

TJA

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #12-0118 / REZONING 2719 ASHLAND AVENUE		

DATE:

TO

October 19, 2012

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

At its regular meeting of October 18, 2012, the Planning Commission considered City Council Bill #12-0118, for the purpose of changing the zoning for the property known as 2719 Ashland Avenue, from the R-8 Zoning District to the B-1-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #12-0118 and adopted the following resolution nine members being present (five in favor and four opposed).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #12-0118 be disapproved by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA/ewt

Attachment

- cc: Ms. Kaliope Parthemos, Deputy Chief for Economic and Neighborhood Development
 Mr. Alex Sanchez, Chief of Staff
 Ms. Angela Gibson, Mayor's Office
 The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Mr. Nicholas Blendy, DHCD
 Ms. Barbara Zektick, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Karen Randle, Council Services
 Mr. Joseph R. Woolman III, Attorney for Applicant



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

October 18, 2012

REQUEST: City Council Bill #12-0118/ Rezoning – 2719 Ashland Avenue

For the purpose of changing the zoning for the property known as 2719 Ashland Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the B-1-1 Zoning District.

RECOMMENDATION: Disapproval

STAFF: Martin French

PETITIONER(S): Joseph R. Woolman, III

OWNER: Louis R. Jones

SITE/ GENERAL AREA

Site Conditions: 2719 Ashland Avenue is located on the southwest corner of the intersection with Belnord Avenue. This property measures approximately 14 '6" by 75' and is currently improved with a two-story brick end-of-row residential building measuring approximately 14'6" by 52'. The building was altered after its original construction for use as a confectionary in the early 1950s, but its conversion to other uses was disapproved by the Board of Municipal and Zoning Appeals in 1976. Approximately five years ago the property reverted to single-family dwelling status. This site is zoned R-8 General Residence.

General Area: This property is located in the Madison – East End community. The majority of this community area is residential in nature, with the predominant housing stock consisting of row houses. Part of the northern edge of the community is industrially zoned, primarily alongside the main railroad line that passes through this portion of East Baltimore. The Orleans Street commercial area is located four blocks south of this property.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site. This property has been zoned R-8 since April 1971 when the current Zoning Code and maps were adopted.

CONFORMITY TO PLANS

There are no calls for rezoning this property through the Comprehensive Master Plan, or any other similar plan. The property is not in an area plan neighborhood or an urban renewal area.

ANALYSIS

This is a request for rezoning to enable a unisex hair salon (combination barber shop and beauty shop, in current Zoning Code terminology), a use that is not permitted under the existing R-8 zoning, at this address. The requested B-1-1 zoning would reverse the effect of disapproval by the Board of Municipal and Zoning Appeals on May 15, 2012 of an appeal by a potential tenant of the first floor of the premises. Planning staff's rationale for not supporting the rezoning is based the mechanics of rezoning properties as required by Article 66B, which governs how and when land can be rezoned. However, under the terms of TransForm Baltimore, the proposed new zoning code, residentially zoned property like this would be eligible for consideration as locations of Neighborhood Commercial Establishments.

Article 66B Requirements for Rezoning:

Article 66B of the Maryland 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. In reviewing this request, the staff finds that:

1. **The Plan:** There is nothing in the Comprehensive Master Plan, area plans, or any URP that calls for rezoning for this parcel. In TransForm Baltimore, the draft land use maps show this parcel retaining its R-8 or equivalent residential zoning.
2. **The needs of Baltimore City:** The City has an adequate supply of commercially zoned land already, and this proposed rezoning does not address a perceived City need.
3. **The needs of the particular neighborhood:** Staff does not see a great demand for more commercial zoning for this particular neighborhood, considering ample availability of commercial property in the nearby commercial corridor on Orleans Street.

Similarly, Article 66B requires the City Council to make findings of fact. The findings of fact shall include:

1. **Population changes:** There have been no significant changes in population in this area causing the need for additional commercially zoned properties in this area.
2. **The availability of public facilities:** Adequate public facilities exist in this area for a wide range of uses.
3. **Present and future transportation patterns:** There are no anticipated changes or additional demands on the transportation patterns in this area.
4. **Compatibility with existing and proposed development for the area:** The requested B-1-1 commercial zoning in the midst of the existing R-8 neighborhood would not be compatible. Although B-1 zoning might be appropriate for the purpose of establishing a right to use a property as a barber and beauty shop/ unisex hair salon, this would

become the only B-1 property in the area if that occurred. Thus, staff views this request as spot-zoning, which should not be permitted.

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 disapproval 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:** There are no calls for rezoning this property through the Comprehensive Master Plan, or any other similar plan.

To summarize, staff does not see any significant change in the character of the neighborhood that would require such a rezoning, and as illustrated above, there does not appear to be a mistake in the existing zoning classification.

The Madison – East End Neighborhood Improvement Association, Louis R. Jones, and Councilman Branch were notified of this action.



Thomas J. Stosur
Director