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FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR
	SUBJECT	CITY COUNCIL BILL #10-0487/ ZONING – CONDITIONAL USE PAWNSHOP-533/535 OLDTOWN MALL

CITY of
BALTIMORE
MEMO



TO

DATE:
December 3, 2010

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

At its regular meeting of December 2, 2010 the Planning Commission considered City Council Bill #10-0487, which is for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of pawnshop on the property known as 533/535 Oldtown Mall.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendments to and approval of City Council Bill #10-0487 and adopted the following resolution, five members being present (five in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #10-0487 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 Division, at 410-396-4488.

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Attachments

cc:

- Ms. Kaliope Parthemos, Deputy Mayor
- Ms. Sophie Dagenais , Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Bill Henry , Council Rep. for Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veal, Zoning Administration
- Ms. Nikol Nabors-Jackson, DHCD
- Ms. Karen Randle, Councilmanic Services
- Ms. Kristen Mitchell, Baltimore Development Corporation



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

December 2, 2010

REQUESTS:

- City Council Bill 10-0592/ Urban Renewal – Oldtown – Amendment
For the purpose of amending the Urban Renewal Plan for Oldtown to allow a conditional use, upon approval by separate ordinance, on the property known as 533/535 Oldtown Mall; 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.
- City Council Bill 10-0487/ Zoning – Conditional Use Pawnshop – 533/535 Oldtown Mall
For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a pawnshop on the property known as 533/535 Oldtown Mall, as outlined in red on the accompanying plat.

RECOMMENDATIONS:

- City Council Bill 10-0592: Amendment and Approval

Amendment: strike "533/535 Oldtown Mall" wherever it appears in this bill and substitute "533 Oldtown Mall"; and add **533 Oldtown Mall** to Appendix A of the Oldtown Urban Renewal Plan.

- City Council Bill 10-0487: Amendment and Approval

Amendments:

1. strike "533/535 Oldtown Mall" wherever it appears in this bill and substitute "533 Oldtown Mall"
2. in Section 1 of this bill, add at the end of this section, on page 1, line 17, this statement:

The consolidation of 533/535 Oldtown Mall (Block 1288, Lot 78/79) and 537 Oldtown Mall (Block 1288, Lot 77) as 533 Oldtown Mall does not constitute a change in conditional use. The conditional use authorized by this ordinance, namely a pawnshop, is limited to a maximum floor area of 3,000 square feet within the property now known as 533 Oldtown Mall.

STAFF: Martin French

PETITIONER: Krinitskiy Corporation d/b/a Old Town Loan & Jewelry

OWNER: Dimitriy Borovski and Arkadiy Krinitskiy

SITE/ GENERAL AREA

Site Conditions: The subject property, originally designated in these bills as 533/535 Oldtown Mall, and also designated as Block 1288, Lot 78/79, is located on the east side of Oldtown Mall, formerly known as North Gay Street when it was open to vehicular traffic. This recently consolidated property, now to be known as 533 Oldtown Mall, measures approximately 45' in its front along Oldtown Mall, and is approximately 115' deep from Oldtown Mall to its rear lot line on McElderry Street. The property is improved with a three-story attached commercial building covering the entire lot. This site is zoned B-2-2 and is located in the Oldtown Urban Renewal Plan area and the Oldtown Mall Historic District.

General Area: The Oldtown Mall is a grouping of mixed commercial and formerly residential buildings, most of which are two or three stories in height, constructed up to one hundred years prior to closure of two blocks of North Gay Street pursuant to the Oldtown Urban Renewal Plan in the 1970s. There is little housing remaining in the immediate area of this property, and some of the buildings in Oldtown Mall are currently vacant. There is no other pawnshop near to the subject business or this property.

HISTORY

- The Oldtown Urban Renewal Plan was originally approved by the Mayor and City Council of Baltimore by Ordinance No. 760, dated April 7, 1970.
- The Oldtown Urban Renewal Plan was last amended by Amendment 9, dated July 10, 2006, approved by the Mayor and City Council by Ordinance No. 07-498, dated September 20, 2007.
- The Oldtown Mall Local Historic District was approved by the Mayor and City Council of Baltimore by Ordinance No. 04-888, dated December 6, 2004.

CONFORMITY TO PLANS

The proposed actions are consistent with the City of Baltimore's Comprehensive Master Plan, LIVE EARN PLAY LEARN, EARN Goal 1: Strengthen Identified Growth Sectors, Objective 1: Retain and Attract Businesses in all Growth Sectors, with respect to retaining and attracting businesses, and with the Oldtown Urban Renewal Plan's objectives to remove or rehabilitate substandard buildings and to revitalize the Gay Street Shopping Area through rehabilitation of existing stores. The pawnshop upon relocating would occupy a vacant building over twice the size of its former location just a few doors down Oldtown Mall, and by more than doubling its street frontage would provide vitality to more of the length of Oldtown Mall than it now does.

ANALYSIS

These are companion bills required to permit the relocation of an existing business from its previous location at 529 Oldtown Mall, where it was a tenant of that property, to 533 Oldtown Mall, two doors northward, where it will become a commercial owner-occupant of a larger building. To the extent that an owner-occupant of a building has a greater interest in the appearance and future of the property, the proposed relocation of the pawnshop business could result in heightened interest in renovation of the historic resources on the site. Also, the larger site has enabled the owner to diversify the business to include furniture and appliance sales.

The proposed use of 533/535 Oldtown Mall would extend to the former 537 Oldtown Mall, which the petitioner already owns, and which the petitioner has now consolidated with the former 533/535 Oldtown Mall under the single address “533 Oldtown Mall”. The authorizations provided in City Council bill 10-0487 would not constitute a change in conditional use, provided that the floor area of the re-authorized pawnshop would not exceed the floor area previously approved for the same pawnshop when it was located at 529 Oldtown Mall.

CCB #10-0592: The Oldtown Urban Renewal Plan prohibits introduction of new pawnshops in the Urban Renewal Area designated by the Plan (Plan, section C, Land Use Plan, 2. Land Use Provisions and Standards, a. Permitted Uses). Because the Oldtown Urban Renewal Plan lists pawnshops as prohibited uses, legislative action is required to allow the movement of the existing pawnshop, a nonconforming use under the terms of the Urban Renewal Plan, from 529 Oldtown Mall where it could remain indefinitely as a “grand-fathered” use, to 533 Oldtown Mall, where it would become a nonconforming use tied to that address. The bill would then add the pawnshop at its new location to the Urban Renewal Plan’s list of nonconforming uses contained in the Plan’s Appendix A. This action would not authorize or create a new use at Oldtown Mall, but instead would authorize relocation of an existing controlled use to a different, albeit next door, location.

If CCB 10-0592 would be approved by the Mayor and City Council, it would enact Amendment No. 10 to the Oldtown Urban Renewal Plan.

CCB #10-0487: The Zoning Code of Baltimore City, section 6-309, states that in a B-2 zoning district pawnshops are a conditional use for which an ordinance is required. Even though the existing pawnshop could remain indefinitely as a nonconforming use at its presently established location at 529 Oldtown Mall because its location there predates the current Zoning Code, to relocate anywhere else the pawnshop must receive authorization to occupy another premises by means of an ordinance. City Council Bill 10-0487 would make permission to establish, maintain, and operate a pawnshop at 533/535 Oldtown Mall conditional upon compliance by the pawnshop with all applicable Federal, State, and local licensing and certification requirements. This condition would strengthen the City’s position with regard to enforcement of applicable laws and regulations affecting pawnshops in the City. This bill has received support from the Baltimore Development Corporation, which is managing the redevelopment of Oldtown Mall.

To accommodate the petitioner’s revised request to extend the conditional use authorization to the consolidated property now designated as 533 Oldtown Mall, the references to 533/535 Oldtown Mall must be modified to indicate that the new location is at “533 Oldtown Mall” in order to be consistent with the land records of Baltimore City, as amended in November 2010. At the same time, to ensure that the pawnshop use does not expand beyond its current “grand-fathered” size, this bill needs to be amended to stipulate the maximum size of the relocated pawnshop. At 529 – 531 Oldtown Mall, known by its address as 529 Oldtown Mall, the pawnshop occupied the ground floor of a building with a 30’ frontage and approximately 110’ of depth, yielding an effective floor area of approximately 3,000 square feet. This established the maximum size for the pawnshop portion of the relocated business to be established at 533 Oldtown Mall.

Staff notified the Oldtown Merchants Association, Change4Real, and Councilman Carl Stokes of this action.



Thomas J. Stosur
Director