

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

Meeting Date: 9/5/95

Reference No.: CB-53-1995

Proposer: MacKinnon

Draft No.: 4

Sponsors: MacKinnon

Item Title: An Ordinance permitting an Arena (stadium) by right in the R-M and L-A-C Zones under certain circumstances; exempting an arena from certain provisions of Landscape Manual; providing for nullification of a Basic Plan, Comprehensive Design Plan and Specific Design Plan under certain circumstances, etc.

Drafter: Joyce B. Nichols, Principal
Counsel to District Council

Resource Personnel: JoAnne Brown
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 6/27/95

Executive Action: __/__/__

Committee Referral:(1) 6/27/95 PZED

Effective Date: 9/5/95

Committee Action:(1) 7/27/95 FAV(A)

Date Introduced: 7/31/95

Pub. Hearing Date: (1) 9/5/95 6:30 PM

Council Action: (1) 9/5/95 Enacted

Council Votes: AMc: A, DB: A, SD: A, JE: A, IG: N, WM: N, RVR: A, AS: A, MW: A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 7/27/95

Committee Vote: Favorable as amended, 3-2 (In favor: Council Members MacKinnon, Russell and Wilson; in opposition: Council Members Gourdine and Maloney).

A number of amendments to Draft 1 of the legislation were proposed by the sponsor. The amendments were as follows:

1. Section 27-124.05 - Draft 1 provided an exemption for arenas from all provisions of the Landscape Manual. This amendment limits the exemption to Section 4.3(c) of the Manual, which is regarding interior landscaping requirements for parking lots. This amendment was accepted by the Committee by a 3/2 vote.
2. Section 27-515 - As originally proposed, this amendment further limited the circumstances under which an arena is permitted by right in the R-M and L-A-C Zones by requiring the tract of land on which the arena is located to have been purchased from a public agency. The Committee accepted this amendment by a 4/1 vote, but incorporated language that would allow the land to be leased from a public agency.
3. Section 27-515 - A sentence was proposed to be added to the end of footnote 27 stating that " For the purposes of this use, the word "contiguous" shall include those properties which are separated by a public right-of-way". This amendment is necessary to allow a stadium to be built on a large tract of land that is subsequently bisected by public roads to remain a conforming use. The Committee voted 5/0 in favor of this amendment.
4. Section 27-559 - This Section of the Ordinance limits the number of compact car spaces permitted in a parking lot to one-third of the total required spaces. The amendment exempts stadiums from this limitation. The Committee voted 3/2 in favor of this amendment.
5. Section 27-259 - This Section of the Ordinance prohibits construction in a Master Planned right-of-way without Council approval. This amendment exempts stadiums proposed to be constructed on land purchased from a public agency from this requirement. This amendment was agreed to by a 4/1 vote.

Dale Hutchison, representing the Planning Board, testified in favor of the legislation, with proposed amendments. The amendments proposed incorporated a new Specific Design Plan (SDP) review process into the Ordinance for stadiums in the Comprehensive Design Zones, replacing the normal three-step review process. He explained that it is the Planning Board's position that in the case of a unique use such as a stadium, the essential elements of the normal process can be satisfied effectively and efficiently through this new process. This process includes an optional preliminary SDP review and a final SDP approval by the Planning Board. The findings required for approval of the SDP addressed environmental concerns, stormwater management, public safety concerns, transportation facilities, woodland conservation, and lighting. The review and approval was proposed to be a 70 day process, with application, filing fees, hearing procedures, notice and posting requirements set forth. The decision was proposed to be directly appealable to the Circuit Court. The Committee accepted this amendment by a 5-0 vote, but replaced the Planning Board review with review and approval by the District Council. All requirements, procedures and timeframes were unchanged. This new Section replaced the requirement for a Planning Board hearing on transportation sufficiency that had been included in footnote 27 on page 3 of the original Draft 1.

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 7/17/95

Public hearing held.

The PZ&ED Committee held a joint public hearing with the Transportation, Housing and Environment Committee to receive testimony on CB-53-1995, CB-54-1995, and CR-37-1995. Staff provided an explanation of the legislation, and the way in which the various proposals would impact the construction of a stadium on the Wilson Farm in the Landover area. Testimony was received from representatives of the Washington Redskins Organization, the State Highway Administration, Maryland DED, civic associations, and municipalities, as well as numerous elected officials and individuals.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Section 27-107.01 of the Zoning Ordinance defines an "Arena (stadium)" as "a large open or enclosed place used for sporting games or major events, that is partly or completely surrounded by tiers of permanent seating for spectators". Currently, arenas are only expressly permitted, by Special Exception, in the C-M Zone. This bill would permit an arena to be constructed in the R-M and L-A-C Zones, provided that it is on a tract of land greater than 150 acres in size. It also provides for the nullification of a Basic Plan, Comprehensive Design Plan, or Specific Design Plan if the property for which one of these Plans is approved is conveyed to a public agency for recreational purposes.

CODE INDEX TOPICS: