

WAYS AND MEANS COMMITTEE

FINDINGS OF FACT

City Council Bill No. 24-0550

MOTION OF THE CHAIR OF THE WAYS AND MEANS COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO ARTICLE 32, SECTION 5-406 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

Zoning - Conditional Use - Retail Goods Establishment with Alcoholic Beverages Sales – 3601 Elm Avenue

1. the establishment, location, construction, maintenance, or operation of the conditional use **will not** be detrimental to or endanger the public health, safety, or welfare **for the following reasons:**

Establishment, location, maintenance and operation of a retail goods establishment with alcoholic beverages sales at 3601 Elm Avenue would not be detrimental to or endanger public health, safety, or welfare. 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.

2. the use would not be precluded by any other law, including an applicable Urban Renewal Plan;

The proposed use is not precluded by any other law, and there is no Urban Renewal Plan for this area.

This site is zoned C-1 and is located within the Hampden Business Urban Renewal Plan.

The Hampden Business Urban Renewal Plan was originally approved by the Mayor and City Council by Ordinance #285 dated February 17, 1977, and was last amended by Ordinance no. 19-0447 dated November 16, 2020. The Hampden Business Urban Renewal Plan designates this site as Commercial.

3. the authorization **would not** be contrary to the public interest **for the following reasons:**

The use has been in continuous operation since 2009 and sale alcoholic beverages for off-premises consumption; approval of this bill will not have any negative impacts to the surrounding area.

4. the authorization **would** be in harmony with the purpose and intent of this Code **for the following reasons:**

The authorization would be in harmony with the purpose and intent of the Zoning Code.

After consideration of the following, **where applicable (fill out all that are relevant)**:

1. the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The Department of Planning staff finds that the site, including its site and shape, are adequate for the proposed use.

2. the resulting traffic patterns and adequacy of proposed off-street parking and loading;

There would be no change to traffic patterns if this use would be authorized.

3. the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

This property is located in a neighborhood which has a mix of residential, commercial, and institutional uses throughout the neighborhood. The Elm Street corridor has a mix of solid block faces of homes interspersed with commercial uses. It is unlikely that the proposed use would impair present or future development in the area.

4. the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There will be no negative impact resulting from proximity to dwellings, churches, schools, public structures, and other places of public gathering.

5. accessibility of the premises for emergency vehicles;

There is adequate accessibility of these premises for emergency vehicles,

6. accessibility of light and air to the premises and to the property in the vicinity;

There is adequate light and air to the premises and to the properties 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;

There are adequate utilities, roads, drainage, and other necessary facilities.

8. the preservation of cultural and historic landmarks and structures;

The proposed use will not interfere with preservation of cultural and historic landmarks and structures.

9. the character of the neighborhood;

Approval of the proposed use would not affect the existing character of the neighborhood, as the business currently sale alcoholic beverages for off-premises consumption.

10. the provisions of the City's Comprehensive Master Plan;

While consistent with provisions of the City's Comprehensive Master Plan, the proposed use is not prevented or limited by any Urban Renewal Plan.

11. the provisions of any applicable Urban Renewal Plan;

The proposed use is not prevented or limited by any Urban Renewal Plan.

12. all applicable standards and requirements of this Code;

The proposed use meets all applicable standards and requirements of the Code.

13. the intent and purpose of this Code; and

The proposed use is consistent with the intent and purpose of the Zoning Code.

14. any other matters considered to be in the interest of the general welfare.

The proposed use is consistent with any other matters considered to be in the interest of the general welfare.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission's report, dated July 15, 2024 including the Planning Commission's Staff Report dated July 11, 2024.

[X] Testimony presented at the Committee hearing.

Oral – Witness:

- Elena DiPietra, Law Department
- Eric Tiso, Planning Commission
- Luciana Diaz, Department of Transportation
- Jason Wright, Department of Housing and Community Development
- Mica Fetz, Baltimore Development Corporation
- Ty'lor Schnella, Mayor's Office, on behalf of the Board of Municipal and Zoning Appeals
- Arco Sen, Parking Authority of Baltimore City.

Written:

- Department of Transportation, Agency Report – Dated July 8, 2024
- Board of Municipal and Zoning Appeals, Agency Report – Dated June 17, 2024
- Law Department, Agency Report – Dated July 22, 2024
- Department of Housing and Community Development, Agency Report – July 23, 2024
- Baltimore Development Corporation, Agency Report – Dated July 15, 2024
- Fire Department, Agency Report – Dated June 28, 2024
- Parking Authority, Agency Report – Dated July 9, 2024

COMMITTEE MEMBERS VOTING IN FAVOR

Danielle McCray, Chair

Sharon Green Middleton

Robert Stokes

Isaac "Yitzy" Schleifer