

TJA

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #12-0108 / REZONING 1101 NORTH PATTERSON PARK AVENUE		

TO

DATE:

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

October 5, 2012

At its regular meeting of October 4, 2012, the Planning Commission considered City Council Bill #12-0108, for the purpose of changing the zoning for the property known as 1101 North Patterson Park Avenue, from the R-8 Zoning District to the B-2-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #12-0108 and adopted the following resolution, nine members being present (nine in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #12-0108 not 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. Kaliope 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
 Mr. Guy Williams, owner



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

October 4, 2012

REQUEST: City Council Bill #12-0108/ Rezoning – 1101 North Patterson Park Avenue

For the purpose of changing the zoning for the property known as 1101 North Patterson Park Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the B-2-2 Zoning District.

RECOMMENDATION: Disapproval

STAFF: Martin French

PETITIONER(S): Patchase Social Club House, Inc.

OWNER: Guy Williams

SITE/ GENERAL AREA

Site Conditions: 1101 North Patterson Park Avenue is located on the northeast corner of the intersection with Chase Street. This property measures approximately 15' by 75' and is currently improved with a two-story brick end-of-row residential building and one-story rear addition covering the entire lot. This site is zoned R-8 General Residence and is located within the Baltimore East/ South Clifton Park National Register Historic District.

General Area: This property is located at the eastern edge of the Middle East community. The majority of this community area is residential in nature, with the predominant housing stock consisting of row houses. Part of the southern edge of the community is industrially zoned, primarily alongside the main railroad line that passes through this portion of East Baltimore. Dr. Raynor Brown Elementary School is located immediately southeast of this property.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site. This property has been zoned R-8 since April 1971 when the current Zoning Code and maps were adopted.

CONFORMITY TO PLANS

There are no calls for rezoning this property through the Comprehensive Master Plan, or any other similar plan. The property is not in an area plan neighborhood, and is separated by Patterson Park Avenue from the Middle East Urban Renewal Plan area to its west.

ANALYSIS

Rezoning would enable a private club or lodge, a use conditionally allowed under the existing zoning, to use an end-of-row building on a 1,125 square foot lot that does not meet the R-8 Zoning Code requirement of 5,000 square feet of lot area. B-2-2 zoning would substitute a 2.5 floor area ratio (FAR) for the lot area requirement, a FAR which the present structure, being only two floors tall, could readily meet. Planning staff's rationale for not supporting the rezoning is based on two principal concepts: 1) the mechanics of rezoning properties as required by Article 66B, which governs how and when land can be rezoned, and 2) the general goal to balance various land uses.

Article 66B Requirements for Rezoning:

Article 66B of the Maryland 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. In reviewing this request, the staff finds that:

- 1. The Plan:** There is nothing in the Comprehensive Master Plan that calls for rezoning for this parcel, and the property is not in an area plan neighborhood or Urban Renewal Area. In TransForm Baltimore, the draft land use maps show this parcel retaining its R-8 or equivalent residential zoning. Under the proposed new zoning code, limited neighborhood commercial-type uses would be conditionally allowed in some residential areas.
- 2. The needs of Baltimore City:** The City has an adequate supply of commercially zoned land already, and this proposed rezoning does not address a perceived City need.
- 3. The needs of the particular neighborhood:** Staff does not see a great demand for more commercial zoning for this particular neighborhood, considering ample availability of commercial property in the nearby commercial corridor on East Monument Street.

Similarly, Article 66B requires the City Council to make findings of fact. The findings of fact shall include:

- 1. Population changes;** There have been no significant changes in population in this area causing the need for additional commercially zoned properties in this area.
- 2. The availability of public facilities;** Adequate public facilities exist in this area for a wide range of uses.
- 3. Present and future transportation patterns;** There are no anticipated changes or additional demands on the transportation patterns in this area.

4. **Compatibility with existing and proposed development for the area;** The requested higher-intensity B-2-2 commercial zoning would share a block with the existing R-7 and R-8 neighborhood and would not be compatible. In this case, an existing block, zoned B-2-2, on the south side of Chase Street provides a transition buffer between the rail line and the residential areas to the north of Chase Street, including this property, and does not need to be enlarged, indicating that the original R-8 zoning of this property is appropriate. Because this rezoning would affect only one row-house, staff views this as a request for a form of spot-zoning, which would be inappropriate.
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 disapproval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** There are no calls for rezoning this property through the Comprehensive Master Plan, or any other similar plan.

To summarize, staff does not see any significant change in the character of the neighborhood that would require such a rezoning, and as illustrated above, there does not appear to be a mistake in the existing zoning classification.

The Middle East Truth and Reconciliation Community Council, Historic East Baltimore Community Action Coalition (HEBCAC), East Baltimore Development, Inc. (EBDI), Guy Williams, and Councilman Branch were notified of this action.



Thomas J. Stosur
Director