


FROM	NAME & TITLE	Chris Ryer, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Planning 417 East Fayette Street, 8 th Floor		
	SUBJECT	CITY COUNCIL BILL #20-0566 / REZONING – 3215 WEST BELVEDERE AVENUE, 3317-3323 WEST BELVEDERE AVENUE, 5101-5103 DENMORE AVENUE, 5100 DENMORE AVENUE, etc.		

DATE: August 21, 2020

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

At its regular meeting of August 20, 2020, the Planning Commission considered City Council Bill #20-0566, for the purpose of changing the zoning for the properties known as 3215 West Belvedere Avenue (Block 4582, Lot 018), 3317-3323 West Belvedere Avenue (Block 4580, Lots 003, 004, 005), 5101-5103 Denmore Avenue (Block 4582, Lots 019 and 020), 5100 Denmore Avenue (Block 4580, Lot 001), and Block 4580, Lots 038 and 039-055, as outlined in red on the accompanying plat, from the R-6 Zoning District to the OR-1 Zoning District; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #20-0566 and adopted the following resolution; nine members being present (nine in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #20-0566 be amended and passed by the City Council.

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

CR/ewt

attachment

cc: Mr. Nicholas Blendy, Mayor's Office
Mr. Matthew Stegman, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Livhu Ndou, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Dominic McAlily, Council Services
Ms. Caroline Hecker, Esq.



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

August 20, 2020

REQUESTS:

- City Council Bill #20-0565/ Urban Renewal – Park Heights – Amendment ____ :
For the purpose of amending the Urban Renewal Plan for Park Heights to amend certain exhibits to reflect the change of zoning, upon approval by separate ordinance, for the properties known as 3215 West Belvedere Avenue (Block 4582, Lot 018), 3317-3323 West Belvedere Avenue (Block 4580, Lots 003, 004, 005), 5101-5103 Denmore Avenue (Block 4582, Lots 019 and 020), 5100 Denmore Avenue (Block 4580, Lot 001), and Block 4580, Lots 038 and 039-055; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.
- City Council Bill #20-0566/ Rezoning - 3215 West Belvedere Avenue, 3317-3323 West Belvedere Avenue, 5101-5103 Denmore Avenue, 5100 Denmore Avenue, and Block 4580, Lots 038 and 039-055:
For the purpose of changing the zoning for the properties known as 3215 West Belvedere Avenue (Block 4582, Lot 018), 3317-3323 West Belvedere Avenue (Block 4580, Lots 003, 004, 005), 5101-5103 Denmore Avenue (Block 4582, Lots 019 and 020), 5100 Denmore Avenue (Block 4580, Lot 001), and Block 4580, Lots 038 and 039-055, as outlined in red on the accompanying plat, from the R-6 Zoning District to the OR-1 Zoning District; and providing for a special effective date.

RECOMMENDATIONS:

- City Council Bill #20-0565: Amendment and Approval, with the following amendment:
 - That exhibits 4A through 4F are replaced with Zoning Maps that reflect the current zoning classifications of the City.
- City Council Bill #20-0566: Amendment and Approval, with the following amendment:
 - That references to the properties in Block 4580, Lots 038 and 039-055 are removed from the bill.

STAFF: Eric Tiso

PETITIONER: Park West Health System, Inc. c/o Caroline L. Hecker, Esq.

OWNER: Multiple, see attached table.

SITE/GENERAL AREA

Site Conditions: The properties proposed for rezoning are located along the northern edge of the Central Park Heights neighborhood, around the intersection of West Belvedere and Denmore Avenues. These properties are currently zoned R-6 and are improved with institutional buildings.

General Area: This portion of the Central Park Heights neighborhood has commercial uses along major thoroughfares such as West Belvedere and Park Heights Avenues, where smaller streets tend to be residential in nature, with a variety of housing types including semi-detached homes, rowhomes, and multi-family apartments. There are institutional uses scattered throughout, including places of worship, parks, and community buildings.

HISTORY

- The Park Heights Urban Renewal Plan (URP) was established by Ordinance #08-93, dated September 11, 2008. It was last amended by Ordinance #18-194, dated November 19, 2008.

ANALYSIS

Background: These companion bills propose a rezoning of a few properties (CCB #20-0566) and amend the Park Heights URP zoning map and land use map to reflect those rezonings (CCB #20-0565). The Park Heights URP land use map and the zoning map amendments are set to be adopted only if the rezoning bill is also adopted.

CCB #20-0565:

These changes will be needed to ensure that there isn't a mismatch in these exhibits compared to current conditions. The challenge is that the last time these maps were amended was before the 2017 comprehensive rezoning of the City. This bill proposed to change only the specific properties called out in the rezoning bill, which represents the minimum possible amendment. The problem with this approach is that the zoning map will have a mix of new and old zoning categories. Staff recommends that the zoning maps be replaced in their entirety with current zoning maps.

CCB #20-0566:

This proposed rezoning is for the properties along Denmore Avenue, between the intersections with Spaulding Avenue and West Belvedere Avenue. On the northeast side of the street is the Brown's Memorial Baptist Church Building, and their surface parking lots. On the southwest side of the street is the Park West Medical Center along West Belvedere Avenue, and the Maryland Church of God in Christ by Spaulding Avenue. Two small lots are located in the interior of the residential block to the southwest of the Park West property, one a linear lot (Lot 039-055), and the other a rectangular inner-block lot. Both of those interior lots are unimproved.

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 is in the public's interest, in that it will correct the zoning of these non-residential institutional buildings and resolving a nonconforming use that was created by the Comprehensive rezoning of the City.

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:** In the existing R-6 district, Places of Worship are a permitted use, a surface Parking Lot (Principal Use) are approved through a conditional use by ordinance, and a medical center (Health-Care Clinic) is not permitted. The proposed OR-1 district will best match the existing development on this block of Denmore Avenue, as Places of Worship remain a permitted use, a surface Parking Lot (Principal Use) are approved by conditional use from the Board of Municipal and Zoning Appeals (BMZA), and a medical center (Health-Care Clinic) is a permitted use. Staff notes that the Park West Center was approved as a multi-purpose neighborhood center, which allowed a flexible mix of uses under the old zoning code, which meant it was a conforming use. This change will resolve a nonconforming use that was created by the Comprehensive Rezoning process.

2. **The needs of Baltimore City:** Designation of these large institutional buildings will provide a transition buffer between the residential areas to the south, and the commercial corridor of Park Heights Avenue. It will also support the existing institutional uses in this area, better enabling them to continue.
3. **The needs of the particular neighborhood:** For the Park West Medical Center, this rezoning will not only resolve a nonconforming use, but will therefore allow for an expansion of the building, which is prohibited in its current state as a nonconforming use.

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;** The proposed rezoning will support the existing institutional uses, which are non-residential in use, and so will not affect the population in this area.
2. **The availability of public facilities;** This area is well served by public utilities, which will continue. No large-scale development or redevelopment is expected in this block that would negatively impact the City's utilities.
3. **Present and future transportation patterns;** As there is no large-scale development or redevelopment is expected in this block, there will be no negative impacts to the existing transportation network.
4. **Compatibility with existing and proposed development for the area;** The existing development will remain, and will be better matched to the proposed OR-1 district, as described above.
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 will comment on this bill separately.
6. **The relation of the proposed amendment to the City's plan.** The proposed rezoning will support the Comprehensive Master Plan's goal of retaining and attracting businesses in the healthcare and social assistance growth sector by supporting the Park West Medical Center and its future expansion.

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;** Properties to the southwest are currently zoned R-6, and are largely residential in nature. Properties to the northwest are in the commercial corridor along Park Heights Avenue. Designation of these properties as OR-1 would provide a buffer or "step-down" in land use intensity between the residential and commercial areas. The properties proposed for rezoning are institutional in use, and better fit into the proposed OR-1 zone.
- (ii) **the zoning classification of other property within the general area of the property in question;** These properties are between R-6 residential properties to the southwest, and C-1 and C-2 zones to the northeast.

- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and** The properties proposed for rezoning along Denmore Avenue will better fit into the OR-1 zone than the existing R-6 zone. This is especially true for the Park West Medical Center, which was founded in 1971 right as the last zoning code was being established, and will remove its nonconforming status.
- (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 has been very little change in the immediate area surrounding the properties proposed for rezoning, but there are larger redevelopment plans in review in the greater Park Heights area, including significant new-construction residential development just a few blocks to the south on Park Heights Avenue.

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 these properties should not have been classified as R-6 residential during the Comprehensive Rezoning process, and that the proposed OR-1 zone better fits the properties as they are now developed, and corrects a nonconforming use that was created during that process.

Amendment: Attached is a memorandum with an analysis of facts presented by the applicant, which staff has reviewed. Staff is in general agreement with these findings and recommends that the Planning Commission adopt them with one proposed amendment. The properties in Block 4580, Lots 038 and 039-055 do not need to be included in this rezoning for any compelling purpose. These two parcels are located in the center of a block that is residential in nature, they are irregular in nature, have not had any history of nonresidential development, and could potentially have negative impacts if they are rezoned.

Notification: Pimlico Good Neighbors, Pimlico Merchants Association, Neighborhoods United, and Park Heights Renaissance have been notified of this action.



Chris Ryer
Director