

TJA

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #14-0318 / REZONING 101 NORTH WARWICK AVENUE

CITY of
BALTIMORE
MEMO



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

DATE: April 4, 2014

At its regular meeting of April 3, 2014, the Planning Commission considered City Council Bill #14-0318 for the purpose of changing the zoning for the property known as 101 North Warwick Avenue, as outlined in red on the accompanying plat, from the M-1-2 Zoning District to the B-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval and amendment to City Council Bill #14-0318 and adopted the following resolution, eight members being present (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation and amendment of its Departmental staff, and recommends that City Council Bill #14-0318 be amended and passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

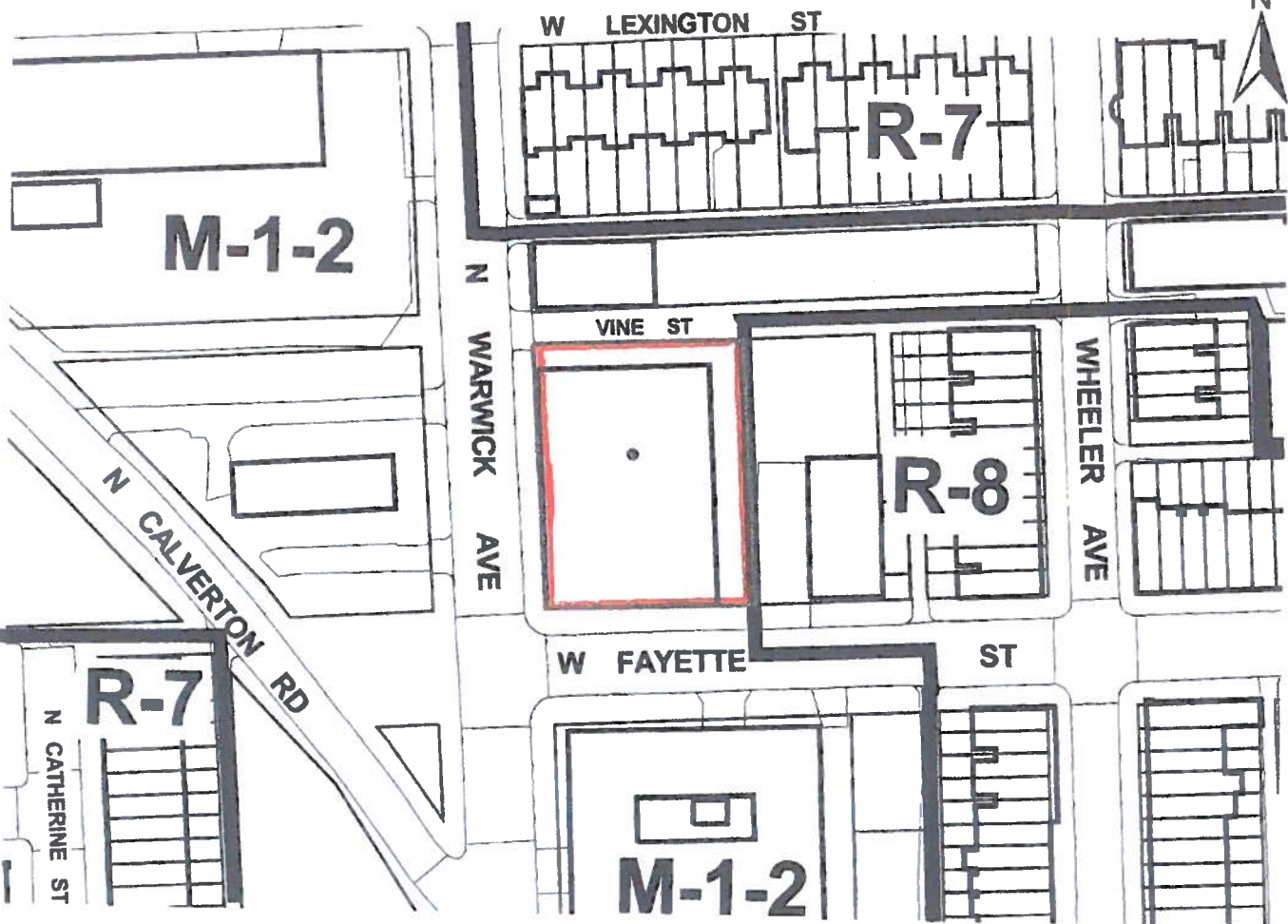
TJS/WA

Attachment

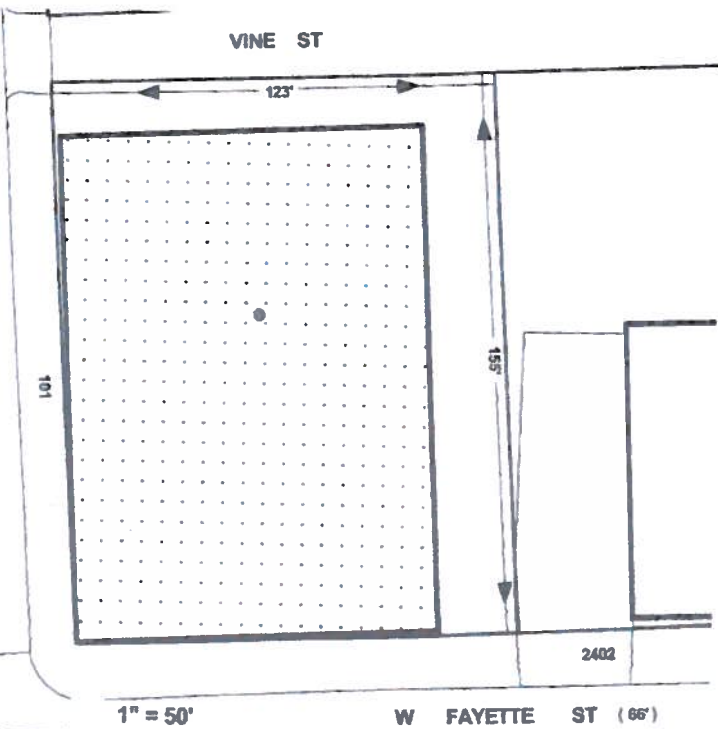
- cc: Ms. Kaliopé Parthemos, Deputy Chief for Economic and Neighborhood Development
- Mr. Alex Sanchez, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Mr. Nicholas Blendy, DHCD
- Ms. Elena DiPietro, Law Dept.
- Ms. Karen Randle, Council Services
- Ms. Lorrie Davis, Church of the Living God

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SHEET NO. 53 OF THE ZONING DISTRICT MAP OF THE BALTIMORE CITY ZONING CODE.



1" = 100'



1" = 50'

Note:

In Connection With Property Known As No. 101 NORTH WARWICK AVENUE. The Applicant Wishes To Request The Conditional Rezoning Of The Aforementioned Property From M-1-2 Zoning to B-2 Zoning, As Outlined in Red Above.

WARD - 20 SECTION - 14
BLOCK - 2163 LOT - 3A

MAYOR

PRESIDENT CITY COUNCIL

14-0318



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

April 3, 2014

REQUESTS:

- City Council Bill #14--0318/ Rezoning- 101 North Warwick Avenue

RECOMMENDATIONS:

- Amend and Approve: Recommend rezoning from M-1-2 to R-8 instead of B-2

STAFF: Tamara Woods

PETITIONER: Church of the Living God

OWNERS: Same

SITE/GENERAL AREA

Site Conditions: The site of the proposed rezoning is located in the Penrose/ Fayette Street Outreach neighborhood. It is a corner property that is bounded by Warwick Avenue on the west, Fayette Street on the south, Vine Street on the North and an adjacent property on the east. The total site area is 19,035 square feet.

General Area: This portion of the Penrose/ Fayette Street Outreach neighborhood is both residential and industrial in nature. There is predominantly Residential (either R-7 or R-8) and industrial (M-1-2) surrounding the site, with a BG&E substation directly across the street on Warwick Avenue. The residential portion is primarily homeowner occupied rowhouses. The property is not within an Urban Renewal Plan or Historic District.

CONFORMITY TO PLANS

The proposed development plan is consistent with the goals and objectives of the Baltimore City Comprehensive Master Plan, specifically: LIVE Goal 1, Objective 3: Maintain and Create Safe, Clean, & Healthy Neighborhoods.

HISTORY

- There are no prior legislative or Planning Commission actions for this site.

ANALYSIS

The site, 101 N. Warwick, is currently owned by Church of the Living God and improved with a warehouse building. The property owners also own the adjacent site 2402 W. Fayette Street which is improved with an active religious institution. The existing warehouse building, per City

records, was last used as a vinegar bottling plant. In January 2013, the Church of the Living God acquired the property to help facilitate the future expansion of the church.

Initial discussions with the applicant included possible rehabilitation of the existing building or construction of a larger sanctuary and church building on this site, and use of their existing sanctuary on the adjacent site for other accessory functions. At the time of introduction, the applicant was in the process of waiting on the results of a structural feasibility analysis to determine if they would move forward with renovation of the existing warehouse structure or demolish the building. Since that time they have decided to demolish the structure.

The concept drawings presented to Planning staff showed an addition on to the existing church. In staff's determination, the proposed uses are not uncommon to uses typically found in places of worship that would be allowed in the R-8 zoning district. Also, after the structure is demolished, the applicant has decided to consolidate 101 N. Warwick with the adjacent church property at 2402 W. Fayette, which is zoned R-8. Rezoning to R-8 would allow for the desired expansion, prevent a split zoned lot, and maintain consistency with the existing zoning of the neighborhood.

As part of its review of the request, rezoning standards and TransForm Baltimore recommendations were considered.

Rezoning Standards for Review

According to Maryland Land Use Article, Division I, Title 10 (Baltimore City Zoning), any proposed zoning changes must be referred to the Baltimore City Planning Commission and to the Board of Municipal and Zoning Appeals (BMZA), which must study the proposed changes in relation to:

1. *The plan* – The Baltimore City Comprehensive Master Plan is not so specific as to recommend land use and/or zoning changes for the property in question. That being said, one stated objective in the Plan is to “Maintain and Create Safe, Clean, & Healthy Neighborhoods.
2. *The needs of Baltimore City*- The property in question, though it does not have a vacant building notice, it is no longer being used as an industrial building. A rezoning of this site would allow for the site to be put back into active use for a non-industrial use that without rezoning would not occur.
3. *The needs of the particular neighborhood in the vicinity of the proposed changes*- The neighborhood is primarily R-7, R-8 and M-1-2. There is not B-2 in the immediate or surrounding area. The recommended proposed R-8 zoning district is in keeping with the surrounding parcels and neighborhood use and scale. The proposed rezoning will allow the applicant to bring a vacant parcel back into active use.

Once the Planning Commission and BMZA report their findings and recommendations to the Mayor and City Council, the City Council shall make the following findings of fact:

1. *Population change*- The Penrose/ Fayette Street Outreach neighborhood has experienced at 14.2% population loss between the 2000 and 2010 Census.
2. *Availability of public facilities*- The property is well served by City services, with no expected impacts as a result of rezoning.

3. Present and future transportation problems- There are currently no transportation problems in the area. The exact future impact is not known at this time, but the proposed re-zoning is along major thoroughfares and appropriate mitigation would be handled at the time of future development.
4. Compatibility with existing and proposed development for the area- The recommended amended re-zoning proposal to R-8 is consistent with the adjacent zoning.
5. Recommendations of the Baltimore City Planning Commission and the BMZA - For the above reasons, the Planning Department is recommending amendment and approval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. Relationship of the proposed amendment to Baltimore City's plan- As mentioned above, the proposed zoning changes are compatible with the existing zoning plan of the City.

The City Council may grant the request to change the zoning classification based on a finding that there was either a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the existing zoning classification. In this case, the neighborhood is undergoing substantial change in character.

TransForm Baltimore

The TransForm zoning recommendations for this particular property is that it be rezoned to R-8. The proposed amendment to this bill is based on the City of Baltimore Department of Planning TransForm Baltimore zoning recommendations for this site and the proposed use of the property.

Amendment Needed

Since introduction, the applicant has decided to demolish the existing warehouse building, consolidate the lots and build an addition on to the existing church at 2402 W. Fayette Street.

Staff's recommendation is to amend the bill to rezone the subject property to R-8 instead of B-2. This recommendation is in keeping with the desired use of the property as well as the current zoning of the adjacent property to which the applicant will consolidate.

Notifications:

In advance of a hearing on this matter, staff notified the following community group: Fayette Street Outreach Organization.



Thomas J. Stosur
Director