



<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0420 / ZONING – SIGNAGE VARIANCES – 1411 WARNER STREET AND 301 STOCKHOLM STREET		

DATE: August 23, 2019

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

At its regular meeting of August 22, 2019, the Planning Commission considered City Council Bill #19-0420, for the purpose of granting variances from certain signage regulations for the establishment of signs on the properties known as 1411 Warner Street (Block 0845, Lot 001) and 301 Stockholm Street (Block 0984, Lot 001).

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #19-0420 and adopted the following resolution six members being present (six in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0420 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: Mr. Nicholas Blendy, Mayor's Office  
 The Honorable Edward Reisinger, Council Rep. to Planning Commission  
 Mr. Colin Tarbert, BDC  
 Mr. Derek Baumgardner, BMZA  
 Mr. Geoffrey Veale, Zoning Administration  
 Mr. Bob Pipik, 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. Alyssa Domzal, Ballard Spahr, LLP



Bernard C. "Jack" Young  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

August 22, 2019

**REQUEST:** City Council Bill #19-0420/ Zoning- Signage Variances – 1411 Warner Street and 301 Stockholm Street:

For the purpose of granting variances from certain signage regulations for the establishment of signs on the properties known as 1411 Warner Street (Block 0845, Lot 001) and 301 Stockholm Street (Block 0984, Lot 001).

**RECOMMENDATION:** Amend and Approve

- Amendment: On page 2 line 22 strike the word "square".

**STAFF:** Tamara Woods

**PETITIONER:** Councilmembers Reisinger and Costello

**APPLICANT:** Topgolf USA Baltimore, LLC

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

General Area: This property is located in the western edge of downtown near Russell Street. It is surrounded by Ridgelys Cove, the railroad and Highway I-395.

#### **HISTORY**

The site is Mayor and City Council owned and is the former location of the Baltimore Animal Rescue and Care Shelter (BARCS), which is relocating to a new facility in South Baltimore. It is part of the Horseshoe Casino Garage land deal.

#### **ANALYSIS**

##### Project Background

Topgolf is a multi-level venue featuring high-tech gaming, climate-controlled hitting bays, a chef-driven menu, hand-crafted cocktails, music, corporate and social event spaces, and more. Today, Topgolf entertains more than 20 million guests annually at more than 50 venues across the U.S. and internationally. The project, Topgolf's first in the Baltimore market, is expected to break ground in 2020 and open in 2021, and will ultimately create over 400 new jobs.

Topgolf's Baltimore location represents the expansion of the South Baltimore Gateway entertainment district, building upon the entertainment anchor of the Horseshoe Casino. In conjunction with the expansion of the entertainment district, Warner Street will undergo streetscaping improvements, reducing vehicular traffic to one lane in each direction, widening the sidewalk for a more inviting pedestrian experience, and adding a two-way cycletrack to connect to the Gwynns Falls Trail.

Current Request

Article 32 expressly allows in § 5-301(b) for variances to signage with the exception of the maximum quantity, location or types of signs within a zoning district. While Article 32 does allow for signage variances and excludes aspects of signage that are not allowed to be varied, there are no variance limits outlined within the code. It is most typical that variance requests go the Board of Municipal and Zoning Appeals (BMZA), per the authority granted by § 5-201(a)(1) a member of the City Council may introduce a proposed ordinance to expressly approve, authorize or amend a major variance. In §5-305(a) the BMZA or City Council, as the case may be, must evaluate the request in accordance with the approval standards outlined in § 5-308.

The developer of the Top Golf facility, has proposed a sign package that would require variances from that which is allowed per the underlying C-5-DC zoning. The variance requests are outlined in the table below:

CCB Section Reference	Sign # on Top Golf Plan	Sign Type	Applicable Sign Title Reference	Variance Type	Requirement Per Zoning	Requested Variance
Section 1	Sign 1	Canopy Sign	17-404(b)(7)	Sign Height	2 feet	3.5 feet
Section 2	Sign 1	Canopy Sign	17-404(b)(6)	Sign Width	80% of width of canopy	89% of width of canopy
Section 3	Sign 2	Canopy Sign	17-404(b)(7)	Sign Height	2 feet	19.3 feet
Section 4	Sign 2	Canopy Sign	Table 17-201	Sign Area	2x width of canopy (111.76 square feet)	418.2 square feet
Section 5	Sign 11	Freestanding Pylon Sign	Table 17-201	Sign Height	20 feet	77 feet
Section 6	Sign 11	Freestanding Pylon Sign	Table 17-201	Sign Area	50 square feet	640.2 square feet
Section 7	Sign 11	Freestanding Pylon Sign	Table 17-201	Sign Width	6 feet	41.5 feet
Section 8	All Signage On a Lot	All Signage	Table 17-306	Maximum Cumulative Area of All Signs	1,200 square feet	3,487.73 square feet

Approval Standards

According § 5-308 of the zoning code, City Council has several approval standards including a required finding of unnecessary hardship or practical difficulty. “In order to grant a variance, the

Zoning Administrator, the Board of Municipal and Zoning Appeals, or the City Council, as the case may be, must find that, because of the particular physical surroundings, shape, or topographical conditions of the specific structure or land involved, an unnecessary hardship or practical difficulty, as distinguished from a mere inconvenience, would result if the strict letter of the applicable requirement were carried out.”

In the case of Topgolf, the proposed site is not in the most conspicuous location, especially for a Downtown Core zoned property. It is adjacent to railroad tracks, Ridgleys Cove, a park and the casino parking garage with I-395 in the distance from the rear of the site. There are limited access points to the site given the physical constraints of its surroundings. In addition, many of the properties zoned C-5-DC, which is the core of downtown, are taller buildings that make the downtown skyline. While this property has the zoning of the downtown core, the location and proposed building scale are much lower and keeping with the more industrial and utilitarian nature of the surrounding area. In fact, it is included in the Carroll Camden Urban Renewal Plan, which was originally intended for industrial uses. With the addition of Horseshoe Casio and proximity to M&T Bank Stadium this portion of the URP area is now changing and being revitalized as the Warner Street Entertainment District. For these reasons the amount of variances and in some cases the large variances are necessary to identify the use and provide advertising and identification to a site that is otherwise hard to access.

In addition to the practical difficulty finding mentioned above, there are other required findings listed below:

- (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;*
- (2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;*
- (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;*
- (4) the variance will not:*
  - (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or*
  - (ii) substantially diminish and impair property values in the neighborhood;*
- (5) the variance is in harmony with the purpose and intent of this Code;*
- (6) the variance is not precluded by and will not adversely affect:*
  - (i) any Urban Renewal Plan;*
  - (ii) the City's Comprehensive Master Plan; or*
  - (iii) any Historical and Architectural Preservation District; and*
- (7) the variance will not otherwise:*
  - (i) be detrimental to or endanger the public health, safety, or welfare; or*
  - (ii) be in any way contrary to the public interest.*

To summarize staff's review of the findings of fact, it was found that the site is unique in its location for a downtown zoned property and have locational constraints including access and Ridgleys Cove as a property boundary. In addition, properties with a C-5-DC zoning designation are not typically lower scale buildings with a highway within its site lines. For this reason, the requested scale of variances is very unique to this property. The unnecessary hardship was not created by the applicant of this request. The location of the property is not negotiable and the intent of the types and scale of signage allowed in Article 32 for C-5-DC was not written with this type of parcel or use in mind. The signage being requested is typical for the Topgolf establishment. The variances requested are not detrimental to the public health, safety or welfare or contrary to the public interest.

While the variances requested are not precluded by or will adversely affect the City's Comprehensive Master Plan or a Historic Preservation District, there may be potential conflicts with the signage guidelines of the Carroll Camden Urban Renewal Plan. That being said, the URP is very clear in Appendix A under Period of Compliance that a waiver can be requested and granted from the Commissioner of Housing and Community Development. The developer may need to seek this, if required.

### **RECOMMENDATION**

After reviewing the proposed signage in context with the proposed building and site design and reviewing against the City Council approval standards, staff recommends approval with one amendment. The amendment is to delete the word "square" on page 2 line 22 of the City Council Bill. This particular variance request refers to the width of sign 11 and not the area, so the measurement is in feet, not square feet. Staff would also support a necessary sign waiver to the URP that may result from any of the proposed signage and the variances requested for the three signs subject to this City Council legislation.

Notification: The following stakeholders were notified of this action prior to the hearing: South Baltimore Gateway Partnership, Downtown Partnership, City Councilman Eric Costello and City Councilman Edward Reisinger.



**Chris Ryer**  
**Director**