

TJA

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #11-0739/REZONING – 1202 SOUTH EAST AVENUE

CITY of
BALTIMORE
MEMO



TO

DATE:

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

September 9, 2011

At its regular meeting of September 8, 2011, the Planning Commission considered City Council Bill #11-0739, for the purpose of changing the zoning for the property known as 1202 South East Avenue from the M-2-2 Zoning District to the R-8 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #11-0739, and adopted the following resolution (seven members being present, seven in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #11-0739 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 Mayor
Mr. Peter O'Malley, Chief of Staff
Ms. Angela Gibson, Mayor's Office
The Honorable Bill Henry, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Nikol Nabors-Jackson, DHCD
Ms. Barbara Zektick, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Karen Randle, Council Services
Mr. Ross Tayor



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

September 8, 2011

REQUEST: City Council Bill #11-0739/Rezoning – 1202 South East Avenue

For the purpose of changing the zoning for the property known as 1202 South East Avenue from the M-2-2 Zoning District to the R-8 Zoning District

RECOMMENDATION: Approval

STAFF: Natasha Becker

PETITIONER: Taylor Property Group, represented by Mr. Ross Taylor

OWNER: Same

SITE/GENERAL AREA

Site Conditions: The subject property is a roughly quarter acre-sized site located on the west side of South East Avenue in the Canton neighborhood. It is currently zoned M-2-2 and is improved with a one-story warehouse structure covering 100% of the lot.

General Area: The Canton neighborhood is located in southeast Baltimore and includes a broad mix of residential, commercial, civic, and light industrial uses. Key commercial areas exist on Boston and Fleet Street, and surrounding O'Donnell Square. Scattered pockets of commercial and industrial uses, as well as countless "corner bars" exist throughout the neighborhood. The area enjoys close proximity to the I-95 and I-895 interchanges and borders the future proposed Red Line route.

HISTORY

There have been no previous Planning Commission actions relating to the subject site.

CONFORMITY TO PLANS

The requested rezoning meets the required standards for a rezoning found in the Annotated Code of Maryland and the Baltimore City Zoning Code.

ANALYSIS

City Council Bill #11-0739 seeks to rezone the property known as 1202 South East Avenue (Lot 18 of Block 1898) from its current M-2-2 zoning designation to the R-8 category. This represents a change from industrial to residential zoning. The requested R-8 zoning category is widespread in the immediate area, including on adjacent properties. The applicant recently purchased the property and intends to do new multi-family residential development on the site.

Staff has determined this request to be a permissible rezoning, given that the request for a zoning change meets the standards of Article 66B of the Maryland Annotated Code, and those of the Baltimore City Zoning Code. Detailed analysis is as follows:

Article 66B

The Mayor and City Council may periodically amend or reclassify the zoning of a particular property after making specific findings of fact; determining that there has either been a change in the character of the neighborhood where the property is located or a mistake in the existing zoning classification; and studying the proposed changes in relation to the plan, the needs of Baltimore City, and the needs of the particular neighborhood in the vicinity of the proposed changes.

Detailed **Findings of Fact** are as follows:

1. Population changes

During the last two decades, Canton's population has increased by 19%, owing in large part to spillover effects from gentrifying neighborhoods that border Baltimore's Inner Harbor, and an infusion of private development. Furthermore, the composition has shifted to households comprised of nonelderly, childless couples.

2. The availability of public facilities

Adequate public facilities are available for a variety of uses.

3. Present and future transportation patterns

The most significant change for this area will be the construction of the proposed Red Line along Boston Street.

4. Compatibility with existing and proposed development for the area

The subject site is zoned M-2-2, while the surrounding properties are a mix of industrial (M-2-2), residential (R-8), public (R-8-P), and commercial (B-2-1) zoning. From a historical standpoint, it was at one time much more common to find industrial uses within neighborhoods, so that workers could walk to and from their jobs. However, this is not the case today, and M-2-2 zoning is a relatively intense industrial use in a predominantly residential area.

5. The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals

To be determined, though Department of Planning staff recommends approval of the rezoning request.

6. The relation of the proposed amendment to the City's plan

There are no elements of Baltimore City's Comprehensive Master Plan that speak to the specific question of a rezoning of the subject property.

Change/Mistake

Informed by the findings of fact, the City Council may grant a rezoning based on the finding that there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the original classification. Certainly market conditions favor larger size industrial lots with highway or rail access. There is a concentration of industrial uses nearby in the Canton Industrial Area. Moreover, many of these isolated small industrial sites in southeast Baltimore have already been rezoned to be

more compatible with the largely residential uses surrounding them and to accommodate growing demand.

Other Considerations

1. The Plan

As stated previously, there is nothing in the comprehensive plan that calls for rezoning for this parcel.

2. The needs of Baltimore City

The City needs large, contiguous industrial parcels in order to be competitive for industrial development. This is an isolated pocket of industrial zoning, left to accommodate an existing user at the time, but which is now vacant.

3. The needs of the particular neighborhood

Additional residential zoning will be compatible with surrounding uses and will accommodate growing demand.

Section 16-305 of the Baltimore City Zoning Code

The Planning Commission must first find the change to be in the public interest and not solely for the interest of the applicant. In this case, the request will benefit the property owner, but not to the detriment of the surrounding community.

Additionally, the Commission must consider:

1. Existing uses of property within the general area of the property in question

There is a predominance of residential row homes surrounding the site to its north and east, with industrial and civic uses (Du Burns Arena and a public playground) to its south and west.

2. The zoning classification of other property within the general area of the property in question

R-8 is the most prevalent zoning category in the surrounding area.

3. The suitability of the property in question for the uses permitted under its existing zoning classification

While the property is a single-story warehouse type structure suited for industrial use, it has no unique features and would be more attractive if it was larger in size with truck loading docks and better highway or rail access.

4. 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

Since enactment of the 1971 zoning code, the adaptive reuse of formerly industrial sites has become common.

The Canton Community Association has been notified of this rezoning request.



Thomas J. Stosur
Director