



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**February 26, 2015**

**REQUEST:** City Council Bill # 15-0468/ Zoning – Conditional Use Restaurant: Drive-In – 5960-5980 Belair Road

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a restaurant: drive-in on the property known as 5960-5980 Belair Road, as outlined in red on the accompanying plat.

**RECOMMENDATION:** Approval

**STAFF:** Ivor A. Quashie

**PETITIONER(S):** Councilmember Brandon Scott at the request of ESV Realty, LLC

**OWNER:** ESV REALTY LLC

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

Site Conditions: 5960-5980 Belair Road property is approximately 10,725 square feet in size and is zoned B-3-1. The property is improved with one-story masonry building that is now vacant, but was most recently used by an automobile dealership. The 5711 Belair Road property is adjacent to the Bi-Rite supermarket at 5950 Belair Road at the corner of Parkmont Avenue.

General Area: The property is surrounded on the north and south by commercial properties. Single family homes are located east and west of Belair Road. The site is improved by an auto dealership structure built in the mid-1970s.

#### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site.

#### **CONFORMITY TO PLANS**

This action is consistent with the Baltimore City Comprehensive Master Plan with respect to Earn Goal #1, Objective #1: Retain and Attract Businesses in all Growth Sectors.

#### **ANALYSIS**

In the B-3-1 zoning district, drive-in restaurants with pick-up drive window service requires conditional use approval from the Mayor and City Council in the form of an ordinance.

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).

The proposal for this site is a Dunkin Donuts store with a drive-through. The remaining parcels on this site are planned to be developed for a retail store and a bank.

In staff’s review of the required findings and considerations under §§ 14-204 and 14-205, we do not believe that this plan will be detrimental to the surrounding properties or the neighborhood. We also find that it will not create any: undue burdens as a result of the proposed development on the property. The nature of the proposed plan, including its size, shape and arrangement of structures will not adversely affect resulting traffic patterns and adequacy of proposed off-street parking and loading.

The proposed site is easily accessible from the main street for fire and police or any other emergency service agencies. The buildings at 5960-5980 Belair Road have adequate public utilities, access roads and drainage. This property is not within any historic district, nor is it a Baltimore City landmark. The redevelopment of this property conforms to the Baltimore City Comprehensive Master Plan. The property is not in an Urban Renewal Plan area. The type and location of the buildings are adequate for the proposed use. Staff considered all applicable standards and requirements will be met.

Background: This property has been vacant since the Koons auto dealership left this site in 2008. The property was identified as an opportunity site in the Urban Land Institute Technical Assistance Panel (TAP) report produced in March of 2011. The TAP recommendation was that development on the site could serve as a stimulus for reuse of vacant property along Belair Road.

Notification: The following community organizations have been notified of this action: Cedmont Community Improvement Association, Eastern Community Action Center, Gardenville/Belair Road Business Association, Harbel Community Organization, Inc. and Councilman Brandon M. Scott.



**Thomas J. Stosur**  
**Director**