


FROM	NAME & TITLE	DOUGLAS B. MCCOACH, III, DIRECTOR <i>DBM</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #08-0031/REZONING- 5901 FALLS ROAD		

TO

DATE:

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

April 21, 2008

At its regular meeting of April 17, 2008 the Planning Commission considered City Council Bill #08-0031 for the purpose of changing the zoning for the property known as 5901 Falls Road from its current R-5 zoning designation to the O-R-1 category.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #08-0031 and adopted the following resolution, eight members being present (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #08-0031 not be passed by the City Council.

If you have questions, please contact Mr. Gary W. Cole, Deputy Director at 410-396-8337.

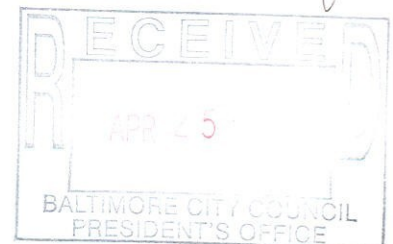
DBM/GWC/ttl

Attachments

cc:

- Mr. Andrew Frank, Deputy Mayor
- Ms. Angela Gibson, Mayor's Office
- Mr. Demuane Milliard, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. for Planning Commission
- Mr. David Tanner, BMZA
- Mr. Donald Small, DHCD
- Ms. Nikol Nabors-Jackson, DHCD
- Ms. Jennifer Coates, Councilmanic Services
- Ms. Deepa Bhattacharyya, Law Department

Unfav.



PLANNING COMMISSION

STAFF REPORT

April 17, 2008

REQUEST: City Council Bill #08-0031/Rezoning – 5901 Falls Road

For the purpose of changing to zoning for the property known as 5901 Falls Road from the R-5 Zoning District to the O-R-1 Zoning District

RECOMMENDATION: Disapproval

STAFF: Natasha Poole

PETITIONER: Dr. Leslie M. Krohn, represented by Mr. Joseph L. Woolman, III

OWNER: Same

SITE/GENERAL AREA

Site Conditions: The subject site lies at the northeast corner of Falls Road and Bellemore Avenue in the North Roland Park/Poplar Hill community. The site, zoned R-5, is approximately 15,250 square feet in size and is improved with a two-story frame dwelling and a detached garage. Though not designated as historic, the original structure is notable for having been built in 1880.

General Area: The site is just north of Northern Parkway and is directly across the street from the Mount Washington Mill Planned Unit Development, a mixed-use office and retail development. The area south of the site is predominantly residential in nature, with a few boutique-type retail establishments being operated out of residential structures. The intersection of Kelly and Smith Avenues is a commercial node with several auto-related uses in commercial buildings. North of the site is almost exclusively residential until you reach Lake Avenue, which has newer strip shopping centers on either side of the road. Within close proximity is access to I-83 and I-695.

HISTORY

There have been no previous Planning Commission actions relating to the subject site.

CONFORMITY TO PLANS

The requested rezoning does not meet the goals and objectives of the Baltimore City Comprehensive Master Plan, nor does it meet the required standards for a rezoning found in the Annotate Code of Maryland and the Baltimore City Zoning Code.

ANALYSIS

City Council Bill #08-0031 seeks to rezone the property known as 5901 Falls Road (Block 4820D, Lot 001) from its current R-5 zoning designation to the O-R-1 category. The applicant purchased the property with the intent to use it for her medical practice, despite the fact that physician's offices are not permitted in the R-5 category. Thus, the site cannot be occupied with

her intended use without rezoning. Staff has determined this request to be an impermissible spot rezoning, given that the request for a zoning change does not meet the standards of Article 66B of the Maryland Annotated Code, is not compatible with zoning of adjacent properties or in the surrounding community, and is for the benefit of an individual property owner, rather than in the public interest. As such, staff does not support the change.

More detailed **Findings of Fact** are as follows:

- 1. Population changes**

5901 Falls Road is located within Census Tract 271300, with had a relatively stable population from 1990 to 2000. The total population in 2000 was 2,691, which represented a 3% increase over its 1990 total population of 2,613. The total number of housing units saw a minimal decline of 1% over the same ten-year period: 1,184 total housing units in 2000, compared to 1,196 in 1990. The percentage of owner-occupied housing units has also remained relatively stable: 66.2% in 2000, compared to 64.7% in 1990. Median household income, however, saw a marked increase of nearly 16%. This figure in 2000 was \$71,771, compared to \$62,077 in 1990.
- 2. The availability of public facilities**

Adequate public facilities are available for a variety of uses.
- 3. Present and future transportation patterns**

The property is slightly north of Northern Parkway. Thus, it enjoys access to I-83 and I-695. It is served by bus lines 44 and 27, as well as a light rail stop along the MTA's Red Line at Mount Washington.
- 4. Compatibility with existing and proposed development for the area**

The subject site is zoned R-5, which is consistent with the zoning of properties on both side of Falls Road from Bellemore Avenue to the City line. East of the site are residential structures with an R-1 zoning designation, and south are residential uses under the R-2 designation. Just west of the site is a large area zoned M-1-1 with a Planned Unit Development overlay. Further south is a commercial node around Smith and Kelley Avenues zoned B-2-1 and B-3-1. Other than individual property improvements requiring nothing more than a building permit, no major developments have been proposed for the area to the City.
- 5. The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals**

To be determined
- 6. The relation of the proposed amendment to the City's plan**

There are no elements of Baltimore City's Comprehensive Master Plan that speak to the specific question of a rezoning of the subject property. Moreover, there is no small area plan that speaks to land uses in this area. As such, the requested rezoning must be weighed against the legal standards for rezoning found in Article 66B, as well as in Section 16-305 of the Baltimore City Zoning Code.