio as a working space for use by a fine arts artist or artist collective, hand crafter, designer, or digital media producer in day to day production, which may be used for auxiliary instruction and auxiliary sales of items, produced on-site".

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/15/2016
Reference No.: CR-089-2016
Draft No.: 2
Proposer(s): Taveras
Sponsor(s): Taveras
Effective Date:
Chapter Number:
Public Hearing Date:

Item Title: A RESOLUTION CONCERNING THE 2004 GATEWAY ARTS DISTRICT for Prince George's County - D-D-O Zone − Minor Amendment for the purpose of directing the Planning Board to initiate a minor amendment to the Gateway Arts District D-D-O (Development District Overlay) Zone Development District Table of Permitted Uses within the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District to permit Tattoo Parlor and Music Recording Studio uses in certain character areas within the Gateway Arts Development District.

Drafter: Karen T. Zavakos, Zoning and Legislative Counsel
Resource Personnel: C. Soledad Espinoza, Chief of Staff/Legislative Aide

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
11/01/2016	County Council	introduced	

Action Text:
This Resolution was introduced by Council Member Taveras

11/01/2016	County Council	rules suspended	

Action Text:
A motion was made by Vice Chair Glaros, seconded by Council Member Franklin, that the Council Rules of Procedure be suspended to allow for an effective date on the date of adoption of this Resolution. The motion carried by the following vote:

Aye: 9 Davis, Franklin, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner

11/01/2016	County Council	adopted	

Action Text:
A motion was made by Council Member Franklin, seconded by Vice Chair Glaros, that this Resolution be adopted. The motion carried by the following vote:

Aye: 9 Davis, Franklin, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner

11/15/2016	County Council	reconsidered	

Action Text:
A motion was made by Council Member Taveras, seconded by Vice Chair Glaros, that this Resolution be reconsidered. The motion carried by the following vote:

Aye: 9 Davis, Franklin, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner

11/15/2016 County Council amended (1)

Action Text:
A motion was made by Council Member Taveras, seconded by Vice Chair Glaros, that this Resolution be amended (1). The motion carried by the following vote:

Aye: 9 Davis, Franklin, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner

11/15/2016 County Council adopted

Action Text:
A motion was made by Vice Chair Glaros, seconded by Council Member Patterson, that Draft 2 of this Resolution be adopted. The motion carried by the following vote:

Aye: 8 Davis, Franklin, Glaros, Harrison, Lehman, Patterson, Taveras and Turner

Absent: 1 Toles

AFFECTED CODE SECTIONS:

BACKGROUND INFORMATION/FISCAL IMPACT:
This Resolution directs the staff of the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission to prepare, in accordance with the provisions of the County Zoning Ordinance, a minor amendment to an approved Development District Overlay Zone in the County, namely, the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* that will amend the Gateway Arts Development District Table of Permitted Uses to permit Tattoo Parlor and Music Recording Studio uses within certain compatible character areas of the development district, subject to public comment upon notice and public hearing on the proposed amendment on Tuesday, February 21, 2017.

Document(s): R2016089, CR-89-2016 AIS.pdf

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2016 Legislative Session

Resolution No. CR-89-2016
Proposed by Council Member Taveras
Introduced by Council Member Taveras
Co-Sponsors
Date of Introduction November 1, 2016

RESOLUTION

A RESOLUTION concerning

The 2004 Gateway Arts District for Prince George's County – D-D-O Zone − Minor Amendment

For the purpose of directing the Planning Board to initiate a minor amendment to the Gateway Arts District D-D-O (Development District Overlay) Zone Development District Table of Permitted Uses within the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* to permit Tattoo Parlor and Music Recording Studio uses in certain character areas within the Gateway Arts Development District.

WHEREAS, on November 30, 2004, the District Council approved the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*; and

WHEREAS, in accordance with the provisions of the Zoning Ordinance of Prince George's County, Maryland, the District Council concurrently approved the Gateway Arts Sectional Map Amendment ("SMA"), namely, comprehensive zoning proposals for the designated land area within the plan boundaries that are based on sector plan land use and development visions that were approved for the plan; and

WHEREAS, as part of the 2004 Gateway Arts SMA, the District Council also approved a D-D-O (Development District Overlay) Zone for the geographic area of the County included within the plan boundaries; and

WHEREAS, as stated within Section 27-548.19 of the County Zoning Ordinance, the purpose of the D-D-O Zone is to ensure that the development of land in the Gateway Arts

Development District meets the goals established for the district in the Gateway Arts Sector Plan and takes advantage of unique opportunities presented by the development district; and

WHEREAS, in accordance with Section 27-548.24 of the Zoning Ordinance, the District Council's 2004 Sector Plan and SMA approved certain development district standards, including seven (7) character areas to govern development within the Gateway Arts Development District area, and which replace or modify the development regulations applicable to the underlying zoning classifications therein; and

WHEREAS, the Gateway Arts Development District standards approved by the Council also include a Table of Uses Permitted for each character area that controls the underlying uses listed in the Zoning Ordinance; and

WHEREAS, the District Council takes administrative notice of the specific provision of the Gateway Arts Development District that, if a use is not listed in the Development District Table of Uses, its prohibited; and

WHEREAS, the District Council finds that, since the adoption of the Gateway Arts Development District in 2004, the District Council enacted Council Bill 10-2012 ("CB-10-2012"), which became Chapter No. 11, 2012 Public Local Laws of Prince George's County, Maryland, thereby codifying a new use, "Tattoo Parlor," within the local zoning laws and permitting the use in certain Commercial and Industrial Zones of Prince George's County; and

WHEREAS, because neither the local zoning laws nor the Gateway Arts Development District addressed Tattoo Parlor uses at the time of adoption of the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* in November 2004, the District Council finds that, by operation of law, the Table of Uses Permitted currently prohibits the use, "Tattoo Parlor," throughout the Gateway Arts Development District; and

WHEREAS, in order to better align with the Gateway Arts Development District vision, as well as further the Gateway Arts Development District Sector Plan goals, the District Council has additionally determined there is a need to amend the Gateway Arts Development District Table of Permitted Uses to permit "Tattoo Parlor" uses within certain character areas of the Gateway Arts Development District specified herein; and

WHEREAS, it is the further finding of the District Council that "Music Recording Studio" uses are also not included within the Table of Permitted Uses specified for the Gateway Arts Development District and are, as a result, prohibited within the Gateway Arts Development

District; and

WHEREAS, as with Tattoo Parlor uses, the District Council has determined a further need to amend the Gateway Arts Table of Permitted Uses to provide for "Music Recording Studio" as a permitted use within certain specified character areas of the Gateway Arts Development District in order to better align with the Gateway Arts Development District vision and to further the Gateway Arts Development District Sector Plan goals; and

WHEREAS, Sections 27-548.26 and 27-642 of Zoning Ordinance establish a process whereby which the District Council may initiate minor amendments to an approved D-D-O Zone; and

WHEREAS, the Council also finds that the proposed minor amendments are authorized by the provisions of Section 27-642, as the foregoing amendments: (1) advance the goals of an approved development district plan; (2) involve no more than 50% of the underlying plan area, but are not limited to a single property or property owner; and (3) do not constitute amendment which would require major transportation analysis and/or modeling, revised water and sewer classifications, or any Adequate Public Facilities analysis.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that, in accordance with Sections 27-548.26 and 27-642 of the Zoning Ordinance, the Planning Board is hereby directed to initiate a minor amendment to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, as follows:

MINOR AMENDMENT ONE:

Amend the Gateway Arts Development District Table of Permitted Uses to provide for "Tattoo Parlor" and "Music Recording Studio" as permitted uses within the Town Center, Arts Production and Entertainment, Neighborhood Arts and Production, and Neighborhood Commercial character areas of the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.

BE IT FURTHER RESOLVED that, pursuant to Section 27-642 of the Zoning Ordinance, a joint public hearing of the District Council and the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission will be held on the foregoing

proposed amendment to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* D-D-O Zone on Tuesday, February 7, 2017.

BE IT FURTHER RESOLVED that the Clerk of the Council shall transmit a copy of this Resolution to the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission in furtherance of compliance with the procedures of Sections 27-548.26 and 27-642 of the Zoning Ordinance.

Adopted this 15th day of November , 2016.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

_____
Redis C. Floyd
Clerk of the Council