

TJA

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0104 / ZONING - CONDITIONAL USE TAVERN - 1700 WEST 41 <sup>ST</sup> STREET		

DATE:

**TO**

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

August 18, 2017

At its regular meeting of August 17, 2017, the Planning Commission considered City Council Bill #17-0104, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a tavern on the property known as 1700 West 41<sup>st</sup> Street (Block 3575C, Lot 067), as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #17-0104, and adopted the following resolution, seven members being present (seven in favor):

**RESOLVED**, That the Planning Commission finds, in accordance with §5-406 of the Zoning Code of Baltimore City, that the proposed use provided in City Council Bill #17-0104:

- would not be detrimental to or endanger the public health, safety, or welfare;
- is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- would not be contrary to the public interest; and
- is in harmony with the purpose and intent of the Zoning Code;

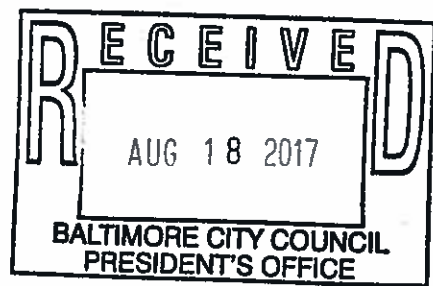
and further **RESOLVED**, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #17-0104 be passed by the City Council.

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: (next page)



**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**  
**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**  
**Ms. Caroline L. Hecker, esq.**

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*Catherine E. Pugh  
Mayor*

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur  
Director*

August 17, 2017

**REQUEST:** City Council Bill #17-0104/ Zoning – Conditional Use Tavern – 1700 West 41<sup>st</sup> Street:

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a tavern on the property known as 1700 West 41<sup>st</sup> Street (Block 3575C, Lot 067), as outlined in red on the accompanying plat.

**RECOMMENDATION:** Approval

**STAFF:** Martin French

**PETITIONERS:** Councilmember Pinkett, at the request of 1700 West 41<sup>st</sup> Street LLC

**OWNER:** 1700 West 41<sup>st</sup> Street LLC

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

**Site Conditions:** 1700 West 41<sup>st</sup> Street is located on the north side of the street, immediately east of where the 41<sup>st</sup> Street Bridge crosses the Jones Falls Expressway (Interstate Highway 83, or JFX). This property measures approximately 631'5" along and below the grade of 41<sup>st</sup> Street and 852'6" along the eastern edge of the northbound side of the JFX and contains approximately 10.5579 acres, and is currently improved with a one-story detached commercial building measuring approximately 240' by 580'. This site is now zoned I-2 (General Industrial) and is to be rezoned I-MU (Industrial Mixed-Use) upon adoption of City Council Bill 17-0103 which is a companion precedent to this bill. It is also in the designated Floodway Fringe of the Jones Falls.

**General Area:** This site is part of the Jones Falls Valley, location of a significant portion of Baltimore's industry in the 19<sup>th</sup> and early 20<sup>th</sup> Centuries. This is a valley with steep slopes, atop which to the east of this property is a predominantly residential area known as Medfield that was largely developed immediately after World War I. West of the site, across the interstate highway known as the JFX, is the predominantly 19<sup>th</sup> Century mill village-known as Woodberry which lies in part in the valley and also climbs the slope on the western side of the valley. Further down the valley on its east side, and south of Medfield, is the predominantly residential community of Hampden, also a 19<sup>th</sup> Century mill town before its annexation to Baltimore City in 1888. As a result of a combination of de-industrialization in the mid-to-late 20<sup>th</sup> Century and repeated flooding of the Jones Falls Valley (from Storm Agnes in 1972 to more recent events) there has been much closure of original industrial structures and resulting adaptive 21<sup>st</sup> Century re-use of commercial and industrial properties left vacant after earlier businesses departed the Jones Falls Valley.

## **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site, other than its rezoning from M-2-1 to I-2 effective June 5, 2017 as part of the City-wide comprehensive rezoning that accompanied adoption of the new Zoning Code (which is Article 32 of the Baltimore City Code), and the potential adoption of City Council Bill #17-0103 which proposes to rezone this site to I-MU (which must precede adoption of this proposed legislation).

## **CONFORMITY TO PLANS**

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan, Earn Goal 1, Objective 1: Retain and Attract Businesses in all Growth Sectors, including strategies of: Creating an industrial mixed-use zoning district, and Creating a light industrial mixed-use zoning district. The tavern to be authorized by this proposed ordinance would support maintenance and operation of the craft brewery already on this site.

## **ANALYSIS**

Background: The bill's sponsor is interested in reinforcing the craft brewery now occupying about 40% of the existing structure by adding a tavern in the structure. Having the tavern on site would accomplish several objectives: It would allow more of the products of the brewery to be sold literally next door to the brewery, which could still retain its taproom for sampling of its products; and it would allow other occupants of the structure walk-to access to a place where they could meet and relax. The advantages of the location, from the perspective of the nearest residential communities, would be the topographical isolation of the tavern from residences and the provision of all associated parking and loading facilities on site, rather than in their neighborhoods where they might compete for on-street space, while adding a conveniently located gathering place near the 41<sup>st</sup> Street Bridge.

### Conditional Use: Per §5-406 {"Approval standards"} of Article 32 – Zoning:

#### *(a) Limited criteria for denying.*

Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

### Below is the staff's review of §5-406(b) {"Required considerations"} of Article 32 – Zoning:

Staff finds that, because of the valley location of the premises that would contain the proposed tavern, which thereby would be somewhat separated from nearby residential areas, establishment, location, maintenance, and operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare. The use as a tavern would not be precluded by any other public law, and there is no Urban Renewal Plan for this area. Authorization of the tavern would not be contrary to the public interest, as its location is anticipated to reinforce maintenance and operation of the local craft brewery already in place on site. Authorization would be in harmony with the purpose and intent of the Zoning Code, as it would help to ensure that the visions set forth in the Comprehensive Master Plan are

implemented by land use regulations consistent with its goals, and would promote the City's employment base.

Notification: The Medfield Community Association and the Mill Valley Community Coalition have been notified of this action.

A handwritten signature in black ink, appearing to read "Thomas J. Stosur". The signature is fluid and cursive, with a large initial "T" and "S".

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