


FROM	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 #24-0512 / REPEAL OF ORDINANCE 01-257, AS AMENDED BY ORDINANCE 02-447 - REISTERSTOWN ROAD PLAZA SHOPPING CENTER		

TO

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

DATE: May 10, 2024

At its regular meeting of May 9, 2024, the Planning Commission considered City Council Bill #24-0512, for the purpose of repealing Ordinance 01-257, as amended by Ordinance 02-447, which designated certain properties a Business Planned Unit Development known as Reisterstown Road Plaza Shopping Center; 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 #24-0512 and adopted the following resolutions, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #24-0512 be **approved** 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. Nina Themelis, Mayor's Office  
 The Honorable Eric Costello, Council Rep. to Planning Commission  
 Mr. Colin Tarbert, BDC  
 Ms. Rebecca Witt, 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



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

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

### STAFF REPORT



Chris Ryer  
Director

**May 9, 2024**

**REQUEST:** City Council Bill #24-0512/ Repeal of Ordinance 01-257, as Amended by Ordinance 02-447 - Reisterstown Road Plaza Shopping Center Planned Unit Development: For the purpose of repealing Ordinance 01-257, as amended by Ordinance 02-447, which designated certain properties a Business Planned Unit Development known as Reisterstown Road Plaza Shopping Center; and providing for a special effective date.

**RECOMMENDATION:** Approval

**STAFF:** Eric Tiso

**PETITIONER:** TRC RRP Holdings, LLC c/o Caroline L. Hecker, Esquire

**OWNER:** TRC RRP Holdings, LLC

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

Site Conditions: This Planned Unit Development (PUD) was created for the restaurant outparcels along the perimeter of the Reisterstown Road Plaza Shopping Center, along the Reisterstown Road and Patterson Avenue frontages. Four restaurant outparcels and a sit-down restaurant are currently built within this PUD. The overall shopping center is located on the south side of Reisterstown Road, between the intersections with Patterson Avenue and Brookhill Road, and generally extends southward to Vincent Lane.

General Area: The Reisterstown Road corridor consists of numerous commercial uses, which are generally zoned C-2, C-3, and C-4. Directly to the west of the site are an apartment complex and the rail line. Further to the west is a Transit Station, Wabash Avenue, the Seton Business Park and the Fallstaff neighborhood.

#### **HISTORY**

- Ordinance #01-257, Reisterstown Road Plaza Planned Unit Development, was approved on November 9, 2001.
- Ordinance #02-447, the latest amendment to the Reisterstown Road Plaza Planned Unit Development, was approved on October 31, 2002.
- Final Design Approval for the Applebee's Restaurant was approved by the Planning Commission on August 15, 2002.
- Final Design Approval for the Giant Gas Station was approved by the Planning Commission on October 23, 2003. (Approved, but not built)
- Final Design Approval for the Patterson Avenue Retail Pad Site was approved by the Planning Commission on December 18, 2003. (Approved, but not built)

- Final Design Approval for the Yum! Brands Restaurant Pad Site was approved by the Planning Commission on July 8, 2004.
- Final Design Approval for the Wendy’s Restaurant Pad Site was approved by the Planning Commission on August 26, 2004.
- Final Design Approval for the Retail Pad Site was approved by the Planning Commission on August 26, 2004. (Approved, but not built)
- Final Design Approval for the Old Country Buffet was approved by the Planning Commission on September 9, 2004. (Approved, but not built)
- Final Design Approval for a Checkers Restaurant was approved by the Planning Commission on March 24, 2005.
- Ordinance #09-219, established the Reisterstown Plaza Transit Station Urban Renewal Plan, on October 2, 2009.
- Minor Amendment and Final Design Approval for the Patterson Avenue retail outparcel was approved by the Planning Commission on August 4, 2016. (Approved, but not built)
- Ordinance #21-042 repealed the Reisterstown Plaza Transit Station Urban Renewal Area and Plan on Oct 4, 2021.

## ANALYSIS

Article 32 – *Zoning* §13-205 provides for the repeal of PUDs:

“In determining whether to approve the repeal of a planned unit development, the Planning Commission and the City Council must find that:

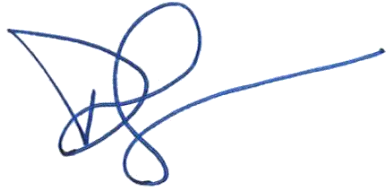
- (1) the repeal of the planned unit development is in the public interest; and
- (2) the approved final development plan of the planned unit development:
  - (i) has been substantially completed;
  - (ii) is no longer necessary in light of the property's underlying zoning;
  - (iii) is no longer consistent with the City's Master Plan; or
  - (iv) has been abandoned by the property owner.”

The PUD for this site was created for only one purpose – to solve a minor problem in the existing zoning of the property at that time. Because the underlying zoning district was B-2-1 under the prior zoning code, and drive-through establishments were only allowed in B-3 or higher business zones, the outparcel locations couldn’t be developed with fast-food restaurants as the owners would’ve liked. For that reason, the PUD was created to authorize a variety of drive-through uses and a gas station use. In today’s zoning code, drive-through establishments and fuel stations are a conditional use per Table 10-301. Because that singular purpose for the creation of the PUD is now available in the current C-3 zoning district, the PUD is no longer necessary, and per §13-205(2)(ii) it can be repealed.

### Equity:

Given that the PUD was created for a singular purpose over twenty years ago, to solve a minor zoning concern, and given that the repeal of the PUD will allow the use to continue as a lawful conditional use, there will be no evident change to the existing businesses, and therefore no visible impacts will be seen by the surrounding community. No additional staff time or resources will be devoted following the repeal of this PUD.

Notification: The Fallstaff Improvement Association, Glen Neighborhood Improvement Association, Brighton Community Association, CHAI, and the Hilltop4100 have been notified of this action.

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

**Chris Ryer**  
**Director**