



<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 #21-0064 / Zoning – Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales) – A Portion of 3901 Boston Street (Also Known As 3975 Boston St.)		

**TO**

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

DATE: May 14, 2021

At its regular meeting of May 13, 2021, the Planning Commission considered City Council Bill #21-0064, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a retail goods establishment (with alcoholic beverages sales) on the property known as 3901 Boston Street (also known as 3975 Boston Street), as outlined in red on the accompanying plat; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #21-0064, and adopted the following resolutions, seven members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendations of its Departmental staff, adopts the findings of fact outlined in the attached staff report and its equity findings, with consideration for testimony and facts presented in that meeting, and recommends that City Council Bill #21-0064 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

cc: Ms. Natasha Mehu, Mayor's Office  
Ms. Nina Themelis, Mayor's Office  
The Honorable Eric Costello, Council Rep. to Planning Commission  
Mr. Matthew Stegman, City Council President's Office  
Ms. Nikki Thompson, City Council President's Office  
Mr. Colin Tarbert, BDC  
Ms. Kathleen Byrne, 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  
Ms. Caroline Hecker, Esq. for BCP Investors II, LLC



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

May 13, 2021

**REQUEST:** City Council Bill #21-0064/ Zoning – Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales) – A Portion of 3901 Boston Street (Also Known As 3975 Boston Street):

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a retail goods establishment (with alcoholic beverages sales) on the property known as 3901 Boston Street (also known as 3975 Boston Street), as outlined in red on the accompanying plat; and providing for a special effective date.

**RECOMMENDATION:** Approval

**STAFF:** Martin French

**PETITIONERS:** Councilmember Cohen, at the request of Canton Crossing Wine & Spirits LLC

**OWNER:** BCP Investors II, LLC

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

Site Conditions: This property is located on the south side of Boston Street between Haven and Eaton Streets. The commercial property contains approximately 11.68 acres divided into two lots known as 3901 Boston Street (Block 6505, Lot 009A) and 4001 Boston Street (Block 6505, Lot 009B). It is currently improved with a one-story detached multi-tenant commercial building, with an off-street parking area in front of the building accessible from Boston Street and from Haven and Eaton Streets. The property is in the C-3 zoning district, in which a retail goods establishment with alcoholic beverages sales is a conditional use requiring approval by ordinance, and in the Canton Industrial Area Urban Renewal Plan area.

General Area: This property is located in the southeastern portion of Baltimore, in a formerly heavy industrial area that has undergone substantial transformation into a modern office-retail area in the past 15 years. Residential land use now exists near the northern part of this area, north of Boston Street and west of Eaton Street. Additional residential use is anticipated in part of the area north of Boston Street as far east as the east side of Haven Street, but not along Boston Street itself. Active rail freight lines serving the Port of Baltimore, including a branch line forming the southern and eastern boundary of this site, separate this site and other sites redeveloped with office and retail commercial uses from the remaining heavy industrial uses to the south and east that are in the Maritime Industrial zoning district.

## **HISTORY**

The Canton Industrial Area Urban Renewal Plan was originally approved by the Mayor and City Council by Ordinance no. 90-637 dated June 20, 1990, and was last amended by Ordinance no. 19-282 dated August 19, 2019. The Urban Renewal Plan designates this site as Commercial.

## **ANALYSIS**

**Background:** This large retail commercial property was constructed in 2018-2019. The same owners also constructed a large retail commercial property with the address 3501 Boston Street (Block 6505, Lot 001) in 2013, containing a retail goods establishment with alcoholic beverages sales that has the specific address of 3831 Boston Street. The petitioner seeks to move the liquor license location (and exchange the existing Class B-D-7 license for a Class A-7 license) in order to place a retail goods establishment with alcoholic beverages sales in the established retail sales area of the existing structure known as 3901 Boston Street, and specifically in its commercial bay known by the address of 3975 Boston Street. Because the entire site is zoned C-3, the Zoning Code requires an ordinance to approve this new location of this establishment.

**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.

Establishment, location, maintenance and operation of a retail goods establishment with alcoholic beverages sales at 3901 Boston Street, and specifically on the portion of the property known as 3975 Boston Street, would not be detrimental to or endanger public health, safety, or welfare. The proposed use is not precluded by any other law, including the Urban Renewal Plan covering the subject property. Use of a limited portion of the property for a retail goods establishment with alcoholic beverages sales would not be contrary to the public interest. The authorization would be in harmony with the purpose and intent of the Zoning Code.

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 site, including its size and shape, is appropriate for the proposed use. There would be no change to traffic patterns if this use would be authorized. The surrounding area is one in which the predominant land use is retail commercial serving the Canton community to its northwest and other, more distant, residential areas. For this reason, it is unlikely that the proposed use would impair present or future development of the Canton community or of the shopping district along this portion of Boston Street. There is no proximity to dwellings and places of public gathering, and reasonable distance from churches and schools. There is adequate accessibility for emergency vehicles, and of light and air to the premises and to other properties in the vicinity. There are adequate utilities, roads, drainage, and other necessary facilities. The proposed use of a portion of the existing modern commercial structure would not affect preservation of cultural and historic landmarks and structures. Approval of the proposed use would not affect the existing character of the neighborhood, as the alcoholic beverages sales license is to be transferred from a similar commercial location two blocks away to the west. While not inconsistent with the City's Comprehensive Master Plan, the proposed use is not prevented or limited by the Canton Industrial Area Urban Renewal Plan. Allowing a retail goods establishment with alcoholic beverages sales, with no enlargement of the existing structure on the property or of the existing area within the structure that would be used for the purpose of a retail goods establishment with alcoholic beverages sales, would not be inconsistent with the intent and purpose of the Zoning Code.

Equity considerations: The subject property is located to the southeast of a part of Baltimore City that has middle-market real estate values and a proportion of non-white residents that is lower than the City-wide average. There are no apparent or predictable changes to the quality of life of the nearby Canton community that would result from approving or disapproving the proposed action. The proposed action would not change existing patterns of inequity that persist in Baltimore. The Canton community, which is to the north of Boston Street, has been involved in discussion of the proposed action.

Notification: The Canton Community Association has been notified of this action.



**Chris Ryer**  
**Director**