


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #23-0430 / REZONING – 2529 GEORGETOWN ROAD		

TO

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

DATE: December 22, 2023

At its regular meeting of December 21, 2023, the Planning Commission considered City Council Bill #23-0430, for the purpose of changing the zoning for the property known as 2529 Georgetown Road (Block 7796, Lot 003), as outlined in red on the accompanying plat, from the R-6 Zoning District to the I-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #23-0430 and adopted the following resolution, with nine members being present (nine in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting and in its prior meeting on October 12, 2023, and recommends that City Council Bill #23-0430 be **approved** by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

- cc: Ms. Nina Themelis, Mayor's Office
 The Honorable Eric Costello, Council Rep. to Planning Commission
 Mr. Colin Tarbert, BDC
 Ms. Rebecca Witt, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Stephanie Murdock, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Liam Davis, DOT
 Ms. Natawna Austin, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

October 12, 2023

REQUEST: City Council Bill #23-0430/ Rezoning – 2529 Georgetown Road

For the purpose of changing the zoning for the property known as 2529 Georgetown Road (Block 7796, Lot 003), as outlined in red on the accompanying plat, from the R-6 Zoning District to the I-1 Zoning District.

RECOMMENDATION: Adopt findings and Recommend Approval

STAFF: Martin French

PETITIONERS: Councilmember Porter, on behalf of Tricity Property LLC

OWNER: Tri City Property LLC

SITE/GENERAL AREA

Site Conditions: This L-shaped property at the southeast corner of the intersection of Georgetown Road and Parksley Avenue measures approximately 192' along Georgetown Road and 109'3" along Parksley Avenue, and contains approximately 0.530 acre. It is improved with a one-story detached commercial building measuring approximately 30' by 40' used as a storage warehouse. Much of the remainder of the property is paved or gravelled and used for off-street parking for commercial vehicles and equipment.

General Area:

This site is part of the predominantly commercial and light industrial northwestern edge of the Morrell Park community. Across Georgetown Road, which dead-ends about 200' northeast of this site, there is commercial – industrial land use between Georgetown Road and Interstate Highway 95. North and east of this property are commercial and industrial uses lying on the west side of a large freight railroad right-of-way in active use. Southwest of this property, across Parksley Avenue, land use is commercial or light industrial as far southwest as Wilmington Avenue. Adjoining this property to its southeast are two residential properties on the northeast side of Parksley Avenue.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site. This property was rezoned from M-2-1 to R-6 during the comprehensive rezoning mapping process associated with the effective date of the Zoning Code on June 5, 2017. However, this action created an island of Residential zoning in the midst of continued non-Residential zoning of the remainder of this northeastern edge of Morrell Park, an island comprised of just three properties: the subject property and two adjoining residential properties.

ZONING CODE REQUIREMENTS

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.

ANALYSIS

Per §5-508(b)(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. Planning staff recommend finding that a mistake was made in rezoning to R-6 the property that is the subject of this bill. This property was in the M-2 General Industrial District from 1971 to 2017, and there is no record of prior residential use of the property. During the comprehensive rezoning process that became effective in 2017, this property would more appropriately have been placed in the new I-1 Light Industrial District, given its size and shape and the continuing land use of it and its neighboring non-residential properties. The rezoning of the two residential properties adjoining it to its southeast (1503 and 1505 Parksley Avenue) was appropriate given their continuing residential use, which was nonconforming in the M-2 District. Ironically, that rezoning also made 2529 Georgetown Road's non-residential use nonconforming.

Proposed redevelopment would continue commercial-industrial use of this site. The applicant's plan calls for replacement of the existing 1,200 square foot one-story building with a 15,000 square foot warehouse with two loading docks on Georgetown Road. This redevelopment plan would minimize effects on Parksley Avenue and the two residential properties there.

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 will allow redevelopment of this property as a construction materials warehouse. The scale of redevelopment that would be allowed by the I-1 zoning district would be compatible with other I-1 or I-2 zoned properties along this portion of Georgetown Road and to the west, north, east, and south of this property.

REQUIRED FINDINGS

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 § 10-305 (2019)). In reviewing this request, the staff finds that:

1. **The Plan:** Rezoning this property would encourage its re-use and future continuing use in ways consistent with the other uses adjoining this site, and support Comprehensive Master Plan goals of retaining and attracting businesses fitting the light commercial and industrial categories of the I-1 zoning district.
2. **The needs of Baltimore City:** Rezoning the property would offer opportunity for adding smaller-scale commercial and industrial potential in the proposed new building.
3. **The needs of the particular neighborhood:** The Morrell Park community of which this site is a part would benefit from addition of a small-scale purpose-built warehouse building that would offer a place of employment opportunity for area residents.

Similarly, the Land Use article requires the City Council to make findings of fact (MD Land Use Code § 10-304 (2019)). The findings of fact include:

1. **Population changes;** The Morrell Park area had 3,970 persons according to Census 2020 and 4,203 persons according to Census 2010, showing a net loss of 233 persons in ten years. This 5.5% decrease in population is similar to the approximately 6% decrease in population of the City of Baltimore as a whole.
2. **The availability of public facilities;** There are adequate public facilities available in the area where the property is located, and there are no plans to reduce or remove any of those facilities.
3. **Present and future transportation patterns;** There are no changes anticipated in present or future transportation patterns in this portion of southwestern Baltimore City.
4. **Compatibility with existing and proposed development for the area;** Uses that would be authorized by rezoning the property would be generally compatible with uses in the light industrial and general industrial areas (I-1 and I-2) nearest this site.
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. The BMZA will comment separately on this bill.

6. **The relation of the proposed amendment to the City's plan.** Changing the zoning of the property to I-1 would rejoin it with the commercial-industrial area near to major rail freight lines and Interstate Highway 95. This would support plans goals of retaining and attracting businesses, and particularly small businesses in growth sectors of the economy.

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;** This portion of southwestern Baltimore City is characterized by predominantly rowhouse and single-family detached blocks of residences arrayed around the traditional commercial (residential mixed-use) corridor of Washington Boulevard, which supplanted Georgetown Road in the 19th Century as the primary route from Baltimore to the national capital. Construction of railroads and then of the interstate highway resulted in this section of Georgetown Road becoming attractive for non-residential redevelopment during the 20th Century.
- (ii) **the zoning classification of other property within the general area of the property in question;** Consistent with the historic development pattern described above, most of the residential areas are zoned Residential (largely R-3 and R-6), while most of the commercial and industrial properties lining I-95 are in the I-1 zoning district.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** While this property is theoretically convertible to residential uses provided in the Zoning Code, I-1 zoning would allow a wider variety of commercial and industrial uses that would be appropriate next to major freight railways and the East Coast's primary interstate highway that links New England to Florida.
- (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.** There have not been major land use changes in this general area since 2017. The 2017 rezoning of this property to Residential has not resulted in any residential re-use of the property, and, given its location, is unlikely to do so.

Equity:

- Impact:
 - The proposed redevelopment of the property that would be made possible by the proposed rezoning would not have a major effect upon the surrounding community in the short term. In the longer term, the proposed redevelopment would support new employment opportunities on the northwestern edge of the Morrell Park area by providing more light commercial-industrial space now prevented by nonconforming use status of the property.
 - This proposal would neither aggravate nor ameliorate existing patterns of inequity that persist in Baltimore, due to the relatively limited amount of new commercial-industrial space that would be created by the proposed redevelopment that would be made possible by the proposed rezoning.

- Engagement:
 - The Morrell Park community has been meaningfully engaged in discussing this proposal. Prior to introduction of this bill, the owner of KH Best Construction Company (who is also owner of Tri City Property LLC) and the Morrell Park United Community Association worked to develop a Memorandum of Understanding that covers the extent to which certain effects or impacts on adjacent neighbors and the larger community would be limited or mitigated.

- Internal Operations:
 - The proposed rezoning per se would not affect Planning Department workload. Review of the redevelopment that would be made possible by the rezoning would occur as a part of the normal development plan review process performed by the Department.

Notification: The Morrell Park United Community Association and Councilwoman Porter have been notified of this action.



Chris Ryer
Director

