

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0109 / REZONING 1700 SOUTH ROAD		

DATE:

**TO**

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

August 18, 2017

At its regular meeting of August 17, 2017, the Planning Commission considered City Council Bill #17-0109, for the purpose of changing the zoning for the property known as 1700 South Road, from the R-1D Zoning District to the OR-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #17-0109 and adopted the following resolution seven members being present (seven in favor):

RESOLVED, That the Planning Commission evaluated the Approval Standards in 5-508 of the Zoning Code of Baltimore City and concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0109 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: Mr. Pete Hammen, Chief Operating Officer  
 Mr. Jim Smith, Chief of Strategic Alliances  
 Ms. Karen Stokes, Mayor's Office  
 Mr. Colin Tarbert, Mayor's Office  
 Mr. Kyron Banks, Mayor's Office  
 The Honorable Edward Reisinger, Council Rep. to Planning Commission  
 Mr. William H. Cole IV, BDC  
 Mr. David Tanner, BMZA  
 Mr. Geoffrey Veale, Zoning Administration  
 Ms. Sharon Daboin, DHCD  
 Mr. Patrick Fleming, DOT  
 Ms. Elena DiPietro, Law Dept.  
 Mr. Francis Burnszynski, PABC  
 Ms. Natawna Austin, Council Services  
 Mr. Alfred Barry, Development Consultant



Catherine E. Pugh  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

August 17, 2017

**REQUEST: City Council Bill #17-0108/ Urban Renewal- Mt. Washington Village Business Area – Amendment #1 :**

For the purpose of amending the Urban Renewal Plan for Mt. Washington Village Business Area to modify the boundaries of the Renewal Plan, to delete certain provisions of the Plan pertaining to powers of acquisition and condemnation made obsolete by § 12-105.1 of the Real Property Article of the Annotated Code of Maryland, to revise certain Exhibits to reflect the boundary modifications of the Plan and to reflect a change in zoning, upon approval by separate Ordinance, for a portion of the property known as 1700 South Road, and to delete a certain Exhibit made obsolete by § 12-105.1 of the Real Property Article of the Annotated Code of Maryland; 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.

**City Council Bill #17-0109/ Rezoning – 1700 South Road:**

For the purpose of changing the zoning for a portion of the property known as 1700 South Road, as outlined in red on the accompanying plat, from the R-1D Zoning District to the OR-1 Zoning District.

**RECOMMENDATION:** City Council Bill #17-0108 - Amend and Approve  
City Council Bill #17-0109 - Approve

**STAFF:** Laurie Feinberg

**PETITIONER:** Blue Ocean Realty

#### **SITE/GENERAL AREA**

**Site Conditions:** The subject site is within the Mount Washington Village neighborhood. It is bounded by South Road and Kelly Avenue. The residential community borders the property on the west.

**General Area:** The church property lies within the greater Mount Washington community. The village is mostly 2-3 story commercial buildings dating to the mid-1800's. It was one of the earliest Baltimore suburbs. To the south and west of the village are primarily single family detached houses on large lots and to the north is a large satellite campus/ conference center of Johns Hopkins University, formerly USF&G. The eastern boundary is interstate 83 and the light rail tracks. The village is also served by a light rail stop with commuter parking.

## **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site.

## **CONFORMITY TO PLANS**

The proposed action would be consistent with provisions of the Baltimore City Master Plan LIVE Goal 1 Objective 2: Strategically Redevelop Vacant Properties Throughout the City.

## **ANALYSIS**

Currently the church and parsonage house at 1700 South Road in Mount Washington are vacant and for sale. The most recent congregation was unable to maintain the buildings and put them for sale. They are considered contributing structures to the Mount Washington Historic District and currently zoned for R-1-D, low density residential use. The contract purchaser would like to use the church for an office building.

The purchaser has worked with the Mount Washington Improvement Association and Mount Washington Merchants to develop a reuse plan for this vacant site. The plans include incorporating the church building as part of the Village and allowing for office use, while the parsonage portion of the site, will remain residentially zoned.

The renovation of the vacant church building was reviewed and approved by the Commission for Architectural and Historical Preservation after two public hearings. The church will be totally renovated with an outdoor terrace space on the village side.

### **City Council Bill #17-0108 – URP Amendment:**

This Council Bill is to amend the Mount Washington Village Urban Renewal Plan to include a portion of 1700 South Road, recommend OR-1 zoning for that portion and delete the acquisition and disposition maps and language as it is no longer needed.

This Urban Renewal plan was written in 1976 and has not been amended since that time. This proposal permitted staff to take a look at the plan and make some updates and corrections. We had initially proposed a more comprehensive update to be consistent with TransForm, but the community preferred to take more time to review those additional changes. The amendments listed below reflect the needed updates with community input. (Attached is a redline version of the plan with these amendments)

1. Remove the boundary description and replace with a map. We discovered a significant error in the description from 1976 and recommend using an easy to read map instead.
2. Reference that land uses are based on zoning code.
3. Refer to Bulk and Yard regulations by their proper title.
4. Remove reference to B-2-2 and replace with C-1, the current zoning.
5. Remove reference to M-1 use requirements as there is no longer M zoning.
6. Make clear that if there is a conflict between this plan and zoning the stricter governs
7. Prohibit radio and television antennas.
8. Delete Public Land use section as there is no longer an application for that.

9. Delete regulations related to acquisition and relocation as that is no longer planned.
10. Add a section on community review that gives the Improvement association and merchant association up to 30 days to comment on new development or significant rehabilitation.
11. Add a twenty year expiration date for the Urban Renewal Plan.
12. Change review period for amendments to the plan to minimum of 60 days.
13. Update Table of Contents and relevant cross references

**City Council Bill #17-0109 – Rezoning:**

This Council Bill is to rezone a portion of 1700 South Road from R-ID to OR-1. The proposed project is to reuse an existing building for an office use. Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public's interest, in that it is compatible with the surrounding area and uses in this section of the Mt. Washington neighborhood.

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

- (i) a substantial change in the character of the neighborhood where the property is located; or
- (ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

- (i) population changes;
- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendations of the City agencies and officials; and
- (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

- (i) existing uses of property within the general area of the property in question;
- (ii) the zoning classification of other property within the general area of the property in question;
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) 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.

**Maryland Land Use Code – Requirements for Rezoning:**

The Maryland Land Use Code requires the Planning Commission to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular

neighborhood in the vicinity of the proposed changes (*cf.* Md. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** The proposed action would be consistent with provisions of the Baltimore City Master Plan LIVE Goal 1 Objective 2: Strategically Redevelop Vacant Properties Throughout the City. In addition, it is keeping with the small scale nature of office and commercial of the existing Mt. Washington Business Area as shown in the Urban Renewal Plan
2. **The needs of Baltimore City:** Rezoning this site would make the vacant building available for re-use as a professional office, benefitting the immediate area and the City of Baltimore at large. The proposed rezoning to O-R-1 is the minimum needed to accomplish this purpose.
3. **The needs of the particular neighborhood:** Enabling constructive re-use of this site by enacting the proposed rezoning would allow the applicant to reuse the building for active use, thus preventing this historic property from falling into disrepair.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** The Mt. Washington neighborhood experienced a relatively small increase (less than 50 persons) from the 2000 Census to the 2010 Census, from a population of 3,853 to 3,878.
2. **The availability of public facilities;** This site is well-served by public facilities and City services, and no changes are expected in connection with the proposed rezoning.
3. **Present and future transportation patterns;** There are no changes expected to transportation patterns in the area.
4. **Compatibility with existing and proposed development for the area;** The proposed rezoning of this site is adjacent to an existing OR-1 Zoning district to the east. The site and the existing OR-1 zoning district are south of Kelly Avenue. This proposed rezoning is a continuation of the existing Mt. Washington Business Area that exists, and it becomes a natural extension, that is both sides of Kelly Avenue, being part of the village.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend approval of the rezoning request to the Planning Commission.
6. **The relation of the proposed amendment to the City's plan.** As described above, the proposed zoning change is compatible with the City's Master Plan and the existing Mt. Washington Urban Renewal Plan.

Per §5-508(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification.

Mistake:

The property at 1700 South Road is vacant and has been unable to be reused as a church or other R-1-D reuse. While the new zoning code was rewritten to include more mixed use zoning categories and the ability to reuse non-residential structures in high-density residential zones for limited commercial uses, this provision does not extend to lower-density residential zoning categories. The existing religious institution structure is not suitable for reuse as residential and has close proximity to the commercial area. Without the provision to reuse for commercial, the site likely would continue to remain vacant.

The property consists of two buildings, a significant church facing directly toward the village and a parsonage house adjacent to the single family homes along South road. The Village itself consists of C-1 zoned properties at its heart with OR-1 zoned properties on the periphery. There are limitations on the church to be reused for residential because of the site conditions such as topography and limited room for building expansion. In addition, the restriction on the building as part of a local historic district, make the R-1-D zoning a mistake. In most cases residential conversions of churches have been for multi-family conversions, and would be most suited for this structure, which are not allowed in the R-1D zoning district, thus, making OR-1 a more appropriate category.

In addition, generally speaking the property is currently vacant, but the proposal to use the existing church building at 1700 South Road for office use is compatible to the general area of the property and for the reuse of the building itself. The remainder of the parcel will remain residentially zoned and serve as a transition to the residential area.

Notification: Mount Washington Improvement Association and Mount Washington Merchants have been notified of this action.



**Thomas J. Stosur**  
**Director**