


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>TJS</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0157 / Zoning – Conditional Use Banquet Hall – First Floor Area of 333 West Ostend Street		

TO

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

DATE: December 22, 2017

At its regular meeting December 21, 2017, the Planning Commission considered City Council Bill #17-0157, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001) as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #17-0157, and adopted the following resolution, eight members being present (eight in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-406 of Article 32, the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- would not be detrimental to or endanger the public health, safety, or general welfare;
- would not be precluded by any other law, including an applicable Urban Renewal Plan;
- would not be contrary to the public interest; and
- would be in harmony with the purpose and intent of this Code;

and further **RESOLVED**, That the Planning Commission does not agree with the recommendation of its Departmental staff that this bill be amended as recommended in the attached report, and instead recommends that City Council Bill #17-0157 not be amended and passed without amendment 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: Mr. Pete Hammen, Chief Operating Officer
 Mr. Jim Smith, Chief of Strategic Alliances
 Ms. Karen Stokes, Mayor's Office
 Mr. Colin Tarbert, Mayor's Office
 Mr. Kyron Banks, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration (continued next page)

cc: Ms. Sharon Daboin, DHCD
Mr. Frank Murphy, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Natawna Austin, Council Services
Mr. Paul Plymouth, Council President's Office
Mr. Francis Burnszynski, PABC
Mr. Alfred Barry (for 1301 Howard LLC)



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

December 21, 2017

REQUEST: City Council Bill #17-0157/ Zoning – Conditional Use Banquet Hall – First Floor Area of 333 West Ostend Street

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001), as outlined in red on the accompanying plat.

RECOMMENDATION: Amend, and Approve as amended

Recommended Amendment: Section 1 of City Council Bill 17-0157 should include this condition:

The banquet hall will continue to maintain and operate open-air off-street parking areas on the properties outlined in red and designated as “Parking Owned by Himmelrich Affiliates/ +/- 225 spaces”, as shown with the number of parking spaces enumerated on the approved parking plan named “Parking for 333 West Ostend Street” attached hereto, for use by banquet hall patrons during banquet hall events; and to lease or otherwise provide other off-street parking resources for use by banquet hall patrons and staff.

STAFF: Martin French

PETITIONERS: Councilmember Costello, at the request of 1301 Howard LLC

OWNER: 1301 Howard LLC

SITE/ GENERAL AREA

Site Conditions: 333 West Ostend Street is located at the southeast corner of the intersection of Ostend and Howard Streets. This property has 155’4” of frontage on Ostend Street, 196’ of frontage on Howard Street, and approximately 231’ of frontage on the bed of a former street known as Plum Street which is now part of the State of Maryland’s right-of-way under the causeway of Interstate Highway 395. The site contains approximately 0.735 acre and is improved with a combination one-, two-, and three-story detached commercial structure covering approximately 90% of the lot. (The largest part of this property, which was formed by consolidation of three properties in 1992, was formerly known as 1301 South Howard Street.) The property and its immediate neighbors to its south and east are zoned TOD-4, a transit-oriented development zoning district in which banquet halls are a conditional use approvable by ordinance (Article 32, Zoning Code, Table 12-402).

General Area: This property is at the eastern edge of the Carroll Camden Industrial Area, which has been entirely commercial and industrial for over a century. North of this site are Baltimore's two professional athletic stadiums. The area is traversed by an active rail freight line, the Camden Line of MARC rail commuter service between Baltimore and Washington, DC, and by the north-south bridge of the Baltimore Light Rail mass transit line.

HISTORY

This site is in the Carroll Camden Urban Renewal Plan area originally approved by the Mayor and City Council by Ordinance No. 02-296 dated March 6, 2002, as last amended by Amendment No. 8 dated August 15, 2016, approved by Ordinance No. 16-551 dated November 14, 2016.

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Play Goal 2: Improve nightlife, entertainment, and recreation experiences for residents and visitors, Objective 1: Expand access to nightlife. The action would also be consistent with the Carroll Camden Urban Renewal Plan's Objective 6: To promote and encourage new business activity in under-utilized properties and land.

ANALYSIS

Background: The applicant wishes to use the first floor level of the commercial building known as 333 West Ostend Street as a banquet hall, with an anticipated capacity of approximately 500 persons seated or up to 1,000 persons standing in the banquet hall. The one aspect of the proposal needing a solution is off-street parking for patrons of the banquet hall. The applicant has taken the initiative to address this by purchasing and leasing various properties within 600 feet of the site and offering to convert them into open-air off-street parking lots according to current Baltimore City standards. As the anticipated capacity of these lots (shown in red on the parking plan) will not accommodate all banquet patrons at large events, the applicant has also leased parking spaces at other locations close to 333 West Ostend Street. This supports his effort to limit possible adverse effects on the existing on-street parking and loading needs of the nearby commercial and industrial properties. As most of these lots are not "just across the street" from the proposed banquet hall, the applicant anticipates that some valet parking service may also be provided as part of arrangements with banquet organizers.

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.

Below is the staff's review of §5-406(b) {"Required considerations"} of Article 32 – *Zoning*:

“Banquet hall” means an establishment: (i) for which all events are directly managed by the owner of the facility or by a person regularly employed by the owner and responsible to the owner for the on-site management of all events held in that facility and for event arrangements; (ii) that is used regularly for serving food or beverage provided by the owner or by caterers and suppliers approved in advance by the owner; (iii) that serves designated groups that, before the day of the event, have reserved the facility for banquets or meetings and provided all insurance certificates, security contracts, off-street parking contracts required by the facility’s owner; (iv) to which the general public is not admitted; (v) for which no admission fee is charged at the door; and (vi) in which no third party promoter is involved or stands to profit (§1-303(c)(1)). This definition of a banquet hall, which is both stricter and more extensive than the definition contained in the Zoning Code before June 5, 2017, will help protect nearby commercial and industrial areas from the “floating nightclub” phenomenon that would occasionally occur under the previous Code’s less detailed provisions. For these reasons, the proposed use’s location, maintenance and operation would not be detrimental to or endanger public health, safety, or welfare.

The proposed banquet hall has an estimated capacity of approximately 1,000 persons, for which at least 100 off-street parking spaces are required (Table 16-406). The parking lots shown in red on the parking lot map are intended to provide approximately 225 spaces. The balance of commercially-needed spaces, according to the applicant, would be provided by another 450 spaces leased on nearby properties. To the extent that there could be conflicts with residential or local business uses when banquet halls have located in other areas, this site could be considered one not likely to generate such conflicts provided that the banquet hall continues to provide off-street parking for its patrons.

Due to its location between an expressway and a rail transit line, and within a long-established commercial and industrial area, there would be minimal adverse noise impact upon the nearest residents in either the Sharp-Leadenhall or Pigtown communities.

The banquet hall is not precluded at this location by any other law, and is not inconsistent with the Urban Renewal Plan for the Carroll Camden area. As noted above, the proposed use is actually consistent with the Urban Renewal Plan’s objective of promoting new business activity in under-utilized properties. The authorization would not be contrary to the public interest, and would be in harmony with the purpose and intent of the Zoning Code.

Notification: The Carroll Camden Industrial Business Association has been notified of this action.



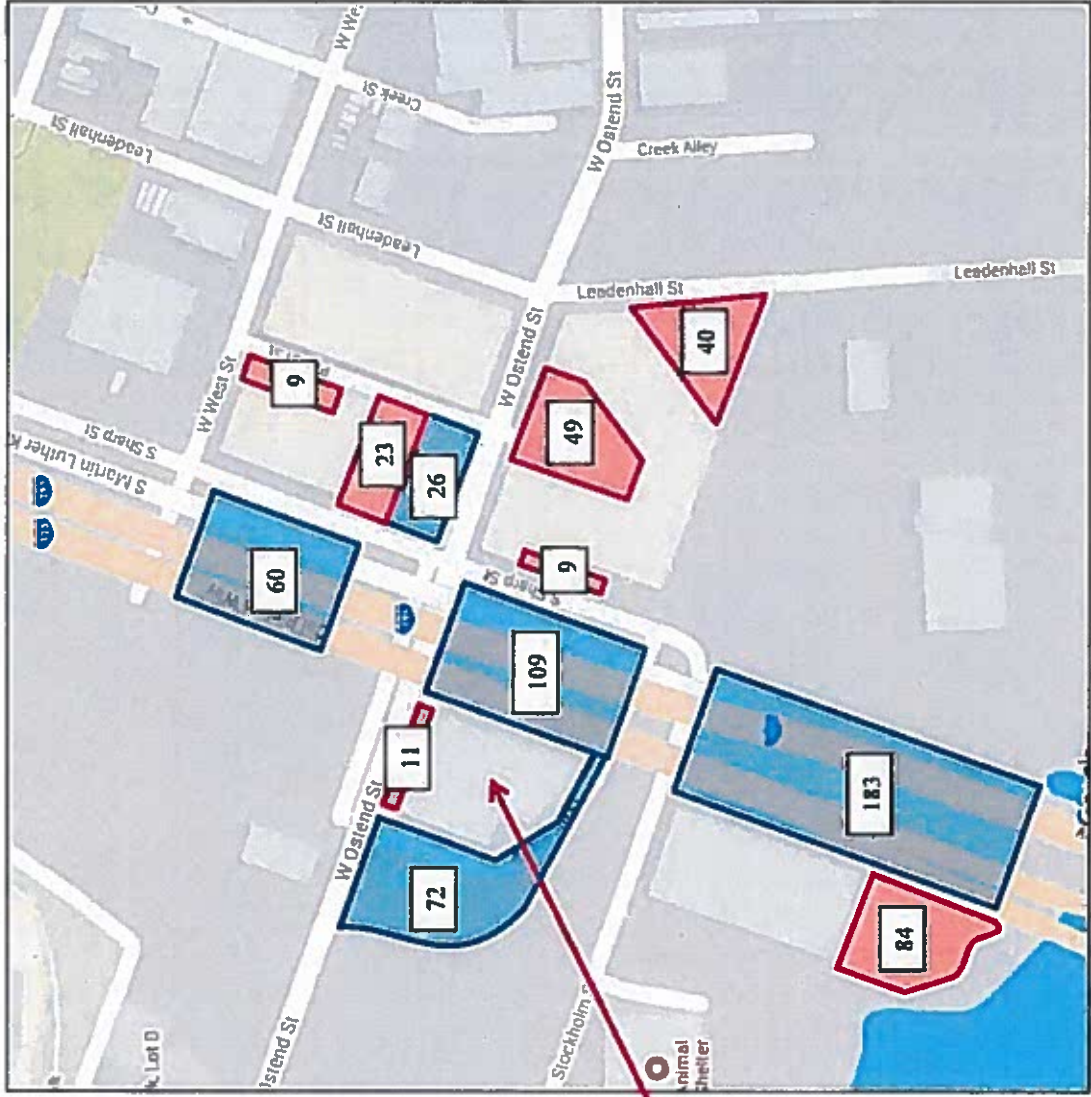
Thomas J. Stosur
Director

Parking for 333 West Ostend Street

Parking Owned by
Himmelrich Affiliates
+/- 225 spaces



Parking Leased by
Himmelrich Affiliates
+/- 450 spaces



Subject Property