



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 #21-0055 / Zoning – Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales) – 2600 North Howard Street		

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

DATE: May 14, 2021

At its regular meeting of May 13, 2021, the Planning Commission considered City Council Bill #21-0055, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a retail goods establishment (with alcoholic beverages sales) on the property known as 2600 North Howard Street, as outlined in red on the accompanying plat; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #21-0055, and adopted the following resolutions, seven members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendations of its Departmental staff, adopts the findings of fact outlined in the attached staff report and its equity findings, with consideration for testimony and facts presented in that meeting, and recommends that City Council Bill #21-0055 be amended and passed by the City Council.

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

CR/ewt

attachment

- cc: Ms. Natasha Mehu, Mayor's Office
 Ms. Nina Themelis, Mayor's Office
 The Honorable Eric Costello, Council Rep. to Planning Commission
 Mr. Matthew Stegman, City Council President's Office
 Ms. Nikki Thompson, City Council President's Office
 Mr. Colin Tarbert, BDC
 Ms. Kathleen Byrne, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Stephanie Murdock, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Liam Davis, DOT
 Ms. Natawna Austin, Council Services
 Mr. Dominic McAlily, Council Services
 Ms. Caroline Hecker, Esq. for 2600 N. Howard Street LLC
 Ms. Amy Rappole, Legislative Reference



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

May 13, 2021

REQUEST: City Council Bill #21-0055/ Zoning – Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales) – 2600 North Howard Street:

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a retail goods establishment (with alcoholic beverages sales) on the property known as 2600 North Howard Street, as outlined in red on the accompanying plat; and providing for a special effective date.

RECOMMENDATION: Amendment, and Approval as amended

Amendments:

1. Insert “A Portion of” immediately before “2600 North Howard Street” in bill title;
2. Revise legislative purpose statement to read in part: “... on a portion of the property known as 2600 North Howard Street, as shown in yellow on the accompanying floor plan [plat]; ...”
3. In Section 1, revise the third line to read in part: “... on a portion of the property known as 2600 North Howard Street, in an area not to exceed 700 square feet of floor area, as shown in yellow on the floor plan accompanying this Ordinance, ...”
4. Replace the Site Plan dated 03/04/2021 and used in lieu of the plat referred to in the bill with the floor plan dated May 6, 2021 showing “Proposed Retail Goods Establishment (with alcoholic beverage sales), Area = 696 Square Feet / Proposed Floor Plan”.

STAFF: Martin French

PETITIONERS: Councilmember Stokes, at the request of 2600 N. Howard Street LLC

OWNER: 2600 N. Howard Street LLC

SITE/GENERAL AREA

Site Conditions: This property is located on the northwest corner of the intersection of Howard and 26th Streets. The property measures approximately 306’11” along the north side of 26th Street and 79’8” along the west side of Howard Street. It is currently improved with a one-story detached commercial building measuring approximately 70’ by 160’, with an off-street parking area behind the building accessible from 26th Street. The sidewalk along Howard Street is over 20’ wide from the front wall of the building to the existing tree pits. The sidewalk along 26th Street is over 14’ wide from the side wall of the building to the existing lamp-posts. Pursuant to approval given by the Board of Municipal and Zoning Appeals in 2016, an outdoor seating and

dining area has been created in the triangle formed by closure of the overly-wide roadbed of 26th Street where it meets Howard Street; the central feature of this community amenity is a large fire-pit. The property is in the C-2 zoning district, in which a retail goods establishment with alcoholic beverages sales is a conditional use requiring approval by ordinance.

General Area: This property is located in the Remington National Register Historic District and community. This Historic District is comprised predominantly of buildings constructed in the latter portion of the 19th Century, with two- and three-story row-housing being the most commonly encountered type of building. Across 26th Street is a railroad cut used regularly for freight traffic that divides the Remington community into two geographic parts. Across Howard Street is the Miller Court building, a renovated four-story industrial building now used as work-force housing designed for teachers. To the east of this property is the Charles Village community. This property is thus located where two communities meet.

HISTORY

The Remington District was placed on the National Register of Historic Places on January 17, 2017. This property was rezoned from M-1 to C-2 during the comprehensive zoning process associated with adoption of the current Zoning Code which became effective on June 5, 2017. The Remington Plan was accepted by the Planning Commission in 2018, and includes this statement: “Welcome commercial uses of a variety of sizes and functions in the neighborhood, particularly those that encourage greater social interaction: The community will welcome conversions of old industrial and commercial sites to new uses that are compatible with the existing residential community.”

ANALYSIS

Background: This corner property previously was both a restaurant and a retail goods establishment with no alcoholic beverages sales. The petitioner seeks to expand the scope of retailing on the premises by adding sale of alcoholic beverages to an existing array of goods for sale in the established retail sales area of the existing structure.

Conditional Use: Per §5-406 {“Approval standards”} of Article 32 – *Zoning*:

(a) *Limited criteria for denying.*

Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

Establishment, location, maintenance and operation of a retail goods establishment with alcoholic beverages sales on a portion of the property known as 2600 North Howard Street would not be detrimental to or endanger public health, safety, or welfare. The proposed use is not precluded by any other law, and there is no Urban Renewal Plan covering the subject property. Use of a limited portion of the property for a retail goods establishment with alcoholic

beverages sales would not be contrary to the public interest. The authorization would be in harmony with the purpose and intent of the Zoning Code.

Below is the staff's review of §5-406(b) {"Required considerations"} of Article 32 – *Zoning*:

(b) *Required considerations.*

As a further guide to its decision on the facts of each case, the Board of Municipal and Zoning Appeals must consider the following, where appropriate:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for emergency vehicles;
- (6) accessibility of light and air to the premises and to the property in the vicinity;
- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks and structures;
- (9) the character of the neighborhood;
- (10) the provisions of the City's Comprehensive Master Plan;
- (11) the provisions of any applicable Urban Renewal Plan;
- (12) all applicable standards and requirements of this Code;
- (13) the intent and purpose of this Code; and
- (14) any other matters considered to be in the interest of the general welfare.

Staff finds that the site, including its size and shape, is appropriate for the proposed use. There would be no change to traffic patterns if this use would be authorized. The surrounding area is one in which the predominant residential type was originally single-family owner-occupancy rowhouses as well as some residential mixed-use "corner stores", while the predominant commercial type is scattered structures and serves primarily various sections of the Remington community. For this reason, it is unlikely that the proposed use would impair present or future development of the Remington or Charles Village communities. There is reasonable proximity of dwellings and places of public gathering, and reasonable distance from churches and schools. There is adequate accessibility for emergency vehicles, and of light and air to the premises and to other properties in the vicinity. There are adequate utilities, roads, drainage, and other necessary facilities. The proposed use of a portion of the existing structure would not affect preservation of cultural and historic landmarks and structures. Approval of the proposed use would not affect the existing character of the neighborhood, as the alcoholic beverages sales license is to be transferred from a location two blocks away in the Remington community. While consistent with the City's Comprehensive Master Plan, the proposed use is not prevented or limited by any Urban Renewal Plan. Converting a retail goods establishment with no alcoholic beverages sales to a retail goods establishment with alcoholic beverages sales, with no enlargement of the existing structure on the property or of the area within the existing structure that is to be used for retail goods establishment with alcoholic beverages sales purposes, would not be inconsistent with the intent and purpose of the Zoning Code.

Equity considerations: The subject property is within a part of Baltimore City that has middle-market real estate values and a proportion of non-white residents that is lower than the City-wide average. There are no apparent or predictable changes to the quality of life of the Remington community that would result from approving or disapproving the proposed action. The proposed action would neither ameliorate nor aggravate existing patterns of inequity that persist in Baltimore. The community, represented by two associations named below, has been involved in discussing and reviewing the proposed action. To the extent that these associations represent the interest of residents of the Remington community, residents have been included in planning for this proposed relocation of a liquor license for retail sales of alcoholic beverages within that community. There would be no effect on internal operations of the Department of Planning resulting from approval of the proposed action.

Notification: The Greater Remington Improvement Association and the Remington Neighborhood Alliance have been notified of this action.



Chris Byer
Director

Attachment: Floor plan dated May 6, 2021



PROPOSED FLOOR PLAN

SCALE: 1/8" = 1'-0"

MAY 6, 2021

