

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No. 24-0504

MOTION OF THE CHAIR OF THE COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO ARTICLE 32, SECTION 5-406 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

Zoning - Open Space District - Conditional Use Cultural Facility and Parking Lot - Variances - C.C. Jackson Park and Library - 4910 Park Heights Avenue

1. the establishment, location, construction, maintenance, or operation of the conditional use **will not** be detrimental to or endanger the public health, safety, or welfare **for the following reasons:**

Staff have determined that the proposed parking lot would not be detrimental to or endanger public health, safety, or welfare. The plans for the proposed parking lot completed review by the Urban Design and Architecture Advisory Panel on August 24, 2023. The plans for the parking lot were also reviewed by the Site Plan Review Committee (SPRC) during review of CC Jackson Park on November 9, 2022.

2. the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan;
The use complies with the Park Heights Urban Renewal Plan.
3. the authorization **would not** be contrary to the public interest **for the following reasons:**

The planned use of this property would support community interest and will encourage greater and more varied use of the park. I

4. the authorization **would** be in harmony with the purpose and intent of this Code **for the following reasons:**

Use of this property to support the park and future library complies with the purpose and intent of the Zoning Code.

After consideration of the following, **where applicable (fill out all that are relevant):**

1. the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

This site is on the southern edge of the existing CC Jackson Park, in the Central Park Heights Neighborhood and within the boundary of the Park Heights Major Redevelopment Area. The site consists of several individual Mayor and City Council-owned parcels, which are expected to be consolidated and subdivided into two sites as part of the development project, with one site remaining as a public park use and the other house the new Park Heights Branch Enoch Pratt Free Library. The site is relatively flat and contained a number of buildings until they were demolished in 2018. Since that time, the site has been planted with grass.

2. the resulting traffic patterns and adequacy of proposed off-street parking and loading;

Staff find that there would be no change in traffic patterns and the proposed surface lot would support the intended use of the park and library.

3. the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

CC Jackson Park and Recreation Center are located to the immediately north, newly constructed age-restricted (senior) multi-family housing developments are located to the south and east of the site, and new a range of newly constructed housing is planned for the south and southwest of the site. These new typologies include semi-detached and detached housing. There are also existing rowhouses to the west and northwest of the site, and two new 21st Century Schools within 0.5 miles of the site.

4. the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There is reasonable proximity of other dwellings, churches and other places of worship, schools, public structures, and places of public gathering.

5. accessibility of the premises for emergency vehicles;

There is adequate accessibility for emergency vehicles,

6. accessibility of light and air to the premises and to the property in the vicinity;

There is adequate accessibility of light and air to the premises.

7. the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;

There are adequate utilities, roads, drainage, and other necessary facilities.

8. the preservation of cultural and historic landmarks and structures;

The proposed use of the existing structure would not affect the preservation of cultural and historic landmarks and structures.

9. the character of the neighborhood;

This property is located in the Park Heights neighborhood. There are a mix of newly constructed buildings, older historic buildings and a variety of land-uses surrounding the site. CC Jackson Park and Recreation Center are located to the immediately north,

10. the provisions of the City's Comprehensive Master Plan;

While consistent with provisions of the City's Comprehensive Master Plan, the proposed use is in compliance with the Park Heights Urban Renewal Plan

11. the provisions of any applicable Urban Renewal Plan;

The proposed use is not prevented or limited by the Park Heights Urban Renewal Plan which is applicable to the property.

12. all applicable standards and requirements of this Code;

The proposed use requires variances from off-street parking, requirements of the Zoning Code. With the variances, the use meets all applicable standards and requirements of the Zoning Code.

13. the intent and purpose of this Code; and

The proposed use is consistent with the intent and purpose of the Zoning Code.

14. any other matters considered to be in the interest of the general welfare.

The proposed use is consistent with any other matters considered to be in the interest of the general welfare.

FINDINGS OF FACT FOR VARIANCE

City Council Bill No. 24-0504

MOTION OF THE CHAIR OF THE COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO THE APPLICABLE SECTIONS OF ARTICLE 32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING ANY VARIANCES OF APPLICABLE STANDARDS FOR:

Zoning - Open Space District - Conditional Use Cultural Facility and Parking Lot - Variances - C.C. Jackson Park and Library - 4910 Park Heights Avenue

OFF-STREET PARKING REQUIREMENTS

(Use a separate Variance form for each Variance sought in the bill)

THRESHOLD QUESTION:

- In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

HARDSHIP OR PRACTICAL DIFFICULTY:

The City Council has considered at least one of the following:
(check all that apply to evidence consideration)

- The physical surroundings around the **STRUCTURE / LAND** involved;
(underline one)
- The shape of the **STRUCTURE / LAND** involved;
(underline one)
- The topographical conditions of the **STRUCTURE / LAND** involved.
(underline one)

and finds either that:

(1) An unnecessary hardship **WOULD / WOULD NOT** (underline one) exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

or that:

(2) Practical difficulty WOULD / **WOULD NOT** (*underline one*) exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

Conditions on which this variance is based are unique to this property and are not generally applicable to other property within the same zoning classification. The purpose of the variance needed is not based exclusively on a desire to increase the value or income potential of the property. The variance would not be injurious to the use and enjoyment of other property in the immediate vicinity and not substantially diminish or impair property values in the neighborhood. The variance requested is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission's report, dated May 10, 2024, including the Department of Planning Staff Report, dated May 9, 2024.

[X] Testimony presented at the Committee hearing.

Oral – Witness:

- Michele Toth, Law Department
- Eric Tiso, Planning Commission
- Luciano Diaz, Department of Transportation
- Jason Wright, Department of Housing and Community Development
- Luis Cardona, Baltimore Development Corporation
- Arco Sen, Parking Authority
- Ty'lor Schnella – Mayor's Office of Government Relations

Written:

- Department of Transportation, Agency Report – Dated April 23, 2024
- Board of Municipal and Zoning Appeals, Agency Report – Dated April 22, 2024
- Law Department, Agency Report – Dated July 1, 2024
- Department of Housing and Community Development, Agency Report – July 2, 2024
- Baltimore Development Corporation, Agency Report – Dated May 2, 2024
- Office of Equity & Civil Rights, Agency Report – Dated May 30 2024
- Department of Recreation and Parks, Agency Report – Dated May 9, 2024
- Department of Public Works, Agency report – Dated May 20, 2024

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair

John Bullock

Mark Conway

Odette Ramos

Robert Stokes

Ryan Dorsey

Antonio Glover