

# LAND USE COMMITTEE

## FINDINGS OF FACT

### City Council Bill No: 20-0508

MOTION OF THE CHAIR OF THE LAND USE 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 - 5401 Pulaski Highway

Upon finding as follows with regard to:

(1) Population changes;

There has not been a significant change in population in this area since June 5, 2017, when the current Zoning Code and map became effective, however, as this is a Census year, there may be population changes documented in future years.

(2) The availability of public facilities;

The area is well served by public utilities and services and will remain so for the foreseeable future.

(3) Present and future transportation patterns;

The rezoning of the subject property is not anticipated to adversely impact present or future transportation patterns. In fact, the rezoning may reduce the potential for transportation conflicts along this portion of Pulaski Highway. The property's current industrial zoning has the potential to be operated by uses that create heavy truck traffic which could greatly intensify traffic congestion along this corridor.

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

The rezoning would allow a use that is compatible with the permitted existing and other proposed uses and development in the neighborhood. The property to the immediate east of the subject property, 5501, has been operating exclusively as a motor vehicle sales use since at least 2016, and the properties further east on Pulaski Highway are predominately auto-service oriented commercial uses. Approval of this action will create a continuous commercial tract of land uses along this portion of Pulaski Highway. The proposed action will also be compatible with the residential uses to the northeast of

the subject property by permitting a commercial use with fresh landscaping and exterior improvements, thereby beautifying the area for City residents.

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

The City agencies to which the bill was referred made the following recommendations:

|   |                         |
|---|-------------------------|
| Planning Commission                             | Favorable               |
| Board of Municipal and Zoning Appeals           | Unfavorable             |
| Department of Transportation                    | No Objection            |
| City Solicitor                                  | Favorable with Comments |
| Department of Housing and Community Development | Unfavorable             |
| Baltimore Development Corporation               | Unfavorable             |

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

Replacing the property's existing I-1 zoning district with the C-4 zoning district is generally consistent with the City's Comprehensive Master Plan goals of supporting small business development, providing employment opportunities to City residents, and identifying and promoting underutilized areas for economic growth.

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

The predominate uses to the east of the subject property along Pulaski Highway are motor-vehicle commercial uses. The proposed rezoning is more compatible with those uses as well as the residential uses to the northeast than the current industrial zoning.

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

The zoning classifications of the immediately surrounding properties are either I-1 or I-2. There are commercially zoned properties nearby to the east along Pulaski Highway and residentially zoned properties nearby to the northeast.

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

The subject property is not well suited for industrial use. Although bordered to the west by the CSX rail tracks, the tracks are not readily accessible. The subject property sits roughly 15 feet below the tracks and converting it to an industrial use with access to the tracks would require significant financial investment. The property is better suited for the uses permitted under the C-4 zoning district. It has been used as a motor vehicle commercial use since 2013 and the C-4 zoning district is intended to accommodate that use.

- (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;

The trend of development and uses to the east of the subject property, along Pulaski Highway, are, and have been since at least 2016, commercial motor vehicle uses. There have not been any development changes in this area since the present zoning classification.

- (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:

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- (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:

The subject property has been exclusively used for motor vehicle repairs since at least 2013, and for limited motor vehicle sales since 2016. The CSX rail tracks to the west of the subject property are not readily accessible because of their elevation and would require significant investment to access, making the subject property undesirable for industrial uses. The adjacent property, 5501 Pulaski Highway, has been exclusively used for commercial motor vehicle sales since at least 2016. The C-4 Zoning District is intended for areas of more intense commercial use, including uses related to motor vehicles. Rezoning the subject property to the C-4 Zoning District will allow it to better

serve the surrounding community and permit uses that are more reflective of the current commercial automotive character of that portion of Pulaski Highway.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated April 21, 2020, which included the Department of Planning Staff Report, dated April 16, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Matthew DeSantis, Planning Department
- Elena DePietro, Law Department
- Christopher DeCarlo, Esquire, Representative for the Applicant

Written:

- Department of Transportation, Agency Report – Dated October 27, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated September 28, 2020
- Law Department, Agency Report – Dated October 25, 2020
- Department of Housing and Community Development, Agency Report – Dated October 22, 2020
- Baltimore Development Corporation, Agency Report – Dated September 24, 2020
- Applicant’s Supplemental Memorandum – Dated October 28, 2020

**COMMITTEE MEMBERS VOTING IN FAVOR**

Edward Reisinger, Chair  
Shannon Sneed, Vice Chair  
Mary Pat Clarke  
Eric Costello  
Ryan Dorsey  
Leon Pinkett