


TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #12-0161 / ZONING- CONDITIONAL USE SECOND-HAND STORE- 566 OLDTOWN MALL		

TO

DATE: December 21, 2012

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

At its regular meeting of December 20, 2012, the Planning Commission considered City Council Bill #12-0161, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a second-hand store on the property known as 566 Oldtown Mall, as outlined in red on the accompanying plat.

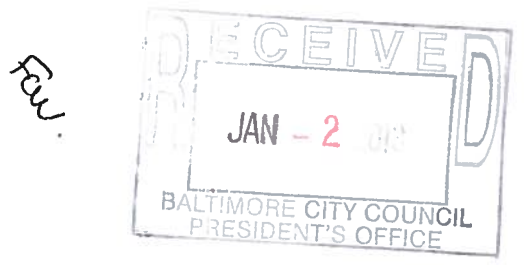
In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #12-0161 and adopted the following resolution; eight members being present (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #12-0161 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. Kaliop 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. Kristen Mitchell, BDC
- Ms. Elena DiPietro, Law Dept.
- Ms. Karen Randle, Council Services
- Ms. Henrietta Brown, NU 2 U





Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

December 20, 2012

REQUEST: City Council Bill 12-0161/ Zoning – Conditional Use Second-hand Store – 566 Oldtown Mall

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a second-hand store on the property known as 566 Oldtown Mall, as outlined in red on the accompanying plat.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONER(S): Councilmember Stokes, at the request of NU 2 U c/o Henrietta Brown

OWNER: Leading Dress Shop, Inc.

SITE/ GENERAL AREA

Site Conditions: The subject property is located on the west side of Oldtown Mall, formerly known as North Gay Street when it was open to vehicular traffic. This property measures approximately 15'1" in its front along Oldtown Mall, and is approximately 100' deep from Oldtown Mall to its rear lot line on Flatiron Alley. The property is improved with a three-story attached commercial building measuring approximately 15'1" by 88'. 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.

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 10, dated August 9, 2010, approved by the Mayor and City Council by Ordinance No. 11-421, dated March 11, 2011.

- 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 Baltimore Development Corporation, which administers the Urban Renewal Plan, considers this proposed use consistent with the purposes of the Plan.

ANALYSIS

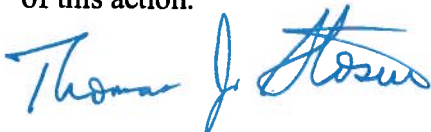
In the Zoning Code, §1-186.1 defines "second-hand store" as "a place of business of a person who engages in the business of buying for resale, trade, or transfer used or previously owned property or merchandise, including carvings, clothes, ceramics, furniture, glass, household items, jewelry, paintings, rugs, sculptures, silverware, and other moveable personal property, but excluding motor vehicles, records, tapes, compact discs, and books." Ms. Brown, the applicant, proposes to continue to use this property as a variety store (recently opened) and add sale of second-hand clothing, toys, and other household items. City Council Bill 12-0161 is legislation required according to the Zoning Code, §6-309 (12.a) which lists second-hand stores as a conditional use for which an ordinance is required in a B-2 District.

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 566 Oldtown Mall meets these requirements for approval by ordinance of the Mayor and City Council of Baltimore, and recommends that the Planning Commission find accordingly in favor of this bill.

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



Thomas J. Stosur
Director