


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 #19-0463 / REZONING – BLOCK 7762, LOTS 001-007		

DATE:

TO

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

December 13, 2019

At its regular meeting of December 12, 2019, the Planning Commission considered City Council Bill #19-0463, for the purpose of changing the zoning for the property known as Block 7762, Lots 001-007, as outlined in red on the accompanying plat, from the R-3 Zoning District to the R-6 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #19-063, and adopted the following resolution, eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #19-0463 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
 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
 Mr. Derek Baumgardner, 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



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

December 12, 2019

REQUEST: City Council Bill #19-0463/ Rezoning – Block 7762, Lots 001 - 007:

For the purpose of changing the zoning for the properties known as Block 7762, Lots 001-007, as outlined in red on the accompanying plat, from the R-3 Zoning District to the R-6 Zoning District.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilmember Reisinger, at the request of JBL Real Estate

OWNER: Riverside Workforce LLC

SITE/GENERAL AREA

Site Conditions: These lots are located on the southeast corner of the intersection of Letitia Avenue and Herkimer Street. Collectively, these lots measure approximately 200' along Letitia Avenue by 120' along Herkimer Street, and contain approximately 0.55 acre. These lots are currently unimproved.

General Area: This site is located in the Morrell Park community, which is comprised of a mixture of detached, semi-detached, and attached residential buildings, with some institutional and small commercial uses, most located along the Washington Boulevard commercial corridor two blocks southeast of this site. While the remainder of the city block bounded by Letitia Avenue, Herkimer Street, Casadel Avenue, and James Street is composed of detached and two semi-detached residential dwellings, directly across Letitia Avenue from this site the housing is predominantly rowhouses.

HISTORY

This site was rezoned from the R-4 Zoning District to the R-6 Zoning District by Ordinance 07-433, dated May 17, 2007. During the comprehensive zoning remapping process associated with the adoption of the replacement Zoning Code that became effective on June 5, 2017, this site was rezoned from the R-6 Zoning District to the R-3 Zoning District.

CONFORMITY TO PLANS

The proposed action would be consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore City, Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents; and Objective 2: Strategically Redevelop Vacant Properties Throughout the City.

ANALYSIS

In 2007, this site was rezoned to R-6, with a companion consolidation of seven existing vacant lots and resubdivision into nine vacant lots approved by the Planning Commission. This new subdivision was recorded on July 7, 2008, creating lots of record on which housing may be built by right in accordance with Zoning Code provisions. Eleven years have since elapsed without any improvement of the lots. As the lots had remained vacant for over eight years at the time that the final maps for the new TransForm Baltimore zoning code (now the Zoning Code) were being prepared, an oversight in the comprehensive rezoning process reassigned them to the predominant appropriate zoning district for the balance of the block bounded by Letitia Avenue, Herkimer Street, Casadel Avenue, and James Street, which was determined to be R-3. City Council Bill 19-0463 would affirm the original intent of the Mayor and City Council, as expressed in Ordinance 07-433, that this site be developed in accordance with regulations for the R-6 zoning district.

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 enable the development of a subdivision already approved by the Planning Commission in accordance with zoning regulations for the R-6 zoning district as previously approved by the Mayor and City Council.

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 support goals contained in the Comprehensive Master Plan for Baltimore City, specifically Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents; and Objective 2: Strategically Redevelop Vacant Properties Throughout the City.
2. **The needs of Baltimore City:** Newly-constructed dwelling units, at prices affordable to persons and families of moderate incomes, are in demand in Baltimore. The proposed development that would be enabled by the proposed legislation exemplifies the type of new housing needed.
3. **The needs of the particular neighborhood:** The proposed development, which was originally approved by the Planning Commission in 2007 but not constructed in the past decade, would broaden housing choices in the Morrell Park community. The development plan, as up-dated to accord with newer development regulations, would be considered by the Planning Commission at a later date.

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 not been significant population changes in Morrell Park in the interval between adoption of the Zoning Code and associated map of zoning districts, and the present time.
2. **The availability of public facilities;** This site is well-served by public services and utilities, which can also support the proposed development of this site as nine rowhouses.
3. **Present and future transportation patterns;** There would be no effect upon present or future transportation patterns in the area as a result of adoption of City Council Bill 19-0463.
4. **Compatibility with existing and proposed development for the area;** While most of the larger block on which this site is located is developed with single-family detached dwellings, directly across Letitia Avenue the housing type is single-family attached dwellings, within the R-6 zoning district. Use of the site for construction of single-family attached dwellings would thus be compatible with the existing area's development.
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 will comment separately on this bill.

6. **The relation of the proposed amendment to the City's plan.** As noted previously, extending the existing R-6 zoning district across Letitia Avenue to encompass this site would be consistent with the City's plan.

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;** Existing uses of property within the general area of this site, known as Morrell Park, are predominantly residential, with a mix of single-family detached, semi-detached, and attached dwellings.
- (ii) **the zoning classification of other property within the general area of the property in question;** This site is located at a meeting of the R-3 and the R-6 zoning districts. The proposed action would shift this site from the R-3 district to the R-6 district.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and,** None of the existing lots of record at this site meets the minimum lot area requirement provided in Table 8-301 of the Zoning Code, in addition to other bulk and yard regulations applicable to Detached and Semi-Detached Residential Districts. It would not be possible to use the properties in question for dwellings without variances of most, if not all, standards provided in the Zoning Code for the R-3 zoning district.
- (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 has been no substantial change in the general area around this site since June of 2017, when the current R-3 zoning became effective.

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. Planning staff consider the circumstances of the zoning of the properties to be rezoned by City Council Bill 19-0463 to be reflective of a mistake in zoning classification.

Background: The petitioner has advised Planning staff that the proposed rezoning would enable development of this site for work-force housing for veterans of the United States Armed Forces, at prices affordable to persons and families of moderate income.

Notification: The Morrell Park Community Association has been notified of this action.



Chris Ryer
Director