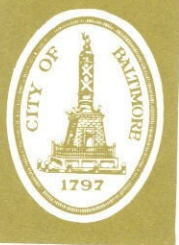


TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #11-0745/AMENDING THE EAST BALTIMORE MIDWAY URBAN RENEWAL PLAN

CITY of
BALTIMORE
MEMO



TO

DATE:

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

August 5, 2011

At its regular meeting of August 4, 2011, the Planning Commission considered City Council Bill #11-0745, for the purpose of amending the Urban Renewal Plan for East Baltimore Midway to revise Exhibits 1 and 4 to reflect the change in zoning, upon approval by separate ordinance, for 2315-2317 Cecil Avenue; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #11-0745, and adopted the following resolution (eight members being present, eight in favor):

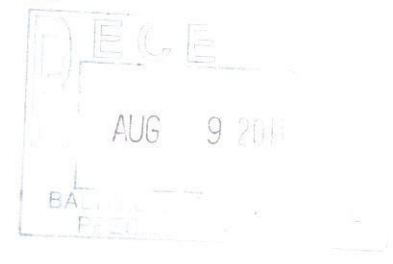
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #11-0745 be passed by the City Council.

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 Mayor
- Mr. Peter O'Malley, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Bill Henry, Council Rep. to Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Nikol Nabors-Jackson, DHCD
- Ms. Barbara Zektick, DOT
- Ms. Elena DiPietro, Law Dept.
- Ms. Karen Randle, Council Services
- Mr. Jonathan Melnick



F



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

August 4, 2011

REQUESTS:

- City Council Bill #11-0717/Rezoning – 2315-17 Cecil Avenue
For the purpose of changing to zoning for the property known as 2315-17 Cecil Avenue from the M-1-2 Zoning District to the B-3-2 Zoning District
- City Council Bill #11-0745/East Baltimore Midway Urban Renewal Plan Amendment
For the purpose of amending the Urban Renewal Plan for East Baltimore Midway to revise Exhibits 1 and 4 to reflect the change in zoning, upon approval by separate ordinance, for 2315 Cecil Avenue

RECOMMENDATION:

- City Council Bill #11-0717 (Rezoning): Approval
- City Council Bill #11-0745 (URP Amendment): Approval

STAFF: Natasha Becker

PETITIONER: Calhoun-Laurens, Inc. c/o Mr. Jonathan Melnick

OWNER: Same

SITE/GENERAL AREA

Site Conditions: 2315 Cecil Avenue is an approximately 26,000 square foot site improved with two warehouse type structures. The site is on the east side of Cecil Avenue, which intersects 25th Street between Greenmount Avenue and Harford Road. Abutting uses include a commercial property on 25th Street (zoned B-3-2) and rowhomes (zoned R-7) on Bonaparte and Garrett Avenues. The site is separated from these residential areas by 15' alleys on its southern and eastern edge.

General Area: The East Baltimore Midway Urban Renewal Plan area is comprised of a mix of land uses including residential (primarily zoned R-7 and R-8), commercial (primarily zoned B-3-2 and located along Greenmount Avenue, 25th Street, Harford Road, and North Avenue), as well as light industrial (primarily zoned M-1-2 and clustered centrally within the plan area).

HISTORY

There have been no previous Planning Commission actions relating to the subject site. The East Baltimore Midway Urban Renewal Plan was originally approved by the Mayor and City Council of Baltimore by Ordinance No. 1076, dated June 20, 1979 and was last amended by Ordinance No. 334, dated June 2, 1994.

CONFORMITY TO PLANS

The requested rezoning meets the required standards for a rezoning found in the Annotated Code of Maryland and the Baltimore City Zoning Code.

ANALYSIS

Rezoning Request

City Council Bill #11-0717 seeks to rezone the property known as 2315-17 Cecil Avenue (Lot 38 of Block 4010-N) from its current M-1-2 zoning designation to the B-3-2 category. This represents a change from industrial to commercial zoning. The applicant has no immediate plans for the site, though one of the buildings is vacant and has been for some time. The applicant claims to be seeking the rezoning to the B-3-2 zoning category in order to improve his chances for securing a tenant. The requested B-3-2 zoning category is the same category found on the adjacent property and along the 25th Street corridor in this area.

Staff has determined this request to be a permissible rezoning, given that the request for a zoning change meets the standards of Article 66B of the Maryland Annotated Code, and those of the Baltimore City Zoning Code. Detailed analysis is as follows:

Article 66B

The Mayor and City Council may periodically amend or reclassify the zoning of a particular property after making specific findings of fact; determining that there has either been a change in the character of the neighborhood where the property is located or a mistake in the existing zoning classification; and studying the proposed changes in relation to the plan, the needs of Baltimore City, and the needs of the particular neighborhood in the vicinity of the proposed changes.

Detailed **Findings of Fact** are as follows:

1. Population changes

There have been no significant changes in population in this area.

2. The availability of public facilities

Adequate public facilities are available for a variety of uses.

3. Present and future transportation patterns

There are no anticipated changes or additional demands on transportation in this area.

There is a CSX rail line north of the subject area, but this property does not abut it and does not have rail access.

4. Compatibility with existing and proposed development for the area

The subject site is zoned M-1-2, while all of the surrounding properties are zoned either B-3-2 or R-7. There has been a historical tendency in areas with heavy commercial or industrial uses near residential neighborhoods to use M-1 zoning as a buffer to provide a transition between these areas. The stated purpose of the M-1 Districts in Baltimore City's Zoning Code is to provide areas suitable for industrial and related activities that require, deserve, and promote a relatively nuisance-free environment compatible with and not detrimental to an adjoining Business or Residence District (§7-201). However, when one views the zoning map in the East Baltimore Midway Urban Renewal Plan, it is clear that using this site to create a

buffer was not the intent, since several blocks of row homes nearby directly abut B-3-2 zones on 25th Street and Harford Road. It appears as if the M-1-2 zoning for 2315 Cecil Avenue was left in place simply to accommodate an existing use rather than creating a nonconformity. Furthermore, the site is not ideally suited for continued industrial use, being under an acre in size with less than ideal access and buildings that are not particularly competitive (old and no truck docks, for example). Lastly, there are land use restrictions in place in the East Baltimore Midway Urban Renewal Plan that would apply to 2315-17 Cecil Avenue should it be rezoned to B-3-2. These restrictions would have the same effect of promoting a relatively nuisance-free environment compatible with and not detrimental to the adjoining residences.

5. The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals

To be determined, though Department of Planning staff recommends approval of the rezoning request.

6. The relation of the proposed amendment to the City's plan

There are no elements of Baltimore City's Comprehensive Master Plan that speak to the specific question of a rezoning of the subject property. However, the subject site is located within the East Baltimore Midway Urban Renewal Plan Area, which is proceeding through a companion amendment. The amendment would alter the Land Use Plan (Exhibit 1) and Zoning Districts (Exhibit 4). Such a change would provide the necessary authority for rezoning.

Change/Mistake

Informed by the findings of fact, the City Council may grant a rezoning based on the finding that there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the original classification. Certainly market conditions favor larger size industrial lots with highway or rail access. There is a concentration of industrial uses comprising several acres nearby. However, this isolated industrial site has been vacant for some time, indicating that there has been a change favoring another land use.

Other Considerations

1. The Plan

As stated previously, there is nothing in the comprehensive plan that calls for rezoning for this parcel. The proposed Urban Renewal Plan amendment is the required legislation that provides the authority for the rezoning.

2. The needs of Baltimore City

The City needs large, contiguous industrial parcels in order to be competitive for industrial development. This is an isolated pocket of industrial zoning, left to accommodate an existing user at the time, but which is now largely vacant.

3. The needs of the particular neighborhood

Additional commercial zoning on one parcel just over ½ an acre in size will not have a significant impact on the community – either to its benefit or its detriment – but is consistent with adjacent zoning on East 25th Street.

Section 16-305 of the Baltimore City Zoning Code

The Planning Commission must first find the change to be in the public interest and not solely for the interest of the applicant. In this case, the request will benefit the property owner, but not to the detriment of the surrounding community.

Additionally, the Commission must consider:

1. **Existing uses of property within the general area of the property in question**
There is a predominance of residential row homes surrounding the site to its south and east, with commercial and civic uses (a fire house) to its north and west.

2. **The zoning classification of other property within the general area of the property in question**

B-3-2 is the most typical commercial zoning category in place and can be found along 25th Street, Harford Road, and a portion of Greenmount Avenue. Industrial zoning exists (M-1-2) and is focused on either side of Curtain Avenue. The residential areas are zoned either R-7, R-8, or R-9.

3. **The suitability of the property in question for the uses permitted under its existing zoning classification**

While the properties are single-story warehouse type structures suited for light industrial use, they have no unique features and would be more attractive if they had truck loading docks and better highway or rail access.

4. **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 enactment of the 1971 zoning code, the adaptive reuse of formerly industrial sites has become common.

Urban Renewal Plan Amendment

City Council Bill #11-0745 proposes two changes to the East Baltimore Midway Urban Renewal Plan. The first would amend the Land Use Plan (Exhibit 1) and would designate 2315-17 Cecil Avenue as "Community Commercial A". This land use category permits B-3 uses generally, but excludes a specific list of prohibited uses. The second change would amend the Zoning Districts map (Exhibit 4) to reflect a change in zoning on the subject site from M-1-2 to B-3-2. The proposed Urban Renewal Plan amendment is the required legislation that provides the authority for the rezoning.

The Greater Greenmount Community Association and 25th Street Business Association have been notified of the rezoning request for 801 W. 33rd Street.



Thomas J. Stosur
Director