

LAND USE COMMITTEE

FINDINGS OF FACT

City Council Bill No: 20-0566

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 - 3215 West Belvedere Avenue, 3317-3323 West Belvedere Avenue, 5101-5103 Denmore Avenue, and 5100 Denmore Avenue

Upon finding as follows with regard to:

(1) Population changes;

There has not been a significant change in population in the area since June 5, 2017, when the current Zoning Code and map became effective. However, as this is a Census year, there may be population changes documented in the future. The proposed rezoning will support the existing institutional uses, which are non-residential, and so will not affect the population in the area.

(2) The availability of public facilities;

All public facilities necessary to support use of the subject properties are available and expected to remain available. No large-scale development or redevelopment is expected in this block that would negatively impact the City's utilities.

(3) Present and future transportation patterns;

None of the present transportation patterns are anticipated to change and the proposed rezoning would have no impact on said patterns.

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

The proposed rezoning is consistent with existing and proposed development for the area. The OR-1 Zoning District would better reflect the subject properties' existing uses and positions as buffers between the residential areas to the west and the commercially zoned properties to the east. Furthermore, the rezoning will resolve a nonconforming use that was unintentionally created by the last comprehensive zoning.

- (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	Favorable

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

The proposed rezoning will support the Comprehensive Master Plan's goal of retaining and attracting businesses in the healthcare and social assistance growth sector by supporting the Park West Medical Center and its future expansion.

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

Properties to the southwest are currently zoned R-6 and are largely residential in nature. Properties to the northwest are in the commercial corridor along Park Heights Avenue. Designation of the subject properties as OR-1 would provide a buffer or "step-down" in land use intensity between the residential and commercial areas. The properties proposed for rezoning are institutional in use and better fit into the proposed OR-1 zone.

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

These properties are between R-6 residential properties to the southwest, and C-1 and C-2 zones to the northeast.

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

In the existing R-6 district, Places of Worship are a permitted use, a surface Parking Lot (Principal Use) is approved through a conditional use by ordinance, and a medical center (Health-Care Clinic) is not permitted. The OR-1 zone is more appropriate for the existing uses of the subject properties than the current R-6 zone. This is especially true for the Park West Medical Center, which was made a nonconforming use by the last comprehensive zoning.

- (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 has been very little change in the immediate area surrounding the subject properties, but there are larger redevelopment plans in review in the greater Park Heights area. The plans include significant new-construction residential development just a few blocks to the south on Park Heights Avenue.

- (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:

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- (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:

When Transform Baltimore was enacted in 2017 the subject properties had been used for nonresidential purposes for many years, including uses as places of worship, a health care clinic, and a parking lot. The Park West Center was approved as a multi-purpose neighborhood center under the old zoning code, which allowed a flexible mix of uses and meant it was a conforming use. At the time of the last comprehensive rezoning, Park West had expanded to two other locations since its inception and thus demonstrated a potential for growth that should have been considered when the property was zoned R-6. In the current R-6 district, a medical center is a nonconforming use that is prevented from expanding under the new zoning code.

The OR-1 Zoning District better suits the existing properties as they are now developed and corrects a nonconformity that was not intentionally created during the last comprehensive rezoning process.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated August 21, 2020, which included the Department of Planning Staff Report, dated August 20, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Eric Tiso, Planning Department
- Elena DiPietro, Law Department
- Caroline Hecker, Representative for the Applicant

Written:

- Department of Transportation, Agency Report – Dated October 20, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated September 28, 2020
- Law Department, Agency Report – Dated October 19, 2020
- Department of Housing and Community Development, Agency Report – Dated October 7, 2020
- Baltimore Development Corporation, Agency Report – Dated October 20, 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