

LAND USE COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE 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. 20-0494

Zoning - Conditional Use Banquet Hall - 5401 Belair Road

- (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 authorization allows the establishment, maintenance, and operation of a banquet hall on the second floor of the property known as 5401 Belair Road. Off-street parking for patrons of the banquet hall is available on two sides of the building, with access from Frankford Avenue to the unitary open off-street parking area that is on this property and the adjoining property known as 4206 Frankford Avenue. The applicant has sought designation of some parking spaces for banquet hall patrons during banquet events. There would be minimal adverse noise impact upon nearby residents of properties to the northeast of this property, since escaping sound would go southward or westward toward portions of commercial establishments fronting on Belair Road or Frankford Avenue. The applicant has taken several steps to ensure that the use will not endanger the public, including installing cameras at the property and arranging for security personnel during events.

- (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 and there is no Urban Renewal Plan for this area.

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

The proposed use of the property as a banquet hall will provide needed services in the community that are not currently available. The proposed use will also support economic development and contribute to improving the mix of businesses in surrounding communities.

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

The proposed use of the property as a banquet hall will provide needed services in the community that are not currently available. The proposed use will also support economic development and contribute to improving the mix of businesses in surrounding communities.

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;

This property has 216' of frontage on Belair Road, and approximately 163' of frontage on Frankford Avenue, and contains approximately 0.857 acre. The first floor level of the existing structure is occupied by a retail goods establishment with alcoholic beverage sales. The second floor or upper level of the building is a large open-span hall that until recently was used as a Place of Worship.

Off-street parking for patrons of the banquet hall is available on two sides of the building, with access from Frankford Avenue to the unitary open off-street parking area that is on this property and the adjoining property known as 4206 Frankford Avenue. The applicant has sought designation of some parking spaces for banquet hall patrons during banquet events. There would be minimal adverse noise impact upon nearby residents of properties to the northeast of this property, since escaping sound would go southward or westward toward portions of commercial establishments fronting on Belair Road or Frankford Avenue.

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

There will be no negative impact to traffic patterns. Off-street parking for patrons of the banquet hall is available on two sides of the building, with access from Frankford Avenue to the unitary open off-street parking area that is on this property and the adjoining property known as 4206 Frankford Avenue.

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

The Belair Road commercial corridor is characterized by various commercial uses that have evolved around or along the original Belair Turnpike. West of the Belair Road commercial area is the Waltherson community, characterized by single-family detached,

semi-detached, and limited attached housing. East of the Belair Road commercial area is the Frankford community, with residential areas containing a mix of detached, semi-detached, attached, and multi-family dwellings, with some schools, religious institutional uses, and scattered small commercial use clusters. Cater-corner to this property is Gardenville Elementary School. Adjoining the Frankford Avenue and Belair Road Planned Unit Development that adjoins this property is the St. Anthony of Padua Church property along the north side of Frankford Avenue.

Off-street parking for patrons of the banquet hall is available on two sides of the building, with access from Frankford Avenue to the unitary open off-street parking area that is on this property and the adjoining property known as 4206 Frankford Avenue. The applicant has sought designation of some parking spaces for banquet hall patrons during banquet events. There would be minimal adverse noise impact upon nearby residents of properties to the northeast of this property, since escaping sound would go southward or westward toward portions of commercial establishments fronting on Belair Road or Frankford Avenue. The applicant has taken several steps to ensure that the use will not endanger the public, including installing cameras at the property and arranging for security personnel during events.

The proposed use of the property as a banquet hall will provide needed services in the community that are not currently available. The proposed use will also support economic development and contribute to improving the mix of businesses in surrounding communities.

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

For the reasons discussed above, there will be no negative impact resulting from proximity to dwellings, churches, schools, public structures, and other places of public gathering.

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

There is adequate accessibility of the premises 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;

Adequate utilities, access roads, drainage, and other necessary facilities have been provided.

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

The proposed use will not interfere with preservation of cultural and historic landmarks and structures.

- (9) the character of the neighborhood;

The Belair Road commercial corridor is characterized by various commercial uses that have evolved around or along the original Belair Turnpike. West of the Belair Road commercial area is the Waltherson community, characterized by single-family detached, semi-detached, and limited attached housing. East of the Belair Road commercial area is the Frankford community, with residential areas containing a mix of detached, semi-detached, attached, and multi-family dwellings, with some schools, religious institutional uses, and scattered small commercial use clusters. Cater-corner to this property is Gardenville Elementary School. Adjoining the Frankford Avenue and Belair Road Planned Unit Development that adjoins this property is the St. Anthony of Padua Church property along the north side of Frankford Avenue. The proposed use will not alter the character of the neighborhood.

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

The proposed use 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. The proposed action is also consistent with the Urban Land Institute's Technical Assistance Panel Study for the Belair Road commercial corridor goal of attracting youth-friendly and family oriented businesses and eateries to the area by capitalizing on the presence of strong anchors like Gardenville Elementary School and St. Anthony of Padua Catholic Church. Additionally, the proposed action is consistent with the follow-up Market Study goal to implement effective public policies and development incentives that will attract investment to residential, commercial, entertainment, and niche market opportunities within the Belair Road Corridor project area and further transform the neighborhood into an attractive destination to shop for unique goods and services and enjoy community programming and events.

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

There is no Urban Renewal Plan for this area.

- (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

For the reasons discussed above, the proposed use is consistent 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 Report – Planning Commission’s report, dated March 9, 2020, which included the Department of Planning Staff Report, dated March 5, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness Name:

- Martin French, Baltimore City Department of Planning
- Elena DiPietro, Department of Law
- Representatives from other City agencies
- Blessing Okoro, Applicant
- Noah Carver, 5401 Belair Road, LLC

Written – Submitted by:

- Department of Transportation, Agency Report – Dated June 15, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated May 18, 2020
- Law Department, Agency Report – Dated June 16, 2020
- Department of Housing and Community Development, Agency Report – Dated March 23, 2020
- Police Department, Agency Report – Dated June 16, 2020
- Parking Authority, Agency Report – Dated March 2, 2020