


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR <i>Chris Ruer</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #24-0550 / ZONING - CONDITIONAL USE - RETAIL GOODS ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES - 3601 ELM AVENUE		

TO

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

DATE: July 15, 2024

At its regular meeting of July 11, 2024, the Planning Commission considered City Council Bill #24-0550, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a retail goods establishment with alcoholic beverage sales on the property known as 3601 Elm Avenue, 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 #24-0550 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 #24-0550 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

July 11, 2024

REQUEST: City Council Bill #24-0550/ Zoning - Conditional Use - Retail Goods Establishment with Alcoholic Beverage Sales - 3601 Elm Avenue:

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a retail goods establishment with alcoholic beverage sales on the property known as 3601 Elm Avenue, as outlined in red on the accompanying plat; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Eric Tiso

PETITIONER: Wells Enterprises, LLC, c/o Caroline L. Hecker, Esq.

OWNER: Wells Enterprises, LLC

SITE/GENERAL AREA

Site Conditions: 3601 Elm Avenue is located on the northeast corner of the intersection with Berry Street. This property measures approximately 112' by 111' and is currently improved with a one-story commercial building measuring approximately 78' by 108'. This site is zoned C-1 and is located within the Hampden Business Urban Renewal Plan (URP) area.

General Area: This property is located in the Hampden neighborhood, which has a mix of residential, commercial, and institutional uses throughout the neighborhood. The Elm Street corridor has a mix of solid blockfaces of homes interspersed with commercial uses.

HISTORY

- The Hampden URP was established by Ord. #285, dated February 17, 1977.
- Amendment No. 4 is the latest amendment to the URP, approved by Ord. #19-0447, dated November 16, 2020.
- CCB #24-0221R - Approval for the Exchange of a Class B-D-7 License to a Class A-7 License for Use at 3601 Elm Avenue, was introduced into Council on June 10, 2024.

ANALYSIS

Background: While preparing to sell the business, the owner realized that the last U&O (USE2009-03034) was to "continue to use premises for a restaurant/with gourmet wine and cheese shop (liquor license converted from Class D to Class BD-7)." This was likely done to facilitate the issuance of the 7-day license. Our client intends to transfer the existing BD-7 liquor license to the purchaser as part of the sale, which will require a new use and occupancy permit.

The goal is to better align the use description on the U&O with the existing operation, which is predominately the sale of alcoholic beverages for off-premises consumption.

Use: In this Commercial zoning district, Retail Goods Establishment (With Alcoholic Beverages Sales) are listed as a conditional use requiring approval by an Ordinance (Table 10-301). In this case, the property was last authorized for use as a Taverns-A2 License - Off Premises Sales, which under the previous zoning code was a permitted use in the B-2-2 District at that time. This property is also located in the Hampden URP, in the Neighborhood Business land use area of the plan, where the uses of the C-1 District are allowed with minimal additional controls that don't apply to this particular use.

Conditional Use Approval Standards: *Limited criteria for denying.* The Board of Municipal and Zoning Appeals or the City Council, may not approve a conditional use or sign unless, after public notice and hearing and on consideration of the standards required by this subtitle, the Board or Council finds that: (1) the establishment, location, construction, maintenance, or operation of the conditional use or sign would not be detrimental to or endanger the public health, safety, or welfare; (2) the use or sign 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. (§5-406 (b))

Staff believes that the criteria under §5-406 above are met, as the property is of sufficient size, provides parking, doesn't impact the surrounding area any more than it would if located in any other C-1 property, and as an existing use doesn't impair future development in the area. The other criteria are addressed, as this is an existing use that has been at this location since 2009. Approval of this bill will not change the actual operations of the business in this location, so there should not be any negative impacts to the surrounding area.

Equity:

Staff believes there will be no discernible negative impacts to the surrounding community from this proposal, as the use has been in continuous operation since 2009, and is pursuing a slightly less intense liquor license through a separate Council Resolution. Staff does not anticipate any impact to staff time or resources devoted to this project beyond routine requirements of development review.

Notification: Greenmount West and the Hampden Community Council have been notified of this action.



Chris Ryer
Director