

FROM	NAME & TITLE	DOUGLAS B MCCOACH, III - DIRECTOR <i>DBM/for D. Koop III</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #08-0135/ PLANNED UNIT DEVELOPMENT AMENDMENT 4- YORK ROAD AND BELVEDERE AVENUE		

DATE:

TO

June 27, 2008

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

At its regular meeting of June 26, 2008 the Planning Commission considered City Council Bill #08-0135, for the purpose of approving Amendment 4 to the York Road and Belvedere Avenue PUD.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #08-0135 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 #08-0135 be passed by the City Council.

If you have questions, please contact Mr. Gary W. Cole, Deputy Director at 410-396-8337.

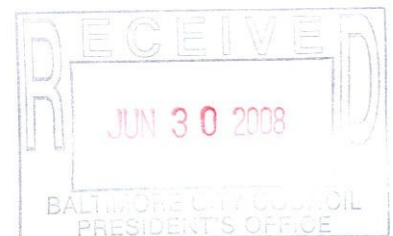
DBM/GWC/ttl

Attachments

cc:

- Mr. Andy Frank, Deputy Mayor
- Mr. Demuane Millard, Mayor's Office
- Ms. Angela Gibson, Mayor's Office
- The Honorable "Rikki" Spector, City Council Commission Representative
- Mr. Donald Small, Zoning Enforcement
- Mr. David Tanner, BMZA
- Ms. Nikol Nabors-Jackson, DHCD
- Ms. Jennifer Coates, Council Services
- Ms. Deepa Bhattacharyya, Law Department
- Mr. Stanley Fine, Attorney for the applicant

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PLANNING COMMISSION

STAFF REPORT

June 26, 2008

REQUEST: City Council Bill #08-0135/Planned Unit Development – Amendment 4 – York Road and Belvedere Avenue (Belvedere Square)

For the purpose of approving certain amendments to the Development Plan of the York Road and Belvedere Avenue (Belvedere Square) Planned Unit Development.

RECOMMENDATION: Approval.

STAFF: Eric Tiso

PETITIONER: Belvedere Holdings, LLC

OWNER: Belvedere Holdings, LLC

SITE/GENERAL AREA

Site Conditions: The Belvedere Square Planned Unit Development (PUD) contains a total of 5.9 acres, located east of York Road and split by East Belvedere Avenue. The southern side of the center consists of offices, an athletic club, a retail strip, and a food/retail marketplace. The northern side of the center consists of retail and offices uses. There is also a freestanding restaurant building (Ryan's Daughter). The underlying zoning districts for this PUD are B-2-2 and R-5. The PUD limits uses to those permitted in B-1 and B-2 districts.

General Area: Belvedere Square extends east from the intersection of Belvedere Avenue and York Road, just south of Northern Parkway. Commercial improvement efforts along the York Road corridor extend back some thirty years and feature the establishment of three commercial nodes (York at Cold Spring Lane, York at Woodbourne, and York at Belvedere). The shopping center at Belvedere Square and the Senator Theater (located across York Road from the PUD) became anchors of the York-Belvedere commercial area.

HISTORY

- Ordinance #74-0771, approved December 17, 1974, established the York Road and Belvedere Avenue PUD.
- Ordinance #84-0187, approved October 8, 1984, amended the York Road and Belvedere Avenue PUD.
- On June 12, 1997, the Planning Commission approved the Final Design for the signage for Champion Mortgage.
- On October 19, 2000, the Planning Commission recommended amendment and approval of City Council Bill #00-0224, the establishment of an urban renewal plan for York and Belvedere.

- On August 1, 2002, the Planning Commission approved a street closing to narrow a portion of Belvedere Avenue and the Final Design for the overall site plan.
- On September 12, 2002, the Planning Commission approved the Final Design for a Signage Package for Belvedere Square.
- Ordinances #02-0467, #02-0468, and #02-0469, approved on December 23, 2002, enabled the implementation of a special financing district to finance improvements for the Belvedere Square Shopping Center, by creating the district (the Shopping Center itself), designating the special tax district, and providing for a special obligation bond.
- Ordinance #04-0858, the Mayor & City Council approved a major amendment allowing live entertainment and dancing at restaurants and lunch rooms whose square footage is at least 5,000 square feet. Revised Development Plan for Belvedere Square, dated December 2, 2004
- On February 2, 2006, the Planning Commission approved the York Road Partnership Strategic Neighborhood Action Plan (SNAP). Belvedere Square PUD is within this SNAP area.
- On February 23, 2006, the Planning Commission approved the Final Design for the signage package for the Belvedere Square PUD.
- On April 20, 2006, the Planning Commission approved the Final Design for the signage package for Starbucks Coffee.
- On May 31, 2007, the Planning Commission approved the third amendment to the PUD, which authorized outdoor seating and various sign elements.

CONFORMITY TO PLANS

The proposed amendment is in keeping with the goals and objectives of the Belvedere Square Planned Unit Development and the York Road Partnership SNAP. It also is consistent with the Comprehensive Master Plan's EARN section, Goal One: Strengthen Identified Growth Sectors, Objective One: Retain and Attract Business in all growth Sectors.

ANALYSIS

Overview: The purpose of this amendment to the Planned Unit Development (PUD) is to allow Belvedere Square to add special events that they may host, as well as to allow for the outdoor display and sales of merchandise. The amendment will change the existing areas that are authorized for live entertainment and dancing. Most significantly, the amendment will also grant any neighborhood that is contiguous to the PUD area the right to enforce the terms outlined in the ordinance.

Adjustments: Section 2 of this bill makes changes to Section 5 of Ordinance 84-187, with regard to the portion of the PUD area that is allowed to have live entertainment. This authorization is adjusted to allow for an Area A and B (Ryan's Daughter and the former Taste Restaurant, respectively). Within these areas, the days and hours of operation and the number of special events are specified and are unchanged, with the exception of a minor grammatical change. The section clarifies that for these Areas A and B, the doors to the establishments will remain closed except for ingress and egress. The purpose of that clarification is to help contain any potential noise within the establishments.

A new subsection provides that the management and owners of Belvedere Square and the tenants of these Areas A and B are collectively responsible for maintaining traffic and parking plan, an outdoor security plan, and a trash pick-up and maintenance plan.

A new section for a maximum of thirty "Special Events" per year is inserted with related definitions, as well as restrictions on the days and hours of their operations. The restrictions apply to certain types of events, the durations they may be permitted to continue, times of operation and time limits. Noise controls are included setting specific limits at the property line. Tenants are approved to sell food, alcoholic beverages, and merchandise in designated areas during special events. The outdoor display and sale of merchandise is authorized on the sidewalk and common areas of the PUD by tenants of Belvedere Square.

Sunset Provision: Section 4 of this amendment establishes a sunset provision, with certain exemptions, and will be set for a three year period from the date of enactment. The portions of Ordinance 84-187, Section 5 that will be exempted from the reversion to their original condition upon expiration are Section 5(1), Section 5(2) with regard to Ryan's Daughter, and Section 5(3). In essence, the sunset will remove Area B from the live entertainment authorization, will remove the expanded Special Events section, and will remove the outdoor display and sales authorization.

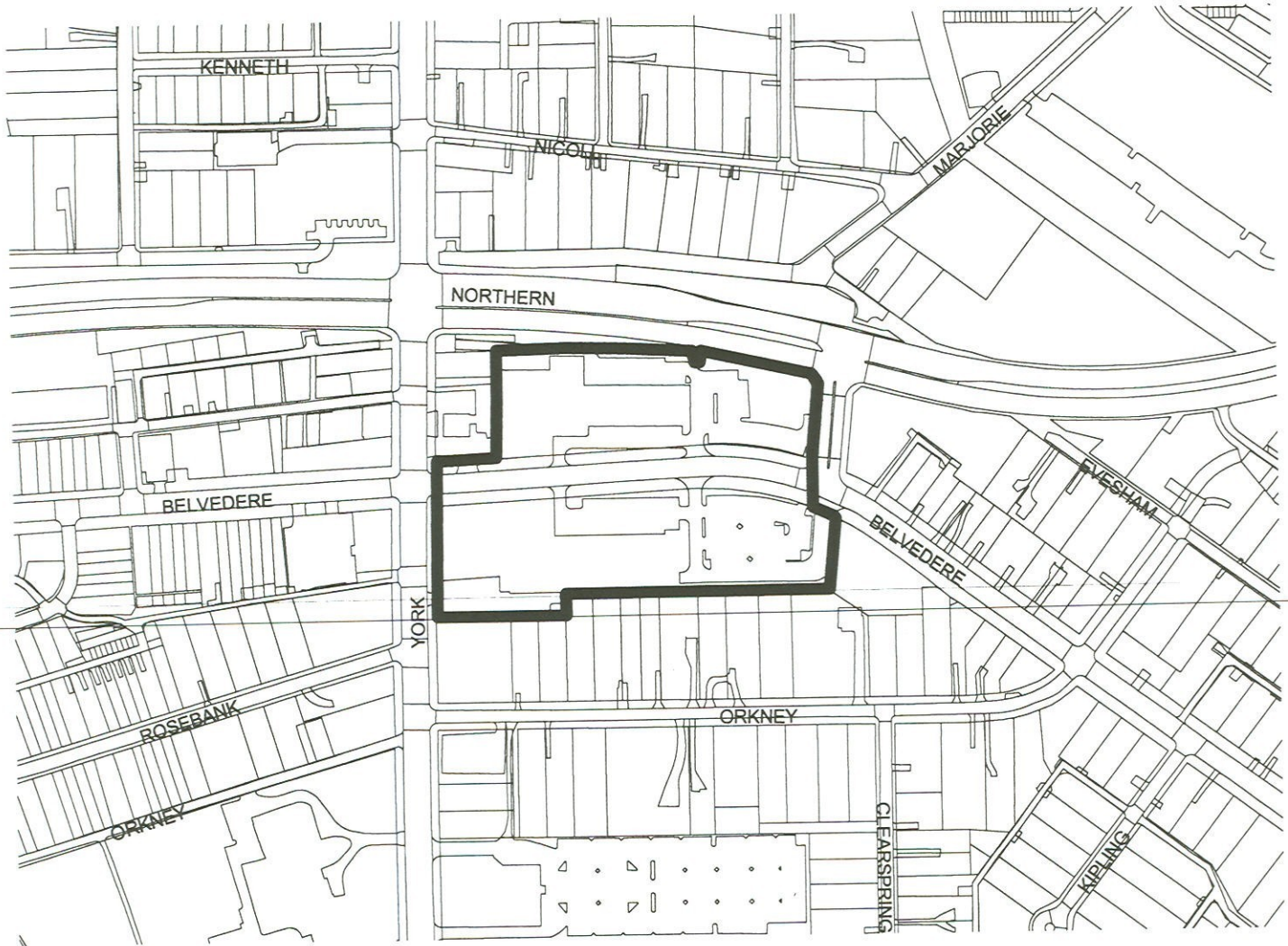
Special Events Notification: Section 5 of this bill requires Belvedere Square to provide a list of the previous year's special events, as well as a list of the coming year's special events to the contiguous community organizations not later than January 30th of each year.

Enforcement: Section 6 of this bill grants the contiguous community organizations the right to enforce the terms of this Ordinance. To date, community organizations are not provided standing in court as aggrieved parties. This right to enforcement will allow the organizations (vs. individual members in the area that are impacted) to make claims.

Community Input: The following organizations have been notified of this amendment: The Belvedere Improvement Association, the Evesham Park Neighborhood Association, the Lake Walker Community Association, the Lake Evesham Community Association, the Bellona-Gittings Community Association, the Cedarcroft Maintenance Corporation, the Rosebank-Brackenridge-Bellona Association, and the York Road Partnership.



Douglas B. McCoach, III
Director



City Council Bill #08-0135/Planned Unit Development
Amendment 4 - York Road and Belvedere Avenue



Planning Commission
June 26, 2008