

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No: 21-0052

MOTION OF THE CHAIR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO SECTIONS 10-304 AND 10-305 OF THE MARYLAND LAND USE ARTICLE AND SECTION 5-508 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF:

Rezoning - Block 6458, Lot 004 and Block PSC0, Lot 085

Upon finding as follows with regard to:

(1) Population changes;

There are no significant population changes which have occurred since adoption of the current zoning map or Zoning Code.

(2) The availability of public facilities;

Public facilities are and are expected to remain adequate for current and future uses of the subject property.

(3) Present and future transportation patterns;

The Baltimore Greenway Trail has a proposed alignment directly adjacent to the subject property and will provide additional transportation options for residents in the area as well as those from other parts of the City.

(4) Compatibility with existing and proposed development for the area;

The rezoning would enable this parcel to be consolidated with the adjacent 715 S. Haven Street property, which is already zoned R-8, so that it could be incorporated into future development.

(5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

The Planning Commission voted unanimously to recommend passage of the bill. The Board of Municipal Zoning Appeals defers to the Planning Commission. The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Favorable
Board of Municipal and Zoning Appeals (BMZA)	Defers to Planning
Department of Transportation	No Objection
City Solicitor	Favorable / Comments
Department of Housing and Community Development	Defers to Law Department
Baltimore Development Corporation	No Objection
Finance	Defers to BMZA and Planning Commission

- (6) The proposed amendment’s relationship to and consistency with the City’s Comprehensive Master Plan.

The proposed amendment will support the Plan goal of expanding housing choices for all residents.

- (7) Existing uses of property within the general area of the property in question;

Properties in the general area include a mix of industrial and rowhome residential uses.

- (8) The zoning classification of other property within the general area of the property in question;

715 S. Haven Street, the large parcel directly to the west of this parcel, is currently zoned R-8. The subject properties will be consolidated with that parcel upon rezoning.

- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;

The site is functionally obsolete for future industrial use given its small size and lack of street frontage. It is more suitable being rezoned R-8 so that it can be consolidated with the abutting property.

- (10) The trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present classification;

Since the enactment of the new zoning code, a 70-unit townhome development to the immediate north of this site has been approved by the Planning Commission and commenced construction.

- (11) For a rezoning based on a SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD, the following facts establish the substantial change since the time of the last comprehensive rezoning:
- (12) For a rezoning based on a MISTAKE in the existing zoning classification, the following facts establish that at the time of the last comprehensive zoning the Council failed to consider then existing facts, or projects or trends which were reasonably foreseeable and/or that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect:

During the Transform Baltimore comprehensive rezoning process, the adjacent parcel of 715 S. Haven Street was rezoned from M-3 to R-8 by the City Council (the Planning Commission recommended that this property retain its industrial zoning designation given its frontage along S. Haven Street, a major trucking route). Given that this adjacent property was rezoned to a residential use, this subject property likely should have also been rezoned by the City Council. The subject site, lacking any frontage on public right-of-way and only being roughly 50' in width, has been made virtually unusable by 715 S. Haven Street being rezoned for residential use. The property owner intends to consolidate the two parcels once the rezoning to R-8 is enacted.

It is the determination that the City Council made a mistake in not also rezoning this site along with the adjacent 715 S. Haven Street parcel, and that rezoning it to R-8 would be appropriate as a way to encourage and facilitate productive reuse.

SOURCE OF FINDINGS (Check all that apply):

- [X] Planning Report – Planning Commission, Agency Report, Dated April 23, 2021 which includes the Planning Department, Staff Report, Dated April 22, 2020
- [X] Testimony presented at the Committee hearing

Oral – Witness:

- Matthew DeSantis, Planning Department
- Hilary Ruley, Law Department
- Caroline Hecker, Representative for the Applicant
- Luis Cardona, Baltimore Development Corporation
- Zeke Cohen, Councilmember

Written:

- Planning Commission, Agency Report, Dated April 23, 2021 which includes the Department of Planning, Staff Report – Dated April 22, 2021
- Department of Transportation, Agency Report – Dated June 17, 2021
- Board of Municipal and Zoning Appeals, Agency Report – Dated June 17, 2021
- Law Department, Agency Report – Dated May 3, 2021
- Department of Housing and Community Development, Agency Report – Dated June 16, 2021
- Baltimore Development Corporation, Agency Report – Dated April 26, 2021
- Department of Finance, Agency Report - Dated April 23, 2021
- Caroline Hecker, Memorandum – Dated April 22, 2021

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair
John Bullock
Mark Conway
Ryan Dorsey
Antonio Glover
Odette Ramos
Robert Stokes