



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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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

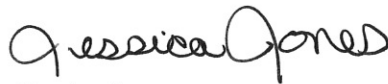
BE IT FURTHER RESOLVED that the adopted minor amendment updates *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment*, CR-89-2016 text, maps and tables as amended by this resolution; and

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.

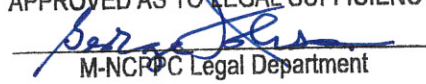
Adopted by the Prince George's County Planning Board this 2<sup>nd</sup> day of March, 2017.

Patricia Colihan Barney  
Executive Director



By Jessica Jones  
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY



M-NCP&C Legal Department

Date 3/3/17



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 16<sup>th</sup>, 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.*

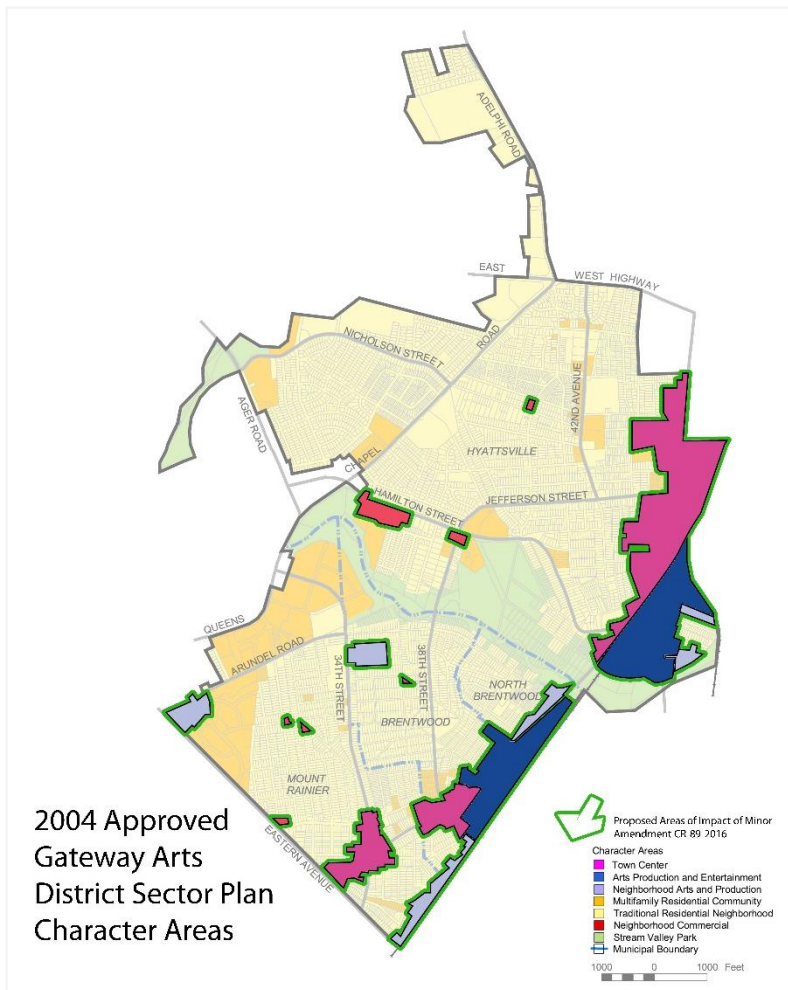
**EVALUATION**

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”.