

COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT

FINDINGS OF FACT

City Council Bill No: 21-0013

MOTION OF THE CHAIR OF THE COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT, 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 - 4015 Foster Avenue, 4000 Hudson Street, and 801 South Haven Street

Upon finding as follows with regard to:

(1) Population changes;

There have been significant population changes in the immediate vicinity of this comprehensive rezoning between the passage of the last comprehensive rezoning in 2016 and the present time due to the construction of new townhomes at 4001 Hudson Street. Additionally, more than 70 new townhomes are pending construction adjacent to the subject area, as well several hundred more that are under construction a few blocks to the south within the Brewer's Hill PUD and the new Collective at Canton mixed-use development.

(2) The availability of public facilities;

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

(3) Present and future transportation patterns;

(4) There would be no effect upon present or future transportation patterns in the area as a result of adoption of this bill. The continued prohibition of additional residential uses along the South Haven Street corridor is important.

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

For the above reasons, the Planning Department will recommend approval of the rezoning request to the Planning Commission. The BMZA will comment separately on this bill.

- (6) 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	Favorable
Department of Transportation	No Objection
City Solicitor	Favorable/Comments
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	Favorable

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

The rezoning of these properties to the IMU-2 zoning district would be consistent with the City’s plan. The proposed action would support goals contained in the Comprehensive Master Plan for Baltimore City, Earn Goal 1: Strengthen Identified Growth Sectors, Objective 1: Retain and Attract Businesses in all Growth Sectors and Objective 5: Retain and Attract Businesses in Construction. It would also support Neighborhoods Strategy #2 from the Baltimore Sustainability Plan: Support programs and policies to increase investments in neighborhoods.

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

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

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

All of the subject parcels are currently in use and functional under their current zoning designation. The expanded uses permitted by the proposed zoning designation, however, would enable some of the current businesses in the subject area to continue to grow without being forced to relocate, and will better reflect the changing market demands along the Haven Street corridor.

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

All of the subject parcels are currently in use and functional under their current zoning designation. The expanded uses permitted by the proposed zoning designation, however, would enable some of the current businesses in the subject area to continue to grow without being forced to relocate, and will better reflect the changing market demands along the Haven Street corridor.

- (11) 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 been recent and proposed developments in close proximity to this site, including the two large townhome developments cited earlier in this report. These development trends represent a significant change in the neighborhood, and have happened since the time of the last comprehensive rezoning.

- (12) 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:

The main intention behind a rezoning of these several properties to IMU-2 is that this new zoning designation acknowledges the changes that have been happening along the corridor and allows for additional of office, commercial, and retail uses while at the same time continuing to prohibit any additional residential development directly on South Haven Street. This prohibition of additional residential development along South Haven Street is of importance to not just the Department of Planning, but also to the Brewer's Hill Neighbors community association, as they have expressed an openness to additional office or retail uses along the corridor but do not want any additional residential development.

Planning staff consider the developments that have taken place nearby as constituting a significant change in the character of the neighborhood.

According to the Law Department, the nature of this bill is such that it would amount to a comprehensive rezoning under the City's zoning law. The City Code and Maryland case law currently define "comprehensive rezoning" as an ordinance that is:

1. Initiated by the City government to modify the zoning classification of multiple properties;

2. Based upon considerations concerning the common needs of a substantial geographic area, involving a considerable number of properties;
3. The product of careful consideration and extensive study by the Planning Department and reviewed by the Planning Commission;
4. Designed to control and direct the use of land and buildings according to present and planned future conditions; and
5. Designed to accomplish the most appropriate uses of land consistent with the public interest and the safeguarding of the interests of the individual property owners.

The committee understands that the bill qualifies as a comprehensive rezoning that does not need findings of fact. For the record, the committee approved the findings presented in the Department of Planning's staff report.

- (13) 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:

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated January 14, 2021, which included the Department of Planning Staff Report, dated October 8, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Eric Tiso, Planning Department
- Elena DiPietro, Law Department

Written:

- Department of Transportation, Agency Report – Dated January 14, 2021
- Board of Municipal and Zoning Appeals, Agency Report – Dated March 1, 2021
- Law Department, Agency Report – Dated February 26, 2021
- Department of Housing and Community Development, Agency Report – Dated February 4, 2021
- Baltimore Development Corporation, Agency Report – Dated January 29, 2021

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair

John Bullock

Mark Conway

Ryan Dorsey

Antonio Glover

Odette Ramos

Robert Stokes