

TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #16-0715 / REZONING 5501 BELAIR ROAD

CITY of
BALTIMORE
MEMO



DATE:

TO

August 26, 2016

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

At its regular meeting of August 25, 2016, the Planning Commission considered City Council Bill #16-0715, for the purpose of changing the zoning for the property known as 5501 Belair Road from the B-3-1 Zoning District to the B-2-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #16-0715 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 #16-0715 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

Attachment

- cc: Ms. Kaliopé Parthemos, Chief of Staff
- Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
- Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development
- 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
- Ms. Sharon Daboin, DHCD
- Mr. Patrick Fleming, DOT
- Ms. Elena DiPietro, Law Dept.
- Ms. Melissa Krafchik, PABC
- Ms. Natawna Austin, Council Services
- Mr. John Koutsantonis



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

August 25, 2016

REQUEST: City Council Bill 16-0715/ Rezoning – 5501 Belair Road

For the purpose of changing the zoning for the property known as 5501 Belair Road, as outlined in red on the accompanying plat, from the B-3-1 Zoning District to the B-2-2 Zoning District.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONER: Councilman Scott, at the request of John Koutsantonis

OWNER: John Koutsantonis

SITE/ GENERAL AREA

Site Conditions: 5501 Belair Road is a 0.186 acre property at the northeast corner of the intersection of Willshire Avenue and Belair Road. This property is currently improved with a two-story detached residential mixed-use structure formed by consolidation of 5501 and 5503 Belair Road in 1987. This building has retail uses on its street level along Belair Road (a hair salon is the most recently authorized use) and first floor rear (a real estate office is the most recently authorized use), and has four authorized dwelling units upstairs. The rear yard is paved and used for a six-car accessory open-air parking area which has no screening or buffering.

General Area: This site is in the central part of the Belair Road commercial corridor of northeastern Baltimore City. Streets in this area were planned in an early suburban style, with much of the housing developed in the early 20th Century. The commercial corridor of Belair Road is relatively narrow, with adjacent areas dominated by single-family detached and semi-detached housing. Willshire Avenue, which forms the southwest border of this property, slopes downward from Belair Road and is a typical side street connecting to the commercial corridor.

HISTORY

There is no history of Planning Commission action specifically concerning this site. This property is part of an area identified as the Gardenville "Walkable Node" in the Urban Land Institute's Technical Assistance Panel report, Revitalizing the Belair Road Corridor (March 2011). The report recommended that residential neighborhood strategies include "identify new housing opportunities at the corridor's nodes and within the "linkage areas" between nodes" (Report, pp. 2 and 12).

CONFORMITY TO PLANS

The proposed rezoning would further the Comprehensive Master Plan objectives “expand housing choices for all residents” (LIVE EARN PLAY LEARN Live Goal 1, Objective 1); and “promote transit oriented development (TOD) and mixed-use development to reinforce neighborhoods and Main Streets” (LIVE EARN PLAY LEARN Live Goal 2, Objective 3).

ANALYSIS

From review of the required considerations of §16-305 of the Zoning Code, staff finds that this proposed zoning change is in the public interest, in that its purpose is to allow the owner to increase the number of dwelling units on the premises, while removing the automobile-oriented uses provided in the B-3 Community Commercial zoning district from consideration for re-use of this property. The B-2 zoning district is a more community-oriented land use category that is not as automobile-dependent or automobile-oriented, in that it excludes uses such as car dealerships, automobile rental establishments, tire and battery sales, and highway maintenance shops and yards, as well as more intensely commercial uses such as contractor yards and (by right) taverns or restaurants with live entertainment and dancing. Extension of the B-2-2 zoning district, which now extends northeasterly up the eastern side of Belair Road to Willshire Avenue, to cross Willshire Avenue would effectively secure this intersection as part of a Community Business (B-2) district only, offering less divergence of land use from the residential land use (now zoned R-4) of the adjacent properties.

The Zoning Code requires review of these considerations under its §16-305(c):

(c) The Board and the Planning Commission must also consider the following matters:

- (1) existing uses of property within the general area of the property in question;*
- (2) the zoning classification of other property within the general area of the property in question;*
- (3) the suitability of the property in question for the uses permitted under its existing zoning classification; and*
- (4) 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.*

- (1) and (2) The existing use of most properties adjacent to this property and both sides of the Belair Road corridor is residential, with a zoning classification of R-4. This property is part of the relatively narrow commercial corridor running up Belair Road to the City line, a corridor which has many alternating zoning districts of B-2 and B-3. Shifting the line between B-2 and B-3 to remove this property from the B-3 zoning district and place it in the B-2 zoning district adjacent to its southern lot line would make this intersection, a typical residential gateway to and from the commercial corridor, more compatible with the adjacent residential area.
- (3) As the existing structure predates the current Zoning Code, it has a mixture of commercial uses and residential use that typified similar properties in the previous century. The owner is not proposing to remove commercial use from the premises;

rather, he intends to reduce the intensity of commercial use to make the property more compatible with the adjacent residential area.

- (4) The Belair Road Corridor plan a few years ago established that there is a need for segmenting the commercial corridor, which would justify rezoning this property. This property would become part of a more neighborhood-oriented commercial node, as distinguished from the more intensive automobile-oriented commercial areas that remain along some other parts of the corridor.

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:** The proposed action is consistent with the Comprehensive Master Plan, and would assist with accomplishing the Plan's goals and objectives.
2. **The needs of Baltimore City:** The proposed action would respond to the needs of the City for more housing opportunities and for strengthening Main Streets such as the Belair Road corridor.
3. **The needs of the particular neighborhood:** The greater Belair Road area would benefit from the additional housing resources which the proposed rezoning would enable.

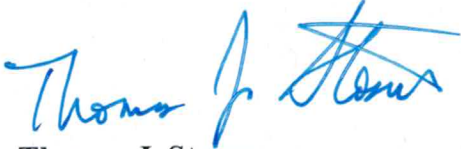
Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** The immediate area has undergone a population change as a result of natural turn-over of occupancy of the residential areas surrounding this property.
2. **The availability of public facilities;** Public facilities are and remain available to support both residential use and less automobile-oriented commercial use of this site.
3. **Present and future transportation patterns;** There are no anticipated changes to present transportation patterns along this portion of Belair Road, patterns that support continuing residential use of the site and a reduction of the intensity of commercial use.
4. **Compatibility with existing and proposed development for the area;** The rezoning would better reflect the current condition of this portion of the Belair Road corridor, while allowing a slight increase in residential use that would benefit the area.
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 approval of the rezoning request to the Planning Commission. The BMZA will comment separately on this bill.
6. **The relation of the proposed amendment to the City's plan.** The proposed rezoning of this site would further objectives of the City's Comprehensive Master Plan.

The City Council may grant the amendment to change the zoning classification 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. There has been a substantial change in the character of the neighborhood where these properties are located that would justify the proposed rezoning.

For the reasons stated above, Planning staff recommends approval of this bill.

Notification: Staff notified the Frankford Improvement Association, the Waltherson Improvement Association, and Councilman Scott of this action.



Thomas J. Stosur
Director