

December 2, 2020

The Honorable President and Members
of the Baltimore City Council
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 20-0556 - Rezoning 2087 Druid Park Drive

Dear President and Council Members,

I am writing as a professional planner with over 40 years' experience who has been admitted in several Maryland courts as an expert witness in planning and zoning. I attended the virtual Planning Commission meeting and presented testimony and my expert opinion that the staff's recommendation for disapproval overlooked certain material facts and should be reversed. As the record indicates, the Commission was persuaded by the evidence presented to them and has recommended that the subject property be rezoned to IMU-1, a more recent classification that was not in effect at the original adoption of Transform Baltimore. This fact alone would contribute to a finding of "subsequently occurring events that the Council could not have taken into account" (Boyce v. Sembly).

Further contributing to the Commission's decision was the premise by staff that the adopted Transform I-1 zoning was in fact, a mistake since the property was not suited for solely an industrial use. Testimony was presented that the property had been used in the past for both residential and a heavy commercial/ industrial use as a contractor's office and yard. The existing I-1 zoning, by ignoring the existing residential uses, thus failed to meet the Planning Department's stated goals for Transform to minimize creating non-conforming uses. Staff correctly recognized the "mistake", but came to a different conclusion as to the appropriate replacement zoning category, in their case R-6, that the Commission correctly modified to the City's new IMU-1 classification.

While the Law Department's report refers to the potential for viewing this as "spot zoning", a thorough review of the subject property and the immediate neighborhood dispels this notion. The use of spot zoning for an individual property can be upheld if the facts of the specific property are materially different from nearby properties. In this case, the nearby neighborhood R-6 zoned properties are consistent residential row homes and not with former industrial uses like the subject property. Transform's original IMU classification, and the more recent IMU-1 classification, was designed as a transition zone to accommodate this very situation and the Planning Commission was correct in recognizing the "mistake" and recommending it be rezoned.

Rezoning the subject property is also consistent with the City's Comprehensive Plan LIVE elements, specifically the advantage that Baltimore has of living in both historic and diverse neighborhoods. Rezoning supports the Plan's Goal 1 that promotes strengthening neighborhoods by increasing housing and population along with elevating design quality and Goal 2 to promote Transit Oriented Development. The property is within a recently enacted Historic District (supported by the owner) and the renovation will be subject to CHAP's strict design guidelines. The rezoning is also consistent with the neighborhood's own desires. The Woodberry neighborhood already contains a mixture of IMU zoned properties that follows their stated goal of retaining a mixture of "maker spaces" that continues the community's historic industrial legacy in close proximity to residences but tailored to more small scale artisan uses suited to a mixed use building such as the subject property. In repeated meetings with the community, this was universally requested of the applicant and would not be able to be accommodated under an R-6 classification.

For the above reasons, I recommend that the Committee and City Council support the rezoning to the IMU-1 classification as recommended by the Planning Commission.

Sincerely,

Alfred W. Barry III
AB Associates
cc: Marshal Klein