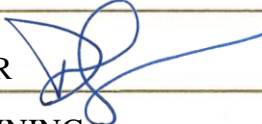



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #21-0052 / REZONING – BLOCK 6458, LOT 004 AND BLOCK PSC0, LOT 085		

TO

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

DATE: April 23, 2021

At its regular meeting of April 22, 2021, the Planning Commission considered City Council Bill #21-0052, for the purpose of changing the zoning for the property known as Block 6458, Lot 004 and Block PSC0, Lot 085, as outlined in red on the accompanying plat, from the I-2 Zoning District to the R-8 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #21-0052 and adopted the following resolution nine members being present (nine in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #21-0052 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: Ms. Natasha Mehu, Mayor's Office
 Ms. Nina Themelis, Mayor's Office
 The Honorable Eric Costello, Council Rep. to Planning Commission
 Mr. Matthew Stegman, City Council President's Office
 Ms. Nikki Thompson, City Council President's Office
 Mr. Colin Tarbert, BDC
 Ms. Kathleen Byrne, 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
 Mr. Dominic McAlily, Council Services
 Ms. Caroline Hecker, Esq.



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

April 22, 2021

REQUEST: City Council Bill #21-0052/ Rezoning – Block 6458, Lot 004 and Block PSC0, Lot 085:

For the purpose of changing the zoning for the property known as Block 6458, Lot 004 and Block PSC0, Lot 085, as outlined in red on the accompanying plat, from the I-2 Zoning District to the R-8 Zoning District.

RECOMMENDATION: Approval

STAFF: Matthew DeSantis, AICP

PETITIONERS: Councilmember Cohen, at the request of Haven Rock, LLC c/o Caroline Hecker, Esq.

OWNER: Canton Development Company, Inc.; Murdock Investment Company

SITE/GENERAL AREA

Site Conditions: The properties do not have a street address as they are portions of abandoned railroad right-of-way. The total area measures roughly 50' wide by approximately 280' long and is located abutting to the rear of 715 S. Haven Street.

General Area: This site is located in the Brewer's Hill neighborhood to the immediate east of the 700 block of S. Haven Street. To the immediate north is a townhome project (Haven Overlook) at the property formerly known as 601 S. Haven Street and to the east and south is the alignment for the proposed Baltimore Greenway Trail multi-use corridor.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site, other than its rezoning from M-3 to I-2 effective June 5, 2017 as part of the City-wide comprehensive rezoning that accompanied adoption of the new Zoning Code (Article 32 of the Baltimore City Code).

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan, Live Goal 1, Objective 1: Expand Housing Choices for all Residents.

ZONING CODE REQUIREMENTS

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

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.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

- (i) population changes;
- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendations of the City agencies and officials; and
- (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

- (i) existing uses of property within the general area of the property in question;
- (ii) the zoning classification of other property within the general area of the property in question;
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) 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 zoning classification.

ANALYSIS

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public's interest, in that it will enable the development of additional housing.

This parcel was formerly used as a railroad right-of-way and served as a siding for the industrial uses that occurred on the adjacent site (715 S. Haven Street) for many decades. The industrial use has since ceased on that adjacent parcel and the former industrial building was demolished in 2020.

Additionally, 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.

601 S. Haven Street, the parcel to the direct north, northwest, was also rezoned to the R-8 zoning district and is currently under construction for a 70-unit townhome development named Haven Overlook. Coincidentally, a very similar rezoning bill was introduced (CCB #19-0426; Ordinance #20-351) that rezoned a similarly situated former railroad parcel that adjacent to that site that has been incorporated into the development.

REQUIRED FINDINGS

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the vicinity of the proposed changes (*cf.* Md. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

- 1. The Plan:** The proposed rezoning would support the Plan’s goal of expanding housing choices for all residents, since this parcel will be consolidated with the adjacent parcel that already has an R-8 zoning designation.
- 2. The needs of Baltimore City:** The current I-2 zoning of this parcel renders it virtually useless since it is too small and inaccessible for any future industrial use.
- 3. The needs of the particular neighborhood:** There is a growing demand for additional residential units in the Brewer’s Hill neighborhood, and this rezoning will contribute to this without causing any additional degradation of the City’s also important industrial base.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

- 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 Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department is recommending approval of the rezoning request to the Planning Commission. The BMZA will comment separately on this bill.

- 6. The relation of the proposed amendment to the City's plan.** The proposed amendment will support the Plan goal of expanding housing choices for all residents.

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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 zoning 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.

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. It is the determination of Planning staff 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.

Notification: The Brewer’s Hill Community Association, Brewer’s Hill Neighbors, and Canton Community Association have been notified of this action.



Chris Ryer

Director