


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0454 / REZONING – BLOCK 7653C, LOT 029		

TO

DATE:

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

November 15, 2019

At its regular meeting of November 14, 2019, the Planning Commission considered City Council Bill #19-0454, for the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #19-0454 and adopted the following resolution; eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0454 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.

CR/ewt

attachment

cc: Mr. Nicholas Blendy, Mayor's Office
 Mr. Matthew Stegman, Mayor's Office
 Ms. Nina Themelis, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. Colin Tarbert, BDC
 Mr. Derek Baumgardner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Stephanie Murdock, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Liam Davis, DOT
 Ms. Natawna Austin, Council Services



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

November 14, 2019

REQUEST: City Council Bill #19-0454/ Rezoning – Block 7653C, Lot 029:

For the purpose of changing the zoning for the property known as Block 7653C, Lot 029, located in the rear of 3819 Wilkens Avenue (Block 7653C, Lot 011), as outlined in red on the accompanying plat, from the C-1 Zoning District to the C-2 Zoning District.

RECOMMENDATION: Approval

STAFF: Eric Tiso

PETITIONER: Robert E. Forrest

OWNER: Robert E. Forrest

SITE/GENERAL AREA

Site Conditions: This property is located immediately to the rear of 3819 Wilkens Avenue, in the center of the block bounded by Wilkens Avenue, Joh Avenue, and Southwestern Boulevard. The only access to this site is either through a driveway across 3819 Wilkens Avenue, or alley access behind the homes along Joh Avenue.

General Area: This property is located in the Oaklee area, which is bounded by Wilkens Avenue on the north, the southwestern City boundary, and Southwestern Boulevard. This area is characterized by a mix of residential buildings, ranging from single-family detached dwellings along Wilkens Avenue, attached homes along the southwestern City boundary, and apartment buildings. There are commercial buildings along a portion of Wilkens Avenue and Southwestern Boulevard, including an immediate care medical office, a car wash, an auto sales business, and a restaurant. Loudon Park is located to the north, immediately across Wilkens Avenue.

ANALYSIS

Per §5-508(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification.

As part of the Comprehensive Rezoning of the City, the two properties owned by the applicant, 3819 Wilkens Avenue, and the descriptive lot behind it (Block 7653C, Lot 029) were proposed for several different zoning categories, including different categories at various points in the process. In the end, staff believes an administrative error was made, and that the rear descriptive property was intended to be zoned C-2 along with 3819 Wilkens Avenue, but the final adopted map was not correctly updated to reflect that intent.

As evidence in support of a finding of mistake, Planning staff offer the following:

- As part of the Comprehensive Rezoning of the City, this subject property, 3815 and 3819 Wilkens Avenue were proposed to be zoned C-1 from the point of introduction. The two properties immediately to the south, which are 3800 and 3810 Southwestern Boulevard, were to be zoned C-2 (see Exhibit 1).
- 3815 and 3819 Wilkens Avenue were included in a list of zoning changes recommended by the Planning Commission on March 21, 2019 (see page 3 of 11, Exhibit 2), which called for C-2 zoning for 3815 Wilkens Avenue, and OR-1 for 3819 Wilkens Avenue. That listing appears to have omitted the descriptive property (Lot 29).
- The above recommendations were included in a proposed map illustrating changes in the 10th District, dated September 25, 2015 (Exhibit 3), which included Lot 29, but recommended a change to C-3 for Lot 29 alone, which isn't explained or supported anywhere else in the documentation. That proposed map change for Lot 29 does not appear to make any rational sense, and so is most likely result of an administrative error.
- A table of map amendments dated to August of 2016 (Exhibit 4) listed Lots 11 and 29 as proposed to be zoned C-2, which would include both 3819 Wilkens Avenue, and descriptive Lot 29 in line M419 on page 2 of the table. 3819 Wilkens Avenue was listed again by itself on page 5 of the same table, in line M436. This appears to show that there was some confusion about how to identify Lot 29, and that it was at times confused for, or conflated with 3819 Wilkens Avenue.
- The accompanying maps illustrating changes in the 10th District, dated August 31, 2016 (Exhibit 5), which went with the table mentioned in the preceding bullet shows 3815 Wilkens Avenue proposed to be zoned C-2, and showed 3819 Wilkens Avenue and Lot 29 as though they were one parcel proposed to be zoned OR-1. Again, this shows that 3819 Wilkens Avenue and Lot 29 were being conflated.
- A table of proposed zoning amendments in the 10th District, dated October 5, 2016 (Exhibit 6), appears to repeat the combination of 3819 Wilkens Avenue and Lot 29 in line M368 of the table as going to C-2, the column for "current zoning" (*i.e.* pre-TransForm) lists B-1-2, which matches Lot 29, whereas 3819 Wilkens Avenue was O-R-1. Again, in line M384 of the same table, 3819 Wilkens Avenue is proposed to be C-2, and the column for "current zoning" shows O-R-1.
- A list of amendments by Council District, dated October 24, 2016 (Exhibit 7), each of which were voted upon by the committee in numerical order, completely skips M368 in error.
- The final zoning map as adopted, showed 3815 and 3819 Wilkens Avenue as zoned C-2, and Lot 29 was left as C-1.

For all of these reasons, Planning staff recommends that the Planning Commission find that an administrative error was made, and that Lot 29 was intended to be zoned C-2 as part of the Comprehensive rezoning from its initial adoption.

Notification: Over 16,000 individual e-mail addresses were sent notice of this action. This area is not represented by a formal community organization.



Chris Ryer
Director