

COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT

FINDINGS OF FACT

City Council Bill No. 21-0064

MOTION OF THE CHAIR OF THE COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT, 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:

Zoning - Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales) – A Portion of 3901 Boston Street (Also Known as 3975 Boston Street)

- (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:**

Establishment, location, maintenance and operation of a retail goods establishment with alcoholic beverages sales at 3901 Boston Street, and specifically on the portion of the property known as 3975 Boston Street, would not be detrimental to or endanger public health, safety, or welfare.

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

The proposed use is not precluded by any other law, including the Urban Renewal Plan covering the subject property.

The Canton Industrial Area Urban Renewal Plan was originally approved by the Mayor and City Council by Ordinance no. 90-637 dated June 20, 1990, and was last amended by Ordinance no. 19-282 dated August 19, 2019. The Urban Renewal Plan designates this site as Commercial

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

Use of a limited portion of the property for a retail goods establishment with alcoholic beverages sales would not be contrary to the public interest.

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

The authorization would be in harmony with the purpose and intent of the Zoning Code.

After consideration of the following, **where applicable (fill out all that are *only* relevant)**:

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

Department of Planning staff finds that the site, including its size and shape, is appropriate for the proposed use.

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

There would be no change to traffic patterns if this use would be authorized.

- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

The surrounding area is one in which the predominant land use is retail commercial serving the Canton community to its northwest and other, more distant, residential areas. For this reason, it is unlikely that the proposed use would impair present or future development of the Canton community or of the shopping district along this portion of Boston Street.

- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There is no proximity of dwellings and places of public gathering, and reasonable distance from churches and schools.

- (5) accessibility of the premises for emergency vehicles;

There is adequate accessibility for emergency vehicles.

- (6) accessibility of light and air to the premises and to the property in the vicinity;

There is adequate light and air to the premises and to properties 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;

There are adequate utilities, roads, drainage, and other necessary facilities.

- (8) the preservation of cultural and historic landmarks and structures;

The proposed use of a portion of the existing modern commercial structure would not affect preservation of cultural and historic landmarks and structures.

- (9) the character of the neighborhood;

Approval of the proposed use would not affect the existing character of the neighborhood, as the alcoholic beverages sales license is to be transferred from a similar commercial location two blocks away to the west.

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

The use is not inconsistent with the City's Comprehensive Master Plan.

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

The proposed use is not prevented or limited by any Urban Renewal Plan.

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

The proposed use meets all applicable standards and requirements of the Zoning Code.

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

Allowing a retail goods establishment with alcoholic beverages sales, with no enlargement of the existing structure on the property or of the existing area within the structure that would be used for the purpose of a retail goods establishment with alcoholic beverages sales, would not be inconsistent with the intent and purpose of the Zoning Code.

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

The proposed use is consistent with any other matters that may be considered to be in the interest of the general welfare.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission's report, dated May 14, 2021, which included the Department of Planning Staff Report, dated May 13, 2021.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Martin French, Planning Department
- Elena DiPietro, Law Department
- Caroline Hecker, Representative for the Applicant

Written:

- Planning Commission, Agency Report - Dated May 14, 2021 which includes the Department of Planning, Staff Report – Dated May 13, 2021
- Department of Transportation, Agency Report – Dated July 1, 2021
- Board of Municipal and Zoning Appeals, Agency Report – April 26, 2021
- Law Department, Agency Report – Dated July 14, 2021
- Department of Housing and Community Development, Agency Report – Dated July 14, 2021
- Baltimore Development Corporation, Agency Report – Dated June 7, 2021
- Canton Community Association, Letter – Dated March 30, 2021

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair
John Bullock
Mark Conway
Ryan Dorsey
Antonio Glover
Odette Ramos
Robert Stokes