

LAND USE COMMITTEE

FINDINGS OF FACT

City Council Bill No: 20-0618

MOTION OF THE CHAIR OF THE LAND USE 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 THE REZONING OF:

Rezoning - 1220-1222 West North Avenue

Upon finding as follows with regard to:

(1) Population changes;

There has not been a significant population change in the area since the effective date of Transform Baltimore in June 2017.

(2) The availability of public facilities;

The area is well-served by public utilities and services and no negative impacts are expected as a result of rezoning the property.

(3) Present and future transportation patterns;

This area is served by the City's street and mass transit network, which will not be impacted by this proposed zoning change.

(4) Compatibility with existing and proposed development for the area;

The proposed rezoning is consistent with the existing character of the neighborhood. The West North Avenue corridor in the general area of the property in question is almost exclusively commercial.

- (5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Unfavorable
Board of Municipal and Zoning Appeals	Unfavorable
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	Unfavorable
Baltimore Development Corporation	No Objection
Parking Authority	Not Opposed

- (6) The proposed amendment's relationship to and consistency with the City's Comprehensive Master Plan.

The proposed rezoning will support the Comprehensive Plan and, specifically, its goal of retaining and attracting businesses that support surrounding residents.

- (7) Existing uses of property within the general area of the property in question;

The West North Avenue corridor in the general area of the property in question is almost exclusively commercial. In the C-1 and C-2 zoning districts adjacent to the 1200 block of West North Avenue are a gas station, a fast-food restaurant, institutional establishments, a pawn shop and a liquor store. In the 1200 block of West North Avenue, on the even-numbered (north) side of the street, are a florist shop, a large funeral home, a food mart, vacant houses, the liquor store at 1220, a former clothing store at 1222, two apparently uninhabitable vacant houses, and a minimart/carry-out.

- (8) The zoning classification of other property within the general area of the property in question;

The properties on the north side of the 1200 block of West North Avenue, including the subject property, are zoned OR-1. To the east and southeast of the 1200 block of West North Avenue, the blocks are zoned C-2. Directly to the west and south are a block and a half-block in the C-1 zoning district. North of the 1200 block, away from West North Avenue, is an area in the R-8 zoning district.

- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;

The property has operated as a retail goods establishment with alcoholic beverage sales for some time and is not suitable for the uses permitted under its existing zoning classification.

- (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;

The West North Avenue corridor in the general area of the property in question is almost exclusively commercial. There have been no significant changes to the trends of development in the area since the effective date of Transform Baltimore in June 2017.

- (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:

Intentionally left blank.

- (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:

While the properties on the north side of the 1200 block of West North Avenue were likely residential in their original use, it is clear that the nature and composition of the area had changed by the time of Transform Baltimore. At present, the only viable use of the properties, including 1220-1222 West North Avenue is for commercial enterprises. The proposed rezoning of 1220-1222 West North Avenue would be compatible with the existing and proposed development for the area given the primarily commercial nature of the West North Avenue corridor, the C-1 and C-2 zoning of the adjacent and nearby blocks, and the actual uses of properties in the 1200 block.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated October 9, 2020, which included the Department of Planning Staff Report, dated October 8, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Kaliel Barmer, Planning Department
- Victor Tervalo, Law Department
- Frank Shaulis, Esquire, Representative for the Applicant

Written:

- Board of Municipal and Zoning Appeals, Agency Report – Dated November 5, 2020
- Department of Transportation, Agency Report – Dated November 8, 2020
- Law Department, Agency Report – Dated October 28, 2020
- Department of Housing and Community Development, Agency Report – Dated October 30, 2020
- Baltimore Development Corporation, Agency Report – Dated November 10, 2020
- Parking Authority, Agency Report – Dated October 23, 2020
- Frank Shaulis, Esquire, Letter – Dated October 21, 2020

COMMITTEE MEMBERS VOTING IN FAVOR

Edward Reisinger, Chair
Shannon Sneed, Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Sharon Green Middleton
Leon Pinkett
Robert Stokes