Prince George's County Council

Agenda Item Summary

Meeting Date: 11/9/2021
Reference No.: CR-130-2021
Draft No.: 1
Proposer(s):
Sponsor(s):

Effective Date:
Chapter Number:
Public Hearing Date:

Item Title: A RESOLUTION CONCERNING THE 2004 SECTOR PLAN AND SECTIONAL MAP AMENDMENT FOR THE PRINCE GEORGE'S COUNTY GATEWAY ARTS DISTRICT-MINOR AMENDMENT for the purpose of approving, in accordance with the provisions of the Zoning Ordinance of Prince George's County, Maryland, a minor amendment to the Gateway Arts District Development District Overlay (D-D-O) Zone within the 2004 Sectional Map Amendment for the Prince George's County Gateway Arts District, with certain revisions recommended by the Prince George's County Planning Board.

Drafter: Karen T. Zavakos, Zoning and Legislative Counsel
Resource Personnel: Scott Rowe, M-NCPPC
Karen T. Zavakos, Zoning and Legislative Counsel

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:

AFFECTED CODE SECTIONS:

BACKGROUND INFORMATION/FISCAL IMPACT:

This Resolution will approve a Minor Amendment to the Development District Overlay (D-D-O) Zone within the Sectional Map Amendment portion of the 2004 *Sector Plan and Sectional Map Amendment for the Gateway Arts District of Prince George's County*, to define and provide designated permission within a certain Character Area of the Gateway Arts Development District. As authorized by Parts 10A and 13 of the County Zoning Ordinance, via adoption of CR-73-2021 in June 2021, the District Council initiated and directed the Planning Board to prepare this minor amendment and directed that a joint public hearing be conducted on September 23, 2021, by the Prince George's Planning Board and the District Council to garner public testimony on the proposed minor amendment. Upon close of the public hearing record, the technical staff of the Planning Department prepared a digest of testimony that was considered by the Planning Board in a public work session. Accordingly, the Planning Board voted to approve a Resolution to endorse this minor amendment and transmitted same to the Council for further action. On November 2, 2021, the Council convened as the Committee of the Whole to examine the record of public testimony and the Planning Staff's transcript analysis leading up to the Planning Board's action on the minor amendment. After discussion, the Committee voted 10-0 to direct staff to prepare this Resolution of Approval as to the proposed Minor Amendment to the 2003 Gateway Arts District

D-D-O Zone, including the recommended revisions contained in the Planning Board's Resolution, PGCPB No. 2021-127.

Document(s): R2021130

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2021 Legislative Session

Resolution No. CR-130-2021

Proposed by Council Member Taveras

Introduced by Council Members Taveras, Davis, Glaros, Dernoga, Franklin, Harrison, Turner, Ivey and Hawkins

Co-Sponsors

Date of Introduction November 9, 2021

RESOLUTION

A RESOLUTION concerning

The 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District—Minor Amendment

For the purpose of approving, in accordance with the provisions of the Zoning Ordinance of Prince George's County, Maryland, a minor amendment to the Gateway Arts District Development District Overlay (D-D-O) Zone within the 2004 Sectional Map Amendment for the Prince George's County Gateway Arts District, with certain revisions recommended by the Prince George's County Planning Board.

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"), adopted CR-78-2004, approving a comprehensive plan to guide the development of land as designated as the Prince George's County Gateway Arts District; and

WHEREAS, in accordance with the provisions of the Zoning Ordinance for Prince George's County, the District Council concurrently approved the Gateway Arts District Sectional Map Amendment ("SMA"), a comprehensive zoning map amendment with detailed zoning changes for the designated sector plan area; and

WHEREAS, as stated in Section 27-548.10 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 District meets the goals for the development district set forth in the concurrent sector plan, and incentivizes 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 a Table of Permitted Uses for the Gateway Arts District Development District which are binding standards that replace or modify the development regulations otherwise applicable to development of land in the underlying zoning classification; and

WHEREAS, as a result, the District Council finds that, by operation of law, the Gateway Arts District Table of Permitted Uses governs those uses within the development district; and

WHEREAS, in furtherance of realizing the County's vision for the Gateway Arts District Development District, and pursuant to the provisions of Sections 27-548.26 and 27-642 of the Zoning Ordinance, the District Council adopted CR-73-2021 on June 22, 2021, to initiate a minor amendment process to amend the Development District Overlay Zone Table of Permitted Uses within the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District to permit 'private and public multipurpose art center' within the Multifamily Medium Density Residential (R-18) Zone of the Gateway Arts District; 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 Gateway Arts District Development District Overlay Zone on September 23, 2021, in order to receive public comment into the record public testimony on the proposed minor amendment; and

WHEREAS, after the close of the public hearing record, planning staff prepared a Technical Staff Report analyzing the proposed amendment and public hearing comments with recommendation to the Planning Board for consideration; and

WHEREAS, the Gateway Arts District Table of Permitted Uses is organized by specific Character Areas within its Overlay Zone, rather than base zone classification; and

WHEREAS, all properties currently classified in the Development District Overlay/ Multifamily Medium Density Residential (D-D-O/R-18) Zone within the Gateway Arts District D-D-O Zone are within the Multifamily Residential Community Character Area of the D-D-O Zone; and

WHEREAS, an amendment to the Table of Permitted Uses to permit a use in an underlying

base zone would be inconsistent with the structure and framework of the D-D-O Zone; and

WHEREAS, the use "private and public multipurpose art center" is not defined in the Prince George's County Code or in the SMA; and

WHEREAS, on October 21, 2021, the Planning Board held a work session on the minor amendment to examine the analysis of testimony presented at the September 23, 2021, joint public hearing and exhibits received before the close of the record on October 8, 2021; and

WHEREAS, Planning Board endorsed the proposed amendment via PGCPB No. 2021-127; which included the Technical Staff Report and Analysis of Testimony as attachments; and

WHEREAS, PGCPB No. 2021-127 includes two recommended revisions within the endorsed Minor Amendment; and

WHEREAS, on November 2, 2021, the District Council conducted a public work session to examine the record of joint public hearing testimony and recommendations of Planning Board regarding the proposed minor amendment; and

WHEREAS, based upon testimony received into the record of joint public hearing testimony, the Council, sitting as the Committee of the Whole, voted to direct staff to prepare a Resolution of Approval with revision to the Gateway Arts District Development District Overlay Zone to update the Table of Permitted Uses, to define, and permit within the Multifamily Residential Community Character Area, "private and public multipurpose art centers," as recommended by the Prince George's Planning Board in PGCPB Resolution No. 2021-127.

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 following Minor Amendment to the Gateway Arts District Development District Overlay Zone be and the same is hereby approved, with the revisions recommended by the Planning Board set forth within PGCPB No. 2021-127, incorporated as set forth fully within this Resolution, and summarized below:

MINOR AMENDMENT 1:

"Private and Public Multipurpose Art Center" uses—defined as a community based structure to be used for public enrichment through the creative arts, to include community events, performance arts and related artistic events, classroom space, gallery space, as well as administrative office and information center uses—are permitted in the Multifamily Residential

Community Character Area, and are prohibited in all other character areas.

BE IT FURTHER RESOLVED that the planning staff is authorized to correct any and all other potential inconsistencies in the plan text, map, and tables in order to reflect the assigned permitted use, as reflected in this Resolution.

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 procedural requirements of Sections 27-548.26 and 27-642 of the Zoning Ordinance

Adopted this 9th day of November, 2021.

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: _____
Calvin S. Hawkins, II
Chair

ATTEST:

_____
Donna J. Brown
Clerk of the Council

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Board
Office of the Chairman

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org
301-952-3561

PGCPB No. 2021-127

RESOLUTION

WHEREAS, on June 22, 2021, the Prince George's County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District within Prince George's County, adopted CR-73-2021 initiating a minor amendment to the Development District Overlay Zone Table of Permitted Uses within the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District;* and

WHEREAS, CR-73-2021 proposes to revise the Table of Permitted Uses to permit 'private and public multipurpose art center' uses within R-18 (Multifamily Medium Density Residential) zone of the Gateway Arts Development District Overlay Zone; and

WHEREAS, the Prince George's County Planning Board, in conjunction with the District Council, pursuant to Section 27-644 of the Zoning Ordinance of Prince George's County, held a properly noticed joint public hearing on the Minor Amendment to the Gateway Arts District Development District Overlay Zone on September 23, 2021; and

WHEREAS, on October 21, 2021, the Planning Board held a public work session on the minor amendment to examine the analysis of testimony presented at the September 23, 2021 joint public hearing; and

WHEREAS, per Section 27-642(e) of the Zoning Ordinance of Prince George's County, 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 within 30 days of the date of the joint public hearing: and

WHEREAS, a technical staff report has been prepared that analyzes the proposed minor amendment to the Prince George's County Gateway Arts District Development District Overlay (D-D-O) Zone; and

WHEREAS, on October 21, 2021, the Planning Board held a public worksession on the proposed minor amendment to review the technical staff report and staff's analysis of public testimony; and

WHEREAS, neither the Gateway Arts District Development District Overlay Zone or the Zoning Ordinance contain a definition of "public or private multipurpose art center"; and

WHEREAS, the Multifamily Residential Community Character Area of the Gateway Arts District contains the District's multifamily-zoned properties, including those properties in the R-18 Zone; and

WHEREAS, the technical staff report recommends extending the permission of "private and public multipurpose art center" to the entire Multifamily Residential Community Character Area, as shown on page Map 2 on page 12 of the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District, within the Gateway Arts District;

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby recommend Prince George's County District Council APPROVE the Minor Amendment to the Prince George's County Gateway Arts District Development District Overlay (D-D-O) Zone, this said approval to update the Gateway Arts District Development District Overlay (D-D-O) Zone Table of Permitted Uses, to define, and permit within the Multifamily Residential Community Character Area (which includes properties in the R-18 Zone) "private and public multipurpose art center"; 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 27-642 of the Zoning Ordinance; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the minor amendment, as heretofore described, is in conformance with the principles of orderly comprehensive land use planning and staged development, being consistent with the *2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* and Plan Prince George's 2035 (Plan 2035), and with consideration having been given to the applicable County Laws, Plans, and Policies; and

This is to certify that the foregoing is a true and correct copy of a resolution, as revised, approved 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 Bailey, with Commissioners Washington, Bailey, Hewlett, Doerner and Geraldo voting in favor of the motion at its regular meeting held on Thursday, October 21, 2021.

Adopted by the Prince George's County Planning Board this 21st day of October 2021.

Elizabeth M. Hewlett
Planning Board Chair

By Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date: October 18, 2021

Prince George's County Council

Agenda Item Summary

Meeting Date: 6/22/2021
Reference No.: CR-073-2021
Draft No.: 1
Proposer(s): Taveras
Sponsor(s): Taveras, Hawkins, Davis, Glaros, Turner and Anderson-Walker
Effective Date:
Chapter Number:
Public Hearing Date:

Item Title: A RESOLUTION CONCERNING 2004 GATEWAY ARTS DISTRICT FOR PRINCE GEORGE'S COUNTY--D-D-O ZONE--MINOR AMENDMENT for the purpose of directing the Prince George's Planning Board of the Maryland-National Capital Park and Planning Commission to initiate a minor amendment to the Gateway Arts District D-D-O (Development District Overlay) Zone Development District Table of Use Permitted within the 2004 Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District to permit "Private or public multipurpose art center" uses in the R-18 (Multifamily Medium Density Residential) Zone.

Drafter: Karen T. Zavakos, Zoning and Legislative Counsel
Resource Personnel: Alison Flores, Chief of Staff/Legislative Aide, Council District 2

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
06/22/2021	County Council	introduced	

Action Text:
This Resolution was introduced by Council Members Taveras, Hawkins, Davis, Glaros, Turner and Anderson-Walker.

06/22/2021	County Council	rules suspended	

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

Aye: 10 Hawkins, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Ivey, Streeter, Taveras and Turner

Absent: 1 Harrison

06/22/2021	County Council	adopted	

Action Text:
A motion was made by Council Member Davis, seconded by Council Member Taveras, that this Resolution be adopted. The motion carried by the following vote:

Aye: 10 Hawkins, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Ivey, Streeter, Taveras and Turner

Absent: 1 Harrison

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 private or public multipurpose art center uses in the R-18 Zones of the development district, subject to public comment upon notice and public hearing on the proposed amendment at a joint public hearing to be held, in accordance with prescriptions of law, by the District Council and the Prince George's County Planning Board.

Document(s): R2021073, CR-073-2021 AIS

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2021 Legislative Session

Resolution No. CR-73-2021
Proposed by Council Member Taveras
Introduced by Council Members Taveras, Hawkins, Davis, Glaros, Turner,
Co-Sponsors and Anderson-Walker
Date of Introduction June 22, 2021

RESOLUTION

A RESOLUTION concerning

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

For the purpose of directing the Prince George's Planning Board of the Maryland-National Capital Park and Planning Commission to initiate a minor amendment to the Gateway Arts District D-D-O (Development District Overlay) Zone Development District Table of Use Permitted within the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* to permit "Private or public multipurpose art center" uses in the R-18 (Multifamily Medium Density Residential) Zone.

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 a comprehensive plan to guide the development of land as designated within 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 for Prince George's County, the District Council concurrently approved the Gateway Arts Sectional Map Amendment ("SMA"), a comprehensive zoning map amendment with detailed zoning changes for the designated sector plan area, in furtherance of realizing the sector plan vision; and

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

WHEREAS, as stated in Section 27-548.10 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 for the development district set forth in the Gateway Arts Sector Plan, and incentivizes 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, and such binding standards replace or modify the development regulations otherwise applicable to development of land in the underlying zoning classification; and

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

WHEREAS, at the time of the approval of the Gateway Arts Development District, "Private or public multipurpose art center" uses were not designated as permitted in the R-18 (Multifamily Medium Density Residential) Zone of the development district; and

WHEREAS, as a result, the District Council finds that, by operation of law, the Gateway Arts Table of Permitted Uses prohibits "Private or public multipurpose art center" uses in the development district; and

WHEREAS, in order to better align with the Gateway Arts Development District vision and, in furtherance of realizing the respective sector plan goals, the District Council finds that there is a need to amend the Gateway Arts Development District Table of Permitted Uses to include "Private or public multipurpose art center" uses and strategically permit the use in the R-18 (Multifamily Medium Density Residential) Zone of the Gateway Arts Development District; and

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

WHEREAS, the Council further finds that the proposed minor amendment is plainly authorized pursuant to Section 27-642, because the proposed amendment serves to: (1) advance the goals of an approved development district plan; (2) involves no more than 50% of the underlying plan area but is not limited to a single property or property owner; (3) does not constitute an amendment which would require major transportation analysis and/or modeling, revised water and sewer classifications, and Adequate Public Facilities analysis; and

WHEREAS, upon approval of this Resolution, and in accordance with applicable law, the proposed minor amendment to the Gateway Arts Development District shall be subject to all notice and public hearing requirements to seek public comment on the minor amendment.

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 County Zoning Ordinance, the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission 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 "Private or public multipurpose art center uses" uses, to include a combination of art-related uses such as community space, performance art/event space, classroom space, gallery space, as well as administrative office and information center uses, within the R-18 (Multifamily Medium Density Residential) Zone of the Gateway Arts Development District.

BE IT FURTHER RESOLVED that, pursuant to Section 27-642 of the County Zoning Ordinance, a joint public hearing of District Council and the County Planning Board will be held on the foregoing proposed amendment to the 2004 *Sector Plan and Sectional Map Amendment for the Prince George's Gateway Arts District* D-D-O Zone on Thursday, September 23, 2021.

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 in furtherance of compliance with the procedures of Sections 27-548.26 and 27-642 of the Zoning Ordinance.

Adopted this 22nd day of June, 2021.

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: _____
Calvin S. Hawkins, II
Chair

ATTEST:

_____
Donna J. Brown
Clerk of the Council