

Introduced by: Councilmember Scott

At the request of: Durga Enterprises, LLC

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

Telephone: 410-727-6600

Prepared by: Department of Legislative Reference

Date: October 19, 2018

Referred to: LAND USE AND TRANSPORTATION Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL B-0304

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 6435 Pulaski Highway

FOR the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

BY amending

Article 32 - Zoning
Zoning District Map
Sheet 50
Baltimore City Revised Code
(Edition 2000)



****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

| | |
|--|---|
| Department of Public Works | Baltimore City Public School System |
| Department of Real Estate | Baltimore Development Corporation |
| Department of Recreation and Parks | City Solicitor |
| Department of Transportation | Comptroller's Office |
| Fire Department | Department of Audits |
| Health Department | Department of Finance |
| Mayor's Office of Employment Development | Department of General Services |
| Mayor's Office of Human Services | Department of Housing and Community Development |
| Mayor's Office of Information Technology | Department of Human Resources |
| Office of the Mayor | Department of Planning |
| Police Department | Other: |
| Other: | Other: |
| Other: | Other: |
| Other: | Other: |
| Environmental Control Board | Board of Estimates |
| Fire & Police Employees' Retirement System | Board of Ethics |
| Labor Commissioner | Board of Municipal and Zoning Appeals |
| Parking Authority Board | Comm. for Historical and Architectural Preservation |
| Planning Commission | Commission on Sustainability |
| Wage Commission | Employees' Retirement System |
| Other: | Other: |
| Other: | Other: |
| Other: | Other: |

Boards and Commissions

| | |
|---|---|
| Board of Estimates | Board of Municipal and Zoning Appeals |
| Board of Ethics | Comm. for Historical and Architectural Preservation |
| Board of Municipal and Zoning Appeals | Commission on Sustainability |
| Comm. for Historical and Architectural Preservation | Employees' Retirement System |
| Commission on Sustainability | Other: |
| Employees' Retirement System | Other: |
| Other: | Other: |
| Other: | Other: |
| Other: | Other: |
| Environmental Control Board | Fire & Police Employees' Retirement System |
| Labor Commissioner | Parking Authority Board |
| Parking Authority Board | Planning Commission |
| Planning Commission | Wage Commission |
| Wage Commission | Other: |
| Other: | Other: |
| Other: | Other: |

CITY OF BALTIMORE
ORDINANCE **19-229**
Council Bill 18-0301

Introduced by: Councilmember Scott
At the request of: Durga Enterprises, LLC
Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg LLP, 25 South
Charles Street, Suite 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600
Introduced and read first time: October 29, 2018
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: January 28, 2019

AN ORDINANCE CONCERNING

1 **Rezoning – 6425, 6435, and 6501 Pulaski Highway and 840 North Point Road**

2 FOR the purpose of changing the zoning for the property properties known as 6435 Pulaski
3 Highway (Block ~~6242E, Lot 050~~) 6425 Pulaski Highway (Block 6242E, Lot 044), 6435
4 Pulaski Highway (Block 6242E, Lot 050), 6501 Pulaski Highway (Block 6235, Lot 013), and
5 840 North Point Road (Block 6242E, Lot 051), as outlined in blue on the accompanying
6 revised plat, from the I-2 Zoning District to the C-4 Zoning District.

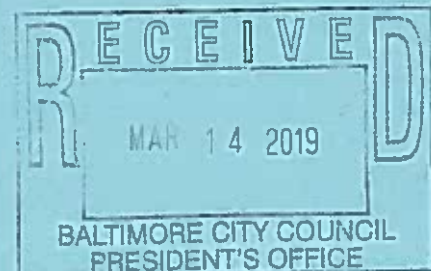
7 BY amending

8 Article 32 - Zoning
9 Zoning District Map
10 Sheet 50
11 Baltimore City Revised Code
12 (Edition 2000)

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
14 Sheet 50 of the Zoning District Map is amended by changing from the I-2 Zoning District to the
15 C-4 Zoning District the property properties known as 6435 Pulaski Highway (Block ~~6242E, Lot~~
16 ~~050~~) 6425 Pulaski Highway (Block 6242E, Lot 044), 6435 Pulaski Highway (Block 6242E, Lot
17 050), 6501 Pulaski Highway (Block 6235, Lot 013), and 840 North Point Road (Block 6242E,
18 Lot 051), as outlined in blue on the revised plat accompanying this Ordinance.

19 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
20 accompanying revised plat and in order to give notice to the agencies that administer the City
21 Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City
22 Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign
23 the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat

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 18-0301

1 to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
2 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
3 the Zoning Administrator.

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

Certified as duly passed this _____ day of FEB 04 2019, 20____



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of FEB 04 2019



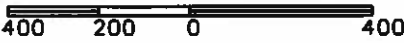
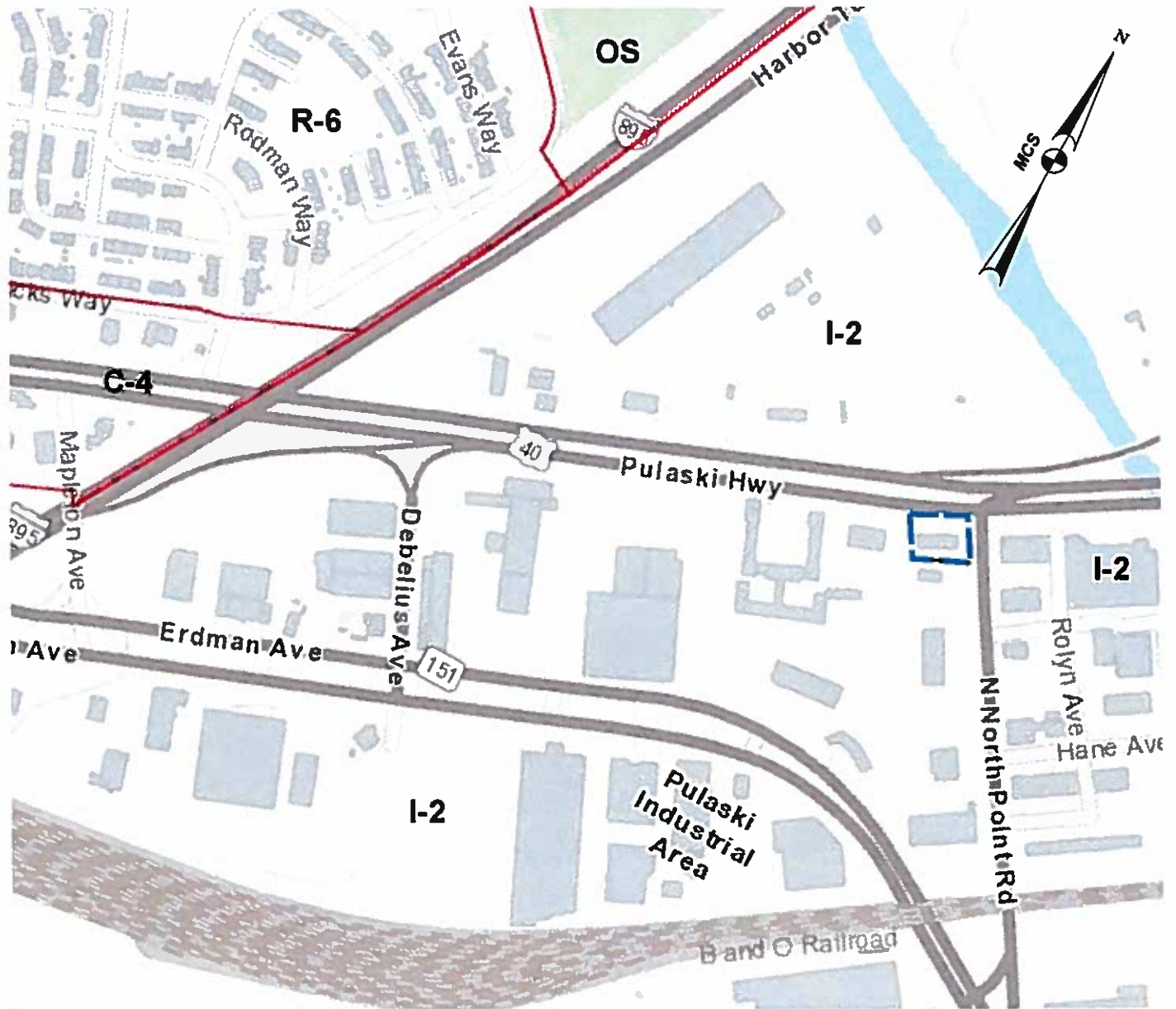
Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City

Pursuant to City Charter, Article IV, Section 5(C), this bill became law on March 11, 2019, without the Mayor's Signature.

**SHEET NO. 50 OF THE ZONING DISTRICT MAP
OF THE BALTIMORE CITY ZONING CODE**



NOTE:
THE APPLICANT WISHES TO REQUEST THE REZONING OF THE PROPERTY KNOWN AS 6435 PULASKI HIGHWAY FROM THE I-2 ZONING DISTRICT TO THE C-4 ZONING DISTRICT AS OUTLINED IN BLUE ABOVE.

MAYOR

Paul J. Johnson

PRESIDENT CITY COUNCIL

PLAT PREPARED BY:

BLDG

Baltimore Land Design Group, Inc.
Consulting Engineers

330 SCROLLING CIRCLE, SUITE 304 • HUNT VALLEY, MARYLAND 21111
PHONE: 410-229-9831 • FAX: 410-229-9865 • BLDG@BLDGNC.COM

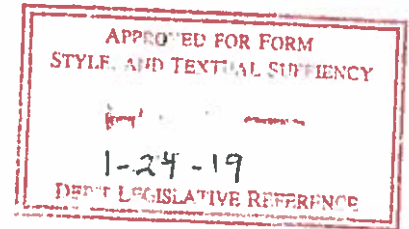
APPLICANT

SIXTY-FOUR THIRTY-FIVE
PULASKI HIGHWAY, LLC
C/O CAROLINE L. HECKER, ESQ.
ROSENBERG, MARTIN, GREENBERG, LLP
25 S. CHARLES STREET, SUITE 21ST FLOOR
BALTIMORE, MARYLAND 21201
TELEPHONE: 410-727-6600

PLAN TO ACCOMPANY REZONING REQUEST
DUNKIN' DONUTS RESTAURANT

6435 PULASKI HWY.
BALTIMORE, MD 21205
WARD: 26; SECTION: 18; BLOCK: 6242E; LOT 50
BALTIMORE CITY, MARYLAND
SCALE: 1" = 400' DATE: OCTOBER 17, 2018

AMENDMENTS TO COUNCIL BILL 18-0301
(1st Reader Copy)



By: Land Use and Transportation Committee

Amendment No. 1

On page 1, in line 2, before "6435", insert "6425"; in the same line, after "6435", insert "and 6501"; and, in the same line, after "Highway", insert "and 840 North Point Road".

Amendment No. 2

On page 1, in lines 3 and 14, in each instance, strike "property" and substitute "properties".

Amendment No. 3

On page 1, in lines 3 and 4, and in line 14, in each instance, strike "6435 Pulaski Highway (Block 6242E, Lot 050)" and substitute "6425 Pulaski Highway (Block 6242E, Lot 044), 6435 Pulaski Highway (Block 6242E, Lot 050), 6501 Pulaski Highway (Block 6235, Lot 013), and 840 North Point Road (Block 6242E, Lot 051)".

ADOPTED

Amendment No. 4

On page 1, in lines 4, 15, and 17, in each instance, before "plat", insert "revised".

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION 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:

CITY COUNCIL BILL NO: 18-0301 REZONING - 6435 PULASKI HIGHWAY

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, Section §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** Prior to the comprehensive rezoning of the City in 2017, this area was zoned M-2-1 for industrial use. The zoning for this area was therefore designated I-2 industrial, which was the closest zoning category under the current zoning code. As a general policy, we are concerned about intrusion from commercial and residential uses into our industrial areas, especially a large cohesive area as this one. Staff believes that a limited application of C-4 to these small properties will continue the commercial use of these properties, and will not create any negative impacts on the greater industrial area.
2. **The needs of Baltimore City:** Supporting redevelopment of a vacant parcel as well as the existing businesses on these properties will lead to a stronger commercial corridor, and will not negatively impact any surrounding properties.
3. **The needs of the particular neighborhood:** The integrity of the industrial area will not be harmed with the proposed rezoning and our proposed amendment. The designation of these properties will recognize the existing commercial uses of these properties, and will provide zoning that is compatible with the greater industrial zone.

Upon finding as follows with regard to:

(1) Population changes;

There have been no significant changes in population in the immediate area, though the U.S. Route 40/Pulaski Highway corridor is appropriate for highway-



1. 2.

oriented commercial uses, and the proposed change will support drive-through facilities that intend to capitalize on that high daily volume of vehicle traffic.

(2) The availability of public facilities;

This site is well served by existing utilities and facilities along the Pulaski Highway corridor, which will not be affected by this proposed rezoning.

(3) Present and future transportation patterns;

ADOPTED

These properties are located on U.S. Route 40/Pulaski Highway, which is sufficient to support any level of development on this site, as well as to provide for adequate emergency services and police protections.

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

The proposed rezoning to C-4 recognizes the existing development pattern of these small properties, and will be compatible with the larger I-2 industrial area. These properties range in size from about a quarter acre, to nearly one acre in size, which is not large enough to support most heavy industrial uses.

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

For the above reasons, the Planning Department will recommend amendment and approval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.

Agency reports are as follows:

- The Planning Commission – In its consideration of this bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #18-0301 and adopted the following resolution, seven members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendations of its Departmental staff, and recommends that City Council Bill 18-0301 be passed by the City Council, with the following amendment:

- That the properties at 6425 Pulaski Highway, 6501 Pulaski Highway, and 840 North Point Road are included in the proposed rezoning from the I-2 Zoning District to the C-4 Zoning District.

- Board of Municipal Zoning Appeals (BMZA) — BMZA has reviewed the legislation and recommends approval of Bill 18-0301.
- Law Department - 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.
- Department of Transportation - The Department of Transportation has no objection to City Council Bill 18-0301.
- The Department of Housing and Community Development (DHCD) – DHCD does not object to the passage of City Council Bill 18-0301.
- Parking Authority of Baltimore City – The legislation does not explicitly address parking. This site is not located where the Parking Authority administers any on-street parking programs. As building plans and uses for the property become more defined, the Parking Authority will be involved through Site Plan Review and Planning Commission hearings to ensure that parking demand is adequately addressed and negative effects to parking because of development on this site are mitigated. Based on the above comments, the PABC does not oppose the passage of City Council Bill 18-0301.

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

This rezoning is compatible with the general policy of supporting industrial areas, and preventing intrusion by commercial and residential uses.

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

The existing uses of the properties are for commercial uses along the Pulaski Highway corridor, with heavier industrial uses on the larger properties surrounding these sites. The only anomaly is the existing motel use at 6401 Pulaski Highway, which is an existing nonconforming use.

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

This site is set in the center of a large I-2 industrial zone in the center of the Pulaski Industrial Area.

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

The prior use of the property was for a retail goods establishment use, with a gas station. The adjacent properties proposed for inclusion are a liquor store (Pulaski Liquor Emporium) to the west, an auto repair service center (Fastenal) to the east, and Frankford Towing to the rear. All of these are heavy commercial uses that are compatible with the surrounding industrial area, and benefit from being located on Pulaski Highway, away from less intense uses and zones. Under the C-4 designation, the liquor store is no longer a nonconforming use, and the auto repair business and towing business go from a condition use to being permitted by right.

- (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 any recent developments in this portion of the Rt 40 corridor that would affect the proposed rezoning.

- (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:

Per Section §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. Staff believes that this rezoning could be classified as a mistake as these relatively small parcels, are not suitable for most heavy industrial uses, and that the existing development on these parcels more closely matches the proposed C-4 district. For those reasons, staff is recommending amendment to include three additional parcels, and approval as amended.

SOURCE OF FINDINGS (Check all that apply):

- Planning Report - The findings listed above have been transferred from the Department of Planning's report dated November 29, 2018
- Testimony presented at the Committee hearing

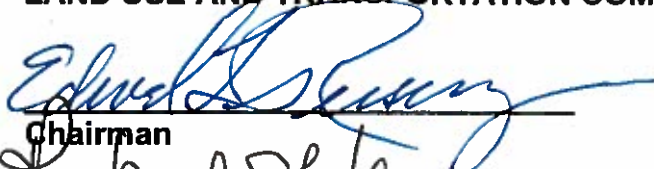



Oral – Witness Name:

- Mr. Martin French, Department of Planning
- Mr. Tyrell Dixon, Department of Housing and Community Development
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Mr. Michael Castagnola, Department of Transportation
- Ms. Hilary Ruley, Department of Law
- Ms. Laura Bianca Pruitt, Parking Authority of Baltimore City
- Mr. David Garza, Baltimore Development Corporation
- Ms. Caroline Hecker, Esquire, Representative for the Applicant

Written:

- Planning Commission, Agency Report – Dated: 11/30/2018
- Department of Planning Staff Report – Dated: 11/29/2018
- Department of Transportation, Agency Report – Dated: 01/4/19
- Board of Municipal Zoning Appeals, Agency Report – Dated: 1/22/2019
- Law Department, Agency Report – Dated: 12/19/18
- Parking Authority of Baltimore City, Agency Report – Dated: 12/3/2018
- Department of Housing and Community Development, Agency Report – Dated: 1/18/2019
- Baltimore Development Corporation, Agency Report – Dated: 11/28/18

LAND USE AND TRANSPORTATION COMMITTEE:

| | | |
|---|-------|--------|
|  Chairman | _____ | Member |
|  Member | _____ | Member |
|  Member | _____ | Member |
|  Member | _____ | Member |

BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION VOTING RECORD

DATE: January 23, 2019

BILL#: 18-0301

BILL TITLE: Rezoning - 6435 Pulaski Highway

MOTION BY: Stokes SECONDED BY: Dorsey

- FAVORABLE FAVORABLE WITH AMENDMENTS
 UNFAVORABLE WITHOUT RECOMMENDATION

| NAME | YEAS | NAYS | ABSENT | ABSTAIN |
|-------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Reisinger, Edward, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Middleton, Sharon, Vice Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Clarke, Mary Pat | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Costello, Eric | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dorsey, Ryan | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Pinkett, Leon | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stokes, Robert | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | |
| TOTALS | 7 | | | |

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC

The Daily Record

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

http://www.thedailyrecord.com

Order #: 11686537

Case #:

Description:

PUBLIC HEARING ON BILL NO. 18-0301

PUBLISHER'S AFFIDAVIT

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:

12/27/2018

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore City

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 18-0301

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:10 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. 18-0301.

CC 18-0301 ORDINANCE - Rezoning - 642E, 643E, and 6E21 Pulaski Highway and 840 North Point Road

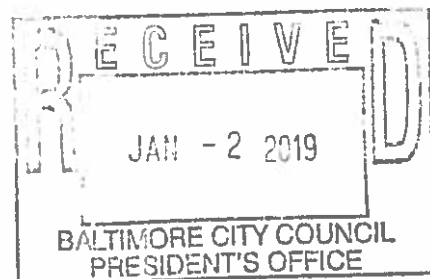
FOR the purpose of changing the zoning for the properties known as 642E Pulaski Highway (Block 6242E, Lot 014), 643E Pulaski Highway (Block 6242E, Lot 050), 6E21 Pulaski Highway (Block 6236, Lot 017), and 840 North Point Road (Block 6242E, Lot 081) as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 50
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.
Applicant: Darpa Enterprises LLC c/o Caroline L. Hecker, Esquire
For more information contact: Committee Staff at (410) 300-1260.

EDWARD REISINGER
Chair

d27





Rosenberg
Martin
Greenberg^{LLP}

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

**VIA E-MAIL - natawnab.austin@baltimorecity.gov
& FIRST CLASS MAIL**

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

**Re: Public Hearing on Bill No. 18-0301
Rezoning – 6425, 6435, and 6501 Pulaski Highway and 840 North Point Road**

Dear Ms. Austin:

This letter is to certify under the penalties of perjury that the necessary notices required by law were mailed to all property owners and adjacent property owners, via certified and first class mail, on January 8, 2019. I have attached a copy of the notices for your records.

Should you have any questions or require any additional information, please feel free to contact me directly.

Very truly yours,

Maggie Giordano

/mag

4847-1907-1605, v. 1

Rosenberg, Martin, Greenberg, LLP
25 S CHARLES ST FL 21
BALTIMORE MD 21201-3322

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Mr. George Boudouris
435D EASTERN BLVD
BALTIMORE MD 21221-8715





**Rosenberg
Martin
Greenberg** LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Mr. George Boudouris
435-D Eastern Blvd.
Baltimore, MD 21221

**Re: Baltimore City Council
Public Hearing on Bill No. 18-0301
Your Property: 6501 Pulaski Highway, Baltimore, MD 21237**

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:10 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. 18-0301.

**CC 18-0301 ORDINANCE - Rezoning – 6425, 6435, and 6501 Pulaski Highway and
840 North Point Road**

FOR the purpose of changing the zoning for the properties known as 6425 Pulaski Highway (Block 6242E, Lot 044), 6435 Pulaski Highway (Block 6242E, Lot 050), 6501 Pulaski Highway (Block 6235, Lot 013), and 840 North Point Road (Block 6242E, Lot 051) as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

BY amending
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(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.
Applicant: Durga Enterprises, LLC c/o Caroline L. Hecker, Esquire
For more information contact: Committee Staff at (410) 396-1260.

Edward Reisinger, Chair

Very truly yours,

Maggie Giordano

/mag
4815-9863-5636, v. 1

Rosenberg, Martin, Greenberg, LLP
25 S CHARLES ST FL 21
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Meisel & Cohen Properties
6000 EXECUTIVE BLVD STE 700
ROCKVILLE MD 20852-3883





**Rosenberg
Martin
Greenberg**LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Meisel & Cohen Properties
6000 Executive Blvd., Suite 700
Rockville, MD 20852

**Re: Baltimore City Council
Public Hearing on Bill No. 18-0301
Your Property: 801 North Point Road, Baltimore, MD 21237**

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:10 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. 18-0301.


**CC 18-0301 ORDINANCE - Rezoning – 6425, 6435, and 6501 Pulaski Highway and
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FOR the purpose of changing the zoning for the properties known as 6425 Pulaski Highway (Block 6242E, Lot 044), 6435 Pulaski Highway (Block 6242E, Lot 050), 6501 Pulaski Highway (Block 6235, Lot 013), and 840 North Point Road (Block 6242E, Lot 051) as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

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For more information contact: Committee Staff at (410) 396-1260.

Edward Reisinger, Chair

Very truly yours,

Maggie Giordano

/mag
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Rosenberg, Martin, Greenberg, LLP
25 S CHARLES ST FL 21
BALTIMORE MD 21201-3322

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Lekhu, LLC
8328 GOVERNOR GRAYSON WAY
ELLCOTT CITY MD 21043-3450





Rosenberg
Martin
Greenberg^{LLP}

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Lakhu, LLC
8328 Governor Grayson Way
Ellicott City, MD 21043

**Re: Baltimore City Council
Public Hearing on Bill No. 18-0301
Your Property: 6425 Pulaski Highway, Baltimore, MD 21205**

Dear Property Owner:

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840 North Point Road

FOR the purpose of changing the zoning for the properties known as 6425 Pulaski Highway (Block 6242E, Lot 044), 6435 Pulaski Highway (Block 6242E, Lot 050), 6501 Pulaski Highway (Block 6235, Lot 013), and 840 North Point Road (Block 6242E, Lot 051) as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

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NOTE: This bill is subject to amendment by the Baltimore City Council.
Applicant: Durga Enterprises, LLC c/o Caroline L. Hecker, Esquire
For more information contact: Committee Staff at (410) 396-1260.

Edward Reisinger, Chair

Very truly yours,



Maggie Giordano

/mag
4815-9863-5636, v. 1

Rosenberg, Martin, Greenberg, LLP
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Sixty-Four Thirty-Five Pulaski Highway, LLC
PO BOX 4122
LUTHERVILLE MD 21094-4122





**Rosenberg
Martin
Greenberg**LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Sixty-Four Thirty-Five Pulaski Highway, LLC
P.O. Box 4122
Lutherville, MD 21094

**Re: Baltimore City Council
Public Hearing on Bill No. 18-0301
Your Property: 6435 Pulaski Highway, Baltimore, MD 21205**

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:10 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. 18-0301.

**CC 18-0301 ORDINANCE - Rezoning – 6425, 6435, and 6501 Pulaski Highway and
840 North Point Road**

FOR the purpose of changing the zoning for the properties known as 6425 Pulaski Highway (Block 6242E, Lot 044), 6435 Pulaski Highway (Block 6242E, Lot 050), 6501 Pulaski Highway (Block 6235, Lot 013), and 840 North Point Road (Block 6242E, Lot 051) as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 50
Baltimore City Revised Code
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NOTE: This bill is subject to amendment by the Baltimore City Council.
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Mr. & Mrs. William Bonnett
5404 BIDDISON AVE
BALTIMORE MD 21208-3554







Rosenberg
Martin
Greenberg^{LLP}

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Mr. & Mrs. William Bonnett
5404 Biddison Avenue
Baltimore, MD 21206

**Re: Baltimore City Council
Public Hearing on Bill No. 18-0301
Your Property: 840 North Point Road, Baltimore, MD 21237**

Dear Property Owner:

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Pateletai Ichchhu c/o Dip D. Patel
6401 PULASKI HWY
BALTIMORE MD 21205-3408





Rosenberg
Martin
Greenberg^{LLP}

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Pateletal Ichchhu c/o Dilip D. Patel
6401 Pulaski Highway
Baltimore, MD 21205

**Re: Baltimore City Council
Public Hearing on Bill No. 18-0301
Your Property: 6401 Pulaski Highway, Baltimore, MD 21205**

Dear Property Owner:

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Edward Reisinger, Chair

Very truly yours,

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/mag
4815-9863-5636, v. 1



Rosenberg
Martin
Greenberg^{LLP}

Meisel & Cohen Properties
6000 Executive Blvd., Suite 700
Rockville, MD 20852

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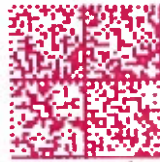


Rosenberg
Martin
Greenberg^{LLP}

Mr. George Boudouris
435-D Eastern Blvd.
Baltimore, MD 21221

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Martin
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Sixty-Four Thirty-Five Pulaski Highway, LLC
P.O. Box 4122
Lutherville, MD 21094



Rosenberg
Martin
Greenberg^{LLP}



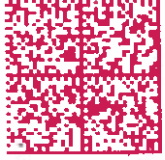
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Lakhu, LLC
8328 Governor Grayson Way
Ellicott City, MD 21043



Rosenberg
Martin
Greenberg^{LLP}

Mr. & Mrs. William Bonnett
5404 Biddison Avenue
Baltimore, MD 21206

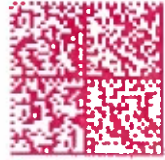


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Rosenberg
Martin
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Pateletal Ichchhu c/o Dilip D. Patel
6401 Pulaski Highway
Baltimore, MD 21205



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**Rosenberg
Martin
Greenberg^{LLP}**

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

**VIA E-MAIL - natawnab.austin@baltimorecity.gov
& FIRST CLASS MAIL**

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

**Re: Public Hearing on Bill No. 18-0301
Rezoning – 6425, 6435, and 6501 Pulaski Highway and 840 North Point Road**

Dear Ms. Austin:

This letter is to certify under the penalties of perjury that the necessary notices required by law were mailed to all property owners and adjacent property owners, via certified and first class mail, on January 8, 2019. I have attached a copy of the notices for your records.

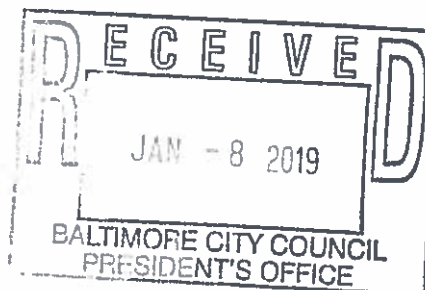
Should you have any questions or require any additional information, please feel free to contact me directly.

Very truly yours,

Maggie Giordano

/mag

4847-1907-1605, v. 1



Rosenberg, Martin, Graenberg, LLP
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BALTIMORE MD 21201-3322

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Mr. George Boudouris
435D EASTERN BLVD
BALTIMORE MD 21221-6715





Rosenberg
Martin
Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Mr. George Boudouris
435-D Eastern Blvd.
Baltimore, MD 21221

**Re: Baltimore City Council
Public Hearing on Bill No. 18-0301
Your Property: 6501 Pulaski Highway, Baltimore, MD 21237**

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:10 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. 18-0301.

CC 18-0301 ORDINANCE - Rezoning – 6425, 6435, and 6501 Pulaski Highway and
840 North Point Road


FOR the purpose of changing the zoning for the properties known as 6425 Pulaski Highway (Block 6242E, Lot 044), 6435 Pulaski Highway (Block 6242E, Lot 050), 6501 Pulaski Highway (Block 6235, Lot 013), and 840 North Point Road (Block 6242E, Lot 051) as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

BY amending
Article 32 - Zoning
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Sheet 50
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(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.
Applicant: Durga Enterprises, LLC c/o Caroline L. Hecker, Esquire
For more information contact: Committee Staff at (410) 396-1260.

Edward Reisinger, Chair

Very truly yours,



Maggie Giordano

/mag
4815-9863-5636, v. 1

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Meisel & Cohen Properties
6000 EXECUTIVE BLVD STE 700
ROCKVILLE MD 20852-3883





Rosenberg
Martin
Greenberg^{LLP}

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Meisel & Cohen Properties
6000 Executive Blvd., Suite 700
Rockville, MD 20852

**Re: Baltimore City Council
Public Hearing on Bill No. 18-0301
Your Property: 801 North Point Road, Baltimore, MD 21237**

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:10 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. 18-0301.

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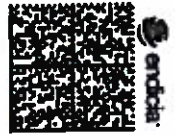
Very truly yours,

Maggie Giordano

/mag
4815-9863-5636, v. 1

Rosenberg, Martin, Greenberg, LLP
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Lakhu, LLC
8328 GOVERNOR GRAYSON WAY
ELLCOTT CITY MD 21043-3450





Rosenberg
Martin
Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Lakhu, LLC
8328 Governor Grayson Way
Ellicott City, MD 21043

**Re: Baltimore City Council
Public Hearing on Bill No. 18-0301
Your Property: 6425 Pulaski Highway, Baltimore, MD 21205**

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:10 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. 18-0301.

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Sixty-Four Thirty-Five Puleski Highway, LLC
PO BOX 4122
LUTHERVILLE MD 21094-4122





Rosenberg
Martin
Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Sixty-Four Thirty-Five Pulaski Highway, LLC
P.O. Box 4122
Lutherville, MD 21094

**Re: Baltimore City Council
Public Hearing on Bill No. 18-0301
Your Property: 6435 Pulaski Highway, Baltimore, MD 21205**

Dear Property Owner:

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:10 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. 18-0301.

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Mr. & Mrs. William Bonnett
5404 BIDDISON AVE
BALTIMORE MD 21208-3554





Rosenberg
Martin
Greenberg^{LLP}

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Mr. & Mrs. William Bonnett
5404 Biddison Avenue
Baltimore, MD 21206

**Re: Baltimore City Council
Public Hearing on Bill No. 18-0301
Your Property: 840 North Point Road, Baltimore, MD 21237**

Dear Property Owner:

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Pateletal Ichchhu c/o Dilip D. Patel
6401 PULASKI HWY
BALTIMORE MD 21205-3408





Rosenberg
Martin
Greenberg LLP

Maggie Giordano, Paralegal
Direct Dial: 410.649.4987
mgiordano@rosenbergmartin.com

January 8, 2019

Pateletal Ichchhu c/o Dilip D. Patel
6401 Pulaski Highway
Baltimore, MD 21205

**Re: Baltimore City Council
Public Hearing on Bill No. 18-0301
Your Property: 6401 Pulaski Highway, Baltimore, MD 21205**

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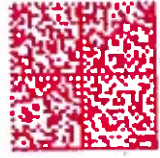

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435 -D Eastern Blvd.
Baltimore, MD 21221



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P.O. Box 4122
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Mr. & Mrs. William Bonnett
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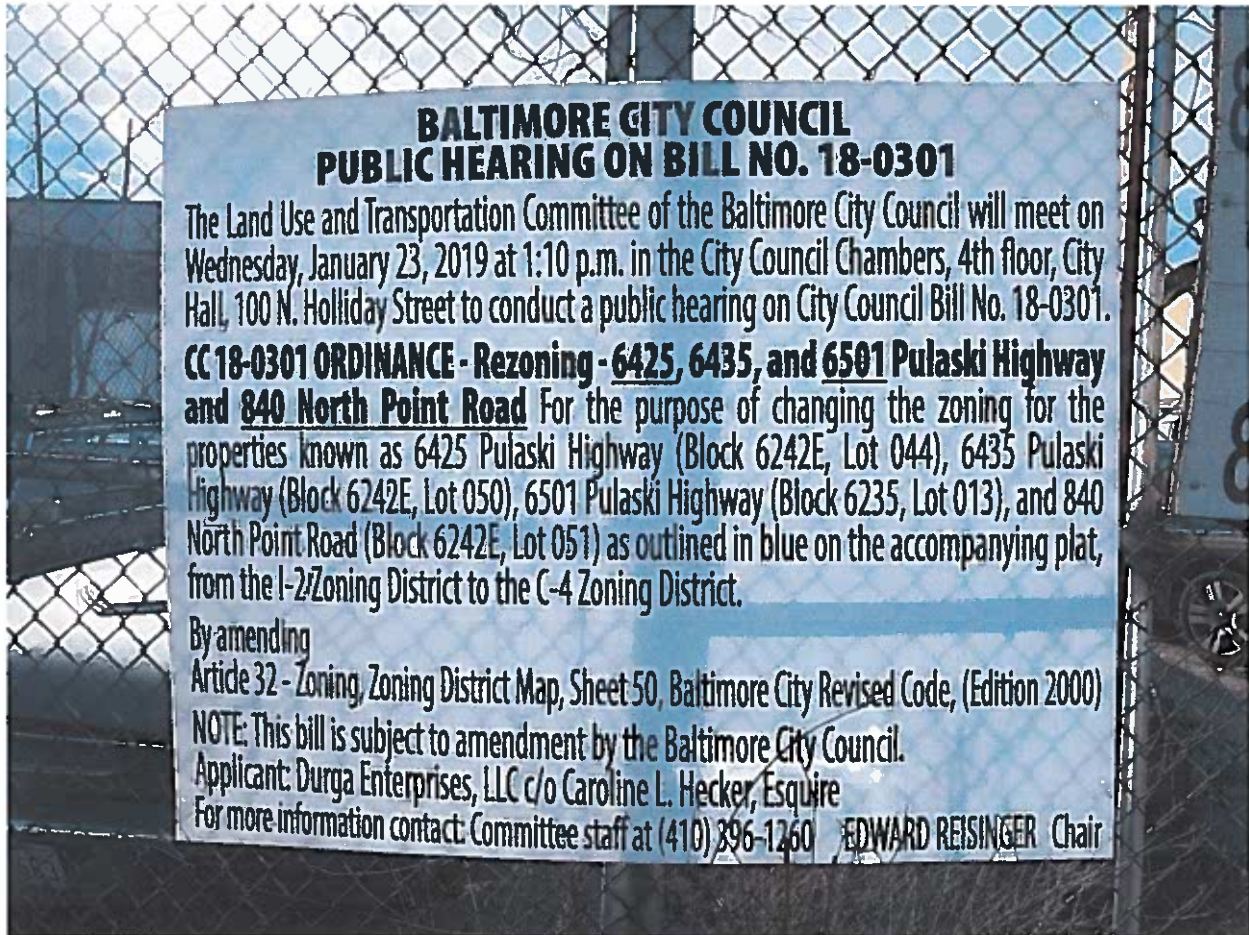


Pateletal Ichchhu c/o Dilip D. Patel
6401 Pulaski Highway
Baltimore, MD 21205

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 18-0301

Today's Date: [12/26/2018]

(Place a picture of the posted sign in the picture box below.)



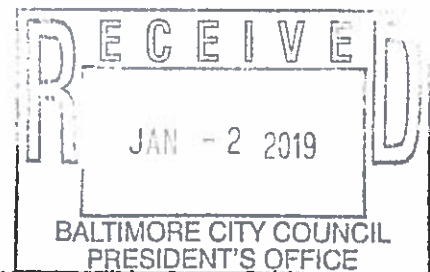
Address: 840 North Point Road

Date Posted: 12/19/2018

Name: Martin Ogle

Address: 9912 Maidbrook Rd.

Telephone: 443-629-3411



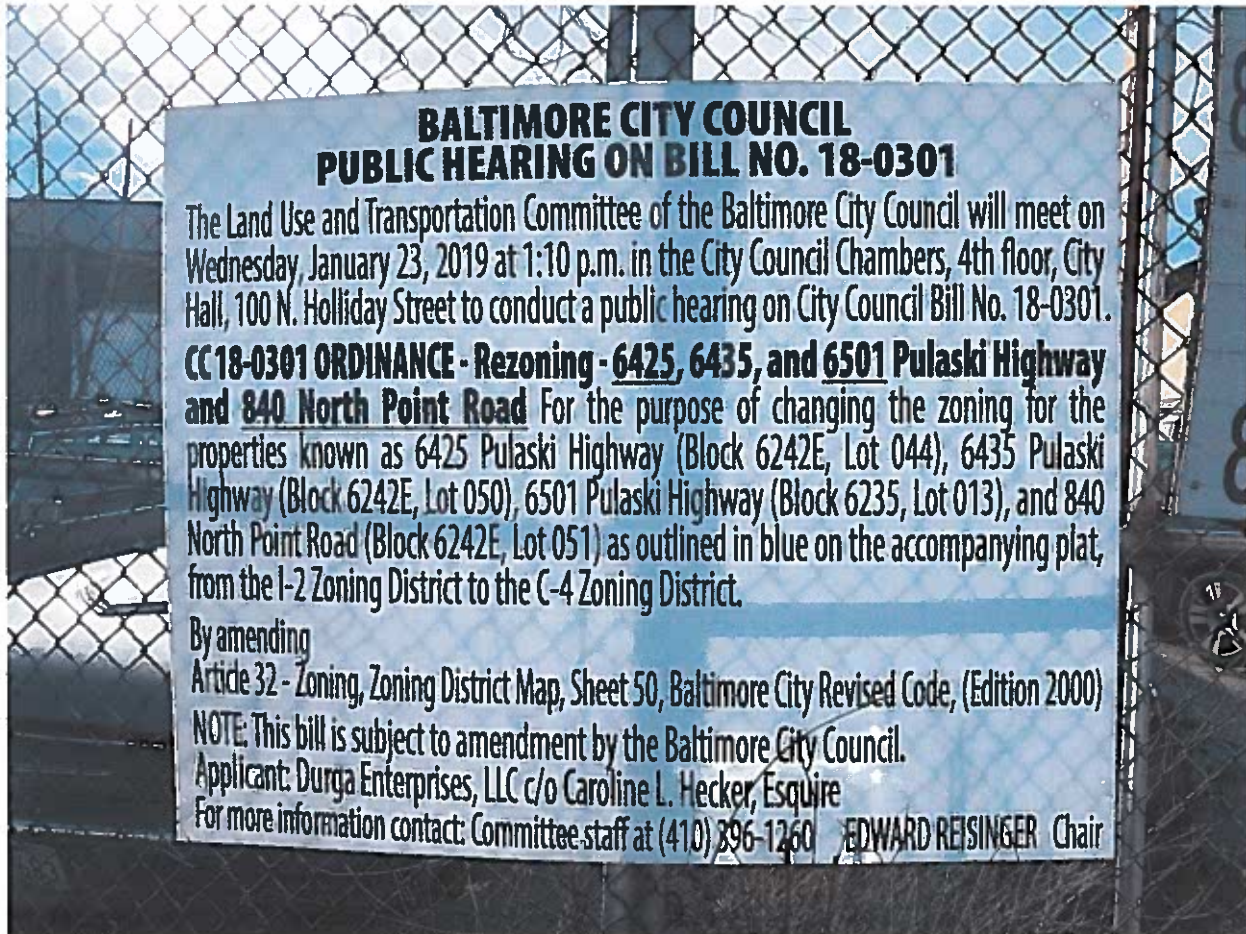
- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202



Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 18-0301

Today's Date: [12/26/2018]

(Place a picture of the posted sign in the picture box below.)



Address: 840 North Point Road

Date Posted:12/19/2018

Name: Martin Ogle

Address: 9912 Maidbrook Rd.

Telephone: 443-629-3411

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

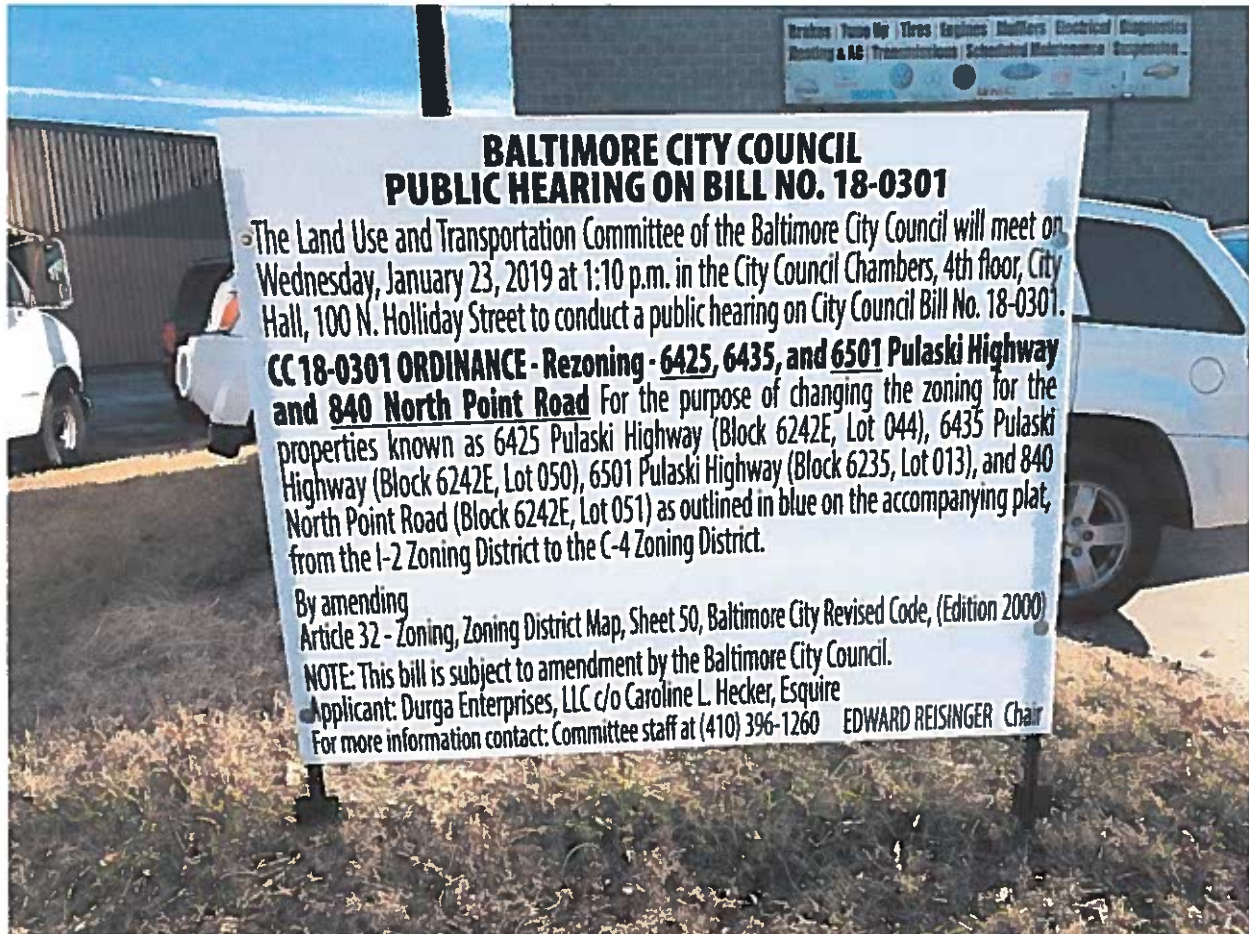


2.

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 18-0301

Today's Date: [12/26/2018]

(Place a picture of the posted sign in the picture box below.)



Address: 6501 Pulaski Highway

Date Posted: 12/19/2018

Name: Martin Ogle

Address: 9912 Maidbrook Rd.

Telephone: 443-629-3411

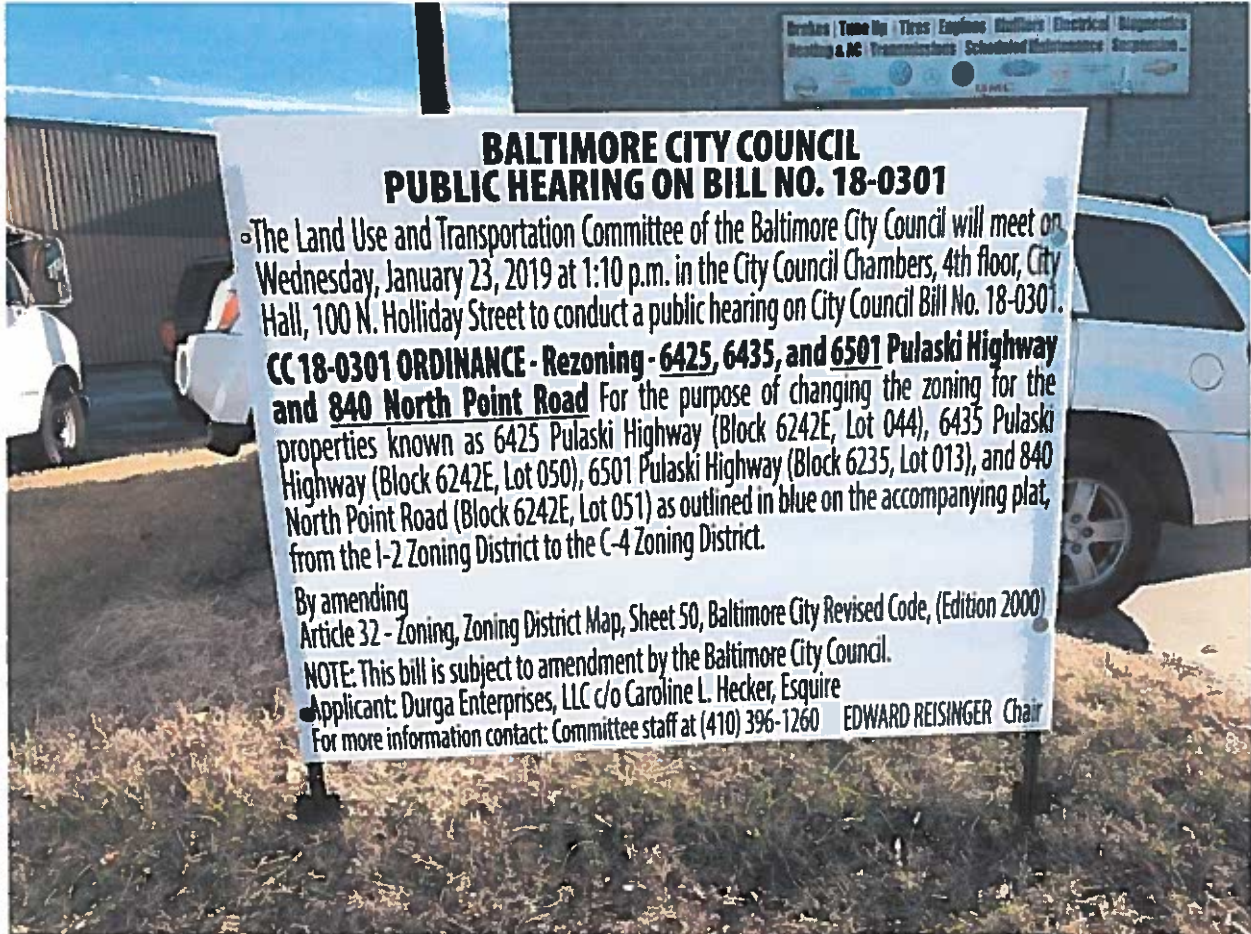
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Today's Date: [12/26/2018]

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Address: 6501 Pulaski Highway

Date Posted: 12/19/2018

Name: Martin Ogle

Address: 9912 Maidbrook Rd.

Telephone: 443-629-3411

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

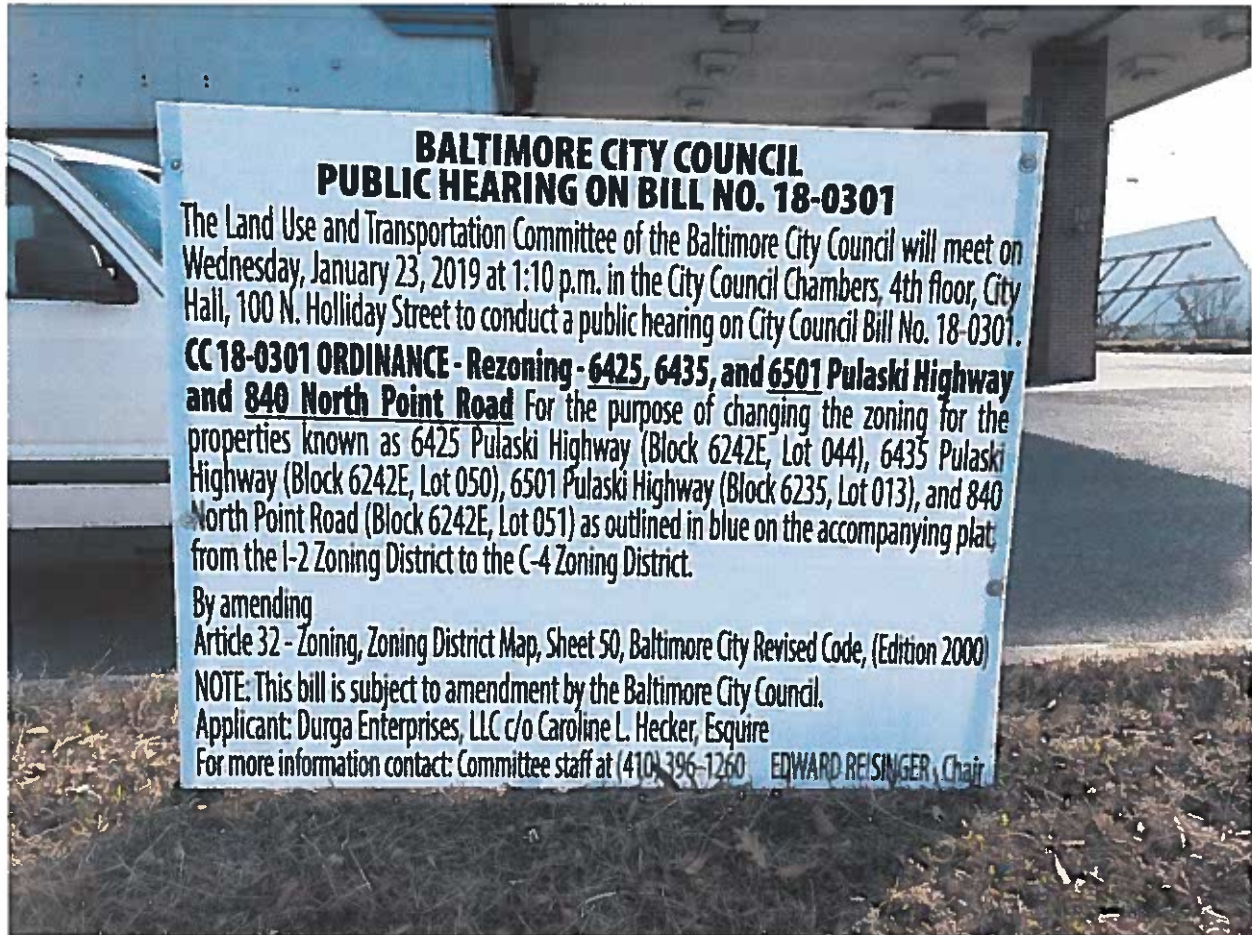


11

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 18-0301

Today's Date: [12/26/2018]

(Place a picture of the posted sign in the picture box below.)



Address: 6435 Pulaski Highway

Date Posted:12/19/2018

Name: Martin Ogle

Address: 9912 Maidbrook Rd.

Telephone: 443-629-3411

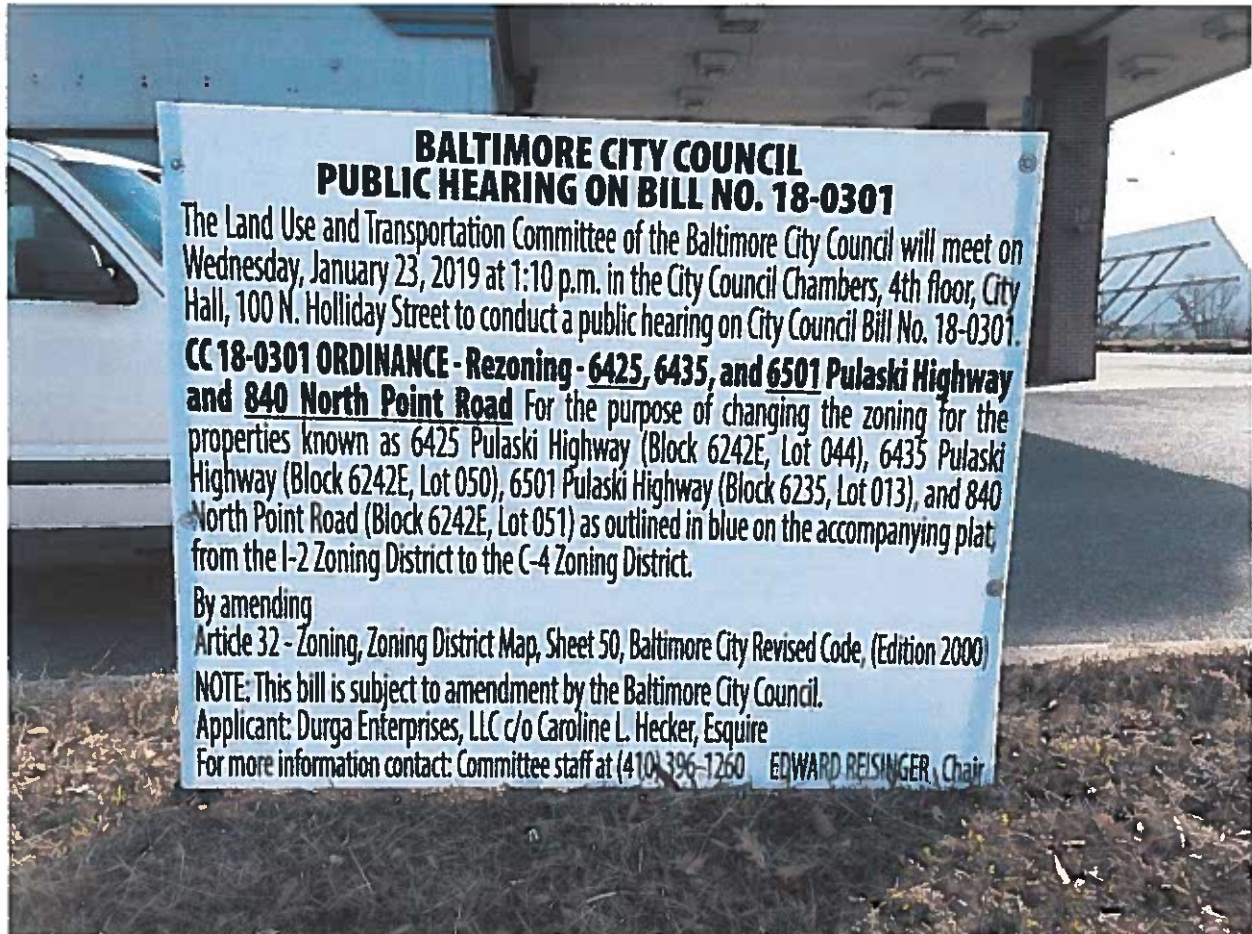
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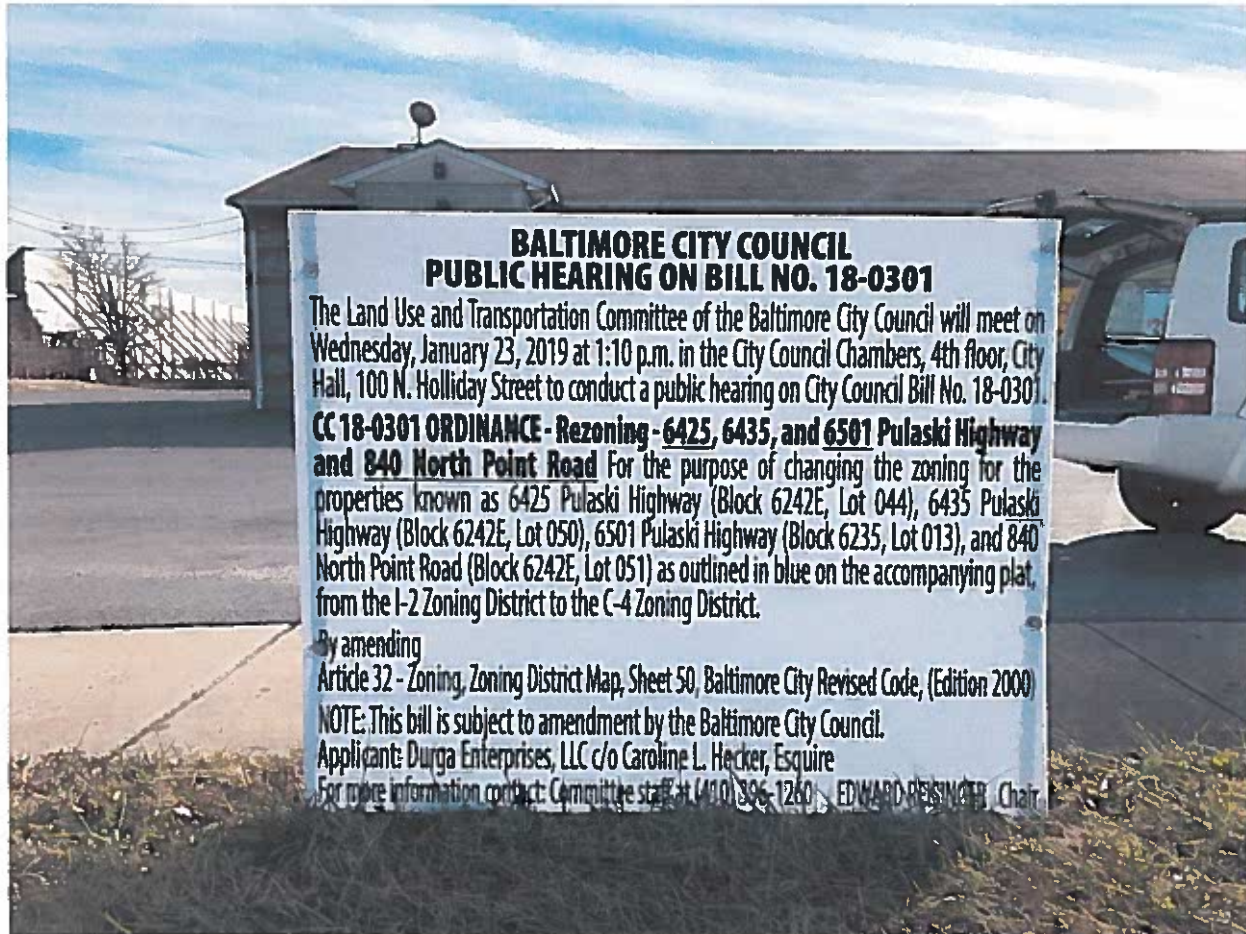
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Baltimore City Council
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(Place a picture of the posted sign in the picture box below.)



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Date Posted: 12/19/2018

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Address: 9912 Maidbrook Rd.

Telephone: 443-629-3411

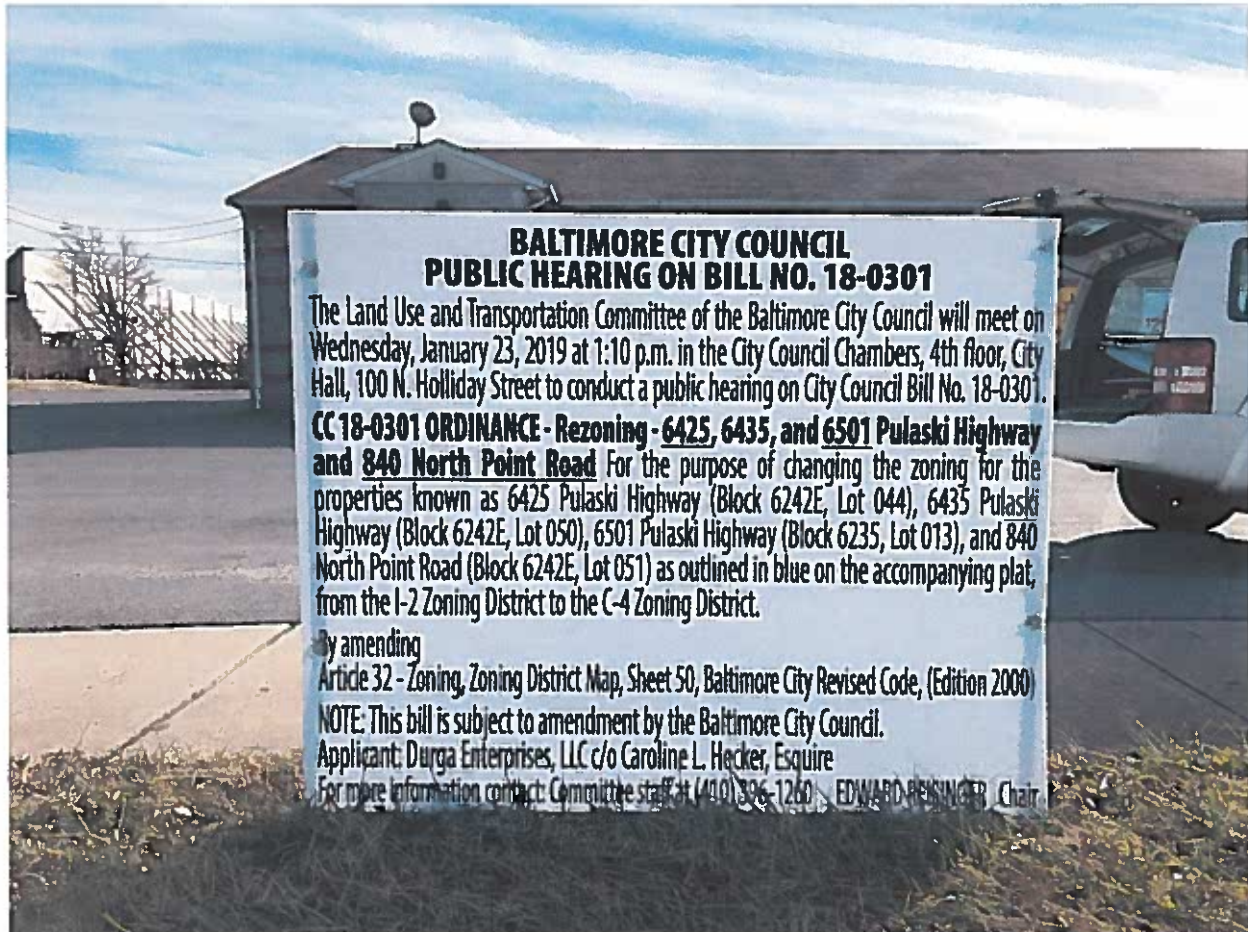
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| | | | | |
|-------------|-----------------------|---|--|---|
| FROM | NAME & TITLE | LAURIE FEINBERG, ACTING DIRECTOR | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 8TH FLOOR, 417 EAST FAYETTE STREET | | |
| | SUBJECT | CITY COUNCIL BILL #18-0301 / REZONING – 6435 PULASKI HIGHWAY | | |

DATE:

TO

November 30, 2018

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

At its regular meeting of November 29, 2018, the Planning Commission considered City Council Bill #18-0301, for the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #18-0301 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 #18-0301 be amended and passed by the City Council, with the following amendment:

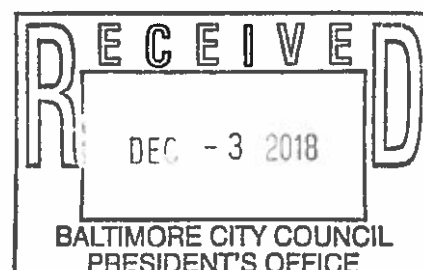
- That the properties at 6425 Pulaski Highway, 6501 Pulaski Highway, and 840 North Point Road are included in the proposed rezoning from the I-2 Zoning District to the C-4 Zoning District.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

LF/ewt

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. William H. Cole IV, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Tyrell Dixon, DCHD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Josh Taylor, DOT
Ms. Natawna Austin, Council Services
Mr. Ervin Bishop, Council Services
Ms. Caroline Hecker, Attorney for Applicant



For w/ Amends



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Laurie Feinberg
Acting Director

November 29, 2018

REQUEST: City Council Bill #18-0301/ Rezoning – 6435 Pulaski Highway:

For the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District. (Second District)

RECOMMENDATION: Amendment and Approval, with the following amendment:

- That the properties at 6425 Pulaski Highway, 6501 Pulaski Highway, and 840 North Point Road are included in the proposed rezoning from the I-2 Zoning District to the C-4 Zoning District.

STAFF: Eric Tiso, AICP

PETITIONER: Durga Enterprises, LLC, c/o Caroline L. Hecker, Esq.

OWNER: Sixty-Four Thirty-Five Pulaski Highway, LLC

SITE/GENERAL AREA

Site Conditions: 6435 Pulaski Highway is located on the southwestern corner of the intersection with N. North Point Road, and measures approximately 150' by 125' (0.43± acres), and the lot is currently improved by a former Royal Farms store that is now vacant.

General Area: This property is located in the Pulaski Industrial Area, which covers a large area roughly described as the area within the wedge of I-95 and I-895 southward to East Lombard Street, and continuing southward along the I-95 and I-895 corridors around, but not including, the Johns Hopkins Bayview Campus, down to the Mount Carmel Cemetery. This area is largely industrial in nature, with some smaller commercial uses along the Pulaski Highway corridor. The Baltimore City Abandoned Vehicles lot is on the north side of Pulaski Highway, two blocks to the east of this site.

HISTORY

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

ANALYSIS

Background: Durga Enterprises, LLC has approached the property owner of 6435 Pulaski Highway, with the intent to lease the property, where he will renovate and open a Dunkin Donuts shop. Upon discovering that while the existing I-2 zoning for this area allows restaurants as a conditional use, it does not allow for drive-through facilities, the applicant requested a

predevelopment meeting to discuss the proposal with Planning Staff. While discussing potential solutions, Staff saw that this property, when considered together with adjacent properties, could be more appropriately zoned C-4 Heavy Commercial Zoning District which "... is intended for areas of more intense commercial use that are generally not appropriate for lower intensity commercial districts, including uses related to motor vehicles and those that might require outdoor storage." (*cf.* Art. 32 – *Zoning*, §10-206(a)). Conversely, while the subject property and those immediately adjacent sit in the center of a large industrial zone, they are each too small to be profitably used for heavy industrial uses as would be expected in an I-2 General Industrial zone.

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.

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, with the proposed inclusion of adjacent parcels is in the public's interest, in that it will create a small commercial node, appropriate to the sizes of the included parcels, and their context within the surrounding I-2 General Industrial zone.

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). In reviewing this request, the staff finds that:

1. **The Plan:** Prior to the comprehensive rezoning of the City in 2017, this area was zoned M-2-1 for industrial use. The zoning for this area was therefore designated I-2 industrial, which was the closest zoning category under the current zoning code. As a general policy, we are concerned about intrusion from commercial and residential uses into our industrial areas, especially a large cohesive area as this one. Staff believes that a limited application of C-4 to these small properties will continue the commercial use of these properties, and will not create any negative impacts on the greater industrial area.
2. **The needs of Baltimore City:** Supporting redevelopment of a vacant parcel as well as the existing businesses on these properties will lead to a stronger commercial corridor, and will not negatively impact any surrounding properties.
3. **The needs of the particular neighborhood:** The integrity of the industrial area will not be harmed with the proposed rezoning and our proposed amendment. The designation of these properties will recognize the existing commercial uses of these properties, and will provide zoning that is compatible with the greater industrial zone.

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;** There have been no significant changes in population in the immediate area, though the U.S. Route 40/Pulaski Highway corridor is appropriate for highway-oriented commercial uses, and the proposed change will support drive-through facilities that intend to capitalize on that high daily volume of vehicle traffic.
2. **The availability of public facilities;** This site is well served by existing utilities and facilities along the Pulaski Highway corridor, which will not be affected by this proposed rezoning.
3. **Present and future transportation patterns;** These properties are located on U.S. Route 40/Pulaski Highway, which is sufficient to support any level of development on this site, as well as to provide for adequate emergency services and police protection.
4. **Compatibility with existing and proposed development for the area;** The proposed rezoning to C-4 recognizes the existing development pattern of these small properties, and will be compatible with the larger I-2 industrial area. These properties range in size from about a quarter acre, to nearly one acre in size, which is not large enough to support most heavy industrial uses.
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 amendment and 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.** This rezoning is compatible with the general policy of supporting industrial areas, and preventing intrusion by commercial and residential uses.

There are additional standards under §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;** The existing uses of the properties are for commercial uses along the Pulaski Highway corridor, with heavier industrial uses on the larger properties surrounding these sites. The only anomaly is the existing motel use at 6401 Pulaski Highway, which is an existing nonconforming use.
- (ii) **the zoning classification of other property within the general area of the property in question;** This site is set in the center of a large I-2 industrial zone in the center of the Pulaski Industrial Area.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The prior use of the property was for a retail goods establishment use, with a gas station. The adjacent properties proposed for inclusion are a liquor store (Pulaski Liquor Emporium) to the west, an auto repair service center (Fastenal) to the east, and Frankford Towing to the rear. All of these are heavy commercial uses that are compatible with the surrounding industrial area, and benefit from being located on Pulaski Highway, away from less intense uses and zones. Under the C-4 designation, the liquor store is no longer a nonconforming use, and the auto repair business and towing business go from a conditional use to being permitted by right.
- (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.** There have not been any recent developments in this portion of the Rt 40 corridor that would affect the proposed rezoning.

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. Staff believes that this rezoning could be classified as a mistake as these relatively small parcels, are not suitable for most heavy industrial uses, and that the existing development on these parcels more closely matches the proposed C-4 district. For those reasons, staff is recommending amendment to include three additional parcels, and approval as amended.



Laurie Feinberg
Acting Director

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

January 22, 2019

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

RE: CC Bill #18-0301 Rezoning – 6435 Pulaski Highway

Ladies and Gentlemen:

City Council Bill No. 18-301 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

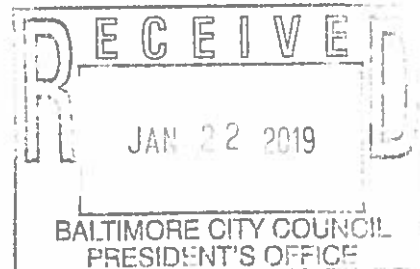
The purpose of City Council Bill No. 18-301 is change the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050) from the I-2 Zoning District to the C-4 Zoning District.

The BMZA has reviewed the legislation and recommends approval of CC Bill. 18-301.


Sincerely,

Derek J. Baumgardner
Executive Director

CC: Mayors Office of Council Relations
City Council President
Legislative Reference



F

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|----------------------------|----------------------------------|--|---|---|
| F R O M | NAME & TITLE | Michelle Pourciau, Director | CITY of BALTIMORE M E M O |  |
| | AGENCY NAME & ADDRESS | Department of Transportation (DOT) 417 E Fayette Street, Room 527 | | |
| | SUBJECT | City Council Bill 18-0301 | | |

TO: Mayor Catherine E. Pugh
TO: Land Use and Transportation Committee
FROM: Department of Transportation
POSITION: No Objection
RE: Council Bill – 18-0301

DATE: 1/4/19

INTRODUCTION – Rezoning – 6435 Pulaski Highway

PURPOSE/PLANS – For the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

COMMENTS - Future development will impact the Department of Transportation when/if signals, signs, markings, et cetera are added and/or traffic flow conversion may be needed. Additional resources will be needed to maintain new or altered transportation infrastructure in response to development facilitated by the zoning change.

There are potential concerns regarding the encroachment of allowable mixed use development containing residential uses with C-4 Zoning District in a highly industrial area. This may produce displacement pressures on industrial uses including the Department of Transportation's tow yard.

AGENCY/DEPARTMENT POSITION –

The Department of Transportation has No Objection to City Council 18-0301.

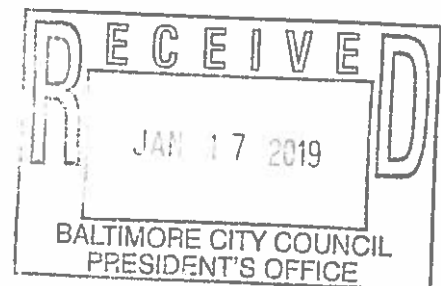
If you have any questions, please do not hesitate to contact Michael Castagnola at Michael.Castagnola@baltimorecity.gov, 410-396-6802.

Sincerely,



Michelle Pourciau
Director

no obj.





CITY OF BALTIMORE

CATHERINE L. PUGH, Mayor

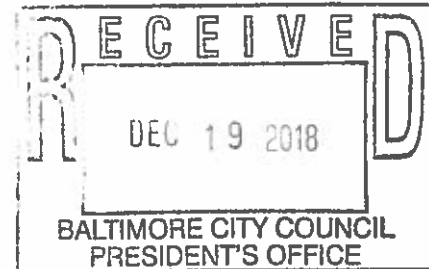


DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR
100 N. Holliday Street
Suite 101, City Hall
Baltimore, Maryland 21202

December 19, 2018

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



Re: City Council Bill 18-0301 – Rezoning – 6435 Pulaski Highway

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0301 for form and legal sufficiency. The bill would change the zoning for 6435 Pulaski Highway from the I-2 Zoning District to the C-4 Zoning District.

The City Council may permit this rezoning 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. Code, Land Use, §10-304(b)(2); Baltimore City Code, Art. 32, §§5-508(a) and (b)(1). There would appear to be no basis to believe that the neighborhood has substantially changed between the comprehensive rezoning of the property on June 5, 2017 and today's date. Therefore, to legally rezone the property the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as I-2.

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*, Baltimore City Code, 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.").

fav w/comments

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." *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"); 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.'").

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*, 109 Md. App. at 698 (citation omitted). 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." *Id.* "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 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.

Here, the Planning Department Report states facts for the standards in Sections 5-508(b)(2) and (3) of Article 32, but it is unclear if there is evidence of a mistake as required by Section 5-508(b)(1). It is clear from Planning’s report that the City intentionally zoned this property I-2. While Planning argues that mistake could be supported because the parcels are small and “are not suitable for most heavy industrial uses,” there is no reason given for why this information was not considered at the time of comprehensive rezoning. Nor is there any explanation of why the existing uses on the property were not considered when it was comprehensively rezoned.

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.” 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 property 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, 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



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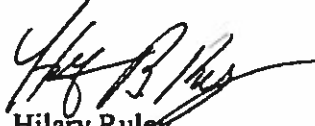
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posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, §5-601(e), (f).

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.

Very truly yours,



Hilary Rules
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark



BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

MEMORANDUM

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

From: Michael Braverman, Housing Commissioner *MB*

Date: January 18, 2019

Re: City Council Bill 18-0301, Rezoning – 6435 Pulaski Highway

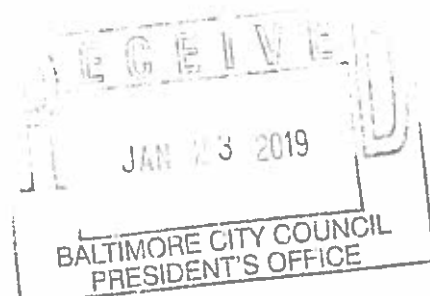
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0301, for the purpose changing the zoning for the property known as 6435 Pulaski Highway from the I-2 Zoning District to the C-4 Zoning District.

If enacted, this bill will allow the property to be converted from a vacant Royal Farms store to a Dunkin Donuts shop. The zoning change is necessary to accommodate a drive-through at the proposed Dunkin Donuts.

HCD does not object to the passage of City Council Bill 18-0301.

MB:td

cc: Mr. Jeffrey Amoros, Mayor's Office of Government Relations



Does not obj



MEMORANDUM

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

FROM: William H. Cole, President and CEO

DATE: November 28, 2018

SUBJECT: City Council Bill No. 18-0301
Rezoning – 6435 Pulaski Highway

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 18-0301 for the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), from the I-2 Zoning District to the C-4 Zoning District

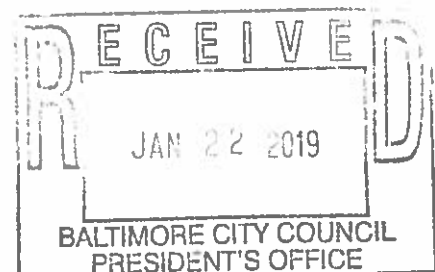
BDC believes that preservation of large, contiguous industrial space, especially those properties with adequate Rail, Port, Truck Route, and Highway infrastructure, is necessary to preserve and grow the City's industrial business sectors. Industrial areas thrive when industrial uses are clustered together. This clustering allows for trucks to operate with minimal interference from pedestrians and non-commercial vehicles, and for businesses to operate without concern about disrupting non-industrial neighbors. In this case, BDC is concerned that placing a C-4 zoned property in the heart of an I-2 Zoning District begins to erode the industrial area and may introduce land use conflicts that can ultimately jeopardize the viability of the industrial district as a whole.

In addition, the zoning change may lead to an increase in industrial land values in the area and force land-intensive industrial users, which are typically sensitive to per-acre price changes, to look outside the City when considering where to locate or expand their operations. Given the existing I-2 Zoning District along Pulaski Highway, the proposed zoning change would be inconsistent and incompatible with the predominant land use in this corridor. There is already an area along Pulaski Highway that is less than ½ mile from this location and zoned C-4 that would be a suitable location for the proposed business use.

BDC does not support Bill No. 18-0301.

cc: Kyron Banks

*Does
not support*



TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young
FROM: Peter Little, Executive Director
DATE: December 3, 2018
RE: City Council Bill 18-0301

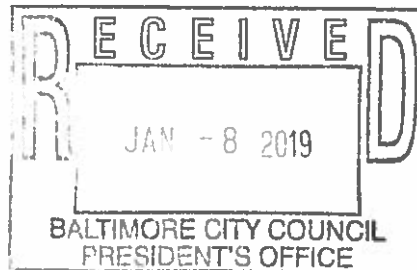


I am herein reporting on City Council Bill 18-0301 introduced by Councilman Scott at the request of Durga Enterprises, LLC.

The purpose of this bill is to change the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050) from the I-2 Zoning District to the C-4 Zoning District.

The Parking Authority of Baltimore City reviewed the proposed legislation. The legislation does not explicitly address parking. This site is not located where the Parking Authority administers any on-street parking programs. As building plans and uses for the property become more defined, the Parking Authority will be involved through Site Plan Review and Planning Commission hearings to ensure that parking demand is adequately addressed and negative effects to parking because of development on this site are mitigated.

Based on the comments above, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 18-0301.



Not opposed



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, January 23, 2019

1:10 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0301

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member Edward Reisinger, Member Sharon Green Middleton, Member Mary Pat Clarke, Member Eric T. Costello, Member Ryan Dorsey, Member Leon F. Pinkett III, and Member Robert Stokes Sr.

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0301

Rezoning - 6435 Pulaski Highway

For the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

Sponsors: Brandon M. Scott

A motion was made by Member Stokes, Sr., seconded by Member Dorsey, that the bill be recommended favorably with amendment. The motion carried by the following vote:

Yes: 7 - Member Reisinger, Member Middleton, Member Clarke, Member Costello, Member Dorsey, Member Pinkett III, and Member Stokes Sr.

ADJOURNMENT





HEARING NOTES

Bill: 18-0301

Rezoning - 6435 Pulaski Highway

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: January 23, 2019
Time (Beginning): 1:30 PM
Time (Ending): 1:45 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~ 25

Committee Members in Attendance:

- Reisinger, Edward, Chairman
- Middleton, Sharon, Vice Chair
- Clarke, Mary Pat
- Costello, Eric
- Dorsey, Ryan
- Pinkett, Leon
- Stokes, Robert

| | | | |
|---|---|-----------------------------|------------------------------|
| Bill Synopsis in the file?..... | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Attendance sheet in the file? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Agency reports read?..... | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Hearing televised or <u>audio-digitally</u> recorded?..... | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Certification of advertising/posting notices in the file? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Evidence of notification to property owners? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Final vote taken at this hearing? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |

Motioned by:.....Councilmember Robert Stokes

Seconded by:..... Councilmember Ryan Dorsey

Final Vote:.....Favorable with Amendment

Major Speakers

(This is not an attendance record.)

- Mr. Martin French, Department of Planning
 - Mr. Michael Castagnola, Department of Transportation
 - Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
 - Ms. Hilary Ruley Department of Law
 - Ms. Tyrell Dixon, Department of Housing and Community Development
 - Mr. Mica Fetz, Baltimore Development Corporation
 - Ms. Laura Bianca Pruitt, Parking Authority of Baltimore City
 - Ms. Caroline Hecker, Esquire, representative for the applicant
 - Mr. Mario VillaSanta, representative for the property owner
-

Major Issues Discussed

1. Councilmember Reisinger introduced committee members and read the bill's title, purpose and public notice certification report.
 2. Mr. Martin French presented the Planning Commission's findings and recommendations and provided information from the Department of Planning's staff report. The Planning Commission considered department staff's report that several adjacent properties which were very small in acreage and not suitable for I-2 use should be added to the comprehensive rezoning request. The properties to be added are: 6425 Pulaski, 6501 and 840 North Point Road. Each of those properties are all small properties and not large enough to be used for I-2 uses. The rezonings would be consistent with the City's Comprehensive Master Plan and would be a limited application of the C-4 zoning.
 3. Councilmember Clarke asked for clarification about the rationale for the rezoning. Mr. French indicated that some of the properties are already being used for commercial uses.
 4. Agency representatives testified in support of their respective agency's position on the bill. Mr. Mica Fetz indicated that Baltimore Development Corporation does not support the rezoning.
 5. Ms. Caroline Hecker provided general information about the rezoning request and the Planning Department's desire to take a comprehensive review of the area. She indicated that many of the properties are small and have existing commercial uses and some have non-conforming uses. Rezoning the property will make the non-conforming properties conforming.
 6. Mr. Ryan Dorsey asked Mr. Fetz (BDC) if his agency have any comments about use of smaller sites for industrial uses. Mr. Fetz indicated that the sites may be too small for heavy industrial uses and certain problems may also develop between users of commercial and industrial properties.
 7. Mr. Mario VillaSanta testified in support of the rezoning.
 8. The committee voted to accept the findings and to amend the bill.
 9. The committee voted to recommend the bill favorable with amendments.
 10. The hearing was adjourned.
-

Further Study



Was further study requested?
If yes, describe.

Yes No

Committee Vote:

Reisinger, Edward, Chairman Yea
Middleton, Sharon, Vice Chair Yea
Clarke, Mary Pat Yea
Costello, Eric..... Yea
Dorsey, Ryan..... Yea
Pinkett, Leon Yea
Stokes, Robert:..... Yea

Jennifer L. Coates, Committee Staff



Date: January 24, 2018

cc: Bill File
OCS Chrono File





CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation Chairperson: Edward Reisinger
 Date: January 23, 2019 Time: 1:10 PM Place: Clarence "Du" Burns Chambers
 Subject: Ordinance - Rezoning - 6435 Pulaski Highway CC Bill Number: 18-0301

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



| FIRST NAME | LAST NAME | ST. # | ADDRESS/ORGANIZATION NAME | ZIP | EMAIL ADDRESS | TESTIFY | FOR | AGAINST | YES | NO |
|------------|-----------|-------|---------------------------|-------|-------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| John | Doe | 100 | North Charles Street | 21202 | Johndoenbmore@yahoo.com | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Justin | William | 25 | S. Charles St. | 21201 | jwilliams@anubegymn.com | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Caroline | Hecker | " | " | " | checkerrosabegymn.com | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Annabrynn | Patel | " | " | " | RA50986@FAHOS.com | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mica | Fet2 | | BDC | | WFE2@baltimoredevelopment.com | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Tyrell | Dyeen | | hED | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Martin | French | | Planning | | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Morris | Willard | | Signature R. E. | 21221 | marwillard@ackl.com | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730. FAX: 410-396-8483.



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, January 23, 2019

1:10 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0301

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0301

Rezoning - 6435 Pulaski Highway

For the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

Sponsors:

Brandon M. Scott

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC





**BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

**The Honorable Edward Reisinger
Chairperson**

PUBLIC HEARING

Wednesday, January 23, 2019

1:10 PM

Clarence "Du" Burns Council Chambers

City Council Bill # 18-0301

Rezoning - 6435 Pulaski Highway

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Currin

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: Matthew Peters

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: Matthew Peters

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Samuel Johnson

LAND USE AND TRANSPORTATION

Edward Reisinger - Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY

Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- Larry Greene (pension only)

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 18-0301

Rezoning - 6435 Pulaski Highway

Sponsor: Councilmember Scott

Introduced: October 29, 2018

Purpose:

For the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

Note: The Planning Department is proposing to amend the bill to add the following properties to be rezoned from I-2 to C-4:

- 6425 Pulaski Highway (Block 6242E, Lot 044)
- 6501 Pulaski Highway (Block 6235 Lot 0130) and
- 840 North Point Road (Block 6242E, Lot 051)

Effective: 30th day after enactment

Hearing Date/Time/Location: January 23, 2019 /1:10 p.m./Clarence "Du" Burns Chambers

Agency Reports

Planning Commission

Favorable/Amend

Board of Municipal and Zoning Appeals

Department of Law

Favorable/Amend

Department of Transportation
Department of Housing and Community Development
Baltimore Development Corporation
Parking Authority of Baltimore City

No Objection

Not Opposed

Analysis

Current Law

Article 32 – Zoning District Map; Sheet 50; Baltimore City Revised Code (Edition 2000)

Background

If approved, Bill 18-301 proposes to rezone 6435 Pulaski Highway from the I-2 to C-4 Zoning District. The property is located at the intersection of N. North Point Road and Pulaski Highway. The Baltimore City Abandoned Vehicles lot is to the east on the north side of Pulaski Highway. The owner of the property is Sixty-Four Thirty-Five Pulaski Highway, LLC. The applicant, Durga Enterprises, LLC, intends to use the 0.43-acre site as a Dunkin Donuts restaurant with a drive-thru facility.

The property is improved with a vacant Royal Farms Store. Prior to Transform Baltimore the property was zoned Industrial M-2-1. During the Transform Baltimore comprehensive rezoning process, the property was designated and is currently zoned as Industrial I-2. If approved, Bill 18-0301 would rezone the property from Industrial I-2 to Commercial C-4.

The Planning Department is proposing to amend the bill to add additional adjacent properties located at 6425 Pulaski Highway (Block 6242E, Lot 044), 6501 Pulaski Highway (Block 6235 Lot 013) and 840 North Point Road (Block 6242E, Lot 051) to be rezoned from I-2 to C-4.

| Property | Zoning | | |
|---|--------------------|---------|----------|
| | Prior to Transform | Current | Proposed |
| 6435 Pulaski Highway | M-2-1 | I-2 | C-4 |
| 6425 Pulaski Highway (Block 6242E, Lot 044) | M-2-1 | I-2 | C-4 |
| 6501 Pulaski Highway (Block 6235 Lot 013) | M-2-1 | I-2 | C-4 |
| 840 North Point Road (Block 6242E, Lot 051) | M-2-1 | I-2 | C-4 |

Attached are Use Tables for the I-2 and C-4 zoning districts. Descriptions of the current and proposed zoning districts are below:

Current Zoning District – I-2

§ 11-205. I-2 General Industrial District.

(a) Intent.

The I-2 General Industrial Zoning District is intended to provide for a wide variety of general manufacturing, fabricating, processing, wholesale distributing, and warehousing uses. (b) Uses. (1) General industrial uses include fabrication, warehousing and assembly-type manufacturing, which may result in some moderate external effects, such as smoke, noise, glare, or vibration, and typically include outdoor storage and related outdoor activities. (2) Commercial uses and outdoor storage of materials are allowed.

Proposed Zoning District – C-4

§ 10-206. C-4 Heavy Commercial District.

(a) Areas for which intended.

The C-4 Heavy Commercial Zoning District is intended for areas of more intense commercial use that are generally not appropriate for lower intensity commercial districts, including uses related to motor vehicles and those that might require outdoor storage. (b) Standards. Because of the impacts from more intensive commercial uses, the standards for this district ensure that setbacks, buffering, and site development controls are in place to mitigate negative impacts on neighboring uses.

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency reports

Analysis by: Jennifer L. Coates
Analysis Date: January 17, 2019



Direct Inquiries to: (410) 396-1260

**CITY OF BALTIMORE
COUNCIL BILL 18-0301
(First Reader)**

Introduced by: Councilmember Scott

At the request of: Durga Enterprises, LLC

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

Telephone: 410-727-6600

Introduced and read first time: October 29, 2018

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, Baltimore City Parking
Authority Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning -- 6435 Pulaski Highway**

3 FOR the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block
4 6242E, Lot 050), as outlined in blue on the accompanying plat, from the I-2 Zoning District
5 to the C-4 Zoning District.

6 BY amending

7 Article 32 - Zoning

8 Zoning District Map

9 Sheet 50

10 Baltimore City Revised Code

11 (Edition 2000)

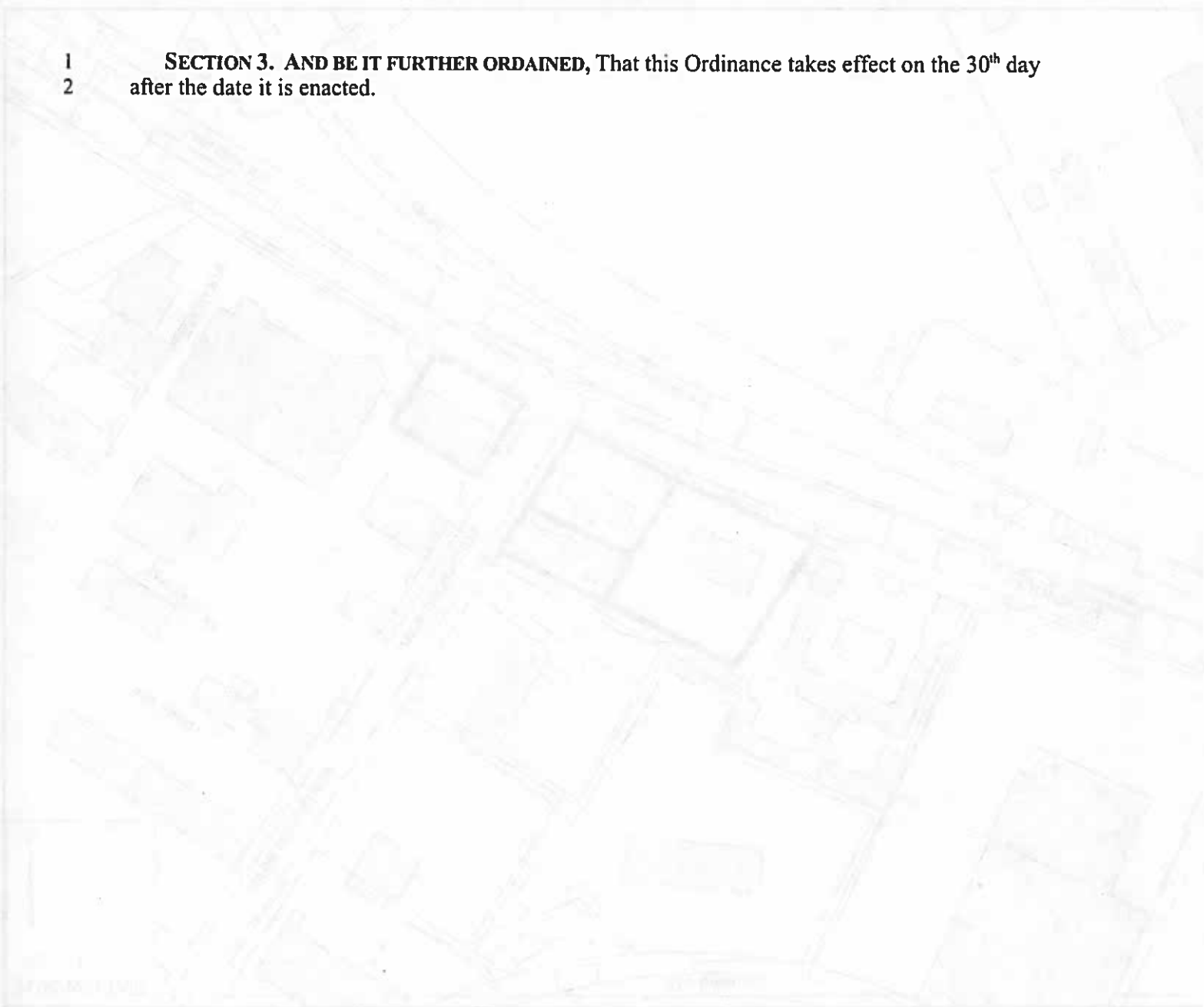
12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 50 of the Zoning District Map is amended by changing from the I-2 Zoning District to the
14 C-4 Zoning District the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as
15 outlined in blue on the plat 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.

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

Council Bill 18-0301

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

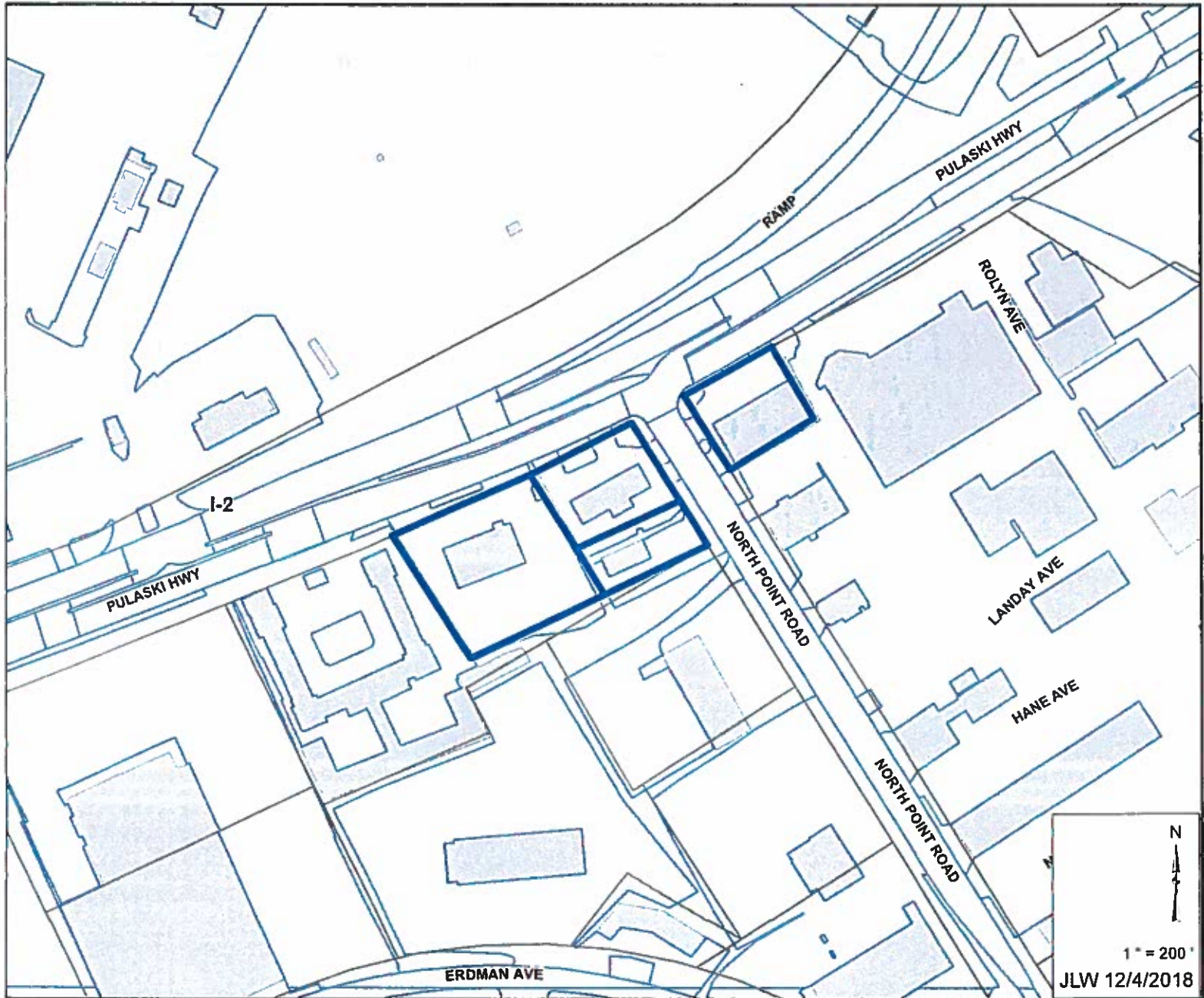


The City of Baltimore wishes to rezone the zoning of the aforementioned properties from I-2 zoning to I-3 zoning as outlined in plan above.

WARD 2 SECTION 12

- Block 8242E Lot 18A
- Block 8242E Lot 18B
- Block 8242E Lot 18C
- Block 8242E Lot 18D
- Block 8242E Lot 18E

SHEET NO. 50 OF THE ZONING DISTRICT MAP OF
THE BALTIMORE CITY ZONING CODE



In connection with the properties known as 6425 Pulaski Highway, 6435 Pulaski Highway,
6501 Pulaski Highway, and 840 North Point Road.

The City of Baltimore wishes to request the rezoning of the aforementioned
properties from I-2 zoning to C-4 zoning, as outlined in blue above.

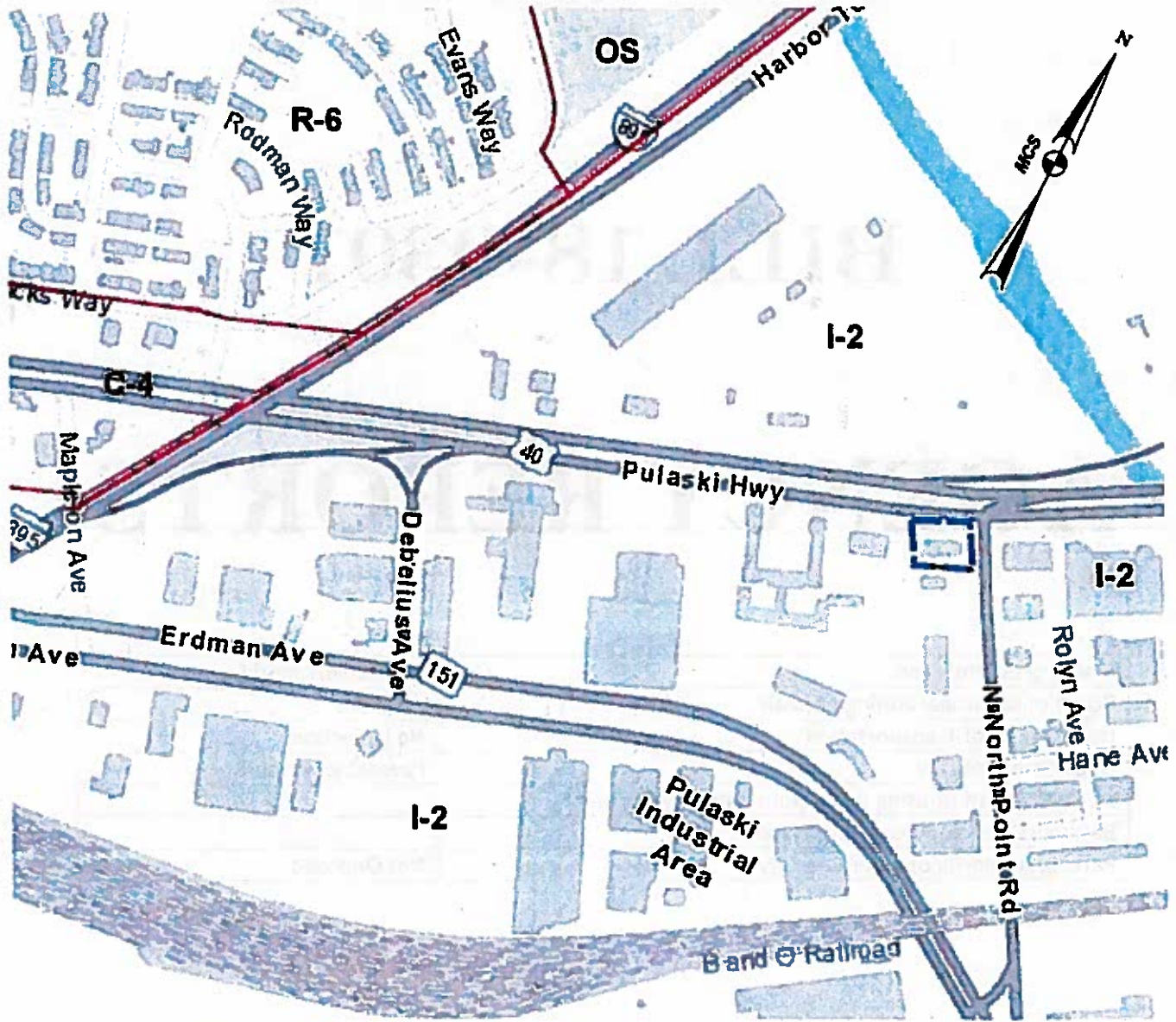
WARD 26 SECTION 18

Block 6242E Lot 044
Block 6242E Lot 050
Block 6235 Lot 013
Block 6242E Lot 051

MAYOR

PRESIDENT, CITY COUNCIL

**SHEET NO. 50 OF THE ZONING DISTRICT MAP
OF THE BALTIMORE CITY ZONING CODE**



NOTE:
THE APPLICANT WISHES TO REQUEST THE REZONING
OF THE PROPERTY KNOWN AS 6435 PULASKI HIGHWAY
FROM THE I-2 ZONING DISTRICT TO THE C-4 ZONING
DISTRICT AS OUTLINED IN BLUE ABOVE.

[Signature Line]

MAYOR

[Signature Line]

PRESIDENT CITY COUNCIL

PLAT PREPARED BY:

BLDG

Baltimore Land Design Group, Inc.

Consulting Engineers

200 NICHOLSON CIRCLE, SUITE 304 • NORTON VALLEY, MARYLAND 21204
PHONE: 410-221-1951 • FAX: 410-221-1954 • WWW.BLDGDESIGN.COM

APPLICANT

SIXTY-FOUR THIRTY-FIVE
PULASKI HIGHWAY LLC
C/O CAROLINE L. HECKER, ESQ.
ROSENBERG, MARTIN, GREENBERG, LLP
25 S. CHARLES STREET, SUITE 21ST FLOOR
BALTIMORE, MARYLAND 21201
TELEPHONE: 410-727-6600

**PLAN TO ACCOMPANY REZONING REQUEST
DUNKIN' DONUTS RESTAURANT**

6435 PULASKI HWY.
BALTIMORE, MD 21205
WARD: 26; SECTION: 18; BLOCK: 6242E; LOT 50
BALTIMORE CITY, MARYLAND
SCALE: 1" = 400'

DATE: OCTOBER 17, 2018


301

LAND USE AND TRANSPORTATION COMMITTEE

BILL 18-0301

AGENCY REPORTS

| | |
|---|-----------------|
| Planning Commission | Favorable/Amend |
| Board of Municipal Zoning Appeals | |
| Department of Transportation | No Objection |
| Department of Law | Favorable/Amend |
| Department of Housing and Community Development | |
| Baltimore Development Corporation | |
| Parking Authority of Baltimore City | Not Opposed |

| | | | | |
|-------------|-----------------------|---|--|---|
| FROM | NAME & TITLE | LAURIE FEINBERG, ACTING DIRECTOR | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 8TH FLOOR, 417 EAST FAYETTE STREET | | |
| | SUBJECT | CITY COUNCIL BILL #18-0301 / REZONING -- 6435 PULASKI HIGHWAY | | |

DATE:

TO

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

November 30, 2018

At its regular meeting of November 29, 2018, the Planning Commission considered City Council Bill #18-0301, for the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #18-0301 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 #18-0301 be amended and passed by the City Council, with the following amendment:

- That the properties at 6425 Pulaski Highway, 6501 Pulaski Highway, and 840 North Point Road are included in the proposed rezoning from the I-2 Zoning District to the C-4 Zoning District.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

LF/ewt

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. William H. Cole IV, BDC
 Mr. Derek Baumgardner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Mr. Tyrell Dixon, DCHD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Josh Taylor, DOT
 Ms. Natawna Austin, Council Services
 Mr. Ervin Bishop, Council Services
 Ms. Caroline Hecker, Attorney for Applicant



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Laurie Feinberg
Acting Director

November 29, 2018

REQUEST: City Council Bill #18-0301/ Rezoning – 6435 Pulaski Highway:

For the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District. (Second District)

RECOMMENDATION: Amendment and Approval, with the following amendment:

- That the properties at 6425 Pulaski Highway, 6501 Pulaski Highway, and 840 North Point Road are included in the proposed rezoning from the I-2 Zoning District to the C-4 Zoning District.

STAFF: Eric Tiso, AICP

PETITIONER: Durga Enterprises, LLC, c/o Caroline L. Hecker, Esq.

OWNER: Sixty-Four Thirty-Five Pulaski Highway, LLC

SITE/GENERAL AREA

Site Conditions: 6435 Pulaski Highway is located on the southwestern corner of the intersection with N. North Point Road, and measures approximately 150' by 125' (0.43± acres), and the lot is currently improved by a former Royal Farms store that is now vacant.

General Area: This property is located in the Pulaski Industrial Area, which covers a large area roughly described as the area within the wedge of I-95 and I-895 southward to East Lombard Street, and continuing southward along the I-95 and I-895 corridors around, but not including, the Johns Hopkins Bayview Campus, down to the Mount Carmel Cemetery. This area is largely industrial in nature, with some smaller commercial uses along the Pulaski Highway corridor. The Baltimore City Abandoned Vehicles lot is on the north side of Pulaski Highway, two blocks to the east of this site.

HISTORY

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

ANALYSIS

Background: Durga Enterprises, LLC has approached the property owner of 6435 Pulaski Highway, with the intent to lease the property, where he will renovate and open a Dunkin Donuts shop. Upon discovering that while the existing I-2 zoning for this area allows restaurants as a conditional use, it does not allow for drive-through facilities, the applicant requested a

predevelopment meeting to discuss the proposal with Planning Staff. While discussing potential solutions, Staff saw that this property, when considered together with adjacent properties, could be more appropriately zoned C-4 Heavy Commercial Zoning District which "... is intended for areas of more intense commercial use that are generally not appropriate for lower intensity commercial districts, including uses related to motor vehicles and those that might require outdoor storage." (cf. Art. 32 – Zoning, §10-206(a)). Conversely, while the subject property and those immediately adjacent sit in the center of a large industrial zone, they are each too small to be profitably used for heavy industrial uses as would be expected in an I-2 General Industrial zone.

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.

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, with the proposed inclusion of adjacent parcels is in the public's interest, in that it will create a small commercial node, appropriate to the sizes of the included parcels, and their context within the surrounding I-2 General Industrial zone.

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). In reviewing this request, the staff finds that:

1. **The Plan:** Prior to the comprehensive rezoning of the City in 2017, this area was zoned M-2-1 for industrial use. The zoning for this area was therefore designated I-2 industrial, which was the closest zoning category under the current zoning code. As a general policy, we are concerned about intrusion from commercial and residential uses into our industrial areas, especially a large cohesive area as this one. Staff believes that a limited application of C-4 to these small properties will continue the commercial use of these properties, and will not create any negative impacts on the greater industrial area.
2. **The needs of Baltimore City:** Supporting redevelopment of a vacant parcel as well as the existing businesses on these properties will lead to a stronger commercial corridor, and will not negatively impact any surrounding properties.
3. **The needs of the particular neighborhood:** The integrity of the industrial area will not be harmed with the proposed rezoning and our proposed amendment. The designation of these properties will recognize the existing commercial uses of these properties, and will provide zoning that is compatible with the greater industrial zone.

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;** There have been no significant changes in population in the immediate area, though the U.S. Route 40/Pulaski Highway corridor is appropriate for highway-oriented commercial uses, and the proposed change will support drive-through facilities that intend to capitalize on that high daily volume of vehicle traffic.
2. **The availability of public facilities;** This site is well served by existing utilities and facilities along the Pulaski Highway corridor, which will not be affected by this proposed rezoning.
3. **Present and future transportation patterns;** These properties are located on U.S. Route 40/Pulaski Highway, which is sufficient to support any level of development on this site, as well as to provide for adequate emergency services and police protection.
4. **Compatibility with existing and proposed development for the area;** The proposed rezoning to C-4 recognizes the existing development pattern of these small properties, and will be compatible with the larger I-2 industrial area. These properties range in size from about a quarter acre, to nearly one acre in size, which is not large enough to support most heavy industrial uses.
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 amendment and 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.** This rezoning is compatible with the general policy of supporting industrial areas, and preventing intrusion by commercial and residential uses.


There are additional standards under §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;** The existing uses of the properties are for commercial uses along the Pulaski Highway corridor, with heavier industrial uses on the larger properties surrounding these sites. The only anomaly is the existing motel use at 6401 Pulaski Highway, which is an existing nonconforming use.
- (ii) **the zoning classification of other property within the general area of the property in question;** This site is set in the center of a large I-2 industrial zone in the center of the Pulaski Industrial Area.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The prior use of the property was for a retail goods establishment use, with a gas station. The adjacent properties proposed for inclusion are a liquor store (Pulaski Liquor Emporium) to the west, an auto repair service center (Fastenal) to the east, and Frankford Towing to the rear. All of these are heavy commercial uses that are compatible with the surrounding industrial area, and benefit from being located on Pulaski Highway, away from less intense uses and zones. Under the C-4 designation, the liquor store is no longer a nonconforming use, and the auto repair business and towing business go from a conditional use to being permitted by right.
- (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.** There have not been any recent developments in this portion of the Rt 40 corridor that would affect the proposed rezoning.

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. Staff believes that this rezoning could be classified as a mistake as these relatively small parcels, are not suitable for most heavy industrial uses, and that the existing development on these parcels more closely matches the proposed C-4 district. For those reasons, staff is recommending amendment to include three additional parcels, and approval as amended.



Laurie Feinberg
Acting Director

| | | | | |
|----------------------------|----------------------------------|--|---|---|
| F R O M | NAME & TITLE | Michelle Pourciau, Director | CITY of BALTIMORE M E M O |  |
| | AGENCY NAME & ADDRESS | Department of Transportation (DOT) 417 E Fayette Street, Room 527 | | |
| | SUBJECT | City Council Bill 18-0301 | | |

TO: Mayor Catherine E. Pugh
TO: Land Use and Transportation Committee
FROM: Department of Transportation
POSITION: No Objection
RE: Council Bill – 18-0301

DATE: 1/4/19

INTRODUCTION – Rezoning – 6435 Pulaski Highway

PURPOSE/PLANS – For the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

COMMENTS - Future development will impact the Department of Transportation when/if signals, signs, markings, et cetera are added and/or traffic flow conversion may be needed. Additional resources will be needed to maintain new or altered transportation infrastructure in response to development facilitated by the zoning change.

There are potential concerns regarding the encroachment of allowable mixed use development containing residential uses with C-4 Zoning District in a highly industrial area. This may produce displacement pressures on industrial uses including the Department of Transportation's tow yard.

AGENCY/DEPARTMENT POSITION –

The Department of Transportation has No Objection to City Council 18-0301.

If you have any questions, please do not hesitate to contact Michael Castagnola at Michael.Castagnola@baltimorecity.gov, 410-396-6802.

Sincerely,



Michelle Pourciau
Director

CITY OF BALTIMORE

CATHERINE L. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR
100 N. Holliday Street
Suite 101, City Hall
Baltimore, Maryland 21202

December 19, 2018

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

Re: City Council Bill 18-0301 – Rezoning – 6435 Pulaski Highway

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0301 for form and legal sufficiency. The bill would change the zoning for 6435 Pulaski Highway from the I-2 Zoning District to the C-4 Zoning District.

The City Council may permit this rezoning 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. Code, Land Use, §10-304(b)(2); Baltimore City Code, Art. 32, §§5-508(a) and (b)(1). There would appear to be no basis to believe that the neighborhood has substantially changed between the comprehensive rezoning of the property on June 5, 2017 and today's date. Therefore, to legally rezone the property the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as I-2.

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*, Baltimore City Code, 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.

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." *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"); 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.'").

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*, 109 Md. App. at 698 (citation omitted). 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." *Id.* "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 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.

Here, the Planning Department Report states facts for the standards in Sections 5-508(b)(2) and (3) of Article 32, but it is unclear if there is evidence of a mistake as required by Section 5-508(b)(1). It is clear from Planning's report that the City intentionally zoned this property I-2. While Planning argues that mistake could be supported because the parcels are small and "are not suitable for most heavy industrial uses," there is no reason given for why this information was not considered at the time of comprehensive rezoning. Nor is there any explanation of why the existing uses on the property were not considered when it was comprehensively rezoned.

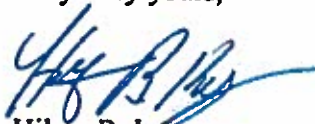
Finally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a "legislative authorization." Baltimore City Code, Art. 32, §5-501(2)(iii). Specifically, notice of the City Council hearing must be given by 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 property 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, 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

Page 4 of 4

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.

Very truly yours,

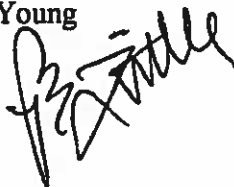


Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark

TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young
FROM: Peter Little, Executive Director
DATE: December 3, 2018
RE: City Council Bill 18-0301



PARKING
OF BALTIMORE CITY
AUTHORITY

I am herein reporting on City Council Bill 18-0301 introduced by Councilman Scott at the request of Durga Enterprises, LLC.

The purpose of this bill is to change the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050) from the I-2 Zoning District to the C-4 Zoning District.

The Parking Authority of Baltimore City reviewed the proposed legislation. The legislation does not explicitly address parking. This site is not located where the Parking Authority administers any on-street parking programs. As building plans and uses for the property become more defined, the Parking Authority will be involved through Site Plan Review and Planning Commission hearings to ensure that parking demand is adequately addressed and negative effects to parking because of development on this site are mitigated.

Based on the comments above, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 18-0301.

LAND USE AND TRANSPORTATION COMMITTEE
Attachment

BILL 18-0301

Zoning - Use Table

TABLE 10-301: COMMERCIAL DISTRICTS – PERMITTED AND CONDITIONAL USES

| USES | DISTRICTS | | | | | | | USE STANDARDS |
|---|-----------|--------|-------|-----|-----|-----|-----|---------------|
| | C-1 | C-1-VC | C-1-E | C-2 | C-3 | C-4 | C-5 | |
| RESIDENTIAL | | | | | | | | |
| Day-Care Home: Adult or Child | P | P | P | P | P | | P | Per § 14-310 |
| Dwelling (Above Non-Residential Ground Floor) | P | P | P | P | P | CB | P | |
| Dwelling: Live-Work | P | P | P | P | P | CB | P | |
| Dwelling: Multi-Family | P | CB | P | P | P | | P | |
| Dwelling: Rowhouse | P | P | P | CB | CB | | P | |
| Dormitory | | | | | | | P | |
| Fraternity or Sorority House | CO | CO | CO | CO | CO | CO | CO | Per § 14-313 |
| Residential-Care Facility (16 or Fewer Residents) | P | P | P | P | P | | P | Per § 14-334 |
| Residential-Care Facility (17 or More Residents) | CO | CO | CO | CO | CB | | CB | Per § 14-334 |
| Rooming House | CB | CB | CB | CB | CB | | CB | |
| INSTITUTIONAL | | | | | | | | |
| Community Center | CB | CB | CB | CB | P | | P | |
| Cultural Facility | CB | CB | CB | CB | P | | P | Per § 14-308 |
| Educational Facility: Commercial-Vocational | | | | CB | P | P | P | |
| Educational Facility: Post-Secondary | CB | CB | CB | P | P | P | P | |
| Educational Facility: Primary and Secondary | CB | CB | CB | CB | CB | | P | |
| Government Facility | CB | CB | CB | CB | CB | CB | CB | |
| Homeless Shelter | | | | | CB | CB | CB | |
| Hospital | | | | CB | CB | CB | P | |
| Place of Worship | P | P | P | P | P | P | P | Per § 14-332 |

| | C-1 | C-1-VC | C-1-E | C-2 | C-3 | C-4 | C-5 | |
|---|-----|--------|-------|-----|-----|-----|-----|----------------|
| OPEN-SPACE | | | | | | | | |
| Community-Managed Open-Space Farm | CB | CB | CB | CB | CB | CB | CB | Per § 14-307 |
| Community-Managed Open-Space Garden | P | P | P | P | P | P | P | Per § 14-307 |
| Park or Playground | P | P | P | P | P | P | P | |
| Marina: Dry Storage | | | | CB | CB | P | | Per § 14-323 |
| Marina: Recreational | | | | CB | CB | P | P | Per § 14-323 |
| Urban Agriculture | CB | CB | CB | CB | CB | CB | CB | Per § 14-339 |
| COMMERCIAL | | | | | | | | |
| After-Hours Establishments | | | CB | | CB | CB | CB | Per § 14-301.1 |
| Animal Clinic | P | P | P | P | P | P | P | Per § 14-317 |
| Art Gallery | P | P | P | P | P | | P | |
| Arts Studio | P | P | P | P | P | P | P | |
| Arts Studio: Industrial | | | | CB | CB | P | CB | |
| Bail Bond Establishment | | | CO | CO | CO | CO | CO | |
| Banquet Hall | | | | CO | CB | CB | P | Per § 14-302 |
| Body Art Establishment | CB | CB | CB | P | P | P | P | |
| Broadcasting Station (TV or Radio) | | | | CB | P | P | P | |
| Car Wash (Fully Enclosed Structure) | | | | | P | P | CB | Per § 14-304 |
| Car Wash (Outdoor) | | | | | CB | P | | Per § 14-304 |
| Carry-Out Food Shop | CB | CB | CB | P | P | P | P | |
| Check-Cashing Establishment | CO | CO | CO | CO | CO | CB | CB | |
| Convention Center | | | | | | | P | |
| Day-Care Center: Adult or Child | CB | CB | CB | P | P | P | P | Per § 14-309 |
| Drive-Through Facility | | | | CB | CB | CB | | Per § 14-311 |
| Entertainment: Indoor | CB | CB | P | P | P | P | P | Per § 14-312 |
| Entertainment: Live | | | P | | P | CO | P | Per § 14-319 |
| Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery) | CB | CB | | CB | | | | Per § 14-319 |
| Financial Institution | P | P | P | P | P | P | P | |

ZONING

ART. 32, TBL 10-301

| <i>Commercial (cont'd)</i> | <i>C-1</i> | <i>C-1-VC</i> | <i>C-1-E</i> | <i>C-2</i> | <i>C-3</i> | <i>C-4</i> | <i>C-5</i> | |
|--|------------|---------------|--------------|------------|------------|------------|------------|--------------|
| Funeral Home | | | | CB | P | P | | |
| Gas Station | | | | CB | CB | P | | Per § 14-314 |
| Greenhouse or Nursery | P | P | P | P | P | P | CB | Per § 14-339 |
| Health-Care Clinic | CB | CB | CB | P | P | P | P | |
| Health and Fitness Center | P | P | P | P | P | P | P | |
| Heavy Sales, Rental, or Service | | | | | CB | P | | |
| Hotel or Motel | CB | CB | CB | P | P | P | P | |
| Kennel | | | | | CB | P | CB | Per § 14-317 |
| Lodge or Social Club | CB | CB | CB | CB | P | P | P | Per § 14-320 |
| Lounge | | | P | | P | P | P | Per § 14-321 |
| Motor Vehicle Dealership (Fully Enclosed Structure) | | | | P | P | P | P | Per § 14-325 |
| Motor Vehicle Dealership (Outdoor Vehicle Display) | | | | | CB | P | | Per § 14-325 |
| Motor Vehicle Rental Establishment (Fully Enclosed Structure) | P | | | P | P | P | P | Per § 14-325 |
| Motor Vehicle Rental Establishment (Outdoor Vehicle Display) | | | | | CB | P | | Per § 14-325 |
| Motor Vehicle Service and Repair: Major | | | | | | P | | Per § 14-326 |
| Motor Vehicle Service and Repair: Minor (Fully Enclosed Structure) | | | | P | P | P | P | Per § 14-326 |
| Motor Vehicle Service and Repair: Minor (Outdoor Vehicle Storage) | | | | CB | P | P | | Per § 14-326 |
| Nursery (See "Greenhouse or Nursery") | - | - | - | - | - | - | - | - |
| Office | P | P | P | P | P | P | P | |
| Outdoor Dining | P | P | P | P | P | P | P | Per § 14-329 |
| Pawn Shop | | | | CB | CB | CB | CB | |
| Personal Services Establishment | P | P | P | P | P | P | P | |
| Racetrack | | | | | | CB | | |
| Recreation: Indoor | | | | P | P | P | P | Per § 14-312 |
| Recreation: Outdoor | | | | CB | CB | CB | CB | Per § 14-312 |
| Recreational Vehicle Dealership | | | | | CB | P | | |
| Restaurant | P | CB | P | P | P | P | P | |

| <i>Commercial (cont'd)</i> | <i>C-1</i> | <i>C-1-VC</i> | <i>C-1-E</i> | <i>C-2</i> | <i>C-3</i> | <i>C-4</i> | <i>C-5</i> | |
|---|------------|---------------|--------------|------------|------------|------------|-----------------|----------------|
| Retail: Big Box Establishment | | | | | CB | CB | CB | Per § 14-335.1 |
| Retail Goods Establishment (No Alcoholic Beverages Sales) | P | P | P | P | P | P | P | |
| Retail Goods Establishment (With Alcoholic Beverages Sales) | CO | CO | CO | CO | CO | P | P | Per § 14-336 |
| Stadium | | | | | | CB | CB | |
| Tavern | CB | CB | P | P | P | P | P | Per § 14-337 |
| Video Lottery Facility | | | | P | | | P | |
| INDUSTRIAL | | | | | | | | |
| Food Processing: Light | CB | CB | CB | CB | CB | CB | CB | |
| Heliport | | | | | | | CB | |
| Helistop | | | | | | | CB | |
| Industrial: Light | | | | | | P | | |
| Mini-Warehouse | | | | | CB | P | CB ¹ | |
| Motor Vehicle Operations Facility | | | | | | P | | |
| Movie Studio | | | | | | P | P | |
| Printing Establishment | | | | P | P | P | P | |
| Recycling Collection Station | | | | | | CB | | Per § 15-514 |
| Research and Development Facility | | | | | | | P | |
| Truck Stop | | | | | | CB | | |
| OTHER | | | | | | | | |
| Alternative Energy System: Community-Based | P | P | P | P | P | P | P | Per § 14-306 |
| Electric Substation: Enclosed | CB | CB | CB | CB | CB | P | CB | Per § 14-340 |
| Electric Substation: Indoor | P | P | P | P | P | P | P | Per § 14-340 |
| Electric Substation: Outdoor | CB | CB | CB | CB | CB | CB | CB | Per § 14-340 |
| Parking Garage (Principal Use) | | | | CB | P | P | CB ² | Per § 14-331 |
| Parking Lot (Principal Use) | CB | CB | CB | CB | P | P | CO | Per § 14-331 |
| Telecommunications Facility ³ | CB, P | CB, P | CB, P | CB, P | CB, P | CB, P | CB, P | Per § 14-338 |
| Utilities | CB | CB | CB | CB | CB | CB | CB | Per § 14-340 |
| Wireless Communications Services ⁴ | CB, P | CB, P | CB, P | CB, P | CB, P | CB, P | CB, P | Per § 14-338 |

¹ Allowed only in a structure lawfully existing as of June 5, 2017.

² However, along Pratt Street in the C-5 District, principal-use parking garages are prohibited. See § 10-503(c)(1).

³ Only telecommunications base stations that comply with the stealth design standards of § 14-338 are considered permitted uses.

⁴ Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

(Ord. 16-581; Ord. 17-015; Ord. 17-056; Ord. 18-167; Ord. 18-171.)

TABLE 11-301: INDUSTRIAL DISTRICTS – PERMITTED AND CONDITIONAL USES

| USES | DISTRICTS | | | | | | USE STANDARDS |
|---|-----------|-----|------|-----|-----|----|---------------|
| | OIC | BSC | I-MU | I-1 | I-2 | MI | |
| RESIDENTIAL | | | | | | | |
| Dwelling (Above Non-Residential Ground Floor) | | P | P | | | | |
| Dwelling: Live-Work | | | P | CB | | | |
| Dwelling: Multi-Family | | P | P | | | | |
| Dwelling: Rowhouse | | P | | | | | |
| Residential-Care Facility (16 or Fewer Residents) | | P | P | | | | Per § 14-334 |
| Residential-Care Facility (17 or More Residents) | | CB | CB | | | | Per § 14-334 |
| Rooming House | | | CB | | | | |
| INSTITUTIONAL | | | | | | | |
| Cultural Facility | | | CB | | | | Per § 14-308 |
| Educational Facility: Commercial-Vocational | P | P | P | P | CB | CB | |
| Educational Facility: Post-Secondary | CB | CB | CB | | | | |
| Educational Facility: Primary and Secondary | | P | P | | | | |
| Government Facility | P | P | P | P | P | P | |
| Homeless Shelter | | | CO | | | | |
| Hospital | | P | CO | | | | |
| OPEN-SPACE | | | | | | | |
| Community-Managed Open-Space Farm | CB | CB | CB | | | | Per § 14-307 |
| Community-Managed Open-Space Garden | P | P | P | | | | Per § 14-307 |
| Park or Playground | P | P | P | | | | |
| Urban Agriculture | P | P | P | P | | | Per § 14-339 |

| | <i>OIC</i> | <i>BSC</i> | <i>I-MU</i> | <i>I-1</i> | <i>I-2</i> | <i>MI</i> | |
|---|----------------|------------|-------------|-------------------|-------------------|-------------------|--------------|
| COMMERCIAL | | | | | | | |
| Animal Clinic | | | P | P | | | Per § 14-317 |
| Art Gallery | | | P | | | | |
| Arts Studio | | | P | | | | |
| Arts Studio: Industrial | P | | P | P | | | |
| Banquet Hall | CB | | | | | | Per § 14-302 |
| Body Art Establishment | | | P | | | | |
| Broadcasting Station (TV or Radio) | P | | P | P | | | |
| Car Wash | | | | P | P | | Per § 14-304 |
| Carry-Out Food Shop | | P | P | CB | CB | | |
| Day-Care Center: Adult or Child | P | P | P | P ¹ | P ¹ | P ¹ | Per § 14-309 |
| Drive-Through Facility | CB | | | | | | Per § 14-311 |
| Entertainment: Indoor | | P | P | | | | Per § 14-312 |
| Entertainment: Live | | | CB | | | | Per § 14-319 |
| Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery) | | CB | | | | | Per § 14-319 |
| Financial Institution | P ² | P | P | | | | |
| Gas Station | | | | CB | CB | | Per § 14-314 |
| Greenhouse | | P | P | P | | | Per § 14-339 |
| Health-Care Clinic | P | P | P | | | | |
| Health and Fitness Center | P | P | P | | | | |
| Heavy Sales, Rental, or Service | | | CO | CB | | | |
| Hotel or Motel | P | P | CB | | | | |
| Kennel | | | CB | P | | | Per § 14-317 |
| Lodge or Social Club | | | P | CB | CB | CB | Per § 14-320 |
| Motor Vehicle Service and Repair: Major | | | | CB | CB | | Per § 14-326 |
| Motor Vehicle Service and Repair: Minor | | | CO | CB | CB | | Per § 14-326 |
| Nursery | | P | P | P | | | Per § 14-339 |
| Office | P | P | P | CB ^{2,3} | CB ^{2,3} | CB ^{2,3} | |

ZONING

ART. 32, TBL 11-301

| <i>Commercial (cont'd)</i> | <i>OIC</i> | <i>BSC</i> | <i>I-MU</i> | <i>I-1</i> | <i>I-2</i> | <i>MI</i> | |
|---|----------------|------------|-------------|------------|------------|-----------|--------------|
| Outdoor Dining | | P | P | | | | Per § 14-329 |
| Personal Services Establishment | P ² | P | P | CB | | | |
| Recreation: Indoor | | P | P | | | | Per § 14-312 |
| Recreation: Outdoor | | | CB | | | | Per § 14-312 |
| Restaurant | P ² | P | P | CB | CB | | |
| Retail Goods Establishment (No Alcoholic Beverages Sales) | CB | P | P | CB | | | |
| Retail Goods Establishment (With Alcoholic Beverages Sales) | | P | CO | CB | | | Per § 14-336 |
| Tavern | | P | CO | CB | CB | | Per § 14-337 |
| Truck Repair | | | | P | P | | |
| INDUSTRIAL | | | | | | | |
| Alternative Energy System: Commercial | P | P | P | P | P | | |
| Boat Manufacturing, Repair, and Sales | | | CB | P | P | CB | Per § 14-303 |
| Commercial Composting Facility | | | | CB | P | | Per § 14-305 |
| Contractor Storage Yard | | | | P | P | | Per § 14-330 |
| Food Processing: Light | P | | P | P | | | |
| Freight Terminal | | | | P | P | P | |
| Heliport | | CB | | CB | CB | | |
| Helistop | | CB | | CB | CB | | |
| Industrial Boat Repair Facility | | | | | P | P | Per § 14-323 |
| Industrial: General | | | | | P | CB | Per § 14-315 |
| Industrial: Light | P | P | P | P | P | | |
| Industrial: Maritime-Dependent | | | | | P | P | |
| Landfill: Industrial | | | | | CB | | Per § 14-318 |
| Marina: Dry Storage | | | CB | P | P | | Per § 14-323 |
| Marine Terminal | | | | | P | P | |
| Materials Recovery Facility | | | | | P | | Per § 14-324 |
| Mini-Warehouse | | | P | P | | | |

| <i>Industrial (cont'd)</i> | <i>OIC</i> | <i>BSC</i> | <i>I-MU</i> | <i>I-1</i> | <i>I-2</i> | <i>MI</i> | |
|---|------------|------------|-------------|------------|------------|-----------|--------------|
| Motor Vehicle Operations Facility | | | | P | P | | |
| Movie Studio | P | | P | P | P | | |
| Outdoor Storage Yard | | | | P | P | P | Per § 14-330 |
| Passenger Terminal | | | P | P | P | P | |
| Recyclable Materials Recovery Facility | | | | P | P | | Per § 14-333 |
| Recycling Collection Station | | | | CB | CB | | Per § 15-514 |
| Recycling and Refuse Collection Facility | | | | P | P | | |
| Research and Development Facility | P | P | P | P | P | P | |
| Resource Recovery Facility | | | | | CB | | Per § 14-335 |
| Shipyards | | | | | P | P | |
| Truck Stop | | | | P | P | | |
| Truck Terminal | | | | P | P | | |
| Warehouse | P | | P | P | P | P | |
| Waterfreight Terminal | | | | | P | P | |
| Wholesale Goods Establishment | P | | P | P | P | | |
| OTHER | | | | | | | |
| Alternative Energy System: Community-Based | P | P | P | P | P | P | Per § 14-306 |
| Electric Substation: Enclosed or Indoor | P | P | P | P | P | P | Per § 14-340 |
| Electric Substation: Outdoor | CB | CB | CB | CB | P | P | Per § 14-340 |
| Parking Garage (Principal Use) | P | P | CO | P | P | P | Per § 14-331 |
| Parking Lot (Principal Use) | P | P | CO | P | P | P | Per § 14-331 |
| Telecommunications Facility ⁴ | CB, P | CB, P | CB, P | CB, P | CB, P | CB, P | Per § 14-338 |
| Utilities | CB | CB | CB | CB | CB | CB | Per § 14-340 |
| Wireless Communications Services ⁵ | CB, P | CB, P | CB, P | CB, P | CB, P | CB, P | Per § 14-338 |

¹ Allowed only when (i) accessory to an office structure, research and development facility, or industrial use, and (ii) integrated into that structure, facility, or use to serve its employees.

² Allowed only when secondary to a primary industrial use.

³ Office uses legally established as of the effective date of this Code are deemed conforming and are not required to be secondary to a primary industrial use.

⁴ Only telecommunications base stations that comply with the stealth design standards of § 14-338 are considered permitted uses.

⁵ Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

(Ord. 16-581; Ord. 17-015; Ord. 18-171.)

LAND USE AND TRANSPORTATION COMMITTEE

BILL 18-0301

Proposed Amendments

- Planning Commission – November 30, 2018

**AMENDMENTS TO COUNCIL BILL 18-0301
(1" Reader Copy)**

By: Department of Planning
{To be offered to the Land Use and Transportation Committee}

Amendment No. 1

On page 1, in line 2, before "6435", insert "6425"; in the same line, after "6435", insert ", and 6501"; and, in the same line, after "Highway", insert "and 840 North Point Road".

Amendment No. 2

On page 1, in lines 3 and 14, in each instance, strike "property" and substitute "properties".

Amendment No. 3

On page 1, in lines 3 and 4, and in line 14, in each instance, strike "6435 Pulaski Highway (Block 6242E, Lot 050)" and substitute "6425 Pulaski Highway (Block 6242E, Lot 044), 6435 Pulaski Highway (Block 6242E, Lot 050), 6501 Pulaski Highway (Block 6235, Lot 013), and 840 North Point Road (Block 6242E, Lot 051)".

Amendment No. 4

On page 1, in lines 4, 15, and 17, in each instance, before "plat", insert "revised".

Coates, Jennifer

From: Coates, Jennifer
Sent: Monday, December 17, 2018 11:00 AM
To: 'Giordano, Margaret'
Cc: Caroline Hecker (checker@rosenbergmartin.com)
Subject: RE: Public Notice Instructions for Bill 18-0301
Attachments: Afro American; Michele Griesbauer - Sunpaper - Advertising; Darlene Miller; LU Form - Contacts for Sign Posting RZ PUD.docx; Sample - Certificate of Posting - Attachment C.docx; PNI - Letter - 18-0301 - 6435 Pulaski Hwy - Revised for Amendments.docx; PNI - Letter - 18-0301 - 6435 Pulaski Hwy - Revised for Amendments.docx

Ms. Giordano and Ms. Hecker:

Attached is the revised information you will need to post and publish public hearing notices for the subject bill to be heard by the Land Use and Transportation Committee on **January 23, 2019 at 1:10 p.m.** at City Hall in the City Council Chamber. I have also attached a contact list for sign makers, business cards for newspaper contacts and a sample certification template. The revised language includes descriptions of the properties to be amended into the bill.

Please post a sign on each property.

Thank you and feel free to call if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL

From: Giordano, Margaret <MGiordano@rosenbergmartin.com>
Sent: Thursday, December 13, 2018 10:05 AM
To: Austin, Natawna B. <NatawnaB.Austin@baltimorecity.gov>
Cc: Coates, Jennifer <Jennifer.Coates@baltimorecity.gov>; Hecker, Caroline <checker@rosenbergmartin.com>
Subject: FW: Public Notice Instructions for Bill 18-0301

Good morning Natawna –

I received Jennifer's email below with the attached public notice instructions for CCB# 18-0301. At the Planning Commission's recommendation, the following properties are being amended into the bill: 6425 Pulaski Highway, 6501 Pulaski Highway, and 840 North Point Road. I have attached the Planning Commission's memo/staff report for your reference.

We want to ensure that the Land Use hearing is properly advertised. These properties are not mentioned in the public notice instructions. Should we include the additional addresses in the body of the notice? If so, please provide a revised public notice form. Also, please advise if we need to post a separate sign for each property.

If you have any questions, please feel free to contact me directly.

Best regards,

Maggie Giordano

Paralegal

Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, Maryland 21201
(410) 727-6600
(410) 649-4987 Direct
(410) 727-1115 Fax



**Rosenberg
Martin
Greenberg**LLP



From: Coates, Jennifer [<mailto:Jennifer.Coates@baltimorecity.gov>]
Sent: Monday, December 03, 2018 6:36 PM
To: Hecker, Caroline <checker@rosenbergmartin.com>
Cc: Scott, Brandon <Brandon.Scott@baltimorecity.gov>; Austin, Natawna B. <NatawnaB.Austin@baltimorecity.gov>
Subject: Public Notice Instructions for Bill 18-0301

Ms. Hecker:

Attached is the information you will need to post and publish public hearing notices for the subject bill to be heard by the Land Use and Transportation Committee on **January 23, 2019 at 1:10 p.m.** at City Hall in the City Council Chamber. I have also attached a contact list for sign makers, business cards for newspaper contacts and a sample certification template.

Thank you and feel free to call if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL



Jennifer L. Coates
Senior Legislative Policy Analyst
Office of Council Services
100 N. Holliday Street, Room 415
Baltimore, MD 21202
jennifer.coates@baltimorecity.gov

OFFICE OF COUNCIL SERVICES
Office: (410) 396-1260
Fax: (410) 545-7596

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CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: Durga Enterprises, LLC c/o Caroline L. Hecker, Esquire

FROM: Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee,
Baltimore City Council

Date: December 17, 2018

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS
(REZONINGS); TEXT AMENDMENTS AND PLANNED UNIT DEVELOPMENTS

The Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

Bill: City Council Bill No. 18-0301

Date: Wednesday, January 23, 2019

Time: 1:10 p.m.

Place: City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers

Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (*See Attachment A*); the deadline date is indicated in BOLD letters at the top of Attachment A.

Certification of Postings

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant. **The deadline dates are as follows:**

| | |
|--|---------------------------------|
| <i>Newspaper Ad:</i> | <i>January 8, 2019</i> |
| <i>Sign Posting Deadline:</i> | <i>December 24, 2018</i> |
| <i>Written Notice to Property Owners:</i> | <i>January 8, 2019</i> |

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use and Transportation Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE POSTED BY DECEMBER 24, 2018 AND PUBLISHED BY WEDNESDAY, JANUARY 8, 2019, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 18-0301

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:10 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. 18-0301.

CC 18-0301 ORDINANCE - Rezoning – 6425, 6435, and 6501 Pulaski Highway and 840 North Point Road

FOR the purpose of changing the zoning for the properties known as 6425 Pulaski Highway (Block 6242E, Lot 044), 6435 Pulaski Highway (Block 6242E, Lot 050), 6501 Pulaski Highway (Block 6235, Lot 013), and 840 North Point Road (Block 6242E, Lot 051) as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 50
Baltimore City Revised Code
(Edition 2000)

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

Applicant: Durga Enterprises, LLC c/o Caroline L. Hecker, Esquire

For more information contact: Committee Staff at (410) 396-1260.

EDWARD REISINGER

Chair

**SEND CERTIFICATION OF PUBLICATION TO:
ADVERTISEMENT TO:**

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS

Ms. Caroline L. Hecker, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201
410-727-6600

**ZONING
SUBTITLE 6 – NOTICES**

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - (i) by posting in a conspicuous place on the subject property; and
 - (ii) by first-class mailing of a written notice, 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; and
- (3) for a comprehensive rezoning:
 - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
- (3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

- (1) posted at least 30 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.

Coates, Jennifer

From: Coates, Jennifer
Sent: Monday, December 03, 2018 6:36 PM
To: Caroline Hecker (checker@rosenbergmartin.com)
Cc: Scott, Brandon; Austin, Natawna B.
Subject: Public Notice Instructions for Bill 18-0301
Attachments: LU Form - Contacts for Sign Posting RZ PUD.docx; Sample - Certificate of Posting - Attachment C.docx; Michele Griesbauer - Sunpaper - Advertising; Darlene Miller - Daily Record; Afro American; PNI - Letter - 18-0301 - 6435 Pulaski Hwy.docx

Ms. Hecker:

Attached is the information you will need to post and publish public hearing notices for the subject bill to be heard by the Land Use and Transportation Committee on **January 23, 2019 at 1:10 p.m.** at City Hall in the City Council Chamber. I have also attached a contact list for sign makers, business cards for newspaper contacts and a sample certification template.

Thank you and feel free to call if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL



Jennifer L. Coates
Senior Legislative Policy Analyst
Office of Council Services

100 N. Holliday Street, Room 415
Baltimore, MD 21202

jennifer.coates@baltimorecity.gov

OFFICE OF COUNCIL SERVICES Office: (410) 396-1260
Fax: (410) 545-7596

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11

CITY OF BALTIMORE

CATHERINE E. PUGIL, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: Durga Enterprises, LLC c/o Caroline L. Hecker, Esquire

FROM: Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee, Baltimore City Council

Date: December 4, 2018

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS (REZONINGS); TEXT AMENDMENTS AND PLANNED UNIT DEVELOPMENTS

The Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

Bill: City Council Bill No. 18-0301

Date: Wednesday, January 23, 2019

Time: 1:10 p.m.

Place: City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising from accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers

Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 30 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (*See Attachment A*); the deadline date is indicated in BOLD letters at the top of Attachment A.

Certification of Postings

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant. **The deadline dates are as follows:**

| | |
|--|---------------------------------|
| <i>Newspaper Ad:</i> | <i>January 8, 2019</i> |
| <i>Sign Posting Deadline:</i> | <i>December 24, 2018</i> |
| <i>Written Notice to Property Owners:</i> | <i>January 8, 2019</i> |

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use and Transportation Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE
**POSTED BY DECEMBER 24, 2018 AND PUBLISHED BY WEDNESDAY, JANUARY 8,
2019, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT
B.**

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 18-0301**

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, January 23, 2019 at 1:10 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. 18-0301.

CC 18-0301 ORDINANCE - Rezoning - 6435 Pulaski Highway

FOR the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 50
Baltimore City Revised Code
(Edition 2000)

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

Applicant: Durga Enterprises, LLC c/o Caroline L. Hecker, Esquire

For more information contact: Committee Staff at (410) 396-1260.

EDWARD REISINGER

Chair

**SEND CERTIFICATION OF PUBLICATION TO:
ADVERTISEMENT TO:**

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS

Ms. Caroline L. Hecker, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201
410-727-6600



**ZONING
SUBTITLE 6 - NOTICES**

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - (i) by posting in a conspicuous place on the subject property; and
 - (ii) by first-class mailing of a written notice, 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; and
- (3) for a comprehensive rezoning:
 - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
- (3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

- (1) posted at least 30 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.

**CITY OF BALTIMORE
COUNCIL BILL 18-0301
(First Reader)**

Introduced by: Councilmember Scott

At the request of: Durga Enterprises, LLC

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

Telephone: 410-727-6600

Introduced and read first time: October 29, 2018

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, Baltimore City Parking Authority Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 6435 Pulaski Highway**

3 FOR the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block
4 6242E, Lot 050), as outlined in blue on the accompanying plat, from the I-2 Zoning District
5 to the C-4 Zoning District.

6 BY amending

7 Article 32 - Zoning

8 Zoning District Map

9 Sheet 50

10 Baltimore City Revised Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That
13 Sheet 50 of the Zoning District Map is amended by changing from the I-2 Zoning District to the
14 C-4 Zoning District the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as
15 outlined in blue on the plat accompanying this Ordinance.

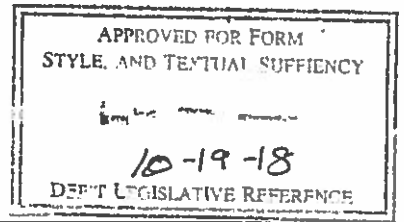
16 **SECTION 2. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the 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.

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

Council Bill 18-0301

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

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



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

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 6435 Pulaski Highway

FOR the purpose of changing the zoning for the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as outlined in blue on the accompanying plat, from the I-2 Zoning District to the C-4 Zoning District.

BY amending

Article 32 - Zoning
Zoning District Map
Sheet 50
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 50 of the Zoning District Map is amended by changing from the I-2 Zoning District to the C-4 Zoning District the property known as 6435 Pulaski Highway (Block 6242E, Lot 050), as outlined in blue 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.

**STATEMENT OF INTENT
FOR**

Rezoning of 6435 Pulaski Highway
{Address}

1. Applicant's Contact Information:

Name: Durga Investments, LLC c/o Caroline L. Hecker, Rosenberg Martin Greenberg, LLP
Mailing Address: 25 S. Charles Street, 21st Floor, Baltimore, MD 21201
Telephone Number: (410) 727-6600
Email Address: checker@rosenbergmartin.com

2. All Proposed Zoning Changes for the Property: Rezone the above-referenced property from the I-2 Zoning District to the C-4 Zoning District.

3. All Intended Uses of the property: Restaurant with drive-through facility

4. Current Owner's Contact Information:

Name: Sixty-Four Thirty-Five Pulaski Highway, LLC
Mailing Address: P.O. Box 4122
Lutherville, MD 21094
Telephone Number: _____
Email Address: _____

5. Property Acquisition:

The property was acquired by the current owner on June 28, 2000 by deed recorded in the Land Records of Baltimore City in Liber 497 Folio 226.

6. Contract Contingency:

(a) There is X 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}*: Durga Investments, LLC Sixty-Four Thirty-Five Pulaski Highway LLC
1410A Falls Crest Drive P.O. Box 4122
Fallston, MD 21407 Lutherville, MD 21094



(ii) The purpose, nature and effect of the contract are: Durga Investments, LLC has entered into an agreement to purchase the above-referenced property from Sixty-Four Thirty-Five Pulaski Highway LLC, pending enactment of the rezoning legislation to permit the use of the Property as a restaurant with drive-through facility.

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 stockholders of any corporation, are as follows {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.

Caroline L. Hecker

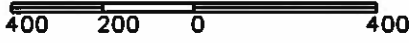
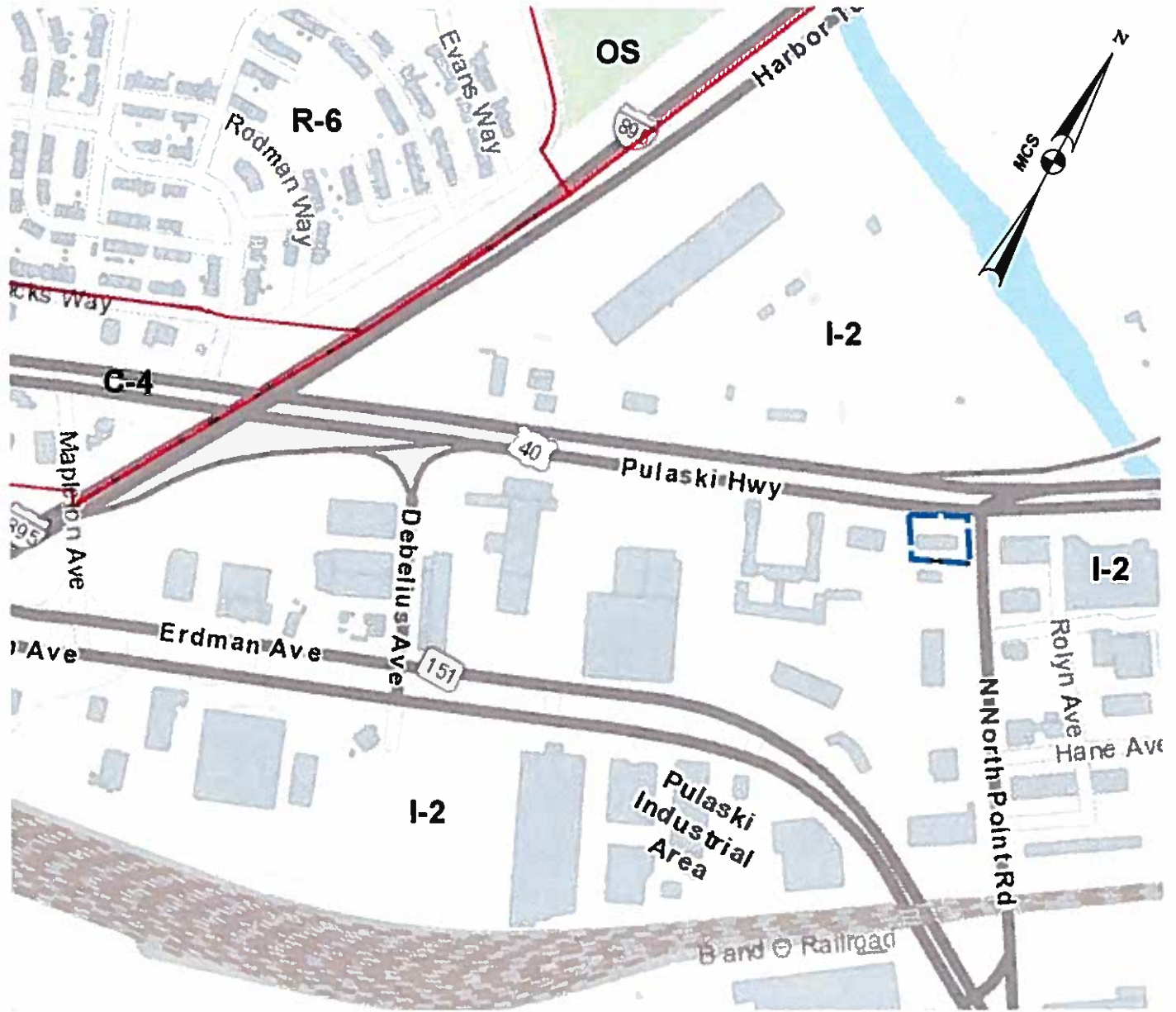
Caroline L. Hecker, Authorized Agent for Applicant

10/17/18

Date



**SHEET NO. 50 OF THE ZONING DISTRICT MAP
OF THE BALTIMORE CITY ZONING CODE**



NOTE:
THE APPLICANT WISHES TO REQUEST THE REZONING OF THE PROPERTY KNOWN AS 6435 PULASKI HIGHWAY FROM THE I-2 ZONING DISTRICT TO THE C-4 ZONING DISTRICT AS OUTLINED IN BLUE ABOVE.

MAYOR

PRESIDENT CITY COUNCIL

PLAT PREPARED BY:

BLDG

Baltimore Land Design Group, Inc.
Consulting Engineers

230 SCHILLING CIRCLE, SUITE 204 • HUNT VALLEY, MARYLAND 21031
PHONE: 410-229-9851 • FAX: 410-229-9865 • BLDG@BLDGC.COM

APPLICANT

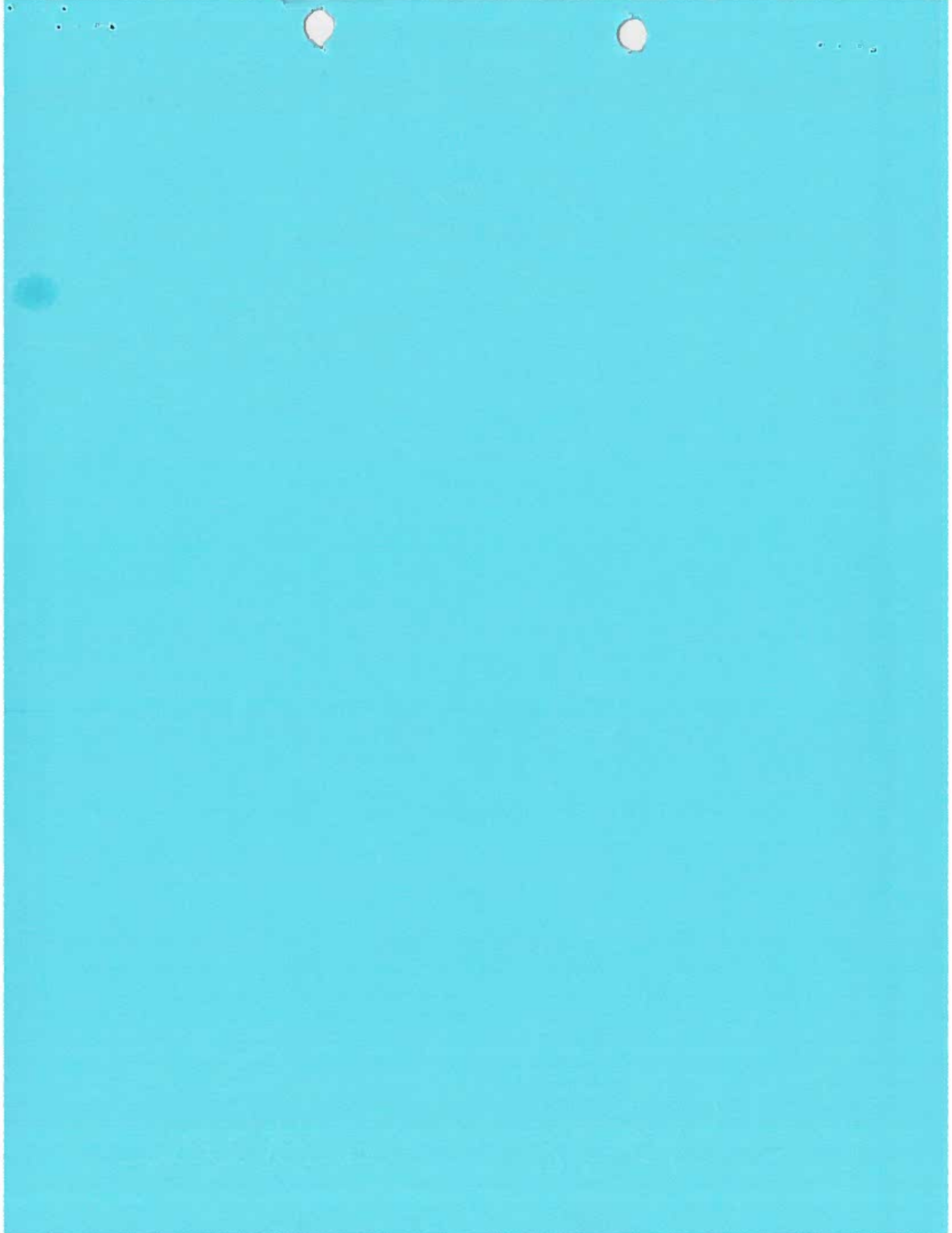
SIXTY-FOUR THIRTY-FIVE
PULASKI HIGHWAY LLC
C/O CAROLINE L. HECKER, ESQ.
ROSENBERG, MARTIN, GREENBERG, LLP
25 S. CHARLES STREET, SUITE 21ST FLOOR
BALTIMORE, MARYLAND 21201
TELEPHONE: 410-727-6600

**PLAN TO ACCOMPANY REZONING REQUEST
DUNKIN' DONUTS RESTAURANT**

6435 PULASKI HWY.
BALTIMORE, MD 21205
WARD: 26; SECTION: 18; BLOCK: 6242E; LOT 50
BALTIMORE CITY, MARYLAND
SCALE: 1" = 400'

DATE: OCTOBER 17, 2018





ACTION BY THE CITY COUNCIL

OCT 29, 2018

FIRST READING (INTRODUCTION)

PUBLIC HEARING HELD ON

January 23,

20 19

COMMITTEE REPORT AS OF

January 28,

20 19

FAVORABLE UNFAVORABLE FAVORABLE AS AMENDED WITHOUT RECOMMENDATION

Edward H. Lewis
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:

JAN 28, 2019

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

THIRD READING

FEB 04, 2019

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.

[Signature of President]

[Signature of Chief Clerk]

President

Chief Clerk