



Stephanie Rawlings-Blake  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

September 2, 2010

#### REQUESTS:

- City Council Bill 10-0592/ Urban Renewal – Oldtown – Amendment  
For the purpose of amending the Urban Renewal Plan for Oldtown to allow a conditional use, upon approval by separate ordinance, on the property known as 533/535 Oldtown Mall; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.
- City Council Bill 10-0487/ Zoning – Conditional Use Pawnshop – 533/535 Oldtown Mall  
For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a pawnshop on the property known as 533/535 Oldtown Mall, as outlined in red on the accompanying plat.

#### RECOMMENDATIONS:

- City Council Bill 10-0592: Amend and Approve
- City Council Bill 10-0487: Amend and Approve

**STAFF:** Martin French

**PETITIONER:** Krinitskiy Corporation d/b/a Old Town Loan & Jewelry

**OWNER:** Dimitriy Borovskiy and Arkadiy Krinitskiy

#### SITE/ GENERAL AREA

Site Conditions: 533/535 Oldtown Mall, the subject property, also designated as Block 1288, Lot 78/79, is located on the east side of Oldtown Mall, formerly known as North Gay Street when it was open to vehicular traffic. This L-shaped property measures approximately 30' in its front along Oldtown Mall and approximately 60' in its rear facing on McElderry Street, and is approximately 115' deep from Oldtown Mall to McElderry Street. The property is improved with a three-story attached commercial building covering the entire lot. This site is zoned B-2-2 and is located in the Oldtown Urban Renewal Plan area and the Oldtown Mall Historic District.

General Area: The Oldtown Mall is a collection of mixed commercial and once-residential buildings, most of which are two or three stories in height, constructed up to one hundred years

prior to closure of two blocks of North Gay Street pursuant to the Oldtown Urban Renewal Plan in the 1970s. There is little housing remaining in the immediate area of this property, and some of the buildings in Oldtown Mall are currently vacant. There is no other pawnshop near to the subject business or this property.

## **HISTORY**

- The Oldtown Urban Renewal Plan was originally approved by the Mayor and City Council of Baltimore by Ordinance No. 760, dated April 7, 1970.
- The Oldtown Urban Renewal Plan was last amended by Amendment 9, dated July 10, 2006, approved by the Mayor and City Council by Ordinance No. 07-498, dated September 20, 2007.
- The Oldtown Mall Local Historic District was approved by the Mayor and City Council of Baltimore by Ordinance No. 04-888, dated December 6, 2004.

## **CONFORMITY TO PLANS**

The proposed actions are consistent with the City of Baltimore's Comprehensive Master Plan, LIVE EARN PLAY LEARN, with respect to retaining and attracting businesses, and with the Oldtown Urban Renewal Plan's objectives to remove or rehabilitate substandard buildings and to revitalize the Gay Street Shopping Area through rehabilitation of existing stores. The pawnshop upon relocating would occupy a vacant building over twice the size of its current location just a few doors down Oldtown Mall, and by more than doubling its street frontage would provide vitality to more of the length of Oldtown Mall than it now does.

## **ANALYSIS**

CCB #10-0592 and CCB #10-0487 are the companion bills required to permit the relocation of an existing business from its present location at 529 Oldtown Mall, where it is a tenant of that property, to 533/535 Oldtown Mall, two doors northward, where it could become a commercial owner-occupant of a larger building. To the extent that an owner-occupant of a building has a greater interest in the appearance and the future of the property, the proposed relocation of the pawnshop business could result in heightened interest in renovation of the historic resources on the site.

CCB #10-0592: The Oldtown Urban Renewal Plan prohibits introduction of new pawnshops in the Urban Renewal Area designated by the Plan (Plan, section C, Land Use Plan, 2. Land Use Provisions and Standards, a. Permitted Uses). Because the Oldtown Urban Renewal Plan lists pawnshops as prohibited uses, legislative action is required to allow the movement of the existing pawnshop, a nonconforming use under the terms of the Urban Renewal Plan, from 529 Oldtown Mall where it could remain indefinitely as a "grand-fathered" use, to 533/535 Oldtown Mall, where it would become a nonconforming use tied to that address. The bill would then add the pawnshop at its new location to the Urban Renewal Plan's list of nonconforming uses contained in the Plan's Appendix A.

However, it was recently brought to staff's attention that the applicant wishes to extend the pawnshop use to an adjoining property that is also owned by the applicant. This property is addressed 537 Oldtown Mall and was meant to be used for the pawnshop business. To accomplish this, the applicant will have to consolidate the 537 Oldtown Mall property with the

533/535 Oldtown Town Mall property. Therefore, staff is recommending that CCB #10-0592 be amended to include the address of 537 Oldtown Mall as part of the nonconforming uses along with the 533/535 Oldtown Mall property. Thus, wherever “*533/535 Oldtown Mall*” appears in the bill, it should be changed to “*533/535 and 537 Oldtown Mall*”.

If CCB 10-0592 is approved by the Mayor and City Council, it would enact Amendment No. 10 to the Oldtown Urban Renewal Plan.

CCB #10-0487: The Zoning Code of Baltimore City, section 6-309, states that in a B-2 zoning district pawnshops are a conditional use for which an ordinance is required. Even though the existing pawnshop could remain indefinitely as a nonconforming use at its present location at 529 Oldtown Mall because its location there predates the current Zoning Code, to relocate anywhere else the pawnshop must receive authorization to occupy another premises by means of an ordinance. City Council Bill 10-0487 would make permission to establish, maintain, and operate a pawnshop at 533/535 Oldtown Mall conditional upon compliance by the pawnshop with all applicable Federal, State, and local licensing and certification requirements. This condition would strengthen the City’s position with regard to enforcement of applicable laws and regulations affecting pawnshops in the City. This bill has received support from the Baltimore Development Corporation, which is managing the redevelopment of Oldtown Mall.

However, to accommodate the petitioner’s new request to extend the conditional use authorization to 537 Oldtown Mall staff is recommending that CCB #10-0487 be amended to include language that would stipulate that “***THE CONSOLIDATION OF 537 OLDTOWN MALL WITH 533/535 OLDTOWN MALL DOES NOT CONSTITUTE A CHANGE IN CONDITIONAL USE***”. This amendment would eliminate the need for a new conditional use bill.

Staff notified the Oldtown Merchants Association, Change4Real, and Councilman Carl Stokes of this action.

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