

WAYS AND MEANS COMMITTEE

FINDINGS OF FACT

City Council Bill No. 24-0552

MOTION OF THE CHAIR OF THE WAYS AND MEANS 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:

Zoning - Commercial 1 Village Center District - Conditional Use Retail Goods Establishment (With Alcoholic Beverage Sales) - Variances - 6242 Bellona 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:**

This expansion will not be detrimental nor endanger public health, safety, or welfare. The expansion will not create additional noise, limit driver or pedestrian sight lines and access, or otherwise detrimentally affect the Bellona-Gittings neighborhood.

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

This authorization is not precluded by any other law or Urban Renewal Plan

3. the authorization **would not** be contrary to the public interest **for the following reasons:**

This authorization is not contrary to the public interest. There exists broad support among residents in the Bellona-Gittings neighborhood for an expansion of this business.

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

The Zoning Code exists in part to preserve and enhance the value of structures, communities, and neighborhoods. This expansion will enhance the value of the structure at 6242 Bellona Avenue, and it will also enhance the value of the Bellona-Gittings community and neighborhood by providing residents with convenient, nearby access to the types of retail offerings that the community would like to see at this business.

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

1. the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
Pinehurst Wine Shoppe does not propose to change the site's use. It only intends to expand its footprint and its retail offerings. The expansion supports plans for a more sustainable business model and will accommodate a changing market demand. Since the pandemic, customers at Pinehurst Wine Shoppe—most of whom live in the Bellona-Gittings neighborhood—have

expressed an interest in increased retail options that are either food-related or non-alcoholic beverages. Pinehurst's proposed expansion will allow the business to meet this demand.

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

The proposed expansion will not affect the amount of off-street loading or parking. Pinehurst hopes that the expansion will lead to more customers. However, Zoning Code Table 16-406 only requires five spaces after the expansion. Pinehurst's plans include 12 spaces. Additionally, business-related traffic is a small part of the activity at the Bellona-Gittings intersection. That should not change when the expansion is complete.

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 comprised of single-family homes. Pinehurst has consulted extensively with the Bellona-Gittings neighborhood on the nature of this expansion and met on-site on multiple occasions with the highly impacted neighbors who live within 200 feet of the business. The proposed expansion will not impair present and future development in the area as the area is already fully developed with these single-family homes.

4. the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There are no churches, schools, public structures, or other places for public gatherings near Pinehurst Wine Shoppe. As mentioned, the business is neighbored by single-family homes in every direction. Pinehurst has communicated with those neighbors about the plans for this expansion.

5. accessibility of the premises for emergency vehicles;

There will not be an impact on the accessibility of the premises for emergency vehicles. The expansion will create new means of egress into the building for emergency workers, in the event of emergency.

6. accessibility of light and air to the premises and to the property in the vicinity;

The proposed expansion will have no impact on the accessibility of light and air to the premises and to the 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;

The proposed expansion will not have an impact on utilities, access roads, drainage, or other necessary facilities that have been or will be provided. Those utilities, roads, drainage system, and other facilities are currently adequate and will not be affected

8. the preservation of cultural and historic landmarks and structures;

The Bellona-Gittings neighborhood is recognized on the National Register of Historic Places. While this expansion will affect a structure within that neighborhood, it will not compromise the integrity or aesthetic of the building. The architect retained for this project has taken great care to ensure that the expansion augments and complements the existing structure.

9. the character of the neighborhood;

The Bellona-Gittings neighborhood is comprised of single-family homes. Almost all of the properties are zoned R-1-E. The subject property is zoned C-1-VC. It is the only property in the neighborhood to possess that zoning designation. The owners have worked extensively with the Bellona-Gittings Neighborhood Association to ensure that the expansion will not compromise or affect the neighborhood's character. Rather, the expansion will increase the appeal and charm of this longstanding and beloved business

10. the provisions of the City's Comprehensive Master Plan;

The proposed expansion aligns with the Comprehensive Master Plan's LIVE section, which concludes, among other things, that amenities of urban living include accessibility to retail. The Pinehurst Wine Shoppe is one of two walkable retail destinations for Bellona-Gittings residents. Its proprietors and the neighborhood both have a vested interest in the business's long-term success.

11. the provisions of any applicable Urban Renewal Plan;

No Urban Renewal Plan applies to this property or neighborhood.

12. all applicable standards and requirements of this Code;

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

13. the intent and purpose of this Code; and

The Zoning Code functions, in part, to preserve and enhance the value of structures, communities, and neighborhoods. This expansion would enhance the value of the structure at 6242 Bellona Avenue and enhance the quality and value of the Bellona-Gittings neighborhood by improving the retail options within the area.

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

The Pinehurst Wine Shoppe's proprietors have spent multiple years working with the Bellona-Gittings Neighborhood Association to find an equitable and supportable plan for this expansion. A memorandum of understanding between the two entities is in the final stages of negotiations.

FINDINGS OF FACT FOR VARIANCE

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Zoning - Commercial 1 Village Center District - Conditional Use Retail Goods Establishment (With Alcoholic Beverage Sales) - Variances - 6242 Bellona Avenue

VARIANCE FROM LOT AREA SIZE REQUIREMENTS

(Use a separate Variance form for each Variance sought in the bill)

THRESHOLD QUESTION:

- In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

HARDSHIP OR PRACTICAL DIFFICULTY:

The City Council has considered at least one of the following:
(check all that apply to evidence consideration)

- The physical surroundings around the **STRUCTURE / LAND** involved;
(underline one)
- The shape of the **STRUCTURE / LAND** involved;
(underline one)
- The topographical conditions of the **STRUCTURE / LAND** involved.
(underline one)

and finds either that:

(1) An unnecessary hardship **WOULD / WOULD NOT** *(underline one)* exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

or that:

(2) Practical difficulty **WOULD** / **WOULD NOT** (*underline one*) exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

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OFF-STREET PARKING REQUIREMENTS

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GROSS FLOOR AREA PER UNIT TYPE REQUIREMENTS

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(check all that apply to evidence consideration)

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

Planning Commission's report, dated August 2, 2024.

Testimony presented at the Committee hearing.

Oral – Witness:

- Michele Toth, Law Department
- Caitlin Audette, Planning Commission
- Christian McNeil, Department of Transportation
- Jason Wright, Department of Housing and Community Development
- Sean Eames, Fire Department
- Tom Whelley Baltimore Development Corporation
- Arco Sen, Parking Authority
- Ty'lor Schnella, Mayor's Office

Written:

- Department of Transportation, Agency Report – Dated July 8, 2024
- Board of Municipal and Zoning Appeals, Agency Report – Dated June 17, 2024
- Law Department, Agency Report – Dated September 24, 2024
- Department of Housing and Community Development, Agency Report – Dated October 1, 2024
- Baltimore Development Corporation, Agency Report – Dated July 15, 2024
- Fire Department, Agency Report – Dated June 28, 2024
- Parking Authority, Agency Report – Dated July 15, 2024

COMMITTEE MEMBERS VOTING IN FAVOR

Eric Costello, Chair
Kristerfer Burnett
Robert Stokes
Isaac Schleifer