

FROM

NAME & TITLE
AGENCY NAME & ADDRESS
SUBJECT

GARY W. COLE, ACTING DIRECTOR *G Cole*
DEPARTMENT OF PLANNING
417 E. FAYETTE STREET, 8th FLOOR
CITY COUNCIL BILL #08-0223/ZONING – CONDITIONAL USE-AMENDING ORDINANCE 02-355

CITY of
BALTIMORE
MEMO



DATE:

TO

December 9, 2008

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

At its regular meeting of December 4, 2008 the Planning Commission considered City Council Bill #08-0223, which modifies the original ordinance that approved the conditional use meeting and banquet hall use on the fourth floor of the Fava Building.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendments to and approval of City Council Bill #08-0223 and adopted the following resolution, nine members being present (nine in favor)

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #08-0223 be amended and passed by the City Council.

If you have questions, please contact Mr. Wolde Ararsa, Acting Chief of Land Use and Urban Design Division, at 410-396-4488.

GWC/tl

Attachments

cc:

- Mr. Andrew Frank, Deputy Mayor
- Mr. Demuane Milliard, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. for Planning Commission
- Mr. David Tanner, BMZA
- Ms. Nikol Nabors-Jackson, DHCD
- Mr. Larry Greene, Councilmanic Services
- Ms. Deepa Bhattacharyya, Law Department
- Ms. Anne Pomykala, Applicant

F/A



PLANNING COMMISSION

STAFF REPORT

December 4, 2008

REQUEST: City Council Bill #08-0223: For the purpose of amending Ordinance #02-355 to amend a certain condition and to amend the street address of the property.

RECOMMENDATION: Amendment and Approval, with the following amendments:

- Amend Section 1, paragraph 5, to update the Fire Department assigned capacity of the meeting and banquet hall to reference the appropriate new capacity for each space as assigned by the Baltimore City Fire Department.
- Amend Section 1, paragraph 9, should be updated to reference the multiple meeting and banquet halls, and continue the same parking requirements for the new spaces.

STAFF: Eric Tiso

PETITIONER: 1840s Corporation, c/o Ms. Anne Pomykala

OWNER: 1840s Corporation

SITE/GENERAL AREA

Site Conditions: is located on the northeast corner of the intersection with East Lombard Street. This property contains ±0.941 acres and is currently improved by a number of buildings. This site is zoned B-3-3 and is located within the Jonestown Urban Renewal Plan area.

General Area: This site lies within the Jonestown community, and is bordered by Little Italy on the south, the Downtown area on the west, and Washington Hill to the east.

HISTORY

- Ordinance #78-0939 established the Jonestown Urban Renewal Plan, approved on December 14, 1978.
- Ordinance #02-355 established the conditional use meeting and banquet hall on this property, dated June 13, 2002.
- Ordinance #04-797 is the latest amendment to the Jonestown Urban Renewal Plan, and was approved by the Mayor and City Council of Baltimore on July 23, 2004.

CONFORMITY TO PLANS

This site lies within the Jonestown Urban Renewal Plan.

ANALYSIS

This bill modifies the original ordinance that approved the conditional use meeting and banquet hall use on the fourth floor of the Fava Building. At the time, the meeting and banquet hall use was often abused and some establishments were operated as de facto night clubs. For that reason, the original ordinance contained a number of conditions to the operation, and limited the use to the fourth floor of the building. Since that time, the meeting and banquet hall use is not often misused as it was in 2002, and so our concerns at that time have been largely abated.

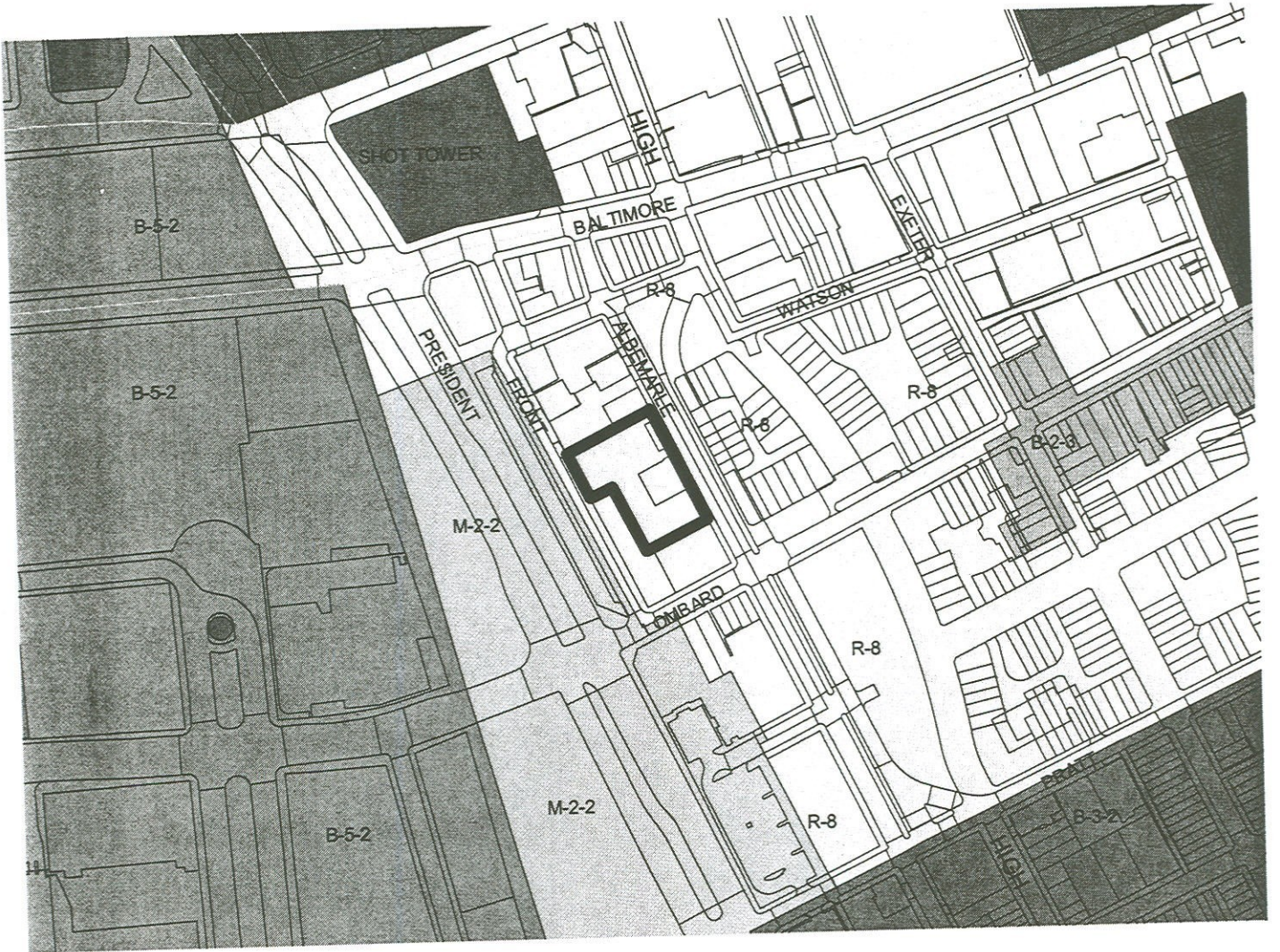
With changes in the tenants of the building, the 1840s Corporation would like to expand the meeting and banquet hall use to the first and second floors of the building, to provide an interim use potential, until a more permanent tenant is found for those spaces. The conditions of operation would remain the same, as they are referenced later in the ordinance. However, Section 1, paragraph 5 should be updated to reference the Fire Department assigned capacities for each space. Likewise, Section 1, paragraph 9 should be updated to reference the plural meeting and banquet halls with similar parking requirements.

The bill also makes an administrative change to the address of the building, correcting it from "a portion of 33 South Front Street" to "29 South Front Street."

The following community groups have been notified of this project: The Historic Jonestown Business Association and the Little Italy Community Organization.



**Gary W. Cole,
Acting Director**



City Council Bill #08-0223/Zoning Condition Use Amending Ordinance 02-355



Planning Commission
December 4, 2008



Tiso, Eric

From: Heather Saul [chefhsaul@yahoo.com]
Sent: Friday, November 28, 2008 6:09 PM
To: Tiso, Eric
Cc: annepomykala@hotmail.com
Subject: 29 S. Front Street

Regarding City Council Bill #08-0223/ Zoning Conditional Use Amending Ordinance #02-355 with Hearing Date: December 4, 2008 2:30pm; this sign has been posted as of 4:00pm on November 28,2008 on 29 S. Front Street.

Kindly,
Heather Saul
1840s Corporation

**CITY OF BALTIMORE
COUNCIL BILL 08-0223
(First Reader)**

Introduced by: Councilmember Young
At the request of: 1840s Corporation
Address: c/o Anne Pomykala, P.O. Box 119, Stevenson, Maryland 21153
Telephone: 410-486-2405

Introduced and read first time: October 27, 2008
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Department of Transportation, Fire Department, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use - Amending Ordinance 02-355**

3 FOR the purpose of amending Ordinance 02-355 to amend a certain condition and to amend the
4 street address of the property.

5 BY repealing and reordaining with amendments
6 Ordinance 02-355
7 Section(s) 1

8 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
9 **Laws of Baltimore City read as follows:**

10 **Ordinance 02-355**

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF**
12 **BALTIMORE, That permission is granted for the establishment,**
13 **maintenance, and operation of meeting and banquet halls on the property**
14 **known as [a portion of 33] 29 South Front Street, as outlined in red on the**
15 **amended plat accompanying this Ordinance, in accordance with Zoning**
16 **Code §§ 6-409(1) and 14-102 of the Baltimore City Code, subject to the**
17 **following conditions:**

- 18 1. Meeting and banquet hall use is limited to the **FIRST, SECOND,**
19 **AND fourth [floor] FLOORS** of the Fava Building.

20 * * * * *

21 **SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day**
22 **after the date it is enacted.**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.