

FROM

NAME & TITLE	CHRIS RYER, DIRECTOR
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
SUBJECT	CITY COUNCIL BILL #19-0368/ REZONING - 1141 POPLAR GROVE STREET

CITY of
BALTIMORE
MEMO



DATE:

May 17, 2019

TO

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

At its regular meeting of May 9, 2019, the Planning Commission considered City Council Bill #19-0368, for the purpose of changing the zoning for the property known as 1141 Poplar Grove Street (Block 2388, Lot 033H), as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #19-0368, and adopted the following resolution with eight members being present (seven in favor):

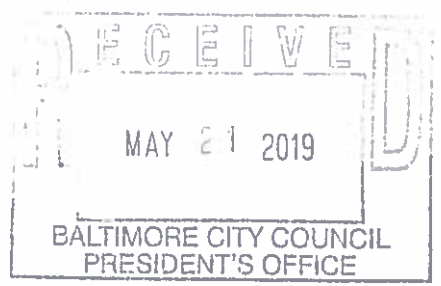
RESOLVED, That the Planning Commission concurs with the recommendations of its departmental staff and recommends that City Council Bill #19-0368 be disapproved by the City Council.

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

CR/ewt

attachment

- cc: Mr. Jeff Amoros, Mayor's Office
- The Honorable Edward Reisinger, Council Rep. to the Planning Commission
- Mr. William H. Cole, IV, BDC
- Mr. Derek Baumgartner, BMZA
- Mr. Geoff Veale, Zoning Administrator
- Ms. Sharon Daboin, DHCD
- Mr. Tyrell Dixon, DHCD
- Mr. Liam Davis, DOT
- Ms. Elena DiPietro, Law Dept.
- Mr. Francis Burnszynski, PABC
- Ms. Natawna Austin, Council Services
- Mr. Ervin Bishop, Council Services
- Ms. Caroline Hecker, Esq.



UF



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

May 9, 2019

REQUEST: City Council Bill #19-0368/ Rezoning – 1141 Poplar Grove Street:

For the purpose of changing the zoning for the property known as 1141 Poplar Grove Street (Block 2388, Lot 033H), as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

RECOMMENDATION: Disapproval

STAFF: Matthew DeSantis, AICP

PETITIONER: Mr. Robert Heejun Kim, c/o Caroline L. Hecker, Esq.

OWNER: Mr. Robert Heejun Kim

SITE/GENERAL AREA

Site Conditions: 1141 Poplar Grove Street is located on the southeastern corner of the intersection with Winchester Street and is zoned R-6. This property measures approximately 16' by 110', and is currently improved with a two-story end-of-row building that has been used as a liquor store.

General Area: This property is located within the Winchester neighborhood, which is predominantly residential in character. Most of the neighborhood is comprised of attached residential dwellings, with the exception being several industrially-zoned parcels to the north along the railroad corridor. The property is also in close proximity to the Franklinton Road and Mosher neighborhoods

HISTORY

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

CONFORMITY TO PLANS

The proposed rezoning action does not support the goals, objectives and strategies contained in the Comprehensive Master Plan for the City of Baltimore. One of the objectives expressed in the Master Plan for the new zoning code was consistency of zoning with existing land use, community character, City plans and projects, and City economic development goals (Master Plan, p. 15). This structure is located within a residential area, attached to two-story rowhomes, and entirely surrounded by residential development for which the current R-6 zoning is appropriate.

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 not in the public's interest, in that it will perpetuate the existing use of this property for a liquor store, and leaves open the opportunity for a variety other incompatible commercial uses.

It has been less than two years since this property was placed in its present zoning classification, and the residential use of this block and nearby residentially-developed blocks has remained constant. The zoning of this property (R-6) that continued in effect on June 5, 2017 is reflective of its setting in a residential neighborhood, and its attachment to a row of dwellings. The property's commercial use became nonconforming in 1971 and has continued to be nonconforming since that time.

Maryland Land Use Code – Requirements for Rezoning:

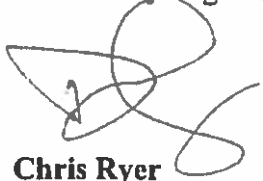
The Maryland Land Use Code requires the Planning Commission to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the vicinity of the proposed changes (*cf.* Md. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** The adoption of Zoning Code (more formally, Article 32 – *Zoning*) included a new provision for the mandatory termination of retail goods establishments with alcoholic beverage sales (*cf.* §18-701), not later than June 4, 2019. This proposed rezoning would circumvent the mandatory termination of the liquor store on this property.
2. **The needs of Baltimore City:** This neighborhood has been zoned residentially for decades, which was continued as part of the comprehensive rezoning of the City. There was sufficient notice for alcohol outlets that would become or remain nonconforming uses, so that their interests could be considered. While there was an opportunity for this property to be zoned to any other district other than the R-6 residential category it retained, no changes were made.
3. **The needs of the particular neighborhood:** The purpose of the mandatory termination of alcohol outlets was to support improvements in health throughout Baltimore's neighborhoods. Zoning this property to C-1 would perpetuate this alcohol outlet, the opposite of the City's intended policy goal.

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;** There is not a significant population change between June 5, 2017 and the effective date of this proposed action.
2. **The availability of public facilities;** This area is adequately served by municipal utilities, which will not be impacted by this proposed zoning change.
3. **Present and future transportation patterns;** This area is served by the City's street network, which will not be impacted by this proposed zoning change.

Notification: The Winchester Improvement Association and the Alliance of Rosemont Community Organizations have been notified of this action.

A handwritten signature in black ink, appearing to be "Chris Ryer", written over a circular stamp.

Chris Ryer
Director