

TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL ##17-0083/ZONING – USE REGULATIONS – GAS STATIONS

CITY of
BALTIMORE
MEMO



DATE:

TO

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

July 7, 2017

At its regular meeting of July 6, 2017, the Planning Commission considered City Council Bill #17-0083, for the purpose of providing that gas stations in the C-2 and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #17-0083, and adopted the following resolution; eight members being present (seven in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0083 be disapproved 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/WA

Attachment

- cc: Mr. Pete Hammen, Chief Operating Officer
- Mr. Jim Smith, Chief of Strategic Alliances
- Ms. Karen Stokes, Mayor's Office
- Mr. Colin Tarbert, Mayor's Office
- Mr. Kyron Banks, Mayor's Office
- The Honorable Edward Reisinger, Council Rep. to Planning Commission
- The Honorable Ryan Dorsey, 3rd Council District
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Mr. Patrick Fleming, DOT
- Ms. Elena DiPietro, Law Dept.
- Ms. Natawna Austin, Council Services
- Mr. Francis Burnszynski, PABC



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

July 6, 2017

REQUEST: City Council Bill #17-0083/Zoning – Use Regulations – Gas Stations:
For the purpose of providing that gas stations in the C-2 and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

RECOMMENDATION: Disapproval

STAFF: Eric Tiso

INTRODUCED BY: Councilmember Ryan Dorsey, with President Young, and Councilmembers Zeke Cohen, Sharon Green Middleton, Brandon M. Scott, Leon F. Pinkett, Robert Stokes, Sr., Kristerfer Burnett, Shannon Sneed, John T. Bullock, Mary Pat Clarke, Bill Henry, and Isaac "Yitzy" Schleifer

HISTORY

- Ordinance #16-581 (CCB #12-0152), dated December 5, 2016, established a new Article 32 – *Zoning*, which repealed and replaced the prior 1971 zoning code.
- Ordinance #17-015 (CCB #17-0021), dated June 5, 2017, legalized and corrected Ordinance #16-581.
- City Council Bill #17-0075, another corrective bill, was reviewed by the Planning Commission on June 15, 2017, which recommended approval of the bill.

ANALYSIS

Bill Effects: This bill proposes to change the path for approval for gas stations in the C-2 and C-3 Districts from the existing conditional use by the Board of Municipal and Zoning Appeals (BMZA) to requiring conditional use approval by an Ordinance through the Mayor and City Council. The concept of having two conditional use processes, one of which is approved by a legislative authorization is a process unique to Baltimore. The conditional use standards and findings are identical in either process (*cf.* §5-308), and so there should be no difference in the review, other than the increased time and cost required by the legislative authorization process. For that reason, the initial draft of the new zoning code was written with only one category of conditional use to the BMZA. Staff continues to advocate for one consistent process for conditional uses. Adding to the list of uses requiring conditional uses that are approved by Ordinance will only push our new zoning code further from normal zoning code design and usage.

This bill also affects existing gas stations. Under the transition rules in Art. 32 – *Zoning* §2-203(j)(3) {*Previously granted variances and conditional uses*} requires the following:

(3) Any subsequent change to a conditional use, including any addition, expansion, relocation, or structural alteration, is subject to the procedures and requirements imposed by this Code on conditional uses.

This means that any existing gas stations in the C-2 and C-3 districts, regardless of how they were initially approved, that require any changes in the future will need to have those changes approved by the conditional use Ordinance process. This is a potentially significant increase in difficulty for those existing gas stations wishing to make any improvements. For these reasons, staff recommends disapproval of the bill.

Community Notification: Notice of this meeting was sent to 2,272 individual subscribers through GovDelivery.



Thomas J. Stosur
Director