

# ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

## FINDINGS OF FACT

### City Council Bill No: 21-0063

MOTION OF THE CHAIR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO SECTIONS 10-304 AND 10-305 OF THE MARYLAND LAND USE ARTICLE AND SECTION 5-508 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF:

#### Rezoning - 1201 Dundalk Avenue

Upon finding as follows with regard to:

(1) Population changes;

There have not been significant population changes in the Graceland Park neighborhood in the interval between the adoption of the last comprehensive rezoning (2016) and the present time.

(2) The availability of public facilities;

This site is well-served by public services and utilities and will continue to be so for the foreseeable future

(3) Present and future transportation patterns;

There would be no positive or negative effect upon present or future transportation patterns in the area as a result of adoption of this bill as the existing use of the property is not expected to change as a result.

(4) Compatibility with existing and proposed development for the area;

The proposed C-2 zoning district is compatible with the existing and proposed development for the area along the Dundalk Avenue corridor as it would match the C-2 zoning of abutting commercial use properties.

(5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

The Planning Commission voted, seven being present, seven in favor to recommend passage of the bill. The Board of Municipal Zoning Appeals defers to the Planning Commission. The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Favorable
Board of Municipal and Zoning Appeals (BMZA)	Defers to Planning
Department of Transportation	No Objection
City Solicitor	Favorable
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	Favorable

- (6) The proposed amendment’s relationship to and consistency with the City’s Comprehensive Master Plan.

The proposed action would not be in conflict to any of the goals contained in the Comprehensive Master Plan for Baltimore City, nor would it be in conflict with either of the area plans adopted for this part of the City. Rezoning of this property to the C-2 zoning district, as recommended by Department of Planning staff, would not be in conflict with the City’s plan.

- (7) Existing uses of property within the general area of the property in question;

Existing uses of property within the general area of this site are a mix of low-density residential and commercial.

- (8) The zoning classification of other property within the general area of the property in question;

The proposed C-2 would be consistent with the abutting C-2 zoned commercial properties along Dundalk Avenue.

- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;

The current R-3 zoning designation has actually made the current funeral home non-conforming to the zoning code, and so a rezoning to the C-2 district would be more suitable.

- (10) 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 classification;

There have not been significant changes to the immediate area of the subject property since it was placed in its current zoning classification.

- (11) For a rezoning based on a SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD, the following facts establish the substantial change since the time of the last comprehensive rezoning:
- (12) For a rezoning based on a MISTAKE in the existing zoning classification, the following facts establish that at the time of the last comprehensive zoning the Council failed to consider then existing facts, or projects or trends which were reasonably foreseeable and/or that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect:

This property was initially developed in 1948 as the Carlton Theater and was used a movie theater until 1988. In 1992 it was purchased by the Kaczorowski Funeral Home which continues operation there to this day.

Prior to the Transform Baltimore comprehensive rezoning, this property was zoned B-2-2 along with the other commercial use properties along Dundalk Avenue to the north. During Transform, however, it was rezoned to the R-3 district with the surrounding residential areas to the northeast, east, and southeast.

In 2012, what is now the parking lot was rezoned from the R-3 to the B-2-2 zoning district to allow for its improvement/expansion. While Department of Planning staff argued that the specific rezoning to expand the B-2-2 district was not justified based on the rezoning criteria, staff did also find that the B-2-2 zoning of the funeral home building itself was "appropriate". Once the rezoning became effective all of the parcels were consolidated. It appears that during the Transform comprehensive rezoning process, for some reason the entirety of 1201 Dundalk Avenue was rezoned back to the R-3 zoning district. Based on staff's earlier position that the former commercial zoning of the building itself was suitable, it appears that the rezoning of the entire site to R-3 was a mistake as it has made both the use and the bulk/yard conditions nonconforming.

SOURCE OF FINDINGS (Check all that apply):

- [X] Planning Report – Planning Commission, Agency Report, Dated May 13, 2021 which includes the Planning Department, Staff Report, Dated May 13, 2020
- [X] Testimony presented at the Committee hearing

Oral – Witness:

- Matthew DeSantis, Planning Department
- Victor Tervalá, Law Department
- Nina Themelis, Office of the Mayor
- Liam Davis, Department of Transportation
- Luis Cardona, Baltimore Development Corporation
- Camyn Bodden, Department of Housing and Community Development

Written:

- Planning Commission, Agency Report, Dated May 13, 2021 which includes the Department of Planning, Staff Report – Dated May 13, 2021
- Department of Transportation, Agency Report – Dated July 1, 2021
- Board of Municipal and Zoning Appeals, Agency Report – Dated April 26, 2021
- Law Department, Agency Report – Dated July 14, 2021
- Department of Housing and Community Development, Agency Report – Dated July 14, 2021
- Baltimore Development Corporation, Agency Report – Dated June 7, 2021

**COMMITTEE MEMBERS VOTING IN FAVOR**

Sharon Green Middleton, Chair  
John Bullock  
Mark Conway  
Ryan Dorsey  
Antonio Glover  
Odette Ramos  
Robert Stokes