


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0371 / ZONING – CONDITIONAL USE BANQUET HALL – 4339 YORK ROAD (A PORTION OF THE PROPERTY KNOWN AS 4335-4339 YORK ROAD)		

DATE:

TO

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

July 22, 2019

At its regular meeting of May 30, 2019, the Planning Commission considered City Council Bill #19-0371, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the property formerly known as 4339 York Road, which is now a portion of the property known as 4335-4339 York Road (Block 5211, Lot 012), as outlined in red on the accompanying plat; and making this ordinance subject to a certain contingency.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #19-0371 and adopted the following resolution:

RESOLVED, That the Planning Commission finds, in accordance with §16-304 and §14-204 of 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;
- is in harmony with the purpose and intent of that article; and
- meets all criteria for approval specified in §5-406(b) of the Zoning Code of Baltimore City; and further

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0371 be passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



*Chris Ryer
Director*

May 30, 2019

REQUEST: City Council Bill #19-0371/ Zoning – Conditional Use Banquet Hall – 4339 York Road (A Portion of the Property Known as 4335-4339 York Road)

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the property formerly known as 4339 York Road, which is now a portion of the property known as 4335-4339 York Road (Block 5211, Lot 012), as outlined in red on the accompanying plat; and making this ordinance subject to a certain contingency.

RECOMMENDATION: Approval

STAFF: K. Reni Lawal-Simmons

PETITIONER: Councilman Henry, at the request of Cecelia Woah-tee

OWNER: Cecelia Woah-tee

SITE/GENERAL AREA

Site Conditions: The property known as 4339 York Road is located on the east side of York Road, approximately 355' north of the intersection with 43rd Street. This property measures approximately 66' by 209' and is currently improved with a two-story detached structure with a structural area that measures 5749 square feet. The property is zoned I-MU.

General Area: This site is located within the Wilson Park neighborhood boundaries which is mostly comprised of single family detached and rowhome structures except along the York Road Corridor. Along the southern portion of York Road, between East 43rd Street and East Cold Spring Lane, there is a mix of industrial and commercial structures that line the corridor. Additionally, there is a block, just below East Cold Spring Lane, with residential structures that have first floor store fronts.

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, Baltimore City's Comprehensive Master Plan, Play Goal 2: Improve Nightlife, Entertainment, and Recreation Experiences for Residents and Visitors. The proposed action also aligns with the York Road Corridor Action Plan, specifically the vision for the southern zone as a place to shop, develop skills, learn, and play on the York Road Corridor.

ANALYSIS

Background: A banquet hall is conditional by ordinance in the Industrial Mixed-Use category of the City's zoning code and subject to use standards found in section 14-302. This legislation will allow the owner to use the existing structure as a banquet hall subject to the use standards and conditions set forth in its definition.

Zoning Analysis: The zoning code states that a banquet hall means an establishment that:

- 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;
- that is used regularly for serving food or beverage provided by the owner or by caterers and suppliers approved in advance by the owner;
- 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;
- to which the general public is not admitted;
- for which no admission fee is charged at the door; and
- in which no third party promoter is involved or stands to profit.

Conditional Use: Per section 5-406 {Approval Standards} of the City's zoning code,

(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.

The establishment, location, and operation of this property as a 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 and would not be contrary to public interest. Therefore, Planning staff conclude that the authorization would be in harmony with the purpose and intent of the Zoning Code.

In making the above recommendation, Planning staff reviewed section 5-406 {Required Considerations} of the City's zoning code and finds that the proposed use meets the criteria for approval of a conditional use:

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

- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (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;
- (10) the provisions of the City's Comprehensive Master Plan;
- (11) the provisions of any applicable 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.

Notification: Public notice of this hearing was given by posting of signs meeting Planning Commission specifications on the front of the impacted property, 4335 York Road. Also, the Wilson Park Community Association and Councilman Henry have been notified of this item.



Chris Ryer
Director