

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE ADVERTISED IN A NEWSPAPER ON June 27, 2017 AND A SIGN MUST BE POSTED ON THE PROPERTY ON Monday, June 12, 2017 AS OUTLINED ON THE PREVIOUS PAGE.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 17-0081

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, July 12, 2017 at 1:30 P.M in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0081.

CC 17-0081 ORDINANCE - Rezoning - 5717 and 5723 Harford Road - FOR the purpose of changing the zoning for the properties known as 5717 and 5723 Harford Road, as outlined in red on the accompanying plat, from the R-4 Zoning District to the C-2 Zoning District.

By amending

Article 32 - Zoning
Zoning Map
Sheets 18 and 19
Baltimore City Revised Code
(Edition 2000)

Applicant: Property Consulting, Inc.

NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD REISINGER

Chairman

SEND CERTIFICATION OF PUBLICATION TO:

Natawna B. Austin
Baltimore City Council
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202
410-396-1697

SEND BILL FOR THIS ADVERTISEMENT TO:

Caroline L. Hecker, Esquire
25 South Charles Street, 21st Floor
Baltimore, MD 21201
410-727-6600

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

Order #: 11356263
Case #: 17-0081
Description:

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 17-0081 The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, July 12, 2017 at 1:30 P.M in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

6/12/2017



Darlene Miller, Public Notice Coordinator
(Representative Signature)

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 17-0081

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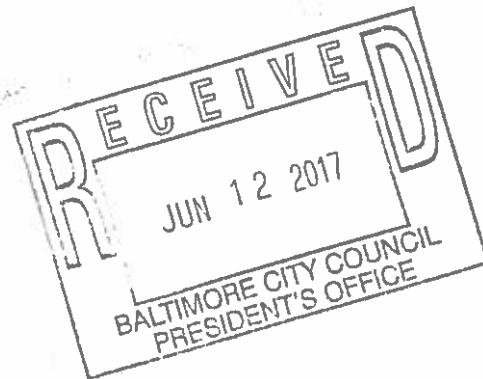
CC 17-0081 ORDINANCE - Rezoning - 5717 and 5723 Harford Road - FOR the purpose of changing the zoning for the properties known as 5717 and 5723 Harford Road, as outlined in red on the accompanying plat, from the R-4 Zoning District to the C-2 Zoning District.


BY authority of
Article 32 - Zoning
Zoning Map
Sheet(s) 18 and 19
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD REISINGER,
Chairman

je12



FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0081 / REZONING 5717 AND 5723 HARFORD ROAD		

TO

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

DATE: June 16, 2017

At its regular meeting of June 15, 2017, the Planning Commission considered City Council Bill #17-0081, for the purpose of changing the zoning for the properties known as 5717 and 5723 Harford Road, as outlined in red on the accompanying plat, from the R-4 Zoning District to the C-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #17-0081 and adopted the following resolution seven members being present (seven in favor):

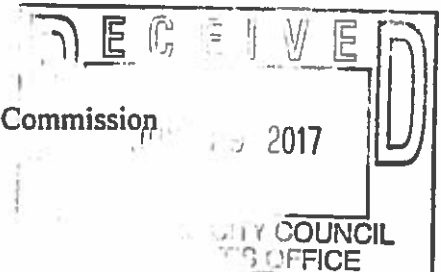
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0081 be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Patrick Fleming, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Natowna Austin, Council Services
Mr. Francis Burnszynski, PABC
Ms. Caroline L. Hecker, Esq.



F



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

June 15, 2017

REQUEST: City Council Bill #17-0081/ Rezoning – 5717 and 5723 Harford Road:
For the purpose of changing the zoning for the properties known as 5717 and 5723 Harford Road, as outlined in red on the accompanying plat, from the R-4 Zoning District to the C-2 Zoning District.

RECOMMENDATION: Approval

STAFF: Eric Tiso

PETITIONER: Property Consulting, Inc., c/o Caroline L. Hecker, Esq.

OWNERS: Linda Chatfield and Ralph Murray

SITE/GENERAL AREA

Site Conditions: 5717 and 5723 Harford Road are located on the southern corner of the intersection with White Avenue. 5717 Harford Road measures approximately 324'3 1/2" in depth, by 54'11 3/4" in width. 5723 Harford Road measures approximately 324'3 1/4" in depth, by 59'11 3/4" in width. Both lots are currently improved with single-family detached homes. These lots were split-zoned under the former zoning code, with B-2-2 commercial zoning in the front, to include the homes, and were R-4 residentially zoned in the rear, to include detached garages. They are now zoned R-4 under TransForm Baltimore.

General Area: These properties are located on the western edge of the Glenham-Belhar neighborhood, with the Hamilton Hills neighborhood located to the west across Harford Road. The Glenham-Belhar neighborhood is principally residential in nature, mostly consisting of single-family detached homes, aside from the commercial corridor of Harford Road.

HISTORY

- These properties were zoned R-4 residential by TransForm Baltimore, in the comprehensive rezoning of the City that become effective on June 5, 2017.
- CCB #17-0032 – Rezoning – 5717 and 5723 Harford Road was reviewed by the Planning Commission on April 13, 2017, which recommended that the bill be passed.

ANALYSIS

Background: Prior to TransForm Baltimore these properties were split zoned with B-2-2 for the first approximately 150' and R-4 for the remainder of the property. One of the goals of the new code was to reduce the number of split zone properties where possible, this rezoning will keep a unified district for these properties.

3. **Present and future transportation patterns;** This project is located along one of northeast Baltimore's major radial roadways, and is capable of carrying significant levels of traffic. Proposed rezoning and redevelopment of these lots should not negatively impact the transportation patterns of the area.
4. **Compatibility with existing and proposed development for the area;** This property is located along a commercial corridor, though it extends into a residential neighborhood in the rear. The Planning Commission previously found in its review of CCB #17-0032 that the proposed rezoning to C-2 will not be a significant impact to that neighborhood.
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 this bill. The BMZA has not yet commented on this bill, and will do so separately.
6. **The relation of the proposed amendment to the City's plan.** The Planning Commission previously found in its review of CCB #17-0032 that the proposed rezoning is compatible with the commercial corridor in this area.

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 Planning Commission determined that changing the proposed zoning for this property to entirely R-4 in isolation was a mistake, in that it did not serve the interests of the commercial corridor, nor did it provide the potential for development that would be completely compatible with the existing residential neighborhood, and that would be reasonable for properties of that size, and therefore supported the rezoning of the entirety of both lots to the C-2 district.

Notification: The Glenham-Belhar Community Association, the Hamilton Hills Neighborhood Association, the MABLE Community Organization, and the Hamilton Lauraville Main Street have been notified of this action.



Thomas J. Storr
Director

In the April 13, 2017 meeting for CCB #17-0032, the Planning Commission found that the proposed change from R-4 to C-2 for these properties would not harm the public's interest, that it would be compatible with the commercial corridor, and therefore recommended the bill favorably. The requested C-2 district will permit a maximum of 165 dwelling units in density, and a height of up to 60' by right, with the potential for 100' in height approvable by conditional use. This change will accommodate a proposal for a multi-family building on this property, with ground-floor commercial use. The previous staff report is attached for reference.

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.

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). 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;** Population for the Census tract containing these properties have increased since the 2010 Census.
2. **The availability of public facilities;** This area is presently served by City services, and will not be negatively impacted by future development.

**CITY OF BALTIMORE
COUNCIL BILL 17-0081
(First Reader)**

Introduced by: Councilmember Dorsey

At the request of: Property Consulting, Inc.

Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South
Charles Street, 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: June 5, 2017

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Housing and Community Development,
Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 5717 and 5723 Harford Road**

3 FOR the purpose of changing the zoning for the properties known as 5717 and 5723 Harford
4 Road, as outlined in red on the accompanying plat, from the R-4 Zoning District to the C-2
5 Zoning District.

6 BY amending

7 Article 32 - Zoning

8 Zoning Map

9 Sheets 18 and 19

10 Baltimore City Revised Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheets 18 and 19 of the Zoning Map are amended by changing from the R-4 Zoning District to
14 the C-2 Zoning District the properties known as 5717 and 5723 Harford Road, as outlined in red
15 on the plat accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
25 after the date it is enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

5-26-17

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____

Introduced by: Councilmember Dorsey

At the request of: Property Consulting, Inc.

Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South
Charles Street, 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 5717 and 5723 Harford Road

FOR the purpose of changing the zoning for the properties known as 5717 and 5723 Harford Road, as outlined in red on the accompanying plat, from the R-4 Zoning District to the C-2 Zoning District.

BY amending

Article 32 - Zoning

Zoning Map

Sheets 18 and 19

Baltimore City Revised Code

(Edition 2000)

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SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

*** WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.**

**STATEMENT OF INTENT
FOR**

Rezoning – 5717 & 5723 Harford Road

1. Applicant's name, address and telephone number: Property Consulting, Inc. c/o Caroline L. Hecker, Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, (410) 727-6600
2. All proposed changes for the property: Rezone 5717 & 5723 Harford Road from the R-4 Zoning District to the C-2 Zoning District under Transform Baltimore (Article 32 – Zoning).
3. All intended use of the property: Construction of a mixed-use development, consisting of commercial and residential uses.
4. Current owner's name, address, and telephone number:

<u>Address</u>	<u>Property Owner</u>	<u>Deed Reference</u>
5717 Harford Road	Chatfield, Linda J (TR) Murray, Ralph (TR)	11451/855
5723 Harford Road	Chatfield, Linda J (TR) Murray, Ralph J (TR)	11451/385

5. The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in Liber ____ folio ____ . [Please see above.]
6. (a) There is is not a contract contingent on the requested legislative authorization.
(b) If there is a contract contingent on the requested legislative authorization:
 - (i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:

_____ N/A _____

 - (ii) The purpose, nature and effect of the contract are: N/A

7. (a) The applicant is is not acting as an agent for another.
(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are {use additional sheet if necessary}: N/A

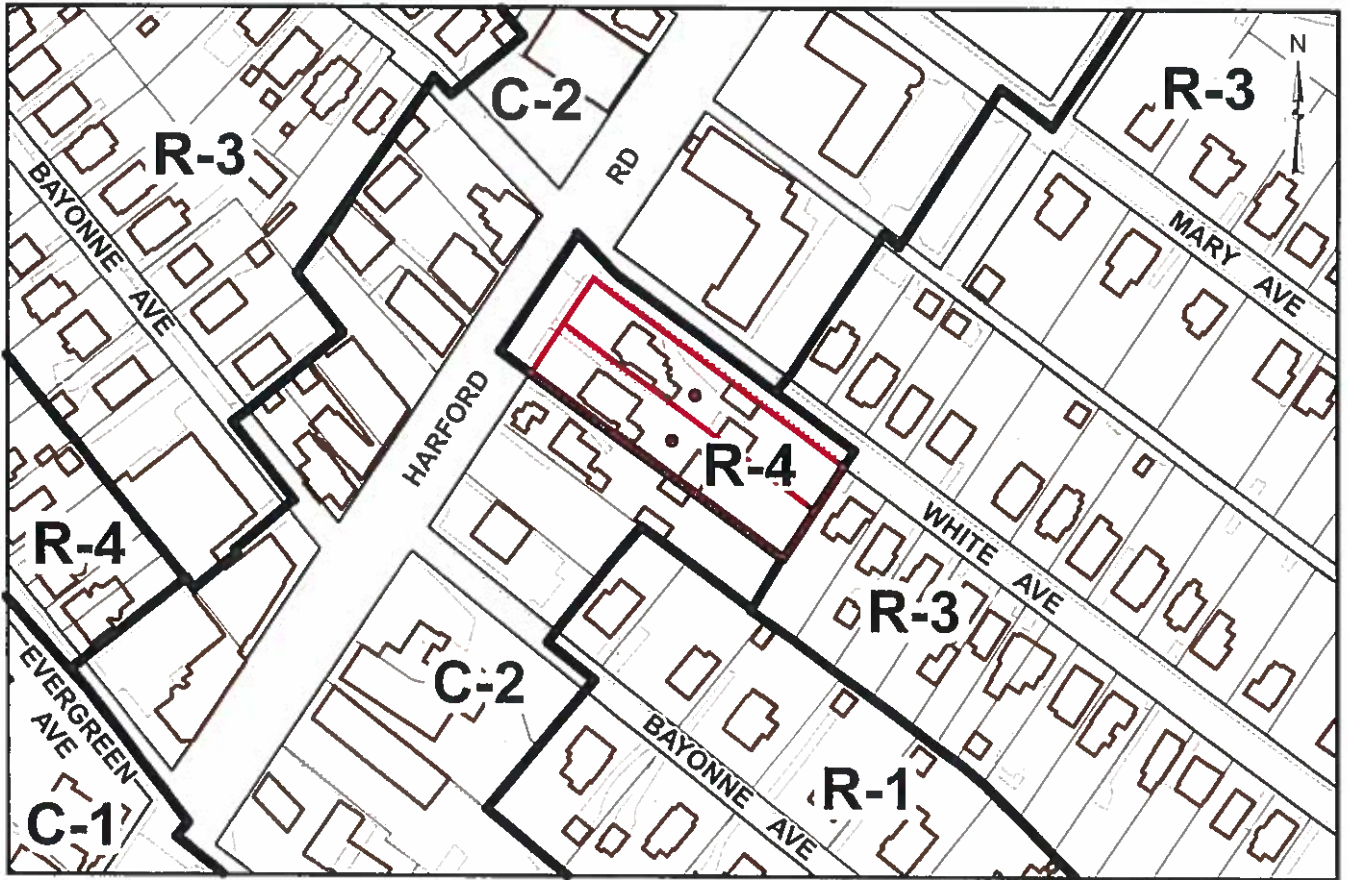
AFFIDAVIT

I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

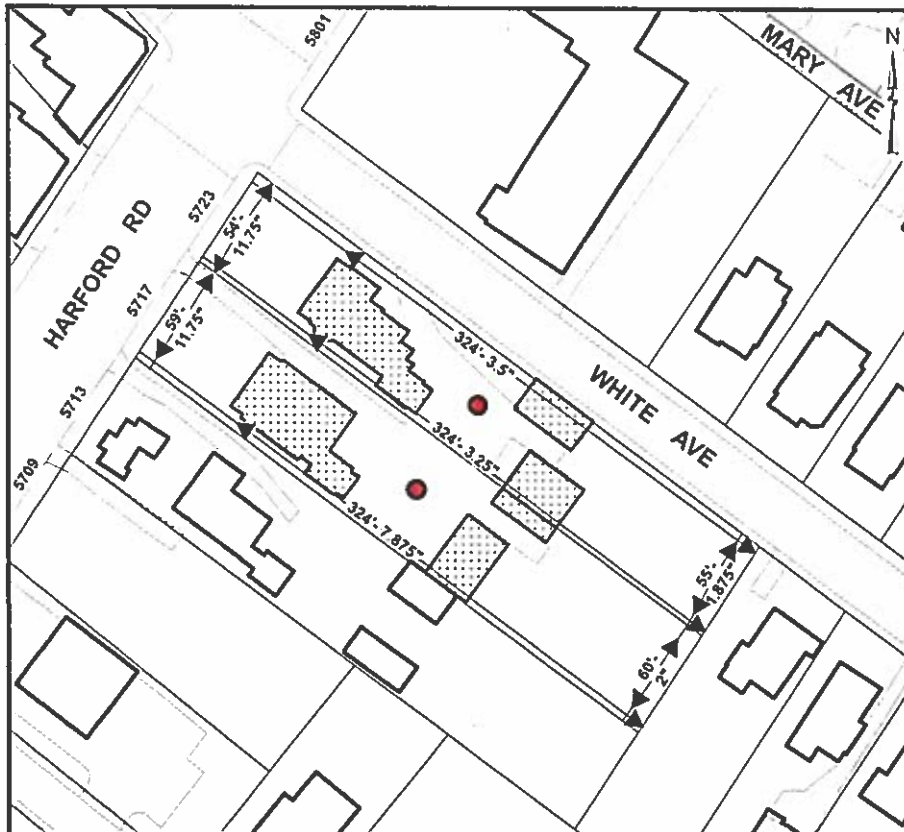
By: 
Caroline L. Hecker, Authorized Agent

2/23/17
Date

**SHEET NO. 8 & 19 OF THE ZONING DISTRICT MAP OF
THE BALTIMORE CITY ZONING CODE**



Scale: 1" = 200'



Note:

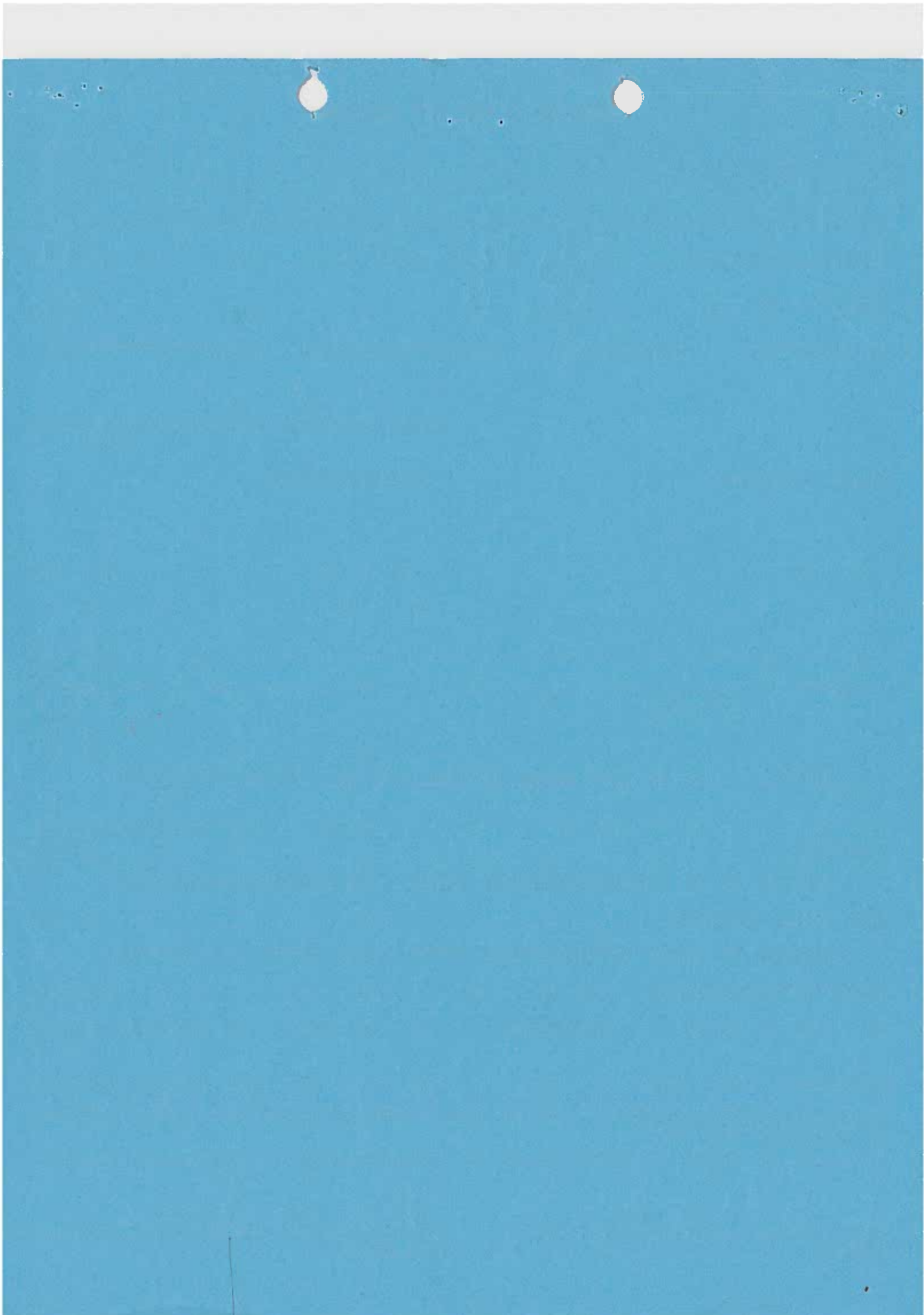
In Connection With Properties Known As No. 5717 HARFORD ROAD And 5723 HARFORD ROAD. The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From R-4 Zoning to C-2 Zoning, As Outlined In Red Above.

WARD 27 SECTION 3
BLOCK 5765 LOTS 1 & 2

MAYOR

PRESIDENT CITY COUNCIL

Scale: 1" = 100'



ACTION BY THE CITY COUNCIL

JUN 05 2017

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON July 12 _____ 20 17

COMMITTEE REPORT AS OF July 14 _____ 20 _____

FAVORABLE UNFAVORABLE FAVORABLE AS AMENDED WITHOUT RECOMMENDATION


Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JUL 17 2017

_____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ AUG 14 2017
20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

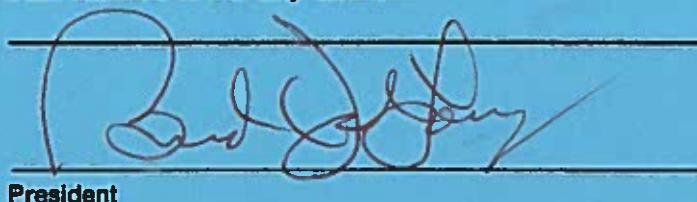
THIRD READING (ENROLLED) _____ 20 _____

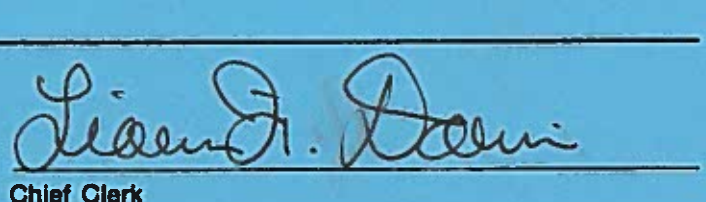
_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.


THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.


President


Chief Clerk

FROM	NAME & TITLE	Michelle L. Pourciau, Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0081	MEMO	

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

July 6, 2017

I am herein reporting on City Council Bill 17-0081 for the purpose of changing the zoning for the properties known as 5717 and 5723 Harford Road from the R-4 Zoning District to the C-2 Zoning District.

The proposed bill would rezone the above mentioned properties to be consistent with the Harford Rd. corridor. The redevelopment of these properties would be subject to a Traffic Impact Study, which would determine the associated transportation related projects needed to permit construction.

The Department of Transportation (DOT) has no objection to the rezoning of these properties.

Thank you for this opportunity to comment.

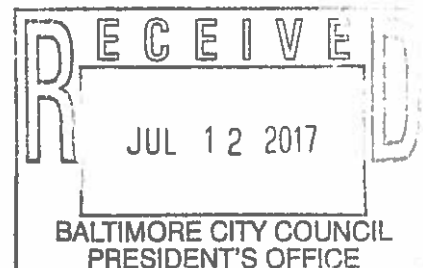
Respectfully,



Michelle L. Pourciau
Director

MP/PAF

Cc: Karen Stokes, Mayor's Office
Kyron Banks, Mayor's Office



No
obj

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

July 3, 2017

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: City Council Bill No. 17-0081: Rezoning 5717 and 5723 Harford Road

Ladies and Gentlemen:

City Council Bill No. 17-0081 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0081 is to change the zoning for the properties known as 5717 and 5723 Harford Road, as outlined in red on the accompanying plat, from the R-4 Zoning District to the C-2 Zoning District.

The BMZA has reviewed the legislation and recommends approval to the passage of Bill Number 17-0081.

Sincerely,

David C. Tanner
Executive Director

DCT rdh

CC: Mayors Office of Council Relations
Legislative Reference

F



**BALTIMORE
HOUSING**

CATHERINE E PUGH
Mayor

PAUL T GRAZIANO
Executive Director, HAHB
Commissioner, HCD

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Acting Commissioner

MB

Date: June 26, 2017

Re: **City Council Bill 17-0081 - Rezoning – 5717 and 5723 Harford Road**

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0081, for the purpose of changing the zoning for the properties known as 5717 and 5723 Harford Road from the R-4 Zoning District to the C-2 Zoning District.

If enacted, this bill, introduced by Councilman Dorsey, would change the zoning for two lots in the Flenham-Belhar neighborhood, which is across Harford Road from the Hamilton Hills neighborhood, from the R-4 to the C-2 zoning District. The change in zoning district would be compatible with the commercial corridor and accommodate a proposed multi-family development with ground-floor commercial use on the properties.

The Department of Housing and Community Development has no objection to the passage of City Council Bill 17-0081

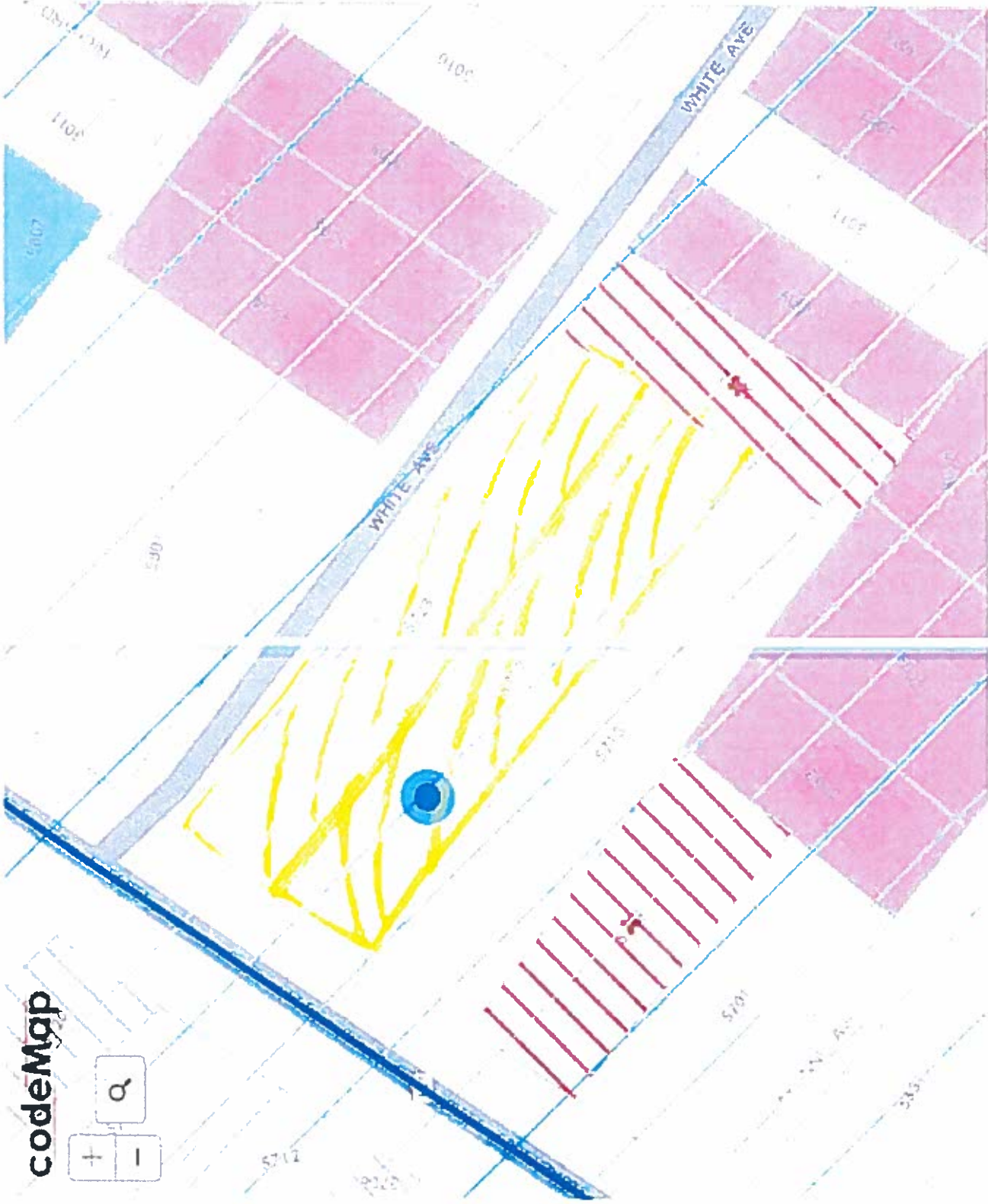
MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*

no obj



codeMgp



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- FY16
- FY17/1
- Propoi
- Projec
- ✓ Non-Proj
- ✓ Non-
- Non-
- Potenita
- Green Netv
- EOG Result
- Demo Work
- BRNI, CL, C
- Demolition
- Likely Unoc
- BPD
- HABC Scaff
- HO Incentis

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



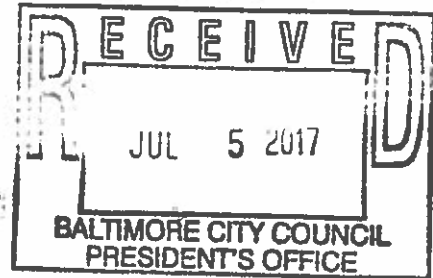
DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

July 5, 2017

Honorable President and Members
of the City Council of Baltimore
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Attn: Natawna B. Austin
Executive Secretary



Re: City Council Bill 17-0081 – Rezoning – 5717 and 5723 Harford Road

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0081 for form and legal sufficiency. The bill would change the zoning for 5717 and 5723 Harford Road from the R-4 Zoning District to the C-2 Zoning District.

These rezonings were originally introduced under Council Bill 17-0032. Due to procedural issues, Council did not proceed with 17-0032 and the bill was reintroduced as 17-0081. The Planning Department issued a Staff Report (“Report”) regarding the two properties proposed to be rezoned by the current bill and attached for reference its Staff Report for 17-0032. *See Report at 2.* The Report explains that, prior to TransForm Baltimore, the properties were split-zoned, with B-2-2 commercial zoning in the front, and R-4 residential zoning in the rear. *See Report at 1.* The properties were rezoned R-4 in their entirety when TransForm became effective on June 5, 2017. *See Report at 1.* As noted above, this bill seeks to rezone the properties from R-4 to C-2.

The City Council may approve a proposed map amendment based on a finding that there was a “mistake in the existing zoning classification.” Md. Land Use Code Ann., §10-304(b)(2); Baltimore City Code, (BCC) Art. 32, § 5-508(b)(1)(ii). In determining whether to rezone on the basis of mistake, the City Council is required to make findings of fact, for each property, on the following matters: (1) population change; (2) the availability of public facilities; (3) the present and future transportation patterns; (4) compatibility with existing and proposed development; (5) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and (6) the relationship of the proposed amendment to the City’s plan. Md. Land Use Code Ann., §10-304(b)(1). *See also*, BCC, Art. 32, § 5-508(b)(2) (citing same factors with (v) being “the recommendations of the City agencies and officials,” and (vi) being “the proposed amendment’s consistency with the City’s Comprehensive Master Plan.”). Article 32 of the City Code also requires Council to consider: “(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.” § 5-508(b)(3).

Council’s decision regarding a piecemeal rezoning is reviewed under the substantial evidence test, and should be upheld “if reasoning minds could reasonably reach the conclusion from facts in the record.” *Cty. Council of Prince George’s Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015), quoting, *Cremins v. Cnty. Comm’rs of Washington Cnty.*, 164 Md.App. 426, 438 (2005). See also, *White v. Spring*, 109 Md. App. 692, 699, cert. denied, 343 Md. 680 (1996) (“the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable”); *Floyd v. County Council of Prince George’s County*, 55 Md.App. 246, 258 (1983) (“‘substantial evidence’ means a little more than a ‘scintilla of evidence.’”).

With regard to rezoning on the basis of mistake, it is “firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning.” *People’s Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995), quoting, *Wells v. Pierpont*, 253 Md. 554, 557 (1969). To sustain a piecemeal change, there must be substantial evidence that “the Council failed to take into account then existing facts . . . so that the Council’s action was premised . . . on a misapprehension.” *White v. Spring*, 109 Md. App. at 698, quoting, *People’s Counsel*, 107 Md. App. at 645. In other words, “[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing.” 109 Md. App. at 698. “Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council’s action was premised initially on a misapprehension[,]” [and] “by showing that events occurring subsequent to the comprehensive zoning have proven that the Council’s initial premises were incorrect.” *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). “Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not ‘fairly debatable.’” *Id.* at 52.

A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry “regarding whether, and if so, how, the property is reclassified,” is required. *Id.* at 709. This second conclusion is due great deference. *Id.* (after a prior mistake has been established and accepted as fact by a legislative zoning entity, that entity’s decision as to whether to rezone, and if so, how to reclassify, is due the same deference the prior comprehensive rezoning was due).

In sum, the Land Use and Transportation Committee (the "Committee") is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact for each property with regard to the factors in §§10-304 and 10-305 of the Land Use Article and § 5-508 of Article 32. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met. **The Law Department notes that the Report does not supply facts to support each of the findings required by law; therefore, Council must base its findings on other testimony presented at the hearing.**

Finally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a "legislative authorization." BCC Art. 32, § 5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location, and at least one sign must be visible from each of the property's street frontages. Art. 32, §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Art. 32, §5-601(e),(f).

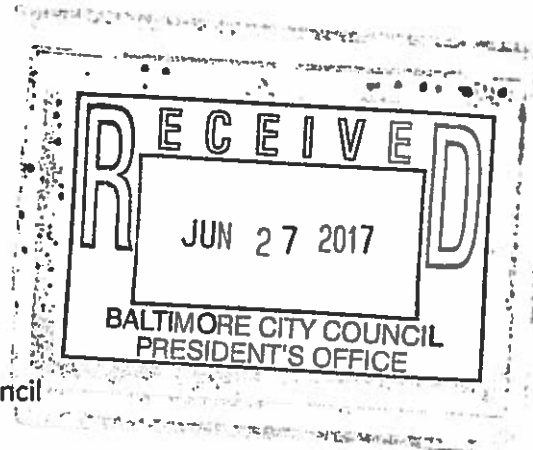
The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department approves the bill for form and legal sufficiency.

Sincerely,



Jennifer Landis

cc: David Ralph, Interim City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor K. Tervalá, Chief Solicitor



MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna Austin, Executive Secretary

FROM: William H. Cole, President and CEO *[Signature]*

DATE: June 23, 2017

SUBJECT: City Council Bill No. 17-0081
Rezoning – 5717 and 5723 Harford Road

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill #17-0081, which seeks to rezone 5717 and 5723 Harford Road from the R-4 Zoning District to the C-2 Zoning District.


The proposed improvement of these properties will provide a mixed-use development which will help to continue the community revitalization efforts along Harford Road adding commercial space and additional residential units.

The BDC supports this resolution and respectfully requests that favorable consideration be given by the City Council for Bill No. 17-0081.

cc: Kyron Banks

F



FROM	NAME & TITLE	THOMAS [redacted], DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR [redacted] ST FAYETTE STREET		
	SUBJECT	CITY CO. BILL #17-0081 / REZONING 5717 AND 5723 HARFORD ROAD		

TO The Honorable President and
Members of the City Council
City Hall, Room 300
100 North Holliday Street

DATE: June 16, 2017

At its regular meeting of June 15, 2017, the Planning Commission considered City Council Bill #17-0081, for the purpose of changing the zoning for the properties known as 5717 and 5723 Harford Road as outlined in red on the accompanying plat, from the R-4 Zoning District to the C-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommends approval of City Council Bill #17-0081 and adopted the following resolution. The number being present (seven in favor):

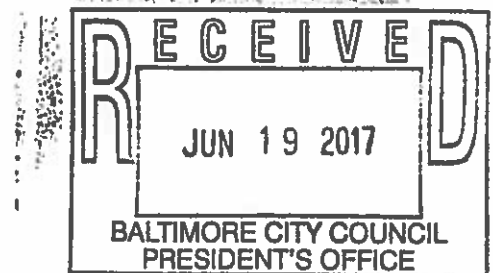
RESOLVED That the Planning Commission concurs with the recommendation of its professional staff, and recommends that City Council Bill #17-0081 be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: Mr. Paul [redacted], Chief Operating Officer
Mr. Jim [redacted], Chief of Strategic Alliances
Ms. Kelly [redacted], Mayor's Office
Mr. [redacted], Mayor's Office
Mr. [redacted], Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. [redacted], BMZA
Mr. [redacted], Zoning Administration
Ms. [redacted], DHCD
Mr. [redacted], DOT
Ms. [redacted], Law Dept.
Ms. [redacted], Council Services
Mr. [redacted], PABC
Ms. [redacted], Hecker, Esq.



RECEIVED
JUL 18 2013
DIPLOMACY PROGRAM
OFFICE OF THE DIRECTOR



Catherine E. P.
 Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



*Thomas J. Stosur
 Director*

June 15, 2017

REQUEST: City Council Bill #17-0081/ Rezoning – 5717 and 5723 Harford Road:
 For the purpose of changing the zoning for the properties known as 5717 and 5723 Harford Road, as outlined in the accompanying plat, from the R-4 Zoning District to the C-2 Zoning District.

RECOMMENDATION: Approval

STAFF: Eric [unclear]

PETITIONER: Property Consulting, Inc., c/o Caroline L. Hecker, Esq.

OWNERS: [unclear] and Ralph Murray

SITE/GENERAL AREA

Site Conditions: 5717 and 5723 Harford Road are located on the southern corner of the intersection with White Avenue. 5717 Harford Road measures approximately 324'3 1/2" in depth, by 54'3 1/4" in width. 5723 Harford Road measures approximately 324'3 1/4" in depth, by 59'11 1/4" in width. Both lots are currently improved with single-family detached homes. These lots were split zoned under the former zoning code, with B-2-2 commercial zoning in the front, to include the homes, and were R-4 residentially zoned in the rear, to include detached garages. They are now zoned R-4 under TransForm Baltimore.

General Area: These properties are located on the western edge of the Glenham-Belhar neighborhood with the Hamilton Hills neighborhood located to the west across Harford Road. The Glenham-Belhar neighborhood is principally residential in nature, mostly consisting of single-family detached homes, aside from the commercial corridor of Harford Road.

HISTORY

- These properties were zoned R-4 residential by TransForm Baltimore, in the comprehensive rezoning of the City that became effective on June 5, 2017.
- CCB #17-032 – Rezoning – 5717 and 5723 Harford Road was reviewed by the Planning Commission on April 13, 2017, which recommended that the bill be passed.

ANALYSIS

Background: Prior to TransForm Baltimore these properties were split zoned with B-2-2 for the first approximately 150' and R-4 for the remainder of the property. One of the goals of the new code was to reduce the number of split zone properties where possible, this rezoning will keep a unified district for these properties.

3. **Present and future transportation patterns;** This project is located along one of northern Baltimore's major radial roadways, and is capable of carrying significant levels of traffic. Proposed rezoning and redevelopment of these lots should not negatively impact the transportation patterns of the area.
4. **Compatibility with existing and proposed development for the area;** This property is located along a commercial corridor, though it extends into a residential neighborhood in the rear. The Planning Commission previously found in its review of CCB #17-0032 that the proposed rezoning to C-2 will not be a significant impact to that neighborhood.
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 this bill. The BMZA has not yet commented on this bill, and will do so separately.
6. **The location of the proposed amendment to the City's plan.** The Planning Commission previously found in its review of CCB #17-0032 that the proposed rezoning is compatible with the commercial corridor in this area.

Per §5-508(c) of Article 22 – Zoning, and as required by the State Land Use Article, the City Council may provide 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 Planning Commission determined that changing the zoning for this property to entirely R-4 in isolation was a mistake, in that it did not serve the needs of the commercial corridor, nor did it provide the potential for development that was completely compatible with the existing residential neighborhood, and that would be reasonable for properties of that size, and therefore supported the rezoning of the entirety of both lots in the C-2 district.

Notification: The Glenview-Belhar Community Association, the Hamilton Hills Neighborhood Association, the Hilltop Community Organization, and the Hamilton Lauraville Main Street have been notified of this action.


Thomas J. [unclear]
Director

In the April 2017 meeting for CCB #17-0032, the Planning Commission found that the proposed rezoning from R-4 to C-2 for these properties would not harm the public's interest, that it would be compatible with the commercial corridor, and therefore recommended the bill favorably. The rezoning to C-2 district will permit a maximum of 165 dwelling units in density, and a height up to 100 feet by right, with the potential for 100' in height approvable by conditional use. This change will accommodate a proposal for a multi-family building on this property, with ground-floor commercial use. The previous staff report is attached for reference.

Below are the proposed standards under §5-508(b) of Article 32 – Zoning for proposed zoning map amendments:

- (b) *Map Amendments*
- (1) *Reclassification*
 A zoning map amendment that reclassifies a property from one zoning classification to another under State Land Use Article, the City Council may approve the legislative action only if it is based on a finding that there was either:
 (i) a substantial change in the character of the neighborhood where the property is located;
 (ii) a change in the existing zoning classification.
 - (2) *Reclassification of Fact*
 In order for a reclassification to be approved by the City Council, the City Council must make findings of fact that address:
 (i) the nature and extent of the proposed changes;
 (ii) the availability of public facilities;
 (iii) the impact of the proposed changes on existing and future transportation patterns;
 (iv) the 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) *General*
 The following factors that must be considered for map amendments are:
 (i) the location of the 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 zoning classification of the property in question for the uses permitted under its existing zoning classification;
 (iv) the nature and extent of the proposed changes;
 (v) the availability of public facilities;
 (vi) the impact of the proposed changes on existing and future transportation patterns;
 (vii) the compatibility with existing and proposed development, if any, in the general area of the property in question, including development that have taken place since the property in question was placed in its present zoning classification.

Maryland Land Use Article 32 – Requirements for Rezoning:
 The Maryland Land Use Code requires the Planning Commission to study the proposed changes in relation to:
 1. The needs of Baltimore City; and 3. The needs of the particular neighborhood in question (Md. LAND USE Code Ann. 2012, §10-305). Similar to the Maryland 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:** Population for the Census tract containing these properties have increased since the 2010 Census.
2. **The availability of public facilities:** This area is presently served by City services, and will not be significantly impacted by future development.

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

Order #: 11356263
Case #: 17-0081
Description:

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 17-0081 The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, July 12, 2017 at 1:30 P.M in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

6/12/2017



Darlene Miller, Public Notice Coordinator
(Representative Signature)

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 17-0081**

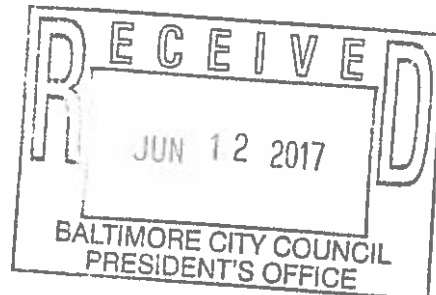
The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, July 12, 2017 at 1:30 P.M in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0081.

CC 17-0081 ORDINANCE - Rezoning - 5717 and 5723 Harford Road - FOR the purpose of changing the zoning for the properties known as 5717 and 5723 Harford Road, as outlined in red on the accompanying plat, from the R-4 Zoning District to the C-2 Zoning District

BY authority of
Article 32 - Zoning
Zoning Map
Sheet(s) 18 and 19
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.
EDWARD REISINGER,
Chairman

je12



**CITY OF BALTIMORE
COUNCIL BILL 17-0081
(First Reader)**

Introduced by: Councilmember Dorsey

At the request of: Property Consulting, Inc.

Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South
Charles Street, 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: June 5, 2017

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Housing and Community Development,
Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 5717 and 5723 Harford Road**

3 FOR the purpose of changing the zoning for the properties known as 5717 and 5723 Harford
4 Road, as outlined in red on the accompanying plat, from the R-4 Zoning District to the C-2
5 Zoning District.

6 BY amending

7 Article 32 - Zoning

8 Zoning Map

9 Sheets 18 and 19

10 Baltimore City Revised Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That
13 Sheets 18 and 19 of the Zoning Map are amended by changing from the R-4 Zoning District to
14 the C-2 Zoning District the properties known as 5717 and 5723 Harford Road, as outlined in red
15 on the plat accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

24 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
25 after the date it is enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

**STATEMENT OF INTENT
FOR**

Rezoning – 5717 & 5723 Harford Road

1. Applicant's name, address and telephone number: Property Consulting, Inc. c/o Caroline L. Hecker, Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, (410) 727-6600
2. All proposed changes for the property: Rezone 5717 & 5723 Harford Road from the R-4 Zoning District to the C-2 Zoning District under Transform Baltimore (Article 32 – Zoning).
3. All intended use of the property: Construction of a mixed-use development, consisting of commercial and residential uses.
4. Current owner's name, address, and telephone number:

<u>Address</u>	<u>Property Owner</u>	<u>Deed Reference</u>
5717 Harford Road	Chatfield, Linda J (TR) Murray, Ralph (TR)	11451/855
5723 Harford Road	Chatfield, Linda J (TR) Murray, Ralph J (TR)	11451/385

5. The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in Liber ____ folio _____. [Please see above.]

6. (a) There is ___ is not X a contract contingent on the requested legislative authorization.
(b) If there is a contract contingent on the requested legislative authorization:

- (i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:

N/A

- (ii) The purpose, nature and effect of the contract are: N/A

7. (a) The applicant is ___ is not X acting as an agent for another.

- (b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are {use additional sheet if necessary}: N/A

AFFIDAVIT

I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

By: 
Caroline L. Hecker, Authorized Agent

2/23/17
Date

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5717 Harford Road	Chatfield, Linda J (TR) Murray, Ralph (TR)	11451/855
5723 Harford Road	Chatfield, Linda J (TR) Murray, Ralph J (TR)	11451/385

5. The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in Liber ____ folio _____. [Please see above.]
6. (a) There is ___ is not X a contract contingent on the requested legislative authorization.
(b) If there is a contract contingent on the requested legislative authorization:
(i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:

N/A

- (ii) The purpose, nature and effect of the contract are: N/A
-
-

7. (a) The applicant is ___ is not X acting as an agent for another.
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AFFIDAVIT

I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

By 
Caroline L. Hecker, Authorized Agent

2/23/17
Date

**STATEMENT OF INTENT
FOR**

Rezoning – 5717 & 5723 Harford Road

1. Applicant's name, address and telephone number: Property Consulting, Inc. c/o Caroline L. Hecker, Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, (410) 727-6600
2. All proposed changes for the property: Rezone 5717 & 5723 Harford Road from the R-4 Zoning District to the C-2 Zoning District under Transform Baltimore (Article 32 – Zoning).
3. All intended use of the property: Construction of a mixed-use development, consisting of commercial and residential uses.
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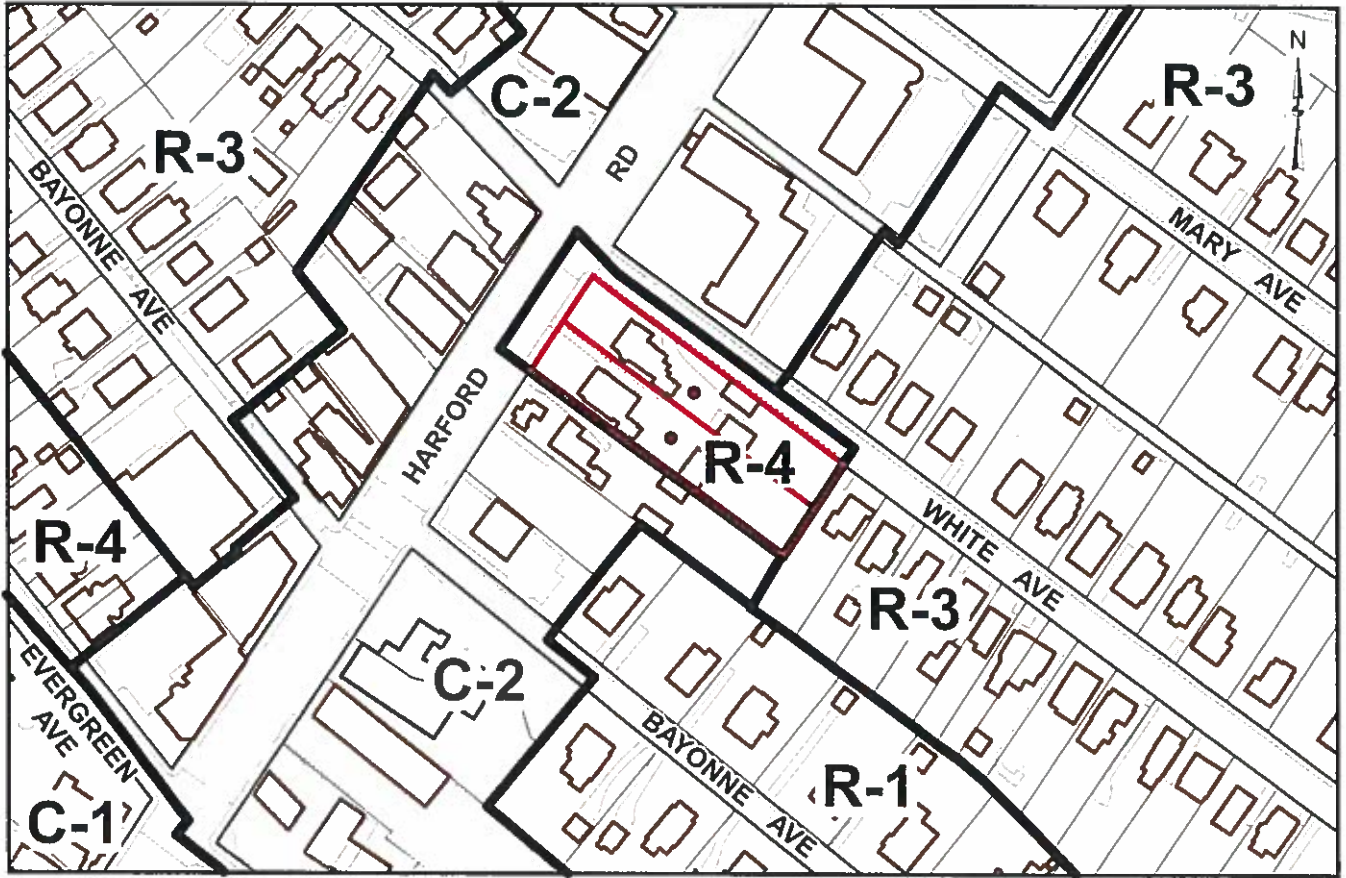
AFFIDAVIT

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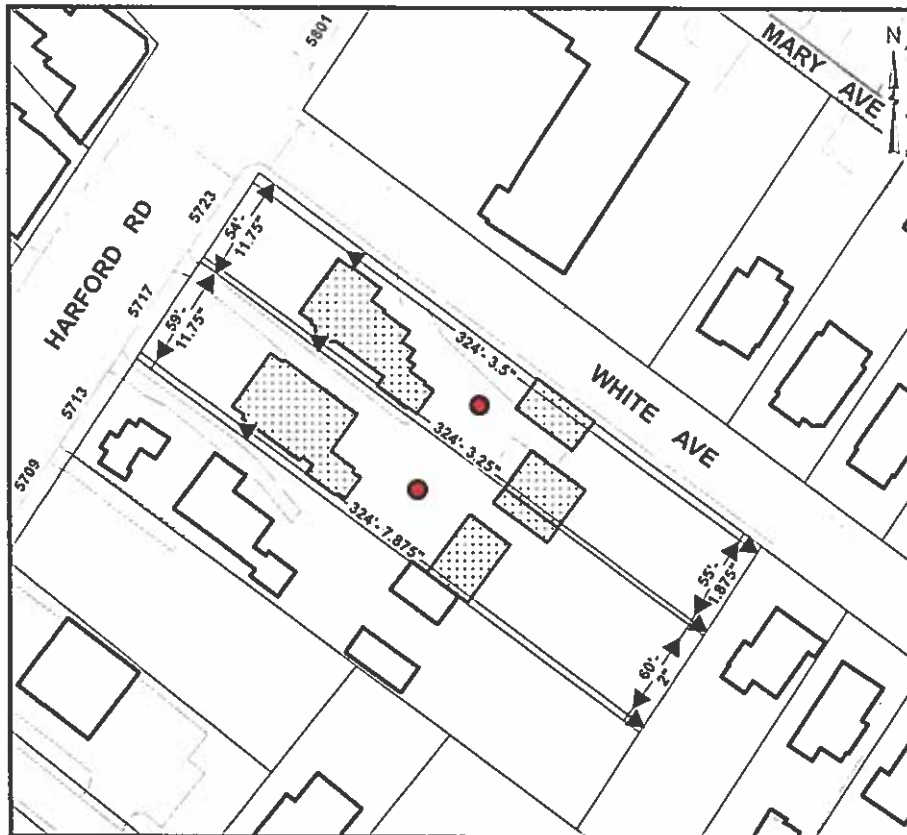
By: 
Caroline L. Hecker, Authorized Agent

2/23/17
Date

**SHEET NO. 18 & 19 OF THE ZONING DISTRICT MAP OF
THE BALTIMORE CITY ZONING CODE**



Scale: 1" = 200'



Scale: 1" = 100'

Note:

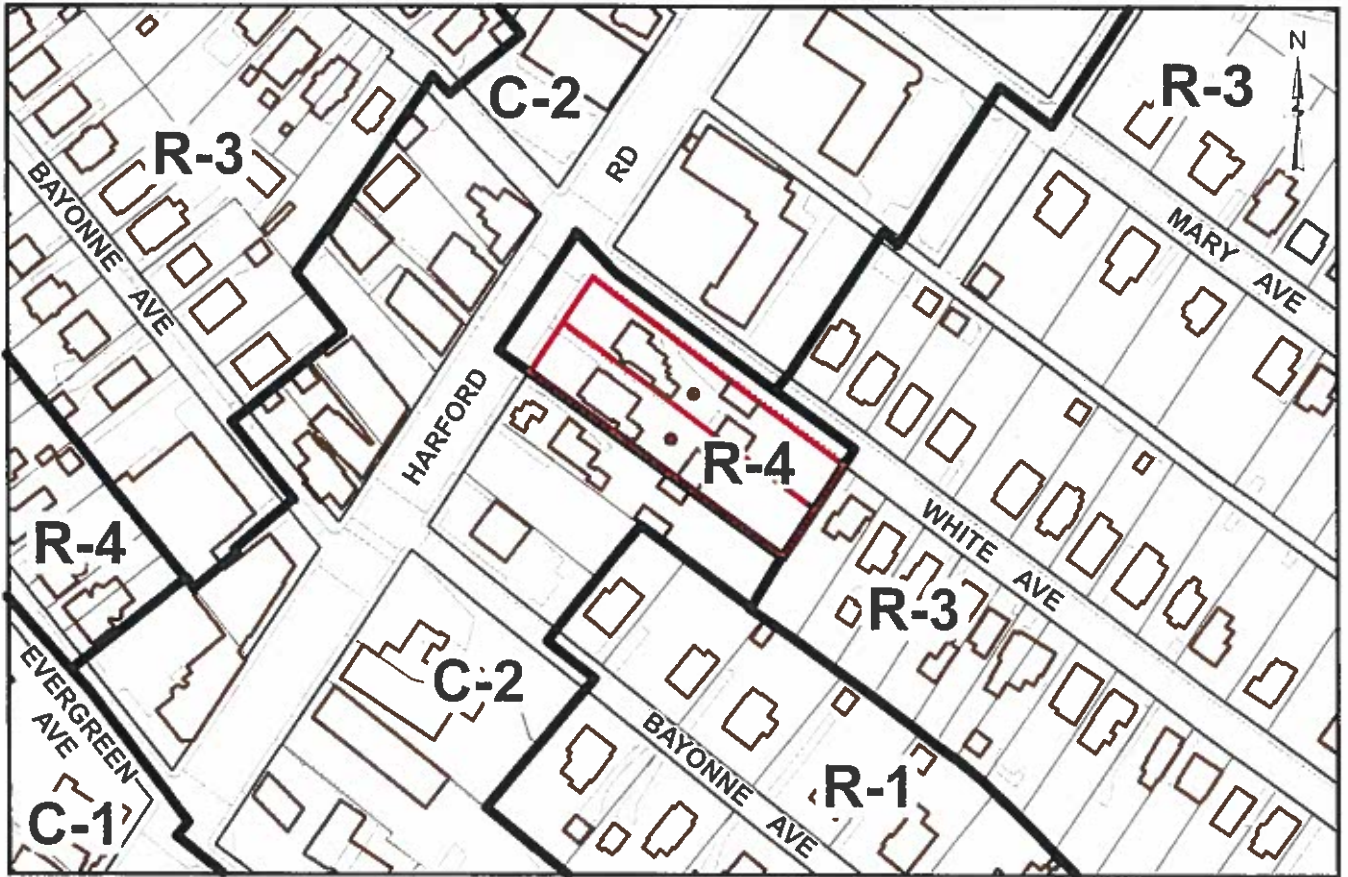
In Connection With Properties Known As No. 5717 HARFORD ROAD And 5723 HARFORD ROAD. The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From R-4 Zoning to C-2 Zoning, As Outlined In Red Above.

WARD 27 SECTION 3
BLOCK 5765 LOTS 1 & 2

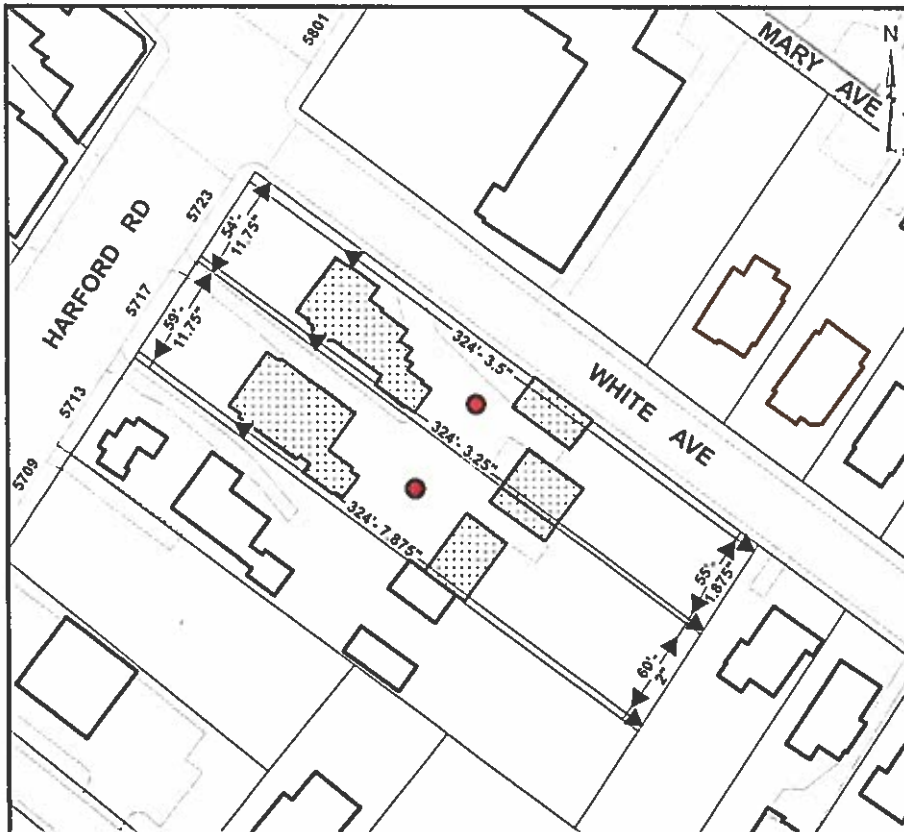
MAYOR

PRESIDENT CITY COUNCIL

**SHEET NO. 18 & 19 OF THE ZONING DISTRICT MAP OF
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Scale: 1" = 200'



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In Connection With Properties Known As No. 5717 HARFORD ROAD And 5723 HARFORD ROAD. The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From R-4 Zoning to C-2 Zoning, As Outlined In Red Above.

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MAYOR

PRESIDENT CITY COUNCIL

APPROVED FOR FORM
STYLE, AND TEXTUAL SUFFICIENCY

5-26-17

DEPT LEGISLATIVE REFERENCE

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL 17-0081

Introduced by: Councilmember Dorsey
At the request of: Property Consulting, Inc.
Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South
Charles Street, 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 5717 and 5723 Harford Road

FOR the purpose of changing the zoning for the properties known as 5717 and 5723 Harford
Road, as outlined in red on the accompanying plat, from the R-4 Zoning District to the C-2
Zoning District.

BY amending

- Article 32 - Zoning
- Zoning Map
- Sheets 18 and 19
- Baltimore City Revised Code
- (Edition 2000)

LOT
Law
BM2A
Planning comm.
HCP
BDC
DOT

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That
Sheets 18 and 19 of the Zoning Map are amended by changing from the R-4 Zoning District to
the C-2 Zoning District the properties known as 5717 and 5723 Harford Road, as outlined in red
on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the
accompanying plat and in order to give notice to the agencies that administer the City Zoning
Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day
after the date it is enacted.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND PLANNING COMMITTEE: THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF

City Council Bill No. 17-0081

Rezoning – 5717 and 5723 Harford Road

1. **Boundaries of the Neighborhood:**

Glenham-Belhar neighborhood is situated in the Northeast section of the city, between two business corridors: Belair Road and Harford Road.

2. **Population Change:**

The population has increased between 2000 and 2010.

3. **Availability of public facilities:**

The property is well served by streets, utilities, police, fire and schools.

4. **Present and future transportation pattern:**

The project is located along one of northeast Baltimore's major radial roadways, and is capable of carrying significant levels of traffic. Proposed rezoning and redevelopment of these lots should not negatively impact the transportation patterns of the area.

5. **Compatibility with existing and proposed development:**

The proposed zoning change is consistent with the prior conversion of industrial properties to commercial zoning that permits mixed use developments, and better responds to the adjacency with the existing community.

6. **Recommendations of the Planning Commission:**

Approval

Disapproval

7. **Recommendation of the BMZA:**

Approval

Disapproval

8. Relation of the proposal to the City's Master Plan:

Conforms

Does not conform

9. Changes in the character of the neighborhood:

n/a

10. A mistake in the existing zoning classification:

Yes

LAND USE COMMITTEE:

Chairman

Member

Member

Member

Member

Member

Member

Member

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND PLANNING COMMITTEE: THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF

City Council Bill No. 17-0081

Rezoning – 5717 and 5723 Harford Road

1. **Boundaries of the Neighborhood:**

Glenham-Belhar neighborhood is situated in the Northeast section of the city, between two business corridors: Belair Road and Harford Road.

2. **Population Change:**

The American Community Survey produced by the Census Bureau estimates that the population for the Census tract containing these properties has decreased since the 2010 census from 3,299 to 3,166 people.

The proposed commercial rezoning of the properties will support population growth by allowing for dense mixed-use development along a major corridor.

3. **Availability of public facilities:**

There are adequate public facilities to serve the properties. To the extent that additional utilities are required, the developer will install such facilities as part of the redevelopment of the site.

4. **Present and future transportation pattern:**

The project is located along one of northeast Baltimore's major radial roadways, and is capable of carrying significant levels of traffic. The proposed rezoning and redevelopment of these lots should not negatively impact the transportation patterns of the area. The proximity to a major roadway makes it appropriate for increased density and ability to provide for commercial uses on the properties.

5. **Compatibility with existing and proposed development for the area:**

The properties are located along a commercial corridor. A commercial rezoning of the properties is compatible with existing uses and other nodes of C-2 zoning along the Harford Road corridor.

6. **Recommendations of the Planning Commission:**

Approval

Disapproval

7. Recommendation of the BMZA:

Approval

Disapproval

8. Relation of the proposal to the City's Master Plan:

Conforms

Does not conform

9. Changes in the character of the neighborhood:

n/a

10. A mistake in the existing zoning classification

There was a mistake in the 2017 rezoning of the Property as R-4, in that the City Council did not consider the dense, mixed-use commercial redevelopment projects occurring along the Harford Road corridor, nor did it consider broader trends in development that recognize robust commercial corridors with mixed-use development better serve the retail and services needs of the surrounding residential neighborhood than do corridors that have zoning designations that only permit small-scale residential development. This mistake should be corrected by rezoning the properties to C-2.

LAND USE COMMITTEE:

Chairman

Member

Member

Member

Member

Member

Member

Member

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 17-0081

Introduced by: Councilmember Dorsey

At the request of: Property Consulting, Inc.

Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South
Charles Street, 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: June 5, 2017

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable

Council action: Adopted

Read second time: July 17, 2017

AN ORDINANCE CONCERNING

Rezoning – 5717 and 5723 Harford Road

1
2 FOR the purpose of changing the zoning for the properties known as 5717 and 5723 Harford
3 Road, as outlined in red on the accompanying plat, from the R-4 Zoning District to the C-2
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5 BY amending

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23 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
24 after the date it is enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

Council Bill 17-0081

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City