


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 1 and 3-9 West North Avenue		

TO

Mr. David Tanner, Executive Director
Board of Municipal and Zoning Appeals
417 East Fayette Street, 14th Floor

DATE: November 30, 2015

REQUEST

The Department of Planning has received Ryan Potter's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Parkway Theatre LLC, to consolidate lots and use the premises as a 3-screen movie theatre with exterior signs. The Zoning Administrator has determined that this is a conditional use in a B-5 zoning district. We understand that this appeal is scheduled for hearing on December 1, 2015.

SITE

1 West North Avenue is located on the southwest corner of the intersection with Charles Street. This property measures approximately 28' by 115' and contains approximately 0.066 acre, and is currently improved with a three-story semi-detached commercial building covering the entire lot. 3-9 West North Avenue is located on the south side of the street, approximately 28' west of the intersection with Charles Street. This property measures approximately 68'2" by 115' and contains approximately 0.172 acre, and is currently improved with a two-story attached commercial building covering approximately 95% of the lot. This site is zoned B-5-2 and is located within the Charles/ North Revitalization Area Urban Renewal Plan area and the North Central National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, theaters are a conditional use, requiring approval by the Board (§6-608). In this case, the property was last authorized for use as a beauty shop, which is a permitted use in this B-5 Central Commercial District.

Urban Renewal Plan: This property is located in the Charles/ North Revitalization Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. The Urban Renewal Plan designates 3-9 West North Avenue as a Contributing Structure (Plan, Exhibit 5), and the combined 1 and 3-9 West North Avenue as Disposition Lot 7 (Plan, Exhibit 6). The Urban Renewal Plan also limits signs' placement to no higher than the roof line or parapet wall of the building (Plan, B.2.b.(1)(iii.)). The Plan authorizes the Commissioner of Housing and Community Development to waive compliance with one or more standards contained in the Plan if the Planning Commission determines that the waiver does not adversely affect the Design Goals in the Plan (Plan, Appendix A, II ("Compliance")).

The applicant should provide the ratio of the proposed signage to the front footage measurement of the consolidated structures, and any sign area in excess of the Plan's limit should be the subject of a waiver request addressed to the Commissioner and to the Planning Commission. The waiver request should mention placement of some signs above the second floor window sill level, and the relatively small scrolling signs proposed in the renovation elevations, also.

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Re: 1 and 3-9 West North Avenue

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. 3-9 West North Avenue is a designated Baltimore City Landmark known as the Parkway Theater. Because all exterior work (restoration, demolition, alteration, construction) must be approved by the Baltimore Commission for Historical and Architectural Preservation (CHAP), the appellant is encouraged to remain in contact with CHAP before proceeding with any improvements which may be authorized as a result of this appeal.

TransForm Baltimore: This property would become part of a C-2 District (Proposed Zoning Map Area 7-A) in which Entertainment: Indoor, would be a permitted use (Table 10-301). "Entertainment: Indoor" includes movie theaters (§1-306 (B)).

RECOMMENDATION

The Department of Planning recommends approval of this appeal, subject to the conditions that any signage exceeding the standards of the Charles/ North Revitalization Area Urban Renewal Plan for the consolidated structure receives approval from the Planning Commission, accompanied by a waiver of the Urban Renewal Plan limitations on such signage approved by the Commissioner of Housing and Community Development; and that all exterior work is completed in accordance with a Notice To Proceed issued by the Commission for Historical and Architectural Preservation.

TJS/wya/mf

cc: Ryan Potter, Appellant