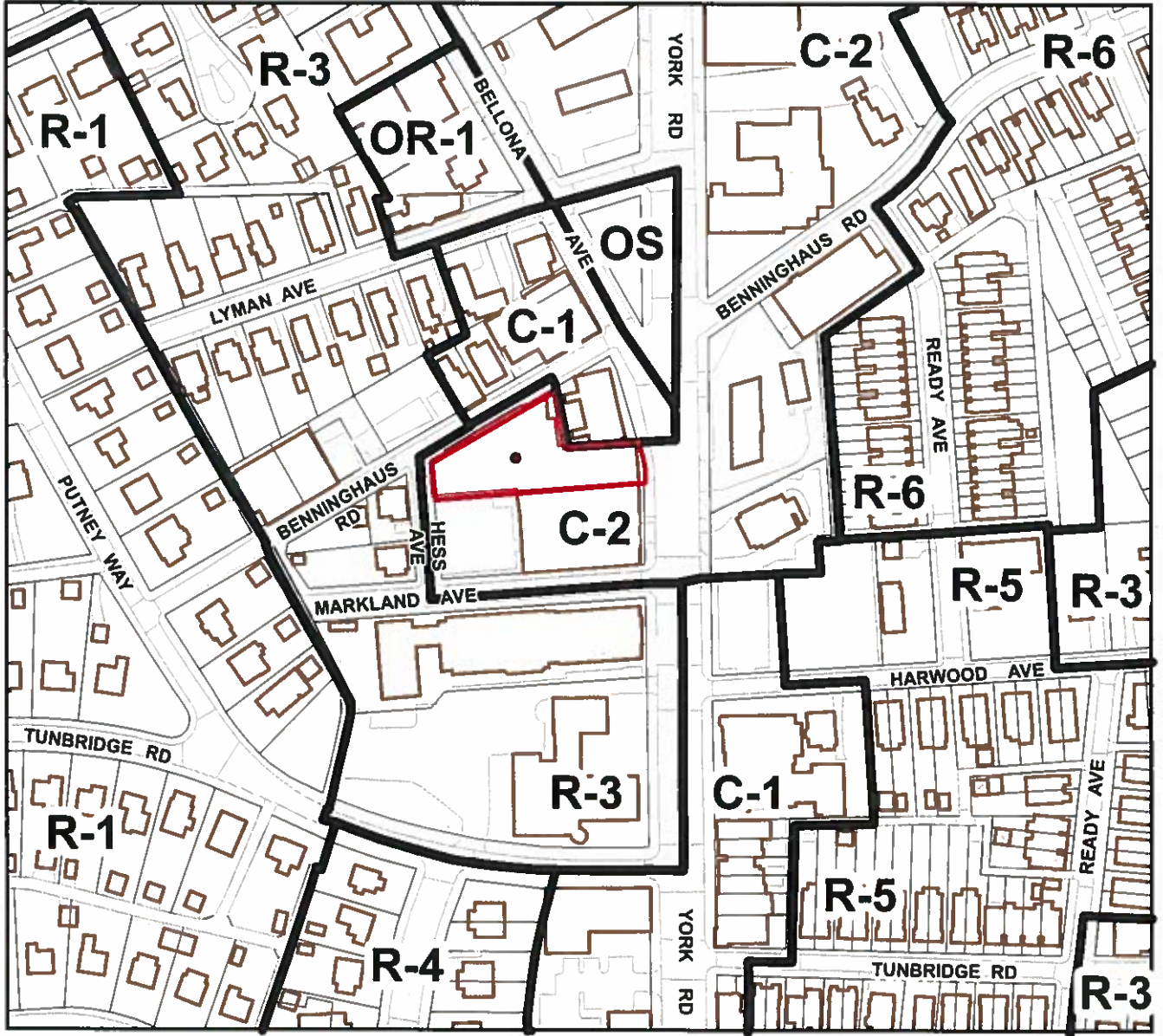


**SHEET NO. 6 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'

**Note:**

In Connection With Property Known As  
No. 5604 YORK ROAD (5609 HESS AVENUE),  
The Applicant Wishes To Request The Conditional Use  
Of The Aforementioned Property As A  
Banquet Hall On The Second Floor Rear Area And The  
Adjoining Fenced In Patio,  
As Outlined In Red Above.

WARD 27                      SECTION 11  
BLOCK 5014C                      LOT 2A

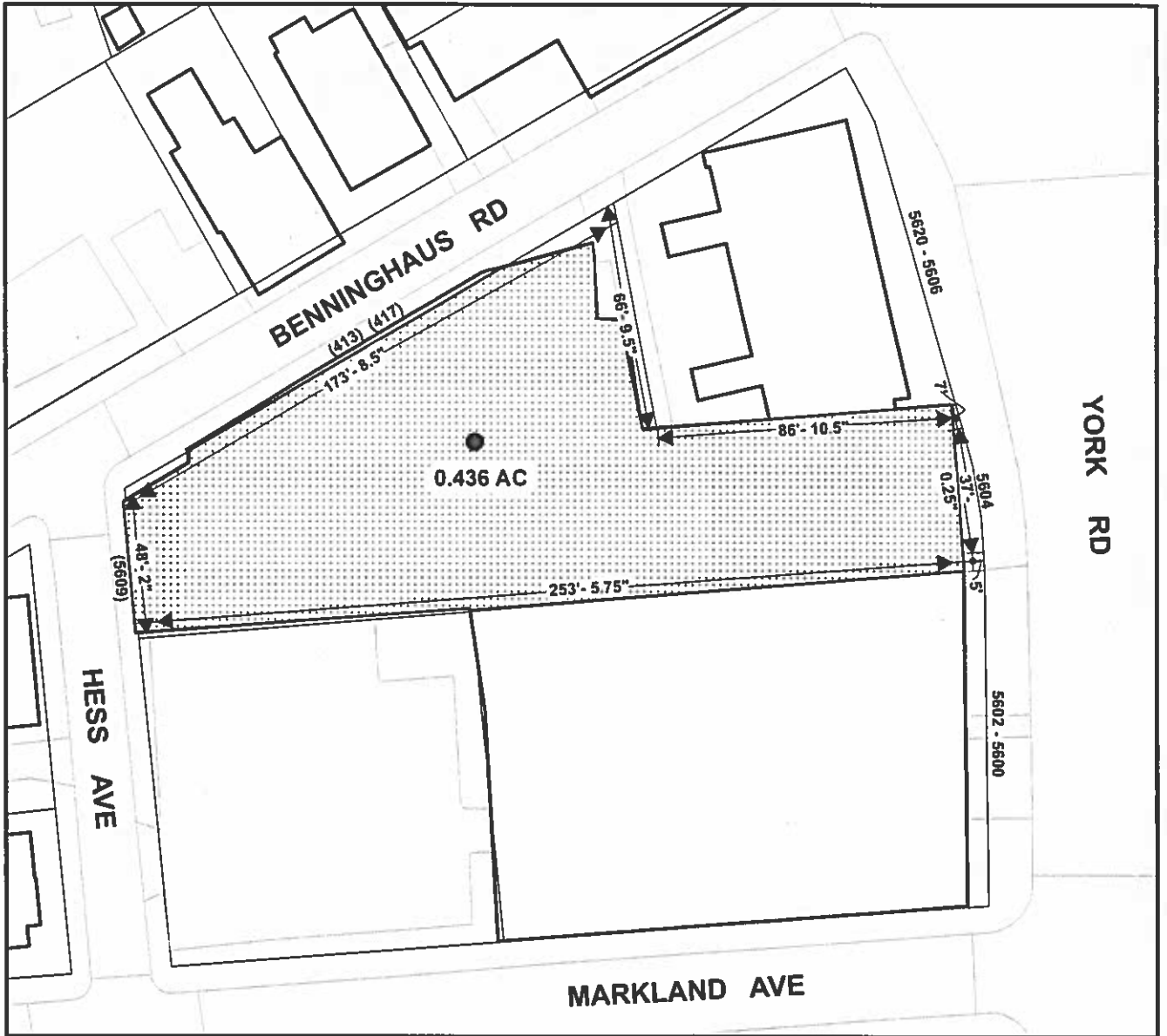
\_\_\_\_\_

MAYOR

\_\_\_\_\_

PRESIDENT CITY COUNCIL





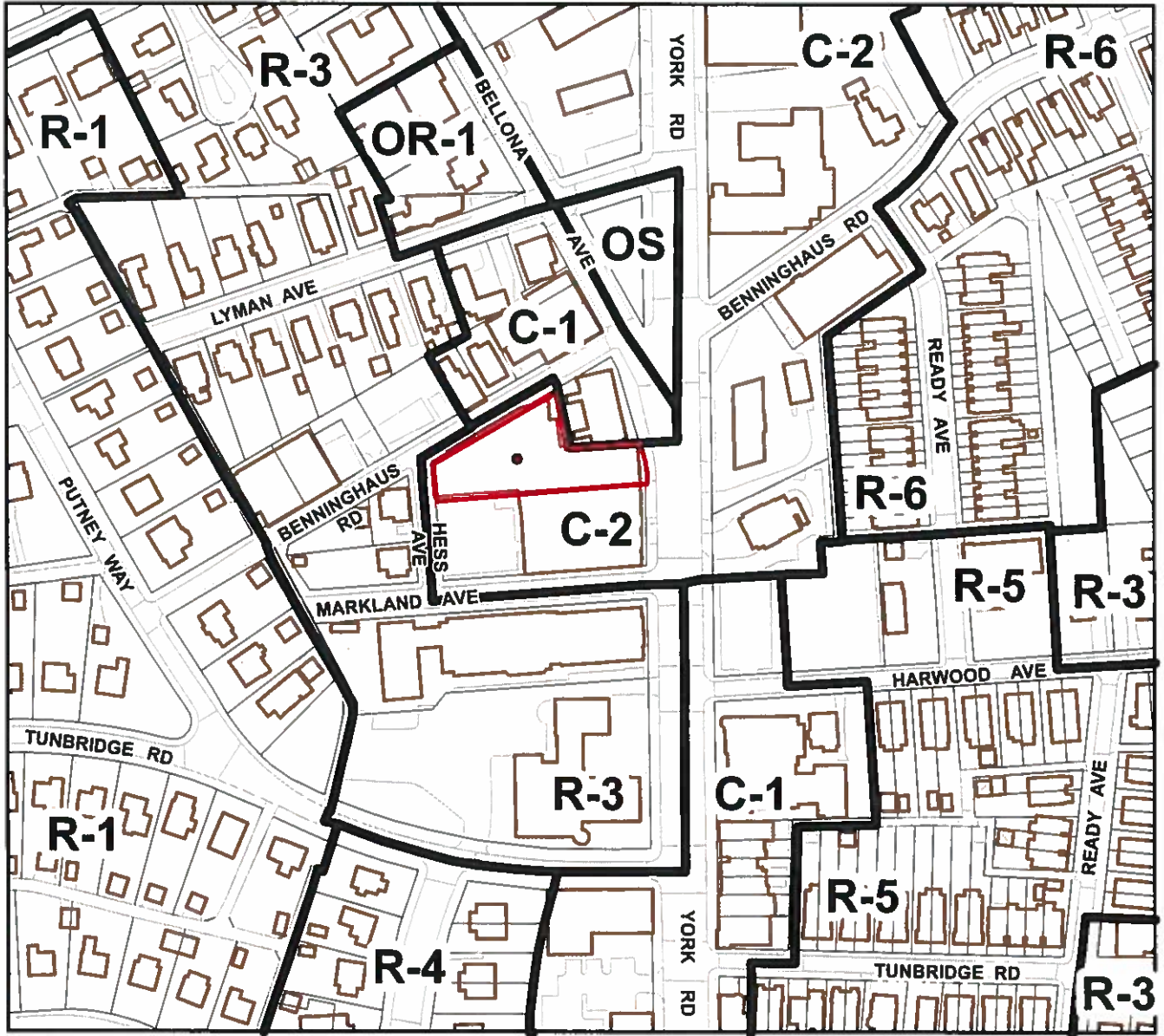
Scale: 1" = 50'

**5604 YORK ROAD  
(5609 HESS AVENUE)**

Sheet #2



**SHEET NO. 6 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'

**Note:**

In Connection With Property Known As  
No. 5604 YORK ROAD (5609 HESS AVENUE).  
The Applicant Wishes To Request The Conditional Use  
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WARD 27                      SECTION 11  
BLOCK 5014C                      LOT 2A

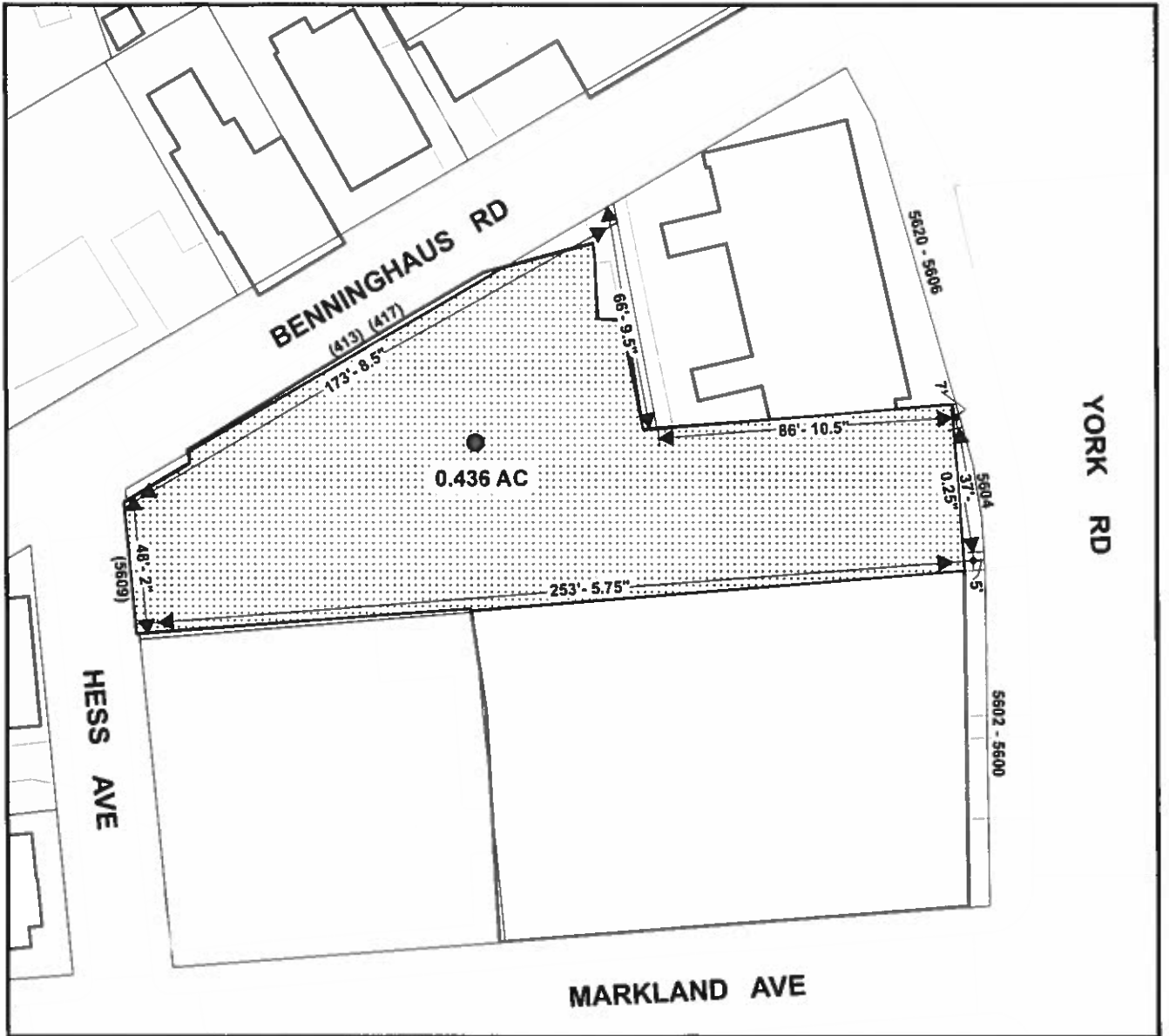
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MAYOR

\_\_\_\_\_

PRESIDENT CITY COUNCIL





Scale: 1" = 50'

**5604 YORK ROAD  
(5609 HESS AVENUE)**

Sheet #2





# LAND USE AND TRANSPORTATION COMMITTEE

## FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO ARTICLE 32, SECTION 5-406 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

### **City Council Bill No.17-0099**

Zoning – Conditional Use Banquet Hall – The Second Floor Rear Area and the Adjoining Fenced-In Patio Area – 5604 York Road (AKA 5609 Hess Avenue)

- (1) the establishment, location, construction, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or welfare for the following reasons:

The banquet hall will be a venue for social and family events that are occasions for strengthening family ties, social interactions, and sense of community. The banquet hall would operate during normal business hours, for such a type of business establishment. It would also operate within restrictions and standards established by Codes such as Fire & Safety, and Building.

- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;

The Zoning Code requires approval by ordinance of a banquet hall in a C-2 zoning district, which is the subject of Bill 17-0099. Provided certain findings of fact are made and all procedural requirements are met, no provision of the City Code prohibits approving this bill.

- (3) the authorization would not be contrary to the public interest for the following reasons:

The banquet hall would be an employer of and a customer to other Baltimore businesses, which in turn would support their employing persons from Baltimore. In addition, having a good place to socialize is important to urban life.

- (4) the authorization would be in harmony with the purpose and intent of this Code for the following reasons:



Authorization of the banquet hall would help to ensure that visions set forth in the City's Comprehensive Master Plan for Baltimore PLAY Goal 2 (Improve nightlife, entertainment, and recreation experiences for residents and visitors and in the York Road Community Strategic Neighborhood Action Plan (Improve the mix of businesses in the York Road commercial nodes to better serve surrounding communities) are being brought to fruition.

After consideration of the following,:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The patio area proposed for use with the banquet hall is shielded from York Road and Hess Avenue by the second floor level of the building, consequently there would be minimal to no noise impact upon nearby residents and businesses.

- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;

A site plan for a proposed parking lot on Benninghaus Road was approved by the Planning Commission on September 11, 2017. The owner will lease parking spaces at other locations close to 5604 York Road to comply with parking requirements.

- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for emergency vehicles;
- (6) accessibility of light and air to the premises and to the property in the vicinity;
- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks and structures;
- (9) the character of the neighborhood;

The Govans area is characterized by various commercial uses that have evolved around and along York Road. The banquet hall is zoned C-2 commercial.

- (10) the provisions of the City's Comprehensive Master Plan;



The authorization addresses the City's Comprehensive Master Plan PLAY Goal 2: Improve nightlife, entertainment, and recreation experiences for residents and visitors, Objective 1: Expand access to nightlife

(11) the provisions of any applicable Urban Renewal Plan;

The Govans area is not covered by an Urban Renewal Plan.

(12) all applicable standards and requirements of this Code;

(13) the intent and purpose of this Code; and

(14) any other matters considered to be in the interest of the general welfare.

SOURCE OF FINDINGS (Check all that apply):

Planning Report

Testimony presented at the Committee hearing

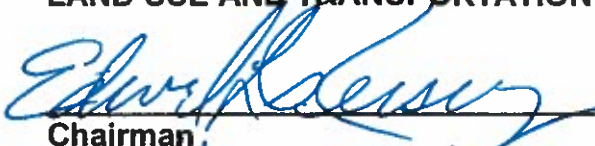
Oral – Witness Name:

- Martin French, Department of Planning

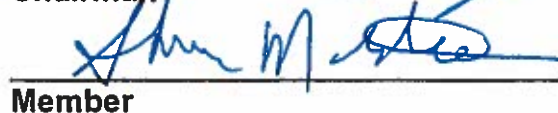
Written – Submitted by:

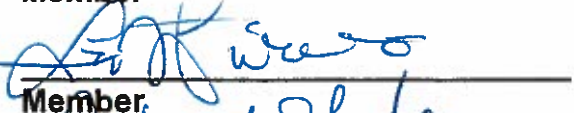
- Planning Commission
  - Agency Report
  - Site Plan for a Parking Lot on Benninghaus Road

**LAND USE AND TRANSPORTATION COMMITTEE:**

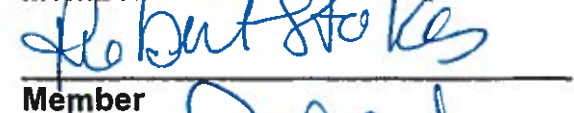
  
Chairman

  
Member

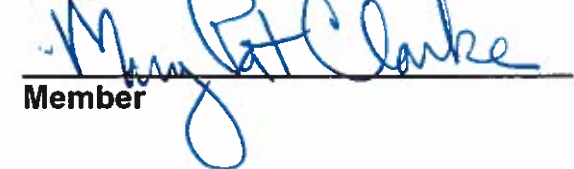
  
Member

  
Member

Member

  
Member

Member

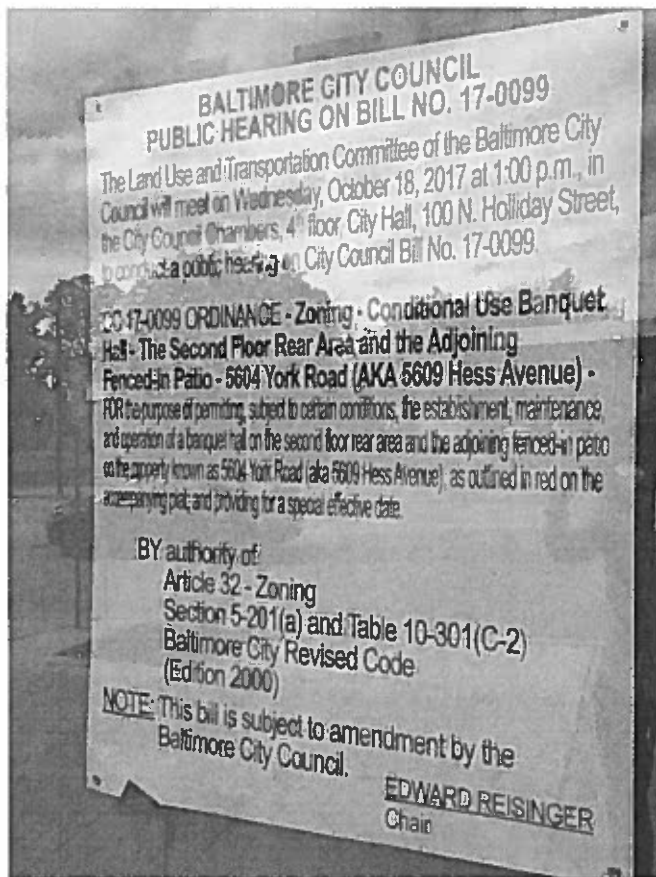
  
Member



**Certificate of Posting**

**Baltimore City Council**

**Hearing Notice City Council Bill No. 17-0099**



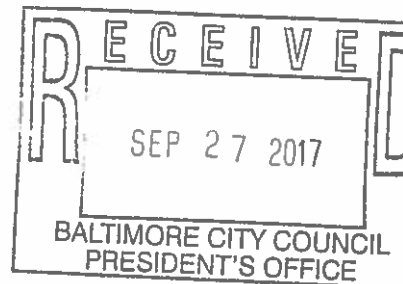
**5604 York Road, Baltimore MD 21212**

**Posted 9/25/17**

**Jonathan Fishman**

**5609 Hess Ave., Baltimore, Md, 21212**

**410-336-6238**







**CITY OF BALTIMORE**

**CATHERINE E. PUGH,**  
Mayor



**DEPARTMENT OF LAW**  
ANDRI M. DAVIS, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

October 16, 2017

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 17-0099-Conditional Use Banquet Hall - The Second  
Floor Rear Area and the Adjoining Fenced-In Patio - 5604 York Road  
(AKA 5609 Hess Avenue)

Dear President and City Council Members:

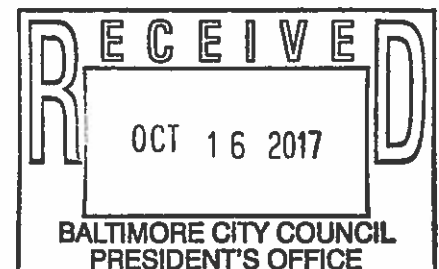
The Law Department has reviewed City Council Bill 17-0099 for form and legal sufficiency. The bill permits, subject to certain conditions, the establishment, maintenance, and operation of a banquet Hall on the second floor rear area and the adjoining fenced-in patio on the property known as 5604 York Road (aka 5609 Hess Avenue). The bill has an immediate effective date.

This property is zoned C-2, which requires banquet halls to be approved by ordinance. City Code, Art. 32, Table 10-301. Under the City Code, approval of a conditional use must be based on a finding 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.

Art. 32, § 5-406(a). Moreover, the finding must be guided by 14 "considerations" involving such things as the "nature of the surrounding area and the extent to which the proposed use might impair its present and future development": "the resulting traffic patterns and adequacy of proposed off-street parking"; etc. See Art. 32, § 5-406(b).

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The Law Department notes that the Planning Commission's Report ("Report") indicates that the Planning staff has reviewed and commented on the pertinent "considerations." Furthermore, the Report indicates that the Planning Commission found facts that would allow the conditional use to be granted; that is, facts required by Article 32, § 5-406(a). Whatever those facts may be, however, are absent from the Report. **For this reason, the City Council cannot rely solely on the Report to establish the necessary facts to lawfully approve this conditional use. Instead, the City Council must be presented and find the necessary facts at the public hearing.**

Law Department notes further that a bill that would authorize a conditional use is classified as a "legislative authorization." Art. 32, § 5-501. Legislative authorizations require that certain procedures be followed in the bill's passage. Specifically, certain notice requirements apply to the bill. *See* Art 32, § 5-602. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* Art. 32, §§ 5-504, 5-506, 5-604. Finally, certain limitations on the City Council's ability to amend the bill apply. *See* Art. 32 § 5-507.

In conclusion, if the City Council finds the necessary facts at the public hearing and all procedural requirements are met, the Law Department is prepared to approve the bill for form and legal sufficiency.

Sincerely,




Victor K. Tervalo  
Chief Solicitor

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Kyron Banks, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Jennifer Landis, Assistant Solicitor



TJA

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSOR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0099 / Zoning - Conditional Use Banquet Hall - 2 <sup>nd</sup> Floor Rear & Patio - 5604 York Rd.		

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

DATE: September 8, 2017

At its regular meeting September 7, 2017, the Planning Commission considered City Council Bill #17-0099, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the second floor rear area and the adjoining fenced-in patio on the property known as 5604 York Road (aka 5609 Hess Avenue), as outlined in red on the accompanying plat; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #17-0099, and adopted the following resolution, eight members being present (eight in favor):

**RESOLVED**, That the Planning Commission finds, in accordance with §5-406 of Article 32, the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- will not be detrimental to or endanger the public health, security, general welfare, or morals;
- is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- is not otherwise in any way contrary to the public interest; and
- is in harmony with the purpose and intent of that article;

and further **RESOLVED**, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #17-0099 be amended and passed as amended by the City Council. The amendment recommended by the Planning Commission states: The banquet hall will continue to maintain and operate an open-air off-street parking area on the opposite side of Benninghaus Road, in accordance with the approved parking lot/site plan for the property known as 408-416 Benninghaus Road attached hereto, for use by banquet hall patrons during banquet hall events; and to lease or otherwise provide other additional off-street parking resources for use by banquet hall patrons and staff.

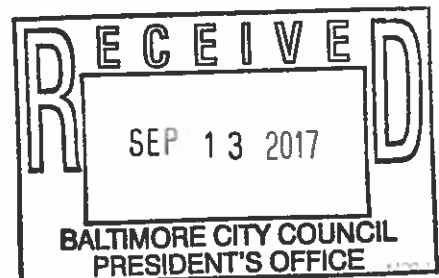
If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division, at 410-396-4488.

TJS/WA

Attachment

cc: (next page)

*For Amended*






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**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. Paul Plymouth, Council President's Office  
Mr. Francis Burnszynski, PABC  
Mr. Jonathan Fishman (for Accelerator LLC)**

---









*Catherine E. Pugh  
Mayor*

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur  
Director*

September 7, 2017

**REQUEST:** City Council Bill #17-0099/ Zoning – Conditional Use Banquet Hall – The Second Floor Rear Area and Adjoining Fenced-In Patio – 5604 York Road (AKA 5609 Hess Avenue):

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the second floor rear area and the adjoining fenced-in patio on the property known as 5604 York Road, (aka 5609 Hess Avenue), as outlined in red on the accompanying plat; and providing for a special effective date.

**RECOMMENDATION:** Amend, and Approve as amended

**Recommended Amendment:** Section 1 of City Council Bill 17-0099 should include this condition: The banquet hall will continue to maintain and operate an open-air off-street parking area on the opposite side of Benninghaus Road, in accordance with the approved parking lot site plan for the property known as 408-416 Benninghaus Road attached hereto, for use by banquet hall patrons during banquet hall events; and to lease or otherwise provide other additional off-street parking resources for use by banquet hall patrons and staff.

**STAFF:** Martin French

**PETITIONERS:** Councilmember Henry, at the request of Accelerator LLC

**OWNER:** Accelerator LLC

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

**Site Conditions:** 5604 York Road and 5609 Hess Avenue, addressed now as 5604 York Road, is a consolidated property on the west side of York Road approximately 50' south of the intersection of York Road and Bellona Avenue, an intersection considered the center-point of the Govans community that originated as Govanstown in the 19<sup>th</sup> Century. This property has 37' of frontage on York Road, 48'2" of former frontage on Hess Avenue which is roughly parallel to York Road, and approximately 173'8" of frontage on the side street known as Benninghaus Road. The site contains approximately 0.436 acre and is improved with a two-story semi-detached commercial structure covering the entire lot. Part of the northern portion of this structure is a one-story infill addition along Benninghaus Road, on the roof of which is a fenced-in patio that is to be covered by the authorization contained in this bill. The property and its immediate neighbors are zoned C-2, a zoning district in which banquet halls are a conditional use approvable by ordinance (Article 32, Zoning Code, Table 10-301). (The original Govans Hotel, now Epiphany House, on the southwest side of the intersection of



York Road and Bellona Avenue, is zoned C-1; the property that is the subject of this bill wraps around its southern and western sides.)

**General Area:** The Govans area is characterized by various commercial uses that have evolved around or along the original York Turnpike, now York Road, a commercial corridor its entire length from the City limits (and beyond, in Baltimore County further north) southward to the 1888 City line near the northeast corner of Guilford. West of the Govans commercial area is the Homeland community, a National Register Historic District characterized by single-family detached housing; east of the Govans commercial area are the Belvedere, Mid-Govans, and Woodbourne-McCabe residential areas containing a mix of detached, semi-detached, and attached dwellings with some schools, religious institutional uses, and a few scattered small commercial uses.

### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this specific site. The property is included in the York Road Community Strategic Neighborhood Action Plan (SNAP) area. This SNAP was adopted by the Planning Commission on February 2, 2006.

### **CONFORMITY TO PLANS**

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Play Goal 2: Improve nightlife, entertainment, and recreation experiences for residents and visitors, Objective 1: Expand access to nightlife. It is also consistent with a York Road Community SNAP objective: to improve the mix of businesses in the York Road commercial nodes to better serve surrounding communities.

### **ANALYSIS**

**Background:** The applicant wishes to use the second floor level of the commercial building known as 5604 York Road as a banquet hall, and use part of the rooftop above a side-rear portion of the building that is only one story tall as a patio that functions as part of the banquet area. This allows use of the building's street level on York Road for active pedestrian-oriented retail commercial uses, while upstairs offering an alternative to downtown or suburban banquet hall locations for nearby residents to take advantage of. The one aspect of the proposal needing a solution is off-street parking for patrons of the banquet hall. The applicant has taken the initiative to address this by purchasing and planning to consolidate two lots opposite the handicapped-accessible entrance to the banquet hall facility which is on Benninghaus Road, and offering to convert them into an open-air off-street parking lot according to current Baltimore City standards. As the anticipated capacity of this lot will not accommodate all banquet patrons, the applicant has also leased parking spaces at other locations close to 5604 York Road. This supports his effort to limit possible adverse effects on the existing on-street parking needs of the nearby residential communities.

**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*:

"Banquet hall" means an establishment: (i) for which all events are directly managed by the owner of the facility or by a person regularly employed by the owner and responsible to the owner for the on-site management of all events held in that facility and for event arrangements; (ii) that is used regularly for serving food or beverage provided by the owner or by caterers and suppliers approved in advance by the owner; (iii) that serves designated groups that, before the day of the event, have reserved the facility for banquets or meetings and provided all insurance certificates, security contracts, off-street parking contracts required by the facility's owner; (iv) to which the general public is not admitted; (v) for which no admission fee is charged at the door; and (vi) in which no third party promoter is involved or stands to profit (§1-303(c)(1)). This definition of a banquet hall, which is both stricter and more extensive than the definition contained in the Zoning Code before June 5, 2017, will help protect nearby residential areas from the "floating nightclub" phenomenon that would occasionally occur under the previous Code's less detailed provisions. For these reasons, the proposed use's location, maintenance and operation would not be detrimental to or endanger public health, safety, or welfare.

The proposed banquet hall has a rated capacity of approximately 400 persons, for which at least 40 off-street parking spaces are required (Table 16-406). The parking lot on the opposite side of Benninghaus Road is designed to provide approximately 18 spaces. The balance of required spaces, according to the applicant, would be provided in 60 spaces leased from one or more nearby properties. As the Benninghaus Road parking lot is for now the only one actually owned by an entity controlled by the petitioning owner, it is important to have its layout, which meets Zoning Code standards, made part of this legislation.

The patio area proposed for use as an adjunct to the banquet hall's interior is on the north side of the existing building, shielded from York Road and Hess Avenue by the second floor level of the building; and across Benninghaus Road all properties are zoned Commercial (C-1). Therefore, there would be minimal adverse noise impact upon nearby residents, and since escaping sound would go northward among the rear portions of commercial establishments fronting on York Road or Bellona Avenue, no adverse noise impact on nearby businesses or York Road pedestrians.

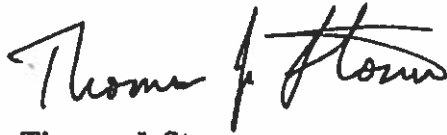
To the extent that there can be conflicts with residential or local business uses when banquet halls have located in other areas, this site could be considered one not likely to generate such conflicts provided that the banquet hall continues to provide off-street parking for its patrons.

The banquet hall is not precluded at this location by any other law, and there is no Urban Renewal Plan for the Govans area. As noted above, the proposed use is actually consistent with the York Road Community Plan's objective of improving the mix of businesses to better serve



surrounding communities. The authorization would not be contrary to the public interest, and would be in harmony with the purpose and intent of the Zoning Code.


**Notification:** Govans Ecumenical Development Corporation (GEDCO), the Homeland Association, and the York Road Partnership have been notified of this action.

A handwritten signature in black ink, appearing to read "Thomas J. Stosur". The signature is written in a cursive style with a large, stylized initial "T".

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





FROM	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE  MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0099		

TO The Honorable President and  
Members of the City Council  
c/o Natawna Austin  
Room 400 City Hall

October 16, 2017

I am herein reporting on City Council Bill 17-0099 Zoning – Conditional Use Banquet Hall – The Second Floor Rear Area and the Adjoining Fenced-In Patio – 5604 York Road (AKA 5609 Hess Avenue) for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet Hall on the second floor rear area and the adjoining fenced-in patio on the property known as 5604 York Road (aka 5609 Hess Avenue), as outlined in red on the accompanying plat; and providing for a special effective date.

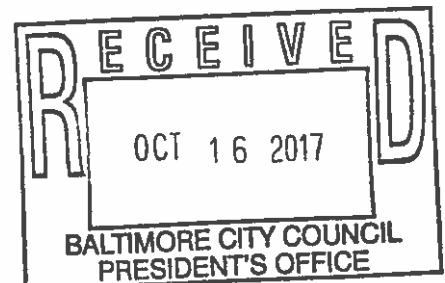
The Department of Transportation does not oppose the passage of City Council Bill 17-0099

Respectfully,

  
Michelle Pourciau  
Director

MP/lw

Cc: Kyron Banks, Mayor's Office




*Not  
opposed*



TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young  
FROM: Peter Little, Executive Director  
DATE: September 22, 2017  
RE: Council Bill 17-0099



I am herein reporting on City Council Bill 17-0099 introduced by Councilmember Henry at the request of Accelerator, LLC.

The purpose of this bill is to permit, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the second floor rear area and adjoining fenced-in patio area at 5604 York Road (AKA 5609 Hess Ave).

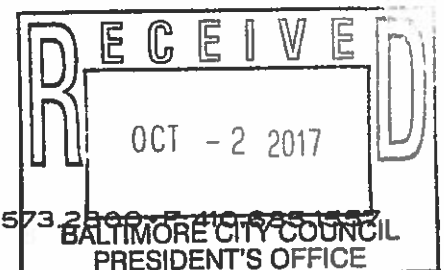
The Parking Authority of Baltimore City (PABC) has reviewed this bill and has looked at the development site. The proposed uses which are permitted subject to a conditional use permit have an off-street parking requirement of two parking spaces per 1000 square feet of gross floor area as referenced in Table 16-406 of the Zoning Ordinance. With a maximum capacity of 400 people for the banquet hall, 40 parking spaces would need to be provided for the property.

Accelerator, LLC has proposed to provide 60 parking spaces from several parking lots within the required 600 foot radius of the site. They own an open-air, off street parking area at 408-416 Benninghaus Road that is across the street (north) from this site. This proposed parking lot on Benninghaus Road has four large food truck parking spaces, 17 standard parking spaces, and one ADA parking space and will be used to serve the proposed use. The subject site currently leases 10 off-street valet parking spaces at 504 Harwood Avenue, which is located within 600 feet of the lot line at 5604 York Road. The Applicant also proposes to lease 50 additional spaces on the same parking lot to serve the requested use.

The subject site is located on a block where the PABC administers an on-street meter program. It is also in proximity to the portion of the Campbell Lane residential permit parking zone (Area 26) that is located on the 500 block of Benninghaus Road.

Provided that the Applicant will continue to own and make available parking at 408-416 Benninghaus Road and provide the required additional off-street parking as specified in the Zoning Ordinance, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 17-0099.

*not  
opposed*





The Baltimore City Department of  
HOUSING & COMMUNITY  
DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner



Date: September 18, 2017

Re: City Council Bill 17-0099 - Zoning – Conditional Use Banquet Hall – The Second Floor  
Rear Area and the Adjoining Fenced-In Patio – 5604 York Road (AKA 5609 Hess Avenue)

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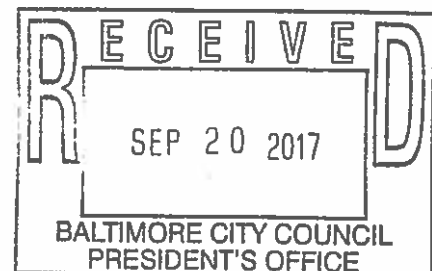
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0096, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet Hall on the second floor rear area and the adjoining fenced-in patio on the property known as 5604 York Road (aka 5609 Hess Avenue) and providing for a special effective date.

If enacted, this bill would support the conversion of an existing commercial building in the Homeland Neighborhood to a banquet hall on the second floor level with a one-story patio. The first floor of the building could be used for pedestrian-oriented retail commercial uses and the second level would provide a local banquet hall for nearby residents. HCD agrees with the Department of Planning's recommendation for an amendment to require the banquet hall to maintain and operate the existing open-air off-street parking area in the vicinity and to provide other additional off-street parking resources for use by banquet hall patrons and staff.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0099.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*  
Mr. Kyrion Banks, *Mayor's Office of Government Relations*

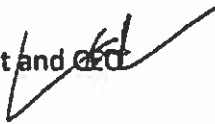






## MEMORANDUM

**TO:** Honorable President and Members of the City Council  
Attention: Natawna B. Austin, Executive Secretary

**FROM:** William H. Cole, President and CEO 

**DATE:** September 29, 2017

**SUBJECT:** City Council Bill No. 17-0099  
Zoning – Conditional Use Banquet Hall – The Second Floor Rear Area and  
The Adjoining Fenced-In Patio – 5604 York Road (AKA 5609 Hess Avenue)

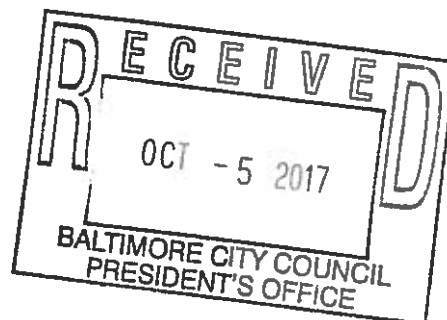
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The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 17-0099, an ordinance that proposes the approval of a conditional use as a Banquet Hall at the second floor rear area and the adjoining fenced-in area at the property known as 5604 York Road.

The B'MORE kitchen economic development project provides incubation space that is dedicated to helping small food businesses grow. The proposed conditional use will allow for the continued successful operations of the incubator.

BDC supports the proposed ordinance and respectfully requests that Bill No. 17-0099 be given favorable consideration by the City Council.

cc: Kyron Banks







CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND  
ZONING APPEALS

DAVID C. TANNER, Executive Director  
417 E. Fayette Street, Room 1432  
Baltimore, Maryland 21202

October 16, 2017

The Honorable President and  
Members of the City Council  
City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

Zoning - Conditional Use Banquet Hall - The Second Floor Rear Area and  
the Adjoining Fenced-In Patio - 5604 York Road (AKA 5609 Hess Avenue)

Ladies and Gentlemen:

City Council Bill No. 17-0099 has been referred by your Honorable Body to the Board of  
Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0099 is to permit, subject to certain conditions,  
the establishment, maintenance, and operation of a banquet hall on the second floor rear  
area and the adjoining fenced-in patio on the property known as 5604 York Road (aka  
5609 Hess Avenue), as outlined in red on the plat submitted in support of this request,  
and providing for a special effective date.

The BMZA has reviewed the legislation and recommends approval to the passage of Bill  
Number 17-0099, with the amendment pertaining to the provision of off-street parking  
proposed and supported by the Planning Department, HCD, and the Parking Authority.  
The establishment, location, construction, maintenance, and operation of the proposed  
banquet hall would not be detrimental to or endanger the public health, safety, or welfare;  
the proposed use is not precluded by any other law, including an applicable Urban  
Renewal Plan; this authorization is not contrary to the public interest; and this  
authorization and proposed use are in harmony with the purpose and intent of Article 32  
of the Baltimore City Code.

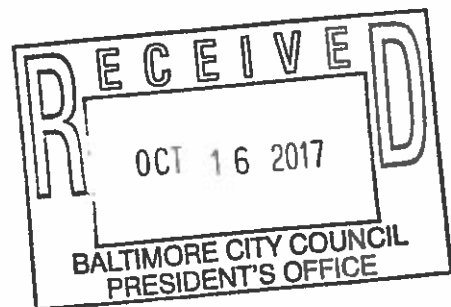
Sincerely,

  
David C. Tanner  
Executive Director

DCT/djb

CC: Mayors Office of Council Relations  
Legislative Reference

F





STATEMENT OF INTENT

FOR

5604 York Road, Baltimore, MD 21212  
{Address}

1. Applicant's Contact Information:

Name: Jonathan Fishman  
Mailing Address: 5609 Hess Ave., Baltimore, MD 21212  
Telephone Number: 410 336 6238  
Email Address: jonathan@bmorekitchen.com

2. All Proposed Zoning Changes for the Property: Conditional use for a Banquet hall on the rear area of the second floor including an adjoining fenced-in patio area.

3. All Intended Uses of the Property: Banquet Hall

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Name: Jonathan Fishman  
Mailing Address: 5609 Hess Ave., Baltimore MD 21212  
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5. Property Acquisition:

The property was acquired by the current owner on 2/11/15 by deed recorded in the Land Records of Baltimore City in Liber FMC 12904 Folio 205.

6. Contract Contingency:

- (a) There is \_\_\_ is not  a contract contingent on the requested legislative authorization.
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(ii) The purpose, nature, and effect of the contract are: \_\_\_\_\_  
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**AFFIDAVIT**

I, Jonathan Fishman, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

  
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Applicant's signature

7/12/17  
\_\_\_\_\_  
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17-00994





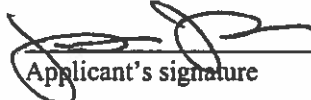
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17-0099





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Mailing Address: 5609 Hess Ave., Baltimore MD 21212  
Telephone Number: 410 336 6238  
Email Address: jonathan@bmorekitchen.com

5. Property Acquisition:

The property was acquired by the current owner on 2/11/15 by deed recorded in the Land Records of Baltimore City in Liber FMC 12904 Folio 205.

6. Contract Contingency:

- (a) There is    is not  a contract contingent on the requested legislative authorization.
- (b) If there is a contract contingent on the requested legislative authorization:
  - (i) The names and addresses of all parties to the contract are as follows {use additional sheet if necessary}:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



(ii) The purpose, nature, and effect of the contract are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Agency:**

(a) The applicant is \_\_\_\_\_ is not  acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT**

I, Jonathan Fishman, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Applicant's signature

7/2/17  
\_\_\_\_\_  
Date



**CITY OF BALTIMORE  
COUNCIL BILL 17-0099  
(First Reader)**

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Introduced by: Councilmember Henry

At the request of: Accelerator, LLC

Address: c/o Jonathan Fishman, 5609 Hess Avenue, Baltimore, Maryland 21212

Telephone: 410-336-6238

Introduced and read first time: July 17, 2017

Assigned to: Land Use and Transportation Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Fire Department, \_\_\_\_\_, Department of Transportation, Baltimore City Parking Authority Board

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A BILL ENTITLED

1 AN ORDINANCE concerning

2                                   **Zoning – Conditional Use Banquet Hall –**  
3                                   **The Second Floor Rear Area and the Adjoining Fenced-In Patio –**  
4                                   **5604 York Road (AKA 5609 Hess Avenue)**

5 FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and  
6 operation of a banquet Hall on the second floor rear area and the adjoining fenced-in patio on  
7 the property known as 5604 York Road (aka 5609 Hess Avenue), as outlined in red on the  
8 accompanying plat; and providing for a special effective date.

9 BY authority of

10 Article 32 - Zoning  
11 Section 5-201(a) and Table 10-301 (C-2)  
12 Baltimore City Revised Code  
13 (Edition 2000)

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
15 permission is granted for the establishment, maintenance, and operation of a banquet hall on the  
16 second floor rear area and the adjoining fenced-in patio of the property known as 5604 York  
17 Road (aka 5609 Hess Avenue), as outlined in red on the plat accompanying this Ordinance, in  
18 accordance with Baltimore City Zoning Code § 5-201(a) and Table 10-301 (C-2), subject to the  
19 condition that the banquet hall complies with all applicable federal, state, and local licensing and  
20 certification requirements.

21 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
22 accompanying plat and in order to give notice to the agencies that administer the City Zoning  
23 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council  
24 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;  
25 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the  
26 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 17-0099**

1 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and  
2 the Zoning Administrator.

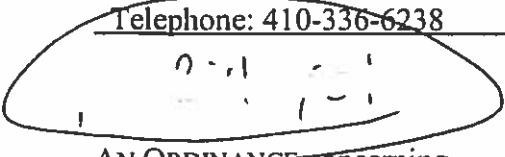
3 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect when it is  
4 enacted.



**INTRODUCTORY\***

**CITY OF BALTIMORE  
COUNCIL BILL 17-0099**

Introduced by: Councilmember Henry  
At the request of: Accelerator, LLC  
Address: c/o Jonathan Fishman, 5609 Hess Avenue, Baltimore, Maryland 21212  
Telephone: 410-336-6238



A BILL ENTITLED

AN ORDINANCE concerning

**Zoning – Conditional Use Banquet Hall –  
The Second Floor Rear Area and the Adjoining Fenced-In Patio –  
5604 York Road (AKA 5609 Hess Avenue)**

*LOT*  
*Law*  
*Plann: Com.*  
*BMZA*  
*HCD*  
*BDC*  
*F: ne*  
*DOT*  
*Parking*

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet Hall on the second floor rear area and the adjoining fenced-in patio on the property known as 5604 York Road (aka 5609 Hess Avenue), as outlined in red on the accompanying plat; and providing for a special effective date.

BY authority of  
Article 32 - Zoning  
Section 5-201(a) and Table 10-301 (C-2)  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That permission is granted for the establishment, maintenance, and operation of a banquet hall on the second floor rear area and the adjoining fenced-in patio of the property known as 5604 York Road (aka 5609 Hess Avenue), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code § 5-201(a) and Table 10-301 (C-2), subject to the condition that the banquet hall complies with all applicable federal, state, and local licensing and certification requirements.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect when it is enacted.

# LAND USE AND TRANSPORTATION COMMITTEE

## FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO ARTICLE 32, SECTION 5-406 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

### City Council Bill No.17-0099

Zoning – Conditional Use Banquet Hall – The Second Floor Rear Area and the Adjoining Fenced-In Patio Area – 5604 York Road (AKA 5609 Hess Avenue)

- (1) the establishment, location, construction, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or welfare for the following reasons:

The banquet hall will be a venue for social and family events that are occasions for strengthening family ties, social interactions, and sense of community. The banquet hall would operate during normal business hours, for such a type of business establishment. It would also operate within restrictions and standards established by Codes such as Fire & Safety, and Building.

- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;

The Zoning Code requires approval by ordinance of a banquet hall in a C-2 zoning district, which is the subject of Bill 17-0099. Provided certain findings of fact are made and all procedural requirements are met, no provision of the City Code prohibits approving this bill.

- (3) the authorization would not be contrary to the public interest for the following reasons:

The banquet hall would be an employer of and a customer to other Baltimore businesses, which in turn would support their employing persons from Baltimore. In addition, having a good place to socialize is important to urban life.

- (4) the authorization would be in harmony with the purpose and intent of this Code for the following reasons:

Authorization of the banquet hall would help to ensure that visions set forth in the City's Comprehensive Master Plan for Baltimore PLAY Goal 2 (Improve nightlife, entertainment, and recreation experiences for residents and visitors and in the York Road Community Strategic Neighborhood Action Plan (Improve the mix of businesses in the York Road commercial nodes to better serve surrounding communities) are being brought to fruition.

After consideration of the following,:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The patio area proposed for use with the banquet hall is shielded from York Road and Hess Avenue by the second floor level of the building, consequently there would be minimal to no noise impact upon nearby residents and businesses.

- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;

A site plan for a proposed parking lot on Benninghaus Road was approved by the Planning Commission on September 11, 2017. The owner will lease parking spaces at other locations close to 5604 York Road to comply with parking requirements.

- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for emergency vehicles;
- (6) accessibility of light and air to the premises and to the property in the vicinity;
- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks and structures;
- (9) the character of the neighborhood;

The Govans area is characterized by various commercial uses that have evolved around and along York Road. The banquet hall is zoned C-2 commercial.

- (10) the provisions of the City's Comprehensive Master Plan;

The authorization addresses the City's Comprehensive Master Plan PLAY Goal 2: Improve nightlife, entertainment, and recreation experiences for residents and visitors, Objective 1: Expand access to nightlife

(11) the provisions of any applicable Urban Renewal Plan;

The Govans area is not covered by an Urban Renewal Plan.

(12) all applicable standards and requirements of this Code;

(13) the intent and purpose of this Code; and

(14) any other matters considered to be in the interest of the general welfare.

**SOURCE OF FINDINGS** (Check all that apply):

Planning Report

Testimony presented at the Committee hearing

Oral – Witness Name:

- Martin French, Department of Planning

Written – Submitted by:

- Planning Commission
  - Agency Report
  - Site Plan for a Parking Lot on Benninghaus Road

**LAND USE AND TRANSPORTATION COMMITTEE:**

\_\_\_\_\_  
**Chairman**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

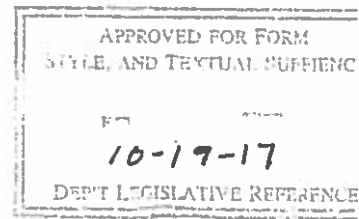
\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**





AMENDMENTS TO COUNCIL BILL 17-0099  
(1<sup>st</sup> Reader Copy)

By: Land Use and Transportation Committee

**Amendment No. 1**

On page 1, in line 19, strike “condition that the” and substitute “following conditions:”

1. The banquet hall shall continue to maintain and operate a parking lot on the opposite side of Benninghaus Road, in accordance with the approved parking lot site plan for the property known as 408-416 Benninghaus Road, which is attached to and made part of this Ordinance. for use by banquet hall patrons during banquet hall events.
2. The banquet hall shall lease or otherwise provide other additional off-street parking resources for use by banquet hall patrons and staff.
3. The”;

and, on page 1, in line 19, strike “complies” and substitute “must comply”.





**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 17-0099**

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Introduced by: Councilmember Henry

At the request of: Accelerator, LLC

Address: c/o Jonathan Fishman, 5609 Hess Avenue, Baltimore, Maryland 21212

Telephone: 410-336-6238

Introduced and read first time: July 17, 2017

Assigned to: Land Use and Transportation Committee

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Committee Report: Favorable with amendments

Council action: Adopted

Read second time: October 30, 2017

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**AN ORDINANCE CONCERNING**

**Zoning – Conditional Use Banquet Hall –  
The Second Floor Rear Area and the Adjoining Fenced-In Patio –  
5604 York Road (AKA 5609 Hess Avenue)**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the second floor rear area and the adjoining fenced-in patio on the property known as 5604 York Road (aka 5609 Hess Avenue), as outlined in red on the accompanying plat; and providing for a special effective date.

BY authority of

Article 32 - Zoning

Section 5-201(a) and Table 10-301 (C-2)

Baltimore City Revised Code

(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That permission is granted for the establishment, maintenance, and operation of a banquet hall on the second floor rear area and the adjoining fenced-in patio of the property known as 5604 York Road (aka 5609 Hess Avenue), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code § 5-201(a) and Table 10-301 (C-2), subject to the condition that the following conditions:

1. The banquet hall shall continue to maintain and operate a parking lot on the opposite side of Benninghaus Road, in accordance with the approved parking lot site plan for the property known as 408-416 Benninghaus Road, which is attached to and made part of this Ordinance, for use by banquet hall patrons during banquet hall events.
2. The banquet hall shall lease or otherwise provide other additional off-street parking resources for use by banquet hall patrons and staff.

**EXPLANATION: CAPITALS indicate matter added to existing law.**  
**[Brackets] indicate matter deleted from existing law.**  
**Underlining indicates matter added to the bill by amendment.**  
**Strike-out indicates matter stricken from the bill by amendment or deleted from existing law by amendment.**

Council Bill 17-0099

1           3. The banquet hall ~~complies~~ must comply with all applicable federal, state, and local  
2           licensing and certification requirements.

3           **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
4 accompanying plat and in order to give notice to the agencies that administer the City Zoning  
5 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council  
6 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;  
7 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the  
8 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of  
9 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and  
10 the Zoning Administrator.

11           **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect when it is  
12 enacted.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City