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| FROM | NAME & TITLE | CHRIS RYER, DIRECTOR | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET | | |
| | SUBJECT | CITY COUNCIL BILL #19-0356 / ZONING MAP AMENDMENT – 123 SOUTH CHESTER STREET | | |

TO

The Honorable President and
 Members of the City Council
 City Hall, Room 400
 100 North Holliday Street

DATE: April 18, 2019

At its regular meeting of April 18, 2019, the Planning Commission considered City Council Bill #19-0356, for the purpose of amending the Zoning District Map for the R-8 zoned property known as 123 South Chester Street (Block 1748, Lot 041), as outlined in red on the accompanying plat, to apply a Rowhouse Mixed-Use Overlay District (R-MU) designation; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #19-0356 and adopted the following resolution eight members being present (seven in favor):

RESOLVED, That the Planning Commission does not concur with the recommendation of its departmental staff, and instead recommends that City Council Bill #19-0356 be passed by the City Council, with the attached facts to support the rezoning.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachments

- cc: Mr. Pete Hammen, Chief Operating Officer
 Ms. Karen Stokes, Mayor's Office
 Mr. Colin Tarbert, Mayor's Office
 Mr. Jeff Amoros, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. William H. Cole IV, BDC
 Mr. Derek Baumgardner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Mr. Tyrell Dixon, DCHD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Liam Davis, DOT
 Ms. Natawna Austin, Council Services
 Mr. Ervin Bishop, Council Services
 Mr. Justin Williams, Esq.



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

April 18, 2019

REQUEST: City Council Bill #19-0356/ Zoning Map Amendment – 123 South Chester Street: For the purpose of amending the Zoning District Map for the R-8 zoned property known as 123 South Chester Street (Block 1748, Lot 041), as outlined in red on the accompanying plat, to apply a Rowhouse Mixed-Use Overlay District (R-MU) designation; and providing for a special effective date.

RECOMMENDATION: Disapproval

STAFF: Eric Tiso

PETITIONER: Chester Street Properties, LLC, c/o Justin A. Williams, Esq.

OWNER: Chester Street Properties, LLC

SITE/GENERAL AREA

Site Conditions: This property is located on the northeastern corner of the intersection with East Pratt Street. The R-8 zoned lot is improved with a three-story structure that has been recently completely renovated for use as a restaurant to be known as Charmed Kitchen.

General Area: This property is located on the southern edge of the Butcher's Hill neighborhood, on the border with Upper Fells Point, which is predominantly residential in character, with rowhomes as the predominant form housing stock. There are occasional commercial or institutional uses dotted throughout, normally at intersections. Patterson Park is located two blocks to the east.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

ANALYSIS

The Rowhouse Mixed-Use Overlay District may be applied to rowhouse dwellings in the R-5 through R-10 districts as well as the OR Districts. This Overlay District allows the rowhouse dwelling to be used for a limited amount of non-residential uses, which is the same as allowed for Neighborhood Commercial Establishments (NCEs) in residential districts (*Zoning* §12-1001). The primary difference is that the R-MU overlay allows for outdoor dining as a conditional use (*Zoning* §12-1003) that can be approved by the Board of Municipal and Zoning Appeals (BMZA). In this case, the applicant is interested in the outdoor dining use.

The principal concern with this proposal is with the required minimum size of an R-MU Overlay District. This district may only be applied to a minimum of (1) 50% of the blockface; or (2) two opposing corner lots (*Zoning* §12-1002). The Zoning Code defines *Blockface* to mean all of one side of a given street between two consecutive intersecting streets (§1-303.h). In this case, since the application does not proposed to include an opposite corner, then the requirement of 50% of a blockface must be met. As this property alone does not constitute at least 50% of the length between East Pratt and East Lombard Streets, and is not at least 50% of the length between East Pratt and South Duncan Streets, then this singular property cannot be zoned with the R-MU Overlay District for lack of meeting the required minimum size of the district. For that reason, staff recommends disapproval of this bill.

Notification: The Butchers Hill Association has been notified of this action.



Chris Ryer
Director

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MEMORANDUM

TO: BALTIMORE CITY PLANNING COMMISSION

FROM: JUSTIN WILLIAMS

CC: CHESTER STREET PROPERTIES, LLC

RE: CCB # 19-0356 – ZONING MAP AMENDMENT – 123 S. CHESTER STREET
PROPOSED FINDINGS OF FACT

DATE: APRIL 18, 2019

In connection with the finding that there was a mistake in the existing zoning classification that justifies the rezoning of the Property, both Section 5-508(b) of the Zoning Code and Section 10-304 of the State Land Use Article require the City Council to make findings of fact that address:

(i) Population Change

The census tract that includes the Property (Census Tract 105) is estimated to have decreased its population from 2,252 in 2010 to 1,712 in 2017, according to estimates of the U.S. Census Bureau’s American Community Survey. To the extent the estimate is accurate, it demonstrates a need to make the neighborhood more conducive to attracting people to stay in place. Walkable community amenities, such as outdoor seating at a neighborhood café is an example of attractive amenity.

(ii) The availability of public facilities;

The area is well-served by public utilities and services, and will remain so for the foreseeable future.

(iii) Present and future transportation patterns;

The application of the R-MU Overlay District to the Property will not adversely impact present or future transportation patterns. The Butchers Hill neighborhood has been a pioneer in installing curb bump-outs that provide traffic calming (as well as stormwater management) and make the neighborhood more walkable. The ability to provide outdoor dining will incrementally increase the walkability of the area.

(iv) Compatibility with existing and proposed development for the area;

The proposed map amendment will not negatively impact existing or proposed development. As indicated in § 12-208 of the Zoning Code, the R-MU Overlay District is tied directly to the underlying rowhouse district in order to maintain the existing character of the development and the neighborhood.

(v) The recommendations of the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

The Planning Commission is urged to make a favorable recommendation on this bill.

The Board of Municipal and Zoning Appeals has not yet commented on this bill.

(vi) The proposed amendment's consistency with the City's Comprehensive Master Plan.

The proposed rezoning is consistent with the City's LiveEarnPlayLearn Master Plan by activating the streetscape and promoting walkable neighborhood amenities.

Section 5-508(b)(3) of the Zoning Code also mandates that the following additional standards be considered for map amendments:

(i) Existing uses of property within the general area of the property in question;

The Property is located along a fairly busy neighborhood corridor on Pratt Street. Along Chester Street, the uses are residential, while along Pratt Street, the character of development is residential mixed-use reflecting the historical development pattern of the Fells Point area with a number of corner restaurants and taverns. Many of these establishments offer outdoor seating now because they are grandfathered prior to the enactment of Transform Baltimore. There are also institutional uses such as churches and schools in the vicinity. These uses will not be impacted by the application of the R-MU Overlay District.

(ii) The zoning classification of other property within the general area of the property in question;

The Property is located in the middle of an extensive residentially-zoned area; however, as indicated above, the existing uses in this neighborhood are varied and would likely be suited for an R-MU Overlay Zoning District as well.

(iii) The suitability of the property in question for the uses permitted under its existing zoning classification; and

The R-8 Zoned Property is suited for its current uses, which include a restaurant/café and dwelling units. With as much as 13' of sidewalk space along Chester Street, the Property is well-suited to provide outdoor dining.

- (iv) The trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.**

The Property is located within a historic district, in which development trends have been associated with the adaptive re-use of existing structures. Thus many rowhomes that have historically be utilized as storefronts will be able to repurpose them as café/restaurants with neighborhood commercial establishment conditional use authorization from the Zoning Board. However, they are not permitted to conduct outdoor dining.