

LAND USE COMMITTEE

FINDINGS OF FACT

City Council Bill No: 20-0567

MOTION OF THE CHAIR OF THE LAND USE 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:

Rezoning - 407 Benninghaus Road

Upon finding as follows with regard to:

(1) Population changes;

According to the Census American Community Survey (ACS), population has dropped in the Census Block Group where this property is located (#245102712003) in recent years. In 2013 it was 1,130, then in 2014 it was 1,097, dropping to 885 in 2017, and finally in 2018 it was 683.

(2) The availability of public facilities;

This site is well served by City infrastructure, which will continue with or without this proposed rezoning.

(3) Present and future transportation patterns;

The property's small size is unlikely to have any significant impacts on the surrounding transportation patterns or the amount of traffic on nearby streets.

(4) Compatibility with existing and proposed development for the area;

This property contains just under 3,400 square feet of land, and is unlikely to significantly impact surrounding properties. There is no proposed development in the immediate area surrounding the property. The property is owned by Govmoco LLC which also owns the Accelerator Building directly across Hess Ave.

- (5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Unfavorable
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	No Objection
Baltimore Development Corporation	Favorable

- (6) The proposed amendment's relationship to and consistency with the City's Comprehensive Master Plan.

The owner intends to demolish the existing structure on the site to create a small open parking area to support the uses in the Accelerator Building and to ease the occasional traffic congestion on Hess Avenue. By supporting the businesses in the Accelerator Building, the rezoning furthers the Earn and Play goals of the Comprehensive Master Plan.

- (7) Existing uses of property within the general area of the property in question;

In addition to this property, there are other nonconforming uses in the residential portion of this short block of Benninghaus Road, including an auto repair garage and surface parking lots on the north side of the street.

- (8) The zoning classification of other property within the general area of the property in question;

This site is located at the intersection of two small streets. Just across Hess Avenue are the backs of the commercially zoned properties that front on York Road or Bellona Avenue. The properties to the west are generally zoned residential.

- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;

The structure on the property was originally built as a residence but was converted for office use by a previous owner. The property is in close proximity to numerous commercial uses, making it undesirable for residential redevelopment. The applicant

determined that renovating the structure for residential use was not economically viable.

- (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;

There has not been a significant change in development in the immediate area since the last comprehensive rezoning, effective in June 5, 2017.

- (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:

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- (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:

Prior to its purchase by the current owner in February 2020, and at the time of the last comprehensive zoning, 407 Benninghaus Road had been used as an office for many years. The property is in close proximity to numerous commercial uses, including the commercially zoned properties that front on York Road or Bellona Avenue and nonconforming uses in the residential portion of the same short block of Benninghaus Road. Due to the property's small size and proximity to many commercial uses, residential redevelopment is undesirable and economically infeasible. The rezoning is consistent with the property's historical use and will allow for its beneficial reuse to support the uses in the Accelerator Building. The Council failed to consider the above facts at the time of the last comprehensive zoning.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated August 26, 2020, which included the Department of Planning Staff Report, dated August 20, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Eric Tiso, Planning Department
- Hilary Ruley, Law Department
- Councilman Bill Henry

Written:

- Department of Transportation, Agency Report – Dated October 27, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated September 28, 2020
- Law Department, Agency Report – Dated September 29, 2020
- Department of Housing and Community Development, Agency Report – Dated October 22, 2020
- Baltimore Development Corporation, Agency Report – Dated October 23, 2020
- Applicant’s Proposed Findings of Fact

COMMITTEE MEMBERS VOTING IN FAVOR

Edward Reisinger, Chair
Shannon Sneed, Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett