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<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR- DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 <sup>th</sup> FLOOR		
	SUBJECT	CITY COUNCIL BILL #10-0443/URBAN RENEWAL – PENN-NORTH – AMENDMENT		

TO

DATE:

March 19, 2010

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

At its regular meeting of March 18, 2010 the Planning Commission considered City Council Bill #10-0443, for the purpose of amending the Urban Renewal Plan for Penn-North Transit Station to allow the unenclosed display of certain merchandise in a certain land use classification, subject to certain conditions; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #10-0443 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 #10-0443 be amended and passed by the City Council.

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

TJS/WYA/ttl

Attachments

- cc: Ms. Sophie Dagenais, Chief of Staff
- Mr. Andy Frank, Deputy Mayor
- Ms. Angela Gibson, Mayor's Office
- The Honorable Bill Henry, City Council Planning Commission Representative
- Mr. Geoffrey Veale, Zoning Enforcement
- Mr. David Tanner, BMZA
- Ms. Nikol Nabors-Jackson, DHCD
- Mr. Larry Greene, Council Services



Stephanie Rawlings-Blake  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

March 18, 2010

#### REQUESTS:

- City Council Bill #10-0442/Urban Renewal – Upton – Amendment
- City Council Bill #10-0443/Urban Renewal – Penn-North Transit Station – Amendment
- City Council Bill #10-0449/Urban Renewal – Druid Heights – Amendment

#### RECOMMENDATION:

- City Council Bill #10-0442: Amend and approve.
- City Council Bill #10-0443: Amend and approve.
- City Council Bill #10-0449: Amend and approve.

STAFF: Natasha Becker

PETITIONER(S): Councilmember Cole

OWNERS: Not applicable – affects City right-of-way only.

#### SITE/GENERAL AREA

General Area: The Pennsylvania Avenue commercial corridor spans multiple Urban Renewal Areas within the City's Central and Western Planning Districts. Pennsylvania Avenue is a neighborhood shopping district that serves the local community as well a tourist population predominantly interested in learning about Baltimore's African-American history and culture. It is a Baltimore Main Streets program area, a Retail Business District License Area, a State of Maryland Empowerment Zone, and a certified Baltimore City Heritage Area. In addition, the area enjoys close proximity to downtown and the Inner Harbor and is home of the Avenue Market. The area is served by two Metro Subway stations, in addition to numerous bus lines.

#### CONFORMITY TO PLANS

The requests are found to be consistent with the goals and objectives of the Baltimore City Comprehensive Master Plan, namely: PLAY Goal 2, Objective 2: Promote unique retail venues as shopping and tourist destinations.

#### HISTORY

- Ordinance 06-0234, approved June 2, 2006, amended the Zoning Code to allow for the outdoor display of merchandise to the public in the B-1 and B-2 districts to the extent expressly authorized by an applicable Urban Renewal Plan.

## ANALYSIS

In June of 2006, an amendment to the Zoning Code was approved that allows for the outdoor display of merchandise to the public in the B-1 and B-2 districts to the extent expressly authorized by an applicable Urban Renewal Plan (URP). A companion bill simultaneously amended the Hampden URP to allow for that provision. More recently, community members have sought to include that provision in a still-pending amendment to the Belair-Erdman URP.

City Council Bills #10-0442, 0443, and 0449 are companion bills that seek to amend three URP areas spanning the Pennsylvania Avenue and West North Avenue commercial corridors in the 11<sup>th</sup> Council District: Upton, Penn-North Transit Station, and Druid Heights, respectively. The request is community-driven and stems from the fact that a number of retailers have received citations for such activity without having the required minor privilege permit. Each bill seeks to authorize the outdoor display of merchandise in specific blocks, listed below:

### Upton

- 1500 block of Pennsylvania Avenue (east side only)
- 1600 through 1800 blocks of Pennsylvania Avenue (both sides)

### Penn-North Transit Station

- 2400 and 2500 blocks of Pennsylvania Avenue (both sides)

### Druid Heights

- 2300 block of Pennsylvania Avenue (both sides)
- 2400 block of Pennsylvania Avenue (east side only)
- 1600 block of West North Avenue (both sides)

Unfortunately, not all of the blocks included in the Druid Heights amendment are actually within the boundaries of that renewal area. The west side of the 2300 block of Pennsylvania Avenue lies within the Sandtown-Winchester Urban Renewal Plan Area, while the 1600 block of West North Avenue is in Penn-North.

Rather than amending the bills through a block-by-block accounting of the existing retail footprint, staff wanted a more flexible approach that would simply authorize the outdoor display of merchandise for all areas designated as Community Business in each of the three Urban Renewal Plans. It is important to note that a separate bill must be introduced to amend the Sandtown-Winchester Urban Renewal Plan, in order to allow the outdoor display of merchandise on the west side of the 2300 block of Pennsylvania Avenue. The amendments simply provide the authority for outdoor merchandising, but retailers must still obtain the required minor privilege permits.

### **Proposed Amendments**

- City Council Bill #10-0442 (Upton): Revise page 2, lines 2-17 as follows:

All uses permitted in the B-2 zoning category shall be permitted in the area designated as Community Business on the Land Use Map Plan, except that in the area designated as the Pennsylvania Avenue Business District the following uses shall not be permitted: auction

rooms, blood donor centers, check cashing agencies, dance halls, exhibit rooms, liquor stores, lunch rooms, novelty shops, massage salons, pool halls and billiard parlors, public facilities, second-hand stores, taverns, transient housing, and carry-out food stores. ~~IN THE PENNSYLVANIA AVENUE BUSINESS DISTRICT~~ IN ALL AREAS DESIGNATED AS COMMUNITY BUSINESS ON THE LAND USE MAP, THE UNENCLOSED DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC IS ALLOWED ~~ON THE EAST SIDE OF THE 1500 BLOCK OF PENNSYLVANIA AVENUE AND ON BOTH SIDES OF THE 1600 THROUGH 1800 BLOCKS OF PENNSYLVANIA AVENUE,~~ DURING THE HOURS OF 7 A.M. TO 7 P.M. A MINOR PRIVILEGE PERMIT IS REQUIRED TO DISPLAY MERCHANDISE ON THE PUBLIC RIGHT-OF-WAY. DISPLAYS ON THE PUBLIC RIGHT-OF-WAY MUST PRESERVE 6 FEET OF CLEAR WIDTH IN ORDER TO MAINTAIN CONTINUOUS PEDESTRIAN ACCESS AND ACCESSIBILITY BY DISABLED PERSONS.

- City Council Bill #10-0443 (Penn-North): Revise page 2, lines 15-21 as follows:

~~IN THE 2400 AND 2500 BLOCKS OF PENNSYLVANIA AVENUE~~ IN ALL AREAS DESIGNATED AS COMMUNITY BUSINESS ON THE LAND USE MAP, THE UNENCLOSED DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC IS ALLOWED, DURING THE HOURS OF 7 A.M. TO 7 P.M. A MINOR PRIVILEGE PERMIT IS REQUIRED TO DISPLAY MERCHANDISE ON THE PUBLIC RIGHT-OF-WAY. DISPLAYS ON THE PUBLIC RIGHT-OF-WAY MUST PRESERVE 6 FEET OF CLEAR WIDTH IN ORDER TO MAINTAIN CONTINUOUS PEDESTRIAN ACCESS AND ACCESSIBILITY BY DISABLED PERSONS.

- City Council Bill #10-0449 (Druid Heights): Revise page 2, lines 3-12 as follows:

Residential and Community Business uses permitted shall be those permitted by the Zoning [Ordinance] CODE of Baltimore City. ~~ON BOTH SIDES OF THE 2300 BLOCK OF PENNSYLVANIA AVENUE, AND ON BOTH SIDES OF THE 1600 BLOCK OF WEST NORTH AVENUE~~ IN ALL AREAS DESIGNATED AS COMMUNITY BUSINESS ON THE LAND USE MAP, THE UNENCLOSED DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC IS ALLOWED, DURING THE HOURS OF 7 A.M. TO 7 P.M. A MINOR PRIVILEGE PERMIT IS REQUIRED TO DISPLAY MERCHANDISE ON THE PUBLIC RIGHT-OF-WAY. DISPLAYS ON THE PUBLIC RIGHT-OF-WAY MUST PRESERVE 6 FEET OF CLEAR WIDTH IN ORDER TO MAINTAIN CONTINUOUS PEDESTRIAN ACCESS AND ACCESSIBILITY BY DISABLED PERSONS.

In advance of a hearing on this matter, staff notified the following community groups: Penn-North Community Association, Druid Heights CDC, Sandtown-Winchester Improvement Association, Pennsylvania Avenue Merchants Association, Pennsylvania Avenue Redevelopment Collaborative, and the Upton Planning Committee.



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