


TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #12-0107 / REZONING – 235-239 NORTH GAY STREET		

TO

DATE:

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

November 30, 2012

At its regular meeting of November 29, 2012, the Planning Commission considered City Council Bill #12-0107, for the purpose of changing the zoning for the property known as 235-239 North Gay Street, from the M-2-3 Zoning District to the B-2-3 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #12-0107 and adopted the following resolution eight members being present (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #12-0107 be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA/ewt

Attachment

- cc: Ms. Kaliopé Parthemos, Deputy Chief for Economic and Neighborhood Development
 Mr. Alex Sanchez, Chief of Staff
 Ms. Angela Gibson, Mayor's Office
 The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Mr. Nicholas Blendy, DHCD
 Ms. Barbara Zektick, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Karen Randle, Council Services
 Ms. Jackie Washington, Applicant



*Stephanie Rawlings-Blake
Mayor*

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



*Thomas J. Stosur
Director*

November 29, 2012

REQUEST: City Council Bill #12-0107/ Rezoning – 235-239 North Gay Street:

For the purpose of changing the zoning for the properties known as 235-239 North Gay Street, as outlined in red on the accompanying plat, from the M-2-3 Zoning District to the B-2-3 Zoning District.

RECOMMENDATION: Approval

STAFF: Eric Tiso

PETITIONER: Gay Street, LLC, c/o Ms. Jackie Washington

OWNER: Gay Street, LLC, c/o Ms. Jackie Washington

SITE/GENERAL AREA

Site Conditions: 235-239 North Gay Street are located on the southern corner of the intersection with North Front Street, and are each improved with three story attached structures (though 239 is taller than the other two). The buildings completely cover the parcels, and the properties are presently zoned M-2-3.

General Area: These properties are located in the Penn-Fallsway neighborhood, which has a mix of uses in the immediate area. Examples of institutional uses include the U.S. Post Office and the Juvenile Justice Center. Examples of commercial uses include the adjacent Holiday Inn Express and Sleep Inn.

HISTORY

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

CONFORMITY TO PLANS

These properties lie within the Oldtown Redevelopment Plan area, which calls for rezoning of this area to B-2-3 commercial zoning.

ANALYSIS

Rezoning Request:

This bill proposes to rezone these three properties to the B-2-3 commercial district in order to provide more flexibility for re-use of these buildings.

Article 66B Requirements for Rezoning:

Article 66B of the Maryland Code requires the Planning Commission 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. In reviewing this request, the staff finds that:

1. **The Plan:** In this case, the Oldtown Redevelopment Plan calls for the rezoning of the western portion of the study area to B-2-3: “The goal of the plan is to leave the residential and commercial zoning in place, where necessary, but to change the industrial properties to a commercial zoning category that would allow for residential mixed-use developments, especially along the Fallsway.” (page 42)
2. **The needs of Baltimore City:** The City is currently undertaking a complete re-write of our zoning code. In the proposed zoning maps, the rezoning goals of many area master plans are being incorporated into the global map change, including this neighborhood’s proposal. The rezoning today is compatible with that effort, and will implement this specific change for these properties sooner.
3. **The needs of the particular neighborhood:** One of the main goals of the plan is to find a way to link Oldtown with Downtown Baltimore both physically and in perception. The neighborhood specifically, as well as the City in general, will benefit from the redevelopment sought by the plan.

Similarly, Article 66B requires the City Council to make findings of fact. The findings of fact shall include:

1. **Population changes;** The population mix of the area has changed. Some of the existing residential development in the eastern portion of the study area has changed (i.e. Somerset Homes has been demolished, to make way for mixed-income development).
2. **The availability of public facilities;** Adequate public facilities exist in this area for a wide range of uses.
3. **Present and future transportation patterns;** The Oldtown Redevelopment Plan proposes better commercial connections between the Oldtown neighborhood and Downtown areas. This zoning is compatible with that effort.
4. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Department of Planning staff will recommend approval of the rezoning request to the Planning Commission. The BMZA will comment separately on this bill.

- 5. The relation of the proposed amendment to the City's plan.** As stated above, the proposed rezoning is compatible with the goals of the Oldtown Redevelopment Plan, and the City's Comprehensive Plan.

Following such findings, The City Council may grant the amendment based on a finding that there was: (i) A substantial change in the character of the neighborhood where the property is located; or (ii) A mistake in the existing zoning classification. In this case, staff suggests that the first option, substantial change in the character of the neighborhood, is the applicable choice. The changing needs of the community as detailed in the plan above, justify the proposed rezoning.

Community Input: The Historic Jonestown Business Association and the Jonestown Planning Council, Inc. have been notified of this action.



Thomas J. Stosur
Director