

FROM

NAME & TITLE	CHRIS RYER, DIRECTOR
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
SUBJECT	CITY COUNCIL BILL #20-0494 / CONDITIONAL USE BANQUET HALL – 5401 BELAIR ROAD

CITY of
BALTIMORE
MEMO



TO

DATE:

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

March 9, 2020

At its regular meeting of March 5, 2020, the Planning Commission considered City Council Bill #20-0494, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the property known as 5401 Belair Road (Block 5989A, Lot 019), as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #20-0494 and adopted the following resolution; six members being present (six in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-308 and §5-406 of Article 32 – *Zoning*, that:

- (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;
- (2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;
- (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
- (4) the variance will not:
 - (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or
 - (ii) substantially diminish and impair property values in the neighborhood;
- (5) the variance is in harmony with the purpose and intent of this Code;
- (6) the variance is not precluded by and will not adversely affect:
 - (i) any Urban Renewal Plan;
 - (ii) the City’s Comprehensive Master Plan; or
 - (iii) any Historical and Architectural Preservation District; and
- (7) the variance will not otherwise:
 - (i) be detrimental to or endanger the public health, safety, or welfare; or
 - (ii) be in any way contrary to the public interest.

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #20-0494 be passed by the City Council, and further recommends that the Petitioners and the appropriate community associations continue with process or developing additional conditions for approval of a banquet hall, in order that those additional conditions may receive consideration 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

cc: Mr. Nicholas Blendy, Mayor's Office
Mr. Matthew Stegman, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Dominic McAlily, Council Services



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



*Chris Ryer
Director*

March 5, 2020

REQUEST: City Council Bill #20-0494/ Zoning – Conditional Use Banquet Hall – 5401 Belair Road:

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the property known as 5401 Belair Road (Block 5989A, Lot 019), as outlined in red on the accompanying plat.

RECOMMENDATION: Amend, and Approve as amended

Recommended Amendments:

- Retitle Bill 20-0494 to state “Conditional Use Banquet Hall – The Second Floor Area of 5401 Belair Road”;
- Amend line 5 to state “operation of a banquet hall on the second floor area of the property known as 5401 Belair Road” in the description of the purpose of the bill;
- Amend line 14 to state “second floor of the property known as...” in Section 1 of the bill; and,
- Amend the description on the Plat Map accompanying the bill to state in part: “the Conditional Use of the Second Floor Area of the Aforementioned Property as a Banquet Hall,”

STAFF: Martin French

PETITIONERS: Councilmember McCray, at the request of Blessing Okoro and 5401 Belair Road LLC

OWNER: 5401 Belair Road LLC

SITE/ GENERAL AREA

Site Conditions: 5401 Belair Road is located on the northeastern corner of the intersection with Frankford Avenue, an intersection where the commercial edges of the two communities of Waltherson and Frankford meet. This property, which is in the Frankford community, has 216’ of frontage on Belair Road, and approximately 163’ of frontage on Frankford Avenue, and contains approximately 0.857 acre. The site is improved with a two-story semi-detached commercial structure on the southeastern side of the lot. 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 property and its immediate neighbor to the southeast, a strip shopping center facing Frankford Avenue, are currently owned by the same owner, and were once known collectively as the Belford

Shopping Center. The existing structure on the property known as 5401 Belair Road is a former bank building, of which the street or first floor level is occupied by a retail goods establishment with alcoholic beverage sales. The second floor or upper level of this same building is a large open-span hall that until recently was used as a Place of Worship. The portions of both properties (5401 Belair Road and 4206 Frankford Avenue) not covered by commercial buildings are paved off-street parking areas accessory to the commercial uses.

General Area: The Belair Road commercial corridor is characterized by various commercial uses that have evolved around or along the original Belair Turnpike, a commercial corridor its entire length from the City limits (and beyond, in Baltimore County further northeastward) southwesterly to the 1851 City line at its intersection with North Avenue, south of which it is known as Gay Street. 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 PUD that adjoins this property is the St. Anthony of Padua Church property along the north side of Frankford Avenue.

HISTORY

There are no previous legislative or Planning Commission actions regarding this specific site. The adjoining property known as 4206 Frankford Avenue is included in the Frankford Avenue and Belair Road Planned Unit Development. This Business PUD was created and approved by Ordinance no. 676 dated December 4, 1995. This property and adjacent properties were rezoned from B-2-1 to C-2 (Community Business) during the comprehensive rezoning mapping process associated with the effective date of the current Zoning Code on June 5, 2017.

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. The proposed action is also consistent with the Urban Land Institute's Technical Assistance Panel Study for the Belair Road commercial corridor that stated, for this area named the Gardenville node, this Goal: 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 (TAP Study, p. 12). The follow-up Market Study for the TAP report stated this Goal: 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 (TAP Market study, p. 9).

ANALYSIS

Background: The applicant wishes to use the second floor level of the commercial building known as 5401 Belair Road as a banquet hall. This allows use of the building's street level on Belair Road for active pedestrian-oriented and automobile-oriented retail commercial use, while upstairs offering an alternative to downtown or suburban banquet hall locations for nearby

residents to take advantage of. 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 in the adjoining PUD. The applicant has taken the initiative to address this need by seeking designation of some parking spaces for banquet hall patrons during banquet events. This supports her effort to limit possible adverse effects on the existing on-street parking needs of the nearby Frankford community.

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.

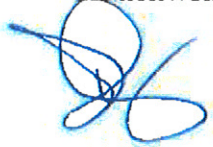
The proposed banquet hall does not yet have a rated capacity. The Place of Worship which recently vacated the second floor level of the building at 5401 Belair Road had a Use & Occupancy permit for 200 seats, with parking provided. For these 200 persons, at least 50 off-street parking spaces were required (Table 16-406), and were provided by the existing accessory parking area (approximately 49 on-site, with additional spaces on the PUD parking area). Unless the rated capacity of the proposed banquet hall exceeds 500 persons, on-site parking facilities should be adequate to meet Zoning Code requirements.

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.

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 least 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 Belair Road corridor or the Frankford area. A banquet hall could contribute to 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.

Notifications: The Frankford Improvement Association, Inc. Coalition of Communities, the Waltherson Improvement Association, Inc., the Harbel Community Organization, Inc., and Councilwoman McCray have been notified of this action.



Chris Ryer
Director