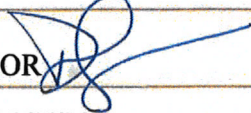



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #21-0054 / REZONING – 605 SOUTH CATON AVENUE		

DATE: April 23, 2021

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

At its regular meeting of April 22, 2021, the Planning Commission considered City Council Bill #21-0054, for the purpose of changing the zoning for the property known as 605 South Caton Avenue, as outlined in red on the accompanying plat, from the C-2 Zoning District to the I-2 Zoning District; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #21-0054 as amended, 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, adopts the findings outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #21-0054 be amended and passed 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. Natasha Mehu, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Matthew Stegman, City Council President's Office
Ms. Nikki Thompson, City Council President's Office
Mr. Colin Tarbert, BDC
Ms. Kathleen Byrne, 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
Mr. Dominic McAlily, Council Services
Mr. Justin Williams, esq.



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

April 22, 2021

REQUEST: City Council Bill #21-0054/ Rezoning – 605 South Caton Avenue:

For the purpose of changing the zoning for the property known as 605 South Caton Avenue, as outlined in red on the accompanying plat, from the C-2 Zoning District to the I-2 Zoning District; and providing for a special effective date.

RECOMMENDATION: Adopt findings, amend, and Approve as amended

Amendment: Replace “I-2” wherever it appears in the bill with “I-1” to reflect petitioners’ original request.

STAFF: Martin French

PETITIONERS: Councilmember Porter, at the request of Liberty Properties LLC

OWNER: Liberty Properties LLC

SITE/GENERAL AREA

Site Conditions: This property is located at the southeast corner of the intersection of Caton Avenue and Strickland Street. It contains approximately 0.850± acre and is currently improved with three detached commercial buildings, with the central portion of the property being used for motor vehicle parking and storage. This property is zoned C-2.

General Area: This area is a mix of established residential development to the north of this site and older and newer commercial and industrial development. The properties to the south of the railroad right-of-way running along the southern lot line of this property, and the property to the west across Caton Avenue are zoned I-1 (Light Industrial), reflective of the predominant land use in the immediate area. North of this property, along Caton Avenue, and east of Caton Avenue along Strickland Street, are residences of the Gwynns Falls community. Further south of the Caton-Strickland intersection, across Wilkens Avenue, Caton Avenue becomes a major commercial artery connected to Interstate Highway 95. Less than two blocks west of this property is the Amtrak passenger rail main line connecting Washington DC to Baltimore and to other major cities of the Northeast U.S.

HISTORY

There are no previous legislative or Planning Commission actions regarding this specific site. This property was rezoned from B-3-2 (its zoning from 1971 onward) to C-2 during the comprehensive rezoning process associated with adoption of the current Zoning Code which became effective June 5, 2017.

ZONING CODE REQUIREMENTS

The City Council may approve the proposed rezoning based upon 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 (as provided in the State of Maryland Land Use Article and §5-508 of Article 32 – *Zoning*, of the Baltimore City Code). 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

Planning staff recommend finding that a mistake was made in rezoning this property from the B-3 “Community Commercial District” established in 1971 to the C-2 “Community Commercial District” established in 2017. Despite their identical names, the two zoning districts are not identical: the B-3 district was “designed primarily to accommodate business, service, and commercial uses of a highway-oriented nature. The district provides for a wide range of necessary services and goods that do not involve local shopping and are not characteristic of business shopping areas.” (§6-401.a. of the previous Zoning Code). The C-2 zoning district is described in the Zoning Code as “intended for areas of small to medium-scale commercial use, typically located along urban corridors, that are designed to accommodate pedestrians and, in some instances, automobiles” (§10-204.a. of the current Zoning Code).

All previous uses of this property were permitted uses in the B-3 zoning district (§6-406.(14), (18), and (72) of the previous Zoning Code). This particular property had a history of 20th Century use as a lumber yard and, in the early 21st Century, a contractor's vehicle storage yard and a custom woodworking and furniture-making establishment. These previously permitted

uses were not related to pedestrian activity and were strongly oriented to motor vehicle use. The I-1 light industrial zoning district would thus be more appropriate for this property than the C-2 zoning district.

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 recognize long-term uses of the subject property that are now, under the current Zoning Code, grouped in the use category "Industrial: Light".

REQUIRED FINDINGS

Maryland Land Use Article – Requirements for Rezoning:

The Maryland Land Use Article 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 Article §10-305 (2019)). In reviewing this request, the staff finds that:

- 1. The Plan:** To the extent that rezoning the subject property would encourage its re-use in a manner more consistent with its former permitted uses that were made nonconforming by the current C-2 zoning, the proposed rezoning could support the Comprehensive Master Plan goal of retaining and attracting businesses fitting the light industrial use categories of the I-1 zoning district.
- 2. The needs of Baltimore City:** As rezoning this property supports its potential re-use in a manner consistent with its traditional light industrial uses, the needs of Baltimore for industrial land and for related employment opportunities would be met.
- 3. The needs of the particular neighborhood:** The community has an expressed preference for rezoning this property in order to reactivate it with viable light industrial uses.

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;** There has not been a significant change in population in this area since June 5, 2017, when the current Zoning Code and map became effective. We do not expect significant changes once the results of the 2020 Census are available.
- 2. The availability of public facilities;** There are adequate public facilities available in the area where the subject property is located, and there are no plans to reduce or remove any of these facilities.
- 3. Present and future transportation patterns;** There are no changes anticipated in present or future transportation patterns in this area.
- 4. Compatibility with existing and proposed development for the area;** Uses that would be authorized by rezoning this property to I-1 would be generally compatible with historic use of the property and with adjacent non-residential uses.

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 an amended 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 subject property to I-1 would make it a contiguous part of the larger I-1 zoning district in southwest Baltimore that is attractive to small light industrial businesses, thus helping meet the Comprehensive Plan objective of retaining and attracting 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;** There are two separate small areas of rowhouses and detached houses near this property, with the Gwynns Falls community to the northeast of this property, while the majority of the general area is light industrial in character. North of the subject property, Caton Avenue divides the non-residential area to its west from the residential area to its east.
- (ii) **the zoning classification of other property within the general area of the property in question;** Across Caton Avenue to the west, property is zoned I-1; east of this property are a small group of detached houses zoned I-MU (which Planning staff consider worthy of a separate review for possible rezoning to a residential district) alongside the railroad right-of-way that borders the subject property on its south side; across Strickland Street, the northeastern corner of the Caton-Strickland intersection is zoned C-2 and used commercially. The larger Gwynns Falls community is zoned R-6.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** This property is not well-suited to C-2 uses, as evidenced by its continued disuse since departure of the lumber and contractor businesses following the 2017 rezoning to C-2. Those types of business were made nonconforming by the 2017 rezoning, and cannot now be re-established on this property. The last use permitted under the previous B-3 zoning was “woodworking and furniture-making: custom”, which would be a use of the type “Industrial: Light” that is permitted under the preferred I-1 zoning. Rezoning the property to I-1 would allow similar uses at this site.
- (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 changes in land use in this general area since 2017. The area is already fully developed, and significant major redevelopment would likely require assembly of several properties first.

Equity considerations: The subject property is within a part of Baltimore City that has relatively low real estate values and a proportion of non-white residents that is comparable to the City-wide average. There may be changes to employment prospects of minority group members that would result from approving the proposed action, as a result of reactivating use of the property by a functioning business.

Notification: The Gwynns Falls Community Association and Councilwoman Porter been notified of this action.



Chris Ryer
Director

