Introduced by: Councilmember Bullock

At the request of: McDonald's USA, LLC
Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg LLP, 25 South Charles Street, Suite 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600

Prepared by: Department of Legislative Reference **Date:** October 15, 2018

Referred to: LAND USE AND TRANSPORTATION Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 18-0299

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

FOR the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 53
Baltimore City Revised Code
(Edition 2000)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

_____ Baltimore City Public School System

✓ Baltimore Development Corporation

✓ City Solicitor

_____ Comptroller's Office

_____ Department of Audits

_____ Department of Finance

_____ Department of General Services

✓ Department of Housing and Community Development

_____ Department of Human Resources

_____ Department of Planning

_____ Other:_____

_____ Other:_____

_____ Other:_____

_____ Department of Public Works

_____ Department of Real Estate

_____ Department of Recreation and Parks

✓ Department of Transportation

_____ Fire Department

_____ Health Department

_____ Mayor's Office of Employment Development

_____ Mayor's Office of Human Services

_____ Mayor's Office of Information Technology

_____ Office of the Mayor

_____ Police Department

_____ Other:_____

_____ Other:_____

_____ Other:_____

Boards and Commissions

_____ Board of Estimates

_____ Board of Ethics

✓ Board of Municipal and Zoning Appeals

_____ Comm. for Historical and Architectural Preservation

_____ Commission on Sustainability

_____ Employees' Retirement System

_____ Other:_____

_____ Other:_____

_____ Other:_____

_____ Environmental Control Board

_____ Fire & Police Employees' Retirement System

_____ Labor Commissioner

✓ Parking Authority Board

✓ Planning Commission

_____ Wage Commission

_____ Other:_____

_____ Other:_____

_____ Other:_____

CITY OF BALTIMORE
ORDINANCE 19-227
Council Bill 18-0299

Introduced by: Councilmember Bullock
At the request of: McDonald's USA, LLC
Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg LLP, 25 South Charles Street, Suite 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600
Introduced and read first time: October 29, 2018
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable
Council action: Adopted
Read second time: January 28, 2019

AN ORDINANCE CONCERNING

Rezoning – 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

FOR the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 53
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 53 of the Zoning District Map is amended by changing from the C-2 Zoning District to the C-3 Zoning District the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the plat accompanying this Ordinance, and by changing from the I-1 to the C-3 Zoning District the properties known as 2515 and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

dir18-0751-3rd/24Jan19
rezone/cb18-0299-3rd/nbr

and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Certified as duly passed this _____ day of FEB 04 2019

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of FEB 04 2019

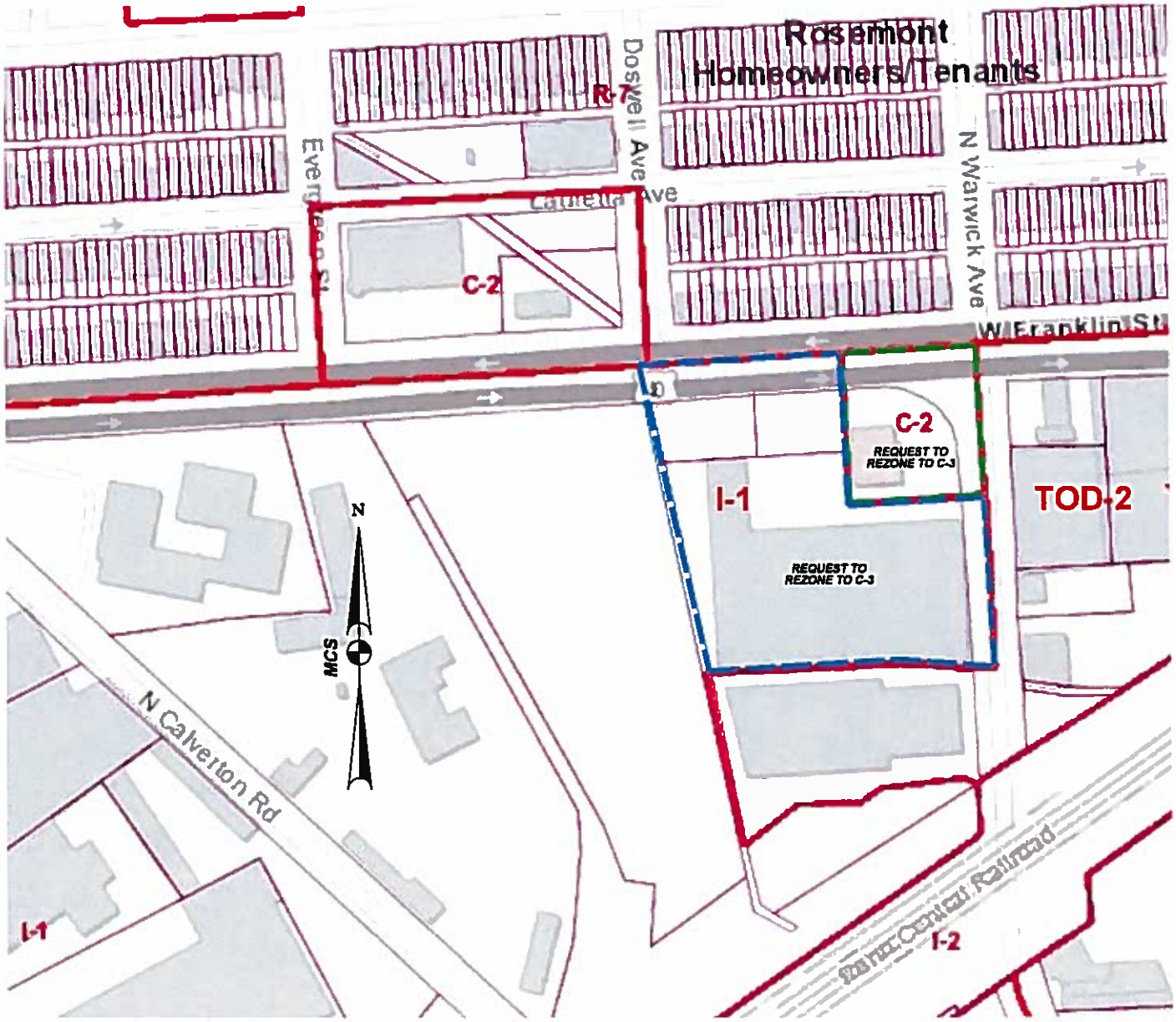
Chief Clerk

Approved this _____ day of _____, 20___

Mayor, Baltimore City

Pursuant to City Charter, Article IV, Section 5(C), this bill became law on March 11, 2019, without the Mayor's Signature.

SHEET NO. 53 OF THE ZONING DISTRICT MAP OF THE BALTIMORE CITY ZONING CODE



200 100 0 200

NOTE:
THE APPLICANT WISHES TO REQUEST THE REZONING OF THE PROPERTY KNOWN AS 2501 W. FRANKLIN ST. FROM THE C-2 ZONING DISTRICT TO THE C-3 ZONING DISTRICT AS OUTLINED IN GREEN ABOVE; AND THE PROPERTIES KNOWN AS 2515 AND 2525 W. FRANKLIN ST. AND 330 N. WARWICK AVENUE FROM THE I-1 ZONING DISTRICT TO THE C-3 ZONING DISTRICT AS OUTLINED IN BLUE ABOVE.

MAYOR

PRESIDENT CITY COUNCIL

PLAT PREPARED BY:

BLDG
Baltimore Land Design Group, Inc.
Consulting Engineers
230 SCHILLING CIRCLE, SUITE 364 • HUNT VALLEY, MARYLAND 21031
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGINC.COM

APPLICANT
McDONALD'S USA, LLC
C/O CAROLINE L. HECKER, ESQ.
ROSENBERG, MARTIN, GREENBERG, LLP
25 S. CHARLES STREET, SUITE 21ST FLOOR
BALTIMORE, MARYLAND 21201
TELEPHONE: 410-727-6600

PLAN TO ACCOMPANY REZONING REQUEST
McDONALD'S RESTAURANT
2501 W. FRANKLIN ST.
BALTIMORE, MD 21223
WARD: 20: SECTION: 23: BLOCK: 2207: LOT 1
BALTIMORE CITY, MARYLAND
SCALE: 1" = 200'
DATE: JULY 23, 2018

7 aa

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION 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:

CITY COUNCIL BILL NO: 18-0299

REZONING - 2501-13, 2515, AND 2525 WEST FRANKLIN STREET AND 330 NORTH WARWICK AVENUE

Upon finding as follows with regard to:

ADOPTED

(1) Population changes;

The American Community Survey produced by the Census Bureau estimates that the population for the Census tract containing the Property has decreased since the 2010 census from 2,969 to 2,968 people in 2013.

(2) The availability of public facilities;

There are adequate public facilities to serve the Property. To the extent that additional utilities are required, the developer will install such facilities as part of the redevelopment of the site.

(3) Present and future transportation patterns;

The Property is located on the southwest corner of the intersection of W. Franklin Street and N. Warwick Avenue, approximately two blocks west of the West Baltimore MARC Station. Access to the Property is provided directly from W. Franklin Street and from N. Warwick Avenue. The proposed rezoning of the Property to permit the commercial redevelopment will not have a negative impact on the transportation patterns of the area surrounding the Property.

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

Per Section 10-205(a)(1) of the Zoning Code, the C-3 Zoning District is "intended for more intensive commercial uses and key commercial nodes that require

additional controls, particularly for shopping centers and larger retail establishments." The existing buildings on the Property are too old and ill-suited to serve the needs of modern commercial users. The proposed development of the Property is in line with the intent of the C-3 Zoning District. It is also in synch with the vision for the area articulated in the West Baltimore MARC Station Area Master Plan, which calls for "large scale economic development" and a "transition from primarily industrial to more mixed-use character" for the area in which the property is located. West Baltimore MARC Station Area Master Plan, pp. 4 and 6.

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

For the above reason, the applicant requests the Baltimore City Planning Commission recommend the rezoning of the Property to C-3.

Agency reports:

- Planning Commission - In its consideration of Bill 18-0299, the Planning Commission reviewed the Department of Planning's staff report which recommended disapproval of City Council Bill #18-0299 and adopted the following resolution seven members being present (seven in favor):

  RESOLVED, That the Planning Commission does not concur with the recommendation of its Department staff, adopted the finding of fact presented by the applicant, and therefore recommends that City Council Bill #18-0299 be passed by the City Council as introduced.

- The Board of Municipal and Zoning Appeals (BMZA) has reviewed the legislation and accompanying agency reports pertaining to CC Bill 18-0299. The Planning Department's staff report indicates potential conflict with the Design Manual if the proposed development of these properties were to move forward under their current zoning districts. BMZA questions the enforceability of a Design Manual, generally, as incorporated into municipal and state land use regulatory authority. For this reason and upon review of the required standards and findings necessary under local and state law BMZA concurs with the findings of the Planning Commission recommending approval of Bill 18-0299 on the condition that facts are presented to this council sufficient to meet the required standards and findings necessary under local and state law.

- The City Solicitor - If the required findings are made at the City Council hearing and all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

- Department of Transportation has no objection to Bill 18-0299.

- Department of Housing and Community Development has no objection to Bill 18-0299.

- Baltimore Development Corporation supports Bill 18-0299.

- The Parking Authority of Baltimore City does not oppose the passage of the bill.

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

The City's LiveEarnPlayLearn Master Plan specifically identifies the need to "promote active, well-defined places near transit stations so as to create amenities" for transit riders and the surrounding community. Comprehensive Master Plan, Appendices, p. 209. The current zoning on the Property does not allow for the type and intensity of development which is envisioned for this area both in the Comprehensive Master Plan as well as the West Baltimore MARC Station Area Master Plan.

The proposed rezoning of the Property to C-3 will allow for the redevelopment of the Property for commercial uses including a redesigned McDonald's restaurant and one or two additional retail establishments.

Moreover, the Zoning Code itself indicates that the C-3 Zoning District "is intended for more intensive commercial uses and key commercial nodes that require additional controls, particularly for shopping centers and larger retail establishments." §10-205(a).

This type of zoning is appropriate for the Property as it is in close proximity to the West Baltimore MARC station and will accommodate the redevelopment of the Property with the new McDonald's restaurant and other retail uses.

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

The Property is located on the south side of W. Franklin Street in an area that was formerly industrial, but beginning to be converted to more mixed-use in character. There is an existing fuel service station the east of the Property on the other side of N. Warwick Street which is zoned TOD-2. To the north of the Property across W. Franklin Street is the Rosemont neighborhood, which predominately consists of R-7 zoning. There are several commercial retail uses to the east and west of the Property on W. Franklin Street (Crazy Down Home Chicken and Seafood, CVS, 7 –Eleven, Price Busters Discount Furniture). In addition, 300 North Warwick, which is located directly to the south of the Property, is currently being redeveloped from a warehouse to an 80-unit mixed

income apartment building. Lastly, the American Ice Co. building located at 2100 W. Franklin Street was recently awarded the Heritage Structure Rehabilitation Tax Credit by the Maryland Historic Trust to redevelop the dilapidated property. The redevelopment plans include converting the building to a mixed-use space with an art gallery, restaurant and event space.

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

The Property is surrounded by a mix of industrial, commercial, residential and mixed-use zoning. Directly to the south and west of the property lies a large swath of I-1 zoning. The residential neighborhood across W. Franklin Street from the Property is zoned R-7. Directly to the east of the Property is TOD-2 zoning. In addition, there are several C-2 zoned properties along W. Franklin Street. The proposed C-3 zoning is consistent with the blend of zoning in the area and it permits the type of development envisioned in both the City's Comprehensive Master Plan as well as the West Baltimore MARC Station Area Master Plan.

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

The Property is currently zoned C-2 and I-1. The C-2 zoning is intended for areas of small to medium scale commercial use, typically along urban corridors, that are designed to accommodate pedestrians and, in some instances, automobiles." The I-1 zoning "is intended to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses." The Property is along a stretch of W. Franklin Street which is proposed to "transition form primarily industrial to more mixed-use character." West Baltimore MARC Station Master Plan, p.6. The area and the Property are unable to make this transition under 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;

The Property was placed in its present zoning classification when Transform Baltimore became effective on June 5, 2017. The general trend of development in the vicinity has been with residential, commercial and mixed-use development. 300 North Warwick Avenue, directly to the south of the Property is currently being redeveloped from a warehouse to a $22 million mixed income apartment building with 80 units. In addition, the American Ice Co. building located at 2100 W. Franklin Street was recently awarded an historic tax credit to redevelop the existing building on the property to a mixed-use space with an art gallery, restaurant and event space.

(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:

There was a mistake in the 2017 rezoning of the property as C-2 and I-1 in that the City Council did not consider the trend in development along this portion of W. Franklin Street towards large scale retail and shopping center development and away from smaller scale retail development and industrial uses which are no longer consistent with the area. This mistake should be corrected by rezoning the Property to C-3.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission Report - Dated November 30, 2018

[X] Testimony presented at the Committee hearing

Oral – Witness Name:

- Mr. Martin French, Department of Planning
- Mr. Tyrell Dixon, Department of Housing and Community Development
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Mr. Michael Castagnola, Department of Transportation
- Ms. Elena DiPietro, Department of Law
- Mr. Taylor LaFave, Parking Authority of Baltimore City
- Ms. David Garza, Baltimore Development Corporation
- Ms. Caroline Hecker, Esquire, Representative for the Applicant

Written:

- Baltimore City Planning Commission Report – Dated 11/30/18
- The findings listed above have been transferred from the Memorandum from Ms. Caroline L. Hecker and Adam Baker of Rosenberg, Martin, Greenberg to the Baltimore City Planning Commission - Dated 11/29/2018
- Department of Transportation, Agency Report – Dated: 01/4/19
- Board of Municipal Zoning Appeals, Agency Report – Dated: 1/22/2019

- Law Department, Agency Report – Dated: 1/17/19
- Parking Authority of Baltimore City, Agency Report – Dated: 11/27/2018
- Department of Housing and Community Development, Agency Report – Dated: 1/22/2019
- Baltimore Development Corporation, Agency Report – Dated: 1/18/19

LAND USE AND TRANSPORTATION COMMITTEE:

Chairman	**Member**
Member	**Member**
Member	**Member**
Member	**Member**

BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION
VOTING RECORD

DATE: January 23, 2019

BILL#: 18-0299

BILL TITLE: Rezoning - 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

MOTION BY: Dorsey SECONDED BY: Clarke

☑ FAVORABLE ☐ FAVORABLE WITH AMENDMENTS

☐ UNFAVORABLE ☐ WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	☑	☐	☐	☐
Middleton, Sharon, Vice Chair	☑	☐	☐	☐
Clarke, Mary Pat	☑	☐	☐	☐
Costello, Eric	☑	☐	☐	☐
Dorsey, Ryan	☑	☐	☐	☐
Pinkett, Leon	☑	☐	☐	☐
Stokes, Robert	☑	☐	☐	☐
TOTALS	7			

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC

The Daily Record
11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
http://www.thedailyrecord.com

Order #: 11665085
Case #:
Description:

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 18-0299

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

12/20/2018

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 18-0299

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0299.

CC 18-0299 ORDINANCE - Rezoning - 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

FOR the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 53
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.
Applicant: McDonald's USA c/o Caroline L. Hecker, Esquire
For more information contact. Committee Staff at (410) 396-1260.

EDWARD REISINGER
Chair

d20

Rosenberg
Martin
Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

VIA E-MAIL - natawnab.austin@baltimorecity.gov
& FIRST CLASS MAIL

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: Public Hearing on Bill No. 18-0299
Rezoning - 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

Dear Ms. Austin:

This letter is to certify under the penalties of perjury that the necessary notices required by law were mailed to all property owners and adjacent property owners, via certified and first class mail, on January 8, 2019. I have attached a copy of the notices for your records.

Should you have any questions or require any additional informaiton, please feel free to contact me directly.

Very truly yours,

Maggie Giordano

/mag

4847-1907-1605, v. 1

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JAN - 8 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

Rosenberg, Martin, Greenberg, LLP
25 S CHARLES ST FL 21
BALTIMORE MD 21201-3322

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Kolker Family Limited Partnership
3410 OLD COURT RD STE 306
BALTIMORE MD 21208-3121

CM 002542.107

Rosenberg
Martin
Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Kolker Family Limited Partnership
3410 Old Court Road, Suite 306
Baltimore, MD 21208

Re: Baltimore City Council
Public Hearing on Bill No. 18-0299
Your Property: 2501, 2515 & 2525 W. Franklin Street, Baltimore, MD 21223

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0299.

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NOTE: This bill is subject to amendment by the Baltimore City Council.
Applicant: McDonald's USA c/o Caroline L. Hecker, Esquire
For more information contact: Committee Staff at (410) 396-1260.

Edward Reisinger, Chair

Very truly yours,

Maggie Giordano

/mag

4815-9863-5636, v. 1

Rosenberg, Martin, Greenberg, LLP
25 S CHARLES ST FL 21
BALTIMORE MD 21201-3322

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Eren Investments, LLC
330 N WARWICK AVE
BALTIMORE MD 21223-1124

CM 002542.107

Rosenberg
Martin
Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Eren Investments, LLC
330 N. Warwick Ave.
Baltimore, MD 21223

Re: Baltimore City Council
Public Hearing on Bill No. 18-0299
Your Property: 330 N. Warwick Ave., Baltimore, MD 21223

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0299.

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For more information contact: Committee Staff at (410) 396-1260.

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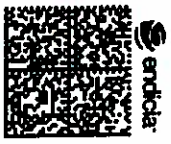

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300 N Warwick, LLLP
222 SEVERN AVE STE 15 BLDG 7-14
ANNAPOLIS MD 21403-2581

CM 002542.107

Rosenberg
Martin
Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

300 N Warwick, LLLP
222 Severn Ave., Suite 15 Bldg 7-14
Annapolis, MD 21403

Re: Baltimore City Council
Public Hearing on Bill No. 18-0299
Your Property: 300 N. Warwick Ave., Baltimore, MD 21223

Dear Property Owner:

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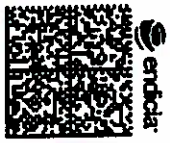

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Full Gospel Apostolic Church
1804 KAVANAUGH ST
BALTIMORE MD 21217-1513

CM 002542.107

Rosenberg
Martin
Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Full Gospel Apostolic Church
1804 Kavanaugh Street
Baltimore, MD 21217

Re: Baltimore City Council
Public Hearing on Bill No. 18-0299
Your Property: 2601 W. Franklin Street, Baltimore, MD 21223

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0299.

CC 18-0299 ORDINANCE - Rezoning - 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

FOR the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

BY amending
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Zoning District Map
Sheet 53
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.
Applicant: McDonald's USA c/o Caroline L. Hecker, Esquire
For more information contact: Committee Staff at (410) 396-1260.

Edward Reisinger, Chair

Very truly yours,

Maggie Giordano

/mag

4815-9863-5636, v. 1

Rosenberg, Martin, Greenberg, LLP
25 S CHARLES ST FL 21
BALTIMORE MD 21201-3322

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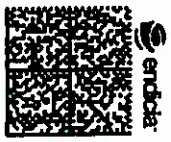

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Pennsylvania Lines, LLC
110 FRANKLIN RD SE
ROANOKE VA 24011-2110

CM 002542.107

Rosenberg
Martin
Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Pennsylvania Lines, LLC
110 Franklin Road SE
Roanoke, VA 24042

Re: Baltimore City Council
Public Hearing on Bill No. 18-0299
Your Property: Block 2209, Lot 001B

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0299.

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Edward Reisinger, Chair

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Maggie Giordano

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4815-9863-5636, v. 1

Rosenberg
Martin
Greenberg LLP

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Pennsylvania Lines, LLC
110 Franklin Road SE
Roanoke, VA 24042

Rosenberg
Martin
Greenberg LLP

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02 4W
0000332426 JAN 08 2019

Eren Investments, LLC
330 N. Warwick Ave.
Baltimore, MD 21223

Rosenberg
Martin
Greenberg LLP

Full Gospel Apostolic Church
1804 Kavanaugh Street
Baltimore, MD 21217

Rosenberg
Martin
Greenberg LLP

300 N Warwick, LLLP
222 Severn Ave., Suite 15 Bldg 7-14
Annapolis, MD 21403

Rosenberg
Martin
Greenberg LLP

U.S. POSTAGE PITNEY BOWES
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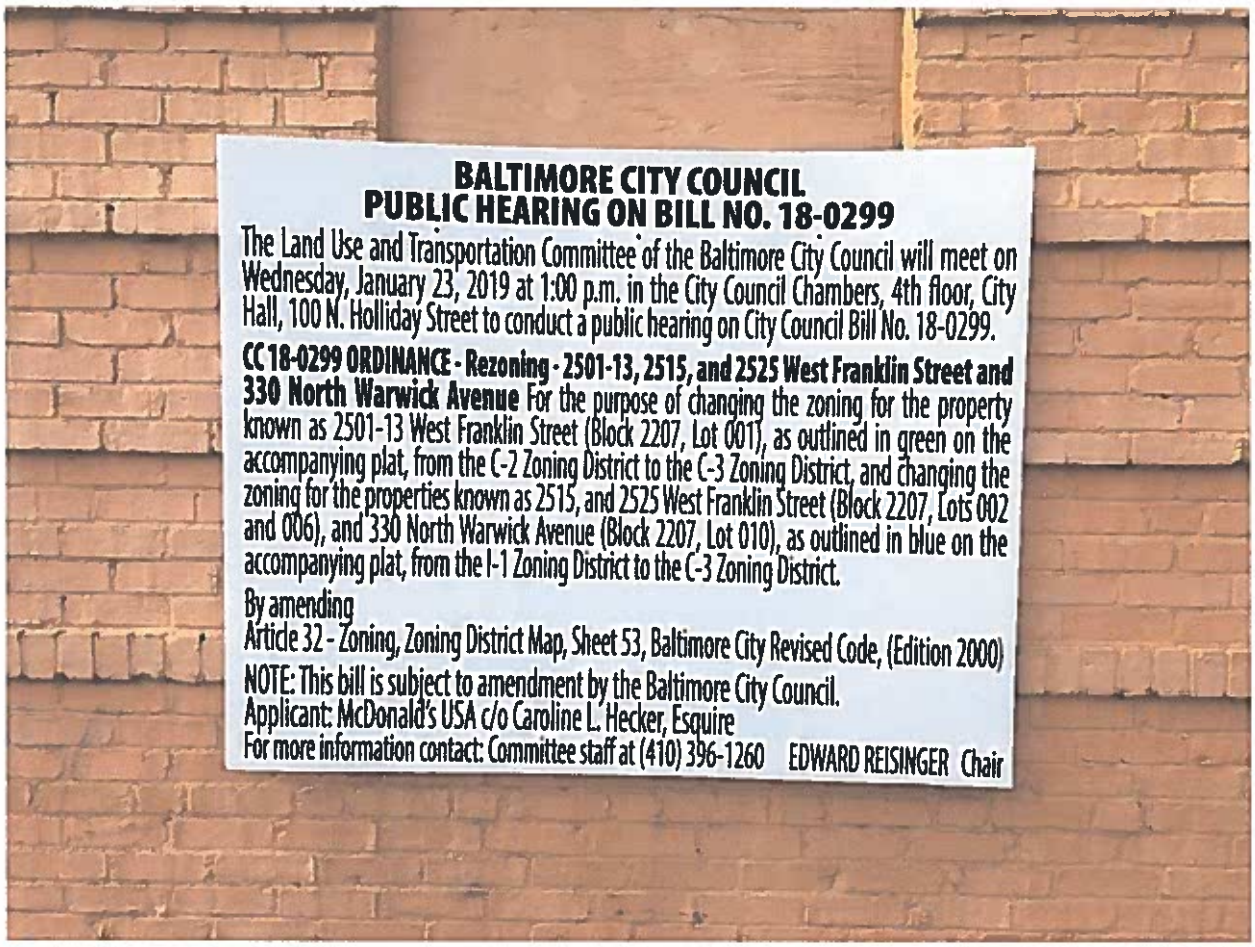
Kolker Family Limited Partnership
3410 Old Court Road, Suite 306
Baltimore, MD 21208

ATTACHMENT C

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 18-0299

Today's Date: [12/26/2018]

(Place a picture of the posted sign in the picture box below.)



Address: 330 North Warwick Avenue

Date Posted:12/19/2018

Name: Martin Ogle

Address: 9912 Maidbrook Rd.

Telephone: 443-629-3411

- *Email to: Natawnab.Austin@baltimorecity.gov*
- *Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202*

ATTACHMENT C

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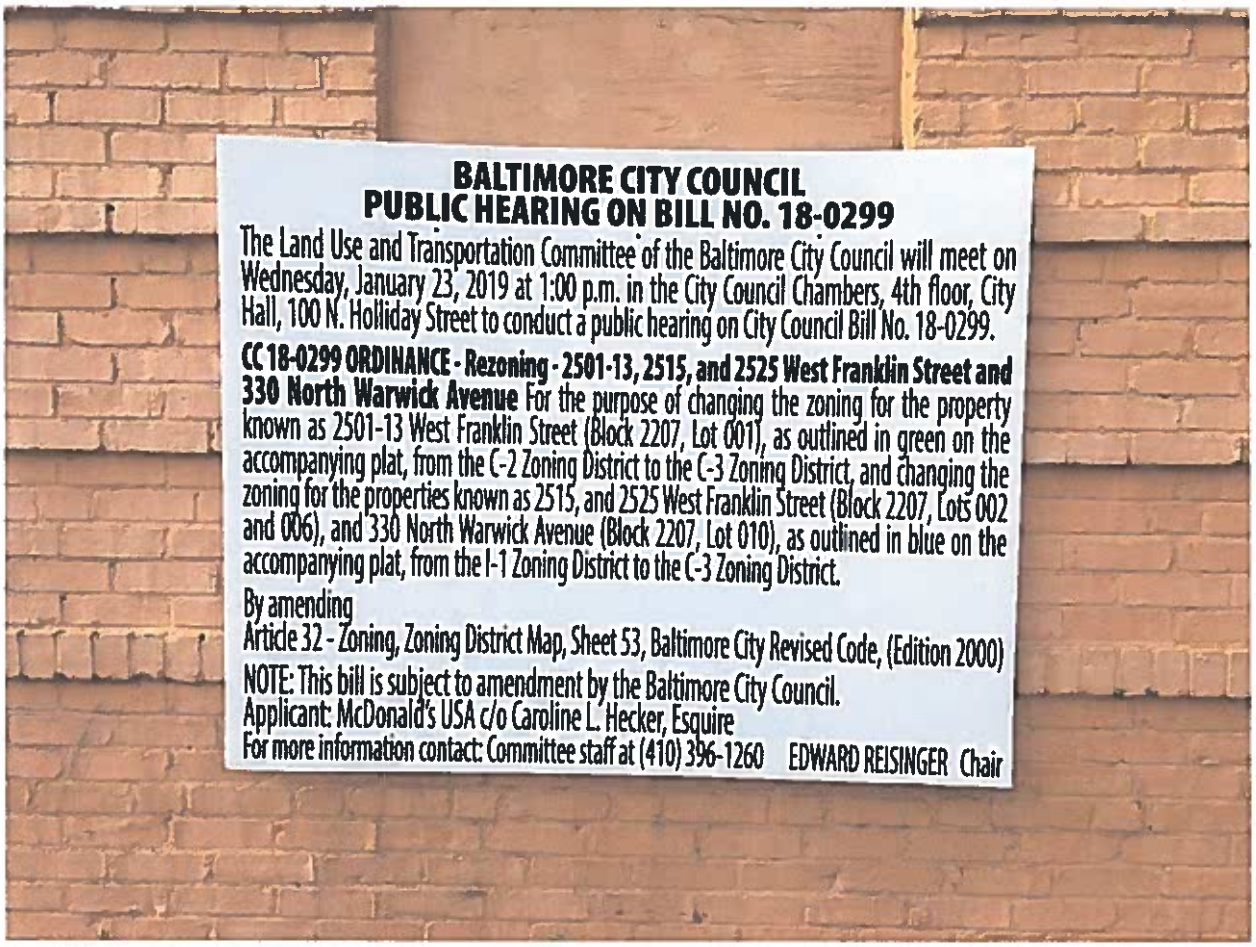

Address: 330 North Warwick Avenue

Date Posted:12/19/2018

Name: Martin Ogle

Address: 9912 Maidbrook Rd.

Telephone: 443-629-3411

- *Email to: Natawnab.Austin@baltimorecity.gov*
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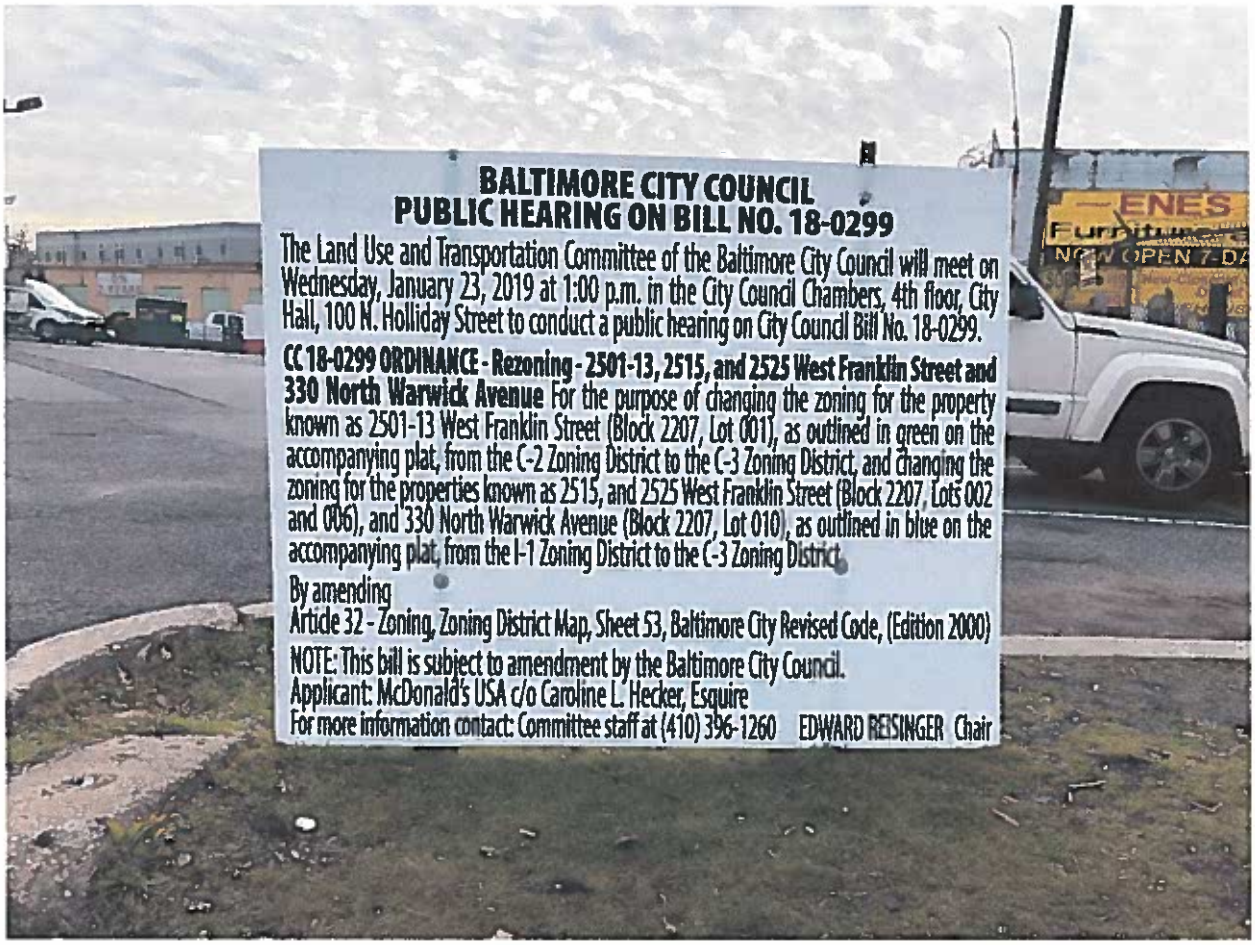

Address: 2501-13 ,2515-2525 West Franklin Street

Date Posted:12/19/2018

Name: Martin Ogle
Address: 9912 Maidbrook Rd.
Telephone: 443-629-3411

- *Email to: Natawnab.Austin@baltimorecity.gov*
- *Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202*

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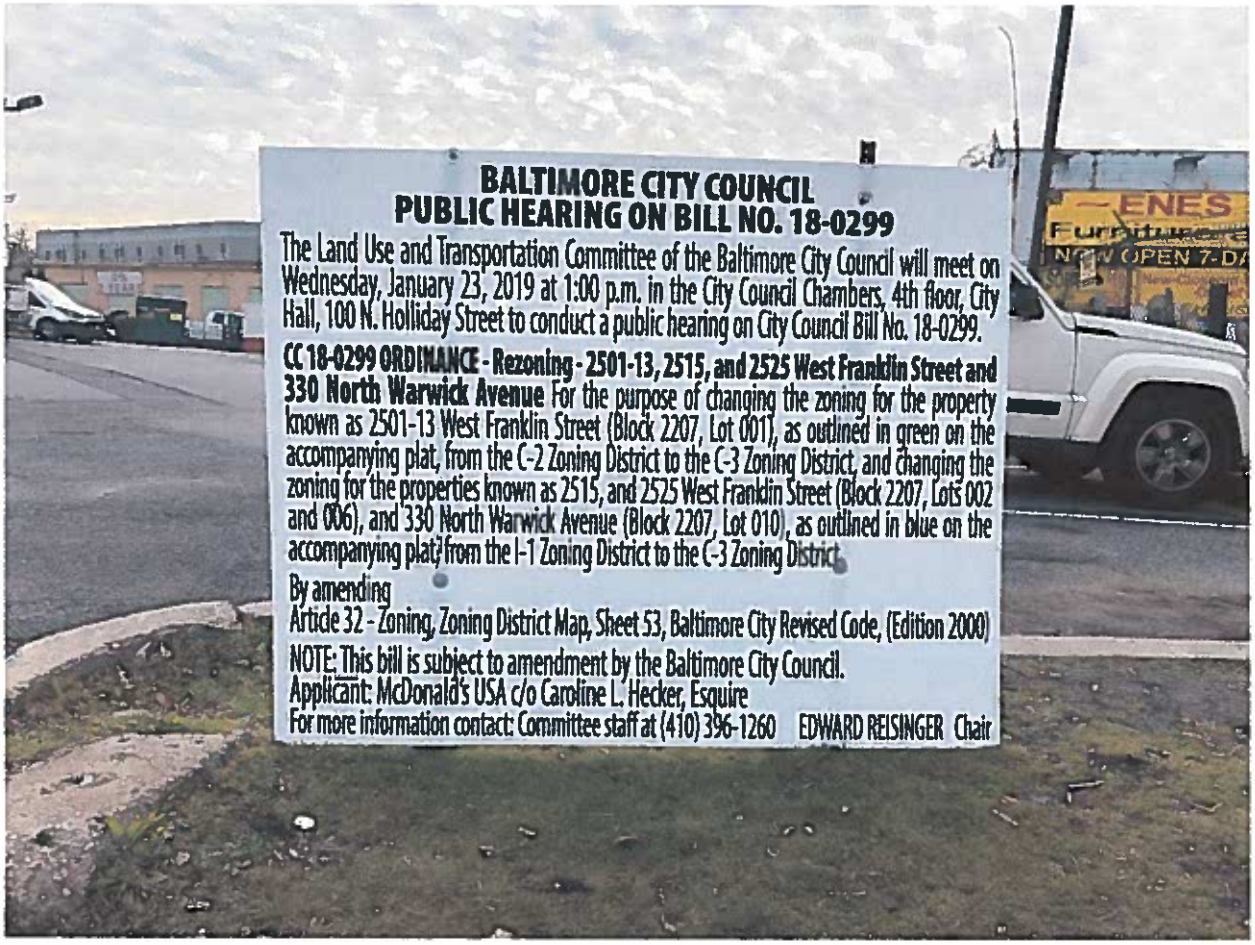

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Date Posted:12/19/2018

Name: Martin Ogle

Address: 9912 Maidbrook Rd.

Telephone: 443-629-3411

- *Email to: Natawnab.Austin@baltimorecity.gov*
- *Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202*

Rosenberg
Martin
Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

VIA E-MAIL - natawnab.austin@baltimorecity.gov
& FIRST CLASS MAIL

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: Public Hearing on Bill No. 18-0299
Rezoning - 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

Dear Ms. Austin:

This letter is to certify under the penalties of perjury that the necessary notices required by law were mailed to all property owners and adjacent property owners, via certified and first class mail, on January 8, 2019. I have attached a copy of the notices for your records.

Should you have any questions or require any additional informaiton, please feel free to contact me directly.

Very truly yours,

Maggie Giordano

/mag

4847-1907-1605, v. 1

Rosenberg, Martin, Greenberg, LLP
25 S CHARLES ST FL 21
BALTIMORE MD 21201-3322

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Kolker Family Limited Partnership
3410 OLD COURT RD STE 306
BALTIMORE MD 21208-3121

CM 002542.107

Rosenberg
Martin
Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Kolker Family Limited Partnership
3410 Old Court Road, Suite 306
Baltimore, MD 21208

Re: Baltimore City Council
Public Hearing on Bill No. 18-0299
Your Property: 2501, 2515 & 2525 W. Franklin Street, Baltimore, MD 21223

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0299.

CC 18-0299 ORDINANCE - Rezoning - 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

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BY amending
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Zoning District Map
Sheet 53
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.
Applicant: McDonald's USA c/o Caroline L. Hecker, Esquire
For more information contact: Committee Staff at (410) 396-1260.

Edward Reisinger, Chair

Very truly yours,

Maggie Giordano

/mag

4815-9863-5636, v. 1

Rosenberg, Martin, Greenberg, LLP
25 S CHARLES ST FL 21
BALTIMORE MD 21201-3322

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Eren Investments, LLC
330 N WARWICK AVE
BALTIMORE MD 21223-1124

CM 002542.107

Rosenberg
Martin
Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Eren Investments, LLC
330 N. Warwick Ave.
Baltimore, MD 21223

Re: Baltimore City Council
Public Hearing on Bill No. 18-0299
Your Property: 330 N. Warwick Ave., Baltimore, MD 21223

Dear Property Owner:

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Maggie Giordano

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300 N Warwick, LLLP
222 SEVERN AVE STE 15 BLDG 7-14
ANNAPOLIS MD 21403-2581

CM 002542.107

Rosenberg
Martin
Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

300 N Warwick, LLLP
222 Severn Ave., Suite 15 Bldg 7-14
Annapolis, MD 21403

Re: Baltimore City Council
Public Hearing on Bill No. 18-0299
Your Property: 300 N. Warwick Ave., Baltimore, MD 21223

Dear Property Owner:

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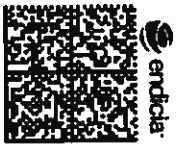

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Full Gospel Apostolic Church
1804 KAVANAUGH ST
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January 8, 2019

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1804 Kavanaugh Street
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Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Pennsylvania Lines, LLC
110 Franklin Road SE
Roanoke, VA 24042

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Kolker Family Limited Partnership
3410 Old Court Road, Suite 306
Baltimore, MD 21208

FROM			CITY of BALTIMORE MEMO
	NAME & TITLE	LAURIE FEINBERG, ACTING DIRECTOR	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8TH FLOOR, 417 EAST FAYETTE STREET	
	SUBJECT	CITY COUNCIL BILL #18-0299 / REZONING – REZONING – 2501-13, 2515, AND 2525 WEST FRANKLIN STREET AND 330 NORTH WARWICK AVENUE	

TO

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

DATE:
November 30, 2018

At its regular meeting of November 29, 2018, the Planning Commission considered City Council Bill #18-0299, for the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #18-0299 and adopted the following resolution seven members being present (seven in favor):

> RESOLVED, That the Planning Commission does not concur with the recommendation of its departmental staff, adopted the findings of fact presented by the applicant, and therefore recommends that City Council Bill #18-0299 be passed by the City Council as introduced.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

LF/ewt

attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Tyrell Dixon, DCHD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Josh Taylor, DOT
Ms. Natawna Austin, Council Services
Mr. Ervin Bishop, Council Services
Ms. Caroline Hecker, Attorney for Applicant

Favorable!

Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT

Laurie Feinberg
Acting Director

November 29, 2018

REQUEST: City Council Bill #18-0299/ Rezoning – Rezoning – 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue:
For the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

RECOMMENDATION: Disapproval

STAFF: Eric Tiso, AICP

PETITIONER: McDonald's USA, LLC, c/o Caroline L. Hecker, Esq.

OWNER: The Kolker Family Limited Partnership, and Eren Investments, LLC

SITE/GENERAL AREA
Site Conditions: These properties are located on the southwestern corner of the intersection of West Franklin Street and North Warwick Avenue. They are currently improved with a warehouse building with a restaurant (330 North Warwick Avenue), and a McDonald's restaurant (2501 West Franklin Street). The other two properties are used as a surface parking lot and materials storage.

General Area: These properties are located in the Penrose/Fayette Street Outreach neighborhood, on the boundary with the Rosemont community. These properties are located in a wedge of commercial and industrial properties between West Franklin Street and the rail line, while areas to the north and south are residential areas.

HISTORY
There are no previous legislative or Planning Commission actions regarding this site.

ANALYSIS
Background: This rezoning was brought about by the desire of the property owners to redevelop the properties as a new McDonald's restaurant and retail stores with associated parking. The existing C-2 zoning on the McDonald's property is appropriate for that use, and the I-1 Industrial zoning would also allow for retail goods establishment. The desire to rezone these properties is at least in part intended to avoid Design Manual requirements that apply to the C-2 district.

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

(i) a substantial change in the character of the neighborhood where the property is located; or

(ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

(i) population changes;

(ii) the availability of public facilities;

(iii) present and future transportation patterns;

(iv) compatibility with existing and proposed development for the area;

(v) the recommendations of the City agencies and officials; and

(vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

(i) existing uses of property within the general area of the property in question;

(ii) the zoning classification of other property within the general area of the property in question;

(iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and

(iv) 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.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is not in the public's interest, in that it is designed to defeat the requirements of the Design Manual. The proposed C-3 district was chosen for these properties as the nearest zoning category that would allow for the form of development the applicants want, as opposed to selecting a zoning designation to guide the trend of development in the neighborhood – which is the exact reverse of how zoning is intended to work.

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the vicinity of the proposed changes (*cf.* Md. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** These properties were previously zoned M-2-1 and B-3-3 under the prior zoning code. Under the comprehensive rezoning of the City in 2017, three of the properties were zoned I-1 for industrial use, and the McDonald's property is now C-2 commercial. The townhomes on the north side of West Franklin Street are zoned R-7, and the properties across North Warwick Street to the east are now zoned TOD-2.

2. **The needs of Baltimore City:** The increase in intensity from C-2 to C-3 brings additional land uses with greater potential impact on adjacent residential uses that are either not now permitted in the C-2, or where the means of approval become easier. Simultaneously, rezoning to avoid the applicable Design Manual development form requirements will lead to the development of these properties as a highway-oriented strip retail development, as opposed to the intended community commercial developments under the existing C-2 district designation.
3. **The needs of the particular neighborhood:** Staff understands that this is a successful location for the McDonald's restaurant, and that they would benefit from replacing the existing building with a new restaurant. The existing building edge is also located very close to the property boundary, such that the drive-through lane is on the adjacent parcel. Attempts were made to acquire more land, which would lead to a subdivision that might provide a better layout for the building, but were unsuccessful. Staff understands that the proposed rezoning of the adjacent properties will in part provide enough increased value to satisfy the adjacent warehouse property owner's needs to allow for a development deal to work.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** There have not been recent significant changes in population that would call for an increased intensity of commercial use in this location, or the establishment of a new commercial node. Staff notes that immediately south of this site is a newly-built senior care residential facility that itself received a single-property rezoning in order for it to be built under the former zoning code (it is now TOD-2).
2. **The availability of public facilities;** This site is well served by existing utilities which will not be affected by this proposed rezoning.
3. **Present and future transportation patterns;** The proposed rezoning may increase the impact on the adjacent residential neighborhood by increasing traffic to the potential new commercial node on these properties. The West Baltimore MARC Station is located two blocks to the east on West Franklin Street.
4. **Compatibility with existing and proposed development for the area;** West Franklin Street is a significant street in this area, but it is lined with attached homes on its northern side. This boundary condition between residential neighborhood and older commercial uses warrants care in how future commercial uses should be developed in the area. The Design Manual encourages more neighborhood-scale commercial uses and design, that are more compatible with adjacent residential use, and that will bring more walk-to commercial uses. The proposed C-3 is intended for areas where highway-oriented, drive-to commercial uses are desired. This shift in development and design intensity will only increase the likelihood of negative impacts to the adjacent residential areas - more so than the existing potential for community commercial development.

5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend disapproval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** These properties were zoned C-2 and I-1 as part of the comprehensive rezoning of the City, and staff believes that those were appropriate designations for this area. While we could understand an increase in the area of the C-2 zone, especially if the warehouse operation leaves, an increase in intensity to C-3 zoning is not warranted.

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

(i) **existing uses of property within the general area of the property in question;** Residential uses existing to the north and south, a small gas station is to the east, and a vacant parcel (previously proposed for a place of worship) is to the west. The increase in commercial intensity to C-3 will only increase the potential impact on the surrounding properties in the area.

(ii) **the zoning classification of other property within the general area of the property in question;** The properties to the north are zoned R-7 residential. The properties to the east, and immediately adjacent to the south are TOD-2. The properties to the west are I-1 industrially zoned. All of these designations either do not permit commercial uses, or only to a lower intensity and extent than the proposed C-3 for the subject properties.

(iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** Staff would support a modest increase in C-2 designation in this area, which would allow for the mix of uses desired for the redevelopment that is contemplated.

(iv) **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.** The most significant change in this immediate area has been the designation of TOD-2 zoning under the comprehensive rezoning of the City for the properties to the east, across North Warwick Avenue, which also included the adjacent parcel to the south. Those properties were previously zoned M-2-1 for industrial use. The current TOD-2 designation will allow for high-density residential development, with supporting commercial uses.

Per §5-508(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. Staff does not see that either a mistake was made, or a significant change has occurred in the past year and a half since the last comprehensive rezoning of the City. For these reasons, Staff recommends disapproval of this bill.

Notification: The Western Community Improvement Association has been notified of this action.

Laurie Feinberg
Acting Director

Rosenberg
Martin
Greenberg LLP

Caroline L. Hecker
25 South Charles Street, 21st Floor
Baltimore, Maryland 21201
P: (410) 727-6600/F: (410) 727-1115
checker@rosenbergmartin.com

MEMORANDUM

TO: BALTIMORE CITY PLANNING COMMISSION

FROM: CAROLINE L. HECKER
ADAM D. BAKER

CC: 2501-13, 2515, AND 2525 W. FRANKLIN STREET AND 330 N. WARWICK AVENUE (COLLECTIVELY, THE "PROPERTY")

RE: CCB # 18-0299 – REZONING OF 2501-13, 2515, AND 2525 W. FRANKLIN STREET AND 330 N. WARWICK AVENUE PROPOSED FINDINGS OF FACT

DATE: NOVEMBER 29, 2018

The City Council has the authority to change the zoning classification of a property as part of a comprehensive rezoning process or upon a finding that there was either 1) a substantial change in the character of the neighborhood where the property is located, or 2) a mistake in the existing zoning classification. MD. CODE ANN., Land Use § 10-304(b)(2); Baltimore City Code, Article 32 – Zoning § 5-508(b)(1). Here, there was a mistake in the 2017 rezoning of the property as C-2 and I-1 in that the City Council did not consider the trend in development along this portion of W. Franklin Street towards large scale retail and shopping center development and away from smaller scale retail development and industrial uses which are no longer consistent with the area. This mistake should be corrected by rezoning the Property to C-3.

In connection with the finding that there was a mistake in the existing zoning classification, both Section 5-508(b) of the Zoning Code and Section 10-304 of the Maryland Land Use Article require the City Council to make findings of fact that address:

(i) Population Change

- The American Community Survey produced by the Census Bureau estimates that the population for the Census tract containing the Property has decreased since the 2010 census from 2,969 to 2,968 people in 2013.

(ii) The availability of public American Community Survey facilities;

- There are adequate public facilities to serve the Property. To the extent that additional utilities are required, the developer will install such facilities as part of the redevelopment of the site.

(iii) Present and future transportation patterns;

- The Property is located on the southwest corner of the intersection of W. Franklin Street and N. Warwick Avenue, approximately two blocks west of the West Baltimore MARC Station. Access to the Property is provided directly from W. Franklin Street and from N. Warwick Avenue. The proposed rezoning of the Property to permit the commercial redevelopment will not have a negative impact on the transportation patterns of the area surrounding the Property.

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

- Per Section 10-205(a)(1) of the Zoning Code, the C-3 Zoning District is "intended for more intensive commercial uses and key commercial nodes that require additional controls, particularly for shopping centers and larger retail establishments." The existing buildings on the Property are too old and ill-suited to serve the needs of modern commercial users. The proposed development of the Property is in line with the intent of the C-3 Zoning District. It is also in synch with the vision for the area articulated in the West Baltimore MARC Station Area Master Plan, which calls for "large scale economic development" and a "transition from primarily industrial to more mixed-use character" for the area in which the property is located. West Baltimore MARC Station Area Master Plan, pp. 4 and 6.

(v) The recommendations of the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

- For the above reasons, we request the Baltimore City Planning Commission recommend the rezoning of the Property to C-3. The Board of Municipal and Zoning Appeals has not yet commented on this bill, and will do so separately.

(vi) The proposed amendment's consistency with the City's Comprehensive Master Plan.

- The City's LiveEarnPlayLearn Master Plan specifically identifies the need to "promote active, well-defined places near transit stations so as to create amenities" for transit riders and the surrounding community. Comprehensive Master Plan, Appendices, p. 209. The current zoning on the Property does not allow for the type and intensity of development which is envisioned for this area both in the Comprehensive Master Plan as well as the West Baltimore MARC Station Area Master Plan.

  - The proposed rezoning of the Property to C-3 will allow for the redevelopment of the Property for commercial uses including a redesigned McDonald's restaurant and one or two additional retail establishments.

- Moreover, the Zoning Code itself indicates that the C-3 Zoning District "is intended for more intensive commercial uses and key commercial nodes that require additional controls, particularly for shopping centers and larger retail establishments." § 10-205(a).

- This type of zoning is appropriate for the Property as it is in close proximity to the West Baltimore MARC station and will accommodate the redevelopment of the Property with the new McDonald's restaurant and other retail uses.

Section 5-508(b)(3) of the Zoning Code also mandates that additional standards be considered for map amendments:

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

- The Property is located on the south side of W. Franklin Street in an area that was formerly industrial, but beginning to be converted to more mixed-use in character. There is an existing fuel service station to the east of the Property on the other side of N. Warwick Street which is zoned TOD-2. To the north of the Property across W. Franklin Street is the Rosemont neighborhood, which predominately consists of R-7 zoning. There are several commercial retail uses to the east and west of the Property on W. Franklin Street (Crazy Down Home Chicken and Seafood, CVS, 7-Eleven, Price Busters Discount Furniture). In addition, 300 North Warwick, which is located directly to the south of the Property, is currently being redeveloped from a warehouse to an 80-unit mixed income apartment building. Lastly, the American Ice Co. building located at 2100 W. Franklin Street was recently awarded the Heritage Structure Rehabilitation Tax Credit by the Maryland Historic Trust to redevelop the dilapidated property. The redevelopment plans include converting the building to a mixed-use space with an art gallery, restaurant and event space.

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

- The Property is surrounded by a mix of industrial, commercial, residential and mixed-use zoning. Directly to the south and west of the property lies a large swath of I-1 zoning. The residential neighborhood across W. Franklin Street from the Property is zoned R-7. Directly to the east of the Property is TOD-2 zoning. In addition, there are several C-2 zoned properties along W. Franklin Street. The proposed C-3 zoning is consistent with the blend of zoning in the area and it permits the type of development envisioned in both the City's Comprehensive Master Plan as well as the West Baltimore MARC Station Area Master Plan.

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

- The Property is currently zoned C-2 and I-1. The C-2 zoning "is intended for areas of small to medium scale commercial use, typically along urban corridors, that are designed to accommodate pedestrians and, in some instances, automobiles." The I-1 zoning "is intended to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses." The Property is along a stretch of W. Franklin Street

which is proposed to "transition from primarily industrial to more mixed-use character." West Baltimore MARC Station Master Plan, p. 6. The area and the Property are unable to make this transition under the current zoning.

(iv) 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.

- The Property was placed in its present zoning classification when Transform Baltimore became effective on June 5, 2017. The general trend of development in the vicinity has been with residential, commercial and mixed-use development. 300 North Warwick, directly to the south of the Property, is currently being redeveloped from a warehouse to a $22 million mixed income apartment building with 80 units. In addition, the American Ice Co. building located at 2100 W. Franklin Street was recently awarded an historic tax credit to redevelop the existing building on the property to a mixed-use space with an art gallery, restaurant and event space.

4812-3033-0235, v. 1

CITY OF BALTIMORE

CATHERINE E PUGH, Mayor

BOARD OF MUNICIPAL AND ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

January 22, 2019

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

RE: CC Bill #18-0299 Rezoning – 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

Ladies and Gentlemen:

City Council Bill No. 18-299 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 18-299 is to change the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001) from the C-2 Zoning District to the C-3 Zoning District, and change the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010) from the I-1 Zoning District to the C-3 Zoning District.

The BMZA has reviewed the legislation and accompanying agency reports pertaining to CC Bill. 18-299. The Planning Department's staff report indicates potential conflict with the Design Manual if the proposed development of these properties were to move forward under their current zoning districts. BMZA questions the enforceability of a Design Manual, generally, as incorporated into municipal and state land use regulatory authority. For this reason and upon review of the required standards and findings necessary under local and state law BMZA concurs with the findings of the Planning Commission recommending approval of CC Bill. 18-299 on the condition that facts are presented to this council sufficient to meet the required standards and findings necessary under local and state law.

Sincerely,

Derek J. Baumgardner
Executive Director

Fav w/ comments

CC: Mayors Office of Council Relations
City Council President
Legislative Reference

FROM			CITY of BALTIMORE MEMO
	NAME & TITLE	Michelle Pourciau, Director	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527	
	SUBJECT	City Council Bill 18-0299	

TO Mayor Catherine E. Pugh DATE: 1/4/19

TO: Land Use and Transportation Committee
FROM: Department of Transportation
POSITION: No Objection
RE: Council Bill – 18-0299

INTRODUCTION – Rezoning – 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

PURPOSE/PLANS – For the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

COMMENTS - Zoning changes impact the nature of development that will take place. Changing from an I-1 Light Industrial District to a C-3 General Commercial Zoning District, and from a C-2 Community Commercial Zoning District to a C-3 General Commercial District, will change the intent of the zoning district from an industrial use and a small to medium scale commercial use to a general commercial zoning district for shopping centers and larger retail establishments. Shopping centers and larger retail establishments are community resources and job centers, and as such, should accommodate multi-modal access for both employees and customers.

The West Baltimore MARC Train Station and Transit Hub is located a short distance from this site. The Baltimore Green Network identifies an off-street trail connecting MLK Jr Boulevard to the West Baltimore MARC Train Station, and DOT identified a shared interest in this plan. Connecting this key transportation hub to any commercial development would help to improve multi-modal connectivity.

Future development will impact the Department of Transportation when/if signals, signs, markings, et cetera are added and/or traffic flow conversion may be needed. Additional resources will be needed to maintain new or altered transportation infrastructure in response to development facilitated by the zoning change.

AGENCY/DEPARTMENT POSITION –
The Department of Transportation has No Objection to City Council 18-0299.

If you have any questions, please do not hesitate to contact Michael Castagnola at Michael.Castagnola@baltimorecity.gov, 410-396-6802.

Sincerely,

Michelle Pourciau
Director

RECEIVED
JAN 17 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

No obj

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR
100 N. Holliday Street
Suite 101, City Hall
Baltimore, Maryland 21202

RECEIVED
JAN 22 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

January 17, 2019

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

Re: City Council Bill 18-0299 – Rezoning – 2501-13, 2515 and 2525 West Franklin St. and 330 N. Warwick Ave.

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0299 for form and legal sufficiency. The bill would change the zoning for the property known as 2501-13, 2515 and 2525 West Franklin St. from the C-2 Zoning District to the C-3 Zoning District and the property known as 330 N. Warwick Ave. from the I-1 zoning district to the C-3 Zoning District.

The City Council may permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, §10-304(b)(2); Baltimore City Code, Art. 32, §§5-508(a) and (b)(1). There would appear to be no basis to believe that the neighborhood has substantially changed between the comprehensive rezoning of the property on June 5, 2017 and today's date. Therefore, to legally rezone the property the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as I-2 and R-6.

In determining whether to rezone on the basis of mistake, the City Council is required to make findings of fact, for each property, on the following matters:

(1) population change;
(2) the availability of public facilities;
(3) the present and future transportation patterns;
(4) compatibility with existing and proposed development;
(5) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and
(6) the relationship of the proposed amendment to the City's plan.

Md. Land Use Code Ann., §10-304(b)(1); *see also*, Baltimore City Code, Art. 32, §5-508(b)(2) (citing same factors with (v) being "the recommendations of the City agencies and

Fav w/ comments

officials," and (vi) being "the proposed amendment's consistency with the City's Comprehensive Master Plan.").

Article 32 of the City Code also requires Council to consider:

> (i) existing uses of property within the general area of the property in question;
> (ii) the zoning classification of other property within the general area of the property in question;
> (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
> (iv) 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.

Baltimore City Code, Art. 32, §5-508(b)(3).

The Mayor and City Council's decision regarding a piecemeal rezoning is reviewed under the substantial evidence test,and should be upheld "if reasoning minds could reasonably reach the conclusion from facts in the record." *Cty. Council of Prince George's Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015) (*quoting*, *Cremins v. Cnty. Comm'rs of Washington Cnty.*, 164 Md.App. 426, 438 (2005)); *see also White v. Spring*, 109 Md. App. 692, 699, *cert. denied*, 343 Md. 680 (1996) ("the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable"); *accord Floyd v. County Council of Prince George's County*, 55 Md.App. 246, 258 (1983) ("'substantial evidence' means a little more than a 'scintilla of evidence.'").

With regard to rezoning on the basis of mistake, it is "firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning." *People's Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995) (*quoting Wells v. Pierpont*, 253 Md. 554, 557 (1969)). To sustain a piecemeal change, there must be substantial evidence that "the Council failed to take into account then existing facts . . . so that the Council's action was premised . . . on a misapprehension." *White*, 109 Md. App. at 698 (citation omitted). In other words, "[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing." *Id.* "Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension[,]" [and] "by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect." *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). "Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council

could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'" *Id.* at 52.

A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry "regarding whether, and if so, how, the property is reclassified," is required. *Id.* at 709. This second conclusion is due great deference. *Id.* (after a prior mistake has been established and accepted as fact by a legislative zoning entity, that entity's decision as to whether to rezone, and if so, how to reclassify, is due the same deference the prior comprehensive rezoning was due).

In sum, the Land Use and Transportation Committee (the "Committee") is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact for each property with regard to the factors in §§10-304 and 10-305 of the Land Use Article and § 5-508 of Article 32 of the Baltimore City Code. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met.

Here, **the Planning Department Staff Report states that there are no facts to support a finding of mistake in the property's current zoning and that this change is not in the public's interest, in that it is designed to defeat the requirements of the Design Manual to allow development as a highway-oriented strip retail development as opposed to the intended community commercial development contemplated by the existing C-2 zoning classification. The proposed C-3 district was chosen for these properties as the nearest zoning category that would allow for the form of development that the applicants want as opposed to selecting a zoning designation to guide the trend of development in the neighborhood. Planning Report, p. 2.**

Finally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a "legislative authorization." Baltimore City Code, Art. 32, §5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Baltimore City Code, Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Baltimore City Code, Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location, and at

least one sign must be visible from each of the property's street frontages. City Code, Art., §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, §5-601(e), (f).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. The Planning Staff Report does not provide the necessary facts to support a mistake in the comprehensive rezoning of these properties so the City Council must glean these facts from other sources. If the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,

Elena R. DiPietro

Elena R. DiPietro
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Michael Huber, Legislative Director, City Council President
Jeff Amoros, Mayor's Legislative Liaison
Ashlea Brown, Assistant Solicitor
Victor Tervala, Chief Solicitor
Hilary Ruley, Chief Solicitor
Avery Aisenstark

BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner

Date: January 22, 2019

Re: **City Council Bill 18-0299, Rezoning – 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue**

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0299, for the purpose of changing the zoning for the property known as 2501-13 West Franklin Street from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning of the properties known as 2515, and 2525 West Franklin Street, and 330 North Warwick Avenue, from the I-1 Zoning District to the C-3 Zoning District.

This rezoning request was brought about by the desire of the property owners to redevelop the properties as a new McDonald's restaurant and retail stores with associated parking. The properties are currently used a warehouse building with a restaurant (330 North Warwick Avenue), and a McDonald's restaurant (2501 West Franklin Street). The other two properties are used as a surface parking lot and materials storage.

HCD has no objections to the passage of CB18-0299.

MB:td

cc: Mr. Jeffrey Amoros, *Mayor's Office of Government Relations*

N° 002

Baltimore
Development Corporation

MEMORANDUM

DATE: January 18, 2019
TO: Land Use and Transportation Committee
FROM: William H. Cole, President and CEO
POSITION: Support
SUBJECT: Council Bill 18-0299 Rezoning – 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

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INTRODUCTION
I am herein reporting on City Council Bill 18-0299 introduced by Council member Bullock, at the request of McDonald's USA, LLC.

PURPOSE
For the purpose of changing the zoning for the property known as 2501-13 West Franklin Street from the C-2 Zoning District to the C-3 Zoning District and changing the zoning for the properties known as 2515 and 2525 West Franklin Street, and 330 North Warwick Avenue, from the I-1 Zoning District to the C-3 Zoning District.

BRIEF HISTORY
McDonald's USA, LLC operates a restaurant at 2501-13 West Franklin Street which is currently zoned as C-2, and has a contract to lease a portion of the properties to be rezoned. TRC acquisitions & Holdings LLC has entered into an agreement to purchase 330 N Warwick Avenue. Both actions are contingent on enactment of the rezoning legislation.

Enactment of this bill will facilitate proposed redevelopment plans for this area and will create retail and job opportunities for the community.

FISCAL IMPACT
NONE

AGENCY POSITION
The Baltimore Development Corporation **Supports** City Council Bill 18-0299.

If you have any questions, please do not hesitate to contact Kimberly Clark at kclark@baltimoredevelopment.com or 410-837-9305.

cc: Kyron Banks

[DG]

RECEIVED
JAN 22 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young

FROM: Peter Little, Executive Director

DATE: November 27, 2018

RE: Council Bill 18-0299

PARKING OF BALTIMORE CITY AUTHORITY

I am herein reporting on City Council Bill 18-0299 introduced by Councilmember Bullock at the request of McDonald's USA, LLC.

The purpose of this bill is for changing the zoning for the property known as 2501-13 West Franklin Street from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515 and 2525 West Franklin Street, and 330 North Warwick Avenue, from the I-1 Zoning District to the C-3 Zoning District.

The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation. The legislation does not explicitly address parking. Therefore, parking requirements will be based on the underlying zoning district and prescribed by the Zoning Code. A site visit was conducted during the third week of November 2018. These properties are not located on blocks where PABC administers on-street parking programs. As building plans and uses become more defined, PABC will be involved through the Site Plan Review Committee to ensure that parking and loading demands are adequately addressed, and that negative effects of parking and loading are mitigated, as a result of development on these properties.

Based on the comments above, PABC does not oppose the passage of City Council Bill 18-0299.

no objection

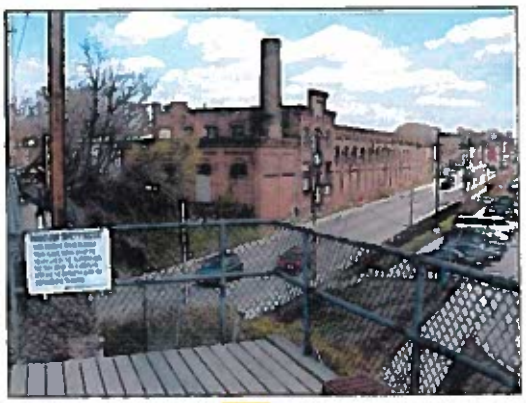
200 W. LOMBARD STREET • SUITE B • BALTIMORE • MD 21201 • P: 443.573.2800 • F: 410.685.1557

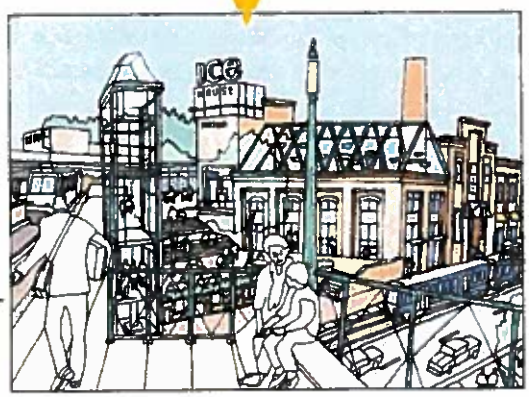
West Baltimore MARC Station

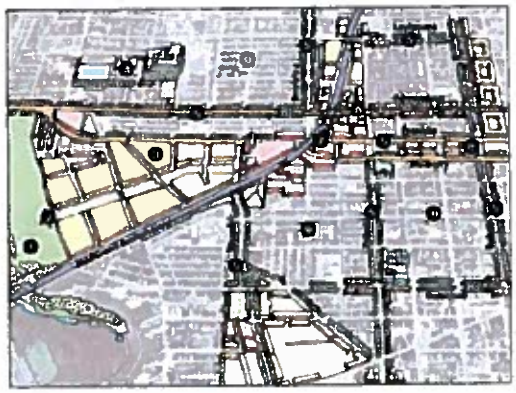
AREA MASTER PLAN

A Transit-Centered Community Development Strategy

Maryland Department of Transportation



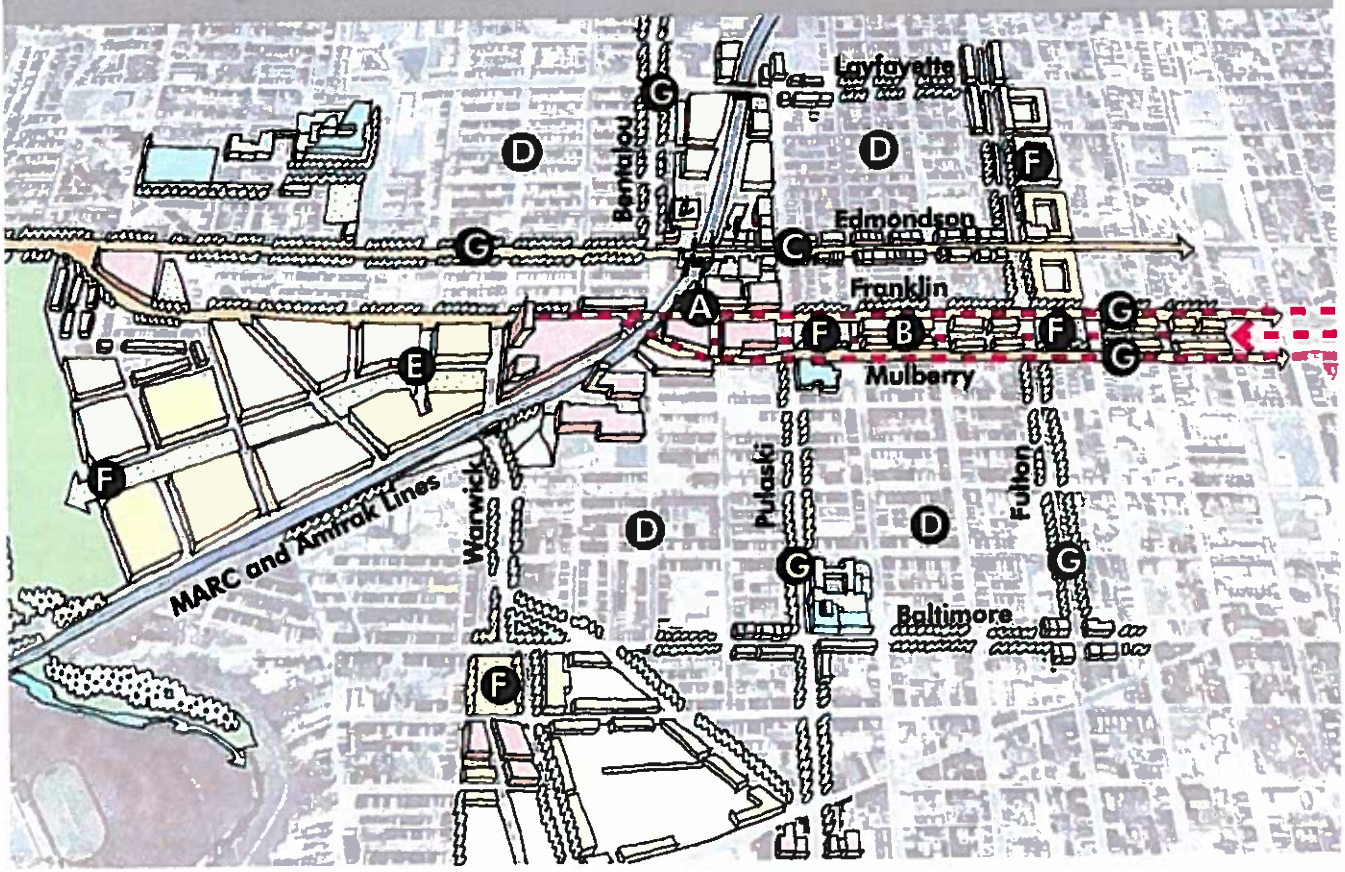




November 2008

CONCEPT SUMMARY

Over time, redevelopment and infill projects will strengthen and preserve the best areas of West Baltimore. Housing and good jobs will be available to everyone who wants to live and work here. Transportation facilities and transit systems will serve the community – not sever it.



A West Baltimore MARC Station/Ice House

1. Will provide a community access point for commuter rail service and future Red Line transit service.
2. Will become a community activity center with retail and office uses (such as dry cleaner, bank, child care, café, civic space/library) for residents and commuters.
3. Will improve pedestrian and handicapped access to the station platform and make it easier/safer for people to cross the streets surrounding the station.
4. Will manage station area parking and leverage potential benefits of commuters as station area business customers. Transit oriented development should be encouraged close to the station and park and ride vehicles should be kept one or two blocks away.

B Highway to Somewhere

1. Not market feasible at this time, eventually the existing Route 40 corridor should be transformed from a high-speed automobile trench into an infill development area.
2. The redefinition of the highway ditch could be realized in nodes of activity around potential Red Line stations, rather than a continuous strip.

C. Edmondson Avenue

1. Revitalize Edmondson Avenue with mixed-use development, similar to its function in the past.
2. Design speed and speed limit posting should not exceed 25 mph. Residents should accept some traffic congestion in this area, as it will be an indication of the street's desirability!
3. This is traditionally an on-street, parallel parking environment and new or additional parking should follow best management practices such as: putting parking behind, above, or to the side of buildings; sharing surface parking areas between uses and managing them communally; and keeping unsecured parking areas in clear view of active, adjacent uses.

D. Residential Neighborhoods

1. Support and enhance West Baltimore's many existing owner-occupied residential areas.
2. Enhance neighborhood character by aesthetic, recreational, and personal safety improvements.
3. Vacant housing should be sensitively renovated and/or redeveloped, respecting the character of adjacent buildings and uses, although a more diverse housing stock is encouraged.
4. Some local serving retail or commercial development should be allowed, as long as it respects the residential qualities of the neighborhood.
5. Work with Bon Secours, Coppin State, and OROSW to improve facilities and connections to community.

E. Southwest Industrial Area

1. The triangular piece of land bounded by Franklin Street to the north, the railroad tracks to the south, and the cemetery and Gwynns Falls to the west (currently low-density industrial uses).
2. Because of the area's proximity to the MARC Station and Gwynns Falls, the area should transition from primarily industrial to more mixed-use character, with higher intensity uses closest to the station.
3. Enhance the character by creating an internal street network, providing a linear path or greenway connection to the Gwynns Fall Trail, and providing personal safety improvements.

F. Parks and Open Space

1. A variety of parks and open spaces are envisioned for West Baltimore. These spaces will provide important recreational, social, environmental, and wildlife benefits.
2. The comprehensive open space concept includes a pedestrian promenade, improved steetscapes, parks, and open spaces trails, including a link to the Gwynns Falls Trail.

G. Improved Streets

1. Many of West Baltimore's streets (Franklin/Mulberry, Fulton, Pulaski, Layfayette, Bentalou and Warwick) could benefit from traffic that has been calmed by the provision of wider sidewalks, more pedestrian amenities, and greening with trees and landscaping.
2. New construction should create and support active corners and ground level uses. This means creating active, well-lit streets that are fronted by uses that provide "eyes on the street" at all times to deter crime and improve the safety and security of residents and visitors.
3. West Baltimore's streets should function appropriate to their context. That is, residential streets should be designed differently than a transit boulevard which is designed differently from a city

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, January 23, 2019 | **1:00 PM** | **Du Burns Council Chamber, 4th floor, City Hall**

18-0299

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member Edward Reisinger, Member Sharon Green Middleton, Member Mary Pat Clarke, Member Eric T. Costello, Member Ryan Dorsey, Member Leon F. Pinkett III, and Member Robert Stokes Sr.

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0299 **Rezoning - 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue**

For the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

Sponsors: John T. Bullock

A motion was made by Member Dorsey, seconded by Member Clarke, that the bill be recommended favorably. The motion carried by the following vote:

Yes: 7 - Member Reisinger, Member Middleton, Member Clarke, Member Costello, Member Dorsey, Member Pinkett III, and Member Stokes Sr.

ADJOURNMENT

CITY OF BALTIMORE
CATHERINE E. PUGH, Mayor

OFFICE OF COUNCIL SERVICES
LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 18-0299

Rezoning - 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: January 23, 2019
Time (Beginning): 1:00 PM
Time (Ending): 1:18 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~40
Committee Members in Attendance:
Reisinger, Edward, Chairman
Middleton, Sharon, Vice Chair
Clarke, Mary Pat
Costello, Eric
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert

Bill Synopsis in the file?	☒ yes	☐ no	☐ n/a
Attendance sheet in the file?	☒ yes	☐ no	☐ n/a
Agency reports read?	☒ yes	☐ no	☐ n/a
Hearing televised or audio-digitally recorded?	☒ yes	☐ no	☐ n/a
Certification of advertising/posting notices in the file?	☒ yes	☐ no	☐ n/a
Evidence of notification to property owners?	☒ yes	☐ no	☐ n/a
Final vote taken at this hearing?	☒ yes	☐ no	☐ n/a

Motioned by: Councilmember Ryan Dorsey
Seconded by Councilmember Mary Pat Clarke
Final Vote: Favorable

Major Speakers

(This is not an attendance record.)

- Mr. Martin French, Department of Planning
- Mr. Michael Castagnola, Department of Transportation
- Mr. Derek Baumgardner, Board of Municipal and Zoning Appeals.
- Ms. Elena DiPietro Department of Law
- Ms. Tyrell Dixon, Department of Housing and Community Development
- Mr. David Garza, Baltimore Development Corporation
- Mr. Taylor LaFave, Parking Authority of Baltimore City
- Ms. Caroline Hecker, Esquire, representative for the applicant

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Major Issues Discussed

1. Councilman Reisinger introduced committee members and read the bill's title, purpose and public notice certification report.
2. Councilman Bullock provided background information about the request for the rezoning. He indicated that the rezoning would allow for much needed redevelopment and retail in the area. He supports the project and the contributions it would make to economic development in the area.
3. Mr. Martin French presented the Planning Commission's findings and recommendation of support for the rezoning. He indicated that additional information was presented to the Commission. The Commission disagreed with the Planning Department's staff recommendation of disapproval. He provided the Commission's findings of facts which support the rezoning as being an appropriate use of the property and consistent with the City's Comprehensive Master Plan
4. Councilman Reisinger pointed out that the committee had received a letter of support from the Fayette Street Outreach Organization in support of the rezoning.
5. Ms. Caroline Hecker presented a handout "West Baltimore MARC Station – Area Master Plan" which was used to justify and support the mistake made during the comprehensive rezoning (Transform Baltimore). The MARC Station Plan calls for the area to be a transitional area from primarily industrial to more mixed-use character, with higher intensity uses closest to the station. She indicated that when the last rezoning occurred the Planning Commission failed to consider the MARC Station Plan. Ms. Hecker provided findings of facts.
6. Councilwoman Clarke asked for clarity on the rationale for the rezoning.
7. Agency representatives testified in support of their respective agency's position on the bill.
8. The committee voted to accept the findings.
9. The committee voted to recommend the bill favorable.
10. The hearing was adjourned.

Further Study

Was further study requested? ☐ Yes ☒ No

If yes, describe.

Committee Vote:

Reisinger, Edward, Chairman ..... **Yea**
Middleton, Sharon, Vice Chair ..... **Yea**
Clarke, Mary Pat ..... **Yea**
Costello, Eric ..... **Yea**
Dorsey, Ryan ..... **Yea**
Pinkett, Leon ..... **Yea**
Stokes, Robert: ..... **Yea**

Jennifer L. Coates, Committee Staff JLC

Date: January 24, 2018

cc: Bill File
OCS Chrono File

CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation		**Chairperson: Edward Reisinger**
Date: January 23, 2019	**Time: 1:00 PM**	**Place: Clarence "Du" Burns Chambers**
Subject: Ordinance - Rezoning - 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue		**CC Bill Number: 18-0299**

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	WHAT IS YOUR POSITION ON THIS BILL? FOR	AGAINST	(*) LOBBYIST: ARE YOU REGISTERED IN THE CITY YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	√	√	√	√	√
David	Garza	2100	36 S. Charles Street	212			✓			✓
Justin H	Williams	25	S. Charles St.	21201	jwilliams@rosenbergmartin.com	✓	✓		✓	
Caroline	Hecker	25	S. Charles St.	21201	checker@rosenbergmartin.com	—	—		—	
Tyell	Dixon		HCD							
Matt	Cullen		McDonald's		matt.cullen@us.mcd.com		X			
James	Brock		Twin Rivers Capital		james@twinriverscap.com					
Martin	French		Planning			✓	✓			

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730: FAX: 410-396-8483.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, January 23, 2019 | **1:00 PM** | **Du Burns Council Chamber, 4th floor, City Hall**

18-0299

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0299 **Rezoning - 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue**

For the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

Sponsors: John T. Bullock

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

The Honorable Edward Reisinger
Chairperson

PUBLIC HEARING

Wednesday, January 23, 2019
1:00 PM
Clarence "Du" Burns Council Chambers

City Council Bill # 18-0299

Rezoning - 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS
Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Currin

EDUCATION AND YOUTH
Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: Matthew Peters

EXECUTIVE APPOINTMENTS
Robert Stokes – Chair
Kristerfer Burnett– Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS
John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS
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Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: Matthew Peters

LABOR
Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Samuel Johnson

LAND USE AND TRANSPORTATION
Edward Reisinger - Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

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Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT
Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- *Larry Greene* ***(pension only)***

Rev. 04/30/18

CITY OF BALTIMORE
CATHERINE E. PUGH, Mayor

OFFICE OF COUNCIL SERVICES
LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 18-0299

Rezoning - 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

Sponsor: *Councilmember Bullock*
Introduced: *October 29, 2018*

Purpose:

For the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

Effective: 30th day after enactment
Hearing Date/Time/Location: January 23, 2019 /1:00 p.m./Clarence "Du" Burns Chambers

Agency Reports

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	
Department of Law	
Department of Transportation	No Objection
Department of Housing and Community Development	
Baltimore Development Corporation	
Parking Authority of Baltimore City	No Objection

Analysis

Current Law

Article 32 – Zoning District Map; Sheet 53; Baltimore City Revised Code (Edition 2000)

Background

Situated in the Penrose/Fayette Street Outreach neighborhood, the property is located at the intersection of West Franklin Street and North Warwick Avenue on the boundary of the Rosemont community. The property is owned by The Kolker Family Limited Partnership and Eren Investments, LLC. McDonald's USA, LLC, the applicant, intends to use part of the rezoned property for retail and restaurant uses and parking. There is a contract contingent on the rezoning authorization. In addition to the applicant, the other party on the contract is TRC Acquisitions & Holdings LLC of Charleston, SC.

The general area is commercial and industrial. Townhomes situated on the north side of the 2500 Block of West Franklin Street are zoned Residential R-7. The West Baltimore Marc Train Station and Transit Hub lie 2 blocks to the east and is zoned TOD-2. The Department of Transportation indicates that connecting the key transportation hub to any commercial development would help to improve multi-modal connectivity.

If approved, Bill 18-0299 would rezone all of the properties specified in the bill to Commercial C-3. Prior to Transform Baltimore Zoning, the properties were zoned Industrial M-2-1 and Commercial B-3-2. The properties are currently zoned as follows:

	Zoning		
Property	**Prior to Transform**	**Current**	**Proposed**
2501- 2513 West Franklin Street (Block 2207, Lot 001)	**B-3-2**	**C-2**	**C-3**
2515 and 2525 West Franklin Street (Block 2207, Lots 002 and 006)	**M-2-1**	**I-1**	**C-3**
330 north Warwick Avenue (Block 2207, Lot 010)	**M-2-1**	**I-1**	**C-3**

Attached are Use Tables for the C-2, C-3 and I-1 Zoning Districts. Descriptions of the current and proposed zoning districts are below:

<u>Current Zoning District – C-2</u>

§ 10-204. C-2 Community Commercial District.

(a) Areas for which intended.

The C-2 Community Commercial Zoning District is intended for areas of small to medium scale commercial use, typically located along urban corridors, that are designed to accommodate pedestrians and, in some instances, automobiles.

Current Zoning District – I-1

§ 11-204. I-1 Light Industrial District.

(a) Intent.

The I-1 Light Industrial Zoning District is intended to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses. (b) Light industrial uses. Light industrial uses are enclosed low-intensity, non-nuisance light fabrication and assemblytype manufacturing, with little to no outside impacts.

Proposed Zoning District – C-3

§ 10-205. C-3 General Commercial District.

(a) Areas for which intended.

(1) The C-3 General Commercial Zoning District is intended for more intensive commercial uses and key commercial nodes that require additional controls, particularly for shopping centers and larger retail establishments.

(2) The C-3 District accommodates larger developments that may require significant parking, such as shopping centers and large-scale mixed-use development.

Additional Information

Fiscal Note: Not Available

Information Source(s): Planning Department Report; Department of Transportation Report

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Analysis by: Jennifer L. Coates JLC Direct Inquiries to: (410) 396-1260
Analysis Date: January 17, 2019

CITY OF BALTIMORE
COUNCIL BILL 18-0299
(First Reader)

Introduced by: Councilmember Bullock
At the request of: McDonald's USA, LLC
Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg LLP, 25 South Charles Street, Suite 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600
Introduced and read first time: October 29, 2018
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation, Baltimore City Parking Authority Board

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

FOR the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 53
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 53 of the Zoning District Map is amended by changing from the C-2 Zoning District to the C-3 Zoning District the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the plat accompanying this Ordinance, and by changing from the I-1 to the C-3 Zoning District the properties known as 2515 and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the plat accompanying this Ordinance.

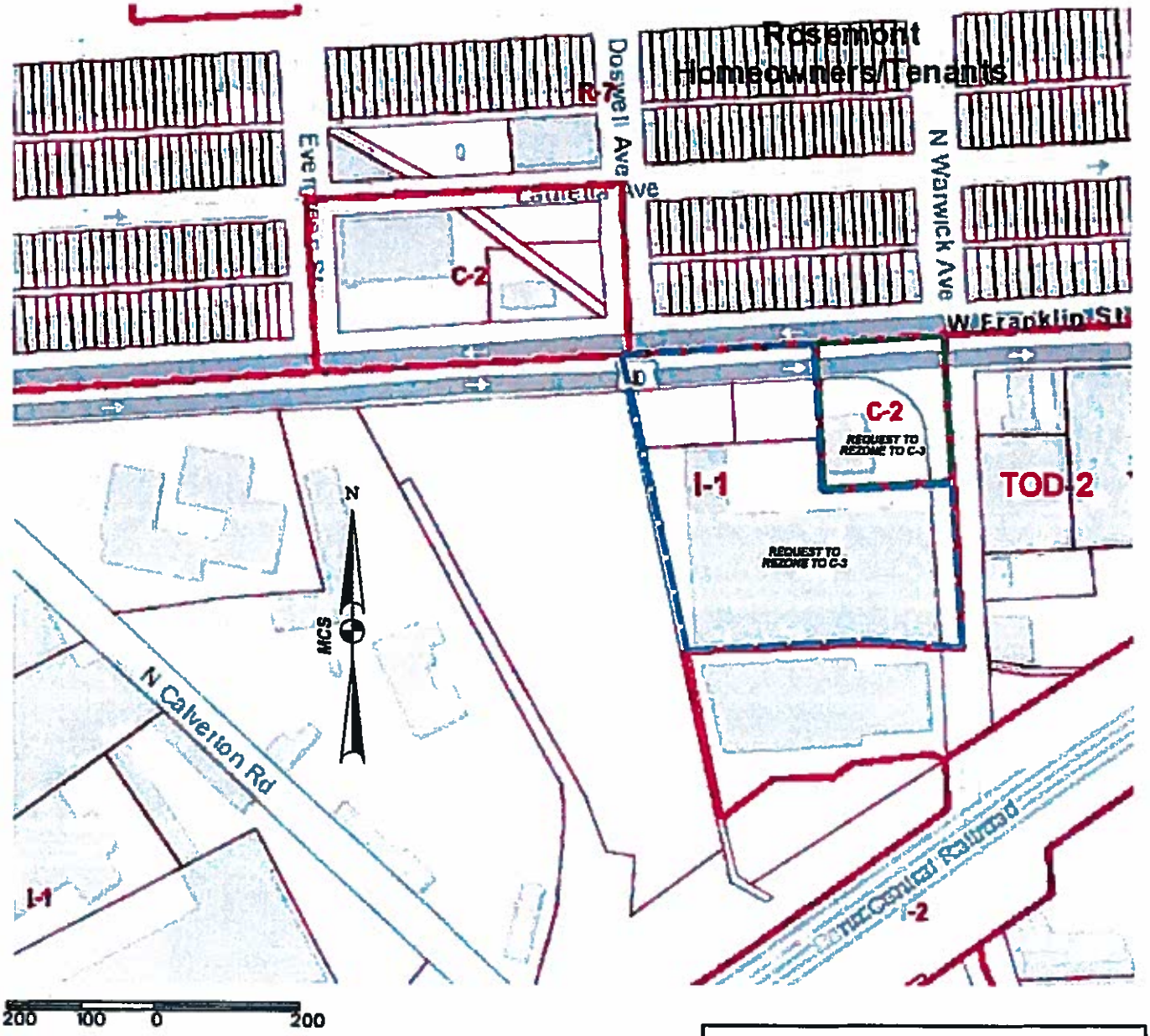
SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

SHEET NO. 53 OF THE ZONING DISTRICT MAP OF THE BALTIMORE CITY ZONING CODE



NOTE:
THE APPLICANT WISHES TO REQUEST THE REZONING OF THE PROPERTY KNOWN AS 2501 W. FRANKLIN ST. FROM THE C-2 ZONING DISTRICT TO THE C-3 ZONING DISTRICT AS OUTLINED IN GREEN ABOVE; AND THE PROPERTIES KNOWN AS 2515 AND 2525 W. FRANKLIN ST. AND 330 N. WARWICK AVENUE FROM THE I-1 ZONING DISTRICT TO THE C-3 ZONING DISTRICT AS OUTLINED IN BLUE ABOVE.

MAYOR

PRESIDENT CITY COUNCIL

PLAT PREPARED BY:

BLDG
Baltimore Land Design Group, Inc.
Consulting Engineers

APPLICANT
McDONALD'S USA, LLC
C/O CAROLINE L. HECKER, ESQ.
ROSENBERG, MARTIN, GREENBERG, LLP
25 S. CHARLES STREET, SUITE 21ST FLOOR
BALTIMORE, MARYLAND 21201
TELEPHONE: 410-727-6600

PLAN TO ACCOMPANY REZONING REQUEST
McDONALD'S RESTAURANT
2501 W. FRANKLIN ST.
BALTIMORE, MD 21223
WARD: 20; SECTION: 23; BLOCK: 2207; LOT 1
BALTIMORE CITY, MARYLAND
SCALE: 1" = 200'
DATE: JULY 23, 2018

799

LAND USE AND TRANSPORTATION COMMITTEE

BILL 18-0299

AGENCY REPORTS

Planning Commission	Favorable
Board of Municipal Zoning Appeals	
Department of Transportation	No Objection
Department of Law	
Department of Housing and Community Development	
Baltimore Development Corporation	
Parking Authority of Baltimore City	No Objection

FROM			CITY of BALTIMORE MEMO
	NAME & TITLE	LAURIE FEINBERG, ACTING DIRECTOR	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8TH FLOOR, 417 EAST FAYETTE STREET	
	SUBJECT	CITY COUNCIL BILL #18-0299 / REZONING – REZONING – 2501-13, 2515, AND 2525 WEST FRANKLIN STREET AND 330 NORTH WARWICK AVENUE	

TO

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

DATE: November 30, 2018

At its regular meeting of November 29, 2018, the Planning Commission considered City Council Bill #18-0299, for the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #18-0299 and adopted the following resolution seven members being present (seven in favor):

> RESOLVED, That the Planning Commission does not concur with the recommendation of its departmental staff, adopted the findings of fact presented by the applicant, and therefore recommends that City Council Bill #18-0299 be passed by the City Council as introduced.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

LF/ewt

attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Tyrell Dixon, DCHD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Josh Taylor, DOT
Ms. Natawna Austin, Council Services
Mr. Ervin Bishop, Council Services
Ms. Caroline Hecker, Attorney for Applicant

Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT

Laurie Feinberg
Acting Director

November 29, 2018

REQUEST: City Council Bill #18-0299/ Rezoning – Rezoning – 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue:
For the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

RECOMMENDATION: Disapproval

STAFF: Eric Tiso, AICP

PETITIONER: McDonald's USA, LLC, c/o Caroline L. Hecker, Esq.

OWNER: The Kolker Family Limited Partnership, and Eren Investments, LLC

SITE/GENERAL AREA
Site Conditions: These properties are located on the southwestern corner of the intersection of West Franklin Street and North Warwick Avenue. They are currently improved with a warehouse building with a restaurant (330 North Warwick Avenue), and a McDonald's restaurant (2501 West Franklin Street). The other two properties are used as a surface parking lot and materials storage.

General Area: These properties are located in the Penrose/Fayette Street Outreach neighborhood, on the boundary with the Rosemont community. These properties are located in a wedge of commercial and industrial properties between West Franklin Street and the rail line, while areas to the north and south are residential areas.

HISTORY
There are no previous legislative or Planning Commission actions regarding this site.

ANALYSIS
Background: This rezoning was brought about by the desire of the property owners to redevelop the properties as a new McDonald's restaurant and retail stores with associated parking. The existing C-2 zoning on the McDonald's property is appropriate for that use, and the I-1 Industrial zoning would also allow for retail goods establishment. The desire to rezone these properties is at least in part intended to avoid Design Manual requirements that apply to the C-2 district.

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

(i) a substantial change in the character of the neighborhood where the property is located; or

(ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

(i) population changes;

(ii) the availability of public facilities;

(iii) present and future transportation patterns;

(iv) compatibility with existing and proposed development for the area;

(v) the recommendations of the City agencies and officials; and

(vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

(i) existing uses of property within the general area of the property in question;

(ii) the zoning classification of other property within the general area of the property in question;

(iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and

(iv) 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.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is not in the public's interest, in that it is designed to defeat the requirements of the Design Manual. The proposed C-3 district was chosen for these properties as the nearest zoning category that would allow for the form of development the applicants want, as opposed to selecting a zoning designation to guide the trend of development in the neighborhood – which is the exact reverse of how zoning is intended to work.

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the vicinity of the proposed changes (*cf.* Md. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** These properties were previously zoned M-2-1 and B-3-3 under the prior zoning code. Under the comprehensive rezoning of the City in 2017, three of the properties were zoned I-1 for industrial use, and the McDonald's property is now C-2 commercial. The townhomes on the north side of West Franklin Street are zoned R-7, and the properties across North Warwick Street to the east are now zoned TOD-2.

2. **The needs of Baltimore City:** The increase in intensity from C-2 to C-3 brings additional land uses with greater potential impact on adjacent residential uses that are either not now permitted in the C-2, or where the means of approval become easier. Simultaneously, rezoning to avoid the applicable Design Manual development form requirements will lead to the development of these properties as a highway-oriented strip retail development, as opposed to the intended community commercial developments under the existing C-2 district designation.
3. **The needs of the particular neighborhood:** Staff understands that this is a successful location for the McDonald's restaurant, and that they would benefit from replacing the existing building with a new restaurant. The existing building edge is also located very close to the property boundary, such that the drive-through lane is on the adjacent parcel. Attempts were made to acquire more land, which would lead to a subdivision that might provide a better layout for the building, but were unsuccessful. Staff understands that the proposed rezoning of the adjacent properties will in part provide enough increased value to satisfy the adjacent warehouse property owner's needs to allow for a development deal to work.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** There have not been recent significant changes in population that would call for an increased intensity of commercial use in this location, or the establishment of a new commercial node. Staff notes that immediately south of this site is a newly-built senior care residential facility that itself received a single-property rezoning in order for it to be built under the former zoning code (it is now TOD-2).
2. **The availability of public facilities;** This site is well served by existing utilities which will not be affected by this proposed rezoning.
3. **Present and future transportation patterns;** The proposed rezoning may increase the impact on the adjacent residential neighborhood by increasing traffic to the potential new commercial node on these properties. The West Baltimore MARC Station is located two blocks to the east on West Franklin Street.
4. **Compatibility with existing and proposed development for the area;** West Franklin Street is a significant street in this area, but it is lined with attached homes on its northern side. This boundary condition between residential neighborhood and older commercial uses warrants care in how future commercial uses should be developed in the area. The Design Manual encourages more neighborhood-scale commercial uses and design, that are more compatible with adjacent residential use, and that will bring more walk-to commercial uses. The proposed C-3 is intended for areas where highway-oriented, drive-to commercial uses are desired. This shift in development and design intensity will only increase the likelihood of negative impacts to the adjacent residential areas - more so than the existing potential for community commercial development.

5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend disapproval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** These properties were zoned C-2 and I-1 as part of the comprehensive rezoning of the City, and staff believes that those were appropriate designations for this area. While we could understand an increase in the area of the C-2 zone, especially if the warehouse operation leaves, an increase in intensity to C-3 zoning is not warranted.

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

(i) **existing uses of property within the general area of the property in question;** Residential uses existing to the north and south, a small gas station is to the east, and a vacant parcel (previously proposed for a place of worship) is to the west. The increase in commercial intensity to C-3 will only increase the potential impact on the surrounding properties in the area.

(ii) **the zoning classification of other property within the general area of the property in question;** The properties to the north are zoned R-7 residential. The properties to the east, and immediately adjacent to the south are TOD-2. The properties to the west are I-1 industrially zoned. All of these designations either do not permit commercial uses, or only to a lower intensity and extent than the proposed C-3 for the subject properties.

(iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** Staff would support a modest increase in C-2 designation in this area, which would allow for the mix of uses desired for the redevelopment that is contemplated.

(iv) **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.** The most significant change in this immediate area has been the designation of TOD-2 zoning under the comprehensive rezoning of the City for the properties to the east, across North Warwick Avenue, which also included the adjacent parcel to the south. Those properties were previously zoned M-2-1 for industrial use. The current TOD-2 designation will allow for high-density residential development, with supporting commercial uses.

Per §5-508(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. Staff does not see that either a mistake was made, or a significant change has occurred in the past year and a half since the last comprehensive rezoning of the City. For these reasons, Staff recommends disapproval of this bill.

Notification: The Western Community Improvement Association has been notified of this action.

Laurie Feinberg
Acting Director

FROM			CITY of BALTIMORE MEMO
	NAME & TITLE	Michelle Pourciau, Director	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527	
	SUBJECT	City Council Bill 18-0299	

TO Mayor Catherine E. Pugh

DATE: 1/4/19

TO: Land Use and Transportation Committee
FROM: Department of Transportation
POSITION: No Objection
RE: Council Bill – 18-0299

INTRODUCTION – Rezoning – 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

PURPOSE/PLANS – For the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

COMMENTS - Zoning changes impact the nature of development that will take place. Changing from an I-1 Light Industrial District to a C-3 General Commercial Zoning District, and from a C-2 Community Commercial Zoning District to a C-3 General Commercial District, will change the intent of the zoning district from an industrial use and a small to medium scale commercial use to a general commercial zoning district for shopping centers and larger retail establishments. Shopping centers and larger retail establishments are community resources and job centers, and as such, should accommodate multi-modal access for both employees and customers.

The West Baltimore MARC Train Station and Transit Hub is located a short distance from this site. The Baltimore Green Network identifies an off-street trail connecting MLK Jr Boulevard to the West Baltimore MARC Train Station, and DOT identified a shared interest in this plan. Connecting this key transportation hub to any commercial development would help to improve multi-modal connectivity.

Future development will impact the Department of Transportation when/if signals, signs, markings, et cetera are added and/or traffic flow conversion may be needed. Additional resources will be needed to maintain new or altered transportation infrastructure in response to development facilitated by the zoning change.

AGENCY/DEPARTMENT POSITION –
The Department of Transportation has No Objection to City Council 18-0299.

If you have any questions, please do not hesitate to contact Michael Castagnola at Michael.Castagnola@baltimorecity.gov, 410-396-6802.

Sincerely,

Michelle Pourciau
Director

TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young

FROM: Peter Little, Executive Director

DATE: November 27, 2018

RE: Council Bill 18-0299

PARKING OF BALTIMORE CITY AUTHORITY

I am herein reporting on City Council Bill 18-0299 introduced by Councilmember Bullock at the request of McDonald's USA, LLC.

The purpose of this bill is for changing the zoning for the property known as 2501-13 West Franklin Street from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515 and 2525 West Franklin Street, and 330 North Warwick Avenue, from the I-1 Zoning District to the C-3 Zoning District.

The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation. The legislation does not explicitly address parking. Therefore, parking requirements will be based on the underlying zoning district and prescribed by the Zoning Code. A site visit was conducted during the third week of November 2018. These properties are not located on blocks where PABC administers on-street parking programs. As building plans and uses become more defined, PABC will be involved through the Site Plan Review Committee to ensure that parking and loading demands are adequately addressed, and that negative effects of parking and loading are mitigated, as a result of development on these properties.

Based on the comments above, PABC does not oppose the passage of City Council Bill 18-0299.

200 W. LOMBARD STREET • SUITE B • BALTIMORE • MD 21201 • P: 443.573.2800 • F: 410.685.1557

LAND USE AND TRANSPORTATION COMMITTEE
Attachment

BILL 18-0299

Zoning - Use Table

TABLE 10-301: COMMERCIAL DISTRICTS – PERMITTED AND CONDITIONAL USES

USES	DISTRICTS							USE STANDARDS
	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	
RESIDENTIAL								
Day-Care Home: Adult or Child	P	P	P	P	P		P	Per § 14-310
Dwelling (Above Non-Residential Ground Floor)	P	P	P	P	P	CB	P	
Dwelling: Live-Work	P	P	P	P	P	CB	P	
Dwelling: Multi-Family	P	CB	P	P	P		P	
Dwelling: Rowhouse	P	P	P	CB	CB		P	
Dormitory							P	
Fraternity or Sorority House	CO	CO	CO	CO	CO	CO	CO	Per § 14-313
Residential-Care Facility (16 or Fewer Residents)	P	P	P	P	P		P	Per § 14-334
Residential-Care Facility (17 or More Residents)	CO	CO	CO	CO	CB		CB	Per § 14-334
Rooming House	CB	CB	CB	CB	CB		CB	
INSTITUTIONAL								
Community Center	CB	CB	CB	CB	P		P	
Cultural Facility	CB	CB	CB	CB	P		P	Per § 14-308
Educational Facility: Commercial-Vocational				CB	P	P	P	
Educational Facility: Post-Secondary	CB	CB	CB	P	P	P	P	
Educational Facility: Primary and Secondary	CB	CB	CB	CB	CB		P	
Government Facility	CB	CB	CB	CB	CB	CB	CB	
Homeless Shelter					CB	CB	CB	
Hospital				CB	CB	CB	P	
Place of Worship	P	P	P	P	P	P	P	Per § 14-332

	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	
OPEN-SPACE								
Community-Managed Open-Space Farm	CB	CB	CB	CB	CB	CB	CB	Per § 14-307
Community-Managed Open-Space Garden	P	P	P	P	P	P	P	Per § 14-307
Park or Playground	P	P	P	P	P	P	P	
Marina: Dry Storage				CB	CB	P		Per § 14-323
Marina: Recreational				CB	CB	P	P	Per § 14-323
Urban Agriculture	CB	CB	CB	CB	CB	CB	CB	Per § 14-339
COMMERCIAL								
After-Hours Establishments			CB		CB	CB	CB	Per § 14-301.1
Animal Clinic	P	P	P	P	P	P	P	Per § 14-317
Art Gallery	P	P	P	P	P		P	
Arts Studio	P	P	P	P	P	P	P	
Arts Studio: Industrial				CB	CB	P	CB	
Bail Bond Establishment			CO	CO	CO	CO	CO	
Banquet Hall				CO	CB	CB	P	Per § 14-302
Body Art Establishment	CB	CB	CB	P	P	P	P	
Broadcasting Station (TV or Radio)				CB	P	P	P	
Car Wash (Fully Enclosed Structure)					P	P	CB	Per § 14-304
Car Wash (Outdoor)					CB	P		Per § 14-304
Carry-Out Food Shop	CB	CB	CB	P	P	P	P	
Check-Cashing Establishment	CO	CO	CO	CO	CO	CB	CB	
Convention Center							P	
Day-Care Center: Adult or Child	CB	CB	CB	P	P	P	P	Per § 14-309
Drive-Through Facility				CB	CB	CB		Per § 14-311
Entertainment: Indoor	CB	CB	P	P	P	P	P	Per § 14-312
Entertainment: Live			P		P	CO	P	Per § 14-319
Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery)	CB	CB		CB				Per § 14-319
Financial Institution	P	P	P	P	P	P	P	

Commercial (cont'd)	*C-1*	*C-1-VC*	*C-1-E*	*C-2*	*C-3*	*C-4*	*C-5*	
Funeral Home				CB	P	P		
Gas Station				CB	CB	P		Per § 14-314
Greenhouse or Nursery	P	P	P	P	P	P	CB	Per § 14-339
Health-Care Clinic	CB	CB	CB	P	P	P	P	
Health and Fitness Center	P	P	P	P	P	P	P	
Heavy Sales, Rental, or Service					CB	P		
Hotel or Motel	CB	CB	CB	P	P	P	P	
Kennel					CB	P	CB	Per § 14-317
Lodge or Social Club	CB	CB	CB	CB	P	P	P	Per § 14-320
Lounge			P		P	P	P	Per § 14-321
Motor Vehicle Dealership (Fully Enclosed Structure)				P	P	P	P	Per § 14-325
Motor Vehicle Dealership (Outdoor Vehicle Display)					CB	P		Per § 14-325
Motor Vehicle Rental Establishment (Fully Enclosed Structure)	P			P	P	P	P	Per § 14-325
Motor Vehicle Rental Establishment (Outdoor Vehicle Display)					CB	P		Per § 14-325
Motor Vehicle Service and Repair: Major						P		Per § 14-326
Motor Vehicle Service and Repair: Minor (Fully Enclosed Structure)				P	P	P	P	Per § 14-326
Motor Vehicle Service and Repair: Minor (Outdoor Vehicle Storage)				CB	P	P		Per § 14-326
Nursery (*See* "Greenhouse or Nursery")	–	–	–	–	–	–	–	–
Office	P	P	P	P	P	P	P	
Outdoor Dining	P	P	P	P	P	P	P	Per § 14-329
Pawn Shop				CB	CB	CB	CB	
Personal Services Establishment	P	P	P	P	P	P	P	
Racetrack						CB		
Recreation: Indoor				P	P	P	P	Per § 14-312
Recreation: Outdoor				CB	CB	CB	CB	Per § 14-312
Recreational Vehicle Dealership					CB	P		
Restaurant	P	CB	P	P	P	P	P	

Commercial (cont'd)	*C-1*	*C-1-VC*	*C-1-E*	*C-2*	*C-3*	*C-4*	*C-5*	
Retail: Big Box Establishment					CB	CB	CB	Per § 14-335.1
Retail Goods Establishment (No Alcoholic Beverages Sales)	P	P	P	P	P	P	P	
Retail Goods Establishment (With Alcoholic Beverages Sales)	CO	CO	CO	CO	CO	P	P	Per § 14-336
Stadium						CB	CB	
Tavern	CB	CB	P	P	P	P	P	Per § 14-337
Video Lottery Facility				P			P	
INDUSTRIAL								
Food Processing: Light	CB	CB	CB	CB	CB	CB	CB	
Heliport							CB	
Helistop							CB	
Industrial: Light						P		
Mini-Warehouse					CB	P	CB [1]	
Motor Vehicle Operations Facility						P		
Movie Studio						P	P	
Printing Establishment				P	P	P	P	
Recycling Collection Station						CB		Per § 15-514
Research and Development Facility							P	
Truck Stop						CB		
OTHER								
Alternative Energy System: Community-Based	P	P	P	P	P	P	P	Per § 14-306
Electric Substation: Enclosed	CB	CB	CB	CB	CB	P	CB	Per § 14-340
Electric Substation: Indoor	P	P	P	P	P	P	P	Per § 14-340
Electric Substation: Outdoor	CB	CB	CB	CB	CB	CB	CB	Per § 14-340
Parking Garage (Principal Use)				CB	P	P	CB [2]	Per § 14-331
Parking Lot (Principal Use)	CB	CB	CB	CB	P	P	CO	Per § 14-331
Telecommunications Facility [3]	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338
Utilities	CB	CB	CB	CB	CB	CB	CB	Per § 14-340
Wireless Communications Services [4]	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338

[1] Allowed only in a structure lawfully existing as of June 5, 2017.

[2] However, along Pratt Street in the C-5 District, principal-use parking garages are prohibited. *See* § 10-503(c)(1).

[3] Only telecommunications base stations that comply with the stealth design standards of § 14-338 are considered permitted uses.

[4] Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

(Ord. 16-581; Ord. 17-015; Ord. 17-056; Ord. 18-167; Ord. 18-171.)

TABLE 11-301: INDUSTRIAL DISTRICTS – PERMITTED AND CONDITIONAL USES

USES	DISTRICTS						USE STANDARDS
	OIC	BSC	I-MU	I-1	I-2	MI	
RESIDENTIAL							
Dwelling (Above Non-Residential Ground Floor)		P	P				
Dwelling: Live-Work			P	CB			
Dwelling: Multi-Family		P	P				
Dwelling: Rowhouse		P					
Residential-Care Facility (16 or Fewer Residents)		P	P				Per § 14-334
Residential-Care Facility (17 or More Residents)		CB	CB				Per § 14-334
Rooming House			CB				
INSTITUTIONAL							
Cultural Facility			CB				Per § 14-308
Educational Facility: Commercial-Vocational	P	P	P	P	CB	CB	
Educational Facility: Post-Secondary	CB	CB	CB				
Educational Facility: Primary and Secondary		P	P				
Government Facility	P	P	P	P	P	P	
Homeless Shelter			CO				
Hospital		P	CO				
OPEN-SPACE							
Community-Managed Open-Space Farm	CB	CB	CB				Per § 14-307
Community-Managed Open-Space Garden	P	P	P				Per § 14-307
Park or Playground	P	P	P				
Urban Agriculture	P	P	P	P			Per § 14-339

	OIC	BSC	I-MU	I-1	I-2	MI	
COMMERCIAL							
Animal Clinic			P	P			Per § 14-317
Art Gallery			P				
Arts Studio			P				
Arts Studio: Industrial	P		P	P			
Banquet Hall	CB						Per § 14-302
Body Art Establishment			P				
Broadcasting Station (TV or Radio)	P		P	P			
Car Wash				P	P		Per § 14-304
Carry-Out Food Shop		P	P	CB	CB		
Day-Care Center: Adult or Child	P	P	P	P [1]	P [1]	P [1]	Per § 14-309
Drive-Through Facility	CB						Per § 14-311
Entertainment: Indoor		P	P				Per § 14-312
Entertainment: Live			CB				Per § 14-319
Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery)		CB					Per § 14-319
Financial Institution	P [2]	P	P				
Gas Station				CB	CB		Per § 14-314
Greenhouse		P	P	P			Per § 14-339
Health-Care Clinic	P	P	P				
Health and Fitness Center	P	P	P				
Heavy Sales, Rental, or Service			CO	CB			
Hotel or Motel	P	P	CB				
Kennel			CB	P			Per § 14-317
Lodge or Social Club			P	CB	CB	CB	Per § 14-320
Motor Vehicle Service and Repair: Major				CB	CB		Per § 14-326
Motor Vehicle Service and Repair: Minor			CO	CB	CB		Per § 14-326
Nursery		P	P	P			Per § 14-339
Office	P	P	P	CB [2, 3]	CB [2, 3]	CB [2, 3]	

Commercial (cont'd)	*OIC*	*BSC*	*I-MU*	*I-1*	*I-2*	*MI*	
Outdoor Dining		P	P				Per § 14-329
Personal Services Establishment	P [2]	P	P	CB			
Recreation: Indoor		P	P				Per § 14-312
Recreation: Outdoor			CB				Per § 14-312
Restaurant	P [2]	P	P	CB	CB		
Retail Goods Establishment (No Alcoholic Beverages Sales)	CB	P	P	CB			
Retail Goods Establishment (With Alcoholic Beverages Sales)		P	CO	CB			Per § 14-336
Tavern		P	CO	CB	CB		Per § 14-337
Truck Repair				P	P		
INDUSTRIAL							
Alternative Energy System: Commercial	P	P	P	P	P		
Boat Manufacturing, Repair, and Sales			CB	P	P	CB	Per § 14-303
Commercial Composting Facility				CB	P		Per § 14-305
Contractor Storage Yard				P	P		Per § 14-330
Food Processing: Light	P		P	P			
Freight Terminal				P	P	P	
Heliport		CB		CB	CB		
Helistop		CB		CB	CB		
Industrial Boat Repair Facility					P	P	Per § 14-323
Industrial: General					P	CB	Per § 14-315
Industrial: Light	P	P	P	P	P		
Industrial: Maritime-Dependent					P	P	
Landfill: Industrial					CB		Per § 14-318
Marina: Dry Storage			CB	P	P		Per § 14-323
Marine Terminal					P	P	
Materials Recovery Facility					P		Per § 14-324
Mini-Warehouse			P	P			

Industrial (cont'd)	*OIC*	*BSC*	*I-MU*	*I-1*	*I-2*	*MI*	
Motor Vehicle Operations Facility				P	P		
Movie Studio	P		P	P	P		
Outdoor Storage Yard				P	P	P	Per § 14-330
Passenger Terminal			P	P	P	P	
Recyclable Materials Recovery Facility				P	P		Per § 14-333
Recycling Collection Station				CB	CB		Per § 15-514
Recycling and Refuse Collection Facility				P	P		
Research and Development Facility	P	P	P	P	P	P	
Resource Recovery Facility					CB		Per § 14-335
Shipyard					P	P	
Truck Stop				P	P		
Truck Terminal				P	P		
Warehouse	P		P	P	P	P	
Waterfreight Terminal					P	P	
Wholesale Goods Establishment	P		P	P	P		
OTHER							
Alternative Energy System: Community-Based	P	P	P	P	P	P	Per § 14-306
Electric Substation: Enclosed or Indoor	P	P	P	P	P	P	Per § 14-340
Electric Substation: Outdoor	CB	CB	CB	CB	P	P	Per § 14-340
Parking Garage (Principal Use)	P	P	CO	P	P	P	Per § 14-331
Parking Lot (Principal Use)	P	P	CO	P	P	P	Per § 14-331
Telecommunications Facility [4]	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338
Utilities	CB	CB	CB	CB	CB	CB	Per § 14-340
Wireless Communications Services [5]	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338

[1] Allowed only when (i) accessory to an office structure, research and development facility, or industrial use, and (ii) integrated into that structure, facility, or use to serve its employees.

[2] Allowed only when secondary to a primary industrial use.

[3] Office uses legally established as of the effective date of this Code are deemed conforming and are not required to be secondary to a primary industrial use.

[4] Only telecommunications base stations that comply with the stealth design standards of § 14-338 are considered permitted uses.

[5] Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

(Ord. 16-581; Ord. 17-015; Ord. 18-171.)

LAND USE AND TRANSPORTATION COMMITTEE
Attachment

BILL 18-0299

Communications

Rosenberg Martin Greenberg LLP

Caroline L. Hecker
25 South Charles Street, 21st Floor
Baltimore, Maryland 21201
P: (410) 727-6600/F: (410) 727-1115
checker@rosenbergmartin.com

MEMORANDUM

TO: BALTIMORE CITY PLANNING COMMISSION

FROM: CAROLINE L. HECKER
ADAM D. BAKER

CC: 2501-13, 2515, AND 2525 W. FRANKLIN STREET AND 330 N. WARWICK AVENUE (COLLECTIVELY, THE "PROPERTY")

RE: CCB # 18-0299 – REZONING OF 2501-13, 2515, AND 2525 W. FRANKLIN STREET AND 330 N. WARWICK AVENUE PROPOSED FINDINGS OF FACT

DATE: NOVEMBER 29, 2018

The City Council has the authority to change the zoning classification of a property as part of a comprehensive rezoning process or upon a finding that there was either 1) a substantial change in the character of the neighborhood where the property is located, or 2) a mistake in the existing zoning classification. MD. CODE ANN., Land Use § 10-304(b)(2); Baltimore City Code, Article 32 – Zoning § 5-508(b)(1). Here, there was a mistake in the 2017 rezoning of the property as C-2 and I-1 in that the City Council did not consider the trend in development along this portion of W. Franklin Street towards large scale retail and shopping center development and away from smaller scale retail development and industrial uses which are no longer consistent with the area. This mistake should be corrected by rezoning the Property to C-3.

In connection with the finding that there was a mistake in the existing zoning classification, both Section 5-508(b) of the Zoning Code and Section 10-304 of the Maryland Land Use Article require the City Council to make findings of fact that address:

(i) Population Change

- The American Community Survey produced by the Census Bureau estimates that the population for the Census tract containing the Property has decreased since the 2010 census from 2,969 to 2,968 people in 2013.

(ii) The availability of public American Community Survey facilities;

- There are adequate public facilities to serve the Property. To the extent that additional utilities are required, the developer will install such facilities as part of the redevelopment of the site.

(iii) Present and future transportation patterns;

- The Property is located on the southwest corner of the intersection of W. Franklin Street and N. Warwick Avenue, approximately two blocks west of the West Baltimore MARC Station. Access to the Property is provided directly from W. Franklin Street and from N. Warwick Avenue. The proposed rezoning of the Property to permit the commercial redevelopment will not have a negative impact on the transportation patterns of the area surrounding the Property.

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

- Per Section 10-205(a)(1) of the Zoning Code, the C-3 Zoning District is "intended for more intensive commercial uses and key commercial nodes that require additional controls, particularly for shopping centers and larger retail establishments." The existing buildings on the Property are too old and ill-suited to serve the needs of modern commercial users. The proposed development of the Property is in line with the intent of the C-3 Zoning District. It is also in synch with the vision for the area articulated in the West Baltimore MARC Station Area Master Plan, which calls for "large scale economic development" and a "transition from primarily industrial to more mixed-use character" for the area in which the property is located. West Baltimore MARC Station Area Master Plan, pp. 4 and 6.

(v) The recommendations of the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

- For the above reasons, we request the Baltimore City Planning Commission recommend the rezoning of the Property to C-3. The Board of Municipal and Zoning Appeals has not yet commented on this bill, and will do so separately.

(vi) The proposed amendment's consistency with the City's Comprehensive Master Plan.

- The City's LiveEarnPlayLearn Master Plan specifically identifies the need to "promote active, well-defined places near transit stations so as to create amenities" for transit riders and the surrounding community. Comprehensive Master Plan, Appendices, p. 209. The current zoning on the Property does not allow for the type and intensity of development which is envisioned for this area both in the Comprehensive Master Plan as well as the West Baltimore MARC Station Area Master Plan.

    - The proposed rezoning of the Property to C-3 will allow for the redevelopment of the Property for commercial uses including a redesigned McDonald's restaurant and one or two additional retail establishments.

- Moreover, the Zoning Code itself indicates that the C-3 Zoning District "is intended for more intensive commercial uses and key commercial nodes that require additional controls, particularly for shopping centers and larger retail establishments." § 10-205(a).

- This type of zoning is appropriate for the Property as it is in close proximity to the West Baltimore MARC station and will accommodate the redevelopment of the Property with the new McDonald's restaurant and other retail uses.

Section 5-508(b)(3) of the Zoning Code also mandates that additional standards be considered for map amendments:

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

- The Property is located on the south side of W. Franklin Street in an area that was formerly industrial, but beginning to be converted to more mixed-use in character. There is an existing fuel service station to the east of the Property on the other side of N. Warwick Street which is zoned TOD-2. To the north of the Property across W. Franklin Street is the Rosemont neighborhood, which predominately consists of R-7 zoning. There are several commercial retail uses to the east and west of the Property on W. Franklin Street (Crazy Down Home Chicken and Seafood, CVS, 7-Eleven, Price Busters Discount Furniture). In addition, 300 North Warwick, which is located directly to the south of the Property, is currently being redeveloped from a warehouse to an 80-unit mixed income apartment building. Lastly, the American Ice Co. building located at 2100 W. Franklin Street was recently awarded the Heritage Structure Rehabilitation Tax Credit by the Maryland Historic Trust to redevelop the dilapidated property. The redevelopment plans include converting the building to a mixed-use space with an art gallery, restaurant and event space.

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

- The Property is surrounded by a mix of industrial, commercial, residential and mixed-use zoning. Directly to the south and west of the property lies a large swath of I-1 zoning. The residential neighborhood across W. Franklin Street from the Property is zoned R-7. Directly to the east of the Property is TOD-2 zoning. In addition, there are several C-2 zoned properties along W. Franklin Street. The proposed C-3 zoning is consistent with the blend of zoning in the area and it permits the type of development envisioned in both the City's Comprehensive Master Plan as well as the West Baltimore MARC Station Area Master Plan.

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

- The Property is currently zoned C-2 and I-1. The C-2 zoning "is intended for areas of small to medium scale commercial use, typically along urban corridors, that are designed to accommodate pedestrians and, in some instances, automobiles." The I-1 zoning "is intended to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses." The Property is along a stretch of W. Franklin Street

which is proposed to "transition from primarily industrial to more mixed-use character." West Baltimore MARC Station Master Plan, p. 6. The area and the Property are unable to make this transition under the current zoning.

(iv) 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.

- The Property was placed in its present zoning classification when Transform Baltimore became effective on June 5, 2017. The general trend of development in the vicinity has been with residential, commercial and mixed-use development. 300 North Warwick, directly to the south of the Property, is currently being redeveloped from a warehouse to a $22 million mixed income apartment building with 80 units. In addition, the American Ice Co. building located at 2100 W. Franklin Street was recently awarded an historic tax credit to redevelop the existing building on the property to a mixed-use space with an art gallery, restaurant and event space.

4812-3033-0235, v. 1

LAND USE AND TRANSPORTATION COMMITTEE
Attachment

BILL 18-0299

Communications

Ms. Caroline Hecker, Esquire	Letter of Support Fayette Street Outreach Organization Dated 7/10/18

Fayette Street Outreach

Moving Our Neighborhood Forward

1993 F S O

July 10, 2018

The Honorable John T. Bullock
Baltimore City Council
City Hall, Suite 500
100 N. Holliday Street
Baltimore, Maryland 21202

Re: Rezoning
2501-2525 W. Franklin Street and 330 N. Warwick Avenue

Dear Councilman Bullock:

On behalf of The Fayette Street Outreach Org, Inc. we are pleased to offer this letter in support of the proposed rezoning of 2501-2525 W. Franklin Street and 330 N. Warwick Avenue to the C-3 Zoning District. We have met with the developer, who has shared their plans for this site; which will include a redesigned McDonald's restaurant, and a new retail building /store. We agree that the proposed C-3 General Commercial District Zoning is more consistent with other development in the vicinity than the current zoning. Accordingly, please accept this letter as verification of our community's support, and please feel free to contact the Fayette Street Outreach Board regarding any questions.

Along with the redevelopment of this area Fayette Street Outreach Org, Inc. also shared their vision regarding the area; requesting that the McDonalds Corporation would support local hiring, develop an ongoing partnership with the association and support The Fayette Street Outreach Community Center financially. This would include Job Fairs, Job shadowing opportunities, and some lite meals for ours afterschool senior programs. The support of the McDonalds Corporation gives strong investment deeply rooted in the community.

Respectfully submitted,

Edna Mann Lake, President
FSOO Board Member

Coates, Jennifer

From: Coates, Jennifer
Sent: Monday, December 03, 2018 6:28 PM
To: Caroline Hecker (checker@rosenbergmartin.com)
Cc: Bullock, John; Austin, Natawna B.
Subject: Public Notice Instructions for Bill 18-0299
Attachments: LU Form - Contacts for Sign Posting RZ PUD.docx; PNI - Letter - 18-0299 - RZ - Franklin St - 330 Warwick.docx; Sample - Certificate of Posting - Attachment C.docx; Afro American; Michele Griesbauer - Sunpaper - Advertising; Darlene Miller

Ms. Hecker:

Attached is the information you will need to post a public hearing sign for the subject bill to be heard by the Land Use and Transportation Committee on **January 23, 2019 at 1:00 p.m.** at City Hall in the City Council Chamber. I have also attached a contact list for sign makers, business cards for newspaper contacts and a sample certification template.

Thank you and feel free to call if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL

OFFICE OF COUNCIL SERVICES

Jennifer L. Coates
Senior Legislative Policy Analyst
Office of Council Services

100 N. Holliday Street, Room 415
Baltimore, MD 21202
jennifer.coates@baltimorecity.gov

Office: (410) 396-1260
Fax: (410) 545-7596

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: McDonald's USA, LLC c/o Caroline L. Hecker, Esquire

FROM: Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee, Baltimore City Council

Date: December 4, 2018

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS (REZONINGS); TEXT AMENDMENTS AND PLANNED UNIT DEVELOPMENTS

The Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

Bill: **City Council Bill No. 18-0299**

Date: **Wednesday, January 23, 2019**

Time: **1:00 p.m.**

Place: **City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street**

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf

Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 30 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (***See Attachment A***); the deadline date is indicated in BOLD letters at the top of Attachment A.

Certification of Postings

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant. The deadline dates are as follows:

Newspaper Ad:	***January 8, 2019***
Sign Posting Deadline:	***December 24, 2018***
Written Notice to Property Owners:	***January 8, 2019***

Please note that ALL of these requirement MUST be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use and Transportation Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

ATTACHMENT A

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE **POSTED BY DECEMBER 24, 2018** AND **PUBLISHED BY WEDNESDAY, JANUARY 8, 2019,** AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 18-0299

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0299.

CC 18-0299 ORDINANCE - Rezoning - 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

FOR the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 53
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: McDonald's USA c/o Caroline L. Hecker, Esquire

For more information contact: Committee Staff at (410) 396-1260.

EDWARD REISINGER
Chair

SEND CERTIFICATION OF PUBLICATION TO: ADVERTISEMENT TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS

Ms. Caroline L. Hecker, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201
410-727-6600

ATTACHMENT B

ZONING
SUBTITLE 6 – NOTICES

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

(1) the parties in interest and the general public will have an opportunity to be heard; and

(2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

(1) by publication in a newspaper of general circulation in the City;

(2) for the creation or modification of a planned unit development and for a zoning map
amendment, other than a comprehensive rezoning:

(i) by posting in a conspicuous place on the subject property; and

(ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and

(3) for a comprehensive rezoning:

(i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and

(ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

(1) the date, time, place, and purpose of the public hearing;

(2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and

(3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

(i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;

(ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;

(iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;

(iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and

(v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

(1) at least 15 days before the public hearing; or

(2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

(1) posted at least 30 days before the public hearing; and

(2) removed within 48 hours after conclusion of the public hearing.

CITY OF BALTIMORE
COUNCIL BILL 18-0299
(First Reader)

Introduced by: Councilmember Bullock
At the request of: McDonald's USA, LLC
Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg LLP, 25 South Charles Street, Suite 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600
Introduced and read first time: October 29, 2018
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation, Baltimore City Parking Authority Board

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

FOR the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 53
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 53 of the Zoning District Map is amended by changing from the C-2 Zoning District to the C-3 Zoning District the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the plat accompanying this Ordinance, and by changing from the I-1 to the C-3 Zoning District the properties known as 2515 and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

APPROVED FOR FORM
STYLE, AND TEXTUAL SUFFICIENCY

10-15-18
DEPT LEGISLATIVE REFERENCE

INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL ____

Introduced by: Councilmember Bullock
At the request of: McDonald's USA, LLC
Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg LLP, 25 South Charles Street, Suite 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 2501-13, 2515, and 2525 West Franklin Street and 330 North Warwick Avenue

FOR the purpose of changing the zoning for the property known as 2501-13 West Franklin Street (Block 2207, Lot 001), as outlined in green on the accompanying plat, from the C-2 Zoning District to the C-3 Zoning District, and changing the zoning for the properties known as 2515, and 2525 West Franklin Street (Block 2207, Lots 002 and 006), and 330 North Warwick Avenue (Block 2207, Lot 010), as outlined in blue on the accompanying plat, from the I-1 Zoning District to the C-3 Zoning District.

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Zoning District Map
Sheet 53
Baltimore City Revised Code
(Edition 2000)

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SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

STATEMENT OF INTENT
FOR

REZONING – 2501-13, 2515, AND 2525 W. FRANKLIN STREET AND 330 N. WARWICK AVENUE

1. Applicant's name, address and telephone number: McDonald's USA, LLC c/o Caroline L. Hecker, Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, Baltimore, MD 21201 (410) 727-6600

2. All proposed changes for the property: Rezone 2501-13 W. Franklin Street from the C-2 Zoning District to the C-3 Zoning District; rezone 2515 and 2525 W. Franklin Street and 330 N. Warwick Avenue from the I-1 Zoning District to the C-3 Zoning District.

3. All intended uses of the property: Retail and restaurant uses

4. Current owner's name, address, and telephone number:

Address	Owner Information
2501-13 W. Franklin Street 2515 W. Franklin Street 2525 W. Franklin Street	Kolker Family Limited Partnership 3410 Old Court Road Baltimore, MD 21208
330 N. Warwick Avenue	Eren Investments LLC 330 N. Warwick Avenue Baltimore, MD 21223

5. The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in:

Address	Reference
2501-13 W. Franklin Street 2515 W. Franklin Street 2525 W. Franklin Street	Liber SEB 2510, folio 328
330 N. Warwick Avenue	Liber FMC 8132, folio 240

6. (a) There is _X_ is not ___ a contract contingent on the requested legislative authorization.

   (b) If there is a contract contingent on the requested legislative authorization:

      (i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:

McDonald's USA, LLC 6903 Rockledge Drive, Suite 1100 Bethesda, MD 20817	TRC Acquisitions & Holdings LLC 125-G Wappoo Creek Drive Charleston, SC 29412

Kolker Family Limited Partnership
3410 Old Court Road
Baltimore, MD 21208

Eren Investments LLC
330 N. Warwick Avenue
Baltimore, MD 21223

(ii) The purpose, nature and effect of the contract are: McDonald's USA, LLC has entered into an agreement to lease a portion of the properties to be rezoned from Kolker Family Limited Partnership pending enactment of the rezoning legislation. TRC Acquisitions & Holdings LLC has entered into an agreement to purchase 330 N. Warwick Avenue from Eren Investments, LLC pending enactment of the rezoning legislation.

7. (a) The applicant is ___ is not _X_ acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are {use additional sheet if necessary}: N/A

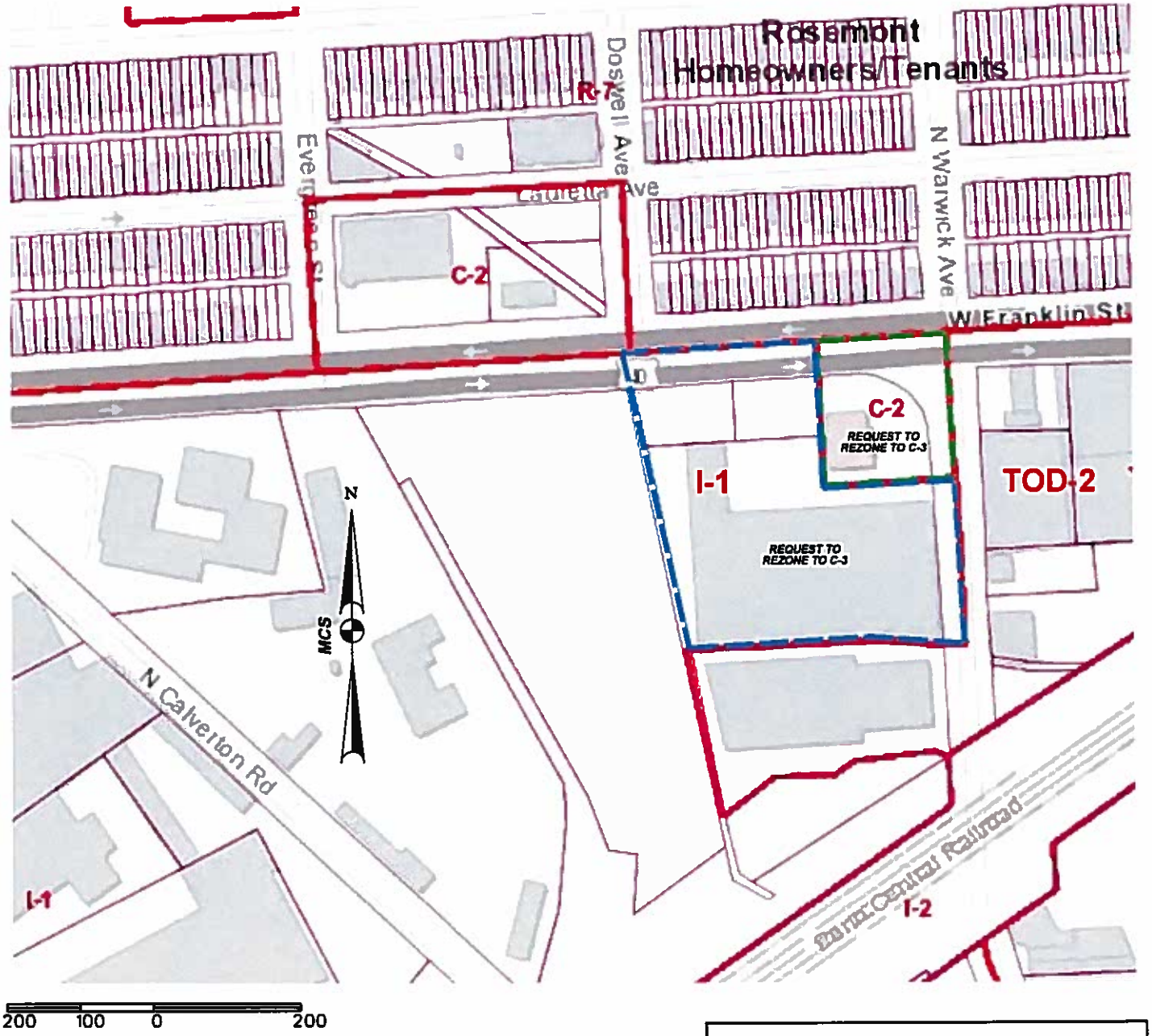
AFFIDAVIT

I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

By: Caroline L. Hecker
Caroline L. Hecker, Authorized Agent

10/8/18
Date

SHEET NO. 53 OF THE ZONING DISTRICT MAP OF THE BALTIMORE CITY ZONING CODE



200 100 0 200

NOTE:
THE APPLICANT WISHES TO REQUEST THE REZONING OF THE PROPERTY KNOWN AS 2501 W. FRANKLIN ST. FROM THE C-2 ZONING DISTRICT TO THE C-3 ZONING DISTRICT AS OUTLINED IN GREEN ABOVE; AND THE PROPERTIES KNOWN AS 2515 AND 2525 W. FRANKLIN ST. AND 330 N. WARWICK AVENUE FROM THE I-1 ZONING DISTRICT TO THE C-3 ZONING DISTRICT AS OUTLINED IN BLUE ABOVE.

MAYOR

PRESIDENT CITY COUNCIL

PLAT PREPARED BY:

BLDG
Baltimore Land Design Group, Inc.
Consulting Engineers
230 SCHILLING CIRCLE, SUITE 364 • HUNT VALLEY, MARYLAND 21031
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGINC.COM

APPLICANT
McDONALD'S USA, LLC
C/O CAROLINE L. HECKER, ESQ.
ROSENBERG, MARTIN, GREENBERG, LLP
25 S. CHARLES STREET, SUITE 21ST FLOOR
BALTIMORE, MARYLAND 21201
TELEPHONE: 410-727-6600

PLAN TO ACCOMPANY REZONING REQUEST
McDONALD'S RESTAURANT
2501 W. FRANKLIN ST.
BALTIMORE, MD 21223
WARD: 20; SECTION: 23; BLOCK: 2207; LOT 1
BALTIMORE CITY, MARYLAND
SCALE: 1" = 200'
DATE: JULY 23, 2018

ACTION BY THE CITY COUNCIL

FIRST READING (INTRODUCTION) OCT 2 9 2018 20

PUBLIC HEARING HELD ON January 23, 20 19

COMMITTEE REPORT AS OF January 28, 20 19

✓ FAVORABLE ____ UNFAVORABLE ____ FAVORABLE AS AMENDED ____ WITHOUT RECOMMENDATION

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JAN 2 8 2019 20

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING FEB 0 4 2019

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) ____ 20

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) ____ 20

WITHDRAWAL ____ 20

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk