

LAND USE COMMITTEE

FINDINGS OF FACT

City Council Bill No: 20-0507

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 - 1720 Frederick Avenue

Upon finding as follows with regard to:

(1) Population changes;

There has been no significant population change of record since 2017 in the area surrounding the subject property; however, 2020 is a Census year, and so there may be population changes documented in future years.

(2) The availability of public facilities;

There are adequate public facilities available in the area in which the subject property is located, and there are no current plans to reduce or remove any of these facilities.

(3) Present and future transportation patterns;

There are no changes anticipated in present or future transportation patterns as a result of approval of this bill.

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

The uses authorized by this bill are compatible with, and in some instances a continuation of, existing uses of properties adjacent to the property that is the subject of this bill. There is no development proposed at this time with which C-2 use of the subject property would be incompatible.

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

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Unfavorable
Department of Transportation	Defers to the Department of Planning
City Solicitor	Favorable with Comments
Department of Housing and Community Development	No Position
Baltimore Development Corporation	No Objection

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

The Comprehensive Master Plan includes, among its Goals, EARN Goal 1: Strengthen Identified Growth Sectors, Objective 1: Retain and Attract Businesses in all Growth Sectors, and Goal 2: Improve Labor Force Participation Rate Among City Residents. To the extent that motor vehicle service and repair businesses are growth sectors based upon continuing growth of motor vehicle ownership, and the extent to which the business employs Baltimore residents, the uses authorized by rezoning the subject property support those goals.

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

The subject property is used by one of several similar businesses within the general area in the vicinity of the intersections of Frederick Avenue with Baltimore Street and Hollins Street.

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

The zoning district in which the subject property and several others were placed in 2017 was mistakenly designated C-1 instead of C-2, which would have more accurately reflected both historical and current uses of these properties, including the subject property.

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

The subject property's highest and best use, given its narrowness, its limited lot area, the existing structure and equipment now on it, and other uses of property in its vicinity, would be one that is permitted under the C-2 zoning classification but not under the C-1 zoning classification.

- (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 discernible new trends of development of the general area of the property that is the subject of this bill since its placement in its present zoning classification in 2017. The trend of development of the two communities which geographically bracket the subject commercial area along Frederick Avenue has been stabilization and enhancement of residential opportunities.

- (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:

Intentionally left blank.

- (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:

The placement of the property in the C-1 zoning district did not accurately reflect the historical and current uses of the subject property and other nearby properties. The subject property's highest and best use, given its narrowness, its limited lot area, the existing structure and equipment now on it, and other uses of property in its vicinity, would be one that is permitted under the C-2 zoning classification but not under the C-1 zoning classification.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated May 8, 2020, which included the Department of Planning Staff Report, dated May 7, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Martin French, Planning Department
- Hilary Ruley, Law Department
- Representatives of other reporting agencies
- Representatives for the applicant

Written:

- Board of Municipal and Zoning Appeals, Agency Report – Dated June 29, 2020
- Law Department, Agency Report – Dated March 11, 2020
- Department of Housing and Community Development, Agency Report – Dated June 11, 2020
- Baltimore Development Corporation, Agency Report – Dated July 6, 2020

COMMITTEE MEMBERS VOTING IN FAVOR

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