


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 #24-0517 / REZONING - 1500, 1502, AND 1508 DESOTO ROAD		

TO

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

DATE: October 11, 2024

At its regular meeting of October 10, 2024, the Planning Commission considered City Council Bill #24-0517, for the purpose of changing the zoning for the properties known as 1500, 1502, and 1508 Desoto Road (Block 7765; Lots 7, 14, and 15), as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #24-0517 and adopted the following resolution:

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 recommends that City Council Bill #24-0517 be **amended and 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
Ms. Natawna Austin, Council Services
Mr. Joe Woolman, Esq., Applicant



Brandon M. Scott
Mayor

PLANNING COMMISSION

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

STAFF REPORT



Chris Ryer
Director

October 10, 2024

REQUEST: City Council Bill #24-0517/ Rezoning – 1500, 1502, and 1508 Desoto Road:
For the purpose of changing the zoning for the properties known as 1500, 1502, and 1508 DeSoto Road (Block 7765; Lots 7, 14, and 15), as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-2 Zoning District.

RECOMMENDATION: Adopt findings and approve with the following amendment:

- That approval of the rezoning is subject to the inclusion of 1504 DeSoto Road.

STAFF: Eric Tiso

PETITIONER: Joseph R. Woolman, III o/b/o Namdi Iwuoha

OWNER: Namdi Iwuoha

SITE/GENERAL AREA

Site Conditions: These properties are located on the south side of the street, east of the intersection with Georgetown Road, and they are all presently zoned R-6 residential. 1500 and 1502 DeSoto Road have had their former buildings demolished, and the lots are not unimproved. 1504 DeSoto road is improved by a two-story single-family detached dwelling. 1508 DeSoto Road is currently improved by a one-story commercial building measuring approximately 75' by 95' in depth that last authorized for use as a meeting and banquet hall. The DeSoto Park Playground is immediately adjacent to the southeast, and the Radha Govinda Pashupatinath Temple is located at the southeastern end of the block. Adjacent to the northwest is the corner of a residential block (zoned R-3 Residential) fronting on Georgetown Road. Also to the northwest fronting on DeSoto Road are the DeSoto Center, a distribution center on the southwest side of the street, and Amazing Heating & Air Conditioning on the northeast side of the street (zoned I-1 Industrial) before reaching the I-95 corridor.

General Area: This site is located along the northern edge of the Morrell Park neighborhood, which is bounded by I-95 on the north, Hollins Ferry Road on the east, the railroad tracks on the south, and West Patapsco Avenue on the west. The neighborhood has a mix of residential, commercial, and industrial uses. The northern and eastern portions of the neighborhood are predominantly residential interspersed with commercial uses, where the southern portions are predominantly industrial in nature.

HISTORY

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

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

The owner of 1508 DeSoto Road, a former meeting and banquet hall, was able to purchase 1500 and 1502 DeSoto Road, with the intention of redeveloping those lots as a principal use parking lot to support future a business use at 1508 DeSoto Road. Given that the former meeting and banquet hall use at 1508 DeSoto Road was a nonconforming use, it may not be changed to any other nonconforming use. The structure is likewise difficult to retrofit for residential purposes. As a result, the applicant is requesting rezoning to allow for a range of commercial uses. Likewise, in the R-6 zone, a principal use parking lot would require a conditional use approval by Ordinance; their inclusion in this rezoning effort will allow for review as a conditional use by the Board of Municipal and Zoning Appeals (BMZA) instead. At the recommendation of Planning staff, the applicant was able to obtain consent from the owner of 1504 DeSoto Road to be included in the rezoning bill so that the proposed C-2 is a compact and connected zone.

Required Findings:

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. The applicant has submitted a memo explaining and justifying their petition for rezoning.

Maryland Land Use Code – Requirements for Rezoning:

The Land Use Article of the Maryland Code requires the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA) 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 Code, Land Use § 10-305 (2023)). In reviewing this request, the staff finds that:

1. **The Plan:** There are no specific master plan or neighborhood plan elements that seek to retain residential development in this area.
2. **The needs of Baltimore City:** This small assemblage of property will not make a significant impact to the City as a whole.
3. **The needs of the particular neighborhood:** The rezoning of these properties will allow for the redevelopment of a lot that is limited to one a nonconforming use that has been discontinued. Staff notes that 1508 DeSoto Road would be eligible for use as a *Neighborhood Commercial Establishment* (NCE), which has a limited palette of seven non-residential uses. The typical example of an NCE use is for the reuse of smaller buildings, typically in our denser neighborhoods. Due to the size of the vacant building, its reuse in that way may be difficult.

Similarly, the Land Use article, also adopted by Article 32 – *Zoning* §5-508(b)(2), requires the City Council to make findings of fact (MD Code, Land Use § 10-304 (2023)). The findings of fact include:

1. **Population changes;** Between the 2010 Census (4,203 residents) and the 2020 Census (3,970), the neighborhood statistical area has lost about 233 residents.
2. **The availability of public facilities;** The area is well served by public facilities and infrastructure, which will not be impacted by the proposed rezoning.
3. **Present and future transportation patterns;** The rezoning of these four parcels will not be significant enough to impact local traffic or overall transportation patterns.
4. **Compatibility with existing and proposed development for the area;** These parcels are located on the edge between residential and industrial areas. The placement of small commercial nodes at these transitions between otherwise incompatible zoning areas is typical around the City.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department recommends approval 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 specific adopted plans affecting this area.

There are additional standards under Article 32 – *Zoning* §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 site straddles the boundary of residential and industrial areas, as well as the adjacent park.
- (ii) **the zoning classification of other property within the general area of the property in question;** These properties are at the intersection of R-3 and R-6 residential zoning, OS open space for the adjacent park, as well as I-1 and I-2 industrial zoning.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** These parcels are suitable for redevelopment for a range of possible uses. We note that 1504 DeSoto Road is not owned by the applicant, but that its owner has signed an agreement to join in the proposed rezoning. Without this owner's agreement, the proposed C-2 zoning will be broken into two disconnected parts. For that reason, inclusion of 1504 in the rezoning effort should be required.
- (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.** Planning is not aware of a significant change in the development patterns in the immediate area.

Background: We understand that the applicant intends to develop 1500 and 1502 DeSoto Road for a principal-use parking lot that will support the future commercial redevelopment at 1508 DeSoto Road.

Equity:

This project will allow for the redevelopment of a vacant building and unimproved lots. We do not anticipate that there will be any impacts to the surrounding community as a result of this project. Staff does not anticipate any impact to staff time or resources devoted to this project beyond routine requirements of development review.

Notification: The Morrell Park Community Association has been notified of this action.



Chris Ryer
Director