

# LAND USE COMMITTEE

## FINDINGS OF FACT

### City Council Bill No: 20-0621

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 - 2 East Wells Street

Upon finding as follows with regard to:

(1) Population changes;

The population of the South Baltimore Neighborhood continues to grow as the result of projects like the one constructed on the subject property. There have been several large multi-family apartment and mixed use buildings constructed in the immediate area over the past several years and several others are currently under construction.

(2) The availability of public facilities;

Adequate public facilities are available for a variety of uses.

(3) Present and future transportation patterns;

The property enjoys excellent access to I-95 and is in close proximity to transit and Charm City Circulator routes. The rezoning will not negatively impact transportation or traffic patterns.

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

The proposed zoning district is compatible with the existing and proposed development for the area, as it will allow for a wider range of neighborhood-supporting commercial uses.

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

The Planning Commission voted unanimously to recommend passage of the bill and the BMZA also recommended passage of the bill. The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Favorable
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	No Objection
Baltimore Development Corporation	Favorable
Parking Authority	Not Opposed

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

The proposed action will allow for a wider range of neighborhood-supporting commercial uses, and thus supports the Live, Earn, and Play goals of the Comprehensive Master Plan for Baltimore City.

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

Existing uses of property within the general area of this site are a mix of residential and commercial. The subject property is already built and has 154 dwelling units and ground-floor commercial. There are several other multi-family and mixed use buildings in the immediate area along Wells Street. The longer-standing residential neighborhood is composed of rowhomes stretching to the north.

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

Many of the blocks surrounding this site are currently zoned R-8. There are commercially zoned properties in close proximity to the subject property and in the general area, including a C-2 property a few hundred feet away. Additionally, the nearby properties known as 1900, 1904, 1910, and 1916 Light Street are currently being considered for rezoning from the R-8 district to the C-1 district. An existing auto repair business at 1830 South Charles Street to the west is zoned IMU-1. Across the street from that shop at 1900 South Charles is an I-1 parcel that has been proposed for

redevelopment as self-storage. Rezoning the subject property to C-2 would be compatible with the surrounding zoning districts and would facilitate community-focused commercial uses to serve area residents.

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

The property is not a rowhouse property as its current zoning would suggest, rather it is developed with 154 dwelling units and a significant amount of ground-floor commercial space. The existing residential zoning classification severely limits the commercial uses possible in the existing commercial space. The proposed action will allow for a wider range of neighborhood-supporting commercial uses on the property.

- (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 recent trend in the area has been for additional residential and mixed use development, either as new construction, or through rehabilitation and renovation of existing buildings. There has also been substantial commercial development nearby to serve neighborhood residents.

- (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:

Even in the three plus years since the last comprehensive zoning, the neighborhood has experienced significant change as an evolving "gateway" to South Baltimore that includes significant redevelopment of properties rezoned to C-2 only a few hundred feet away. Planned changes to the intersection at Wells St. and Hanover St. and proposals for additional commercial uses, including a public storage facility along the property's corridor, are contributing to the change. Finally, the site's proximity to Port Covington signifies increasing and significant change to the character of the neighborhood.

- (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:

It was a mistake to zone a 65' high mixed-use building which includes approximately 6,000 square feet of commercial space as a R-8 property. The building did exist at the

time of the last comprehensive zoning. The R-8 Zoning District is a "Rowhouse Residential District" that permits no commercial uses by right. The subject property includes 154 dwelling units and approximately 6,000 square feet of commercial space. The existing building also includes a 241 space parking garage to serve the residential units as well as the commercial space. Rezoning the subject property to C-2 is more consistent with the existing structure and would facilitate community-focused commercial uses to serve area residents.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated October 9, 2020, which included the Department of Planning Staff Report, dated October 8, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Eric Tiso, Planning Department
- Hilary Ruley, Law Department
- Joseph Woolman, Representative for the Applicant

Written:

- Department of Transportation, Agency Report – Dated November 3, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated October 26, 2020
- Law Department, Agency Report – Dated October 14, 2020
- Department of Housing and Community Development, Agency Report – Dated October 26, 2020
- Baltimore Development Corporation, Agency Report – Dated October 28, 2020
- Parking Authority, Agency Report – Dated October 21, 2020
- Joseph Woolman, Memorandum – Dated October 8, 2020
- Joseph Woolman, Proposed Findings of Fact – Received November 5, 2020

**COMMITTEE MEMBERS VOTING IN FAVOR**

Edward Reisinger, Chair  
Shannon Sneed, Vice Chair  
Mary Pat Clarke  
Eric Costello  
Ryan Dorsey  
Sharon Green Middleton  
Leon Pinkett  
Robert Stokes