



**BALTIMORE CITY COUNCIL
ECONOMIC AND COMMUNITY DEVELOPMENT
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

The Honorable Sharon Green Middleton

PUBLIC HEARING

February 27, 2024

2:02 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

23-0351

**Rezoning - 1801-1807 Bloomingdale Road & 1800 to 1816 North
Rosedale Street**



BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 23-0351

Rezoning 1801-1807 Bloomingdale Road & 1800-1806 N Rosedale Street

Sponsor: Councilmember Torrance

Introduced: May 15, 2023

Purpose:

For the purpose of changing the zoning for the properties known as 1801 to 1807 Bloomingdale Road (Block 2427, Lots 032 to 035) and 1800 to 1816 North Rosedale Street (Block 2427, Lots 001 to 009), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

By amending

- Article – Zoning
- Zoning District Maps
- Sheet 43
- Baltimore City Revised Code
- (Edition 2000)

Effective: The 30th day after the date it is enacted

Agency Reports

Planning Commission	Favorable
Department of Housing and Community Development	No Objection
Department of Transportation	No Objection
BMZA	Defer to the Planning
Baltimore Development Corporation	Favorable
Parking Authority of Baltimore City	No Objection
City Solicitor	Approve

Analysis

Current Law

Baltimore City Code – Article 32 Zoning – Allows for the rezoning of property in the City under 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.

Bill Summary

This bill would change the zoning designation of the named blocks from the R-8 Residential zoning district to the C-1 Commercial zoning district. With the goal being to make the zoning consistent with how the property is currently being used.

The Planning Department in their report found that a significant change in the block had occurred including the clearing and boarding of property on this block.

Additional Information

Fiscal Note: Not Available

Information Source(s): Baltimore City Code, Reporting Agencies, Bill 23-0351.

Analysis by: Anthony Leva Direct Inquiries to: 410-396-1091

Analysis Date: August 4, 2023

**CITY OF BALTIMORE
COUNCIL BILL 23-0351
(First Reader)**

Introduced by: Councilmember Torrence

Introduced and read first time: February 6, 2023

Assigned to: Economic and Community Development Committee

Referred to the following agencies: City Solicitor, Planning Commission, Department of Housing and Community Development, Board of Municipal and Zoning Appeals, Parking Authority of Baltimore City, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 1801 to 1807 Bloomingdale Road and**
3 **1800 to 1816 North Rosedale Street**

4 FOR the purpose of changing the zoning for the properties known as 1801 to 1807 Bloomingdale
5 Road (Block 2427, Lots 032 to 035) and 1800 to 1816 North Rosedale Street (Block 2427,
6 Lots 001 to 009), as outlined in red on the accompanying plat, from the R-8 Zoning District
7 to the C-1 Zoning District.

8 BY amending

9 Article - Zoning
10 Zoning District Maps
11 Sheet 43
12 Baltimore City Revised Code
13 (Edition 2000)

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
15 Sheet 43 of the Zoning District Maps is amended by changing from the R-8 Zoning District to
16 the C-1 Zoning District the properties known as 1801 to 1807 Bloomingdale Road (Block 2427,
17 Lots 032 to 035) and 1800 to 1816 North Rosedale Street (Block 2427, Lots 001 to 009), as
18 outlined in red on the plat accompanying this Ordinance.

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

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

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

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

**23-0351
AGENCY REPORTS**

**REZONING - 1801 TO 1807 BLOOMINGDALE
ROAD AND 1800 TO 1816 NORTH ROSEDALE
STREET**

CITY OF BALTIMORE

Brandon M. Scott, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

Rebecca Lundberg Witt, *Acting Executive
Director*

October 10, 2023

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

Re: CC Bill #23-0351- Rezoning – 1801 to 1807 Bloomingdale Road and 3 1800 to 1816 North Rosedale Street

Ladies and Gentlemen:

City Council Bill No. 23-0351 has been referred to by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.


The purpose of City Council Bill No. 23-0351 is to change the zoning for the properties known as 1801 and 1807 Bloomingdale Road (Block 2427, Lots 032 to 035) and 1800 to 1816 North Rosedale Street (Block 2427, Lots 001 to 009), from the R-8 Zoning District to the C-1 Zoning District. BMZA is deferring its recommendation on the legislation to that of the report and recommendation of the Planning Commission.

Sincerely,

A handwritten signature in black ink that reads "Rebecca R Witt".

Rebecca Lundberg Witt
Executive Director

CC: Mayor's Office of Council Relations
City Council President
Legislative Reference

F R O M	NAME & TITLE	Corren Johnson, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	Council Bill 23-0351		

DATE: 10/23/2023

TO: Mayor Brandon Scott
TO: Economic and Community Development Committee
FROM: Department of Transportation
POSITION: **No Objection**
SUBJECT: Council Bill 23-0351

INTRODUCTION - Rezoning - 1801 to 1807 Bloomingdale Road and 1800 to 1816 North Rosedale Street

PURPOSE/PLANS - For the purpose of changing the zoning for the properties known as 1801 to 1807 Bloomingdale Road (Block 2427, Lots 032 to 035) and 1800 to 1816 North Rosedale Street (Block 2427, Lots 001 to 009 from the R-8 Zoning District to the C-1 Zoning District.

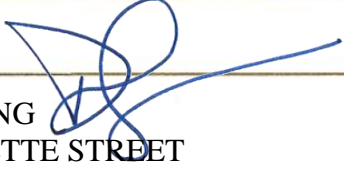

COMMENTS – City Council Bill 23-0351 looks to rezone the property known as 1801 to 1807 Bloomingdale Road and 1800 to 1816 North Rosedale Street from the R-8 Zoning District to the C-1 Zoning District. The R-8 Zoning District consists of traditional form of urban rowhouse. Alternatively, the C-1 Zoning District allows for commercial clusters or pedestrian-oriented corridors of commercial uses that serve the immediate neighborhood. The rezoning is intended to align the parcels more closely with their existing active status, which can be observed as being beyond residential use.

AGENCY/DEPARTMENT POSITION – The Baltimore City Department of Transportation foresees no direct operational or fiscal impact resulting from the legislation and has **no objection** towards the advancement of Council Bill 23-0351.

If you have any questions, please do not hesitate to contact Liam Davis at Liam.Davis@baltimorecity.gov or at 410-545-3207

Sincerely,

Corren Johnson,
Director

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 #23-0351 / REZONING - 1801 TO 1807 BLOOMINGDALE ROAD AND 1800 TO 1816 NORTH ROSEDALE STREET		

TO

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

DATE: July 24, 2023

At its regular meeting of July 20, 2023, the Planning Commission considered City Council Bill #23-0351, for the purpose of changing the zoning for the properties known as 1801 to 1807 Bloomingdale Road (Block 2427, Lots 032 to 035) and 1800 to 1816 North Rosedale Street (Block 2427, Lots 001 to 009), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #23-0351 and adopted the following resolution, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #23-0351 be **approved** 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: Ms. Nina Themelis, Mayor's Office
Mr. Ethan Cohen, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
The Honorable James Torrence, 7th District
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, 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



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

June 29, 2023

REQUEST: City Council Bill #23-0351/ Rezoning – 1801 to 1807 Bloomingdale Road etc.:
For the purpose of changing the zoning for the properties known as 1801 to 1807 Bloomingdale Road (Block 2427, Lots 032 to 035) and 1800 to 1816 North Rosedale Street (Block 2427, Lots 001 to 009), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

RECOMMENDATION: Adopt findings and Approve

STAFF: Eric Tiso

INTRODUCED BY: Councilmember Torrence

OWNER: Multiple

SITE/GENERAL AREA

Site Conditions: The subject properties are located in the southern half of the roughly triangular-shaped block bounded by Bloomingdale Road on the southwest side, Westwood Avenue on the south, North Rosedale Street on the east, and the upper part of the block bounded by West North Avenue on the northern side. These properties are currently zoned R-8 residential, and are owned by separate individuals as well as a couple of lots owned by the Mayor and City Council of Baltimore. All but one of the properties fronting on North Rosedale Street have been cleared.

General Area: These properties are located in the Northwestern corner of the Northwest community action neighborhood area. This neighborhood is predominantly residential in nature, predominantly comprised of rowhomes. There are public and institutional buildings scattered throughout the area. The Wilbur H. Waters Park is located along the eastern edge of the neighborhood, and Gwynns Falls/Leakin Park lies several blocks to the west.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

ZONING CODE REQUIREMENTS

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.

ANALYSIS

Councilman Torrence has introduced this bill to unify the block under C-1 zoning, in the hope that it will lead to the redevelopment of the southern half of this block.

Required Findings:

Per §5-508(b)(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. Staff believes that there has been a significant change in this block, including the following: All but one of the lots fronting on North Rosedale Street were cleared just after the 2017 enactment of the current zoning code. 1800 North Rosedale Street had windows in the upper two floors of the main building boarded in 2019, and the largest part of the building now appears to be unused, with only the rear one-story addition used as a nonconforming commercial corner store remaining active (staff notes that the liquor store component should have been amortized by now). That small portion of the building remaining active prevents the property from otherwise getting a vacant building notice. Three of the four properties fronting on Bloomingdale Road now have vacant building notices, leaving only 1807 Bloomingdale Road occupied by a religious institution, after purchasing the building in March of 2021.

Maryland Land Use Code – Requirements for Rezoning:

The Land Use Article of the Maryland Code requires the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA) 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 Code, Land Use § 10-305 (2023)). In reviewing this request, the staff finds that:

1. **The Plan:** As part of the comprehensive rezoning of the city in 2017, it was anticipated that the existing residential development in this portion of the block would remain as-is into the future. Under the prior zoning code, the entirety of this triangular block was zoned B-2-2 for commercial use. The subject properties were rezoned to R-8 as part of that comprehensive rezoning of the city, in order to better match the new zoning for the area to the existing development on the property.
2. **The needs of Baltimore City:** These properties are located in a transition area between the commercial properties located along West North Avenue and on the west side of Bloomingdale Road, going towards the residential community to the south. There is no particular comprehensive plan or other City goal that influences the zoning classification of this area to remain residentially zoned.
3. **The needs of the particular neighborhood:** For the surrounding neighborhood, the redevelopment of this block is immediate goal, and returning these properties to commercial zoning will provide a better chance at returning them to productive use. Staff notes that residential use (including all-residential options) are available under the proposed C-1 zone.

Similarly, the Land Use article, also adopted by Article 32 – *Zoning* §5-508(b)(2), requires the City Council to make findings of fact (MD Code, Land Use § 10-304 (2023)). The findings of fact include:

1. **Population changes;** The Northwest Community Action neighborhood lost approximately 500 people between the 2010 to 2020 decennial censuses, and is a predominantly African American community. Fortunately, vacant housing units have also seen a downward trend (134 in 2020 vs. 166 in 2010). This shift indicates that preserving the residential zoning assigned to these properties in 2017 will not create a shortage of residential opportunities in the immediate neighborhood.
2. **The availability of public facilities;** The existing neighborhood is well served by public facilities, and this is not anticipated to change. The existing infrastructure will support wide range of potential redevelopment options.
3. **Present and future transportation patterns;** Redevelopment of this area will not negatively impact the transportation patterns of the surrounding neighborhood.
4. **Compatibility with existing and proposed development for the area;** The C1 proposed zone provides for a wide range of commercial and residential options, including all residential options. This will be suitable for the continued transition between the existing commercial corridor along West North Avenue and this rounding residential area to the South.
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.** There are no specific plans calling for this block to retain residential zoning.

There are additional standards under Article 32 – *Zoning* §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;** This block has commercial uses on two sides - a gas station to the west across Bloomingdale Road, and the commercial corridor of West North Avenue to the north. There is a vacant building across North Rosedale street to the east that previously housed an institutional use.
- (ii) **the zoning classification of other property within the general area of the property in question;** The gas station property to the west is currently zoned C-2, and the commercial corridor of West North Avenue is zoned C-1. The balance of the surrounding properties are zoned R-6 residential, with the exception of a single C-1 property diagonally across the intersection of Bloomingdale Road and Westwood Avenue.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The existing buildings that remain could potentially be renovated for residential uses, but that has not been forthcoming in recent years. The subsequent vacancy has led to the demolition of almost all of the lots fronting on North Rosedale Street.
- (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.** These properties have largely seen an increase in disinvestment, and subsequent demolition. The hope for the proposed redevelopment is that the flexibility offered by the proposed C-1 zoning will encourage new investment for these properties.

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 promote redevelopment and reinvestment in the immediate area, reducing vacancy and blight.

Equity:

- **Impact:** The proposed rezoning would return the option for commercial use to this block, which will most likely provide a generally positive impact to the surrounding neighborhood. Staff does not believe that redevelopment would create or increase any existing patterns of inequity in the area.
- **Engagement:** This proposal has been introduced by the Councilmember for the area, and reflects the community's interest.
- **Internal Operations:** Staff does not expect any impacts on staff time or resources as a result of this action.

Notification: The Coppin Heights CDC, the Alliance of Rosemont Communities, the Citizens for Community Improvement, the North Avenue Task Force, the West North Avenue Development Authority, and the Northwest Community Action Organization have been notified of this action.

For/ *Chris Ryer*

Chris Ryer
Director



MEMORANDUM

DATE: March 6, 2023
TO: Economic and Community Development Committee
FROM: Colin Tarbert, President and CEO
POSITION: Favorable
SUBJECT: Council Bill 23-0351- Rezoning-1801 to 1807 Bloomingdale Rd and 1800-1816 North Rosedale Street



INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 23-0351 introduced by Councilmember Torrence.

PURPOSE

The intent of the bill is to rezone the properties listed and make consistent with the commercial uses currently in place.

BRIEF HISTORY

These properties have historically and are currently being used for commercial purposes. Changing the zoning from R8 to C1 also allows for more expanded commercial use options and gives broader redevelopment opportunities for the vacant lots.

FISCAL IMPACT [to BDC]

None.

AGENCY POSITION

The Baltimore Development Corporation respectfully requests a **favorable** report on City Council Bill 23-0351. If you have any questions, please contact Kim Clark at 410-837-9305 or KClark@baltimoredevelopment.com.

cc: Nina Themelis, Mayor's Office of Government Relations
Sophia Gebrehiwot, Mayor's Office of Government Relations

[DG]

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON,
ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

July 27, 2023

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 23-0351 - Rezoning – 1801 to 1807 Bloomingdale Road and
1800 to 1816 North Rosedale Street

Dear President and City Council Members:

The Law Department reviewed City Council Bill 23-0351 for form and legal sufficiency. The bill changes the zoning for the properties known as 1801 to 1807 Bloomingdale Road (Block 2427, Lots 032 to 035) and 1800 to 1816 North Rosedale Street (Block 2427, Lots 001 to 009) from the R-8 Zoning District to the C-1 Zoning District. The ordinance would take effect 30 days after its enactment.

The Mayor and City Council may permit a piecemeal rezoning *only if* it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. MD Land Use Art., § 10-304(b)(2); Baltimore City Code, Art. 32, §§ 5-508(a) and (b)(1).

The “change-mistake” rule is a rule of the either/or type. The “change” half of the “change-mistake” rule requires that, in order for a piecemeal Euclidean zoning change to be approved, there must be a satisfactory showing that there has been significant and unanticipated change in a relatively well-defined area (the “neighborhood”) surrounding the property in question since its original or last comprehensive rezoning, whichever occurred most recently. The “mistake” option of the rule requires a showing that the underlying assumptions or premises relied upon by the legislative body during the immediately preceding original or comprehensive rezoning were incorrect. In other words, there must be a showing of a mistake of fact. Mistake in this context does not refer to a mistake in judgment.

Rylens Enterprises, 372 Md. at 483.

“It is unquestioned that the City Council has the power to amend its City Zoning Ordinance whenever there has been **such a change in the character and use of a district** since the original

enactment that the **public health, safety, morals, or general welfare would be promoted** by a change in the regulations.” *Cassel v. Mayor and City Council of Baltimore*, 195 Md. 348, 354 (1950) (emphasis added). The Mayor and City Council must find facts of a substantial change in the character and the use of the district since the comprehensive rezoning of the property on June 5, 2017 and that the rezoning will promote the “public health, safety, morals, or general welfare” and not merely advantage the property owner. *Id.* at 358.

As to the substantial change, courts in Maryland want to see facts of a “significant and unanticipated change in a relatively well-defined area.” *Rylins Enterprises*, 372 Md. at 483. The “‘neighborhood’ must be the immediate neighborhood of the subject property, not some area miles away; and the changes must occur in that immediate neighborhood of such a nature as to have affected its character.” *Clayman v. Prince George’s County*, 266 Md. 409, 418 (1972). The changes are required to be physical. *Anne Arundel County v. Bell*, 442 Md. 539, 555 (2015) (citing *Montgomery County v. Woodward & Lothrop*, 280 Md. 686, 712–13 (1977)). However, those physical changes cannot be infrastructure such as sewer or water extension or road widening. *Clayman*, 266 Md. at 419. And the physical changes have to be shown to be unforeseen at the time of the last rezoning. *County Council of Prince George’s County v. Zimmer Development Co.*, 444 Md. 490 (2015). Contemplated growth and density is not sufficient. *Clayman*, 266 Md. at 419.

As to whether the change benefits solely the property owner, courts look, in part, to see if a similar use is nearby such that the community could easily take advantage of the use elsewhere. *Cassel*, 195 Md. at 358 (three other similar uses only a few blocks away lead to conclusion that zoning change was only for private owner’s gain).

Findings of Fact

In determining whether to rezone based on mistake or change in the character of the neighborhood, the City Council is required to make findings of fact on the following matters:

- (i) population change;
- (ii) the availability of public facilities;
- (iii) the present and future transportation patterns;
- (iv) compatibility with existing and proposed development;
- (v) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and
- (vi) the relationship of the proposed amendment to the City’s plan.

Md. Code, Land Use, § 10-304(b)(1); Baltimore City Code, Art. 32, § 5-508(b)(2) (citing same factors with (v) being “the recommendations of the City agencies and officials,” and (iv) 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.

Baltimore City Code, Art. 32, § 5-508(b)(3).

The Mayor and City 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." *City 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"); accord *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.'").

Spot Zoning

The City must find sufficient facts for a change or mistake because "Zoning is permissible only as an exercise of the police power of the State. When this power is exercised by a city, it is confined by the limitations fixed in the grant by the State and to the accomplishment of the purposes for which the State authorized the city to zone." *Cassel*, 195 Md. at 353.

In piecemeal rezoning bills, like this one, if there is not a factual basis to support the change or the mistake, then rezoning is considered illegal spot zoning. *Id.* at 355. Spot Zoning "has appeared in many cities in America as the result of pressure put upon councilmen to pass amendments to zoning ordinances solely for the benefit of private interests." *Id.* It is the "arbitrary and unreasonable devotion of a small area within a zoning district to a use which is inconsistent with the use to which the rest of the district is restricted." *Id.* It is "therefore, universally held that a 'spot zoning' ordinance, which singles out a parcel of land within the limits of a use district and marks it off into a separate district for the benefit of the owner, thereby permitting a use of that parcel inconsistent with the use permitted in the rest of the district, is invalid if it is not in accordance with the comprehensive zoning plan and is merely for private gain." *Id.*

However, "a use permitted in a small area, which is not inconsistent with the use to which the larger surrounding area is restricted, although it may be different from that use, is not 'spot zoning' when it does not conflict with the comprehensive plan but is in harmony with an orderly growth of a new use for property in the locality." *Id.* The example given was "small districts within a residential district for use of grocery stores, drug stores and barber shops, and even gasoline filling stations, for the accommodation and convenience of the residents of the residential district." *Id.* at 355-356.

Thus, to avoid spot zoning, the Mayor and City Council must show how the contemplated use is consistent with the character of the neighborhood. See, e.g., *Tennison v. Shomette*, 38 Md. App. 1, 8 (1977) (cited with approval in *Rylyns*, 372 Md. at 546-47; accord *Mayor and City Council of Baltimore v. Byrd*, 191 Md. 632, 640 (1948)).

Planning Commission Recommendation

The Planning Department Staff Report (“Report”) supports this rezoning. Based on the Planning Report, the Planning Commission adopted a resolution recommending approval of the zoning change proposed by Council Bill 23-0351. The Report, using the factors required by the State and City zoning codes, found that there had been a substantial change in the character and use of the neighborhood since the last rezoning when the properties were changed to R-8 in order to match the zoning for the area to the existing development of the properties. Following the comprehensive rezoning, all but one of the lots on North Rosedale Street were cleared. Three of the four properties on Bloomingdale Road have vacant building notices. 1800 North Rosedale Street is a mostly vacant building except for a small portion being used as a liquor store (a non-conforming use). The use of a portion of the building as a store prevents it from being issued a vacant building notice. The only occupied structure on Bloomingdale Road is 1807 Bloomingdale, which houses a religious institution. The subject properties are owned by separate individuals, including several lots owned by the City.

As stated, in the last comprehensive rezoning the subject properties were rezoned from B-2-2 (Community Business District) to R-8 (Rowhouse Residential). Council Bill 23-0351 seeks to change the zoning of these properties to C-1, which are commercial clusters or pedestrian-oriented corridors of commercial uses that serve the immediate neighborhood. A variety of residential uses is also permitted in C-1 zoning. The Report states that the Northwest community action neighborhood where these properties are located lost 500 residents between 2010 and 2020. The subject properties are located in a transition area between commercial properties on West North Avenue and the west side of Bloomingdale Road, and the residential community to the south. The Report states:

For the surrounding neighborhood, the redevelopment of this block is immediate goal, and returning these properties to commercial zoning will provide a better chance at returning them to productive use. Staff notes that residential use (including all-residential options) are available under the proposed C-1 zone.

Finally, the Report contains a summary equity analysis of the proposed zoning change.

The City Council is required to hold a quasi-judicial public hearing with regard to the bill where 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 Council is required to make findings of fact for each property about the factors in Sections 10-304 and 10-305 of the Land Use Article of the Maryland Code and Section 5-508 of Article 32 of the Baltimore City Code. 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.

Additionally, 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.” Baltimore City Code, 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. Baltimore City Code, 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 subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning and the name of the applicant. Baltimore City Code, Art. 32, § 5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location near the sidewalk or right-of-way for pedestrians to view, and at least one sign must be visible from each of the property’s street frontages. City Code, Art., § 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. Baltimore City Code, 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 can approve the bill for form and legal sufficiency.

Sincerely yours,



Michele M. Toth
Assistant Solicitor

Cc: Stephen Salsbury
Nina Themelis
Sophia Gebrehiwot
Tiffany Maclin
Elena DiPietro
Hilary Ruley
Ashlea Brown
Jeff Hochstetler
Teresa Cummings

TRANSMITTAL MEMO

TO: Council President Nick J. Mosby
FROM: Peter Little, Executive Director
Date: October 11, 2023
RE: City Council Bill 23-0351



I am herein reporting on City Council Bill 23-0351 introduced by Councilmember Torrence.

The purpose of this bill is to change the zoning for the properties known as 1801 to 1807 Bloomingdale Road (Block 2427, Lots 032 to 035) and 1800 to 1816 North Rosedale Street (Block 2427, Lots 001 to 009), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

The Parking Authority of Baltimore City (PABC) has reviewed the proposed legislation. The legislation requests for the selected properties to be rezoned and does not reference parking. The parking requirements for the properties will be based on the standards in the Zoning Code. The site is located where the PABC does not administer any on-street parking programs. However, there are parking meters on North Avenue which is nearby and to the north. As with the existing C-1 zoned properties to the north which are served by metered parking to encourage parking turnover for the businesses, if these properties are rezoned it might be appropriate there too. When building plans and uses are submitted, the PABC will be involved through the Site Plan Review Committee (SPRC) to ensure that the design guidelines for parking and loading demands are adequately addressed and the parking and loading demands of the proposal are mitigated.

Based on the comments above, the PABC does not oppose the passage of City Council Bill 23-0351.



MEMORANDUM

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

From: Alice Kennedy, Housing Commissioner

Date: October 24, 2023

Re: City Council Bill 23-0351 Rezoning - 1801 to 1807 Bloomingdale Road and 1800 to 1816 North Rosedale Street

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 23-0351 for the purpose of changing the zoning for the properties known as 1801 to 1807 Bloomingdale Road (Block 2427, Lots 032 to 035) and 1800 to 1816 North Rosedale Street (Block 2427, Lots 001 to 009), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

If enacted, City Council Bill 23-0351 would allow for the rezoning of 1801 Bloomingdale Rd to 1807 Bloomingdale Rd and 1800 N. Rosedale St – 1816 N. Rosedale St from the R-8 Zoning District to the C-1 Zoning District to unify the block under C-1 zoning, which may lead to the redevelopment of the southern half of this block.

At its regular meeting of July 20, 2023, the Planning Commission concurred with the recommendation of its Departmental staff and recommended the Bill be approved by the City Council. Planning staff noted in their report that the rezoning of the subject properties is in the public's interest in that it will promote redevelopment and reinvestment in the immediate area, reducing vacancy and blight.

The subject properties are not located within any of DHCD's Impact Investment Areas, Community Development Zones or Streamlined Code Enforcement Areas however DHCD has undertaken significant demolition on the 1800 block of N Rosedale and this rezoning may lead to the productive use of these lots and expand commercial redevelopment opportunities for the Northwest Community Action and Rosemont communities potentially benefiting local businesses and area residents.

DHCD **does not object** to the passage of City Council Bill 23-0351.

AK/sm

cc: Ms. Themelis, Nina, Mayor's Office of Government Relations

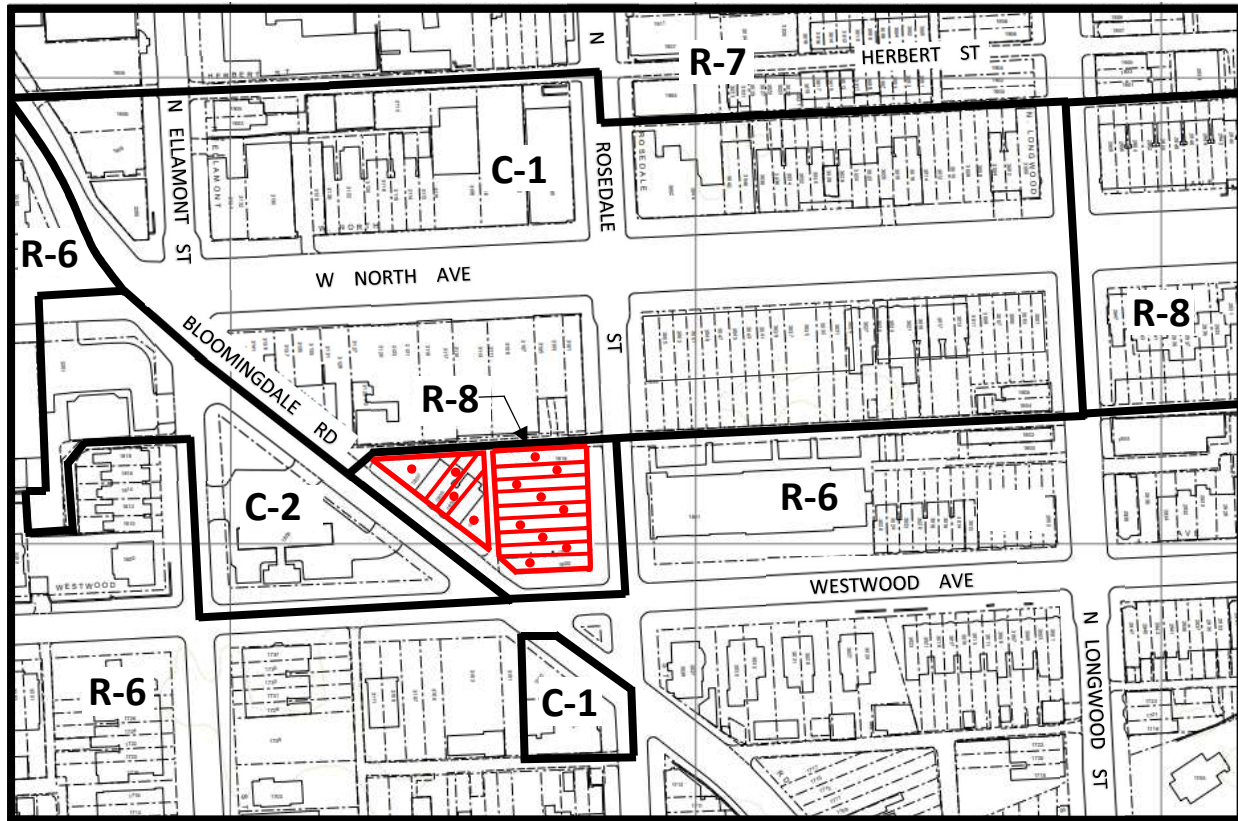
Brandon M. Scott, Mayor • **Alice Kennedy**, Housing Commissioner

417 East Fayette Street • Baltimore, MD 21202 • 443-984-5757 • dhcd.baltimorecity.gov

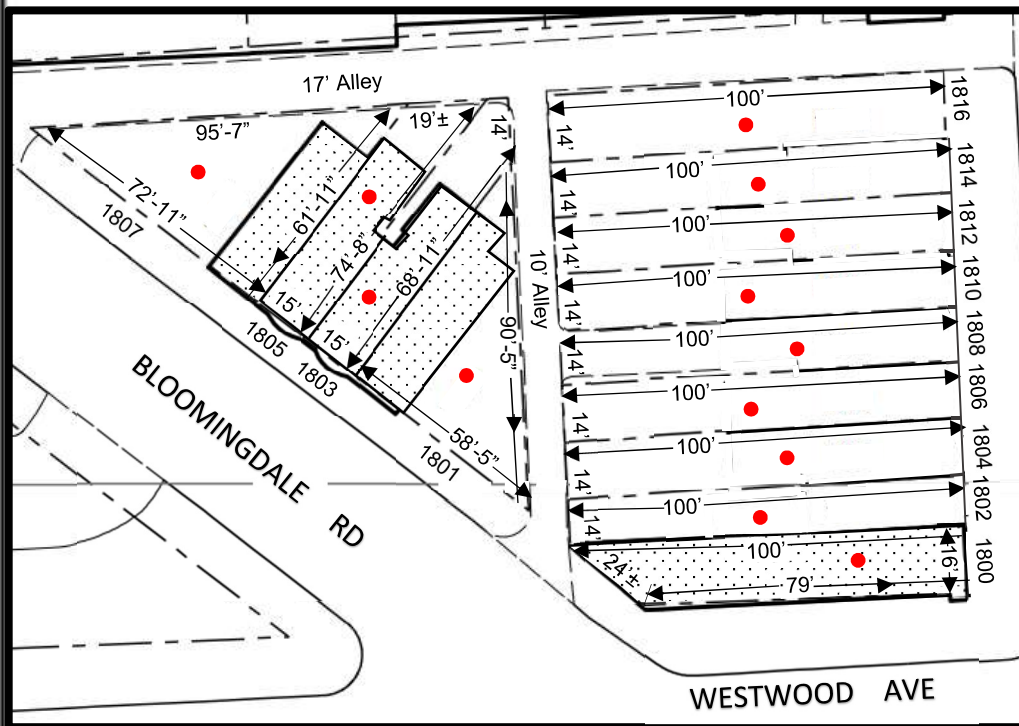
**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

**23-0351
AGENCY REPORTS**

**SHEET NO. 43 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'



Scale: 1" = 50'

Note:

In Connection With The Properties Known As Nos. 1801-1807 BLOOMINGDALE ROAD AND 1800-1816 NORTH ROSEDALE STREET. The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From R-8 Zoning District to C-1 Zoning District, As Outlined In Red Above

WARD 15 SECTION 3
BLOCK 2427 LOTS 1-9 & 32-35

MAYOR

PRESIDENT CITY COUNCIL

Zoning Ordinance Request

Statement of Intent
For

1801 Bloomingdale Rd to 1807 Bloomingdale Rd and 1800 N. Rosedale St – 1816 N. Rosedale St

1. Applicant's Contact Information:

Name: Office of Councilman James Torrence
Mailing Address: 100 N. Holliday St, Room 521
Telephone Number: 410-396-4810
Email Address: District7staff@baltimorecity.gov

2. **All Proposed Zoning Changes for the Property:** Re-zone the above referenced properties from the R-8 Zoning District to the C-1 Zoning District.

3. **All Intended Uses of the Property:** To make zoning consistent with the actual uses of the property (church, business)

4. Current Owners' Contact Information:

Property Address	Property Owner(s)	Mailing Address
1801 Bloomingdale Rd	Sadiq H. Sadiq	8618 Beechnut Ct Ellicott City, Md, 21043
1803 Bloomingdale Rd	James A. Gibson-Bey	PO BOX 41123, 21203
1805 Bloomingdale Rd	Jodi Powell	1805 Bloomingdale Rd, Baltimore, MD 21216
1807 Bloomingdale Rd	Opportunity Alliance Church	10415 Shesue Street Great Falls, Va, 22066
1800 N. Rosedale St	Jaeock Park	7926 Potter Pl. Elkridge, Md, 21075
1802, 1808, 1812 N. Rosedale St	Mayor And City Council	417 E Fayette St, #1001, 21202
1804 N. Rosedale St	Samaritan Of Baltimore, Inc.	1804 N. Rosedale St, Baltimore, MD 21216
1806 N. Rosedale St	Rowhouses, Inc.	P.O. BOX 16129, 21218
1810 N. Rosedale St	George G. Wormley, Ricky G. Wormley	9058 Meadow Heights Road Randallstown, Md, 21133
1814 N. Rosedale St	Louise Johnson	2720 Reisterstown Rd, Baltimore, MD 21215
1816 N. Rosedale St	John Gross III	3606 Springdale Ave, Baltimore, MD 21216

5. Property Acquisition:

Property Address	Acquisition Date	Deed Reference
1801 Bloomingdale Rd	November 14, 2013	Liber 15793, Folio 0332
1803 Bloomingdale Rd	July 25, 2000	Liber 00555, Folio 0294
1805 Bloomingdale Rd	May 13, 2005	Liber 06508, Folio 0579
1807 Bloomingdale Rd	March 29, 2021	Liber 22857, Folio 0418
1800 N. Rosedale St	July 16, 2020	Liber 22164, Folio 0001
1802 N. Rosedale St	June 16, 2016	Liber 18208, Folio 0049
1804 N. Rosedale St	June 28, 1996	Liber 5664, Folio 0228

Property Address	Acquisition Date	Deed Reference
1806 N. Rosedale St	April 18, 1991	Liber 02811, Folio 0006
1808 N. Rosedale St	March 4, 2015	Liber 16964, Folio 0425
1810 N. Rosedale St	November 28, 1994	Liber 04597, Folio 00017
1812 N. Rosedale St	October 29, 2014	Liber 16662, Folio 0416
1814 N. Rosedale St	October 1, 1976	Liber 03400, Folio 0371
1816 N. Rosedale St	January 12, 2022	Liber 24112, Folio 0047

6. Contact Contingency:

- 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}
 - ii) The purpose, nature, and effect of the contract are:

7. Agency:

- 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 stakeholders of any corporation, are as follows {use additional sheet if necessary}: _____ N/A _____

I Councilman James Torrence, solemnly affirm under the penalties of perjury that the information in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.



James Torrence
Baltimore City Council, District 7

1/26/23
Date



200 St Paul Street Suite 2490
Baltimore, MD 21202
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 7582549

Sold To:

Jaeock Park - CU80175742
1800 N Rosedale St
Baltimore, MD 21216

Bill To:

Jaeock Park - CU80175742
1800 N Rosedale St
Baltimore, MD 21216

Was published in "The Baltimore Sun", "Daily", a newspaper printed and published in Baltimore City and/or Baltimore County on the following dates:

Feb 12, 2024; Feb 19, 2024

The Baltimore Sun Media Group

Shanna Evans

By _____

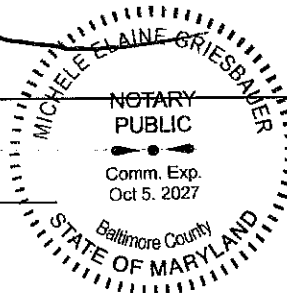
Subscribed and sworn to before me this 20 day of Feb 2024,

By _____

Michele Elaine Griesbauer

Notary Public

My commission expires _____



**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON
BILL NO. 23-0351**
The Economic and Community Development Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 23-0351 on Tuesday, February 27th, 2024, at 2:02 p.m. in the Clarence "Du" Burns Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing virtually, via Webex, will be available at: <https://baltimore.legistar.com/Calendar.aspx>.
23-0351 - RZ 1801-1807 Bloomingdale Road & 1800-1806 N Rosedale Street
For the purpose of changing the zoning for the properties known as 1801 to 1807 Bloomingdale Road (Block 2427, Lots 032 to 035) and 1800 to 1816 North Rosedale Street (Block 2427, Lots 001 to 009), as outlined in red on the accompanying plat, from the R-3 Zoning District to the C-1 Zoning District.
By amending
Article - zoning
Zoning District Maps - sheet 43
Baltimore City Revised Code
(Edition 2000)
SHARON GREEN MIDDLETON
Chair
2/12 & 2/19 7582549



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NOTICE TO THE PUBLIC
REGARDING THE SALE OF ALCOHOLIC BEVERAGES
IN THE STATE OF MARYLAND
BY THE STATE BOARD OF TAX AND TRADE REGULATION
ON FEBRUARY 1, 2018, THE STATE BOARD OF TAX AND TRADE REGULATION
ADOPTED THE FOLLOWING REGULATIONS:
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**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 23-0351**

The Economic and Community Development Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 23-0351 on Tuesday, February 27th, 2024, at 2:00 p.m. in the Queen Anne "Gut" Bazaar Building, City Hall, 102 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing online is available at <https://baltimorelegislature.com/Cover/Details.aspx>.

23-0351 - RZ 1801-1807 Rosemount Road & 1800-1806 N Rosewood Street

For the purpose of changing the zoning for the properties known as 1801 to 1807 North Rosewood Road (Block 2477, Lots A 32 to 325) and 1800 to 1806 North Rosewood Street (Block 2427, Lots 001 to 009), as outlined in and on the accompanying plan, from the RZ-6 (Living District) to RZ-17 (Neighborhood).

By sponsoring

Article - Zonings

Zoning Text and Maps

Street 42

Baltimore City Building Code

(Enacted 2016)

JAFON GREY S. MIDDLETON

Chair



MARYLAND LOTTERY
mdlottery.com

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 23-0351**

The Economic and Community Development Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 23-0365 on Tuesday, February 27th, 2024, at 2:02 p.m. in the Clarence "Du" Burns Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing virtually, via Webex, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

23-0351 - RZ 1801-1807 Bloomingdale Road & 1800-1806 N Rosedale Street

For the purpose of changing the zoning for the properties known as 1801 to 1807 Bloomingdale Road (Block 2427, Lots 032 to 035) and 1800 to 1816 North Rosedale Street (Block 2427, Lots 001 to 009), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

By amending
Article - Zoning
Zoning District Maps
Sheet 43
Baltimore City Revised Code
(Edition 2000)

SHARON GREEN MIDDLETON
Chair



MARYLAND LOTTERY

mdlottery.com

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 23-0251**

On this day, the City Council, in Executive Session, will hold a public hearing on the following bill, which is being introduced by Councilmember [Name], District 23, at 10:00 a.m. on [Date]. The bill is titled [Title]. The bill is intended to [Purpose]. The bill is being introduced in response to [Reason]. The bill is being introduced in response to [Reason]. The bill is being introduced in response to [Reason].

By introducing: [Name]
Author: [Name]
Author's Office: [Address]
Author's Phone: [Phone]
Author's Email: [Email]

FOR INFORMATION: [Text]

**NO
DITING**
 [Additional text]

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