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|------|-----------------------|--|---|--|
| FROM | NAME & TITLE | CHRIS RYER, DIRECTOR <i>Chris Ryer</i> | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET | | |
| | SUBJECT | CITY COUNCIL BILL #24-0542 / REZONING – 3701-3733 TOWANDA AVENUE | | |

TO

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

DATE: June 21, 2024

At its regular meeting of June 20, 2024, the Planning Commission considered City Council Bill #24-0542, for the purpose of changing the zoning for the properties known as 3701-3733 Towanda Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #24-0542 and adopted the following resolution, with eight members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis provided by the applicant, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #24-0542 be **approved** by the City Council.

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

CR/ewt

attachment

cc: Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Al Barry



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

June 20, 2024

REQUEST: City Council Bill #24-0542/ Rezoning – 3701-3733 Towanda Avenue:
For the purpose of changing the zoning for the properties known as 3701-3733 Towanda Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

RECOMMENDATION: Adopt findings and Approve

STAFF: Eric Tiso

PETITIONER: AB Associates c/o Chase Hoffberger

OWNER: Mayor and City of Baltimore (DHCD)

SITE/GENERAL AREA

Site Conditions: These properties are located on the southeastern corner of the intersection with Springhill Avenue, and collectively include 1.066± acres of unimproved land that is currently zoned R-6.

General Area: These properties are located in the western portion of the Park Circle neighborhood, which is predominantly residential in character in the center of the neighborhood, comprised of a mix of rowhomes and semi-detached homes. The eastern periphery of the neighborhood has several high-density apartment buildings, while the southern periphery is industrial in nature.

HISTORY

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

ZONING CODE REQUIREMENTS

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.

ANALYSIS

Background: The applicants are interested in consolidating the properties and redeveloping the land for use as a multifamily building as a “grandfamily” building (i.e. multi-generational living), with some accessory offices and/or medical offices.

Required Findings:

Per §5-508(b)(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.

The applicants have submitted a detailed memorandum outlining how they address these required findings.

Maryland Land Use Code – Requirements for Rezoning:

The Land Use Article of the Maryland Code requires the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA) 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 Code, Land Use § 10-305 (2023)). The applicant's memo proposes that there has been a significant change in the neighborhood.

Similarly, the Land Use article, also adopted by Article 32 – *Zoning* §5-508(b)(2), requires the City Council to make findings of fact (MD Code, Land Use § 10-304 (2023)). The findings of fact include:

1. Population changes;
2. The availability of public facilities;
3. Present and future transportation patterns;
4. Compatibility with existing and proposed development for the area;

5. The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);
6. The relation of the proposed amendment to the City's plan.

There are additional standards under Article 32 – *Zoning* §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;
- (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.

For the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, staff finds that this proposed rezoning is in the public’s interest, in that it will provide a new and necessary form of housing needed in this specific neighborhood. We would also add the following:

Urban Renewal Plan: This property is located in the Park Heights Urban Renewal Area, where the Urban Renewal Plan contemplates this area to R5. The Urban Renewal Plan does not prohibit or further restrict the proposed use in the district proposed by the applicant.

Community Planning and Revitalization: This project is located in the Park Heights Master Plan Area, where the Master Plan identifies a health care provider shortage and the need for new housing to address vacancy and blight. The Master Plan recommends increased health services and redevelopment in areas with high rates of vacancy. The applicant is encouraged to continue to maintain contact with the community to ensure that this work makes a positive contribution to the Park Circle neighborhood.

Equity:

Staff believes that there has been substantial outreach to the surrounding communities, in concert with the Department of Housing and Community Development (DHCD). It is unclear how or if the proposed project might impact any existing patterns of inequity that persist in Baltimore. In the whole, we suspect that the proposal should compliment the surrounding community. Staff doesn’t expect this project to provide any more impact on staff time or resources than typically expected for routine development projects.

Notification: The Towanda Grantley Association, Park Circle Association, and Park Heights Renaissance have been notified of this action.



Chris Ryer
Director