

LAND USE COMMITTEE

FINDINGS OF FACT

City Council Bill No: 20-0539

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 - 555 Dundalk Avenue and Block 6694, Lot 142

Upon finding as follows with regard to:

(1) Population changes;

There have not been significant population changes in the immediate vicinity of the Pulaski Industrial Area in the interval between the adoption of the last comprehensive rezoning and the present time.

(2) The availability of public facilities;

The site is well-served by public services and utilities, which can also support redevelopment or reuse of the site.

(3) Present and future transportation patterns;

There will be no negative effects upon present or future transportation patterns in the area as a result of the rezoning. A commercial zoning designation will support eventual redevelopment of the subject site, likely requiring upgrades to the adjacent right-of-way which would enhance the pedestrian experience (i.e. potential cross upgrades and new street trees).

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

The proposed zoning district as amended is compatible with the existing and proposed development for the area. The site is adjacent to commercial zoning and land uses, and the rezoning is compatible with these conditions.

- (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 with Amendment
Board of Municipal and Zoning Appeals	Favorable with Amendment
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	No Objection
Baltimore Development Corporation	No Objection

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

The rezoning does not conflict with any of the goals contained in the Comprehensive Master Plan for Baltimore City. Additionally, it supports several identified goals and objectives in the SEND (Southeastern Neighborhoods Development) Plan. Rezoning the property to the C-4 zoning district (1) is consistent with the current zoning of properties directly across Dundalk Avenue; (2) better responds to the history of the site's use and former zoning designation; and (3) is more appropriate for a viable reuse of the site. The C-4 zoning district still permits a number of light industrial uses for the site, which will continue to be appropriate given the proximity to industrial zones and uses.

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

Existing uses of property within the general area of the site are a mix of residential, light industrial, and commercial.

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

The site is located within the Pulaski Industrial Area, which is an irregularly shaped area comprised of primarily industrial uses near the I-95 corridor at the eastern City/County line. The zoning of the adjacent parcel to the north and west is also I-1. The zoning to the east across Gusryan Street is I-2; the zoning to the south across Dundalk Avenue is C-4; and several properties nearby to the east are zoned C-2. The nearest residential neighborhood is Bayview to the north of Eastern Avenue.

Rezoning the property to C-4 matches the C-4 zoning found across Dundalk Avenue, and will serve as an appropriate buffer between the I-2 zoning immediately to the east and the C-2 zoning found to the west.

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

The current I-1 zoning designation limits the property to being primarily used for industrial uses. Given the small land area of the site and no history of it being used for industrial purposes, the current zoning is not appropriate.

- (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;

There have not been significant changes to the immediate area of the subject property since it was placed in its current 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:

Intentionally left blank.

- (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 site has a documented history of commercial use dating back to least 1947, and before its current I-1 zoning it had a commercial B-2-3 zoning designation. The large number of commercial properties surrounding the site along Dundalk Avenue and Eastern Avenue, along with the relatively small size of the property, make it unlikely that an industrial use would be viable. The C-4 zoning district is consistent with the current zoning of properties directly across Dundalk Avenue, better reflects the history of the site's use and former zoning designation, and makes the site more viable for reuse.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission's report, dated July 13, 2020, which included the Department of Planning Staff Report, dated July 8, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Matt DeSantis, Planning Department
- Victor Tervalá, Law Department
- Representatives of other reporting agencies
- Caroline Hecker, Esquire, Rosenberg, Martin, Greenberg, LLP

Written:

- Department of Transportation, Agency Report – Dated August 18, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated August 14, 2020
- Law Department, Agency Report – Dated August 11, 2020
- Department of Housing and Community Development, Agency Report – Dated August 10, 2020
- Baltimore Development Corporation, Agency Report – Dated July 30, 2020

COMMITTEE MEMBERS VOTING IN FAVOR

Edward Reisinger, Chair
Shannon Sneed, Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Sharon Green Middleton
Leon Pinkett
Robert Stokes