

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No. 23-0399

MOTION OF THE CHAIR OF THE LAND USE COMMITTEE AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO THE APPLICABLE SECTIONS OF ARTICLE 32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING:

Planned Unit Development – Benhurst Park

IN GENERAL:

To approve this PUD, the City Council has considered:
(check to evidence consideration)

- whether the planned unit development is in general conformance with all elements of the Comprehensive Master Plan, and the character and nature of existing and contemplated development in the vicinity of the proposed planned unit development;

Bill 23-0399 would not change any current or future development in the vicinity as the structure is currently built and the parcel on which it has been built is only being removed from the PUD and not changed in any other way.

- whether the planned unit development will preserve unusual topographic or natural features of the land, and the design of the planned unit development will best utilize and be compatible with the topography of the land;

Bill 23-0399 would not change any topographic or natural feature of the land as the structure is currently built and the parcel on which it has been built is only being removed from the PUD and not changed in any other way.

- whether the physical characteristics of the planned unit development will not adversely affect future development or the value of undeveloped neighboring areas, or the use, maintenance, or value of neighboring areas already developed;

Bill 23-0399 will not add any additional units or physical structures. It is repealing an amendment to the original PUD. The result is that the lot with the Kol Torah synagogue will be removed from the PUD.

- whether the planned unit development will provide the same protection as the basic district regulations in regard to fire, health hazards, and other dangers;

Bill 23-0399 will not add change to the current structure's compliance with fire, health, and other regulations. It is repealing an amendment to the original PUD. The result is that the lot with the Kol Torah synagogue will be removed from the PUD.

- whether the planned unit development will encourage innovative design features or adaptive reuse of structures that would not be possible by application of the basic district regulations;

Bill 23-0399 will not add any additional units or physical structures nor will it change the current use of the structure on the lot. It is repealing an amendment to the original PUD. The result is that the lot with the Kol Torah synagogue will be removed from the PUD.

- whether the planned unit development is compatible with any nearby industrial district.

Bill 23-0399 will not be adding to or creating a PUD but will remove a lot from the Benhurst Park PUD. As such this will not result in new structures that would need to be compatible to an industrial district.

and finds that:

- (1) the use **IS** compatible with the surrounding neighborhood for the following reasons:

Because the current structure – which will not be changing under this Bill has been a part of the neighborhood for several years.

- (2) the use **FURTHERS** the proposed classification for the following reasons:

The lot is zoned R-5 which allows for limited residential use – and the building currently there is a place of worship and will not be changing under this Bill.

- (3) the PUD master plan developed under Section 13-304 of the Zoning Code **ENSURES** there will be no discordance with existing uses by:

Not changing the current use – the current structure will continue to operate as a house of worship – Bill 23-0399 does not change that use.

- (4) the establishment, location, construction, maintenance, or operation of the PUD **WOULD NOT** be detrimental to or endanger the public health, safety, or welfare because:

Because the operation of the PUD is not changing nor is the operation of the lot that is to be removed from the PUD. The only thing that will be changing is that the lot will be removed from the PUD.

(5) the use **WOULD NOT** be precluded by any other law, including an Urban Renewal Plan

Because the structure exists and is not being rezoned by the bill it would not be precluded by the law.

(6) the authorization **WOULD NOT** be contrary to the public interest because:

Because the structure is already built out and no additional construction is included in the bill there would not be any detriment to the public interest.

(7) the authorization **WOULD** be in harmony with the purpose and intent of the Zoning Code because:

The authorization will remove 2929 Fallstaff Road from the Benhurst Park PUD. This will be the only change to the lot and to the PUD and it will stay aligned with the Zoning Code.

In addition, the City Council has considered the following -

- 1. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;**
- 2. The resulting traffic patterns and adequacy of proposed off-street parking and loading;**
- 3. The nature of the surrounding area and the extent to which the proposed use might impair its present or future development;**
- 4. The proximity of dwellings, churches, schools, public structures, and other places of public gathering;**
- 5. Accessibility of the premises for emergency vehicles;**
- 6. Accessibility of light and air to the premises and to the property in the vicinity;**
- 7. The type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;**
- 8. The preservation of cultural and historic landmarks and structures;**
- 9. The character of the neighborhood;**
- 10. The provisions of the City's Comprehensive Master Plan;**
- 11. The provisions of any applicable Urban Renewal Plan;**
- 12. All applicable standards and requirements of this Code;**
- 13. The intent and purpose of this Code;**
- 14. Any other matters considered to be in the interest of the general welfare. For all of these reasons, the Council finds the PUD amendment to be in the interest of the general welfare**

SOURCE OF FINDINGS:

[x] Planning Commission's report,

[x] Testimony presented at the Committee hearing

Oral – Witness:

Al Berry – Attorney representing the applicant.

Liam Davis – DOT

Eric Tiso – Department of Planning

Stephanie Murdock - Department of Housing and Community Development

Dominic McAlily – Government Relations

Hilary Ruley – City Solicitor's Office

Written:

- Board of Municipal and Zoning Appeals, Agency Report – July 17 2023
- Law Department, Agency Report – October 23rd, 2023
- Department of Transportation, Agency Report – October 23rd, 2023
- Department of Housing and Community Development, Agency Report – October 24, 2023
- Baltimore Development Corporation, Agency Report – July 25th, 2023
- Department of Public Works, Agency Report – July 31st, 2023
- Fire Department, Agency Report – October 18th, 2023
- Parking Authority, Agency Report – July 17th, 2023
- Office of Equity and Civil Rights – June 29th, 2023

COMMITTEE MEMBERS VOTING IN FAVOR

Middleton

Conway

Dorsey

Glover

Ramos

Stokes

Bullock