

TJA

FROM

NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET
SUBJECT	CITY COUNCIL BILL #11-0006 /ZONING- CONDITIONAL USE BANQUET HALL – 5503 RICHARD AVENUE

CITY of  
BALTIMORE  
**MEMO**



TO

DATE:

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

April 5, 2012

At its regular meeting of April 5, 2012, the Planning Commission considered City Council Bill #11-0006, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the property known as 5503 Richard Avenue, as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #11-0006 and adopted the following resolution; eight members being present (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #11-0006 not be passed by the City Council.

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

TJS/WYA/mf

Attachment

- cc: Ms. Kaliope Parthemos, Deputy Chief for Economic and Neighborhood Development
- Ms. Thomasina Hiers, Acting Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Mr. Nicholas Blendy, DHCD
- Ms. Barbara Zektick, DOT
- Ms. Elena DiPietro, Law Dept.
- Ms. Karen Randle, Council Services
- VB & C LLC c/o Nicole Folks, esq.



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**April 5, 2012**

**REQUEST:** City Council Bill 11-0006/ Zoning – Conditional Use Banquet Hall – 5503 Richard Avenue

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the property known as 5503 Richard Avenue, as outlined in red on the accompanying plat.

**RECOMMENDATION:** Disapproval

**STAFF:** Martin French

**PETITIONER(S):** Councilmember Curran, at the request of Linda Brown for VB & C LLC

**OWNER:** VB & C LLC

#### **SITE/ GENERAL AREA**

Site Conditions: 5503 Richard Avenue is located on the northeast corner of the intersection with Hamilton Avenue, and extends northward along the east side of Richard Avenue to Wisteria Avenue. This property measures approximately 193' along Richard Avenue by 74' along Hamilton Avenue and is currently improved with two one-story commercial buildings and remaining basement of a now-demolished two-story residential building that collectively cover most of the lot other than a three-car parking area along Richard Avenue. The building that is the subject of this bill is a detached one-story building with a full basement and was built in 1942 as a war veterans' meeting hall. This site is zoned B-2-2 and is located within the Hamilton Business Area Urban Renewal Plan area.

General Area: The property is located on the eastern edge of a long-established commercial strip which runs up both sides of Harford Road, with a few interruptions, from Herring Run Park to the northern City limits. Typical commercial properties are a mix of early-to-mid 20<sup>th</sup> Century structures with some newer structures. Behind these commercial structures lining Harford Road and some parallel streets such as Richard Avenue, residential neighborhoods developed in the late 19<sup>th</sup> and early 20<sup>th</sup> Centuries are variously made up of single-family detached, semi-detached, and attached housing with some other uses such as schools and churches included.

## **HISTORY**

There is no previous legislative history concerning this property only. It is included in the Urban Renewal Area mapped in the Hamilton Business Area Urban Renewal Plan, originally approved by the Mayor and City Council by Ordinance no. 1207 on November 30, 1979 and most recently amended by Ordinance no. 08-91 dated December 11, 2008, which designates it as part of the Community Business area in its Exhibit 1, Land Use Plan, and which states:

“In the areas designated as Community Business on the Land Use Plan Map, the following restrictions apply:

- (a) Uses shall be limited to those uses permitted under the B-2-2 category of the Zoning Code of Baltimore City, with the exception of the following uses, which are prohibited: Bail bondsmen; Liquor and package good stores; Pawnshops; Poultry and rabbit killing establishments; Rent-to-own stores; Second hand stores; Taverns.
- (b) The following uses are prohibited as the primary use: Check cashing agencies; Soup kitchens.
- (c) Street-facing ground-floor uses must be primarily retail or service establishments that deal directly with consumers, rely heavily on walk-in business and have regular daily hours.”  
( -- *Land Use Plan, B.2.a.3: Permitted Uses*)

Planning staff therefore find that this property is located in the Hamilton Business Area Urban Renewal Area, where the Urban Renewal Plan may prohibit or further restrict the proposed use in this district if it is not characterized as a retail or service establishment that deals directly with consumers, relies heavily on walk-in business, and has regular daily hours. The property owner and identical operator of the business located on the property at 5503 Richard Avenue is VB & C LLC, for which “VB & C” represents “Visions Banquets and Catering”, a business which prepares food for consumption elsewhere as part of its catering operations, and which rents the upper level of the largest building on the property to parties and persons who use it as a banquet hall. (The lower level of this largest building is currently used by a licensed day care provider, Visions For Kids Child Development Center, serving up to 45 children during the hours of 6:00 a.m. to midnight.) The banquet hall rentals are generally for a single day or portion of a day, including daytime, evening, and nighttime events. This is not a café or restaurant, and thus cannot be readily characterized as having a heavy reliance on walk-in trade with regular daily hours.

## **CONFORMITY TO PLANS**

The proposed action is required by the Zoning Code, §6-309 (12a) which lists banquet halls as a conditional use for which an ordinance is required in a B-2 District.

The proposed action is partially consistent with the City of Baltimore’s Comprehensive Master Plan, LIVE EARN PLAY LEARN, Earn Goal 1, Objective 7: Retain and attract business in Hospitality and Tourism, to the extent that a banquet hall is a hospitality site available to those who book it for a banquet. However, the location of this property is remote from most primary Baltimore City tourism attractions and is several miles distant from any hotels. Thus, the extent of this property’s possible contribution to realizing this objective is unclear.

The Comprehensive Master Plan also contains Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods. As the analysis below suggests, the proposed action may actually contradict this goal as a result of potential neighborhood impact.

## ANALYSIS

In the Zoning Code, §1-114.1.a. defines “banquet hall” as “an establishment:

- (1) That is used regularly for serving food or beverages to groups that, before the day of the event, have reserved the facility for banquets or meetings;
- (2) To which the general public is not admitted; and
- (3) For which no admission charge is imposed at the door.”

Banquet halls may provide live entertainment as an accessory use to their principal use.

Banquet halls do not include restaurants or taverns.

Like a restaurant or tavern, a banquet hall is subject to Fire Marshal ratings of capacity, so the size of the banquet hall building limits the maximum amount of people who may attend a banquet or other function there. The VB & C LLC business summary provided to the Board of Municipal and Zoning Appeals in support of their earlier application for a Use and Occupancy permit for a catering establishment and banquet facility stated that the capacity of 5503 Richard Avenue’s first floor was 200 persons seated for dining (banquet style) and up to 400-500 persons for meetings. In 2010 the rated capacity of the building was set at 250 persons for banquets and 500 persons for meetings.

Within the Zoning Code, §10-405.22.i. requires a banquet hall to provide 1 off-street parking space for every 10 persons of rated capacity. On this basis, there should be at least 25 off-street parking spaces for the proposed banquet hall. The site at 5503 Richard Avenue does not allow that amount of spaces, and because of the existing day care center in the basement level of the building, a portion of the property needs to be reserved for an outdoor recreation area for the children and for use by day care patrons and staff. The VB & C LLC business summary notes that there is no on-site off-street parking available for patrons, and notes that some parking is available at present on nearby properties owned by others. However, those owners have not agreed to long-term commitments to provide off-street parking spaces for VB & C patrons, and VB & C LLC is not acquiring additional properties to provide parking for the benefit of users of 5503 Richard Avenue. The practical effect of this situation is that banquet patrons must seek on-street parking in the nearby commercial and residential areas.

Conditional Use – Required findings: In accordance with §16-304 of the Zoning Code of Baltimore City, the Planning Commission must base its recommendation to the City Council to approve a conditional use on these considerations required by Title 14 {“Conditional Uses”} of the Zoning Code:

1. the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
2. the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization is not otherwise in any way contrary to the public interest; and
4. the authorization is in harmony with the purpose and intent of this article (§14-204).

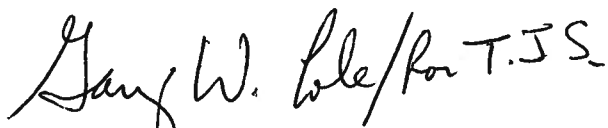
5503 Richard Avenue is one block east of Harford Road, a primary arterial street which has a high level of demand for on-street parking generated by the various commercial establishments already located on it. This property is on a much narrower three-lane street that extends northward from Hamilton Avenue, both of which do not offer a great amount of on-street parking. (Hamilton Avenue at this point is also three lanes side, and parking is prohibited on

the north side that is nearer to this property.) The northern end of 5503 Richard Avenue lies on Wisteria Avenue, a three-lane street which separates it from the residential neighborhood that is to the north and east of this property. North of Wisteria Avenue, Richard Avenue forms the boundary between commercial properties on its west side and the residential neighborhood on its east side. Aside from O-R-1 (Office-Residence District) zoning of the two properties immediately east of 5503 Richard Avenue between Hamilton and Wisteria Avenues, the area outside the B-2 zone centered on Harford Road, of which this property forms a part of its eastern edge, is part of a R-4 General Residence District of single-family detached and semi-detached homes on one-way or narrow three-lane streets. External parking demand from a banquet hall's 250 patrons thus can create a detrimental effect on these long-established residential neighborhoods, as patrons in search of on-street parking drive north and east into the residential area.

The former war veterans' use of the building, classified as a club or lodge under the Zoning Code, would have had to provide 1 parking space for every 4 persons of rated capacity (§10-405.7) had it been constructed after April 1971, when the current Code was adopted. It did not do so, and under Zoning Code interpretations the off-street parking that it would have been required to provide under §10-405.7 could have been credited toward the off-street parking that the applicant (VB & C LLC) would otherwise have been obliged to provide in order to obtain approval of the banquet hall use. However, from the perspective of impact upon neighborhood residents, the former club or lodge's banquet hall activities were limited and were considered accessory to the principal use because the large numbers of visitors attending a banquet were only occasionally encountered as a demand source for on-street parking. Conversely, a banquet hall, if a thriving business, generates a nearly-constant demand for on-street parking if it is not providing off-street parking for its patrons.

Planning staff, having reviewed the proposed conditional use in relation to the conditional use findings criteria, have determined that, because there is inadequate off-street parking proposed to be provided in conjunction with the request, because there is not sufficient street width in front of this property or in the vicinity to support a large amount of on-street parking by banquet hall patrons until the applicant does provide off-street parking, and because the property is adjacent to an older residential neighborhood that was not designed or developed with wider streets and on-street parking lanes on each side of those streets, the proposed banquet hall at 5503 Richard Avenue does not appear to meet these requirements of §14-204 and §16-304 of the Zoning Code for approval by ordinance of the Mayor and City Council of Baltimore, and recommends that the Planning Commission find accordingly to recommend disapproval of this bill.

Staff notified the Hamilton Business Association, Glenham-Belhar Community Corporation, Harbel Community Organization, Hamilton-Lauraville Main Street, Baltimore Development Corporation, and Councilmember Curran of this action.



**Thomas J. Stosur**  
**Director**