

LAND USE COMMITTEE

FINDINGS OF FACT

City Council Bill No: 19-0453

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

Rezoning - 3127 East Baltimore Street

Upon finding as follows with regard to:

(1) Population changes;

The population of the neighborhood continues to change as properties like the subject of this Bill are redeveloped for a variety of commercial and residential uses.

(2) The availability of public facilities;

Adequate public facilities are available for a variety of uses.

(3) Present and future transportation patterns;

The property is in close proximity to various transit routes.

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

The rezoning is compatible with all existing and proposed development in the immediate area.

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

The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Unfavorable
Board of Municipal and Zoning Appeals	No Objection
Department of Transportation	No Objection
City Solicitor	No Position
Department of Housing and Community Development	No Objection
Baltimore Development Corporation	Unfavorable
Parking Authority	Not Opposed

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

The proposed rezoning will support the Comprehensive Plan and, specifically, Live Goal 1, Objectives 1, 2, and 5; Live Goal 2, Objective 4; and Play Goal 1, Objective 4.

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

There are a mix of commercial and residential uses in the general area.

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

There are commercially zoned properties in proximity to the subject property and in the general area, including C-1 property one block away.

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

The property is not a rowhouse property as its existing R-8 zoning would suggest.

- (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 are currently multiple development projects of a mixed use and commercial nature in the general area of southeast Baltimore.

- (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:

There have been multiple changes to former institutional, industrial, and residential sites that are now being developed as mixed use and commercial properties. The population of the neighborhood is growing and changing.

- (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:

It was a mistake to zone the site a "R-8 Rowhouse District" property. The church is no longer actively operating and was being contemplated as a redevelopment site at the direction of community charette over the last several years.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated November 13, 2020, which included the Department of Planning Staff Report, dated November 12, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Matthew DeSantis, Planning Department
- Victor Tervalá, Law Department
- Joseph Woolman, Representative for the Applicant

Written:

- Board of Municipal and Zoning Appeals, Agency Report – Dated November 6, 2020
- Department of Transportation, Agency Report – Dated November 8, 2020
- Law Department, Agency Report – Dated October 26, 2020
- Department of Housing and Community Development, Agency Report – Dated October 30, 2020
- Baltimore Development Corporation, Agency Report – Dated November 4, 2020
- Parking Authority, Agency Report – Dated November 5, 2020
- Joseph Woolman, Esquire, Proposed Findings of Fact – Received November 9, 2020

COMMITTEE MEMBERS VOTING IN FAVOR

Edward Reisinger, Chair
Shannon Sneed, Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Sharon Green Middleton
Leon Pinkett