


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #20-0609 / REZONING – 4207-4209 MENLO DRIVE		

DATE:

October 9, 2020

TO

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

At its regular meeting of October 8, 2020, the Planning Commission considered City Council Bill #20-0609, for the purpose of changing the zoning for the property known as 4207-4209 Menlo Drive, as outlined in red on the accompanying plat, from the I-1 Zoning District to the OIC Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #20-0609 and adopted the following resolution nine members being present (eight in favor, one opposed):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #20-0609 be disapproved 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: Mr. Nicholas Blendy, Mayor's Office
 Mr. Matthew Stegman, Mayor's Office
 Ms. Nina Themelis, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. Colin Tarbert, BDC
 Ms. Livhu Ndou, 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. Dominic McAlily, Council Services
 Ms. Caroline Hecker, Esq.



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

October 8, 2020

REQUEST: City Council Bill #20-0609/ Rezoning – 4207-4209 Menlo Drive:

For the purpose of changing the zoning for the property known as 4207-4209 Menlo Drive, as outlined in red on the accompanying plat, from the I-1 Zoning District to the OIC Zoning District.

RECOMMENDATION: Disapproval

STAFF: Eric Tiso

PETITIONER: Victoria Campbell c/o Caroline L. Hecker, Esq.

OWNER: 4207 Menlo, LLC

SITE/GENERAL AREA

Site Conditions: 4207 Menlo Drive is located on the southeast side of the street, approximately 550' southwest of the intersection with Reisterstown Road. This property is zoned I-1, and is improved with a one-story industrial building that was last used for a religious institution, asphalt paving, and one-story storage structures along the rear of the property.

General Area: This property is located within the Reisterstown Station neighborhood, which has a mix of commercial and industrial areas, with a few pockets of residential development. The subject parcel is in the center of an I-1 zoned area, located between a strip of C-4 commercial zoning along Reisterstown Road to the north, and I-2 industrial zoning along the rail line to the south. This site is also located within the Reisterstown Plaza Transit Station Urban Renewal Plan (URP)

HISTORY

- Ord. #09-219, dated October 2, 2009, repealed and replaced the Reisterstown Plaza Transit Station URP. Note: CCB #20-0610 proposes the repeal of this URP.

ANALYSIS

Background: The prospective purchaser of this property currently operates an adult day care center elsewhere, which has outgrown their current facility, and so they are looking for additional space where they can expand their business. 4207 Menlo Drive became available, and the adult day care center is not allowed in the I-1 district, as a principal use. They are permitted as an accessory to an office structure, research and development facility, or industrial use, where they are integrated into that structure, facility, or use to serve its employees. That use restriction prompted this application for rezoning (See Article 32 – Zoning, Table 11-301, and footnote 1).

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.

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 not in the public’s interest, in that it will break up the existing industrial area, and introduce a competing commercial use, principally for the gain of the applicant.

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 URP for this area designates this and surrounding properties for Industrial use only. Staff recognizes that this URP is proposed for repeal, but the underlying zoning for the area is I-1, which is appropriate for these buildings located between a major commercial corridor, and a rail line. While the proposed OIC (Office Industrial Campus) zone, while nominally compatible with the existing industrial zone, but per *Zoning* §11-201 “The OIC Office-Industrial Campus Zoning District is intended for developments of large office structures, research and development facilities, and light industrial uses.” The thought behind including “Day-Care Center: Adult or Child” as a permitted use in the OIC district was primarily to enable child day care as a supporting

use for the office and research uses in the OIC district. The challenge here is that day care uses, whether for adults or children are contained in the same use category. Staff appreciates that the request is not for a more intense commercial zone that would be even more incompatible, but we still question this single-property rezoning.

2. **The needs of Baltimore City:** The Department of Planning has consistently recommended against intrusion of competing uses into industrial areas. In this case, the proposed rezoning is intended to enable the establishment of a business that doesn't have a clear synergy with the surrounding industrial uses, and further erodes the availability of industrially zoned land.
3. **The needs of the particular neighborhood:** The proposed rezoning is for a single property, and does not appear to address any particular need for this industrial area. While the proposed use may be in demand in the area, it should be located in a more appropriate commercial district that already exists.

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;** There have been no significant population changes that would require this parcel to be rezoned for additional OIC uses.
2. **The availability of public facilities;** This area is well served by City utilities, and by police and fire protection. The redevelopment of this property will not negatively impact existing infrastructure.
3. **Present and future transportation patterns;** The proposed uses of an OIC district are not that much more intense than in an I-1 district, and for a single-property rezoning, it is unlikely that there will be a significant impact on area traffic patterns.
4. **Compatibility with existing and proposed development for the area;** While the proposed OIC zoning for this parcel is nominally compatible with the surrounding I-1 district, the intended use that this rezoning is designed to enable will be more commercial in nature. This will remove or significantly reduce the potential reuse of this building for future industrial uses, and further erodes availability of industrial land in the City.
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 disapproval 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.** This rezoning does not appear to support any particular City plan or demand, and instead will rezone a single property in order to enable a specific land use for the applicant. This constitutes a spot-zoning, and so the request should be disapproved.

There are additional standards under §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;** The uses in the immediate area include: Industrial Goods Services Casting, Molding, Machining Metal Stamping; Warehousing; Contractor Yard; Food Products - Manufacturing & Processing; and Automobile Repair, Major.
- (ii) **the zoning classification of other property within the general area of the property in question;** The properties in this block are zoned I-1 Industrial, between the rears of the C-4 properties fronting on Reisterstown Road, and extend to Oakleaf Avenue, where the I-1 district is adjacent to an I-2 Industrial district. Other zoning districts are approximately two blocks away to the northwest along Fordleigh Road or to the southeast along West Northern Parkway. The proposed OIC zoning for this property would be a single-property island of OIC in the middle of the existing I-1 district.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The building is suitable for a wide variety of uses as are allowed in the I-1 District, and should not be overly restricted in any way.
- (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.** The 2017 Citywide comprehensive rezoning expanded this I-1 district on each side, converting properties that had been previously zoned B-3 commercial and M-2-1 general industrial.

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. Staff does not believe there was a mistake or any significant change in the neighborhood that would justify a rezoning for this property. On the contrary, the rezoning appears to be for the sole purpose of enabling a single land use. For this reason, staff recommends disapproval of this bill.

Notification: The Glen Neighborhood Improvement Association, the Fallstaff Community Association, and CHAI (Comprehensive Housing Assistance, Inc.) have been notified of this action.



Chris Ryer
Director