Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT

Thomas J. Stosur
Director

November 21, 2013

REQUEST: City Council Bill 13-0258/ Zoning – Conditional Use Banquet Hall – 3932-3934 Frederick Avenue

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the property known as 3932-3934 Frederick Avenue, as outlined in red on the accompanying plat.

RECOMMENDATION: Amend, and Approve as amended

Recommended amendment:
Section 1 of City Council Bill 13-0258 from line 16 onward should state these conditions:

1. The banquet hall will close no later than 1:00 a.m. for Friday, Saturday, and Sunday night events, and will close no later than 9:00 p.m. for Monday through Thursday evening events;
2. There will be no 7-day, 6-day, or other liquor license obtained for the property for the duration of operation of the banquet hall, excepting 1-day liquor licenses obtained solely in connection with events occurring at the banquet hall;
3. Sale of tickets or of equivalent evidence of payment of a fee for admission, or charging any fee for admission to the general public for events that include live entertainment, dancing, or both, in the banquet hall is prohibited;
4. No portion of the property will be used as a night club, after-hours establishment, or adult entertainment business;
5. The maximum number of persons permitted in the banquet hall at any one time is 160, or such lesser number as determined by the Baltimore City Fire Department;
6. There will be adequate security personnel present in and around the banquet hall during weekend events, and at such other midweek events as may be appropriate;
7. In the event of loitering on or about the property, the banquet hall operator or designee will report same immediately to the Baltimore Police Department and cooperate in any way possible to facilitate resolution of complaints;
8. Sound levels of entertainment provided in connection with events at the banquet hall will not exceed 80 decibels measured at a distance of 10 feet from the property;

9. The banquet hall maintains a minimum of 16 off-street parking spaces at 316 South Loudon Avenue, or a like number at another lawfully established location within 300 feet of the property known as 3932-3934 Frederick Avenue;
10. The banquet hall complies with all applicable federal, state, and local licensing and certification requirements.

STAFF: Martin French

PETITIONER(S): Councilmember Helen L. Holton, at the request of Sabian and Associates LLC

OWNER: Ivan Feit

SITE/ GENERAL AREA

Site Conditions: 3932-3934 Frederick Avenue is located on the northeast corner of the intersection with Loudon Avenue. This property measures approximately 42' along Frederick Avenue by 100' along Loudon Avenue and is currently improved with a three-story brick commercial building covering the entire lot. The building that is the subject of this bill was built in 1908 as a storage warehouse for Jarboe Brothers Movers. This site is zoned B-2-2.

General Area: The property is located on the northeastern edge of a long-established small commercial strip which runs along both sides of Frederick Avenue west of this location. Typical commercial properties are a mix of early-to-mid 20th Century structures. Behind these commercial structures lining Frederick Avenue, residential neighborhoods developed in the late 19th and early 20th Centuries are made up of single-family detached, semi-detached, and attached housing with some other uses such as schools and churches included. Across Frederick Avenue from this property is the northwestern corner of the Loudon Park Cemetery.

HISTORY

This property was formerly part of the Urban Renewal Area governed by the Irvington Business Area Urban Renewal Plan, which was adopted in April 1988 and expired in April 2008. That plan designated this property as part of a Community Business area, in which dance halls, new taverns, and new liquor or package goods stores were prohibited. The current zoning has continued unchanged since its adoption as part of comprehensive rezoning of the City in 1971.

CONFORMITY TO PLANS

The proposed action is 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; and with Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, if operated pursuant to certain conditions (please refer to the Analysis which follows).

ANALYSIS

The proposed action is required by the Zoning Code, §6-309 (9) which lists banquet halls as a conditional use for which an ordinance is required in a B-2 District. 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.

Sabian and Associates representatives have stated that their planned capacity of 3932-3934 Frederick Avenue's first floor is approximately 150 – 160 persons seated for dining (banquet style). They have also stated that they do not intend to make the second and third floors part of the banquet hall facility, although they may use part of the second floor for storage of equipment or supplies. The rated capacity of the banquet hall would be set by the Fire Marshal after the building on this property has been approved for use as a banquet hall.

In 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. Accordingly, there should be at least 15-16 off-street parking spaces for the proposed banquet hall. The building at 3932-3934 Frederick Avenue does not allow any amount of spaces. Off-street parking to serve this banquet hall would be provided on a lot under common ownership at 316 South Loudon Avenue, the subject of a companion City Council Bill, no. 13-0259, for which there is a companion report to this one. Banquet hall use of this property must be served in part by off-street parking at 316 South Loudon Avenue in order to reduce demand for on-street parking in nearby commercial and residential areas during banquet events.

<u>Conditional Use – Required findings</u>: 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).

Aside from B-2-2 zoning of the property immediately east of 3932-3934 Frederick Avenue, the area outside the B-2 zone centered on Frederick Avenue, of which this property forms a part of its northeastern edge, is part of a R-6 General Residence District of single-family detached, semi-detached, and attached homes on one-way or narrow three-lane streets. External parking demand from a banquet hall's 150 patrons thus could create a detrimental effect on these long-established residential neighborhoods, as patrons in search of on-street parking drive north and

east into the residential area. Previous commercial uses of this building did not generate such demand, and demand has not existed recently as the building has been vacant for an extended period of time. However, it would be imperative, to minimize impact on the nearby residential neighborhoods, that off-street parking be provided and remain available for the proposed banquet hall.

Because the banquet hall intends to be a good neighbor to the community, Sabian and Associates LLC entered into a written agreement with the Irvington Community Association. That agreement includes several conditions for the proposed use that should be included in the ordinance authorizing a banquet hall at 3932-3934 Frederick Avenue. As the analysis above suggests, the proposed banquet hall should be subject to conditions in order not to have a potential negative neighborhood impact. Some of the conditions are consistent with requirements that were stated in the erstwhile Irvington Business Area Urban Renewal Plan. Planning staff, having reviewed the proposed conditional use in relation to the conditional use findings criteria, have determined that, since there is off-street parking proposed to be provided at 316 South Loudon Avenue in conjunction with the request, the proposed banquet hall at 3932-3934 Frederick Avenue could meet requirements of §14-204 and §16-304 of the Zoning Code for approval by ordinance of the Mayor and City Council of Baltimore if certain conditions of approval were added to the bill. Planning staff recommends that the Planning Commission find accordingly and recommend amendment and approval of this bill.

Community notification: Staff notified the Irvington Community Association and Saint Joseph Improvement Association of this action.

Thomas J. Stosur
Director