

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 #14-0411 / REZONING 424-426 and 428 East 25 th Street

CITY of
BALTIMORE
MEMO



TO

DATE:

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

August 8, 2014

At its regular meeting of August 7, 2014, the Planning Commission considered City Council Bill #14-0411, for the purpose of changing the zoning for the properties known as 424-426 and 428 East 25th Street, from the B-3-2 Zoning District to the OR-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval. The Commission moved and seconded a motion to not accept staff recommendation with four members in favor and four opposed. Therefore the Commission did not have a favorable vote on City Council Bill #14-0411. It should be noted that per City Charter, in order for Planning Commission to move a zoning bill favorably, there must be six votes in favor.

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. Kaliope 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
 Ms. Barbara Zektick, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Melissa Krafchik, PABC
 Ms. Natawna Austin, Council Services
 The Honorable Carl Stokes, 12th District City Councilman



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

July 10, 2014

REQUESTS: City Council Bill #14-0411/ Rezoning- 424-426 and 428 E 25th Street
For the purpose of changing the zoning for the properties known as 424-426 and 428 East 25th Street from the B-3-2 Zoning District to the O-R-2 Zoning District.

RECOMMENDATIONS: Approval

STAFF: Tamara Woods

PETITIONER: City Councilman Carl Stokes, 12th District

OWNERS: Edgar Investments Inc.

SITE/GENERAL AREA

Site Conditions: The sites of the proposed rezoning are located in the Harwood neighborhood. They are located near the intersection of 25th Street and Greenmount Avenue.

General Area: This portion of the Harwood neighborhood is located along the 25th Street corridor that spans several neighborhoods including Charles Village and Barclay. This portion of 25th Street is primarily residential with some office and limited commercial. The property is not within an Urban Renewal Plan area or Historic District.

HISTORY

- There are no prior legislative or Planning Commission actions for this site.

ANALYSIS

Both parcels are improved with non-residential structures. The current permitted use of 424-426 East 25th Street is listed as a staffing agency, which is an office use and would be permitted under the proposed zoning of OR-2. The current use of 428 East 25th Street is listed as a bar/billiard hall. This use, though allowed to remain, will become a legal non-conforming use under the proposed zoning of OR-2. The lot size of 424-426 East 25th Street is approximately 2,465 square feet. The lot size of 428 East 25th Street is approximately 13,000 square feet.

The prevalent building type of the corridor is rowhouse structures, whether occupied by residential or by office/commercial uses. There are very few non-residential structures on this section of 25th Street. The zoning for the north side of this block, on which the subject properties lie, is predominantly Office-Residence (OR-2) with the two subject properties and a corner

property at 2500 Greenmount zoned B-3-2. The south blockface has a large residential building zoned B-3-2 and the remaining properties zoned OR-3.

This proposed rezoning of these properties from B-3-2 to OR-2 is at the request of City Councilman Carl Stokes, 12th district. The proposed rezoning district is in keeping with the current zoning of adjacent parcels and many of the parcels on this section of the 25th Street corridor.

Rezoning Standards for Review

According to Maryland Land Use Article, Division I, Title 10 (Baltimore City Zoning), any proposed zoning changes must be referred to the Baltimore City Planning Commission and to the Board of Municipal and Zoning Appeals (BMZA), which must study the proposed changes in relation to:

1. *The plan* – The Baltimore City Comprehensive Master Plan is not so specific as to recommend land use and/or zoning changes for the property in question, but the prevalent zoning along 25th Street from Hargrove Alley to Brentwood is OR-2.
2. *The needs of Baltimore City*- The current uses of the properties would stay intact, and would continue to allow for occupancy for office space that would serve the neighborhood and the City at large.
3. *The needs of the particular neighborhood in the vicinity of the proposed changes*- This section of the 25th Street corridor is primarily zoned Office-Residential and is proposed to remain. There is very limited B-3 in the immediate or surrounding area. The recommended proposed OR-2 zoning district is in keeping with the surrounding parcels and neighborhood use and scale.

Once the Planning Commission and BMZA report their findings and recommendations to the Mayor and City Council, the City Council shall make the following findings of fact:

1. *Population change*- The Harwood neighborhood experienced an 11.7% population loss between the 2000 and 2010 Census.
2. *Availability of public facilities*- The property is well served by City services, with no expected impacts as a result of rezoning.
3. *Present and future transportation problems*- There are currently no transportation problems in the area. The exact future impact is not known at this time, but the proposed re-zoning is along major thoroughfares and appropriate mitigation would be handled at the time of future development.
4. *Compatibility with existing and proposed development for the area*- The recommended amended re-zoning proposal to OR-2 is consistent with the adjacent zoning.
5. *Recommendations of the Baltimore City Planning Commission and the BMZA* - For the above reasons, the Planning Department is recommending approval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. *Relationship of the proposed amendment to Baltimore City's plan*- As mentioned above, the proposed zoning changes are compatible with the existing zoning plan of the City.

The City Council may grant the request to change the zoning classification based on a finding that there was either a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the existing zoning classification. In this case, the neighborhood is undergoing substantial change in character.

According to Section 6-401(a) of the existing zoning code, the B-3 zoning category is “designed primarily to accommodate business, service, and commercial uses of a highway-oriented nature. The district provides for a wide range of necessary services and goods that do not involve local shopping and are not characteristic of business shopping areas.” These properties are located on a small mixed use corridor west of Greenmount Avenue that though in the Harwood neighborhood, are also across the street from the Barclay neighborhood and close proximity to Old Goucher.

These neighborhoods and the commercial area along Greenmount Avenue are all geared towards small offices and business that complement the residential and pedestrians. Per the purpose of the B-3 zoning district 424-426 East 25th and 428 E 25th Street are not improved with buildings nor currently accommodate uses or that are “highway oriented”. As the Harwood and Barclay neighborhood redevelop, they are becoming more pedestrian oriented with a goal of promoting small office and very limited walk to commercial along 25th Street, which is in keeping with the Office-Residential zoning category.

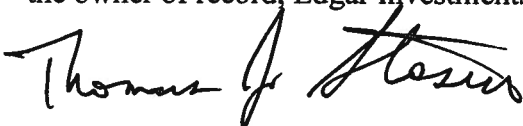
TransForm Baltimore

The TransForm zoning recommendation for these particular properties is that they be rezoned to C-1, which is a less intensive use category than the current zoning of B-3-2. TransForm Baltimore also recommends that the adjacent properties currently zoned OR-2 be rezoned to OR-1 with a Rowhouse- Mixed Use Overlay (R-MU). Though the Greenmount Avenue corridor is currently zoned B-3-2, it too is proposed to be rezoned to C-1, a more pedestrian commercial corridor with less intensive uses. These recommendations indicate a plan to create a corridor with more residential and office uses with very limited commercial uses.

As part of its review of the request, rezoning standards and TransForm Baltimore recommendations were considered.

Notifications:

In advance of a hearing on this matter, staff notified the Harwood Community Association and the owner of record, Edgar Investments Inc.



Thomas J. Stosur
Director