


<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #20-0590 / ZONING – CONDITIONAL USE PARKING LOT – 1301-1325 ETTING STREET, etc.		

**TO**

DATE: September 11, 2020

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

At its regular meeting of September 11, 2020, the Planning Commission considered City Council Bill #20-0590, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking lot on the properties known as 1301-1325 Etting Street (Block 0396, Lots 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, and 063), 505, 507, 509, and 511 West Lafayette Avenue (Block 0396, Lots 019, 020, 021, and 022), and the alley adjacent to 1325 Etting Street, as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #20-0590 and adopted the following resolution; nine members being present (nine in favor):

**RESOLVED**, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #20-0590 be amended and 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

- 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
- Ms. Livhu Ndou, 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

September 10, 2020

**REQUEST:** City Council Bill #20-0590/ Zoning - Conditional Use Parking Lot - 1301-1325 Etting Street, 505, 507, 509, and 511 West Lafayette Avenue, and the Alley Adjacent to 1325 Etting Street:

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking lot on the properties known as 1301-1325 Etting Street (Block 0396, Lots 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, and 063), 505, 507, 509, and 511 West Lafayette Avenue (Block 0396, Lots 019, 020, 021, and 022), and the alley adjacent to 1325 Etting Street, as outlined in red on the accompanying plat.

**RECOMMENDATION:** Approval, subject to the following conditions:

- That the parking lot is approved by the Site Plan Review Committee; and
- That the parking lot meet the requirements of the Landscape Manual.

**STAFF:** Eric Tiso

**PETITIONER(S):** Bethel African American Episcopal Church, Inc.

**OWNER:** Bethel African American Episcopal Church, Inc., c/o Reverend Patrick D. Clayborn

#### **SITE/GENERAL AREA**

Site Conditions: These R-8 zoned properties are located on the northeast side of Etting Street, between West Lafayette and West Lanvale Streets. These lots were previously rowhomes, but have since been demolished and paved for informal use as a parking lot.

General Area: These properties are located in the Upton neighborhood, which is roughly located in the area bounded by West Preston Street, McCulloh Street, Bloom Street and North Fremont Avenue. This neighborhood is predominantly residential in nature, with a variety of housing types, and includes religious, educational, and institutional uses throughout the area.

#### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site.

#### **ANALYSIS**

Background: These properties have been acquired by the church, and have been paved and used informally for parking. The purpose of this conditional use Ordinance is to formalize the use, and to establish a parking lot that meets the design requirements of the Zoning Code.

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.

In this case, these formerly vacant lots have been used as a parking area for the adjacent church. As a parking lot, the properties have been protected from further deterioration and neglect, and support an institutional use in the neighborhood. By formalizing this use, the neighborhood benefits, since street parking will not be taken up by congregants. There is no Urban Renewal Plan for this area or other overlay. The proposed plan as shown appears to meet the appropriate requirements for parking lots, but will need to be approved by the Site Plan Review Committee (SPRC).

Below is the staff's review of §5-406(b) {"Required considerations"} of Article 32 – *Zoning*:

(b) *Required considerations*.

As a further guide to its decision on the facts of each case, the Board of Municipal and Zoning Appeals must consider the following, where appropriate:

- (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.

Staff finds that the proposed parking lot is appropriate for the site, though it will need to be reviewed by the Site Plan Review Committee and will need to comply with the requirements of the Landscape Manual. As presented, the parking lot's design appears to meet these requirements. Traffic in the area will not be impacted, though parking in the neighborhood could be negatively impacted if this parking lot is not permitted to continue. This site had previously been vacant, but now productively supports an adjacent institutional use, and the proposed parking lot will not negatively impact adjacent homes as vacant properties would. There are no

expected impacts to any surrounding utilities, neighborhoods, community organizations, or other members of the community. There are no negative impacts to the principals of the City's Comprehensive Master Plan, or other requirements of the Zoning Code. For all of these reasons, staff recommends approval of the parking lot, subject to approval by the Site Plan Review Committee and that it will comply with the requirements of the Landscape Manual.

Alley Closure: There is a pedestrian alley located northwest of Block 396, Lot 063 (formerly 1325 Etting Street), running between Etting Street and a 10' alley. That pedestrian alley is surrounded by properties owned by the church, with the exception of 503 West Lafayette Street. All, or most, of that alley will need to be closed, purchased, and consolidated with the other lots in order to have a single parcel that may be developed as a parking lot. The portion of the alley to be closed has not been functionally used as an alley for over a decade, and is indistinguishable from the informal parking lot now. For this reason, there is no public purpose for that alley to remain open, and staff recommends that it be closed and sold. That action will require separate legislation.

Notification: The Upton Planning Committee and the Historic Marble Hill Community Association have been notified of this action.



**Chris Ryer**  
**Director**