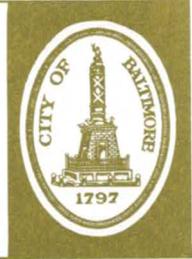


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #16-0667 / ZONING –CONDITIONAL USE BANQUET HALL – 5501-5507 HARFORD ROAD

CITY of
BALTIMORE
MEMO



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

DATE: June 24, 2016

At its regular meeting of June 23, 2016, the Planning Commission considered City Council Bill #16-0667, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the property known as 5501-5507 Harford Road, as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #16-0667 and adopted the following resolution, seven members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #16-0667 not be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

- cc: Ms. Kaliopé Parthemos, Chief of Staff
 Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
 Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development
 Ms. Angela Gibson, Mayor’s Office
 The Honorable Rochelle “Rikki” Spector, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Mr. Patrick Fleming, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Melissa Krafchik, PABC
 Charles Lamasa, esq. for Howard Fine and Robert Simmons



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

June 23, 2016

REQUEST: City Council Bill 16-0667/ Zoning – Conditional Use Banquet Hall – 5501-5507 Harford Road

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the property known as 5501-5507 Harford Road, as outlined in red on the accompanying plat.

RECOMMENDATION: Disapproval

STAFF: Martin French

PETITIONERS: Councilmember Curran, at the request of Howard Fine and Robert Simmons

OWNERS: Howard Fine and Robert L. Simmons

SITE/ GENERAL AREA

Site Conditions: 5501-5507 Harford Road is located on the southeast corner of the intersection with Hamilton Avenue, and extends southeasterly along the northeast side of Hamilton Avenue for approximately 178'3" to an adjoining lot containing the former Hamilton Branch of the Enoch Pratt Free Library, now converted to residential use. This property measures approximately 67'11" along Harford Road and is currently improved with a one-story commercial building. The building that is the subject of this bill is a semi-detached one-story building with a basement and was last used as a video rental store. This site is zoned B-2-2 and is located within the Hamilton Business Area Urban Renewal Plan area.

General Area: The property is located at an important crossroads of a long-established commercial strip which runs up both sides of Harford Road, with a few interruptions, from Herring Run Park to the northern City limits. Typical commercial properties are a mix of early-to-mid 20th Century structures with some newer structures. Behind these commercial structures lining Harford Road and some parallel streets, residential neighborhoods developed in the late 19th and early 20th Centuries are variously made up of single-family detached, semi-detached, and attached housing with some other uses such as schools and churches included.

HISTORY

There is no previous legislative history concerning this property only. It is included in the Urban Renewal Area mapped in the Hamilton Business Area Urban Renewal Plan, originally approved by the Mayor and City Council by Ordinance no. 1207 on November 30, 1979 and most recently amended by Ordinance no. 08-91 dated December 11, 2008, which designates it as part of the Community Business area in its Exhibit 1, Land Use Plan, and which states:

“In the areas designated as Community Business on the Land Use Plan Map, the following restrictions apply:

- (a) Uses shall be limited to those uses permitted under the B-2-2 category of the Zoning Code of Baltimore City, with the exception of the following uses, which are prohibited: Bail bondsmen; Liquor and package good stores; Pawnshops; Poultry and rabbit killing establishments; Rent-to-own stores; Second hand stores; Taverns.
- (b) The following uses are prohibited as the primary use: Check cashing agencies; Soup kitchens.
- (c) Street-facing ground-floor uses must be primarily retail or service establishments that deal directly with consumers, rely heavily on walk-in business and have regular daily hours.”
(-- *Land Use Plan, B.2.a.3: Permitted Uses*)

Planning staff therefore find that this property is located in the Hamilton Business Area Urban Renewal Area, where the Urban Renewal Plan may prohibit or further restrict the proposed use in this district if it is not characterized as a retail or service establishment that deals directly with consumers, relies heavily on walk-in business, and has regular daily hours. The property owner is seeking to lease about two-thirds (about 8,000 sq. ft.) of the 11,925 sq. ft. premises to an operator of a banquet hall business. Banquet hall rentals are generally for a single day or portion of a day, including daytime, evening, and nighttime events. As this would not be a café or restaurant, it thus cannot be readily characterized as having a heavy reliance on walk-in trade with regular daily hours. The owners' representative has provided a preliminary floor plan for the existing building that would retain two storefronts (5501-03 and 5507) along Harford Road, convert one window panel to a set of double doors leading to an approximately 45' long hallway leading to the actual banquet hall at the back of the building, and thus try to minimize the visual impact of the banquet hall on the commercial street frontage of the Hamilton Business Area. However, the bill as written would authorize use of the entire premises as a banquet hall, which would be inconsistent with this Urban Renewal Plan. Moreover, allocation of the majority of available floor area to a use that does not support the Land Use Plan criteria cited above could be considered to undermine the Plan's intent.

CONFORMITY TO PLANS

The proposed action is required by the Zoning Code, §6-309 (12a) which lists banquet halls as a conditional use for which an ordinance is required in a B-2 District.

The proposed action is partially consistent with the City of Baltimore's Comprehensive Master Plan, LIVE EARN PLAY LEARN, Earn Goal 1, Objective 7: Retain and attract business in Hospitality and Tourism, to the extent that a banquet hall is a hospitality site available to those who book it for a banquet. However, the location of this property is remote from most primary Baltimore City tourism attractions and is several miles distant from any hotels. Thus, the extent of this property's possible contribution to realizing this objective is unclear.

The Comprehensive Master Plan also contains Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods. As the analysis below suggests, the proposed action may actually contradict this goal as a result of potential neighborhood impact.

ANALYSIS

In the Zoning Code, §1-114.1.a. defines “banquet hall” as “an establishment:

- (1) That is used regularly for serving food or beverages to groups that, before the day of the event, have reserved the facility for banquets or meetings;
- (2) To which the general public is not admitted; and
- (3) For which no admission charge is imposed at the door.”

Banquet halls may provide live entertainment as an accessory use to their principal use. Banquet halls do not include restaurants or taverns.

Like a restaurant or tavern, a banquet hall is subject to Fire Marshal ratings of capacity, so the size of the banquet hall building limits the maximum amount of people who may attend a banquet or other function there. The owner’s representative has stated that the capacity of 5501-5507 Harford Road’s first floor rear section could be approximately 200 persons seated for dining (banquet style) and up to 400 persons for meetings. There is now no rated capacity of the building as it was last used for retail purposes only.

Within the Zoning Code, §10-405.22.i. requires a banquet hall to provide 1 off-street parking space for every 10 persons of rated capacity. On this basis, there should be at least 20-40 off-street parking spaces for the proposed banquet hall. The site at 5501-5507 Harford Road by itself does not allow that amount of spaces. The owner’s representative notes that there is some on-site off-street parking available for patrons, and notes that some parking (up to 27 spaces) can be made available on nearby properties owned by the same owners. However, those agreements must be reduced to written long-term commitments to provide off-street parking spaces for banquet hall patrons, and the owners are not acquiring additional properties to provide parking for the benefit of users of 5501-5507 Harford Road. The practical effect of this situation is that many banquet patrons will need to seek on-street parking in the nearby commercial and residential areas.

Conditional Use – Required findings: In accordance with §16-304 of the Zoning Code of Baltimore City, the Planning Commission must base its recommendation to the City Council to approve a conditional use on these considerations required by Title 14 {“Conditional Uses”} of the Zoning Code:

1. the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
2. the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization is not otherwise in any way contrary to the public interest; and
4. the authorization is in harmony with the purpose and intent of this article (§14-204).

5501-5507 Harford Road is on a primary arterial street which has a high level of demand for on-street parking generated by the various commercial establishments already located on it. Hamilton Avenue at this point is three lanes wide, and parking is prohibited on its northeast

side bordering this property. Most of the area outside the B-2 zone centered on Harford Road, of which this property forms a part, is part of a R-4 General Residence District of single-family detached and semi-detached homes on one-way or narrow three-lane streets. External parking demand from a banquet hall's 200-400 patrons thus can create a detrimental effect on these long-established residential neighborhoods, as banquet hall patrons in search of on-street parking drive north and east into the residential area.

Former commercial use of the building, classified as a "retail sales establishment (not including furniture stores, and electrical and household appliance stores) [§10-405.26 of the Zoning Code]", would have had to provide 1 parking space for every 600 square feet of floor area in excess of 4,000 square feet (i.e., 14 spaces), had it been constructed after April 1971, when the current Code was adopted. It did not do so, and under Zoning Code interpretations the off-street parking that it would have been required to provide under §10-405.26 could be credited toward the off-street parking that this applicant would otherwise be obliged to provide in order to obtain approval of the banquet hall use. However, from the perspective of impact upon neighborhood residents, the former video store's activities were more limited in terms of hours of operation and number of customers at any one time, and so had a different effect than large numbers of visitors attending a banquet, as a demand source for on-street parking. Conversely, a banquet hall, if a thriving business, can generate a nearly-constant demand for on-street parking if it is not providing off-street parking for all its patrons. As has been testified to the Planning Commission at its April 2012 hearing concerning a banquet hall authorization bill for a property one block away, this demand can create an intense conflict with nearby residential properties during evening and night-time hours, when residents are returning home from their daytime or early evening activities.

Planning staff, having reviewed the proposed conditional use in relation to the conditional use findings criteria, have determined that, because there is inadequate off-street parking proposed to be provided in conjunction with the request, because there is not sufficient street width beside this property or in the vicinity to support a large amount of on-street parking by banquet hall patrons until the applicant does provide sufficient off-street parking, and because the property is adjacent to an older residential neighborhood that was not designed or developed with wider streets and on-street parking lanes on each side of those streets, the proposed banquet hall at 5501-5507 Harford Road does not appear to meet these requirements of §14-204 and §16-304 of the Zoning Code for approval by ordinance of the Mayor and City Council of Baltimore. The proposed use of the property is not supportive of land use provisions of the applicable Urban Renewal Plan, a criterion of §14-205 of the Zoning Code. Staff recommends that the Planning Commission find accordingly to recommend disapproval of this bill.

Staff notified the Hamilton Business Association, Glenham-Belhar Community Corporation, Harbel Community Organization, Hamilton-Lauraville Main Street, Baltimore Development Corporation, and Councilmember Curran of this action.



Thomas J. Stosur
Director