



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

February 9, 2023

REQUEST: City Council Bill #22-0323/ Zoning – Conditional Use Parking Lot – 3618 and 3620 Elm Avenue:

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of an open-air off-street parking area on the properties known as 3618 Elm Avenue (Block 3538, Lot 038) and 3620 Elm Avenue (Block 3538, Lot 037), as outlined in red on the accompanying plat; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONER: Councilmember Ramos, o.b.o. Wonder Dog Enterprises LLC, c/o David Wells

OWNER: Wonder Dog Enterprises LLC

SITE/GENERAL AREA

Site Conditions: 3618 Elm Avenue and 3620 Elm Avenue are adjoining lots, each measuring 18' wide by 162'6" deep, that extend mid-block from Elm Avenue to a 10' wide alley running parallel to Elm Avenue to its west. The former was acquired by the current owner in 2016; the latter was acquired by the current owner in 2022. Although these lots have not been consolidated, their owner proposes to use them as overflow off-street parking for a business located on the opposite side of Elm Avenue in that same block.

General Area: This site is part of the Hampden community, which for over 175 years has contained a mix of residential, commercial, and industrial uses. The two lots proposed for use as an open-air off-street parking lot are located immediately north of "the Avenue" which is the name used for the central business corridor of Hampden that extends eastward from Falls Road along both sides of 36th Street. The southern boundary of 3618 Elm Avenue (Block 3538, Lot 038) forms part of the northern boundary of the Hampden Business Area Urban Renewal Area (Urban Renewal Plan adopted in 1977 and last amended in 2020) and thus this site is adjoining the Hampden Business Area while not being part of it.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site specifically. The Hampden District was certified to the National Register of Historic Places on December 29, 2004, and the structures then on these lots were listed as contributing structures in the Historic

District. These two lots were rezoned from R-7 to R-6 during the comprehensive rezoning mapping process associated with the effective date of the current Zoning Code on June 5, 2017.

ANALYSIS

Background: The applicant, whose business interests include the commercial establishment across Elm Avenue that would benefit from establishment of the proposed off-street parking lot, purchased the two lots with the intent of providing additional parking spaces for patrons of that business. As Hampden is an historic district developed before advent of the automobile, there is limited off-street parking available and strong competition for on-street parking spaces where they exist. The proposed parking lot would provide ten parking spaces angled northerly from a drive aisle by which traffic would enter from Elm Avenue and exit via the 10' wide alley that parallels Elm Avenue to its west.

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.

The proposed parking lot would serve patrons of the commercial establishment at 3601 Elm Avenue, and accordingly reduce demand for on-street parking in the largely residential 3600 block of Elm Avenue, which being immediately north of "the Avenue" is subject to demand associated with the various establishments located on several blocks of 36th Street in the vicinity. As the business at 3601 Elm Avenue is a retail business, most use of the parking lot would be short-term during the hours that the business is open. The proposed use would thus not be detrimental to the public health, safety, or welfare, and would tangentially benefit residents of the 3600 block of Elm Avenue. The site is not in the Hampden Business Area Urban Renewal Plan area, or in any other overlay district that would prevent it. By accommodating some public demand for parking the use would not be contrary to the public interest and 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.

The proposed parking lot is appropriate for the site formed by consolidation of the two lots referred to in this bill and has been preliminarily reviewed by the Site Plan Review Committee. Traffic flow along Elm Avenue should not be impeded as there will be a one-way-in entrance to the lot from Elm Avenue, while all vehicles that use the lot would exit to its west using the 10' wide alley that runs northward to 37th Street. While it may be regretted that two dwellings that were contained in what were considered contributing structures in the Hampden Historic District are being displaced as land uses, the demand for off-street parking at this location is reflective of continuing commercial viability of the businesses on "the Avenue". The proposed use would not adversely affect the character of the neighborhood, nor conflict with provisions of the Comprehensive Master Plan or other standards and requirements contained in the Zoning Code, or its intent and purpose. For all these reasons approval of the parking lot is recommended.

Equity:

- The proposed open-air off-street parking lot would not seriously affect the immediate neighboring portion of the Hampden community. While it represents a commercial nibbling at the residential area closest to Hampden's commercial heart, "the Avenue", it also would benefit remaining residents by lessening competition for on-street parking spaces in an historic community not originally planned or built to contain such spaces.
- This proposed use would not impact existing patterns of inequity that persist in Baltimore, as open-air parking lots once established neither attract nor displace residents, and this particular parking lot would assist retention of an established business that is also a source of employment. There would be two dwelling units lost in a stable and strong real estate market area that contains a higher proportion of non-minority residents than the City of Baltimore as a whole.
- Engagement:
 - The community has been meaningfully engaged in discussing this proposal, without which process the bill would not have been introduced by its sponsor.
 - Hampden residents have not been historically excluded from planning processes and are being authentically included in planning of other development concepts in their community, such as improvement and additional development of the Robert Poole School site and the Murdock Skate Park.
- Internal Operations:
 - This proposed use would not affect Planning Department operations or planned activities.

Notification: The Hampden Community Council, the Hampden Merchants Association, and Councilwoman Ramos have been notified of this action.

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Chris Ryer
Director