

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

September 18, 2017

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

Re: City Council Bill No. 17-0109: Rezoning – A portion of the property known as 1700 South Road from R-1D to OR-1 Zoning District

Ladies and Gentlemen:

City Council Bill No. 17-00109 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. 17-00109 is to change the zoning district for a portion of the real property address known as 1700 South Road (Block: 4700A, Lot: 001), as outlined in red on the accompanying plat.

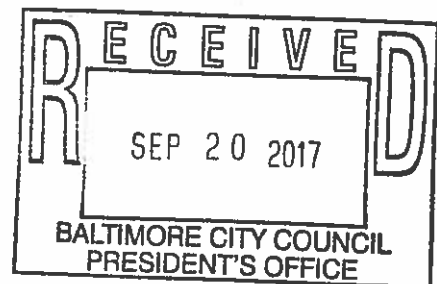
The BMZA has reviewed the legislation and has no objection to the passage of Bill Number 17-0109.

Sincerely,

David C. Tanner
Executive Director

DCT/rdh

CC: Mayors Office of Council Relations
Legislative Reference



No obj



The 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: September 18, 2017

Re: City Council Bill 17-0109 - Rezoning – A Portion of 1700 South Road

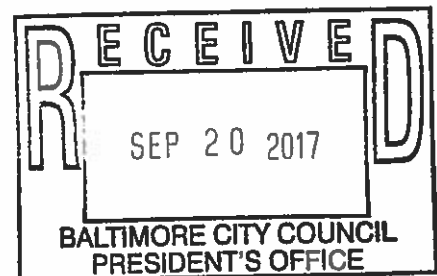
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0109, for the purpose of changing the zoning for a portion of the property known as 1700 South Road from the R-1D Zoning District to the OR-1 Zoning District.

If enacted, this bill, a companion bill to City Council Bill 17-0108 (Amend Mt. Washington Village Urban Renewal Plan) would support the rezoning of property located in the Mount Washington Neighborhood from low density residential to commercial. The existing property is a church and parsonage house that are unoccupied. The last congregation was unable to maintain the buildings and put them up for sale. The purchaser of the property would like to convert the church to an office building and keep the parsonage house residentially zoned. The church is not suitable for reuse as residential and is located close to the commercial area so without the ability to rezone the property it would probably remain unoccupied and become a blight on the community.

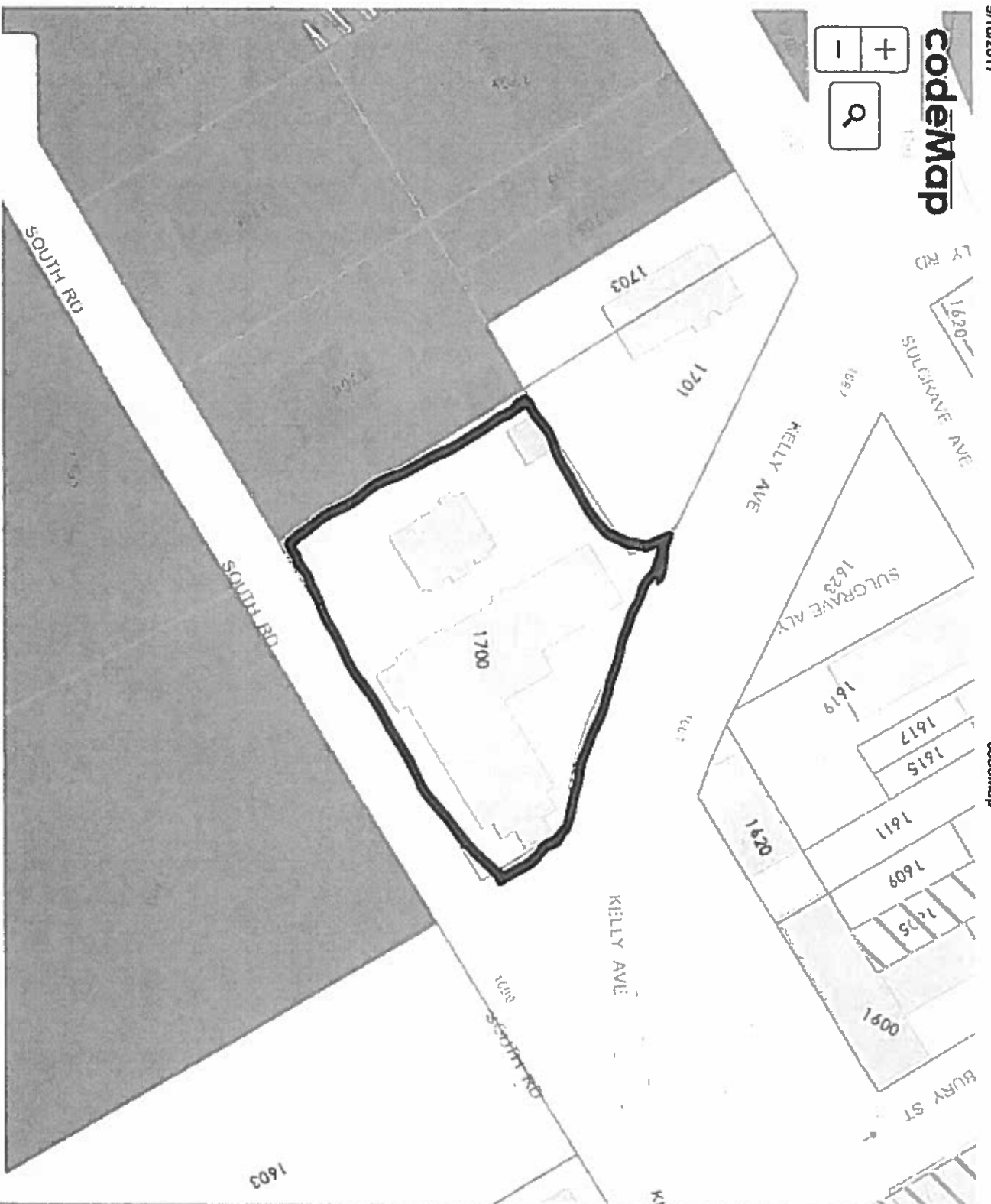
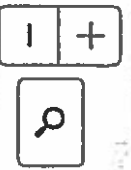
The Department of Housing and Community Development supports the passage of City Council Bill 17-0109.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*



Fav w/ comments



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- Non-
- Non-
- Potentia
- Green Nehv
- EOG Result
- Demo Work
- BRNI, Cl, Ci
- Demolition
- Likely Unoc
- BPD

CERTIFICATE OF POSTING

RE: Case No. CCB 17-0109

Date of Hearing 9/20/17

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

This letter is to certify that the necessary sign was posted conspicuously, on the property located at _____

1700 South Road

_____ on 9/5/17

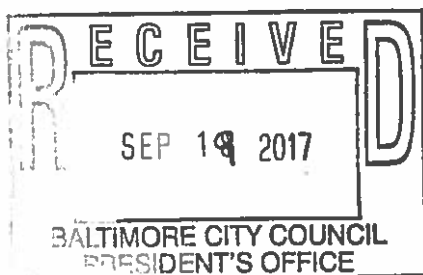
Sincerely,

Richard E. Hoffman

904 Dellwood Drive

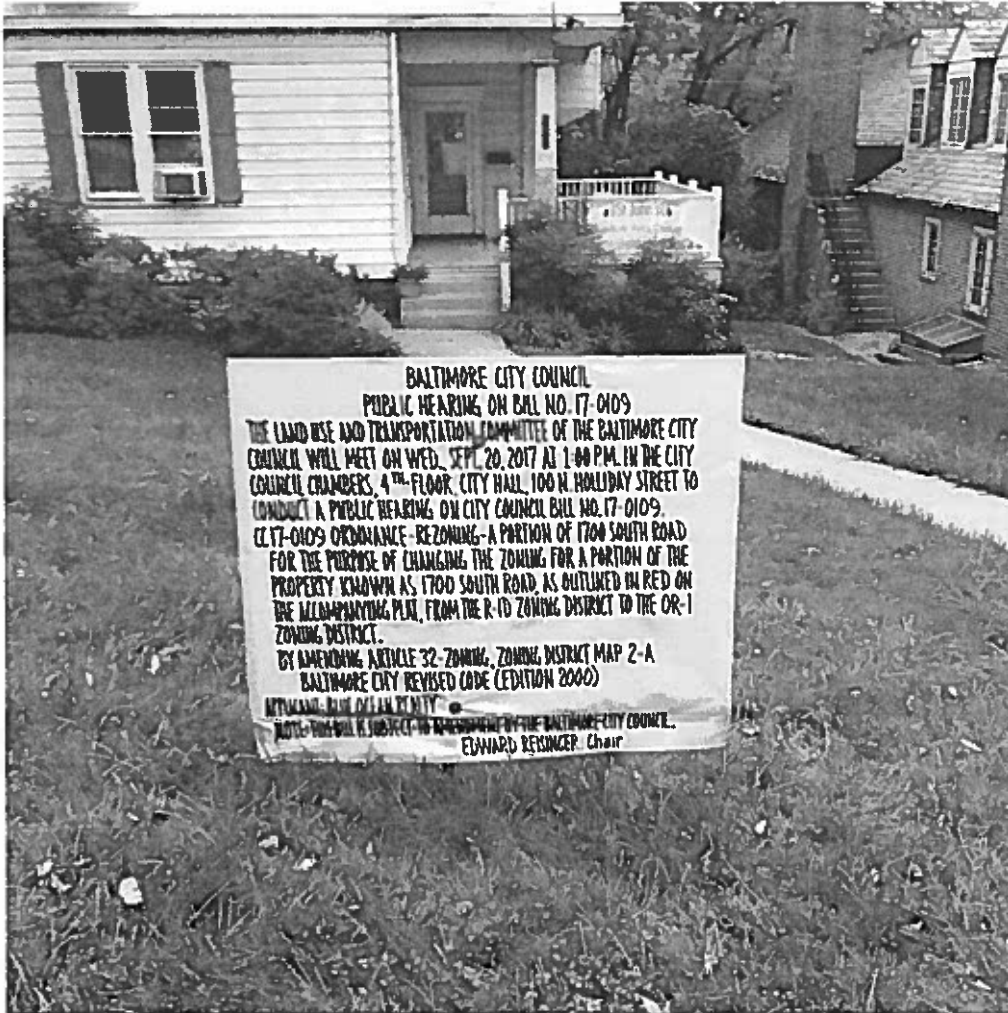
Fallston, Md. 21047

(443) 243-7360



1. $\frac{1}{x^2} = x^{-2}$
2. $\frac{d}{dx} x^{-2} = -2x^{-3}$
3. $= -\frac{2}{x^3}$

Austin, Natawna B.



BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 17-0109
THE LAND USE AND TRANSPORTATION COMMITTEE OF THE BALTIMORE CITY
COUNCIL WILL MEET ON WED. SEPT. 20, 2017 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. 17-0109.
CE 17-0109 ORDINANCE - REZONING - A PORTION OF 1700 SOUTH ROAD
FOR THE PURPOSE OF CHANGING THE ZONING FOR A PORTION OF THE
PROPERTY KNOWN AS 1700 SOUTH ROAD, AS OUTLINED IN RED ON
THE ACCOMPANYING PLAN, FROM THE R-10 ZONING DISTRICT TO THE OR-1
ZONING DISTRICT.
BY AMENDING ARTICLE 32 - ZONING, ZONING DISTRICT MAP 2 - A
BALTIMORE CITY REVISED CODE (EDITION 2000)
BY AMENDING ARTICLE 32 - ZONING, ZONING DISTRICT MAP 2 - A
BALTIMORE CITY REVISED CODE (EDITION 2000)
NOTE - THIS BILL IS SUBJECT TO APPROVAL BY THE BALTIMORE CITY COUNCIL.
EDWARD REISNER, Chair



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

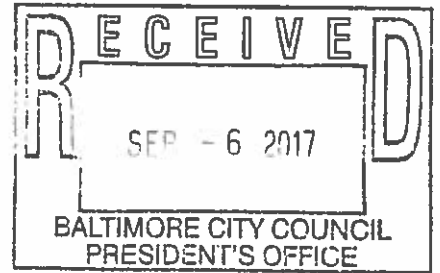
WE HEREBY CERTIFY, that the annexed advertisement of Order No 5171172

Sold To:

Alfred W Barry III - CU00617534
201 E Baltimore St
Ste 1150
Baltimore,MD 21202-1530

Bill To:

Alfred W Barry III - CU00617534
201 E Baltimore St
Ste 1150
Baltimore,MD 21202-1530



Was published in "The Baltimore Sun". "Daily", a newspaper printed and published in Baltimore City on the following dates:

Sep 05, 2017

The Baltimore Sun Media Group

By S. Wilkerson

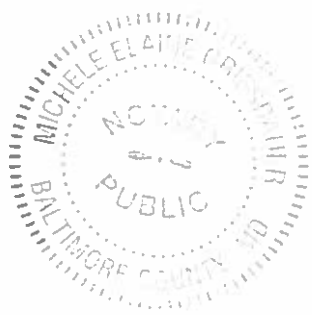
Subscribed and sworn to before me this 5 day of Sept 2017

By _____

Michele Elaine

Notary Public

My commission expires 10/5/18

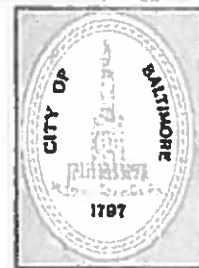


BALTIMORE CITY COUNCIL
PUBLIC HEARING ON
BILL NO. 17-0109
The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, September 20, 2017 at 1:00 PM in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0109
CC 17-0109 ORDINANCE - Rezoning - A Portion of 1700 South Road FOR the purpose of changing the zoning for a portion of the property known as 1700 South Road, as outlined in red on the accompanying plat, from the R-1D Zoning District to the OR-1 Zoning District.
By amending
Article 32 - Zoning
Zoning District Map
Sheet 2-A
Baltimore City Revised Code
(Edition 2000)
Applicant: Blue Ocean Realty
NOTE: This bill is subject to amendment by the Baltimore City Council.
EDWARD REISINGER
Chairman

FROM	NAME & TITLE	David Framm, Real Estate Agent Supervisor
	AGENCY NAME & ADDRESS	Right of Way Services Division, Department of Transportation 204 Abel Wolman Municipal Building
	SUBJECT	Report on City Council Bill 17-0109

CITY of
BALTIMORE

MEMO



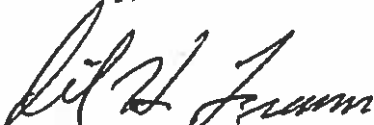
TO Mr. Kyron Banks
Office of the Mayor
2nd floor, City Hall

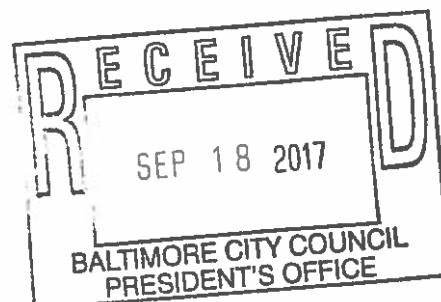
DATE: September 15, 2017

RE: Comments on City Council Bill 17-0109/Rezoning of 1700 South Road

This office has reviewed the plat and all accompanying documents of the above mentioned bill, and upon review have determined that the rezoning of 1700 South Road does not affect the interest of this office and therefore we are in support of City Council Bill 17-0109.

Sincerely,


David Framm



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

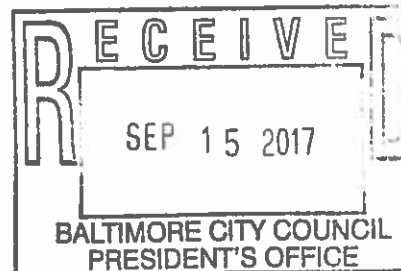


DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

September 14, 2017

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



Attn: Natawna B. Austin
Executive Secretary

Re: City Council Bill 17-0109 – Rezoning – A Portion of 1700 South Road

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0109 for form and legal sufficiency. The bill would change the zoning for a portion of 1700 South Road from the R-1D Zoning District Zoning District to the OR-1 Zoning District.

The City Council may approve a proposed map amendment based on a finding that there was a “mistake in the existing zoning classification.” Md. Land Use Code Ann., §10-304(b)(2); Baltimore City Code, (BCC) Art. 32, § 5-508(b)(1)(ii). In determining whether to rezone on the basis of mistake, the City Council is required to make findings of fact 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*, BCC, Art. 32, § 5-508(b)(2) (citing same factors with (v) being “the recommendations of the City agencies and 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.” § 5-508(b)(3).

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)

FAV w/ COMMENTS

("the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable"); *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 v. Spring*, 109 Md. App. at 698, quoting, *People's Counsel*, 107 Md. App. at 645. 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." 109 Md. App. at 698. "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. The Law Department notes that the Department of Planning has issued a Staff Report concerning this bill ("Report") which applies the relevant provisions of the Land Use Article and Article 32 to the property. See Report at 3-5.¹ If, after its investigation of the facts, the Committee agrees

¹ Planning has set forth the 5-508(b)(3) factors on page 3 of the Report, but its application of those factors appears to be in the "Mistake" section on page 5.

with the findings in the Report or finds similar and/or additional facts to 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. The Law Department also notes that this property is proposed to be included in the Mount Washington Urban Renewal Plan per amendments to the plan outlined in Council Bill 17-0108.

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." BCC 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. 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. 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. Art. 32, §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. Art. 32, §5-601(e) and (f).

This 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. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department approves the bill for form and legal sufficiency.

Sincerely,



Jennifer Landis
Assistant Solicitor


cc: Andre M. Davis, City Solicitor
David E. Ralph, Deputy City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor K. Tervalá, Chief Solicitor



Baltimore
Development Corporation

MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO 

DATE: August 31, 2017

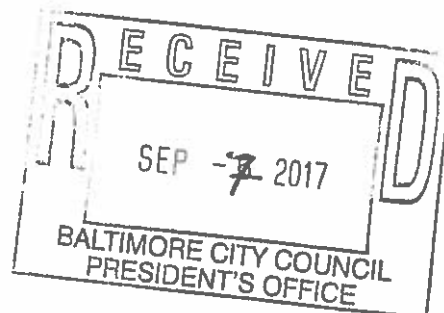
SUBJECT: City Council Bill 17-0109
Rezoning – A Portion of 1700 South Road

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill 17-0109, for the purpose of changing the zoning for a portion of property known as 1700 South Road, in the Mt. Washington neighborhood, from R-1D Zoning District to OR-1 Zoning District.


The BDC supports this Bill. The rezoning will allow for the property to be rehabilitated in a manner that will add to the vitality of the business area and activate an otherwise vacant property.

The BDC respectfully requests that favorable consideration be given to City Council Bill No. 17-0109.

cc: Kyron Banks



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 #17-0109 / REZONING 1700 SOUTH ROAD		

DATE:

TO

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

August 18, 2017

At its regular meeting of August 17, 2017, the Planning Commission considered City Council Bill #17-0109, for the purpose of changing the zoning for the property known as 1700 South Road, from the R-1D Zoning District to the OR-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #17-0109 and adopted the following resolution seven members being present (seven in favor):

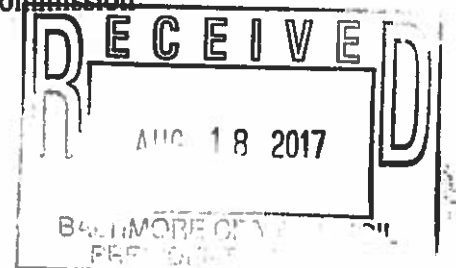
RESOLVED, That the Planning Commission evaluated the Approval Standards in 5-508 of the Zoning Code of Baltimore City and concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0109 be passed by the City Council.

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: 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. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Patrick Fleming, DOT
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Natawna Austin, Council Services
Mr. Alfred Barry, Development Consultant



Fav



*Catherine E. Pugh
Mayor*

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



*Thomas J. Stosur
Director*

August 17, 2017

REQUEST: City Council Bill #17-0108/ Urban Renewal- Mt. Washington Village Business Area – Amendment #1 :

For the purpose of amending the Urban Renewal Plan for Mt. Washington Village Business Area to modify the boundaries of the Renewal Plan, to delete certain provisions of the Plan pertaining to powers of acquisition and condemnation made obsolete by § 12-105.1 of the Real Property Article of the Annotated Code of Maryland, to revise certain Exhibits to reflect the boundary modifications of the Plan and to reflect a change in zoning, upon approval by separate Ordinance, for a portion of the property known as 1700 South Road, and to delete a certain Exhibit made obsolete by § 12-105.1 of the Real Property Article of the Annotated Code of Maryland; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

City Council Bill #17-0109/ Rezoning – 1700 South Road:

For the purpose of changing the zoning for a portion of the property known as 1700 South Road, as outlined in red on the accompanying plat, from the R-1D Zoning District to the OR-1 Zoning District.

RECOMMENDATION: City Council Bill #17-0108 - Amend and Approve
City Council Bill #17-0109 - Approve

STAFF: Laurie Feinberg

PETITIONER: Blue Ocean Realty

SITE/GENERAL AREA

Site Conditions: The subject site is within the Mount Washington Village neighborhood. It is bounded by South Road and Kelly Avenue. The residential community borders the property on the west.

General Area: The church property lies within the greater Mount Washington community. The village is mostly 2-3 story commercial buildings dating to the mid-1800's. It was one of the earliest Baltimore suburbs. To the south and west of the village are primarily single family detached houses on large lots and to the north is a large satellite campus/ conference center of Johns Hopkins University, formerly USF&G. The eastern boundary is interstate 83 and the light rail tracks. The village is also served by a light rail stop with commuter parking.

HISTORY

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

CONFORMITY TO PLANS

The proposed action would be consistent with provisions of the Baltimore City Master Plan LIVE Goal 1 Objective 2: Strategically Redevelop Vacant Properties Throughout the City.

ANALYSIS

Currently the church and parsonage house at 1700 South Road in Mount Washington are vacant and for sale. The most recent congregation was unable to maintain the buildings and put them for sale. They are considered contributing structures to the Mount Washington Historic District and currently zoned for R-1-D, low density residential use. The contract purchaser would like to use the church for an office building.

The purchaser has worked with the Mount Washington Improvement Association and Mount Washington Merchants to develop a reuse plan for this vacant site. The plans include incorporating the church building as part of the Village and allowing for office use, while the parsonage portion of the site, will remain residentially zoned.

The renovation of the vacant church building was reviewed and approved by the Commission for Architectural and Historical Preservation after two public hearings. The church will be totally renovated with an outdoor terrace space on the village side.

City Council Bill #17-0108 – URP Amendment:

This Council Bill is to amend the Mount Washington Village Urban Renewal Plan to include a portion of 1700 South Road, recommend OR-1 zoning for that portion and delete the acquisition and disposition maps and language as it is no longer needed.

This Urban Renewal plan was written in 1976 and has not been amended since that time. This proposal permitted staff to take a look at the plan and make some updates and corrections. We had initially proposed a more comprehensive update to be consistent with TransForm, but the community preferred to take more time to review those additional changes. The amendments listed below reflect the needed updates with community input. (Attached is a redline version of the plan with these amendments)

1. Remove the boundary description and replace with a map. We discovered a significant error in the description from 1976 and recommend using an easy to read map instead.
2. Reference that land uses are based on zoning code.
3. Refer to Bulk and Yard regulations by their proper title.
4. Remove reference to B-2-2 and replace with C-1, the current zoning.
5. Remove reference to M-1 use requirements as there is no longer M zoning.
6. Make clear that if there is a conflict between this plan and zoning the stricter governs
7. Prohibit radio and television antennas.
8. Delete Public Land use section as there is no longer an application for that.

9. Delete regulations related to acquisition and relocation as that is no longer planned.
10. Add a section on community review that gives the Improvement association and merchant association up to 30 days to comment on new development or significant rehabilitation.
11. Add a twenty year expiration date for the Urban Renewal Plan.
12. Change review period for amendments to the plan to minimum of 60 days.
13. Update Table of Contents and relevant cross references

City Council Bill #17-0109 – Rezoning:

This Council Bill is to rezone a portion of 1700 South Road from R-1D to OR-1. The proposed project is to reuse an existing building for an office use. 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 in the public's interest, in that it is compatible with the surrounding area and uses in this section of the Mt. Washington neighborhood.

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.

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 would be consistent with provisions of the Baltimore City Master Plan LIVE Goal 1 Objective 2: Strategically Redevelop Vacant Properties Throughout the City. In addition, it is keeping with the small scale nature of office and commercial of the existing Mt. Washington Business Area as shown in the Urban Renewal Plan
- 2. The needs of Baltimore City:** Rezoning this site would make the vacant building available for re-use as a professional office, benefitting the immediate area and the City of Baltimore at large. The proposed rezoning to O-R-1 is the minimum needed to accomplish this purpose.
- 3. The needs of the particular neighborhood:** Enabling constructive re-use of this site by enacting the proposed rezoning would allow the applicant to reuse the building for active use, thus preventing this historic property from falling into disrepair.

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 Mt. Washington neighborhood experienced a relatively small increase (less than 50 persons) from the 2000 Census to the 2010 Census, from a population of 3,853 to 3,878.
- 2. The availability of public facilities;** This site is well-served by public facilities and City services, and no changes are expected in connection with the proposed rezoning.
- 3. Present and future transportation patterns;** There are no changes expected to transportation patterns in the area.
- 4. Compatibility with existing and proposed development for the area;** The proposed rezoning of this site is adjacent to an existing OR-1 Zoning district to the east. The site and the existing OR-1 zoning district are south of Kelly Avenue. This proposed rezoning is a continuation of the existing Mt. Washington Business Area that exists, and it becomes a natural extension, that is both sides of Kelly Avenue, being part of the village.
- 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.
- 6. The relation of the proposed amendment to the City's plan.** As described above, the proposed zoning change is compatible with the City's Master Plan and the existing Mt. Washington Urban Renewal Plan.

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.

Mistake:

The property at 1700 South Road is vacant and has been unable to be reused as a church or other R-1-D reuse. While the new zoning code was rewritten to include more mixed use zoning categories and the ability to reuse non-residential structures in high-density residential zones for limited commercial uses, this provision does not extend to lower-density residential zoning categories. The existing religious institution structure is not suitable for reuse as residential and has close proximity to the commercial area. Without the provision to reuse for commercial, the site likely would continue to remain vacant.

The property consists of two buildings, a significant church facing directly toward the village and a parsonage house adjacent to the single family homes along South road. The Village itself consists of C-1 zoned properties at its heart with OR-1 zoned properties on the periphery. There are limitations on the church to be reused for residential because of the site conditions such as topography and limited room for building expansion. In addition, the restriction on the building as part of a local historic district, make the R-1-D zoning a mistake. In most cases residential conversions of churches have been for multi-family conversions, and would be most suited for this structure, which are not allowed in the R-1D zoning district, thus, making OR-1 a more appropriate category.

In addition, generally speaking the property is currently vacant, but the proposal to use the existing church building at 1700 South Road for office use is compatible to the general area of the property and for the reuse of the building itself. The remainder of the parcel will remain residentially zoned and serve as a transition to the residential area.

Notification: Mount Washington Improvement Association and Mount Washington Merchants have been notified of this action.



**Thomas J. Stosur
Director**

**CITY OF BALTIMORE
COUNCIL BILL 17-0109
(First Reader)**

Introduced by: Councilmember Schleifer

At the request of: Blue Ocean Realty

Address: c/o Alfred W. Barry, III, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland
21202

Telephone: 410-547-6900

Introduced and read first time: July 17, 2017

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – A Portion of 1700 South Road**

3 FOR the purpose of changing the zoning for a portion of the property known as 1700 South Road,
4 as outlined in red on the accompanying plat, from the R-1D Zoning District to the OR-1
5 Zoning District.

6 BY amending

7 Article 32 - Zoning
8 Zoning District Map
9 Sheet 2-A
10 Baltimore City Revised Code
11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 2-A of the Zoning District Map is amended by changing from the R-1D Zoning District to
14 the OR-1 Zoning District a portion of the property known as 1700 South Road, as outlined in red
15 on the plat accompanying this Ordinance.

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

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

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

STATEMENT OF INTENT

FOR
APARTION of
1700 SOUTH ROAD
{Address}

1. Applicant's Contact Information:

Name: 1700 SOUTH, LLC
Mailing Address: 96 AB ASSOCIATES, 201 E. BALTIMORE ST #1150
BALTIMORE, MD 21202
Telephone Number: 410-547-6900
Email Address: AB@ABCTEY0400.COM

2. All Proposed Zoning Changes for the Property: REZONING FROM R-1 TO O-R-1 THE
CHURCH PORTION OF 1700 SOUTH ROAD

3. All Intended Uses of the Property: THE FORMER CHURCH WILL BE RENOVATED
FOR THE OFFICES OF BLVD. DESIGN PARTNERS
THE ADJACENT PARISH HOUSE WILL REMAIN AND NOT
BE RENOVATED

4. Current Owner's Contact Information:

Name: ST. JOHN, EPISCOPAL CHURCH
Mailing Address: 1700 SOUTH ROAD
Telephone Number:
Email Address:

5. Property Acquisition:

The property was acquired by the current owner on Early 1960's by deed recorded in the
Land Records of Baltimore City in Liber 00208 Folio 00511.

6. Contract Contingency:

(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 to the contract are as follows {use additional sheet if
necessary}:

1700 SOUTH, LLC (BUYER)
6615 REISTERSTOWN ROAD, SUITE 300
BALTIMORE, MD 21215
ST. JOHN, EPISCOPAL CHURCH (SELLER)
9 HERBERT BURGWERF
901 DALANY VILLAGE ROAD #500
TOWSON, MD 21284

17-0109

(ii) The purpose, nature, and effect of the contract are: To purchase and
REINSTATE THE EXISTING Church for Ch. Office
HEADQUARTERS of RLW Ozone Realty and LEASE
back the parish house to the church

7. Agency:

- (a) The applicant is _____ is not 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 as follows {use additional sheet if necessary}: _____

AFFIDAVIT

I, ALFRED W. BARRY III, 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.

Alfred W. Barry III
Applicant's signature

7/12/17
Date

STATEMENT OF INTENT

FOR
APPROVAL OF
1700 SOUTH ROAD
(Address)

1. Applicant's Contact Information:

Name: 1700 SOUTH, LLC
Mailing Address: 9. AB ASSOCIATES, 201 E. BALTIMORE ST #1150
BALTIMORE, MD 21202
Telephone Number: 410-547-6900
Email Address: ABABACT@YAHOO.COM

2. All Proposed Zoning Changes for the Property: REZONING FROM R-1 TO O-R-1 THE
CHURCH PORTION OF 1700 SOUTH ROAD

3. All Intended Uses of the Property: THE FORMER CHURCH WILL BE RENOVATED
FOR THE OFFICES OF BLUE DEER PARTY
THE ADJACENT PARISH HOUSE WILL REMAIN AND NOT
BE RENOVATED

4. Current Owner's Contact Information:

Name: ST. JOHN, EPISCOPAL CHURCH
Mailing Address: 1700 SOUTH ROAD
Telephone Number: _____
Email Address: _____

5. Property Acquisition:

The property was acquired by the current owner on EARLY 1900'S by deed recorded in the
Land Records of Baltimore City in Liber 00208 Folio 00511.

6. Contract Contingency:

(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 to the contract are as follows {use additional sheet if
necessary}:

1700 SOUTH, LLC (BUYER)
6615 REISTERSTOWN ROAD, SUITE 300
BALTIMORE, MD 21215
ST. JOHN, EPISCOPAL CHURCH (SELLER)
9 HERBERT BURGWERF
901 DALANY VILLAGE ROAD #500
TOWSON, MD 21284

(ii) The purpose, nature, and effect of the contract are: To purchase and
renovate the existing church for Ch. Office
headquarters of Blue Ocean Realty and Levee
and the parish house to the church

7. Agency:

(a) The applicant is _____ is not 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 as follows {use additional sheet if necessary}: _____

AFFIDAVIT

I, ALFRED W. JARLEY III, 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.

Alfred W. Jarley III
Applicant's signature

7/12/17
Date

STATEMENT OF INTENT

FOR
APPROXIMATION of
1700 South Road
{Address}

1. Applicant's Contact Information:

Name: 1700 SOUTH, LLC
Mailing Address: 4/6 AB ASSOCIATES, 201 E. BALTIMORE ST #1150
BALTIMORE, MD 21202
Telephone Number: 410-597-6900
Email Address: AB@ABALTC@yahoo.com

2. All Proposed Zoning Changes for the Property: REZONING FROM R-1 TO O-R-1 The
church portion of 1700 South Road

3. All Intended Uses of the Property: The former church will be RENOVATED
for the offices of Blue Cross of MD
The adjacent parish house will remain intact
be rezoned

4. Current Owner's Contact Information:

Name: ST. JOHN, EPISCOPAL Church
Mailing Address: 1700 SOUTH ROAD
Telephone Number: _____
Email Address: _____

5. Property Acquisition:

The property was acquired by the current owner on Early 1900's by deed recorded in the
Land Records of Baltimore City in Liber 00208 Folio 00511.

6. Contract Contingency:

- (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 to the contract are as follows {use additional sheet if necessary}:
 - 1700 SOUTH, LLC (Buyer)
 - 6615 REISTERTOWN ROAD, SUITE 300
 - BALTIMORE, MD 21215
 - ST. JOHN, EPISCOPAL Church (SELLER)
 - 4/6 HERBERT BURGESS
 - 901 DOLANVILLE ROAD #500
 - TOWSON, MD 21284

17-0109

(ii) The purpose, nature, and effect of the contract are: To purchase and
renovate the existing church for the office
headquarters of Blue Ocean Realty and lease
back the parish house to the church

7. Agency:

(a) The applicant is _____ is not 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 as follows (use additional sheet if necessary): _____

AFFIDAVIT

I, ALFRED W. BARRY III, 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.

Alfred W. Barry III
Applicant's signature

7/12/17
Date

STATEMENT OF INTENT

FOR
A portion of
1700 South Road
(Address)

1. Applicant's Contact Information:

Name: 1700 SOUTH, LLC
Mailing Address: 96 AB ASSOCIATES, 201 E BOUTWICK ST #1150
BALTIMORE, MD 21202
Telephone Number: 410-547-6900
Email Address: AB@ALTA-YORK.COM

2. All Proposed Zoning Changes for the Property: REZONING FROM R-1 TO O-R-1 The
Church portion of 1700 South Road

3. All Intended Uses of the Property: The former church will be renovated
for the offices of BLVDCA-ROCKY
The adjacent parish house will remain and will
be rezoned

4. Current Owner's Contact Information:

Name: ST. JOHN, EPISCOPAL Church
Mailing Address: 1700 SOUTH ROAD
Telephone Number: _____
Email Address: _____

5. Property Acquisition:

The property was acquired by the current owner on Early 1900s by deed recorded in the
Land Records of Baltimore City in Liber 00208 Folio 00511.

6. Contract Contingency:

(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 to the contract are as follows (use additional sheet if
necessary):

1700 SOUTH, LLC (BUYER)
6615 REISTERTOWN ROAD, SUITE 300
BALTIMORE, MD 21215
ST. JOHN, EPISCOPAL Church (SELLER)
9 HERBERT BURGESS
901 DALANY HILL ROAD #500
TOWSON, MD 21284

(ii) The purpose, nature, and effect of the contract are: To purchase and
REINSTATE THE EXISTING church for Ch. Office
HEADQUARTERS of BLUE OAK Bldg and LEASE
back the parish house to the church

7. Agency:

- (a) The applicant is _____ is not 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 as follows {use additional sheet if necessary}: _____

AFFIDAVIT

I, ALFRED W. BARRY III, 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.

Alfred W. Barry III
Applicant's signature

7/12/17
Date

STATEMENT OF INTENT

FOR
APPROVAL OF
1700 South Road
{Address}

1. Applicant's Contact Information:

Name: 1700 SOUTH, LLC
Mailing Address: 4 AB ASSOCIATES, 201 E. BALTIMORE ST #1150
BALTIMORE, MD 21202
Telephone Number: 410-547-6900
Email Address: AB@ALTCYONHOO.COM

2. All Proposed Zoning Changes for the Property: REZONING FROM R-1 TO O-R-1 The
church portion of 1700 South Road

3. All Intended Uses of the Property: The former church will be RENOVATED
for the offices of BLUE OCEAN REALTY
The adjacent ranch house will remain and not
be rezoned

4. Current Owner's Contact Information:

Name: ST. JOHN, EPISCOPAL Church
Mailing Address: 1700 SOUTH ROAD
Telephone Number: _____
Email Address: _____

5. Property Acquisition:

The property was acquired by the current owner on Early 1900's by deed recorded in the
Land Records of Baltimore City in Liber 00208 Folio 00511.

6. Contract Contingency:

- (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 to the contract are as follows {use additional sheet if necessary}:
 - 1700 SOUTH, LLC (BUYER)
 - 6615 REISTERTOWN ROAD, SUITE 300
 - BALTIMORE, MD 21215
 - ST. JOHN, EPISCOPAL Church (SELLER)
 - 4 HERBERT BURGUMER
 - 901 DALANY HOLLOW ROAD #500
 - TOWSON, MD 21204

17-0109

STATEMENT OF INTENT

FOR
Acquisition of
1700 South Road
{Address}

1. Applicant's Contact Information:

Name: 1700 SOUTH, LLC
Mailing Address: Y&AB ASSOCIATES, 201 E. BALTIMORE ST #1150
BAIT, MD 21202
Telephone Number: 410-547-6900
Email Address: AB@ABALTYANDCO.COM

2. All Proposed Zoning Changes for the Property: REZONING FROM R-1 TO O-R-1 The
church portion of 1700 South Road

3. All Intended Uses of the Property: The former church will be RENOVATED
for the offices of BLUE DEER RESTAURANT
THE ADJACENT PARISH HOUSE WILL REMAIN AND NOT
BE RENOVATED

4. Current Owner's Contact Information:

Name: ST. JOHN, EPISCOPAL CHURCH
Mailing Address: 1700 SOUTH ROAD
Telephone Number: _____
Email Address: _____

5. Property Acquisition:

The property was acquired by the current owner on Early 1900's by deed recorded in the
Land Records of Baltimore City in Liber 00208 Folio 00511.

6. Contract Contingency:

(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 to the contract are as follows (use additional sheet if
necessary):

1700 SOUTH, LLC (BUYER)
6615 WESTERN AVE, SUITE 300
BAIT, MD 21215
ST. JOHN, EPISCOPAL CHURCH (SELLER)
% HERBERT BURMAN
901 DALANY VILLAGE ROAD #500
TOWSON, MD 21284

(ii) The purpose, nature, and effect of the contract are: To purchase and
RENOVATE THE EXISTING Church for Ch. Office
headquarters of Blue Ocean Realty and Lease
back the parish house to the church

7. Agency:

- (a) The applicant is _____ is not 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 as follows {use additional sheet if necessary}: _____

AFFIDAVIT

I, ALEED W. BARRY III, 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.

Aleed W. Barry III
Applicant's signature

7/12/17
Date

STATEMENT OF INTENT

FOR
A portion of
1700 South Road
{Address}

1. Applicant's Contact Information:

Name: 1700 SOUTH, LLC
Mailing Address: 4 AB ASSOCIATES, 201 E BALTIMORE ST #1150
BALTI, MD 21202
Telephone Number: 410-547-6900
Email Address: ABACT@ynhoo.com

2. All Proposed Zoning Changes for the Property: REZONING FROM R-1 TO O-R-1 The
church portion of 1700 South Road

3. All Intended Uses of the Property: The former church will be renovated
for the offices of Blv. Dea. Posity
The adjacent parish house will remain but not
be rezoned

4. Current Owner's Contact Information:

Name: ST. JOHN, EPISCOPAL CHURCH
Mailing Address: 1700 SOUTH ROAD
Telephone Number: _____
Email Address: _____

5. Property Acquisition:

The property was acquired by the current owner on Early 1900s by deed recorded in the
Land Records of Baltimore City in Liber 00208 Folio 00511.

6. Contract Contingency:

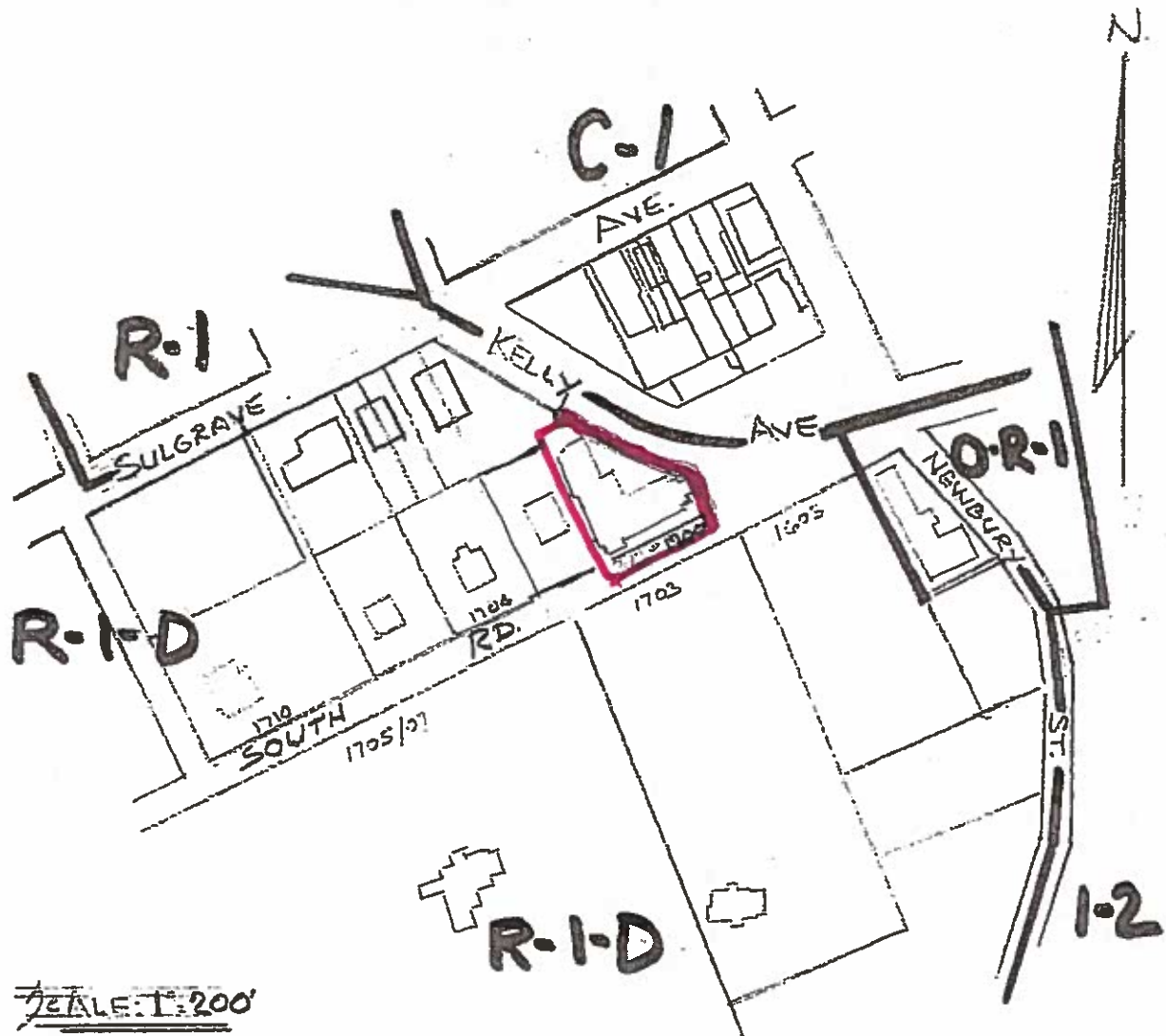
(a) There is X is not _____ a contract contingent on the requested legislative authorization.

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

(i) The names and addresses of all parties to the contract are as follows {use additional sheet if
necessary}: 1700 SOUTH, LLC (BUYER)
6615 REISTERTOWN ROAD, SUITE 300
BALTI, MD 21215
ST. JOHN, EPISCOPAL CHURCH (SELLER)
4 HERBERT BURGWERF
901 DALANY VALLEY ROAD #500
TOWSON, MD 21284

17-0109

SHEET NO. 2A OF THE ZONING DISTRICT MAPS OF ARTICLE 30 OF THE BALTIMORE CITY CODE, 1966 EDITION, AS AMENDED BY ORDINANCE NOS. 16-5B1 AND 17-015 AS APPROVED



SCALE: 1" = 200'

AREA OUTLINED IN RED TO BE CHANGED
FROM: THE R-1-D ZONING DISTRICT
TO: THE O-R-1 ZONING DISTRICT

FOR: 1700 SOUTH, LLC

% AB ASSOCIATES
201 E. BALTIMORE ST. #1150
BALTIMORE, MD. 21202



MAYOR

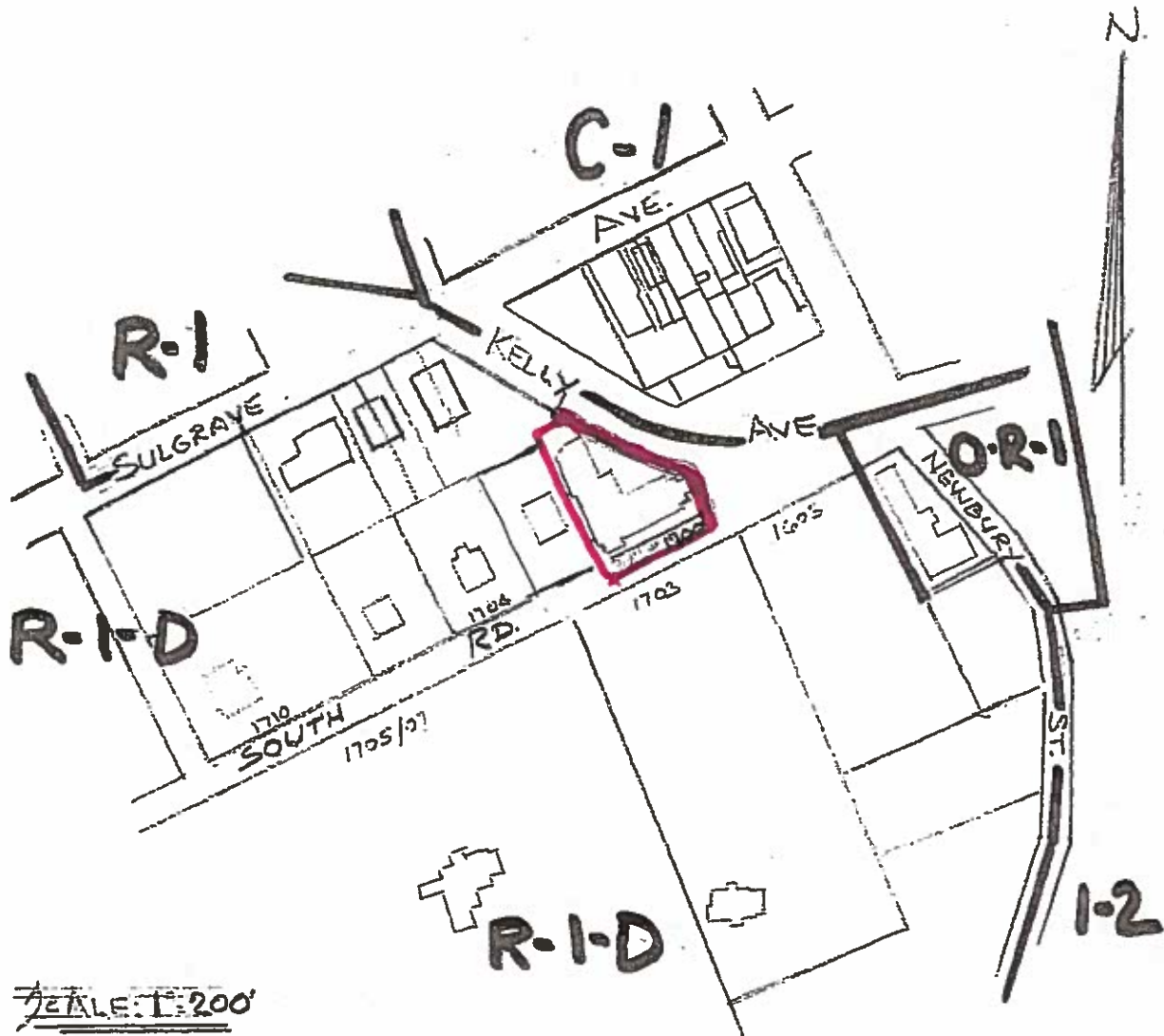


PRESIDENT CITY COUNCIL

21X

17-0109

SHEET NO. 2A OF THE ZONING DISTRICT MAPS OF ARTICLE 30 OF THE BALTIMORE CITY CODE, 1966 EDITION, AS AMENDED BY ORDINANCE NOS. 16-581 AND 17-015 AS APPROVED



AREA OUTLINED IN RED TO BE CHANGED
FROM: THE R-1-D ZONING DISTRICT
TO: THE O-R-1 ZONING DISTRICT

FOR: 1700 SOUTH, LLC

BY: AB ASSOCIATES
201 E. BALTIMORE ST. #1150
BALTIMORE, MD. 21202



MAYOR

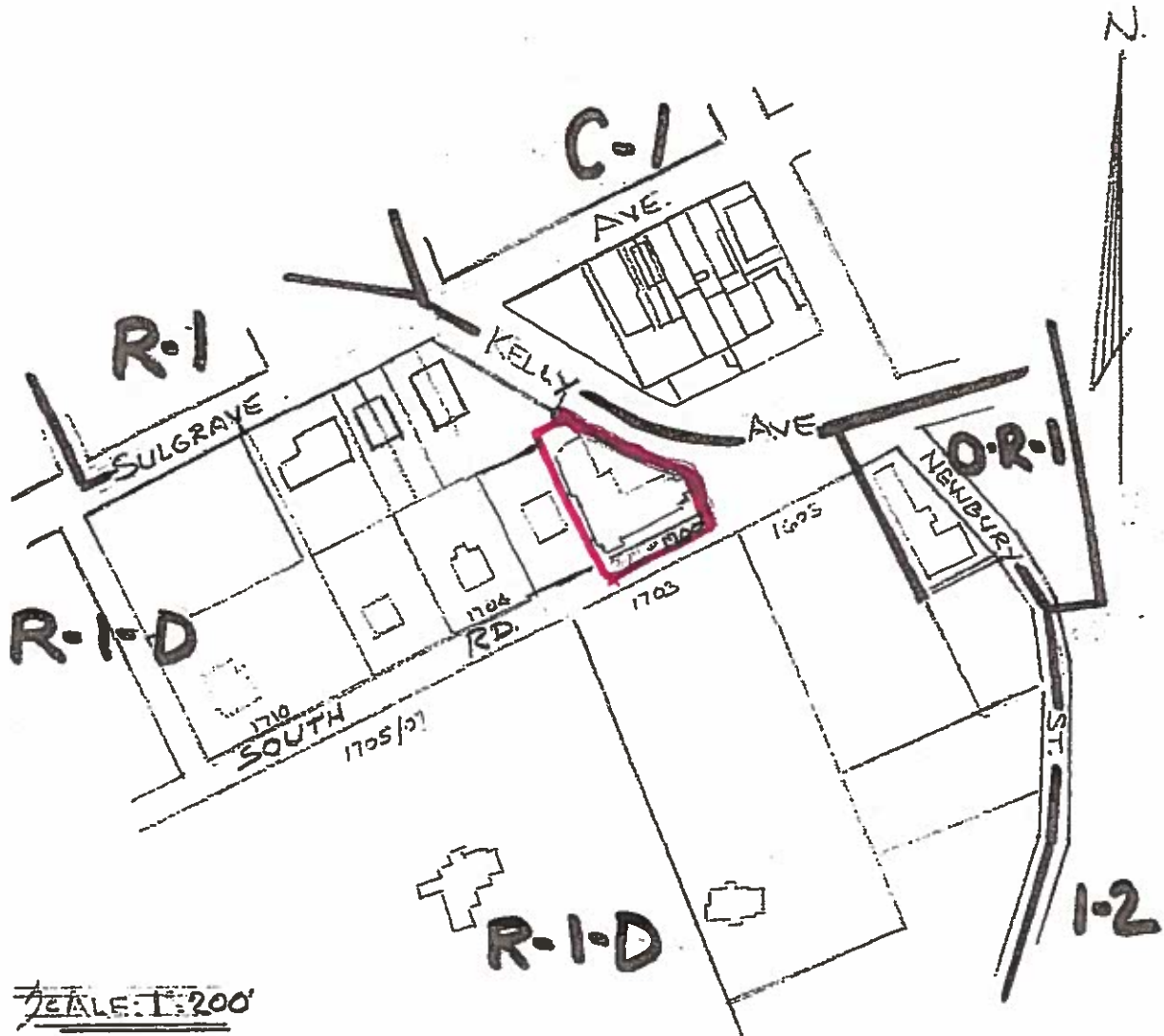


PRESIDENT CITY COUNCIL

ATX

17-0109

SHEET NO. 2A OF THE ZONING DISTRICT MAPS OF ARTICLE 30 OF THE BALTIMORE CITY CODE, 1966 EDITION, AS AMENDED BY ORDINANCE NOS. 16-581 AND 17-015 AS APPROVED



AREA OUTLINED IN RED TO BE CHANGED
FROM: THE R-1-D ZONING DISTRICT
TO: THE O-R-1 ZONING DISTRICT

FOR: 1700 SOUTH, LLC
c/o AB ASSOCIATES
201 E. BALTIMORE ST. #1150
BALTIMORE, MD. 21202

[Signature box]

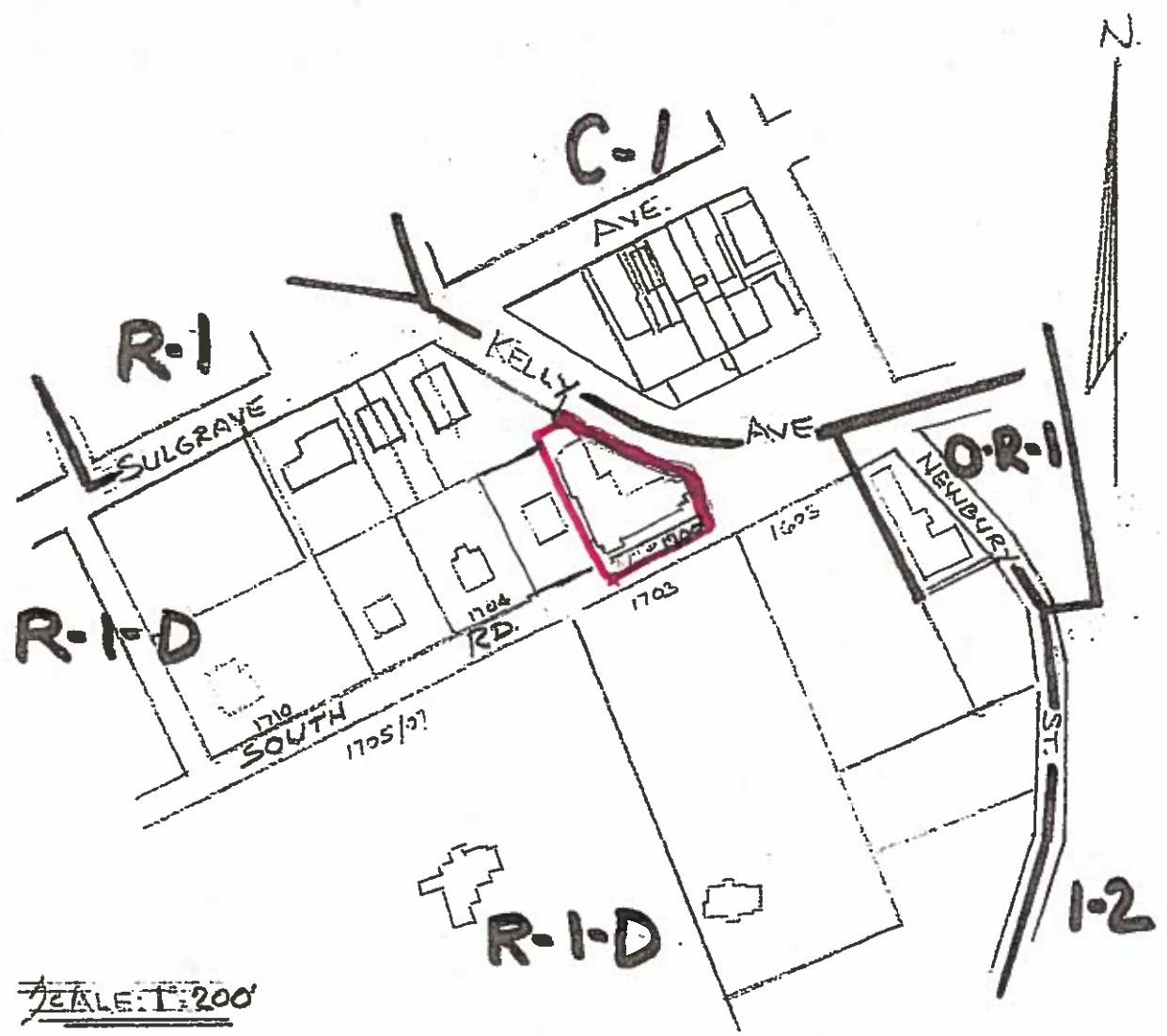
MAYOR

[Signature box]

PRESIDENT CITY COUNCIL

17-0109

SHEET NO. 2A OF THE ZONING DISTRICT MAPS OF ARTICLE 30 OF THE BALTIMORE CITY CODE, 1966 EDITION, AS AMENDED BY ORDINANCE NOS. 16-581 AND 17-015 AS APPROVED



SCALE: 1"=200'

AREA OUTLINED IN RED TO BE CHANGED
FROM: THE R-1-D ZONING DISTRICT
TO: THE O-R-1 ZONING DISTRICT

FOR: 1700 SOUTH, LLC

c/o AB ASSOCIATES
201 E. BALTIMORE ST. #1150
BALTIMORE, MD. 21202

[Signature box]

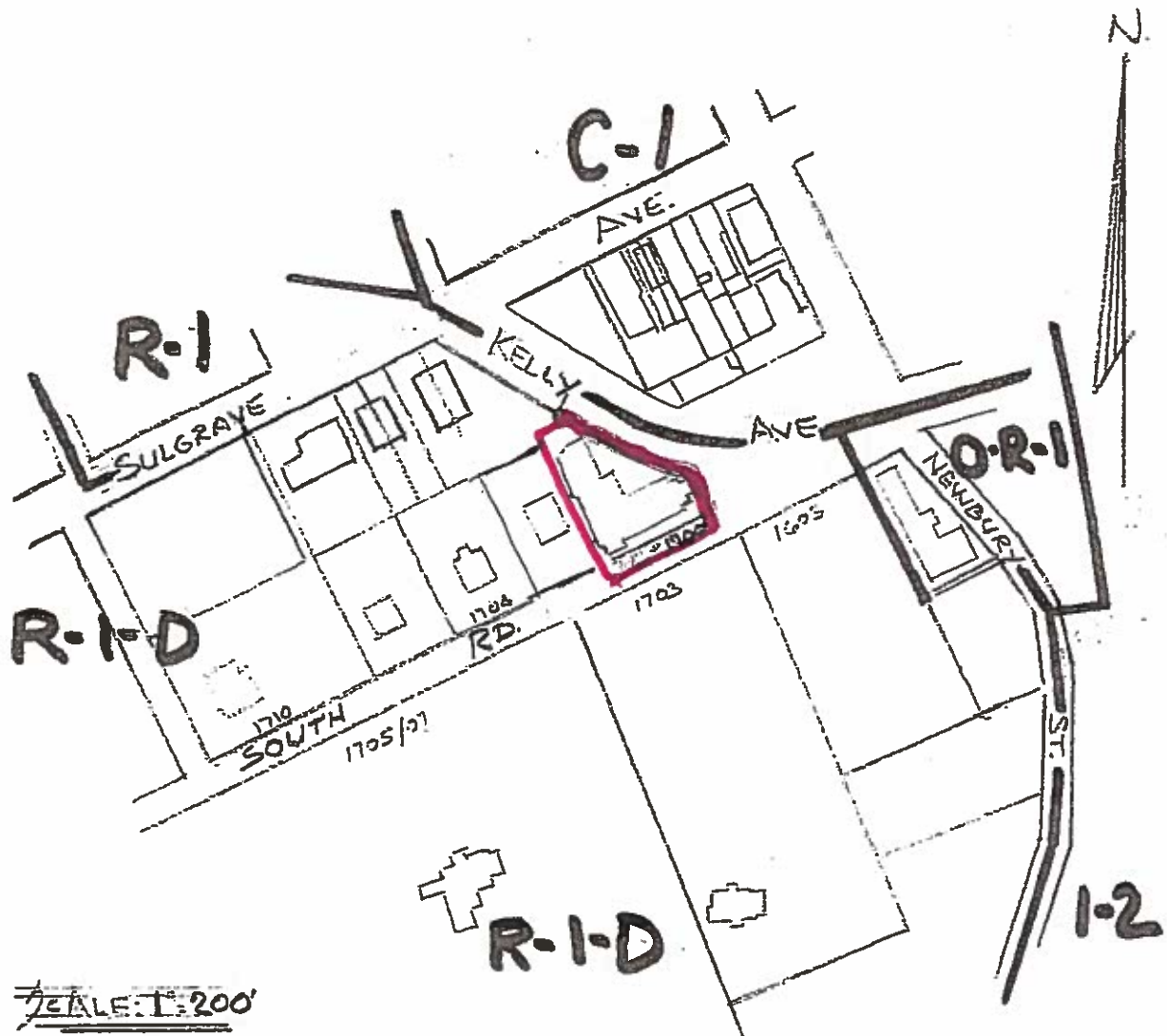
MAYOR

[Signature box]

PRESIDENT CITY COUNCIL

17-0109

SHEET NO. 2A OF THE ZONING DISTRICT MAPS OF ARTICLE 30 OF THE BALTIMORE CITY CODE, 1966 EDITION, AS AMENDED BY ORDINANCE NOS. 16-581 AND 17-015 AS APPROVED



SCALE: 1"=200'

AREA OUTLINED IN RED TO BE CHANGED
FROM: THE R-1-D ZONING DISTRICT
TO: THE O-R-1 ZONING DISTRICT

FOR: 1700 SOUTH, LLC

BY: AB ASSOCIATES
201 E. BALTIMORE ST. #1150
BALTIMORE, MD. 21202

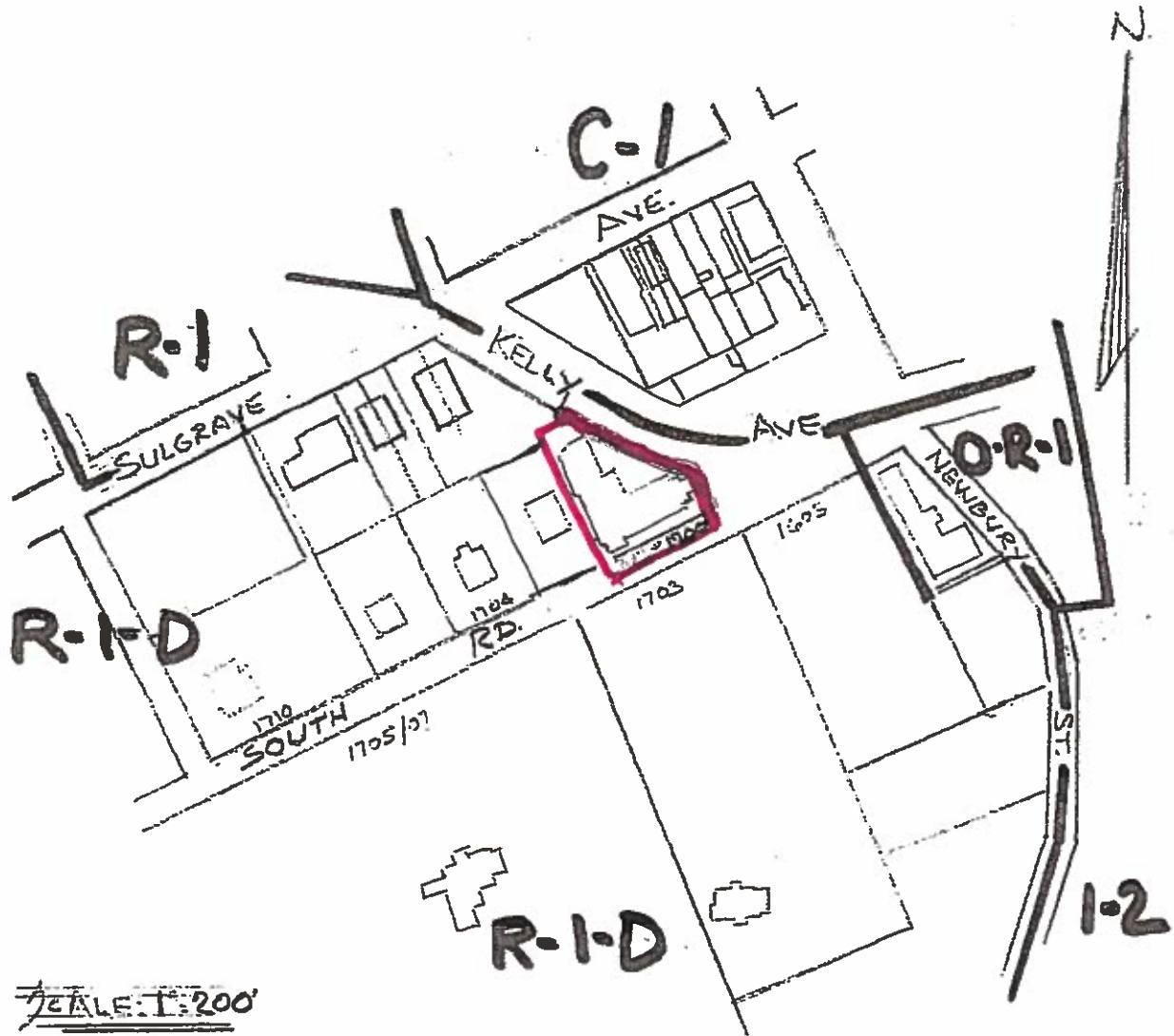


MAYOR



PRESIDENT CITY COUNCIL

SHEET NO. 2A OF THE ZONING DISTRICT MAPS OF ARTICLE 30 OF THE BALTIMORE CITY CODE, 1966 EDITION, AS AMENDED BY ORDINANCE NOS. 16-581 AND 17-015 AS APPROVED



SCALE: 1" = 200'

AREA OUTLINED IN RED TO BE CHANGED
 FROM: THE R-1-D ZONING DISTRICT
 TO: THE O-R-1 ZONING DISTRICT

FOR: 1700 SOUTH, LLC

BY: AB ASSOCIATES
 201 E. BALTIMORE ST. #1150
 BALTIMORE, MD. 21202

[Empty rectangular box for Mayor signature]

MAYOR

[Empty rectangular box for President City Council signature]

PRESIDENT CITY COUNCIL

AS

17-0109

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL 17-0109

APPROVED FOR FORM
STYLE AND TEXTUAL SUFFICIENCY
7-12-17
DEPT LEGISLATIVE REFERENCE

Introduced by: Councilmember Schleifer
At the request of: Blue Ocean Realty
Address: c/o Alfred W. Barry, III, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland
21202
Telephone: 410-547-6900

** Wait for Blue back*
A BILL ENTITLED
AN ORDINANCE concerning

Rezoning – A Portion of 1700 South Road

FOR the purpose of changing the zoning for a portion of the property known as 1700 South Road, as outlined in red on the accompanying plat, from the R-1D Zoning District to the OR-1 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 2-A
Baltimore City Revised Code
(Edition 2000)

Law
BMZ A
Plann'
to
ACD
BDC
DO

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 2-A of the Zoning District Map is amended by changing from the R-1D Zoning District to the OR-1 Zoning District a portion of the property known as 1700 South Road, as outlined in red 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; 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.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

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: **A PORTION OF 1700 SOUTH ROAD**

City Council Bill No. 17-0109 REZONING

Upon finding as follows with regard to:

1. Population Change:

The Mt. Washington neighborhood experienced a relatively small increase (less than 50 persons) from the 2000 Census to the 2010 Census, from a population of 3,853 to 3,878.

2. Availability of public facilities:

This site is well served by public facilities and City services, and no changes are expected in connection with the proposed rezoning.

3. Present and future transportation pattern:

There are no changes expected to transportation patterns in the area.

4. Compatibility with existing and proposed development:

The proposed rezoning of this site is adjacent to an existing OR-1 Zoning district to the east. The site and the existing OR-1 zoning district are south of Kelly Avenue. This proposed rezoning is a continuation of the existing Mt. Washington Business Area that exists, and it becomes a natural extension, that is both sides of Kelly Avenue, being part of the village.

5. Recommendations of the City Agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals:

At its regular meeting of August 17, 2017, with seven members present (seven in favor), the Planning Commission concurred with the recommendation of its department staff to recommend that the City Council pass CC #17-0109.

All other Baltimore City Agencies/Departments submitted written recommendations, as follows: BMZA had no objection; and the Law Department, the Department of Transportation, the Baltimore Development Corporation and Housing and Community Development all submitted favorable reports.

6. Relation of the proposal to the City's Master Plan:

The proposed action would be consistent with provisions of the Baltimore City Master Plan LIVE Goal 1 Objective 2: Strategically Redevelop Vacant Properties throughout the City. In addition, it is keeping with the small scale nature of office and commercial of the existing Mr. Washington Business Area as shown in the Urban Renewal Plan.

7. Existing uses of property within the general area of the property in question:

The property is adjacent to the single family homes along South road. In addition, the R-1-D zoning district allows more mixed-use zoning categories and the ability to reuse non-residential structures in high-density residential zones for limited commercial uses; however, it does not extend to lower-density residential zoning categories. Also incorporated here, are the findings under #12 below.

8. The zoning classification of other property within the general area of the property in question:

Although R-1-D properties line South Street, The Village itself consists of C-1 zoned properties at its heart, with OR-1 zoned properties on the periphery. Also incorporated here, are the findings under #12 below.

9. The suitability of the property in question for the uses permitted under its existing zoning classification:

There are limitations on the church to be reused for residential because of the site conditions such as topography and limited room for building expansion. In addition, the restriction on the building as part of a local historic district, make the R-1-D zoning a mistake. Also incorporated here, are the findings under #12 below.

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 proposed rezoning of this site is adjacent to an existing OR-1 Zoning district to the east. The site and the existing OR-1 zoning district are south of Kelly Avenue. This proposed rezoning is in keeping with the small scale nature of office and commercial of the existing Mt. Washington Business Area, and it becomes a natural extension, that is both sides of Kelly Avenue, being part of the village. Also incorporated here, are the findings under #12 below.

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:

Mistake:

The property at 1700 South Road is vacant and has been unable to be reused as a church or other R-1-D reuse. While the new zoning code was rewritten to include more mixed use zoning categories and the ability to reuse non-residential structures in high-density residential zones for limited commercial uses, this provision does not extend to lower-density residential zoning categories. The existing religious institution structure is not suitable for reuse as residential and has close proximity to the commercial area. Without the provision to reuse for commercial, the site likely would continue to remain vacant.

The property consists of two buildings, a significant church facing directly toward the village and a parsonage house adjacent to the single family homes along South road. The Village itself consists of C-1 zoned properties at its heart with OR-1 zoned properties on the periphery. There are limitations on the church to be reused for residential because of the site conditions such as topography and limited room for building expansion. In addition, the restriction on the building as part of a local historic district, make the R-1-D zoning a mistake. In most cases residential conversions of churches have been for multi-family conversions, and would be most suited for this structure, which are not allowed in the R-1D zoning district, thus, making OR-1 a more appropriate category.

In addition, generally speaking the property is currently vacant, but the proposal to use the existing church building at 1700 South Road for office use is compatible to the general area of the property and for the reuse of the building itself. The remainder of the parcel will remain residentially zoned and serve as a transition to the residential area.

SOURCE OF FINDINGS (Check all that apply):

Planning Report

Testimony presented at the Committee hearing

Oral – Witness Name: Laurie Feinberg, Department of Planning
Al Barry, Attorney for Blue Ocean Realty
Ethen Frey, COO, Blue Ocean Realty

Written:

LAND USE COMMITTEE:

Chairman

Member

Member

Member

Member

Member

Member

Member

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 17-0109

Introduced by: Councilmember Schleifer

At the request of: Blue Ocean Realty

Address: c/o Alfred W. Barry, III, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland
21202

Telephone: 410-547-6900

Introduced and read first time: July 17, 2017

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable

Council action: Adopted

Read second time: September 25, 2017

AN ORDINANCE CONCERNING

Rezoning – A Portion of 1700 South Road

FOR the purpose of changing the zoning for a portion of the property known as 1700 South Road,
as outlined in red on the accompanying plat, from the R-1D Zoning District to the OR-1
Zoning District.

BY amending

Article 32 - Zoning
Zoning District Map
Sheet 2-A
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That
Sheet 2-A of the Zoning District Map is amended by changing from the R-1D Zoning District to
the OR-1 Zoning District a portion of the property known as 1700 South Road, as outlined in red
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;
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.

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.

Council Bill 17-0109

Certified as duly passed this _____ day of _____, 20____

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20____

Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City