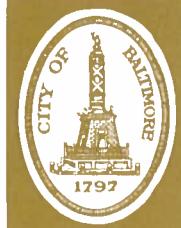


FROM	THOMAS J. STOSUR, DIRECTOR
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET
SUBJECT	CITY COUNCIL BILL #12-0096 /CONDITIONAL USE SECOND-HAND STORE- 5702 BELLONA AVENUE

CITY of  
BALTIMORE  
**MEMO**



DATE:

June 22, 2012

TO

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

At its regular meeting of June 21, 2012, the Planning Commission considered City Council Bill #12-0096, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a second-hand store on the property known as 5702 Bellona Avenue 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 #12-0096 and adopted the following resolution; seven 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 #12-0096 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: Ms. Kaliope Parthemos, Deputy Chief for Economic and Neighborhood Development  
Mr. Alex Sanchez, Chief of Staff  
Ms. Angela Gibson, Mayor's Office  
The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission  
Mr. David Tanner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Mr. Nicholas Blendy, DHCD  
Ms. Barbara Zektick, DOT  
Ms. Elena DiPietro, Law Dept.  
Ms. Karen Randle, Council Services  
Ms. Earline Paige, Second Time Around



Stephanie Rawlings-Blake  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman



Thomas J. Stosur  
Director

## STAFF REPORT

June 21, 2012

**REQUEST:** City Council Bill 12-0096/ Zoning – Conditional Use Second-hand Store – 5702 Bellona Avenue

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a second-hand store on the property known as 5702 Bellona Avenue, as outlined in red on the accompanying plat.

**RECOMMENDATION:** Approval

**STAFF:** Martin French

**PETITIONER(S):** Councilmember Henry, at the request of Second Time Around

**OWNER:** 5702 Bellona Avenue LLC

### SITE/ GENERAL AREA

**Site Conditions:** This L-shaped property, located on the west side of Bellona Avenue approximately 40' north of the intersection with Benninghaus Road, measures approximately 24'11" along Bellona Avenue and is currently improved with a one-story attached commercial building measuring approximately 24'11" by 120'. The street level of this building is accessible from both Bellona Avenue and, by way of an 86' deep side yard on its north side, Lyman Avenue. The site is zoned B-2-2 and is located in the York Road Community Strategic Neighborhood Action Plan area. This property is adjoined by similar commercial properties.

**General Area:** The property is located on the northwestern edge of a long-established commercial strip which runs up both sides of York Road, with a few interruptions, from Old Cold Spring Lane to the northern City limits. Typical commercial properties are a mix of early-to-mid 20<sup>th</sup> Century structures with some newer structures at key intersections. Behind these commercial structures lining York Road, residential neighborhoods developed in the late 19<sup>th</sup> and early 20<sup>th</sup> Centuries are variously made up of single-family detached, semi-detached, and attached housing with some other uses such as schools and churches included.

### HISTORY

There is no previous legislative history concerning this property only. The property is included in the area covered by the York Road Community Strategic Neighborhood Action Plan.

## **CONFORMITY TO PLANS**

The proposed action is consistent with the City of Baltimore's Comprehensive Master Plan, Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods. The York Road Community Strategic Neighborhood Action Plan (SNAP) identifies this property as part of the Govanstone Retail Business District established in 1980. The SNAP recommends improving the mix of businesses to better serve surrounding communities. Previous authorized use of this property was a florist shop, and then an antique store; the proposed use would maintain the diversity of commercial uses in this area.

## **ANALYSIS**

The proposed action is required by the Zoning Code, §6-309 (12a) which lists second-hand stores as a conditional use for which an ordinance is required in a B-2 District. In the Zoning Code, §1-186.1 defines "second-hand store" as "a place of business of a person who engages in the business of buying for resale, trade, or transfer used or previously owned property or merchandise, including carvings, clothes, ceramics, furniture, glass, household items, jewelry, paintings, rugs, sculptures, silverware, and other moveable personal property, but excluding motor vehicles, records, tapes, compact discs, and books." Second Time Around proposes to use this property for sales of clothing, furniture, and related merchandise.

Conditional Use – Required findings: In accordance with §16-304 of the Zoning Code of Baltimore City, the Planning Commission must base its recommendation to the City Council to approve a conditional use on these considerations required by Title 14 {"Conditional Uses"} of the Zoning Code:

1. the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
2. the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization is not otherwise in any way contrary to the public interest; and
4. the authorization is in harmony with the purpose and intent of this article (§14-204).

Planning staff, having reviewed the proposed conditional use in relation to these criteria, have determined that the proposed second-hand store at 5702 Bellona Avenue meets these requirements for approval.

Planning staff notified the Homeland Association, Elsinore Village, Belvedere Improvement Association, York Road Partnership, Govanstone Business Association, GEDCO, Greater Homewood Community Corporation, 5702 Bellona Avenue LLC, and Councilmember Henry of this action.



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