


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #20-0556 / REZONING 2087 DRUID PARK DRIVE		

DATE:

TO

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

August 21, 2020

At its regular meeting of August 20, 2020, the Planning Commission considered City Council Bill #20-0556, for the purpose of changing the zoning for the property known as 2087 Druid Park Drive from the I-1 Zoning District to the IMU-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment of the proposed zoning district from the proposed IMU-1 zoning district to the R-6 zoning district and approval of City Council Bill #20-0556 as amended, and adopted the following resolution, nine members being present (nine in favor):

RESOLVED, That the Planning Commission, adopting the findings of fact as submitted in the staff report and emphasizing that the current I-1 zoning designation was made in error due to the history of use of the site, its historic use as a residential and commercial property, and its relatively small size making it non-viable for industrial use, does not concur with the recommendation of its Departmental staff, and recommends that City Council Bill #20-0556 be passed by the City Council without amendment.

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
Mr. Alfred Barry, for 2087 Druid Park Drive LLC



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

August 20, 2020

REQUEST: City Council Bill #20-0556/ Rezoning – 2087 Druid Park Drive

For the purpose of changing the zoning for the property known as 2087 Druid Park Drive (Block 3390B, Lot 036), as outlined in red on the accompanying plat, from the I-1 Zoning District to the IMU-1 Zoning District.

RECOMMENDATION: Amend City Council bill #20-0556 to rezone the property to the R-6 Zoning District, and Approve as amended

STAFF: Martin French

PETITIONERS: Councilmember Pinkett, at the request of 2087 Druid Park Drive LLC

OWNER: 2087 Druid Park Drive LLC

SITE/GENERAL AREA

Site Conditions: 2087 Druid Park Drive is located on the southeast corner of the intersection of Druid Park Drive and Parkdale Avenue. The property measures approximately 100' by 51' (which spreads to 65' at the rear lot line along a 10' wide alley), and is currently improved with a two-story detached "rowhouse type" structure measuring approximately 67' by 15' to which is attached a one-story commercial structure measuring approximately 27' by 20' at the rear of the property. The south side of the property is an open area used for off-street parking and storage. This property is zoned I-1.

General Area:

This property is at the western edge of the historic Woodberry mill village community, in which traditional 19th Century manufacturing facilities and worker housing were constructed in close proximity to one another. Some of the remaining mill buildings or properties have been converted to non-industrial uses such as offices, retail spaces, and dwellings. In the 2016 comprehensive rezoning, the light-rail rapid transit stop east of this property led to establishment of TOD-2 (Transit-Oriented Development) zoning, while continuing Residential zoning for the balance of residential Woodberry, and Industrial zoning for the non-residential portions more distant from that stop. This property and its immediate neighboring property, a vacant lot, retained industrial zoning, as did the large industrial property on the west side of Parklane Avenue, as these properties as a group were on the fringe of this redevelopment trend's primary area. Properties across Druid Park Drive, and other properties east of the rear of this property, remained in the R-6 Zoning District with which the appearance and use of the existing structure are more compatible.

HISTORY

There are no previous legislative or Planning Commission actions specifically regarding this site. This property and adjoining properties were rezoned from M-2-1 to I-1 during the comprehensive zoning process associated with adoption of the current Zoning Code which became effective on June 5, 2017. This property is included in the Woodberry Historic District established July 27, 2020 by Ordinance no. 20-387. This property had previously been included in the Woodberry National Register Historic District as a contributing structure.

CONFORMITY TO PLANS

The proposed action would be consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1, Objective 1: Expand Housing Choices for all Residents, if the owner only continued with his plan to use the proposed rezoning as a means to obtaining approval for enlarging the existing multi-family dwelling use of the property from two to five dwelling units.

ANALYSIS

This request would allow consideration of an application for a permit to construct a 34' by 60' two-story addition to the existing structure and to use the addition for three dwelling units and a commercial shell [space]. Because this would constitute an expansion of a nonconforming use, which is prohibited by the Zoning Code, the owner is requesting that this property be rezoned to IMU-1, which would make the property's intended larger multi-family dwelling use a permitted use according to Table 11-301 of the Zoning Code. Nonconforming use of the property for residential purposes had been confirmed by the Board of Municipal and Zoning Appeals (BMZA) when it approved appeal no. 680-76X for continuation of a multi-family dwelling containing two dwelling units with a total of four residents allowed in the entire building. Pursuant to that decision, on March 30, 1977 a Certificate of Occupancy for an office, two dwelling units, and storage was issued for this property.

The IMU-1 zoning category was generally intended for buildings purpose-built for industrial uses, buildings now, due to the nature of the building and proximity to residential areas, are better suited for mixed use that includes residential and live-work type units. This building is essentially a residential structure that was added to and partially used for storage and office use. This use has been further reinforced by establishment of this area as a local historic district in which this building is a contributing structure. Therefore, the adjoining R-6 zoning more accurately reflects both the use of the subject property and the character of its historic building. However, if R-6 zoning would be applied to this property, the number of dwelling units would be limited to four by the lot area regulations contained in Table 9-401 of the Zoning Code, and the owner would need to obtain a variance of the lot area regulation in order to have five dwelling units (the two existing ones plus the applied-for three new ones). Residential zoning would allow non-residential use as offices to continue under the category of Neighborhood Commercial Establishment, as well as allow many potential commercial uses of the property.

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 a change to IMU-1 is not in the public's interest, in that it would allow numerous land uses that would be incompatible with the historic character of the Woodberry community; but that a change to R-6 would be compatible with the character of that community.

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:** Rezoning the subject property to allow greater residential use of it would be supportive of the Comprehensive Master Plan for Baltimore City, Live Goal 1, Objective 1: Expand Housing Choices for all Residents, by allowing enlargement of the existing structure to accommodate additional dwelling units.
2. **The needs of Baltimore City:** This action is not needed to serve a Mayoral initiative; however, allowing additional dwelling units on this property would be consistent with

redevelopment strategies for the Jones Falls Valley communities and Woodberry in particular.

- 3. The needs of the particular neighborhood:** The proposed action (rezoning itself, without consideration of rezoning to what) would help meet the need of Woodberry and surrounding communities for additional housing resources.

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 has not been a significant change in population in this area since June 5, 2017, when the current Zoning Code and map became effective; however, as this year 2020 is a Census year, 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 in this area.
- 4. Compatibility with existing and proposed development for the area;** Some of the uses that would be authorized by this bill in its original form, i.e., uses permitted in the IMU-1 zoning district, would not be compatible with permitted existing uses and development of the Woodberry area. Uses that would be authorized if this bill would be amended to change the zoning of the property to the R-6 zoning district would be compatible with permitted uses of properties already in the R-6 zoning district along Druid Park Drive.
- 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 as amended, of the rezoning request to the Planning Commission. The BMZA will comment separately on this bill.
- 6. The relation of the proposed amendment to the City's plan.** Because the Comprehensive Master Plan includes expanding housing choices, the proposed action, by removing the property from a zoning district that prohibits dwelling units, would be consistent with the City's plan.

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 across Druid Park Drive, and along Druid Park Drive to the east of the subject property, are predominantly residential in use, with single-family homes (attached and semi-detached) predominating within that use. A small vacant property adjoining the subject property to its south would remain in the I-1 zoning district. The larger actively-used property to the west, across Parklane Avenue and along Druid Park Drive, is commercial-industrial in use. On the other side of the vacant lot mentioned above is a

large residential mixed-use area created as the Clipper Mill Planned Unit Development, established in 2003, in which office and residential uses predominate.

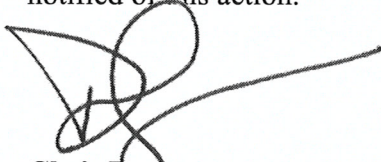
- (ii) the zoning classification of other property within the general area of the property in question;** Immediately east of the subject property, along Druid Park Drive, and across Druid Park Drive, properties are in the R-6 zoning district. One vacant lot away, to the south and southwest, properties are in the TOD-2 zoning district. West of the subject property, across Parklane Avenue and along the south side of Druid Park Drive, property is zoned I-1 (as successor to the previous M-2 zoning that existed from 1971 to 2017).
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and** The subject property is not very suitable for modern industrial uses, as its relatively small size (approximately 5,800 square feet of lot area) and location remote from major freight transportation facilities or routes, has rendered it functionally obsolete for industrial use.
- (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 been no significant changes to development trends in the general area of the subject property. Interest in living in the historic community of Woodberry has continued to drive residential property values, while existing light industrial uses have continued in areas zoned accordingly.

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. Planning staff have not found evidence of a change in the character of the neighborhood where the subject property is located, as only three years have elapsed since the current zoning classification was adopted. However, Planning staff, having studied the subject property, including its improvements, and the surrounding properties, consider the current I-1 zoning classification to have been made in error, as both the history of use of this property and its geographic relationship as part of Woodberry’s historic residential area along Druid Park Drive suggest that the 2017 rezoning should have been to R-6, the zoning classification of most of the properties in the immediate vicinity of 2087 Druid Park Drive.

Background to above: Placing the subject property in the IMU-1 zoning district would create an island of IMU zoning on a single property, an act that could be construed as “spot zoning”. Extending the current R-6 zoning district that now exists on either side of Druid Park Drive in the immediate vicinity of the subject property would be an appropriate method for correcting an oversight from 2017. Coincidentally, rezoning the property to R-6 would allow the current owner to enlarge the existing structure to add dwelling units in response to the needs of the City, and to use the non-residential portion of the premises for Neighborhood Commercial Establishment uses that could benefit the western end of the Woodberry Historic District. Unlike commercial uses permitted “by right” in the IMU-1 zoning district, for which no community input is provided in the Zoning Code, Neighborhood Commercial Establishment uses are conditional uses requiring approval by the BMZA, thereby providing a possibility for community input to the conditions of approval of such uses. The newly-created Woodberry Historic District’s inclusion of this property has established that all exterior additions, demolition, or

alterations must first be approved by the Commission for Historical and Architectural Preservation (CHAP).

Notification: The Woodberry Community Association and Councilman Pinkett have been notified of this action.

A handwritten signature in black ink, appearing to read 'Chris Ryer', with a long horizontal line extending to the right.

Chris Ryer
Director