

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 #19-0421/ REZONING 6240 AND 6242 BELLONA AVENUE		

TO

DATE:

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

August 23, 2019

At its regular meeting of August 23, 2019, the Planning Commission considered City Council Bill #19-0421, for the purpose of changing the zoning for the property known as 6240 and 6242 Bellona Avenue, from the C-1-VC Zoning District to the R-1-E Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #19-0421 and adopted the following resolution six members being present (six in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0421 be passed 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
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. Colin Tarbert, BDC
 Mr. Derek Baumgardner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Mr. Bob Pipik, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Liam Davis, DOT
 Ms. Natawna Austin, Council Services
 Mr. Dominic McAlily, Council Services
 Mr. Philip Bender, Applicant



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

August 22, 2019

REQUEST: City Council Bill #19-0421/ Rezoning Rear Portions of 6240 and 6242 Bellona Avenue For the purpose of changing the zoning for the rear portions of properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A), as outlined in red on the accompanying plat, from the C-1-VC Zoning District to the R-1-E Zoning District.

RECOMMENDATION: Approval

STAFF: Ivor A. Quashie

PETITIONER: Councilmember Bill Henry

OWNERS: 6240 Bellona Avenue - Philip D. Bender and Cara E. Guerin,
6242 Bellona Avenue - SSW, LLC

SITE/GENERAL AREA

Site Conditions:

The properties are on the northwest corner of Bellona and Gittings Avenues. 6240 Bellona Avenue is improved by a 2 story residential building. 6242 Bellona Avenue is improved by a one-story commercial building with two commercial uses.

General Area:

The two parcels 6240 Avenue and 6242 Bellona Avenue are located in the northeast corner of the Bellona-Gittings neighborhood. The surrounding area is populated by single-family detached homes with a few apartment complexes about ¼ mile to the south.

HISTORY

The Planning Commission approved a subdivision of the rear of 6240 Bellona Avenue, a residential property into 2 lots on October 5, 2015. A portion of the subdivided lot was consolidated with 6242 Bellona as a parking lot for the commercial businesses.

ANALYSIS

Prior to the 2016 comprehensive zoning the subject parcels had residential zoning. During the public review process for the new zoning code and maps the commercial property owner requested his property be commercially zoned, C-1-VC (neighborhood commercial village center). The community supported that request subject to the rear of 6242, the parking lot remain residentially zoned. This allowed the parking lot to remain as a legally established residential use, but it prohibits further commercial expansion.

The City Council supported the zoning request but mistakenly included the parking lot in the commercial zone because at the time the subdivision was not completed.

The Planning Department received a request to subdivide a descriptive parcel at the rear of 6240 and 6242 Bellona Avenue. The property was previously divided by deed not by subdivision. The Planning Commission approved the subdivision of 6240 Bellona Avenue on October 8, 2015. The subdivision 6240 Bellona Avenue occurred during the comprehensive rezoning of the city of Baltimore. There was a mapping mistake in that the zoning request was not updated to the new lot lines.

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 in the public's interest, in that it will rezone the rear of a residential property that was commercially zoned in a subdivision in 2015 and the parking lot adjacent.

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 rezoning of the former vacant property behind the commercial establishment at 6242 Bellona Avenue supports the parking needs for that property. The rezoning of the parcel behind the residential property at 6240 Bellona Avenue prevents the residential property from being split zoned.
2. **The needs of Baltimore City:** This rezoning will conform the zoning of the parcels to the residential parcels in the surrounding area.
3. **The needs of the particular neighborhood:** The rezoning will allow the residential property to have the backyard of that property appropriately zoned to residential.

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 are no significant changes which have occurred since adoption of the current zoning map or Zoning Code.
2. **The availability of public facilities;** Public facilities are now and are expected to remain adequate for current and future uses of the subject property.
3. **Present and future transportation patterns;** No changes are expected in transportation patterns in the immediate vicinity of the subject property.
4. **Compatibility with existing and proposed development for the area;** The rezoning correctly rezones the rear portion of the residential property. The rezoning supports the use of the rear of the commercial property to maintain a parking lot for its patrons.
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. The BMZA has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** This rezoning is compatible with the general policy of supporting commercial uses, and preventing split zoned residential properties.

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

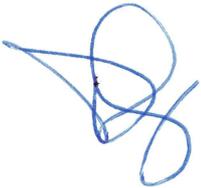
- (i) **existing uses of property within the general area of the property in question;** Residential uses are the most predominant uses in the Bellona-Gittings area.
- (ii) **the zoning classification of other property within the general area of the property in question;** The zoning to the north is R-1-E consisting of residential properties. Residential zoning dominates the surrounding area.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification;** The residential site is consistent with the zoning classification of R-1-E.
- (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. There have been no changes in the site or the surrounding area for over 20 years.

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.

The subdivision of 6240 Bellona Avenue occurred during the midst of the city’s comprehensive rezoning. The subdivision was overlooked during the map amendments and the zoning was not corrected at that time. Therefore, Planning staff supports finding that an error was made in neglecting to correct the proposed zoning map for these properties.

Notification: The impacted property owners, Bellona-Gittings Community Association, Cedarcroft Maintenance Corporation, the Bellona-Gittings Community Association and Councilmember Bill Henry have been notified of this action.



Chris Ryer
Director