

# ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

## FINDINGS OF FACT

### City Council Bill No: 23-0350

MOTION OF THE CHAIR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO SECTIONS 10-304 AND 10-305 OF THE MARYLAND LAND USE ARTICLE AND SECTION 5-508 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING:

### Rezoning – 420 N Haven Street

Upon finding as follows with regard to:

- (1) Population changes;
  - a. The Baltimore Highlands neighborhood saw a 16% increase in population between the 2010 Census and 2020 Census, growing from 2,703 to 3,142 residents. In relation to the City at-large, this increased population is striking and has predominantly come from the influx of new Mexican and Central American residents.
- (2) The availability of public facilities;
  - a. There will be no impact to provision of facilities as a result of this rezoning. The area is well served by public utilities, as well as fire and police protection.
- (3) Present and future transportation patterns;
  - a. There will be no impact to the traffic patterns of this area as a result of the rezoning alone. Future development is unlikely to have a negative impact. Haven Street and Pulaski Highway (to the east of the intersection with N. Haven Street) are designated Truck Routes, but this rezoning will not have any direct impact
- (4) Compatibility with existing and proposed development for the area;
  - a. The current I-2 zoning renders many of the surrounding parcels non-conforming and a rezoning to the C-3 district would correct for this.
- (5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

City Solicitor	Approve for form and sufficiency
Dept of Housing & Community Development	Favorable
Baltimore Development Corporation	Favorable
Parking Authority	Favorable

Dept of Transportation	No Objection
BMZA	Defers to Planning
Planning Commission	Favorable

- (6) The proposed amendment’s relationship to and consistency with the City’s Comprehensive Master Plan.
  - a. This bill is consistent with the City’s Master Plan.
  
- (7) Existing uses of property within the general area of the property in question;
  - a. The property is currently zoned R-6 – it consists of empty lots
  
- (8) The zoning classification of other property within the general area of the property in question;
  - a. To the immediate north of Pulaski Highway are drive-through food retail establishments; to the south and east is a BGE substation; to the southeast is an industrial warehouse facility.
  
- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;
  - a. The subject parcels are not suited whatsoever to their existing I-2 zoning classification, as they either currently house non-conforming uses or are vacant due in part to the impositions of the current zoning.
  
- (10) 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 classification;
  - a. Development has increased to the south along the South Haven Street corridor in the Brewer’s Hill neighborhood, and has been shifting northward in the direction of this area. Implementation of the Baltimore Greenway Trail also will potentially impact development in this immediate area, as residential and/or commercial spaces would likely be in even higher demand as a response to this new recreational and transportation infrastructure.
  
- (11) For a rezoning based on a SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD, the following facts establish the substantial change since the time of the last comprehensive rezoning:
  
- (12) For a rezoning based on a MISTAKE in the existing zoning classification, the following facts establish that at the time of the last comprehensive zoning the Council failed to consider then existing facts, or projects or trends which were reasonably foreseeable and/or that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect:

- a. Staff analysis concludes that the current I-2 zoning, which was applied during the Transform Baltimore comprehensive rezoning, is a mistake in that it makes commercial uses that had historically been conducted at the site non-conforming. Given the small size of the parcels and the existing buildings/uses thereon, there is no reasonable heavy industrial uses for these parcels. The consequence of the current zoning is that it makes the reuse of 420 N. Haven very unlikely, and renders the other existing uses (rowhouse dwellings and the Retail Goods Establishment in the Dollar General) non-conforming. The non-conforming status of these properties will likely make continued future investment more onerous, as access to needed financing may be withheld due to this condition.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated May 19, 2023

[X] Testimony presented at the Committee hearing.

Oral – Witness:

- Hillary Ruley – Law Department
- Jason Wright - Department of Housing and Community Development
- Luis Diaz – Department of Transportation
- Ty’lor Schnella – Mayor’s Office of Government Relations
- Arco Sen – Parking Authority
- Mica Fetz – Baltimore Development Corporation
- Antion Heath – Department of Planning

Written:

- Planning Department Staff Report – Dated May 18, 2023
- Baltimore Development Corporation Report – Dated June 1, 2023
- Department of Transportation, Agency Report – Dated February 8, 2023
- Board of Municipal and Zoning Appeals, Agency Report – Dated July 20, 2023
- Law Department, Agency Report – Dated January 24, 2024
- Department of Housing and Community Development, Agency Report – Dated July 24, 2023
- Parking Authority, Agency Report – Dated March 7, 2023

**COMMITTEE MEMBERS VOTING IN FAVOR**

**Sharon Green Middleton, Chair**

**Ryan Dorsey**

**Robert Stokes**

**John Bullock**

**Antonio Glover**