


TJS

<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 #09-0304/URBAN RENEWAL-BELAIR-ERDMAN BUSINESS AREA AMENDMENT		

TO

DATE:

November 20, 2009

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

At its regular meeting on November 19, 2009 the Planning Commission considered City Council Bill #09-0304, which is for the purpose of amending the Urban Renewal Plan for the Belair-Erdman Business Area, to modify the uses in certain land use categories, change certain regulations, controls, and restrictions on land acquired by the City, modify certain rehabilitation standards, modify the duration of the Plan, provide for a penalty for violation of any provision of the Plan, and clarify, correct, and conform certain language and certain references; 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 amendments to and approval of City Council Bill #09-0304. Thus, the Commission adopted the following resolution, seven members being present (seven in favor).

**RESOLVED**, That the Planning Commission concurs with the recommendation and amendments of its departmental staff and recommends that City Council Bill #09-0304 be amended and passed by the City Council.

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

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Attachments

cc:

- Mr. Andrew Frank, Deputy Mayor
- Mr. Demuane Milliard, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. for Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veal, Zoning Administration
- Ms. Nikol Nabors-Jackson, DHCD
- Mr. Larry Greene, Council Services
- Ms. Kim Clark, BDC



Sheila Dixon  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



Thomas J. Stosur  
Director

November 19, 2009

**REQUEST:** City Council Bill 09-0304 / Belair-Erdman URP Amendments

For the purpose of prohibiting certain uses; requiring that street facing ground floor uses be retail or service business; modifying the design guidelines; and establishing fines for violations of the URP to allow for more effective enforcement.

**RECOMMENDATION:** Amend and approve. Amend (generally) to allow Tax Services and Massage Salon as Accessory Uses, allow outdoor display of goods in the Community Business District and add Office uses to Retail and Services allowed in the business districts. Specific Amendments are listed at the end of this report.

**STAFF:** William Doane, Jr.

**PETITIONERS:** Councilmembers Branch, Curran, and D'Adamo

**HISTORY:**

- Ordinance #91-789, approved July 10, 1991, established the Belair – Erdman URP.
- Ordinance #99-572, approved December 26, 1999, amended the URP.

**CONFORMITY TO PLANS:**

This proposal supports the Comprehensive Plan's Goal 2: Elevate the Design and Quality of the City's Built Environment.

**ANALYSIS:**

The Belair-Erdman commercial district was developed in stages over the past 100 years, and contains a range of commercial building types, from row house conversions to free-standing medium scale buildings. The commercial district has been challenged by disinvestment throughout the surrounding Belair Edison neighborhood. The original URP was approved in 1991 as Ordinance #789. The district is currently managed by a Main Street Program through the Baltimore Development Corporation. At the request of Belair Edison Neighborhoods, Inc., Councilman Warren Branch agreed to introduce amendments to the Belair-Erdman Urban Renewal Plan (URP). Additionally, after CCB #09-0304 was introduced the Belair-Edison Neighborhoods Inc. requested that the bill be amended to allow outdoor display of goods in the B-2 zoning district.

### Bill Provisions

CCB #09-0304 proposes to amend the Belair-Erdman URP by prohibiting certain uses; includes additional design standards; require that street facing ground floor uses be retail or service business; and establishing fines for violations of the URP to allow for more effective enforcement. Outlined below are the major changes set forth in CCB #09-0304.

Land Use - The following uses would be prohibited:

- Bail Bondsmen
- Check Cashing Agencies
- Pawnshops
- Massage Parlors
- Buy and Sell Stores
- Tax Services
- Liquor Stores
- Firearm Sales

Additionally, the Bill would require that street facing ground floor uses be retail or service establishments that deal directly with consumers, rely heavily on walk-in business and have regular daily hours. This is designed to ensure that the business district retains a critical mass of space available for retail and service-oriented businesses, rather than uses which do not generate daily activity.

Design - The following are the new design requirements:

- Prohibit back-lit metal box signs;
- Permit projecting (blade) signs (not to exceed 6 square feet);
- Prohibit blocking or tinting of storefront windows;
- Prohibit new roll down grates or exterior security bars and require interior bars to be opened during business hours; and
- Require a postal address on the front of all businesses.

Bullets 3 and 5 address safety by ensuring visibility into businesses during business hours and allowing firemen and police officers to locate buildings quickly in emergencies.

Fines for Violators - Violators would be subjected to a fine not exceeding \$500 per day for violations.

### **STAFF AMENDMENTS:**

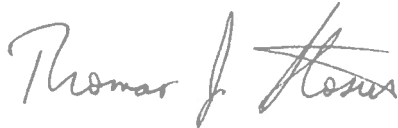
Staff after reviewing the proposed legislation and working with the community is recommending that the following amendments:

- Section B.2.a. (2) (A) Community Business
    - p. 2 Line 7 - delete "BUY AND SELL STORES" (no such use in Zoning Code)
    - p. 2 Line 13 - delete "(PRIMARY AND SECONDARY SERVICE)"
    - p. 2 Line 16 - delete "MASSAGE SALONS (PRIMARY SERVICE)"
    - p. 2 Line 18 - delete "TAX SERVICES"
- Add new wording: "The following uses are only permitted as accessory: Tax Services and Massage Salon"

- Section B.2.a. (2)(B)  
p. 2 line 19 Change “STREET-FACING GROUND FLOOR USES MUST BE PRIMARILY RETAIL OR SERVICE” to STREET-FACING GROUND FLOOR USES MUST BE PRIMARILY RETAIL, SERVICE, OR OFFICE”
- Per Belair-Edison Neighborhoods Inc. request  
Section B.2.a. (2) (C) UNENCLOSED DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC IS ALLOWED. 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.
- Section B.2.a.(3) (A)  
p. 2 Line 32 - delete “BUY AND SELL STORES” (no such use in Zoning Code)  
p. 2 Line 37 - delete “MASSAGE SALONS”  
p. 3 Line 1 - delete “TAX SERVICES”  
Add new wording: “The following uses are only permitted as accessory: Tax Services and Massage Salon”
- B.2.a. (3) (B)  
p. 3 line 7 Change “STREET-FACING GROUND FLOOR USES MUST BE PRIMARILY RETAIL OR SERVICE” to “STREET-FACING GROUND FLOOR USES MUST BE PRIMARILY RETAIL, SERVICE, OR OFFICE”

**NOTIFICATION:**

Staff notified 161 affected property owners in the Belair-Erdman URP geographic boundaries.



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