


TJA

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0183 / URBAN RENEWAL – COLDSTREAM HOMESTEAD MONTEBELLO – AMENDMENT ___		

TO

DATE: March 29, 2018

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

At its regular meeting of March 29, 2018, the Planning Commission considered City Council Bill #18-0183, for the purpose of amending the Urban Renewal Plan for Coldstream Homestead Montebello to modify the list of uses prohibited in the Urban Renewal Area; 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.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #18-0183 and adopted the following resolution; nine members being present (nine in favor):

RESOLVED, That the Planning Commission disagrees with the recommendation of its departmental staff, and recommends that City Council Bill #18-0183 be passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

TJS/ewt
 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. William H. Cole IV, BDC
 Mr. Derek Baumgardner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Ms. Katelyn McCauley, DOT
 Ms. Natawna Austin, Council Services



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

March 29, 2018

REQUEST: City Council Bill #18-0183/ Urban Renewal – Coldstream Homestead Montebello – Amendment _____:

For the purpose of amending the Urban Renewal Plan for Coldstream Homestead Montebello to modify the list of uses prohibited in the Urban Renewal Area; 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.

RECOMMENDATION: Disapproval

STAFF: Eric Tiso

INTRODUCED BY: Councilmember Clarke

SITE/GENERAL AREA

General Area: The Coldstream Homestead Montebello neighborhood is bordered by Clifton Park on the east, East 33rd Street and Lake Montebello to the north, Loch Raven Road on the west, and East 25th Street on the south. The neighborhood has a range of land uses, from industrial on the southern edge, to institutional uses like Baltimore City College High School and Coldstream Park Elementary School and Abbottston Elementary School along Loch Raven Boulevard. The residential stock in the neighborhood is predominantly comprised of rowhomes.

HISTORY

- The Coldstream Homestead Montebello Urban Renewal Plan (URP) was established by Ord. #77-289, dated February 28, 1977.
- Amendment No. 10, the latest amendment to the URP was enacted by Ord. #14-391, dated September 15, 2014

ANALYSIS

Effect of the Bill: This bill simply adds Neighborhood Commercial Establishments to the list of prohibited uses in Section B.1, along with other uses from the prior Zoning Code, including after-hours establishments, boats: sales, rental and repair, building and lumber materials, sales establishment with shops and yards, check cashing agencies, highway maintenance shop and yards, heliports, model slot car racing centers, palmists, restaurants and lunchrooms – including live entertainment and dancing, stables, and tattoo parlors.

Background: As part of the comprehensive rezoning of Baltimore City, the new Zoning Code (Article 32 – *Zoning*) included a new land use “Neighborhood Commercial Establishment” under §1-310(j):

(j) *Neighborhood commercial establishment.*

“Neighborhood commercial establishment” means a non-residential use that is within a residential or office-residential zoning district, but in a structure that is non-residential in its construction and original use.

Those establishments are then controlled by the Use Standards in Title 14 of the Zoning Code:

§ 14-328. Neighborhood commercial establishments.

(a) *In general.*

Neighborhood commercial establishment uses are limited to the reuse of existing buildings that were originally constructed and used for non-residential uses in what are now Residential or Office-Residential Zoning Districts. Because these uses are for existing buildings, they are not subject to the minimum lot area required for non-residential uses in Residential or Office-Residential Zoning Districts.

(b) *Non-residential uses allowed.*

A neighborhood commercial establishment may contain the following non-residential uses:

- (1) Art galleries – no live entertainment or dancing.
- (2) Arts studios.
- (3) Day care centers: adult or child.
- (4) Offices.
- (5) Personal services establishments.
- (6) Restaurants – no live entertainment or dancing.
- (7) Retail goods establishments – no alcoholic beverage sales.

(c) *Pedestrian orientation.*

The development and the proposed use must be pedestrian-oriented and not oriented to the automobile.

(d) *Principal entrance.*

The principal entrance must be a direct entry from the primary adjoining street.

(e) *Off-street parking.*

No off-street parking is required for uses under 2,500 square feet in gross floor area.

(f) *Drive-through facilities prohibited.*

Drive-through facilities are prohibited.

(g) *Uses limited to building interior.*

- (1) All business, servicing, processing, and storage uses must be located within the building.
- (2) Outside storage or display is prohibited.

(h) *Signs.*

All signs are restricted to the requirements applicable to the C-1 District.

(Ord. 16-581.)

The creation of the Neighborhood Commercial Establishments land use category recognizes buildings that were originally non-residential buildings, but that are now located within residentially-zoned locations, and allows for their reasonable reuse. This is especially important for those buildings where it would be expensive or difficult to renovate or reconstruct those buildings to meet the requirements of the new residential district, which led to many buildings being left vacant for significant periods of time.

Under the previous Zoning Code, those buildings were treated as nonconforming structures, and many of them also had nonconforming uses within them. Provisions available under that code allowed for the continuation of those nonconforming uses, or even the change to another nonconforming use that could be selected from the permitted use lists of either the B-1 or M-1 category, depending on whether the original building was built for commercial or industrial usage. In each case, approval by the Board of Municipal and Zoning Appeals (BMZA) was needed, including each time the use of the building changed.

Neighborhood Commercial Establishments solves this problem by allowing for a very limited palette of uses that is significantly reduced from the B-1 or M-1 options under the old code, in exchange for a more streamlined process. That process requires the use to be initially approved as a conditional use by the BMZA, and it is then permitted to continue (including changing to any of that limited set of uses) without need for further appeals. Planning staff recommended this option as reasonable middle-ground that will encourage reuse and reinvestment in buildings that can be difficult to renovate for solely residential use, while limiting many of the non-residential options that were frequently opposed by neighbors under the old Zoning Code's wider array of options. Further, this option helps preserve neighborhood character by providing a viable option to reuse buildings, and discourages the rezoning of land to commercial zoning, which could lead to demolition and reconstruction of more intense commercial uses.

Recommendation: Staff is concerned that the outright prohibition of Neighborhood Commercial Establishments categorically removes a useful tool for reuse and preservation. We would encourage exploring other options such as a more limited restriction, such for specific sub-uses within the Neighborhood Commercial Establishments list before a complete restriction is implemented. For this reason, staff recommends disapproval.

Notification: The Coldstream/Homestead/Montebello Community Corporation, Inc. (CHMCC) has been notified of this action.



Thomas J. Stosur
Director