

TJS

<b>FROM</b>	<b>NAME &amp; TITLE</b>	THOMAS J. STOSUR, DIRECTOR
	<b>AGENCY NAME &amp; ADDRESS</b>	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET
	<b>SUBJECT</b>	CITY COUNCIL BILL #12-0026 / ZONING – CONDITIONAL USE SECOND-HAND STORE – 914 WEST 36 <sup>TH</sup> STREET

CITY of  
BALTIMORE  
**MEMO**



DATE: February 24, 2012

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

At its regular meeting of February 23, 2012, the Planning Commission considered City Council Bill #12-0026, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a second-hand store on the property known as 914 West 36<sup>th</sup> 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 approval of City Council Bill #12-0026 and adopted the following resolution; five members being present (five in favor).

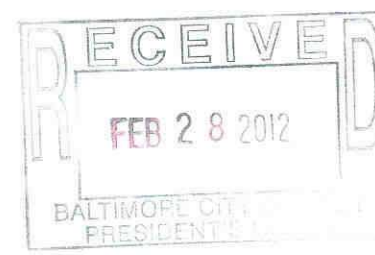
RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #12-0026 be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WYA/mf

Attachment

- cc: Ms. Kaliopé Parthemos, Deputy Mayor
- Mr. Peter O'Malley, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Mr. Nicholas Blendy, DHCD
- Ms. Kristen Mitchell, BDC
- Ms. Elena DiPietro, Law Dept.
- Ms. Karen Randle, Council Services
- Mr. Keith Rattray



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*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**February 23, 2012**

**REQUEST:** City Council Bill 12-0026/ Zoning – Conditional Use Second-hand Store – 914 West 36<sup>th</sup> Street

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a second-hand store on the property known as 914 West 36<sup>th</sup> Street, as outlined in red on the accompanying plat.

**RECOMMENDATION:** Approval

**STAFF:** Martin French

**PETITIONER(S):** Councilmembers Clarke and Mosby, at the request of Keith Rattray

**OWNER:** Two Farms, Inc.

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

Site Conditions: This property, located on the north side of 36<sup>th</sup> Street approximately 45' east of the intersection with Roland Avenue, measures approximately 65' by 106' and is currently improved with a two-story attached commercial building covering the entire lot. The street level of this 13,020 square foot building is currently used for a second-hand furniture store. The site is zoned B-2-2 and is located in the Hampden Business Area Urban Renewal Plan area and the Hampden National Register Historic District.

General Area: The property is located in the midst of a long-established commercial strip which runs west-to-east on both sides of 36<sup>th</sup> Street from Falls Road to the east side of Chestnut Avenue. Typical commercial properties are a mix of late 19<sup>th</sup> and early 20<sup>th</sup> Century structures, some having been converted from original residential purpose to commercial use. Behind these commercial structures lining 36<sup>th</sup> Street, the Hampden residential neighborhood developed from the mid-19<sup>th</sup> to early 20<sup>th</sup> Century is variously made up of single-family detached, semi-detached, and attached housing with some other uses such as schools and churches included.

## **HISTORY**

There is no previous legislative history concerning this property only. It is included in the Urban Renewal Area mapped in the Hampden Business Area Urban Renewal Plan, originally approved by the Mayor and City Council by Ordinance 285 on February 17, 1977 and most recently amended by Ordinance 06-235 dated June 2, 2006, which designates it as part of the Community Business area. Planning staff, having reviewed the Plan, find that this property is located in the Hampden Business Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

## **CONFORMITY TO PLANS**

The proposed action is consistent with the City of Baltimore's Comprehensive Master Plan, LIVE EARN PLAY LEARN, Live Goal 1, Objective 2: Strategically redevelop vacant properties throughout the City, and with objectives of the Hampden Business Area Urban Renewal Plan, specifically: promoting new retail business activity in the area. Making this long-established store-front vacant would create a blighting influence on immediate surrounding businesses. The Baltimore Development Corporation, which administers the Urban Renewal Plan, considers this proposed use consistent with the purposes of the Plan.

## **ANALYSIS**

In the Zoning Code, §1-186.1 defines "second-hand store" as "a place of business of a person who engages in the business of buying for resale, trade, or transfer used or previously owned property or merchandise, including carvings, clothes, ceramics, furniture, glass, household items, jewelry, paintings, rugs, sculptures, silverware, and other moveable personal property, but excluding motor vehicles, records, tapes, compact discs, and books." Mr. Rattray, the applicant, proposes to continue to use this property for sale of second-hand furniture and related household items. His recent application for a Use and Occupancy permit, following his acquisition of the existing business, led to discovery that the most recently approved use of the property was for a variety store.

A second-hand furniture business has operated successfully and without community complaint at this location for over a decade. To align the permitted use with the actual use, the applicant is requesting approval of a second-hand store by the Mayor and City Council. City Council Bill 12-0026 is the legislation required according to the Zoning Code, §6-309 (12a) which lists second-hand stores as a conditional use for which an ordinance is required in a B-2 District.

Conditional Use – Required findings: In accordance with §16-304 of the Zoning Code of Baltimore City, the Planning Commission must base its recommendation to the City Council to approve a conditional use on these considerations required by Title 14 {"Conditional Uses"} of the Zoning Code:

1. the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
2. the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization is not otherwise in any way contrary to the public interest; and
4. the authorization is in harmony with the purpose and intent of this article (§14-204).

Planning staff, having reviewed the proposed conditional use in relation to these criteria, have determined that the proposed second-hand store at 914 West 36<sup>th</sup> Street meets these requirements for approval by ordinance of the Mayor and City Council of Baltimore, and recommends that the Planning Commission find accordingly in favor of this bill.

Staff notified the Hampden Community Council, Hampden Village Merchants Association, Mill Valley Community Coalition, Old Mill Town Association, Greater Homewood Community Corporation, Two Farms, Inc., and Councilmembers Clarke and Mosby of this action.

A handwritten signature in blue ink, appearing to read "Thomas J. Stosur". The signature is written in a cursive style with a large initial "T" and "S".

**Thomas J. Stosur**  
**Director**



Planning Commission  
CCB 12-0026/Zoning - Conditional Use  
Second-Hand Store - 914 West 36th Street



February 23, 2012

