

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR <i>Chris Ryer</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #24-0552 / ZONING - COMMERCIAL 1 VILLAGE CENTER DISTRICT - CONDITIONAL USE RETAIL GOODS ESTABLISHMENT (WITH ALCOHOLIC BEVERAGE SALES) - VARIANCES - 6242 BELLONA AVENUE		

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

DATE: August 2, 2024

At its regular meeting of August 1, 2024, the Planning Commission considered City Council Bill #24-0552, for the purpose of permitting, subject to certain conditions, the continued operation and expansion of a retail goods establishment (with alcoholic beverage sales) on the property known as the Pinehurst Wine Shoppe, 6242 Bellona Avenue (Block 4976, Lot 011), as outlined in red on the accompanying plat; granting a variance from corner side-yard setback requirements; 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 #24-0552 and adopted the following resolutions, with seven members being present (six in favor, one opposed):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #24-0552 be **approved** 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. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, 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



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

July 11, 2024

REQUEST: City Council Bill #24-0552/ Zoning - Commercial 1 Village Center District - Conditional Use Retail Goods Establishment (With Alcoholic Beverage Sales) - Variances - 6242 Bellona Avenue:

For the purpose of permitting, subject to certain conditions, the continued operation and expansion of a retail goods establishment (with alcoholic beverage sales) on the property known as the Pinehurst Wine Shoppe, 6242 Bellona Avenue (Block 4976, Lot 011), as outlined in red on the accompanying plat; granting a variance from corner side-yard setback requirements; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Caitlin Audette/ Marie McSweeney Anderson

PETITIONER: Pinehurst Wine Shoppe, LLC, c/o Chase Hoffberger, AB Associates

OWNER: SSW, LLC

SITE/GENERAL AREA

Site Conditions: 6242 Bellona Avenue is located on the southwest corner of the intersection with Gittings Avenue. This property contains 0.428± acres of land and is currently improved with a one-story commercial building measuring approximately 65' by 65'. This site is zoned C-1-VC.

General Area: This property is located in the northeastern corner of the Bellona-Gittings neighborhood, which is predominantly residential in nature, with a majority of the housing stock comprised of single-family homes, but has some apartment buildings.

HISTORY

- A minor subdivision was approved by the Planning Commission on October 29, 2015, that subdivided a portion of the adjacent 6240 Bellona Avenue for transfer and consolidation into 6242 Bellona Avenue (the parking lot).

ANALYSIS

Background: The Pinehurst Wine Shoppe has been in operation at this location since the 1950s. The use of the site is not shifting; however, owners are proposing to build two additions which require conditional use approval and a variance. The proposed additions are: one to the north side of the building along Gittings Avenue and one to the west facing to the rear parking lot. The north side addition is proposed to house additional commercial space and expanded patio space for outdoor seating. The north side addition would also create a new entry to the property from

the parking lot. The required side lot setback for C-1-VC is 25 feet. The proposed addition would provide a 9 foot, 3 inch setback at the smallest point. Therefore, the north side addition requires a 15 foot, 9 inch variance. The west facing rear addition is for additional storage and requires no additional variance.

This site is the only commercially zoned property within and serving the immediate area. The area surrounding the property is a mix of low residential density R-1-E, R-1-E, and R-1-C zoning. Nearby are R-5 and R-1 zoning districts as well. This area is already fully developed and additional space is not available to increase the property size. There is additional residential development is occurring nearby to the north of the site across the city/county line on Bellona Avenue in Baltimore County.

There are no changes proposed to traffic flow or to the number of parking spaces. There is no proposed increase in height. There is no change in use or type of business proposed.

A memorandum with proposed findings for the requested conditional use approval as well as for the required findings for the needed corner side-yard setback variance are included with the application for the Planning Commission's consideration.

Additional points of interest:

- *The interior side yard requirement for R-1-E zoning is 10 feet and the corner side lot requirement is 20 feet.*
- *Comparative C-1-VC zoned properties in other areas have 0% rear yard and side yard setbacks on some areas on their site (see 4800 Roland Ave as an example)*

Equity:

Staff believes there will be no discernible negative impacts to the surrounding community from this proposal, as the use has been in continuous operation since the 1950s. Staff does not anticipate any impact to staff time or resources devoted to this project beyond routine requirements of development review. Design review is already complete at a staff level and designs are complementary with the historic character of the building.

Pinehurst has hosted multiple community meetings since 2019 regarding changes to the site. Most recently, the Council Office has been engaged in public meetings and conversations with Bellona Gittings and Pinehurst. There have been attempts made to reach an agreement for a Memorandum of Understanding, but this has not yet been solidified.

Notification: Bellona Gittings Improvement Association leaders were notified of this agenda item. Notification went out to 800+ members of the Northern Planning District listserv, including residents within and along the York Road corridor in adjacent communities to Bellona Gittings.

Recorded dates of public meetings between Bellona Gittings and the applicants:

- May 23, 2023 at Church of the Redeemer
- May 28, 2024 at Church of the Redeemer

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Chris Ryer
Director

Finding of Facts

The applicant submits to the Baltimore City Planning Commission this memorandum regarding City Council Bill 2024-0552, for the purpose of expanding the structure at 6242 Bellona Avenue, requiring a conditional use ordinance. The applicant also seeks a variance from the minimum corner side-yard setback requirements on the north side of the property under Zoning Code Table 10-401.

6242 Bellona Avenue

6242 Bellona Avenue is a corner lot in the Bellona-Gittings neighborhood currently improved by a 4,000 square foot structure. The building is separated into two businesses. The business occupying the northern half of the building has been a retail goods establishment with alcohol sales since the 1950s. The Pinehurst Wine Shoppe now wants to expand its offerings to meet neighborhood demand—introducing new food and non-alcoholic beverage options—and also keep more of its current inventory in stock. Plans call for a 1,300 square foot expansion to the building’s northside and rear, allowing space for new coolers and storage areas; additional display cases; and a second cashier’s check-out area.

The Pinehurst Wine Shoppe has pursued the introduction of this legislation for multiple years and has earned broad support the Bellona-Gittings neighborhood. A memorandum of understanding with the Bellona-Gittings Neighborhood Association is currently in the final stages of negotiations.

6242 Bellona is zoned C-1-VC, which requires that any retail goods establishment (with alcoholic beverages sales) pursue a conditional use ordinance to expand or otherwise alter any building. In addition to the conditional use approval by ordinance, a variance must be granted to allow for the proposed expansion into the corner side-yard setback on the north side of the property. We address the conditional use first, followed by the variance.

ZC § 5-406: Conditional Use Approval Standards

As a guide to its decision on the facts of each case, the City Council 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;

Pinehurst Wine Shoppe does not propose to change the site’s use. It only intends to expand the footprint and its retail offerings. The expansion supports plans for a more sustainable business model and will accommodate a changing market demand. Since the pandemic, customers at Pinehurst Wine Shoppe—most of whom live in the Bellona-Gittings neighborhood—have expressed an interest in increased retail options that are either food-related or non-alcoholic beverages. Pinehurst’s proposed expansion will allow for the business to meet this demand.

2. the resulting traffic patterns and adequacy of proposed off-street parking and loading;

The proposed expansion will not affect the amount of off-street loading or parking. Pinehurst hopes that the expansion will lead to more customers. However, Zoning Code Table 16-406 only requires five spaces after the expansion. Pinehurst’s plans include 12 spaces. Additionally, business-related traffic is a small part of the activity at the Bellona-Gittings intersection. That should not change when the expansion is complete.

3. the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

The surrounding area is comprised of single-family homes. Pinehurst has consulted extensively with the Bellona-Gittings neighborhood on the nature of this expansion and met on-site on multiple occasions with the highly impacted neighbors who live within 200 feet of the business. The proposed expansion will not impair present and future development in the area as the area is already fully developed with these single-family homes.

4. the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There are no churches, schools, public structures, or other places of public gathering in the near proximity of Pinehurst Wine Shoppe. As mentioned, the business is neighbored by single-family homes in every direction. Pinehurst has communicated with those neighbors about the plans for this expansion.

5. accessibility of the premises for emergency vehicles;

The proposed expansion will have no impact on the accessibility of the premises for emergency vehicles. The expansion will create new means of egress into the building for emergency workers, in the event of emergency.

6. accessibility of light and air to the premises and to the property in the vicinity;

The proposed expansion will have no impact on the accessibility of light and air to the premises and to the properties 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;

The proposed expansion will have no impact on utilities, access roads, drainage, or other necessary facilities that have been or will be provided. Those utilities, roads, drainage system, and other facilities are currently adequate and will not be affected.

8. the preservation of cultural and historic landmarks and structures;

The Bellona-Gittings neighborhood is recognized on the National Register of Historic Places. While this expansion will affect a structure within that neighborhood, it will not compromise the integrity or aesthetic of the building. The architect retained for this project has taken great care to ensure that the expansion augments and complements the existing structure.

9. the character of the neighborhood;

The Bellona-Gittings neighborhood is comprised of single-family homes. Almost all of the properties are zoned R-1-E. The subject property is zoned C-1-VC. It is the only property in the neighborhood to possess that zoning designation. The owners of the business have worked extensively with the Bellona-Gittings Neighborhood Association to ensure that the expansion will not compromise or affect the neighborhood's character. Rather, the expansion will increase the appeal and charm of this longstanding and beloved business.

10. the provisions of the City's Comprehensive Master Plan;

The proposed expansion aligns with the Comprehensive Master Plan's LIVE section, which concludes, among other things, that amenities of urban living include accessibility to retail. The Pinehurst Wine Shoppe is one of two walkable retail destinations for Bellona-Gittings residents. Its proprietors and the neighborhood both have a vested interest in the business's long-term success.

11. the provisions of any applicable Urban Renewal Plan;

No Urban Renewal Plan applies to this property or neighborhood.

12. all applicable standards and requirements of this Code;

The proposed expansion meets all applicable standards and requirements of the Zoning Code.

13. the intent and purpose of this Code; and

The Zoning Code functions, in part, to preserve and enhance the value of structures, communities, and neighborhoods. This expansion would enhance the value of the structure at 6242 Bellona Avenue and enhance the quality and value of the Bellona-Gittings neighborhood by improving the retail options within the area.

14. any other matters considered to be in the interest of the general welfare.

The Pinehurst Wine Shoppe's proprietors have spent multiple years working with the Bellona-Gittings Neighborhood Association to find an equitable and supportable plan for this expansion. A memorandum of understanding between the two entities is in the final stages of negotiations.

In addition, the City Council may not approve a conditional use or sign unless, after public notice and hearing and on consideration of the standards required by this subtitle, the Council finds that:

1. the establishment, location, construction, maintenance, or operation of the conditional use or sign would not be detrimental to or endanger the public health, safety, or welfare;

This expansion will not be detrimental to or endanger the public health, safety, or welfare. The expansion will not create additional noise, limit driver or pedestrian sight lines and access, or otherwise detrimentally affect the Bellona-Gittings neighborhood.

2. the use or sign would not be precluded by any other law, including an applicable Urban Renewal Plan;

This authorization is not precluded by any other law or Urban Renewal Plan

3. the authorization would not be contrary to the public interest; and

This authorization is not contrary to the public interest. There exists broad support among residents in the Bellona-Gittings neighborhood for an expansion of this business.

4. the authorization would be in harmony with the purpose and intent of this Code.

The Zoning Code exists in part to preserve and enhance the value of structures, communities, and neighborhoods. This expansion will enhance the value of the structure at 6242 Bellona Avenue, and it will also enhance the value of the Bellona-Gittings community and neighborhood by providing residents with convenient, nearby access to the types of retail offerings that the community would like to see at this business.

Variance Necessary for Expansion of 6242 Bellona Avenue

Plans for this expansion include an addition that will expand the building's structure into the existing north-side yard. The C-1-VC zone requires that buildings maintain a corner side-yard setback of 25 feet. The proposed expansion will provide for a setback of only nine feet and three inches. Thus, a 15-foot, nine-inch variance from the corner side-yard setback requirement is necessary.

ZC § 5-308: Variance Approval Standards

Granting a variance requires the City Council find in part that, because of the structure or property's physical surroundings, shape, or conditions, an unnecessary hardship or practical difficulty would result if the Zoning Code were strictly followed. This standard requires applicants establish: (1) uniqueness, (2) an unnecessary hardship or practical difficulty imposed by the Code, and (3) that the uniqueness is the proximate cause of that hardship. The Council must also find that the request meets elements outlined § 5-308(b), addressed at the end of this memorandum.

Uniqueness

This property is unique because it is the only commercial property in the highly residential Bellona-Gittings neighborhood. The property is also in one of only five C-1-VC zones in all of Baltimore City.

Unnecessary Hardship or Practical Difficulty

Increasingly, retail goods establishments with class A liquor licenses have been seeking out ways to accommodate the influx of new products to the market. Community-based stores such as Pinehurst have also worked hard to meet market demand for non-alcoholic products, including food. Pinehurst's goals are no different. However, the business presently occupies a relatively small footprint, making an expansion necessary. Expanding onto the front is not feasible, and an expansion into the back would affect parking, moving cars onto Bellona or Gittings. An expansion into the open side yard is the most reasonable route.

Uniqueness as the Proximate Cause of Hardship or Difficulty

Pinehurst is nestled into a particularly residential area. Much of the business's clientele hails from the Bellona-Gittings neighborhood and the neighborhoods in immediate proximity. For years, the business has been fielding requests for a more diversified inventory, complete with additional food options and non-alcoholic beverages. An expansion of the premises is necessary to cater to that market demand.

Summary and Conclusion

The Pinehurst Wine Shoppe is an institution in the Bellona-Gittings neighborhood that wishes to expand to meet customer demand for a diversified and broader inventory. An ordinance is necessary for this expansion to occur. Any material expansion of the existing structure will require a variance from the C-1-VC zone's corner side-yard setback requirements. The proposal has broad community support, and the business's proprietors have been in constant communication with the Bellona-Gittings Neighborhood Association about their plans for the expansion.