

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 5/8/2001

Reference No.: CB-12-2001

Proposer: Shapiro

Draft No.: 4

Sponsors: Shapiro

Item Title: An Ordinance defining the term "Artist" and the uses, "Artists' Residential Studios" and "Performance Arts Center", providing that the uses are permitted by special permit in designated zones, subject to certain general standards and amending special permit procedures

Drafter: Steven M. Gilbert
Principal Counsel

Resource Cheryl Harrington
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 2/27/2001

Executive Action: __/__/____

Committee Referral: 2/27/2001 PZED

Effective Date: 6/25/2001

Committee Action: 3/19/2001 FAV(A)

Date Introduced: 3/27/2001

Public Hearing: 5/8/2001 10:00 A.M.

Council Action: 5/8/2001 ENACTED

Council Votes: RVR:-, DB:A, JE:A, IG:A, TH:A, WM:A, AS:A, PS:A, MW:A

Pass/Fail: P

Remarks: _____

5/8/2001 – CB-12-2001 (DR-3) was amended on the floor as follows:

On page 3, line 12 after the word "construction", add the following language, ", but this requirement does not apply to accessory offices." Vote: 8-0 (Absent: Council Member Russell)

3/27/2001 – CB-12-2001 (DR-2) was amended on the floor prior to introduction; DR-3 subsequently introduced

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 3/19/2001

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Shapiro, Wilson, Esteppe and Maloney)

Staff provided a brief summary of the legislation and suggested amendments received from referral comments. CB-12-2001 defines three new terms in the Zoning Ordinance: Artist, Artists' Residential Studio and Performance Arts Center and permits these uses in certain zones subject to specific requirements as well as the approval of a Special Permit by the Planning Board.

Council Member Shapiro, the bill's sponsor, explained that this legislation is the first step in a revitalization strategy that he has been working with the M-NCPPC Planning Department to develop and implement. This revitalization tool is proposed for implementation in the Route 1 Gateway Corridor Communities of Mount Rainier, Brentwood, North Brentwood and Hyattsville. Gary Wagner, M-NCPPC Planning Department, addressed the Committee and provided written comments concerning the arts district revitalization strategy.

Four new anchor projects are proposed in the lower US 1 Corridor which will provide approximately 120 artists' residential studios and related art, performance, and cultural space. The anchor projects are being initiated by a partnership that includes the Gateway Community Development (CDC), Inc., the Prince George's County Redevelopment Authority and Artspace, Inc., a Minneapolis-based non-profit developer of buildings with live/work and performance space for artists. Council Member Shapiro explained that the Gateway Community CDC is a citizen based non-profit corporation that raises money for redevelopment initiatives. CB-12-2001 will allow the four new anchor projects to move forward while a more in-depth planning study is conducted for the overall arts district.

Steven Gilbert, the Principal Counsel, provided a memorandum explaining amendments to be incorporated in a Draft 2 of the bill. An amendment is necessary to the "Performance Arts Center" definition on page 3, to permit accessory office uses on property which does not adjoin the property with the main use. The amendment is to allow Gateway Community CDC offices, which will serve as staff offices while the initial performance arts center is constructed, to be located near but not adjoining the center's property. The following sentence should be added after "any such uses" on page 3, line 8, of Draft 1: "Accessory offices for the community may be located adjacent to the property with the main use, and any such accessory offices shall be considered, for permitting purposes, as part of the performance arts center."

In addition, the use tables on page 7 of Draft 1 inadvertently exclude artists' residential studios and performance arts centers from the R-T Zone. The Principal Counsel recommended this change be made in committee, to permit these uses in the R-T Zone. Finally, the Clerk's office raised a number of technical points that staff will address before Draft 2 of the bill is introduced. These are non-substantive items related to consistency with other parts of the Zoning Ordinance that can be resolved at a staff level.

Council Member Maloney questioned compatibility with R-55 Zone uses given the language on page 4, lines 14 and 15 (DR-2), concerning compatibility with building and site design. Mr. Gilbert

commented that the bill does not provide for use compatibility review. Mr. Maloney also expressed concern regarding the location of Performance Arts Centers and whether the legislation should require that this use be located within a certain distance of the Artists' Residential Studios. The Committee directed staff to add language to the bill that addresses the requirement for proximity of these uses. Staff included the following sentence on page 3, line 9 after the new sentence discussed above concerning accessory office uses: "Every performance arts center must be located within two miles of artists' residential studios in existence or approved for construction."

The Planning Board supports the legislation. The Office of Law and the Legislative Officer find the bill to be in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-12-2001. The County Executive supports the legislation and provided a suggested amendment via a March 12, 2001 memorandum from Samuel E. Wynkoop, Jr., Director of the Department of Environmental Resources (DER) to Leonard L. Lucchi, Director of Legislative Affairs, Office of the County Executive. DER recommends that the following sentence be added to Section 27-239.02 (B); "In the event a Special Permit is approved by the Planning Board the approval is conditional upon the issuance of a building or use and occupancy permit by the Department of Environmental Resources, Permits and Review Division."

The Committee voted favorably on the legislation including the amendments raised by the Principal Counsel and DER as well as the amendment to address the Performance Arts Center location.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

The bill defines new land uses, "Artists' Residential Studios" and "Performance Arts Centers," two mixed-use artist community uses, and allows them by special permit, subject to general development standards, in most residential and commercial zones.

CODE INDEX TOPICS: