

Introduced by: Councilmember Cohen

At the request of: Poverni Ventures, LLC

Address: c/o Alfred W. Barry, III, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland
21202

Telephone: 410-547-6900

Prepared by: Department of Legislative Reference

Date: May 1, 2019

Referred to: LAND USE AND TRANSPORTATION Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19-0390

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 1617 Broening Highway

FOR the purpose of changing the zoning for the property known as 1617 Broening Highway
(Block 6810, Lot 001), as outlined in red on the accompanying plat, from the C-4 Zoning
District to the C-3 Zoning District.

BY amending

Article 32 - Zoning
Zoning District Map
Sheet 69
Baltimore City Revised Code
(Edition 2000)

A large, stylized handwritten signature in black ink, likely belonging to a council member, is written over the text of the ordinance.

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

CITY OF BALTIMORE
ORDINANCE **19.292**
Council Bill 19-0390

Introduced by: Councilmember Cohen

At the request of: Povern Ventures, LLC

Address: c/o Alfred W. Barry, III, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland
21202

Telephone: 410-547-6900

Introduced and read first time: May 6, 2019

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable

Council action: Adopted

Read second time: August 19, 2019

AN ORDINANCE CONCERNING

Rezoning – 1617 Broening Highway

1
2 FOR the purpose of changing the zoning for the property known as 1617 Broening Highway
3 (Block 6810, Lot 001), as outlined in red on the accompanying plat, from the C-4 Zoning
4 District to the C-3 Zoning District.

5 BY amending

6 Article 32 - Zoning
7 Zoning District Map
8 Sheet 69
9 Baltimore City Revised Code
10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
12 Sheet 69 of the Zoning District Map is amended by changing from the C-4 Zoning District to the
13 C-3 Zoning District the property known as 1617 Broening Highway (Block 6810, Lot 001), as
14 outlined in red on the plat accompanying this Ordinance.

15 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
16 accompanying plat and in order to give notice to the agencies that administer the City Zoning
17 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
18 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
19 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
20 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
21 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
22 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

Council Bill 19-0390

1 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

Certified as duly passed this _____ day of 'SEP 09 2019, 2019



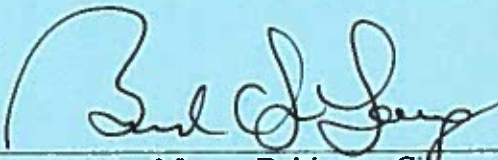
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of SEP 09 2019, 2019




Chief Clerk

Approved this 25 day of Sept., 2019

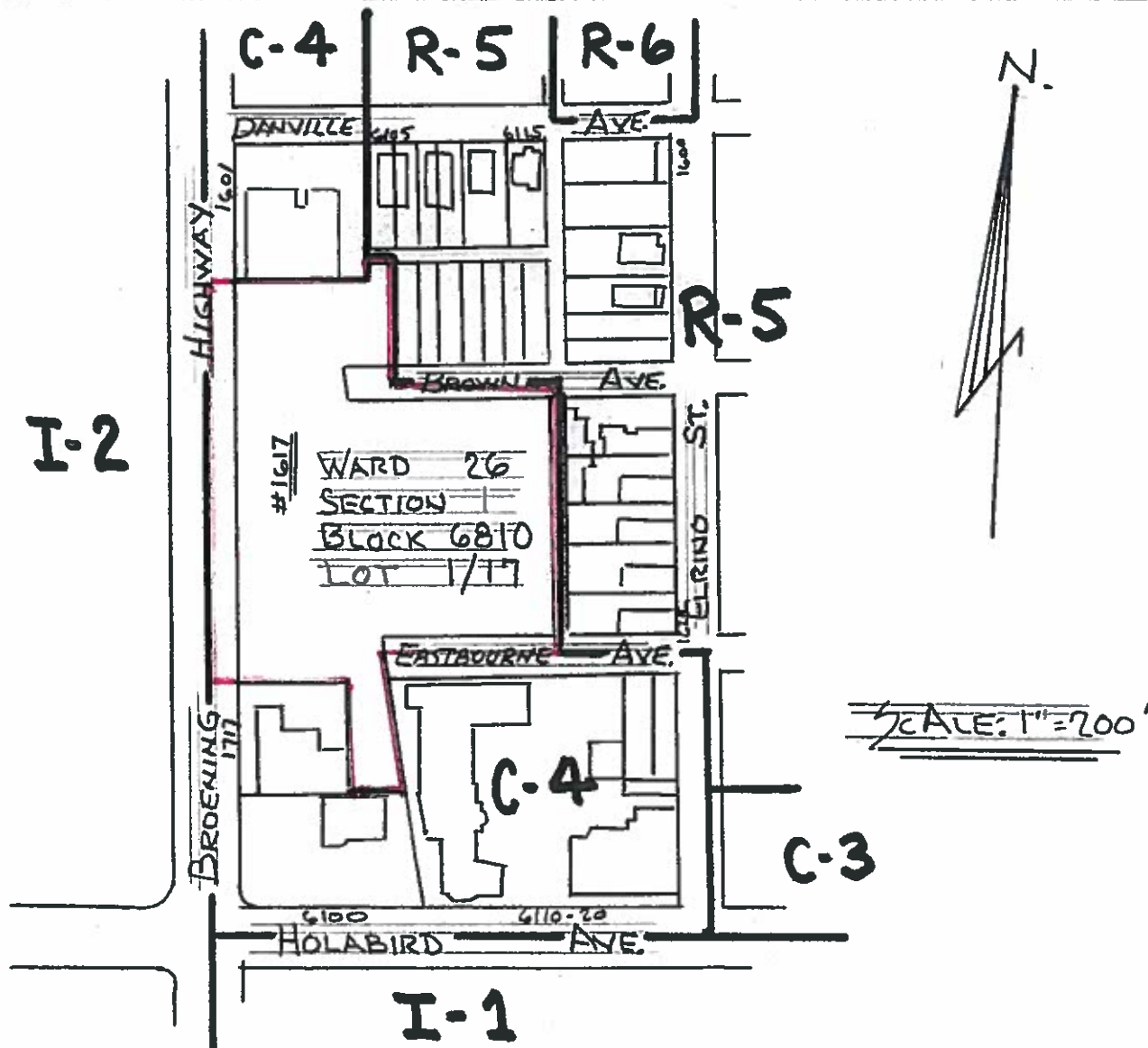


Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 19th Day of September 2019


Chief Solicitor

SHEET NO. 69 OF THE ZONING DISTRICT MAPS OF ARTICLE 30 OF THE BALTIMORE CITY CODE, 1966 EDITION, AS AMENDED BY ORDINANCE NUMBERS 16-581 AND 17-015 AS APPROVED.



AREA OUTLINED IN RED TO BE CHANGED
FROM: THE C-4 ZONING DISTRICT
TO: THE C-3 ZONING DISTRICT

FOR:
POVERNI VENTURES, LLC
2711 MOORES VALLEY DRIVE
BALTIMORE, MD. 21209

MAYOR

PRESIDENT CITY COUNCIL

ADS 4/30/19

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION 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:

CITY COUNCIL BILL NO: 19-0390

REZONING – 1617 BROENING HIGHWAY

Upon finding as follows with regard to:

(1) Population changes;

There has not been a significant change in population since the establishment of the current Zoning Code.

(2) The availability of public facilities;

The site is served by existing utilities and public facilities, which will not be affected by the proposed change in zoning for this property.

(3) Present and future transportation patterns;

The site is accessible by City streets, in the established grid of this neighborhood, which are not proposed to be changed or impacted by this proposed action.

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

The site is near commercial C-3 Zoning on Holabird Avenue and R-5 and R-6 residential zoning situated in the rear of the property

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

- According to a memorandum from Mr. Chris Ryer, dated July 22, 2019, the Planning Commission does concur with the recommendation of its departmental staff, and instead recommends that City Council Bill #19-0390 not be passed by the City Council.

- According to a Department of Planning staff report dated July 11, 2019, the department recommends disapproval of this bill.
 - According to a memorandum from Mr. Derek J. Baumgardner, dated August 1, 2019, the Board of Municipal and Zoning Appeals reviewed the legislation and defers to the Planning Department's report and recommendation
 - According to a memorandum from Mr. Steve Sharkey, dated August 2, 2019, the Department of Transportation defers to the Planning Department for City Council bill 19-0390.
 - According to a letter from Ms. Elena R. DiPietro, dated August 1, 2019, the City Solicitor writes that the bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standards has been met. In this case the Planning Commission report does not provide the required findings to approve the rezoning. The Law Department can approve this bill only if the required findings are presented at the hearing and all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.
 - According to a memorandum from Mr. Michael Braverman, dated August 1, 2019, the Baltimore City Department of Housing and Community (DHCD) Development writes that the site is less than a mile from the Port of Baltimore. The Port is a critical and growing economic engine for the City and regional economy. The Planning Commission and Planning Department staff find that the current zoning fits this usage and should be maintained to support economic activity near the Port. DHCD concurs with this finding.
 - According to a memorandum from Colin Tarbert, dated August 1, 2019, Baltimore Development Corporation (BDC) writes that the cluster of industrial and intense commercial zoning districts of Southeast Baltimore serve the city's port and should be preserved for the users that require the degree of zoning currently assigned to this area. BDC concurs with the Planning Commission's staff report, dated July 11, 2019 and opposes the approval of City Council Bill #19-0390.
- (6) The proposed amendment's relationship to and consistency with the City's Comprehensive Master Plan.

See 12.2

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

This property is located in the Broening Manor neighborhood, which is a mix of heavy commercial uses along its periphery fronting on Holabird Avenue and Broening Highway and low to medium density residential in the interior.

The predominant use of the properties along Broening Highway in the general area of the property in question are either industrial or heavy commercial.

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

The properties to the immediate north and south are also currently zoned C-4 whereas the properties immediately to the west are zoned I-2. The properties to the rear of the subject property (i.e. to the east) are zoned R-5 residential.

Also see the plat for the bill and Section 12.1 of this document.

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

See Section 12.1 of this document.

(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;

See Section 12.2 of this document.

(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:

(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 property at 1617 Broening Highway was mistakenly zoned under Transform Baltimore for the following reasons:

1. The previous zoning for both this block of the east side of Broening Highway and the adjacent blocks of the north side of Holabird Avenue was B-3, a community commercial classification. Under Transform Baltimore, the zoning was split between C-3 for Holabird Avenue and C-4 for Broening Highway despite both streets having similar land use characteristics with respect to adjacency to residential uses and across from industrial uses.
2. The initial Transform zoning maps, published in 2011, and the adopted Transform maps failed to take into account the subsequent redevelopment after 2011 of the former industrial properties to the west across Broening Highway as a major employment center for the Amazon/Chesapeake Commerce facilities that resulted in thousands of jobs and the concurrent need for additional and proximate workforce housing.
3. The C-4 zoning district prohibits multi-family development unless it includes ground level non-residential uses which unduly restricts the access to financing for affordable housing. The City Council failed to take this into account by adopting the original 2011 Transform map for this area.
4. The alternative zoning classification of C-3 would correct this mistake. The proposed rezoning to C-3 provides for unrestricted multi-family redevelopment and is consistent with the C-3 zoning on Holabird Avenue and existing and proposed uses.

SOURCE OF FINDINGS (Check all that apply):

- Planning Report – Planning Commission’s report, dated July 22, 2019, which included the Department of Planning Staff Report

Certain findings listed above have been transferred from the Department of Planning’s staff report dated July 11, 2019.

- Testimony presented at the Committee hearing

Oral – Witness Name:

- Councilmember Zeke Cohen, sponsor of the bill
- Mr. Matt DeSantis, Baltimore City Department of Planning
- Mr. Bob Pipik, Department of Housing and Community Development
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Mr. Liam Davis, Department of Transportation
- Ms. Elena DiPietro, Department of Law

- Ms. Mica Fetz, Baltimore Development Corporation
- Ms. Laurie Bianca-Pruitt, Parking Authority of Baltimore City
- Mr. Al Barry, representative for the applicant
- Mr. Eugene Poverni, applicant

Written:

- AB Associates – Findings of Fact - Handout – Dated August 7, 2019
- Planning Commission, Agency Report – Dated July 22, 2019
- Department of Planning Staff Report – Dated July 11, 2019
- Department of Transportation, Agency Report – Dated August 2, 2019
- Board of Municipal Zoning Appeals, Agency Report – Dated August 1, 2019
- Law Department, Agency Report – Dated August 1, 2019
- Department of Housing and Community Development, Agency Report – Dated August 1, 2019
- Baltimore Development Corporation, Agency Report – Dated August 1, 2019
- Parking Authority of Baltimore City, Agency Report – Dated June 12, 2019

LAND USE AND TRANSPORTATION COMMITTEE:



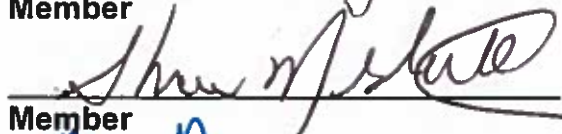
Chairman

Member



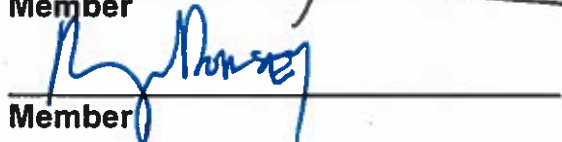
Member

Member



Member

Member



Member

Member

**BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION
VOTING RECORD**

DATE: August 7, 2019

BILL#: 19-0390

BILL TITLE: Rezoning – 1617 Broening Highway

MOTION BY: Perry SECONDED BY: Costello

- FAVORABLE FAVORABLE WITH AMENDMENTS
 UNFAVORABLE WITHOUT RECOMMENDATION

| NAME | YEAS | NAYS | ABSENT | ABSTAIN |
|-------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Reisinger, Edward, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Middleton, Sharon, Vice Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Clarke, Mary Pat | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Costello, Eric | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dorsey, Ryan | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Pinkett, Leon | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Stokes, Robert | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| TOTALS | <u>5</u> | | <u>2</u> | |

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC





300 E. Cromwell Street
Baltimore, Maryland 21230
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 6335487

Sold To:

Ab Associates - CU00294545
201 E Baltimore St Ste 1150
Baltimore, MD 21202

Bill To:

Ab Associates - CU00294545
201 E Baltimore St Ste 1150
Baltimore, MD 21202

Was published in "The Baltimore Sun", "Daily", a newspaper printed and published in Baltimore City on the following dates:

Jul 23, 2019

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

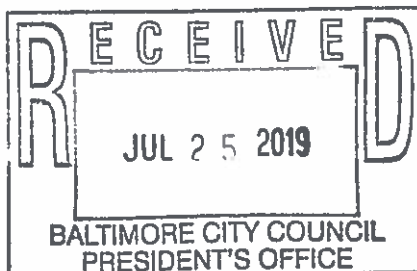
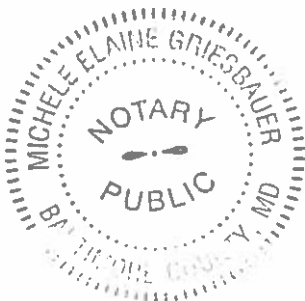
Subscribed and sworn to before me this 23 day of July 2019

By _____

Michele Elaine

Notary Public

My commission expires 10/5/19



BALTIMORE CITY COUNCIL
PUBLIC HEARING ON
BILL NO. 19-0390
The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, August 7, 2019 at 1:05 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0390.
CC 19-0390 Ordinance - Rezoning - 1617 Broening Highway
For the purpose of changing the zoning for the property known as 1617 Broening Highway (Block 6810, Lot 001), as outlined in red on the accompanying plat, from the C-4 Zoning District to the C-3 Zoning District.
By amending
Article 32 - Zoning
Zoning District Map
Sheet 69
Baltimore City Revised Code
(Edition 2000)

altimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 19-0390

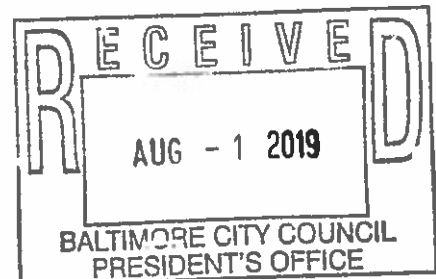
7/26/2019



Address: 1617 Broening Highway (2 of 2)

Date Posted: July 8, 2019

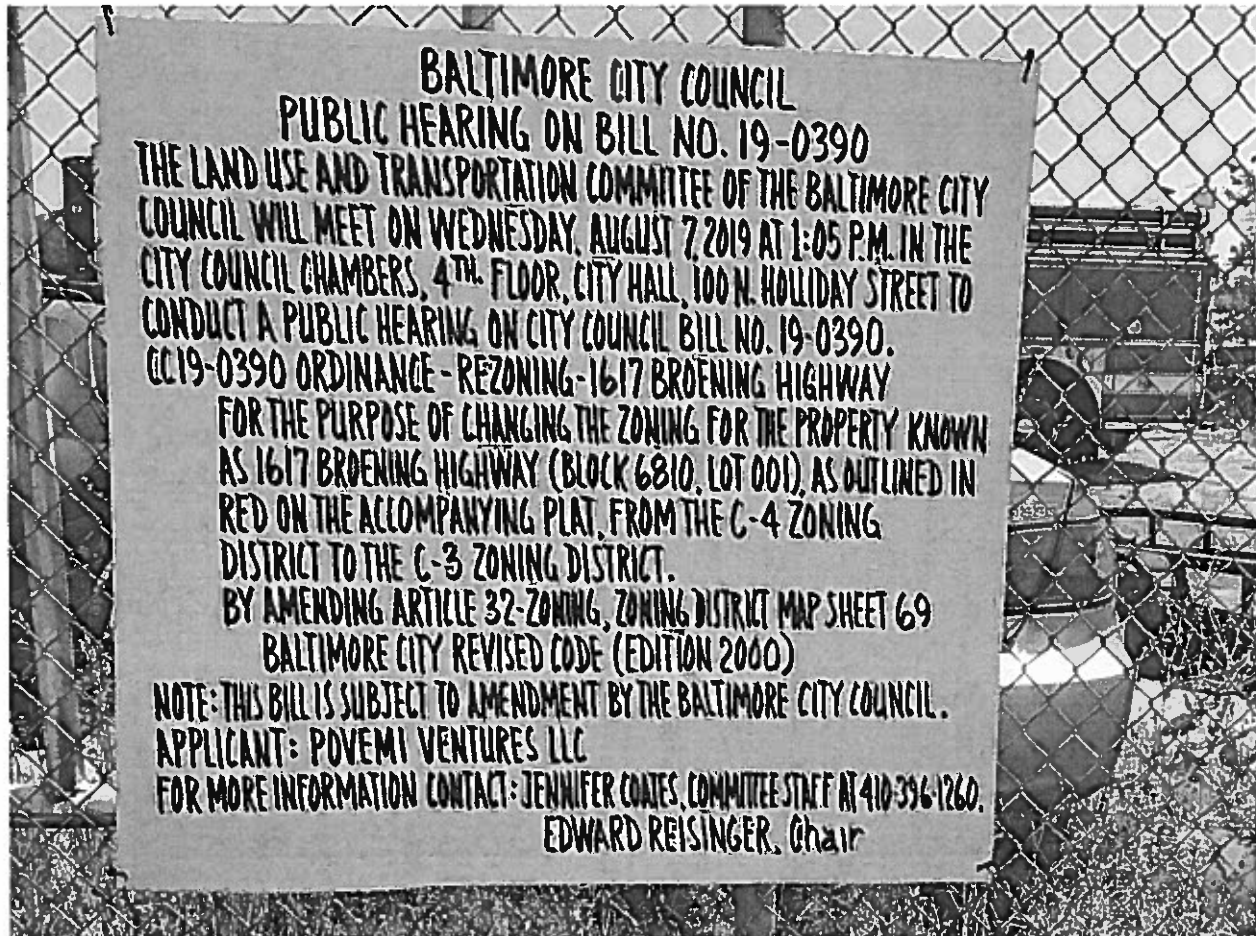
Name: Povemi Ventures LLC
c/o Alfred W. Barry, III
Address: 201 E. Baltimore Street – suite #1150
Baltimore, Md. 21202
Telephone: 410-547-6900



- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 19-0390

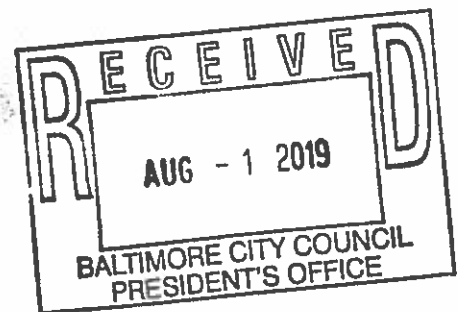
7/26/2019



Address: 1617 Broening Highway (1 of 2)

Date Posted: July 8, 2019

Name: Povemi Ventures LLC
c/o Alfred W. Barry, III
Address: 201 E. Baltimore Street – suite #1150
Baltimore, Md. 21202
Telephone: 410-547-6900



- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202



800

1004

FROM

NAME & TITLE
AGENCY NAME & ADDRESS
SUBJECT

CHRIS RYER, DIRECTOR
DEPARTMENT OF PLANNING
8TH FLOOR, 417 EAST FAYETTE STREET
CITY COUNCIL BILL #19-0390 / REZONING
1617 BROENING HIGHWAY

CITY of
BALTIMORE
MEMO



TO

DATE:
July 22, 2019

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

At its regular meeting of July 11, 2019, the Planning Commission considered City Council Bill #19-0390, for the purpose of changing the zoning for the property known as 1617 Broening Highway (Block 6810, Lot 001), as outlined in red on the accompanying plat, from the C-4 Zoning District to the C-3 Zoning District.

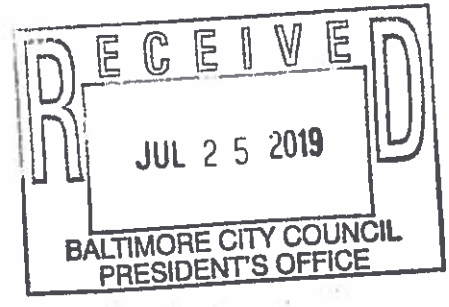
In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #19-0390 and adopted the following resolution eight members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0390 not be 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. Jeff Amoros, Mayor's Office
- The Honorable Edward Reisinger, Council Rep. to Planning Commission
- Mr. Colin Tarbert, BDC
- Mr. Derek Baumgardner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Mr. Bob Pipik, DHCD
- Ms. Elena DiPietro, Law Dept.
- Mr. Francis Burnszynski, PABC
- Mr. Frank Murphy, DOT
- Ms. Natawna Austin, Council Services



UF



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

July 11, 2019

REQUEST: City Council Bill #19-0390/ Rezoning – 1617 Broening Highway:

For the purpose of changing the zoning for the property known as 1617 Broening Highway (Block 6810, Lot 001), as outlined in red on the accompanying plat, from the C-4 Zoning District to the C-3 Zoning District.

RECOMMENDATION: Disapproval

STAFF: Matthew DeSantis, AICP

PETITIONER: Poverni Ventures, LLC c/o Al Barry, AB Associates

OWNER: End Properties, LLC

SITE/GENERAL AREA

Site Conditions: 1617 Broening Highway is located near the northwestern corner of the intersection of Broening Highway with Holabird Avenue, and encompasses roughly 2.5 acres of irregularly shaped land. This property is currently zoned C-4 and is used for outdoor storage of trucks and vehicles.

General Area: This property is located in the Broening Manor neighborhood, which is mix of heavy commercial uses along its periphery fronting on Holabird Avenue and Broening Highway and low to medium density residential in the interior.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

CONFORMITY TO PLANS

The proposed rezoning action does not support the following goals, objectives and strategies contained in the Comprehensive Master Plan for the City of Baltimore:

EARN Goal 1: Strengthen Identified Growth Sectors: Objective 5: Retain and Attract Port-Related Services

Additionally, from the Baltimore City Sustainability Plan:

Local Economy - Strategy 2: Build the capacity of local manufacturers and entrepreneurs through access to resources, technical, and financial assistance, and a supportive policy and investment environment.

Action 1: Provide support services to grow businesses, help develop new market channels, improve access to affordable and safe production spaces, and enhance retail and sales opportunities. Support and encourage minority business ownership in sectors with economic strength.

Action 2: Build the capacity of Made in Baltimore and other entrepreneurial support organizations to create supportive networks and prosperous business environments for emerging entrepreneurs while increasing neighborhood-based small manufacturing businesses.

This rezoning is intended to allow for the development of a multi-family residential apartment project to be developed on the site. The C-3 zoning district allows multi-family dwellings by right, whereas the C-4 district allows multi-family dwellings that are above non-residential ground floors with conditional approval from the BMZA. The conceptual plans presented by the applicant depict ground floor residential dwellings. Zoning designations, however, are not subject to specific development projects but rather run with the land. They therefore grant land entitlement rights to any current or future property owner for any conforming use/structure. Should this property be rezoned to C-4, there is no obligation for the currently proposed development to be implemented.

The majority of commercial uses permitted in C-3 are also permitted in C-4. The following uses, however, are permitted either by right or with conditional approval in the C-3 zoning district that are not permitted in the C-4 district:

Day Care Home: Adult or Child
Dwelling: Rowhouse
Residential-Care Facility
Rooming House

Additionally, the following permitted uses in the C-4 zoning district are not permitted in the C-3 district:

Industrial: Light
Motor Vehicle Operations Facility
Movie Studio

It is specifically the elimination of the light industrial use as a permitted use that is contrary to the City's adopted Plan. The Comprehensive Master Plan encourages the retention and attraction of port-related activities. This property is located less than 1 mile from the Port of Baltimore and its current C-4 zoning designation permits a variety of heavy commercial and industrial uses that would support the continued growth of the port. In addition to its close proximity to the port, its location on Broening Highway and close proximity to Holabird Avenue, two vital trucking routes in the City, suggest that it is a suitable location for heavy commercial or industrial uses.

The Baltimore Sustainability Plan states:

A local economy is a catalyst for attracting new residents and retaining longtime residents, for fostering job creation and entrepreneurship, and for stimulating new investment. Producing and selling local goods and services strengthens local employment and builds community wealth by ensuring that money spent in a city stays in the city.

The Plan recognizes the importance of maintaining production spaces in order to support and grow the local economy. Residential development has been eroding industrially-zoned land, especially in Southeast Baltimore, for the past two decades. The rezoning of this property from C-4 to C-3 will serve to further erode the industrial base and limit the amount of land in the City that can be utilized for industrial uses.

ANALYSIS

This property was designated C-4 commercial effective June 5, 2017, continuing its heavy commercial designation. Given the heavy industrial (I-2) zoning to the west and the residential (R-5) zoning to the east, a heavy commercial zoning designation is a way to transition between these two areas. In addition, the property's location on a trucking corridor further supports a heavy commercial zoning.

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 not in the public's interest, in that it will serve to further erode the City's industrial base and potential.

It has been just over two years since this property was placed in its present zoning classification, which was a continuation of its former classification. There have been no significant changes in this general area in the span of that time, with the possible exception of additional industrial uses being established across Broening Highway to the west. These recent changes, however, only serve to further establish the appropriateness of the current C-4 zoning district and do not support the proposed change to C-3.

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:** This action does not advance the goals, objectives, or strategies contained in the Comprehensive Master Plan also known as LIVE EARN PLAY LEARN, nor does it advance the Strategies and Actions of the Baltimore Sustainability Plan.
2. **The needs of Baltimore City:** This action is not needed to serve either a comprehensive redevelopment strategy or a Mayoral initiative. The City is better served by the preservation of existing zoning that supports heavy commercial and industrial uses.
3. **The needs of the particular neighborhood:** This action does not help to meet the needs of this neighborhood, or those immediately nearby. The C-4 zoning serves as a buffer between the I-2 zoning to the west and the R-5 zoning to the east. The property is located on a trucking route and in close proximity to the Port of Baltimore. As such, the property should continue to permit heavy commercial and industrial uses.

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 since the establishment of the current Zoning Code.
2. **The availability of public facilities;** This site is served by existing utilities and public facilities, which will not be affected by the proposed change in zoning for this property.
3. **Present and future transportation patterns;** This site is accessible by City streets, in the established grid of this neighborhood, which are not proposed to be changed or impacted by this proposed action.

4. **Compatibility with existing and proposed development for the area;** The proposed action will not be compatible with the existing C-4 zoning designation to the immediate north and south, and would be contrary to the confirmation of the current heavy commercial zoning that was approved for this area as part of the Citywide rezoning effort in 2017.
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.** As described above, this action is contrary to elements of the City's Comprehensive Master Plan and Sustainability Plan.

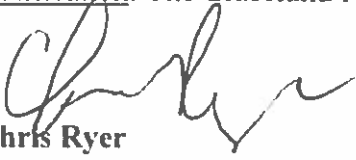
There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;** The predominant use of the properties along Broening Highway in the general area of the property in question are either industrial or heavy commercial.
- (ii) **the zoning classification of other property within the general area of the property in question;** The properties to the immediate north and south are also currently zoned C-4, whereas the properties immediately to the west are zoned I-2. The properties to the rear of the subject property (i.e. to the east) are zoned R-5 residential.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** Given both its intrinsic properties (size, shape, etc.) and its location along a truck route and in close proximity to the Port of Baltimore, the property in question is suitable for the uses permitted under its existing zoning classification.
- (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.** Recent industrial development to the immediate west of the subject property only solidifies the appropriateness of the current C-4 zoning, which also permits heavy commercial and light industrial uses.

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.

Since the comprehensive rezoning of the City in 2017, there hasn't been a significant change in the neighborhood that would invalidate the current C-4 zoning. If anything, the recent changes in the area only support the current zoning. The choice of C-4 zoning is appropriate for this area given its location on and near truck routes as well as its proximity to the Port of Baltimore.

Notification: The Graceland Park Improvement Association has been notified of this action.



Chris Ryer
Director

TRANSMITTAL MEMO

TO: Council President Brandon Scott
FROM: Peter Little, Executive Director
DATE: June 12, 2019
RE: City Council Bill 19-0390



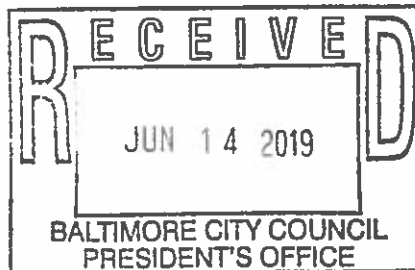
PARKING
OF BALTIMORE CITY
AUTHORITY

I am herein reporting on City Council Bill 19-0390 introduced by Councilman Cohen at the request of Poverni Ventures, LLC.


The purpose of this bill is to change the zoning for the property known as 1617 Broening Highway (Block 6810, Lot 001) from the C-4 Zoning District to the C-3 Zoning District.

The Parking Authority of Baltimore City reviewed the proposed legislation. This site is not located where the Parking Authority administers any on-street parking programs. While there is parking on-street near the location, this bill will have no negative effect on parking.

Based on the comments above, and provided that the new development project on the site meets parking requirements, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 19-0390.



Does not oppose

| | | | | |
|----------------------------|----------------------------------|--|---|---|
| F R O M | NAME & TITLE | Steve Sharkey, Acting Director | CITY of BALTIMORE M E M O |  |
| | AGENCY NAME & ADDRESS | Department of Transportation (DOT) 417 E Fayette Street, Room 527 | | |
| | SUBJECT | City Council Bill 19-0390 | | |

TO: Mayor Bernard C. "Jack" Young
TO: Land Use & Transportation Committee
FROM: Department of Transportation
POSITION: Defer to Planning Department
RE: Council Bill – 19-0390

DATE: 8/2/19

INTRODUCTION – Rezoning - 1617 Broening Highway

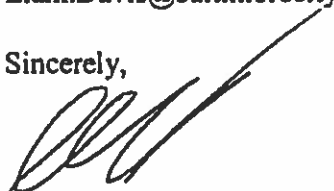
PURPOSE/PLANS – For the purpose of changing the zoning for the property known as 1617 Broening Highway (Block 6810, Lot 001), as outlined in red on the accompanying plat, from the C-4 Zoning District to the C-3 Zoning District.

COMMENTS – 1617 Broening Highway is located within close proximity to the Port of Baltimore and various commercial and industrial entities that exist along both the Broening Highway and Holabird Avenue corridors. The intent of Council Bill 19-0390 is to rezone 1617 Broening Highway to allow for the construction of a multi-family residential dwelling on the roughly 2 acre site. The Department of Transportation does not foresee any direct fiscal or operational impacts as a result of this bill, however it's worth considering that the agency regularly receives complaints related to truck traffic from residential communities that border heavily traveled industrial and commercial corridors.

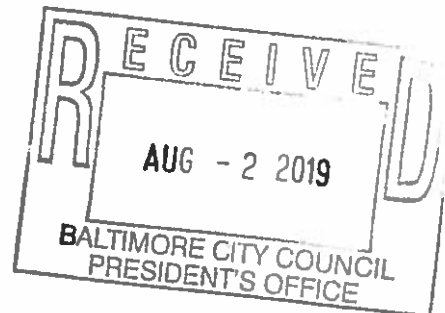
AGENCY/DEPARTMENT POSITION – The Department of Transportation is deferring to the Planning Department for City Council Bill 19-0390.

If you have any questions, please do not hesitate to contact Liam Davis via email at Liam.Davis@baltimorecity.gov or by phone (410) 545-3207.

Sincerely,



Steve Sharkey
Acting Director



Defers to Planning

CITY OF BALTIMORE

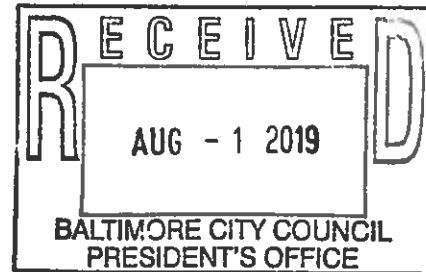
BERNARD C. "JACK" YOUNG,
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

August 1, 2019

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 19-0390 – Rezoning – 1617 Broening Highway

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0390 for form and legal sufficiency. The bill would change the zoning for the property known as 1617 Broening Highway as outlined in red on the accompanying plat from the C-4 Zoning District to the C-3 Zoning District.

The City Council may permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, §10-304(b)(2); Baltimore City Code, Art. 32, §§5-508(a) and (b)(1). There would appear to be no basis to believe that the neighborhood has substantially changed between the comprehensive rezoning of the property on June 5, 2017 and today's date. Therefore, to legally rezone the property the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as C-4.

In determining whether to rezone on the basis of mistake, the City Council is required to make findings of fact, for each property, on the following matters:

- (1) population change;
- (2) the availability of public facilities;
- (3) the present and future transportation patterns;
- (4) compatibility with existing and proposed development;
- (5) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and
- (6) the relationship of the proposed amendment to the City's plan.

Md. Land Use Code Ann., §10-304(b)(1); *see also*, Baltimore City Code, Art. 32, §5-508(b)(2) (citing same factors with (v) being "the recommendations of the City agencies and

Fav w/ comments

officials,” and (vi) being “the proposed amendment’s consistency with the City’s Comprehensive Master Plan.”).

Article 32 of the City Code also requires Council to consider:

- (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.

Baltimore City Code, Art. 32, §5-508(b)(3).

The Mayor and City Council’s decision regarding a piecemeal rezoning is reviewed under the substantial evidence test and should be upheld “if reasoning minds could reasonably reach the conclusion from facts in the record.” *Cty. Council of Prince George’s Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015) (quoting, *Cremins v. Cnty. Comm’rs of Washington Cnty.*, 164 Md.App. 426, 438 (2005)); see also *White v. Spring*, 109 Md. App. 692, 699, cert. denied, 343 Md. 680 (1996) (“the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable”); accord *Floyd v. County Council of Prince George’s County*, 55 Md.App. 246, 258 (1983) (“substantial evidence’ means a little more than a ‘scintilla of evidence.’”).

With regard to rezoning on the basis of mistake, it is “firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning.” *People’s Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995) (quoting *Wells v. Pierpont*, 253 Md. 554, 557 (1969)). To sustain a piecemeal change, there must be substantial evidence that “the Council failed to take into account then existing facts . . . so that the Council’s action was premised . . . on a misapprehension.” *White*, 109 Md. App. at 698 (citation omitted). In other words, “[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing.” *Id.* “Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council’s action was premised initially on a misapprehension[,]” [and] “by showing that events occurring subsequent to the comprehensive zoning have proven that the Council’s initial premises were incorrect.” *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). “Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council

could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'" *Id.* at 52.

A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry "regarding whether, and if so, how, the property is reclassified," is required. *Id.* at 709. This second conclusion is due great deference. *Id.* (after a prior mistake has been established and accepted as fact by a legislative zoning entity, that entity's decision as to whether to rezone, and if so, how to reclassify, is due the same deference the prior comprehensive rezoning was due).

In sum, the Land Use Committee (the "Committee") is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact for each property with regard to the factors in §§10-304 and 10-305 of the Land Use Article and § 5-508 of Article 32 of the Baltimore City Code. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met.

Here, the Planning Department Report states that the facts fail to support a finding of mistake in the property's current zoning. The change is inconsistent with the City's Comprehensive Master Plan Earn Goal 1: Strengthen Identified Growth Sectors and Objective 5: Retain and Attract Port-related Services. The intent is to keep the port and heavy industrial/commercial areas vibrant as they are essential to the local economy. These types of uses are well served by the proximity to the Port of Baltimore and two trucking routes that are vital to the industrial uses in the area and to the Port.

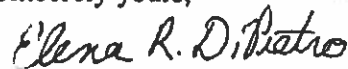
The apparent purpose of the rezoning is to allow for development of a multi-family residential apartment project. This would be allowed as of right under C-3. Under the existing C-4, this use would be a conditional use for multi-family dwellings above non-residential ground floor uses. The current uses have been in place since before Trans form and there has been no change in the general area since the last rezoning except for the addition of several industrial uses which further highlights that continuation of C-4 is the appropriate and there are no facts to support a change in the character of the neighborhood or a mistake in the current zoning.. Planning Report, p. 2-5.

Finally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a "legislative authorization." Baltimore City Code, Art. 32, §5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City,

by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Baltimore City Code, Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Baltimore City Code, Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location, and at least one sign must be visible from each of the property's street frontages. City Code, Art., §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, §5-601(e), (f).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. In this case the Planning Commission report does not provide the required findings to approve the rezoning. The Law Department can approve this bill only if the required findings are presented at the hearing and all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Sincerely yours,




Elena R. DiPietro
Chief Solicitor
Chief of General Counsel Group

cc: Andre M. Davis, City Solicitor
Jeff Amoros, Mayor's Legislative Liaison
Caylin Young, Dir. Legislative Affairs -City Council
Ashley Brown, Assistant Solicitor
Victor Tervalo, Chief Solicitor
Hilary Ruley, Chief Solicitor
Avery Aisenstark



MEMORANDUM

DATE: August 1, 2019
TO: Land Use and Transportation Committee
FROM: Colin Tarbert, President and CEO 
POSITION: Oppose
SUBJECT: 19-0390 Rezoning – 1617 Broening Highway

INTRODUCTION

BDC was asked to review and respond to City Council Bill 19-0390, the purpose of which is to change the zoning for the property known as 1617 Broening Highway (Block 6810, Lot 001), from the C-4 Zoning District to the C-3 Zoning District.

PURPOSE

The property owner intends to build a multifamily dwelling unit on this site.

BRIEF HISTORY

This property has been used as a wholesale vehicle lot since 2013.

FISCAL IMPACT

None

AGENCY POSITION

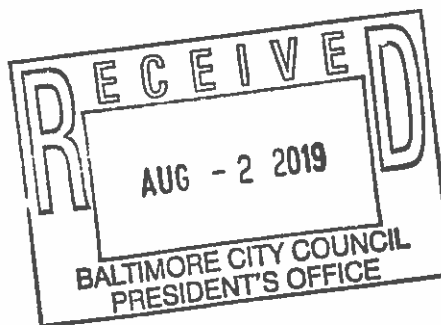
The cluster of Industrial and intense commercial zoning districts of Southeast Baltimore serve the city's port and should be preserved for the users that require the degree of zoning currently assigned to this area. BDC concurs with the Planning Commission's staff report, dated July 11, 2019, and opposes the approval of City Council Bill #19-0390

If you have any questions, please do not hesitate to contact Kim Clark at KClark@baltimoredevelopment.com and 410-837-9305.

cc: Jeffrey Amoros

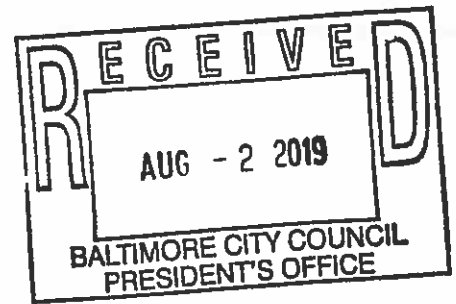
[mjf]

Opposed





BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT



MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner *MB*

Date: August 1, 2019

Re: **City Council Bill 19-0390: Rezoning — 1617 Broening Highway**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0390, for the purpose of changing the zoning for the property known as 1617 Broening Highway (Block 6810, Lot 001) from the C-4 Zoning District to the C-3 Zoning District.

If passed, this bill would change the zoning of 1617 Broening Highway from the C-4 Zoning District, for heavy commercial uses, to the C-3 Zoning District, for intensive commercial uses and key commercial nodes. Currently, the property is used as a vehicle wholesale lot across the street from industrial warehouses zoned I-2. The applicant wishes to build an affordable multi-family dwelling on the property, a use not permitted in the C-4 District without ground-floor retail.

The site is industrial in nature and physically isolated from the Broening Manor neighborhood, with poor access to public transportation. Affordable housing in this location would isolate low-income tenants from nearby communities, services, and employment opportunities. While expanding affordable housing is a priority for DHCD, this development does not represent high-quality investment or provide strong opportunities for residents.

Redevelopment of the site would require Low Income Housing Tax Credit (LIHTC) allocation from the State of Maryland. LIHTC resources are a limited and competitive source of equity to support both affordable housing and community development in the City and other jurisdictions. The development could reduce availability of LIHTC support for projects that not only provide housing with superior opportunities for residents but also contribute vital equity to neighborhood revitalization.

The site is less than a mile from the Port of Baltimore. The Port is a critical and growing economic engine for the City and regional economy. The Planning Commission and Planning Department staff find that the current zoning fits this usage and should be maintained to support economic activity near the Port. DHCD concurs with this finding.

opposed



Handwritten text, possibly a signature or date, located in the upper left corner of the page.

DHCD opposes the passage of City Council Bill 19-0390.

MB:td

cc: Mr. Jeffrey Amoros, *Mayor's Office of Government Relations*
Mr. Eric Tiso, *Department of Planning*

One South Calvert Street / Suite 1150
Baltimore, Maryland 21202
TEL 410 547 6900
FAX 410 547 6903

Alfred W Barry III
Principal

August 7, 2019

**FINDINGS OF FACT before the Land Use Committee
CITY COUNCIL BILL 19-0390**

The property at 1617 Broening Highway was mistakenly zoned under Transform Baltimore for the following reasons:

- 1. The previous zoning for both this block of the east side of Broening Highway and the adjacent blocks of the north side of Holabird Avenue was B-3, a community commercial classification. Under Transform Baltimore, the zoning was split between C-3 for Holabird Avenue and C-4 for Broening Highway despite both streets having similar land use characteristics with respect to adjacency to residential uses and across from industrial uses.**
- 2. The initial Transform zoning maps, published in 2011, and the adopted Transform maps failed to take into account the subsequent redevelopment after 2011 of the former industrial properties to the west across Broening Highway as a major employment center for the Amazon/Chesapeake Commerce facilities that resulted in thousands of jobs and the concurrent need for additional and proximate workforce housing.**
- 3. The C-4 zoning district prohibits multi-family development unless it includes ground level non-residential uses which unduly restricts the access to financing for affordable housing. The City Council failed to take this into account by adopting the original 2011 Transform map for this area.**
- 4. The alternative zoning classification of C-3 would correct this mistake. The proposed rezoning to C-3 provides for unrestricted multi-family redevelopment and is consistent with the C-3 zoning on Holabird Avenue and existing and proposed uses.**

**Submitted by Alfred W. Barry on behalf of the applicant
August 7, 2019**

received
8-9-19 *AK*
Al. Barry



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, August 7, 2019

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

19-0390

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

- Present** 5 - Member Edward Reisinger, Member Sharon Green Middleton, Member Eric T. Costello, Member Ryan Dorsey, and Member Robert Stokes Sr.
- Absent** 2 - Member Mary Pat Clarke, and Member Leon F. Pinkett III

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0390

Rezoning - 1617 Broening Highway

For the purpose of changing the zoning for the property known as 1617 Broening Highway (Block 6810, Lot 001), as outlined in red on the accompanying plat, from the C-4 Zoning District to the C-3 Zoning District.

Sponsors: Zeke Cohen

A motion was made by Member Reisinger, seconded by Member Costello, that the bill be recommended favorably. The motion carried by the following vote:

- Yes:** 5 - Member Reisinger, Member Middleton, Member Costello, Member Dorsey, and Member Stokes Sr.
- Absent:** 2 - Member Clarke, and Member Pinkett III

ADJOURNMENT



HEARING NOTES

Bill: 19-0390

Rezoning – 1617 Broening Highway

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: August 7, 2019
Time (Beginning): 1:15 PM
Time (Ending): 1:36 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~25
Committee Members in Attendance:
Reisinger, Edward - Chairman
Middleton, Sharon – Vice Chair
Costello, Eric
Dorsey, Ryan
Stokes, Robert

| | | | |
|--|---|-----------------------------|------------------------------|
| Bill Synopsis in the file? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Attendance sheet in the file? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Agency reports read? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Hearing televised or audio-digitally recorded? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Certification of advertising/posting notices in the file? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Evidence of notification to property owners? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Final vote taken at this hearing? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Motioned by: | Councilmember Reisinger | | |
| Seconded by: | Councilmember Costello | | |
| Final Vote: | Favorable | | |

Major Speakers

(This is not an attendance record.)

- Mr. Matt DeSantis, Department of Planning
- Mr. Liam Davis, Department of Transportation
- Mr. Derek Baumgardner Board of Municipal Zoning Appeals
- Mr. Mica Fetz, Baltimore Development Corporation
- Ms. Elena DiPietro, Department of Law
- Mr. Bob Pipik, Department of Housing and Community Development
- Ms. Laurie Bianca-Pruett, Parking Authority Baltimore City
- Mr. Al Barry, representative for the applicant
- Mr. Eugene Poverni, applicant

Major Issues Discussed

1. Councilmember Reisinger read the bill's title, purpose and public notice certification report.
2. Councilmember Cohen explained the purpose of the bill. He spoke about the need to develop workforce housing in the Broening Highway community due to growth in firms and jobs along the Broening Highway corridor and the need to retain workers as residents of Baltimore. He spoke about the need for development of more affordable housing.
3. Mr. Matt DeSantis presented the Planning Commission's unfavorable recommendation for the bill. The Planning Department's staff report recommended disapproval of the bill. He stated that the current C-4 zoning permits residential development above the ground level. The use on the first floor, however, must be non-residential.
4. Mr. Liam Davis testified that the Department of Transportation defers to the Planning Department.
5. Mr. Derek Baumgardner testified that the Board of Municipal Zoning Appeals defers to the Planning Department.
6. Ms. Elena DiPietro, testifying for the Law Department, noted that there are no findings of facts in the current agencies' reports.
7. Mr. Mica Fetz testified that the Baltimore Development Corporation is opposed to the bill.
8. Mr. Bob Pipik confirmed that the Department of Housing and Community Development is opposed to the bill.
9. Ms. Laurie Bianca-Pruitt testified that the Parking Authority of Baltimore City does not oppose the bill.
10. Mr. Al Barry testified about the rezoning request and the need to develop workforce housing, on a vacant property that had been used for trailer storage for many years. He provided a written handout outlining the findings of facts, which had been distributed to committee members. His findings categorically disagree with the Planning Department's and other agencies' decisions to not classify the rezoning as a mistake. He provided background information and further testimony to support the current zoning as a mistake. He pointed out that the mistake in zoning limited the type of multi-family dwellings, housing types and financing that was available for affordable housing that is allowed in C-3 Zoning Districts. He stated that there has been close to an estimated 5,000 new jobs developed in the area since the building of Amazon.

11. Councilmember Dorsey asked Mr. Barry to provide more information about the developer's interest in the area in order to create affordable housing. Mr. Barry deferred to the developer, Mr. Eugene Poverni, who explained the rationale for developing a workforce housing project at the particular site. He indicated that the developer met with stakeholders and was given overwhelming support from the community.
12. Councilmember Dorsey asked about the impact of the project on parking in the area and how his company defines affordable housing. He also asked about Baltimore Development Corporations (BDC) recommendation to oppose and why the agency believed that the property should remain C-4. Mr. Mica Fetz explained that the agency prefers that commercial and industrial properties remain as such. Mr. Fetz will provide more information to the committee about BDC's position.
13. Councilmember Sneed asked about jobs creation and an economic impact statement.
14. Councilmember Middleton thanked the developer for bringing such a project to Baltimore. She also discussed the need to correct zoning mistakes.
15. Councilmember Costello testified about the quality of work produced by the developer on past projects.
16. Councilmember Cohen reiterated that the Baltimore Industrial Group supported the project.
17. The committee approved findings of fact and voted to recommend the bill favorable.
14. The hearing was adjourned.

Further Study

**Was further study requested?
If yes, describe.**

Yes No

Committee Vote:

| | |
|------------------------------------|--------|
| Reisinger, Edward, Chairman..... | Yea |
| Middleton, Sharon, Vice Chair..... | Yea |
| Clarke, Mary Pat..... | Absent |
| Costello, Eric | Yea |
| Dorsey, Ryan | Yea |
| Pinkett, Leon..... | Absent |
| Stokes, Robert: | Yea |

Jennifer L. Coates, Committee Staff *JLC*

Date: August 8, 2019

cc: Bill File
OCS Chrono File

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, August 7, 2019

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

19-0390

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0390

Rezoning - 1617 Broening Highway

For the purpose of changing the zoning for the property known as 1617 Broening Highway (Block 6810, Lot 001), as outlined in red on the accompanying plat, from the C-4 Zoning District to the C-3 Zoning District.

Sponsors:

Zeke Cohen

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



**BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

**The Honorable Edward Reisinger
Chairperson**

PUBLIC HEARING

**Wednesday, August 7, 2019
1:05 PM**

City Council Bill # 19-0390

Rezoning – 1617 Broening Highway

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Currin

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: Matthew Peters

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: Matthew Peters

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Samuel Johnson

LAND USE AND TRANSPORTATION

Edward Reisinger – Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY

Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- Larry Greene (pension only)



BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 19-0390

Rezoning – 1617 Broening Highway

Sponsor: Councilmember Cohen

Introduced: May 6, 2019

Purpose:

For the purpose of changing the zoning for the properties known as 1617 Broening Highway (Block 6810, Lot 001), as outlined in red on the accompanying plat, from the C-4 Zoning District to the C-3 Zoning District.

Effective: 30th day after the date of enactment

Hearing Date/Time/Location: August 7, 2019 / 1:05p.m./Clarence "Du" Burns Chambers

Agency Reports

| | |
|---|--------------------|
| Planning Commission | Unfavorable |
| Board of Municipal Zoning Appeals | Defers to Planning |
| Department of Transportation | Defers to Planning |
| City Solicitor | Favorable/Comments |
| Department of Housing and Community Development | Opposed |
| Baltimore Development Corporation | Opposed |
| Parking Authority of Baltimore City | Does Not Oppose |

Analysis

Current Law

Article 32 – Zoning; Zoning District Map; Sheet 69; Baltimore City Revised Code (Edition 2000)

Background

The owner of the property at 1617 Broening Highway is End Properties, LLC. The applicant is Poverni Ventures, LLC. The 2.5-acre site is currently used for outdoor storage of motor vehicles. The applicant is proposing to develop a multi-family apartment dwelling on the site.

Situated in the Broening Manor neighborhood, the property lies near the intersection of Holabird Avenue. There are commercial uses along Broening Highway and Holabird Avenue. The property is also situated near an industrial I-2 Zoning District. Adjacent to the property are C-4 commercial uses. To the rear of the property are residentially zoned R-5 and R-6 properties.

If approved, Bill 19-0390 proposes to rezone 1617 Broening Highway from the commercial C-4 Zoning District to the C-3 Zoning District. According to the State Land Use Article, a rezoning may be approved based on a finding that there was:

- (1) either a substantial change in the character of the neighborhood where the property is located; or
- (2) a mistake in the existing zoning classification.

The C-3 Zoning District would allow multi-family dwellings by right. The C-4 Zoning District only allows multi-family dwellings that are above non-residential ground floors with conditional approval from the Board of Municipal Zoning Appeals.

If approved, Bill 19-0390 proposes to rezone the property as follows:

| Property | Zoning | | |
|-----------------------|--------------------|---------|----------|
| | Prior to Transform | Current | Proposed |
| 1617 Broening Highway | B-3-1 | C-4 | C-3 |

Article 32 – Zoning describes the intended purposes for the current and proposed zoning as follows:

Current Zoning District – C-4

§ 10-206. C-4 Heavy Commercial District.

(a) Areas for which intended.

The C-4 Heavy Commercial Zoning District is intended for areas of more intense commercial use that are generally not appropriate for lower intensity commercial districts, including uses related to motor vehicles and those that might require outdoor storage.

(b) Standards.

Because of the impacts from more intensive commercial uses, the standards for this district ensure that setbacks, buffering, and site development controls are in place to mitigate negative impacts on neighboring uses.

(Ord. 16-581.)

Proposed Zoning District – C-3

§10 -205. C-3 General Commercial District.

(a) Areas for which intended.

- (1) The C-3 General Commercial Zoning District is intended for more intensive commercial uses and key commercial nodes that require additional controls, particularly for shopping centers and larger retail establishments.
- (2) The C-3 District accommodates larger developments that may require significant parking, such as shopping centers and large-scale mixed-use development.

(b) Standards.

The C-3 District standards are crafted to:

- (1) ensure compatibility among neighboring residential, commercial, and entertainment uses;
- (2) ensure high quality pedestrian connections between public sidewalks and business entrances; and
- (3) create store fronts that are oriented towards streets and other public ways.

(Ord. 16-581.)

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency Reports

Analysis by: Jennifer L. Coates
Analysis Date: August 2, 2019

Direct Inquiries to: (410) 396-1260



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Land Use and Transportation

Chairperson: Edward Reisinger

Date: August 7, 2019

Time: 1:05 PM

Place: Clarence "Du" Burns Chambers

Subject: Ordinance - Rezoning - 1617 Broening Highway

CC Bill Number: 19-0390

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



| FIRST NAME | LAST NAME | ST. # | ADDRESS/ORGANIZATION NAME | ZIP | EMAIL ADDRESS | TESTIFY | FOR | AGAINST | YES | NO |
|------------|-----------|-------|---------------------------|-------|---------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| John | Doe | 100 | North Charles Street | 21202 | Johndoenbmore@yahoo.com | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| AL | BARRY | | 201 E BALTO ST | 21202 | Ababilte@yahoo.com | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| MICHAEL | FERRE | | 35C | | msferr@baltimoredevelopment.com | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| WILLIAM | DOUGLAS | | Broening | | william.douglas@baltimore.gov | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| KENYON | DOVER | | 356 | 21101 | egyver@baltimore.gov | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
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| | | | | | | | | | | |

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

**CITY OF BALTIMORE
COUNCIL BILL 19-0390
(First Reader)**

Introduced by: Councilmember Cohen

At the request of: Poverni Ventures, LLC

Address: c/o Alfred W. Barry, III, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland
21202

Telephone: 410-547-6900

Introduced and read first time: May 6, 2019

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation, Baltimore City Parking Authority Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 1617 Broening Highway**

3 FOR the purpose of changing the zoning for the property known as 1617 Broening Highway
4 (Block 6810, Lot 001), as outlined in red on the accompanying plat, from the C-4 Zoning
5 District to the C-3 Zoning District.

6 BY amending

7 Article 32 - Zoning

8 Zoning District Map

9 Sheet 69

10 Baltimore City Revised Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 69 of the Zoning District Map is amended by changing from the C-4 Zoning District to the
14 C-3 Zoning District the property known as 1617 Broening Highway (Block 6810, Lot 001), as
15 outlined in red on the plat accompanying this Ordinance.

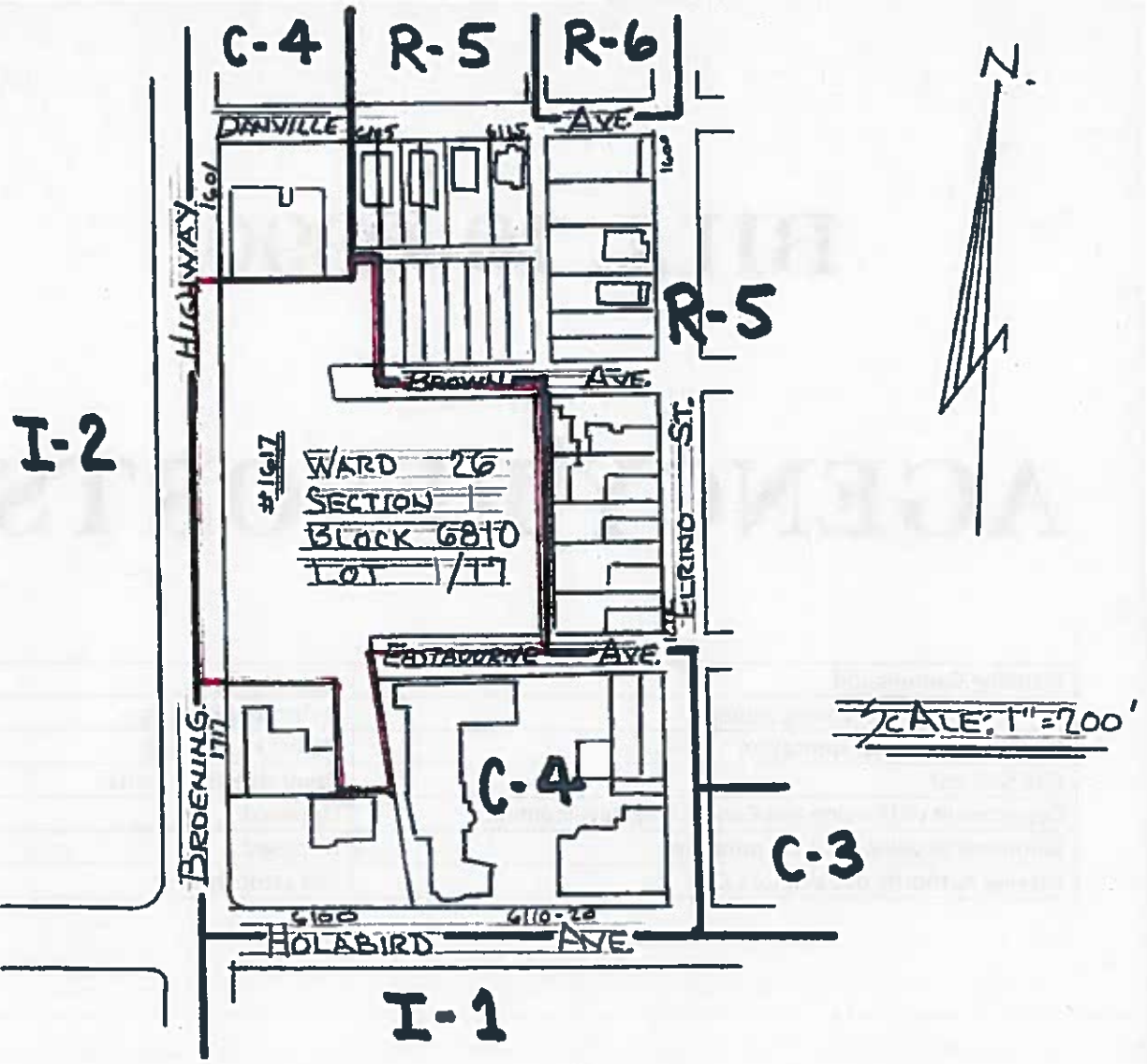
16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 19-0390

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

SHEET NO. 69 OF THE ZONING DISTRICT MAPS OF ARTICLE 30 OF THE BALTIMORE CITY CODE, 1966 EDITION, AS AMENDED BY ORDINANCE NUMBERS 16-581 AND 17-015 AS APPROVED.



AREA OUTLINED IN RED TO BE CHANGED
FROM: THE C-4 ZONING DISTRICT
TO: THE C-3 ZONING DISTRICT

FOR:
POVERNI VENTURES, LLC
2711 MOORES VALLEY DRIVE
BALTIMORE, MD. 21209

[Signature line for Mayor]

[Signature line for President City Council]

ADS 4/30/19

MAYOR

PRESIDENT CITY COUNCIL

LAND USE AND TRANSPORTATION COMMITTEE

BILL 19-0390

AGENCY REPORTS

| | |
|--|---------------------------|
| Planning Commission | Unfavorable |
| Board of Municipal Zoning Appeals | Defers to Planning |
| Department of Transportation | Defers to Planning |
| City Solicitor | Favorable/Comments |
| Department of Housing and Community Development | Opposed |
| Baltimore Development Corporation | Opposed |
| Parking Authority of Baltimore City | Does Not Oppose |

From: [Coates, Jennifer](#)
To: ["Al Barry"](#)
Cc: [Cohen, Zeke](#); [Austin, Natawna B.](#)
Subject: Public Notice Instructions for Hearing on Bill 19-0390
Date: Tuesday, June 11, 2019 5:50:00 PM
Attachments: [PNI - Letter -19-0390 - RZ 1617 Broening Hwy.docx](#)
[Afro American.msg](#)
[Michele Griesbauer - Sunpaper - Advertising.msg](#)
[Darlene Miller.msg](#)
[LU Form - Contacts for Sign Posting RZ COMPRZ PUD - Art 32.docx](#)
[Sample - Certificate of Posting - Attachment C.docx](#)
[image002.png](#)

Mr. Alfred Barry:

Attached is the information you will need to post, publish and mail public hearing notice(s) for the subject bill to be heard by the Land Use and Transportation Committee on **August 7, 2019 at 1:05 p.m.** at City Hall in the City Council Chamber.

I have also attached a contact list for sign makers, business cards for newspaper contacts and a sample certification template.

Feel free to contact me if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL



Jennifer L. Coates

*Senior Legislative Policy Analyst
Office of Council Services*

100 N. Holliday Street, Room 415
Baltimore, MD 21202
jennifer.coates@baltimorecity.gov

Office: (410) 396-1260
Fax: (410) 545-7596

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: Povemi Ventures LLC c/o Alfred W. Barry, III

FROM: Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee, Baltimore City Council

Date: June 11, 2019

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS (REZONINGS); PLANNED UNIT DEVELOPMENTS

The Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

Bill: City Council Bill No. 19-0390

Date: Wednesday, August 7, 2019

Time: 1:05 p.m.

Place: City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising from your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers.

Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (*See Attachment A*); the deadline date is indicated in BOLD letters at the top of Attachment A.

Certification of Postings

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant. The deadline dates are as follows:

| | |
|--------------------------|----------------------|
| Sign Posting Deadline: | July 8, 2019 |
| Newspaper Ad Deadline: | July 23, 2019 |
| Written Notice Deadline: | July 8, 2019 |

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use and Transportation Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

ATTACHMENT A

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE
POSTED BY JULY 8, 2019 AND PUBLISHED BY JULY 23, 2019, AS DISCUSSED
ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 19-0390

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, August 7, 2019 at 1:05 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0390.

CC 19-0390 ORDINANCE - Rezoning - 1617 Broening Highway

FOR the purpose of changing the zoning for the property known as 1617 Broening Highway (Block 6810, Lot 001), as outlined in red on the accompanying plat, from the C-4 Zoning District to the C-3 Zoning District.

BY amending

Article 32 - Zoning
Zoning District Map
Sheet 69
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: Povemi Ventures LLC

For more information contact: Jennifer Coates, Committee Staff at (410) 396-1260.

EDWARD REISINGER

Chair

SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS ADVERTISEMENT TO:

Povemi Ventures LLC
c/o Alfred W. Barry, III
201 E. Baltimore Street, #1150
Baltimore, MD 21202
(410) 547-6900

**ZONING
SUBTITLE 6 – NOTICES**

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - (i) by posting in a conspicuous place on the subject property; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and
- (3) for a comprehensive rezoning:
 - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
- (3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

-
- (1) posted at least 30 days before the public hearing; and
 - (2) removed within 48 hours after conclusion of the public hearing.

**CITY OF BALTIMORE
COUNCIL BILL 19-0390
(First Reader)**

Introduced by: Councilmember Cohen

At the request of: Poverni Ventures, LLC

Address: c/o Alfred W. Barry, III, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland
21202

Telephone: 410-547-6900

Introduced and read first time: May 6, 2019

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation, Baltimore City Parking Authority Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 1617 Broening Highway**

3 FOR the purpose of changing the zoning for the property known as 1617 Broening Highway
4 (Block 6810, Lot 001), as outlined in red on the accompanying plat, from the C-4 Zoning
5 District to the C-3 Zoning District.

6 BY amending

7 Article 32 - Zoning
8 Zoning District Map
9 Sheet 69
10 Baltimore City Revised Code
11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 69 of the Zoning District Map is amended by changing from the C-4 Zoning District to the
14 C-3 Zoning District the property known as 1617 Broening Highway (Block 6810, Lot 001), as
15 outlined in red on the plat accompanying this Ordinance.

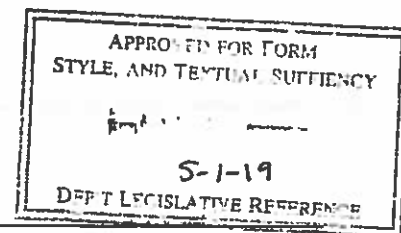
16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 19-0390

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Cohen
At the request of: Poverni Ventures, LLC
Address: c/o Alfred W. Barry, III, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland
21202
Telephone: 410-547-6900

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 1617 Broening Highway

FOR the purpose of changing the zoning for the property known as 1617 Broening Highway (Block 6810, Lot 001), as outlined in red on the accompanying plat, from the C-4 Zoning District to the C-3 Zoning District.

BY amending

Article 32 - Zoning
Zoning District Map
Sheet 69
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 69 of the Zoning District Map is amended by changing from the C-4 Zoning District to the C-3 Zoning District the property known as 1617 Broening Highway (Block 6810, Lot 001), as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

(ii) The purpose, nature, and effect of the contract are: _____

Contingent upon rezoning and state award of tax credits.

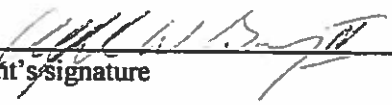
7. Agency:

(a) The applicant is _____ is not acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: _____

AFFIDAVIT

I, Alfred W. Barry III, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

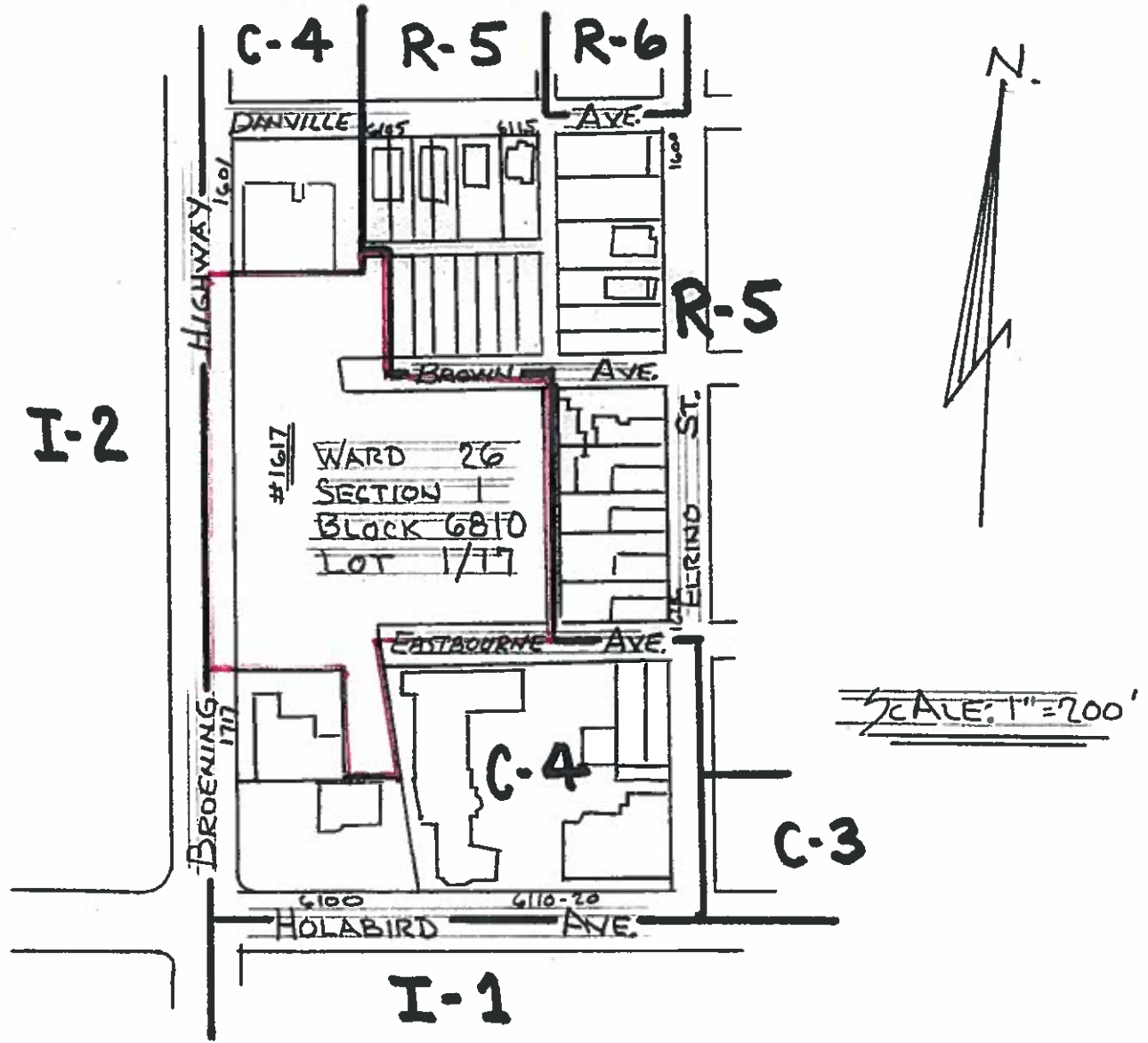


Applicant's signature

4/30/19

Date

SHEET NO. 69 OF THE ZONING DISTRICT MAPS OF ARTICLE 30 OF THE BALTIMORE CITY CODE, 1966 EDITION, AS AMENDED BY ORDINANCE NUMBERS 16-581 AND 17-015 AS APPROVED.



AREA OUTLINED IN RED TO BE CHANGED
FROM: THE C-4 ZONING DISTRICT
TO: THE C-3 ZONING DISTRICT

FOR:
POVERNI VENTURES, LLC
2711 MOORES VALLEY DRIVE
BALTIMORE, MD. 21209

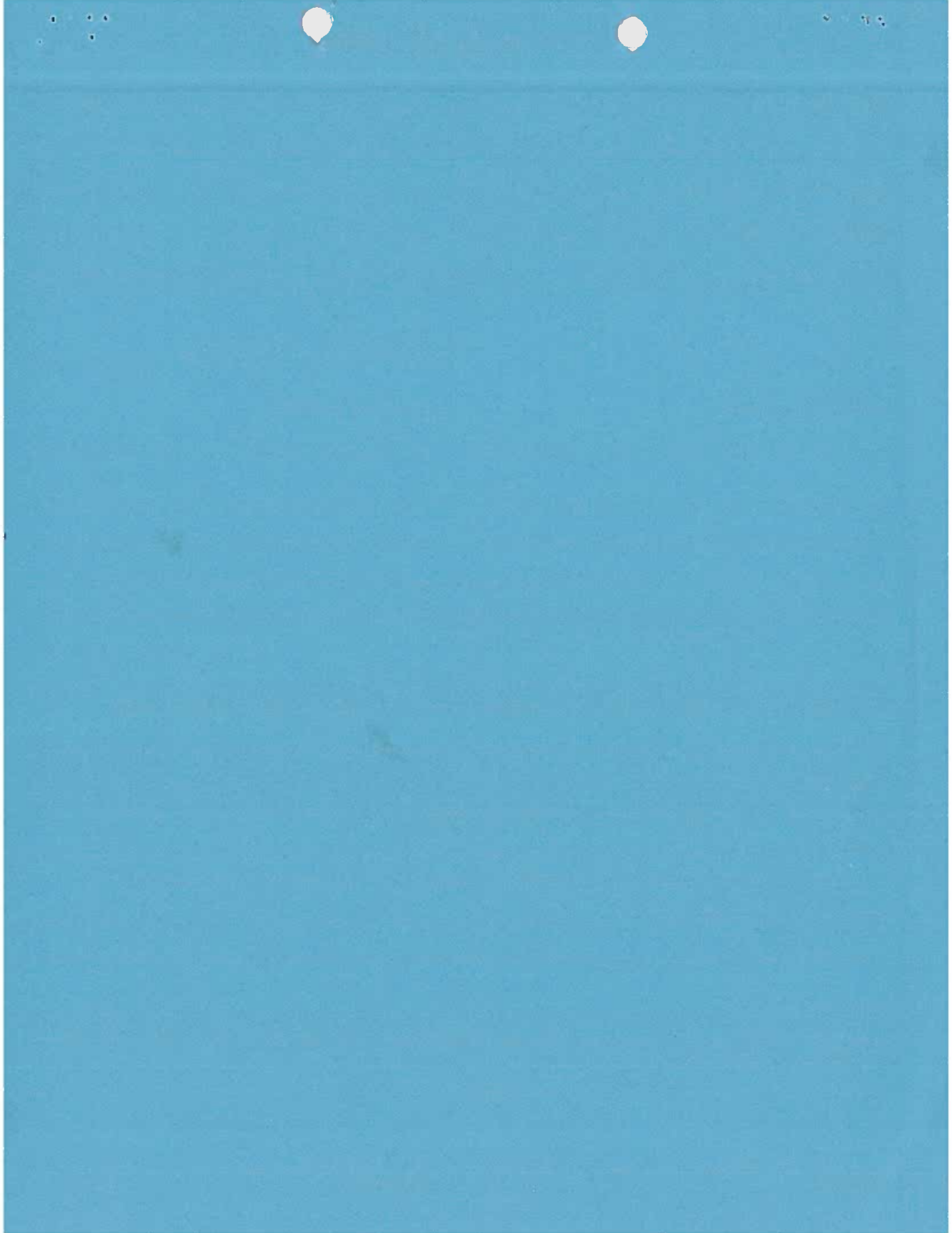
[Empty box for Mayor signature]

[Empty box for President City Council signature]

ADS 4/30/19

MAYOR

PRESIDENT CITY COUNCIL



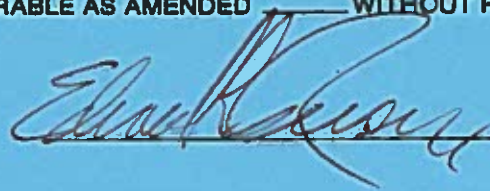
ACTION BY THE CITY COUNCIL

FIRST READING (INTRODUCTION) _____ MAY 06 2019

PUBLIC HEARING HELD ON August 7, _____ 20 19

COMMITTEE REPORT AS OF August 19, _____ 20 19

FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

 _____
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

AUG 19 2019
20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ SEP 09 2019
20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk